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CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

APPENDIX.

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TO THE

CONGRESSIONAL RECORD.

Conservation of Our Natural Resources from a Western Standpoint.

SPEECH

OF

HON. EDWARD T. TAYLOR,

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 9, 1911.

Mr. TAYLOR of Colorado said:

Mr. SPEAKER: At the meeting of the Trans-Mississippi Commercial Congress, held in Kansas City, Mo., on the 11th of last month, Gov. Shafroth, of Colorado, delivered an address which so forcibly presented the rights of the West and so clearly exposed some of the evils of the leasing of the public domain that his remarks attracted wide attention and favorable comment throughout the country. He showed in a masterly manner the distinction between real conservation of our natural resources by the prevention of waste and monopolization, and the policy which makes of conservation a mere mask under which lies concealed the purpose of a perpetual Federal ownership and interference in the necessary use and development of the country. His address set forth so forcibly the evils of bureaucratic rule and the infringements upon the rights of the West that are now being practiced by this administration, and proposed to be extended and enlarged upon, that I feel his address in full should be printed in the CONGRESSIONAL RECORD for the general information of the country.

I therefore ask unanimous consent to extend my remarks in the RECORD by incorporating the address of Gov. Shafroth delivered at Kansas City.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD, including an address by the governor of Colorado. Is there objection?

There was no objection.

SPEECH OF GOV. JOHN F. SHAFROTH, OF COLORADO, AT THE TRANS-MISSISSIPPI COMMERCIAL CONGRESS, AT KANSAS CITY, MO., NOVEMBER 15, 1911.

MR. CHAIRMAN, DELEGATES TO THE TRANS-MISSISSIPPI COMMERCIAL CONGRESS, AND LADIES AND GENTLEMEN: There has been a strong sentiment in the East in favor of conservation of the natural resources of the public domain. All rational people are in favor of such conservation, if by that term is meant prevention of waste. But the sentiment has gone further, and has assumed the meaning of making enormous forest reserves, and taxing the natural resources of the public domain by means of leases of grazing, oil, phosphate, asphaltum, coal, and mineral lands for the benefit of the Federal Treasury, and of making water-power plants pay a royalty to the National Government for each horsepower generated by falling water. The recent conservation congress adopted resolutions indorsing such a policy.

Fifteen million acres of land in Colorado have been set aside as forest reserves and 9,425,239 acres of coal land have been withdrawn from entry until reclassified, and on reclassification there has been placed such enormous values upon the same (in some instances as high as $400 per acre), that it practically operates as an absolute withdrawal of all the coal lands from entry. This is an enormous area and is equal to that of Massachusetts, Connecticut, New Hampshire, and Rhode Island combined.

Most of these forest reserves are on the mountains, situate more than 7,500 feet above sea level, where nature has decreed that large timber can not grow, and many millions of acres are above timber line, where no timber whatever can grow.

It has been estimated that of the forest reserves in Colorado 30 per cent contain good merchantable timber, 30 per cent scrub timber, and 40 per cent no timber at all. Thus 70 per cent of the forest reserves in Colorado have no connection whatever with forestry. It is ridiculous to contend that these reserves can be reforested in Colorado, because, according to a report of the Agricultural Department, it takes in my State 200 years to grow a pine tree 19⅘ inches in diameter at an altitude of 7,500 feet above sea level.

This is not a partisan question, as President Cleveland set aside 25,686,320 acres of forest reserves in the West, and President Taft, in his message to Congress of December 6, 1910, declared that these are not questions pertaining to partisan politics. Nine-tenths of the Senators and Representatives of these Rocky Mountain States, irrespective of political affiliations, are opposed to this policy. The total area of the forest reserves established by the Presidents up to this time amounts to 192,931,197 acres.

PUBLIC DOMAIN HELD IN TRUST FOR SETTLEMENT BY CITIZENS OF ALL THE STATES.

Congress, time and again in its acts, has referred to all of that property acquired by the National Government as the "public domain," and, in all references to the same, has never intimated that such lands should be retained in perpetuity by the Government. Until recently it has been held, as its name implies, in trust by the Federal Government for the benefit of those citizens of all the States who will settle upon, develop, and improve the same. Not even residence in the State is required in order to locate a gold, silver, or mineral mine, a claim under the coal, timber, or stone acts. Certain improvements and payments only are necessary, and the work can be done by hired men. The right to so locate claims constitutes the interest which every citizen of the United States has in the public domain. It is truly a domain for the public.

It has never been the policy of the United States to make money out of its lands. The sums charged are presumed to amount to very little more than sufficient to cover the expenses of properly regulating the disposition of the same.

It has been well recognized in all countries that they must have lands for colonization; for relieving the congested population of their cities, so as to make better and more prosperous citizens.

The people of the original States obtained title to their lands at insignificant prices, the consideration named being a penny or a peppercorn.

At the formation of the Government the original States owned all the lands extending from the Atlantic to the Mississippi River. The States recognized that all of this western territory should be inhabited and erected into prosperous States, so that wealth could be added to the country, and a force of brave and patriotic citizens be reared therein, ready to respond to the call of the Nation in times of need.

The original States granted to the National Government all of that territory lying between the Alleghany Mountains and the Mississippi River. This was done, not for the Nation to hold in perpetuity or out of which to make profit, but in order that the territory might be speedily and properly developed. They recognized that the lands were worth nothing without people could be induced to settle upon and develop them.

All of the large acquisitions by the Government have been paid for in money. The Louisiana Purchase cost $15,000,000; the Florida purchase, $5,000,000; the Mexican acquisition, $15,000,000; the Gadsden purchase, $10,000,000; and the Alaskan territory, $7,200,000. They amounted to 1,849,720,587 acres of land, costing, including interest paid, $88,157,389.98, or an average of 4.7 cents per acre.

The Government has constantly pursued the policy of disposition of the agricultural, grazing, and mineral lands to the best interest of those people who would go from any part of the Union and settle upon, locate, and develop the same, and it was not until during the last 8 or 10 years that we have heard people seriously contend that a revenue should be derived for the National Treasury from the leasing of these lands.

This Rocky Mountain region was the least inviting to the pioneer. It was Daniel Webster who used this language as to the western territory which we acquired from Mexico:

"What do we want of that vast and worthless area, that region of savages and wild beasts, of deserts, of shifting sands and whirling wind, of dust, of cactus and prairie dogs? To what use could we ever hope to put those great deserts and those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever do with the western coast, a coast of 3,000 miles, rockbound, cheerless, and uninviting?"

The Government recognized that it was the explorers, settlers, and developers who made the value of everything in a wild and uninhabited country; that if the lands were not exploited and improved they would remain as worthless as they had been for 6,000 years.

Under this general policy of rewarding the pioneer citizens of the United States in the development of the natural resources of the public domain, thousands of people crossed the trackless desert for California, and there discovered the richest gold fields ever known in the history of the world. These gold mines were upon the public domain. There was no law providing for the location of mines. The miner locating gold fields in California could have been considered by the Government a trespasser and liable to refund to the Government the value of all the gold extracted; but under the policy of the Government as to the settlement of lands in Ohio, Indiana, Illinois, and Missouri no one ever suggested that the miner was not entitled to the fruits of his discovery; and the miners themselves proceeded to frame rules and regulations as to the manner of locating and developing the mines. These rules and regulations afterwards were enacted into laws by Congress, not for profit to the National Government, but for the produc-

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tion of the greatest wealth to the Nation and benefit to the citizens thereof.

Under that policy there has been a development of the western country unparalleled in the history of the world. Three billions of dollars in the precious metals, produced at a cost of perhaps that amount of money, but turned into the channels of trade, have contributed largely toward making this country the most prosperous nation on earth. It is the increase of basic money that has always given a quickening impulse to business and commerce. An enormous development has been produced in all the other industries of that region.

ROCKY MOUNTAIN STATES ADMITTED INTO THE UNION AFTER PUBLIC-LAND POLICY HAD BEEN FIXED.

It was while this policy of the Government of holding the public domain in trust for the benefit of those citizens of all the States who would settle upon, locate, develop, and improve the same was thoroughly recognized, having been pursued since the foundation of the Government, that the Rocky Mountain Territories each applied for admission to the Union. The act of Congress enabling the people of each Territory to form a State government provided that "the State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever."

At that time no power existed in the President or any other officer to permanently withdraw lands from entry or location either for agricultural, mining, timber, stone, or coal purposes. The laws providing for disposition of the lands had been fixed for years, and no officer was vested with power to change those laws. The fact that all the laws provided for the settlement, location, development, and improvement of all the public domain and did not provide for the Government retaining any part thereof, excepting for military purposes and purely governmental uses, shows conclusively that the policy was intended to be fixed in favor of the disposition of the lands as against the perpetual ownership of the same by the Government.

The enabling act of each State, as did similar acts of all the States of the Mississippi Valley, provided that the property held by the Nation until disposed of should be exempt from taxation. There has been no effort upon the part of the Government to hold in perpetuity lands in the Mississippi Valley, and the people of the Rocky Mountain region had a right to presume that the same policy would be pursued as to the new territory. Yea, more, this fixed policy would be pursued as to tion which the National Government had placed upon all enabling acts, inducing settlement and development, and thereby had made it an implied agreement with the Western States admitted thereafter into the Union that lands should not be held in perpetuity by the Government.

Now it is proposed, by bills introduced in Congress and advocated by the followers of Mr. Pinchot, to change this policy, to impose royalties upon powers generated by falling water and to lease the oil and phosphate lands and the coal and metalliferous mines upon a rental basis payable to the Treasury of the United States. No other States have had their natural resources taxed by the National Government, and we deem it is unfair that the people of the States which had all the products of their natural resources for themselves should now require, through their Senators and Representatives, these less-favored States in the West to not only undertake the development of the natural resources of these States but to pay into the Federal Treasury a tax upon the very development thereof.

LEASING OF NATURAL RESOURCES MEANS PERPETUAL OWNERSHIP IN THE GOVERNMENT—EXEMPTION FROM TAXATION FOREVER.

What does the leasing of the natural resources of the mountain States mean? It means perpetual ownership in the National Government, and that means exemption from taxation forever.

Perpetual exemption from taxation of vast territory in a State is almost destructive of the development of that State. It is an injustice which it seems to me every fair-minded person must recognize. The State must maintain government for State, county, and school purposes over all the lands within its borders, whether reserved or not.

In the West the taxes upon land for a period of 30 years, including reasonable interest upon each yearly payment, amount to the value of the land. Therefore, when the lands privately owned must pay all of the taxes for State, county, and school purposes it is equivalent to them paying every 30 years, in addition to their just taxes, an amount equal to the value of the public lands. Thus the people of these States must pay for these public lands every 30 years and yet never own a foot of the same. Is that right; is it just; is it the way a parent would treat a child? Is it a compliance with the enabling acts, which provide that each State is "admitted into the Union upon an equal footing with the original States in all respects whatsoever"?

The National Government was formed for national affairs and the State governments for local control. It was a dual form of government, a partnership in which the people of each were interested in and a part of the other; both were necessary, and both must be supported by taxes. It would not have been right for the States alone to have the power of taxation, nor that the Nation alone should possess that power, because, by this dual form of government, there was imposed upon each certain duties, the performance of which required revenues. Now, would it have been right for the States to cripple the National Government in the raising of revenue, or for the National Government to hamper the States in their exercise of such an indispensable power? The power of taxation is the most important of all governmental prerogatives. It is the very foundation upon which the administration of law is builded, and without it the superstructure must fall. It is the very law of its being.

At the formation of the Articles of Confederation there were no powers of taxation given to the confederation, and it relied for its existence upon contributions from the States which formed the Union. It was so difficult to get taxes from all of the States that it became necessary to dissolve it and to frame a constitution giving powers of taxation to the National Government, which the States did.

The National Government, then and ever since, has exercised the power of taxation upon imports and upon certain products made subject to internal-revenue duties, while the States have exercised that power almost entirely upon lands and personal property.

In the distribution of the powers of taxation by this general consent the Federal Government has obtained great advantage; its revenues have been so enormous that it has been difficult to devise ways of spending the amounts thus collected. It was Senator Aldrich who stated not long ago that he could curtail the expenses of the Government to the extent of $300,000,000 per annum without detriment to the public service. The States being principally limited to taxation upon real and personal property have always had scant amounts with which to maintain their administrations. Every State in the Union is now limited in its work by reason of the small revenue derived from direct taxation.

The Constitution of the United States has imposed upon each State the duty of maintaining a government, republican in form, over all the territory within its boundaries. In order to do this, it is necessary to have full sets of State officers, of county officers, of township officers, and full sets of school officers and employees.

When we consider what is required of a State to comply with this provision of the Constitution the burdens of the States, in the aggregate, are much larger than those of the Nation. The National Government supports but 1 Congress, consisting of 2 branches; the States support 48 legislatures, composed of 2 houses. The Nation supports 1 Chief Executive, while the States support 48. The Government has 1 Supreme Court; the States have 48. The United States has but 1 district judge in my State, but the State must maintain 19 district judges in order to enforce the law. And all this is done for the benefit of the Nation as well as the States. It takes administration of laws, both national and State, to make a Republic. In the States there are 48 secretaries of state, 48 auditors, 48 treasurers, and 48 attorneys general, and each must have a large force of employees.

In order to carry out this partnership of government it devolves upon the State and not the Nation to maintain a university, a normal school or schools, an agricultural college, and a school of mines. It is necessary for the State government to maintain a penitentiary, a reformatory, an insane asylum, an industrial school for boys, an industrial school for girls, a home for mental defectives, a home for dependent children, an educational institution for the deaf and blind, a workshop for the blind, an immigration board, a public printer, a land board, a highway commission, a cattle inspection board, a metalliferous mining bureau, a coal mining department, a public accountancy bureau, a tax commission, an engineering department, a board of charities and corrections, the National Guard with their armories, a railroad commission, a bureau of child and animal protection, a State historical and natural history department, a health board, medical board, agricultural board, horticultural board, labor department, oil inspectors, civil service commission, a State library, and supreme court library, all of which require many employees and an enormous expenditure upon the part of the State. Then it is necessary for the State to meet all of those extraordinary expenses arising from riots and insurrections, which in many of the States amount to millions of dollars. My own State recently issued bonds for such a debt, which amounted to $960,000.

The Nation expects the States to provide all of these means which are requisite to good government. But these are not all the expenses required; each county must have a sheriff, treasurer, recorder, assessor, and their deputies; a probate judge, county commissioners, constables, and justices. Courthouses must be built, jails and hospitals erected, highways and bridges constructed and maintained, and other enormous expenditures must be made by the counties.

But that is not all. In order to maintain and have a State government republican in form, in compliance with the constitutional provision of the United States, it is necessary to have a public-school system. It is the intelligence of our voters that insures the safety of the Republic. The Nation is as much interested in the intelligence of its voters as are the States. It is true the Government has granted some lands for school purposes to the Rocky Mountain States, but it also did to the States of the Ohio and Mississippi Valleys. The income from them is insignificant compared to the cost of maintaining the schools. In Colorado such income now is $1.38 for each eligible pupil per annum. In my own State we have 5,200 teachers, instructing 168,798 pupils. The public-land States of the Union have 72,072 teachers, instructing 2,079,818 pupils. Millions upon millions must be expended in the erection and maintenance of school buildings. What a vast army of high-grade employees is it necessary for the States to pay, and what an enormous burden are all of these duties upon the State governments. If State and Territorial lines were obliterated and the National Government unital, it would have to provide for all of these expenditures, as all of them are necessary to good government.

Is it right that all of these expenses should be imposed upon the States, counties, and districts of the Rocky Mountain region for the purpose of maintaining government over all the lands within their borders, whether reserved or not, and the Nation contribute nothing by way of taxes upon the millions and millions of acres of land which this new policy proposes to exempt from taxation forever? Is it right that 9,425,239 acres of coal land in Colorado, valued by the National Government at about a billion of dollars, should not contribute one cent to these expenses of government so necessary to the Republic itself? "You take my house when you do take the prop that doth sustain my house."

Is it any wonder that no one until within the last few years has had the effrontery to propose the change of the policy of disposition of the public domain to that of perpetual ownership in the National Government?

TAXING THE NATURAL RESOURCES OF THE WEST PREVENTS DEVELOPMENT.

This new policy would not only deprive the States of the means of raising the necessary revenues to establish and maintain good government, but in addition to that injustice the advocates thereof propose to make revenue for the Federal Treasury by taxing the natural resources of the West. By so doing they propose to make the Mountain States pay an undue proportion of the burdens of the National Government.

It has been estimated by the Geological Survey at Washington that there are contained within the boundaries of the State of Colorado 371,000,000,000 tons of coal. More than three-fourths of this coal is upon the public domain. If a rental of 10 cents a ton is to be imposed upon that natural resource of the State of Colorado it would mean ultimately that the citizens of our State must contribute $27,000,000,000 to the Federal Treasury. This tax is advocated on the ground that it will prevent waste. According to this geological report, Colorado alone has sufficient coal to supply the world, at the present rate of consumption (of about one and a quarter billion tons per annum), for 300 years. Although my State is now mining 11,000,000 tons of coal a year, yet our production for 50 years has exhausted only one-half of 1 per cent of our coal deposits.

It has been estimated by the authorities at Washington that from 1,000,000 to 2,117,000 horsepower can be generated from falling water in the State of Colorado. If the Government is to charge $1 per horsepower as a rental for a temporary right of way for transmission lines, and conducting that water on Government land until it attains a height sufficient to generate power, it will mean, when this power is fully developed, a rental to the National Government from the inhabitants of Colorado of from $1,000,000 to $2,117,000 a year. It must be remembered that every horsepower generated by falling water saves the burning on the average of 21 tons of coal each year.

If royalties are to be paid for the extraction of the precious and base metals, other millions will be turned into the Federal Treasury, from the natural resources of our State. It may be that it will be proposed, as is done in the Forestry Department at Washington, that one-fourth of the receipts will be turned over to the State treasury, to be used only for certain purposes to be prescribed by the Federal Government. But is it equal or fair treatment to our Commonwealth

for the Government to impose any tax whatever upon our natural resources, which it has never imposed upon the older and richer States of the Union? It must be remembered that the act of Parliament of Great Britain, imposing duties upon goods shipped to the 13 colonies, against which our forefathers rebelled, provided that the revenues derived therefrom should be expended in America for its protection and defense.

All taxes upon production must ultimately be paid by the consumer. Yea more, such policy means that the people will have to pay additional prices for such products far in excess of the royalties which will be obtained by the National Government. It will put our people at a disadvantage in the struggle for industrial supremacy.

Of the entire Union, the mountain State of Colorado is the best protected territory from foreign invasion. Even without a navy or fortifications no hostile power could ever devastate our fair Commonwealth. Yet in the form of import duties and internal-revenue taxes we cheerfully contribute to the National Government our fair proportion, even if those revenues are largely spent in building *Dreadnoughts*, in constructing seashore fortifications, and in being prepared for war against a hostile nation. The last Congress appropriated over $200,000,000 for those purposes. We have no navigable streams, yet our Representatives in Congress cheerfully vote appropriations for improving the rivers and harbors of the country for internal and foreign commerce. In the Sixty-first Congress alone these appropriations for rivers and harbors amounted to $88,902,830.

The State of Colorado pays into the National Treasury more than $5,000,000 a year, which is its fair proportion of the revenues of the Government collected from all the States of the Union. But the Western States object most strenuously to paying additional millions, the effect of which must be to retard the development of their natural resources. It is bad enough to be compelled to exempt from taxation, until disposed of, the 15,000,000 acres of forest reserves and 9,000,000 acres of coal lands of the public domain in Colorado, and thereby make us pay an equivalent for these lands every 30 years and yet never own a foot of the same. But we can not, in addition to that, consent to a tax upon our natural resources, to be paid into the Federal Treasury.

ROYALTIES UPON WATER POWERS.

The excuse for imposing a tax and terms upon the water-power plants of our States is that Congress will prevent monopoly, whereas the State governments will not; that they at Washington are better able to administer local affairs than the people of the States in which the lands and the resources are situate.

It has been my good fortune to represent my State in Congress for nine years and I and all other Members of Congress know that it is more difficult to pass through the United States Senate and House of Representatives an act which will prevent monopoly than it is to get through the general assemblies of the various States the same character of legislation.

When we realize that the National Government has given away in 43 different railroad grants lands aggregating 155,504,994 acres, it comes with poor grace from the Federal offices to say that they can conserve and administer the lands better than the people of the States wherein the lands are situate. These railroad grants comprise an area equal to that of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, West Virginia, and Ohio combined. If the Western States had donated to railroads one-tenth of such grants, such action would have been looked upon as the most horrible example of waste and extravagance, if not corruption, that had ever occurred in the history of the world.

The Supreme Court of the United States has determined time and again that the waters belong to the States and not to the National Government. Congress has only jurisdiction over navigable streams, and it can not interfere with the use of the waters of a State. In accordance with that belief, laws in every arid State in the Union have been enacted providing for the use of water for irrigation and for power purposes. The Supreme Court of the United States has sanctioned such laws and has held that they have always been in existence as laws of necessity.

The man who first applies the water to beneficial uses, either for irrigation or the generation of power, is entitled to priority of right to the flow of that water. We have a system of administering these waters. Water commissioners exist in 70 water districts of the State of Colorado. The water commissioners possess the power of turning water into ditches, according to their priority of right, and, when there is a scarcity of water, of shutting down the headgates of the ditches in the inverse order of their priority of appropriation.

The national officials now recognize the ownership of the water in the States, but in order to get some jurisdiction over the same they claim that inasmuch as the Government owns the lands lying along our streams that they will not grant a permit or right of way to a power company to conduct the water along that land and by a steep descent send it back to the stream, thereby generating power, unless the owner of such power plant agrees to pay a royalty on the water which he uses and until he makes certain other terms which they may prescribe. This is simply doing indirectly what the Government can not do directly. It is annulling that inherent power of sovereignty in the States called eminent domain, by which rights of way can be condemned for great public enterprises. It was Secretary Garfield who two days before he retired from office revoked 40 permits for power plants to transmit their electricity across public lands. In several instances the electric plants had cost hundreds of thousands of dollars and were being operated. He no doubt thought he was doing right, but we thought he was doing a most egregious wrong to our States.

The people living in these public-land States are more interested in the development of their water powers than Congress or the officials at Washington. It is they who ultimately must pay the penalty if monopoly obtains possession of their water plants, and consequently they are sure to be more careful with respect to these water powers than the National Government. The fact that water-power plants can be operated every 5 or 6 miles of a mountain stream, and that in the Rocky Mountain States there can be generated by falling water 33,000,000 of horsepower, makes it almost impossible to create a monopoly, even if there were no laws to prevent the same. But it is absurd, under the present State laws, to talk about a monopoly of the water powers.

The owners of these water-power plants are simply public carriers, to transmit the power generated to be used for commercial purposes. They are expressly declared by statute in my State to be common carriers. They are identically in the same position as railroads. That the rates of railroads, or rates of power companies, can be made reasonable by the States has been settled too many times to need citation of authorities. It is absurd to say that the legislatures of the States will not curb and prevent excessive prices for the transmission of electrical power. If they should fail to do so, it is the right of the people in my State to initiate statutes which will compel reasonable rates. These laws constitute the guaranty that no monopoly in charges for electricity could possibly become permanent in the State of Colorado.

THIS POLICY WILL PRODUCE LANDLORDISM AND BUREAUCRATIC RULE.

The policy of the Nation holding in perpetuity great forest reserves and coal, gas, oil, phosphate, and mineral lands, and rights of way for water-power plants, and controlling the same, is an interference with local affairs which, according to our theory of government, should belong to the States.

It was the late Justice John M. Harlan, of the Supreme Court of the United States, who said:

"A National Government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free government."

The permanent administration of public lands in a State, sovereign as to all functions except those which were delegated to the National Government, is an interference with local affairs never before attempted in the history of this country. Such administration by a bureau at Washington, with its thousands of guards imported from other States patrolling these gigantic areas, can never be satisfactory to the people of the States in which such lands are situate. The bureau will always be controlled by officers who are not in sympathy with the people of such States. Carpetbag government of such local affairs is bound to follow, with its antagonism to everything that interferes with the National Government's control and use of these reserves, which control and use we think are so destructive of the development of our States.

The Federal bureau can not want settlement of lands or location of mining claims upon these forest reserves, and its rules are and will be continuously harassing to those who desire to settle upon or locate mineral claims upon the same. I have no doubt the officers and employees of the Forestry Bureau are honest, but representing the National Government, which has a policy antagonistic to the public-land States, they naturally will favor its side, especially when they earnestly believe in that policy.

When timber reserves were first established it was the advocates of this forestry policy who contended that it was impossible to maintain forest reserves and yet permit the ownership of private property within the reservations; that the right of access to private lands through forest reserves for the owners of horses, cattle, sheep, and other live stock would interfere with the Government's use of the same.

It was not until Congress, seeing the serious interference with the development of the Western States, enacted a law opening such forest reserves to homestead and mineral entry that the advocates of this forestry policy yielded upon that point. It is asserted in Congress that during the years 1907 and 1908 the number of homesteads allowed on reserves was only 1,563, while the number of reservations for rangers' lodges, with adjacent land, during that same period was 3,227.

While it was well known that Congress was going to forbid the creation of any more forest reserves in Colorado, Wyoming, Idaho, Montana, Washington, and Oregon without its consent, the Senate, having passed the measure on February 25, 1907, and the House, on March 3, 1907, having concurred in the same, it was the advocates of this forestry policy who circumvented the effect of that law by inducing a President, on March 1 and 2, 1907, before he signed the bill, to establish by proclamation forest reserves to the extent of over 30,000,000 acres.

The Forestry Bureau knew full well the antagonism of the people of the Western States to these large reserves, and yet, while that bill guarding the interests of the West was about to become a law, forest reserves, mapped out and described by this Federal bureau, were established at its request.

Every time these foresters see a tract of land which has been cleared of timber they repeat the poem, "Woodman, spare that tree," and expostulate over the great waste of that natural resource. They do not seem to realize that every stick of timber so cut was used in the mines, in the erection of houses, and in other improvements necessary to man, and that the use has been most beneficial in the development of our country.

The timber cut upon the public domain in my State is infinitesimal compared to the losses by fire. It is not profitable to cut timber except near streams, where the logs can be floated to market, or where a railroad exists, which is usually along the streams. The lands cleared of timber are mere threads through these gigantic reservations. The people of the Western States have endeavored in every way possible to prevent forest fires, but the most destructive fire we ever had occurred since the Forestry Bureau had full control of the reservations. Those catastrophies will happen, and it is not the fault of either the State or the Forestry officials.

The discouragement to the prospector of mineral lands, by reason of the rules adopted by the Forestry Bureau, has been so great in my State that there are now practically no prospectors left. And yet we know that the hills of our State have hardly been scratched in prospecting for the minerals therein contained. We believe that there are upon the public domain in Colorado many other mines as rich as those of Leadville, Cripple Creek, Creede, Aspen, Telluride, Ouray, and Silverton, and that, if prospecting were encouraged instead of discouraged, they would be found and developed. It is impossible for these reserves to be managed to the best interest of our people by a bureau administered two to three thousand miles away.

I wish to read an Associated Press dispatch as to the supervisors of the Forestry Bureau:

WASHINGTON, *October 7, 1908.*

The district foresters who will be in charge of the six field districts of the Forest Service, beginning January 1 next, have been selected by United States Forester Gifford Pinchot.

They and their headquarters are as follows:

District 1. Missoula, Mont., W. B. Greeley, of California.
District 2. Denver, Colo., Smith Riley, of Maryland.
District 3. Albuquerque, N. Mex., A. C. Ringland, of New York.
District 4. Ogden, Utah, Clyde Leavitt, of Michigan.
District 5. San Francisco, F. E. Olmstead, of Connecticut.
District 6. Portland, Oreg., E. T. Allen, formerly State forester of California.

Why is it that in the great State of Colorado, with its four-fifths of a million of population, with thousands of citizens familiar with our forests and mines, the Federal bureau should have to go to Maryland to find the district forester to govern the reserves of that Commonwealth? Why is it that Mr. A. C. Ringland, of New York, 2,000 miles away, must be brought to Albuquerque, N. Mex., to control the administration of forests, of which he could not have been one-tenth as familiar as many of the citizens of that locality? For what reason should Mr. Clyde Leavitt, of Michigan, be imported into Utah for the administration of forest affairs there when there are thousands with better knowledge as to the preservation and care of the same living

in that State? And why should Mr. F. E. Olmstead, of Connecticut, be taken clear across the continent to San Francisco to control the reservations of that Commonwealth? Of the six district foresters not a single one appointed was from the State in which the forest reserves are situate. Is that the kind of rule you would like to have imposed upon you?

The employees of the forest reservations of the West consist of 243 forest rangers, 1,050 assistant forest rangers, 558 forest guards, 2 game wardens, and 6 hunters and trappers. I have no doubt that three-fourths of those employees are not citizens of the Commonwealth in which they do their work. I have heard it stated that the former chief of the Forestry Department said that when these reserves were scientifically managed it would require 100,000 employees. It must be remembered that in the Declaration of Independence our forefathers arraigned King George III in these words: "He has erected a multitude of new offices, and sent thither swarms of officers, to harass our people and eat out their substance." The people of the South have felt the effect of carpet-bag government in a reign of misrule and corruption unequaled in the history of the world. It was that experience which brought the American people to a realization that home rule is to the best interest of a State.

Why impose upon the Western States a rule which interferes with what they think are the rights belonging to the States:

First. Which will make the people of those States, by taxation upon their own land for government over all the lands, pay for these reserves every 30 years without owning any of the same?

Second. Which, in addition to the burdens imposed upon those States for the support of the National Government, will compel them to pay millions of dollars into the Federal Treasury as taxes upon their natural resources, which no other States have been required to do? And

Third. Which must foist upon those States landlordism and a bureaucratic control of these great reserves, which policy in the administration of government has always proven a failure?

Heed the advice of the great justice of the Supreme Court—let our Government be "a National Government for national affairs and State governments for State affairs," and then there will follow a development of the resources of the Rocky Mountain region which will be the marvel and wonder of the world.

Service Pension Bill.

SPEECH
OF
HON. COURTNEY W. HAMLIN,
OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 8, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. HAMLIN said:

Mr. SPEAKER: I only want to say a few words in regard to this bill. I am especially proud that this bill is taken up this early in the first regular session of the first Congress in which Democrats have been in control of the House in 16 years.

The Republican leaders, for political purposes, of course, have continually told the old soldiers that the Democratic Party was against them and that the only real friend they had was the Republican Party.

Now, on the fifth day of the session the most liberal, equitable, and just bill ever introduced in Congress for the old soldiers is taken up as the first bill of general legislation by a Democratic House. Certainly that old campaign falsehood will not again deceive the old soldiers. Mr. Speaker, I am in favor of this bill. I voted for the Sulloway bill because it was the best bill we could get at that time. In fact, I have voted for all pension bills that have come up for action since I have been a Member of this House. I have always believed that if the Government pretended to take care of the old veterans it ought to take care of them decently and not starve them to death.

I think that some people have a very wrong conception of pensions. There are those who seem to think that a pension is a charity extended to the old veterans. Not by any means is that true. This Government owes the old soldier more than it can ever pay. Mr. Speaker, if you were in the stream drowning and some friend would risk his life by jumping in and pulling you out, do you feel that you could ever compensate that friend in dollars and cents? And carrying the figure a little further, if this friend should afterwards become old, crippled, or helpless and you rich and you should give him an annuity, would you be unkind enough to call it charity, or would you not be man enough to say to this old friend, "Accept this as an acknowledgment upon my part that I not only owe you this but infinitely more than I can ever pay for saving my life."

This is just exactly what these old soldiers did. Our Government was struggling for its life. It was drowning in the sea of insurrection, and these old veterans, then young men, plunged into that sea at the risk of their lives to save the life of the Nation. Now this Nation is rich and mighty; these noble defenders are old and many of them helpless, and whatever the Government pays them as a pension is not a charity, but the partial payment of an obligation which this Nation should never forget.

I am for this bill and am sure that it will pass. I would be glad to see it pass by a unanimous vote.

Service Pension Bill.

SPEECH
OF
HON. SAMUEL W. GOULD,
OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 8, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. GOULD said:

Mr. SPEAKER: Some years ago there lived a man who was famed for his wisdom. He wrote a number of proverbs that have lived beyond the measure of his life, for I am quite sure he died before the war. This man's name was Solomon, and he wrote one proverb that I read as a boy and have remembered ever since. He said:

He that keepeth his mouth, keepeth his life; but he that openeth wide his lips shall have destruction.

Since coming to this House I have endeavored to heed this advice and up to the present time have done so. I do not feel, however, that I could square my conscience with my action, if I did not at this time say at least a word in favor of the bill now under discussion, which proposes to grant to the Union soldiers an increase of pension for services rendered during the War of the Rebellion.

There seem to be two classes of gentlemen who oppose this bill, one composed of those who do not believe in it at all and have the courage to oppose it openly and squarely, while the other, believing in the principle, do not want it passed by a Democratic House, and while ostensibly posing as its friends would so load it with amendments which, if adopted would render its passage here impossible, or in any event cause its death at the other end of the Capitol.

At this time, when more than half a century has passed since the close of that terrible conflict, when prejudice has died out, when God in his infinite goodness has dealt out that measure of wisdom to the people of this land that they have given back the control of this branch of Congress into the hands of the Democratic Party, where it belongs, what better response can we make to their confidence than to pass the first bill that has ever made it possible for the old soldier without means to spend his few remaining years at least in comfort if not in plenty. Gentlemen oppose the bill because they claim its benefits are sectional. This is not true. There is no section of this country that has been more benefited by the result of that conflict of arms than the South. New England thrift and industry has moved into your country, and Southern courtesy and generosity has come North to live with us. You have treated us gallantly when we have gone into your section, and we welcome you to ours.

The result of that conflict made it possible for the same flag that waves over the rugged hills of New England as an inspiration to loyalty and patriotism to every boy in the North to be kissed by the milder breezes on the plains of the great State of Texas, in the breasts of whose sturdy people no more loyal or patriotic hearts beat anywhere, and I am sure there are none who would more willingly lay down their lives in its defense than the brave sons of the South, to whose valor the soldiers of the North can testify. The soldier of the South did not win the victory for which we all, both North and South, thank God to-day, but he won the respect of every northern soldier who met him on the field of battle. Let us then, now, when the country is looking to the Democratic Party for every forward movement in legislation, give to the soldiers who fought the Union battles through that long and deadly conflict the reward called for in this bill, so that when we look back to the result of the days of that awful struggle, now hallowed by all the memories of the years that have passed and chastened in the best blood of the land, no blush will come to the cheek of him who now lives to enjoy the blessings won by the soldier on the field for refusing to reward him for the service he rendered there. Those men left their homes and loved ones and offered to their country the best that mortal men could give, their health, their lives, that the union of States might be perpetuated. This they accomplished, and the people of one section are no more grateful for this result than those of any other.

Why, not, then, when this country has grown so rich and powerful, show our gratitude to those who suffered on the field

or in the prison, or felt the sting of the rifle ball, for that flag we all love so well to-day, by granting to them this meager compensation for all they did and for all they gave and sacrificed in their country's hour of peril?

I am earnestly in favor of the bill as presented by that sterling old soldier from Ohio [Gen. SHERWOOD] and his committee, who have given it their best consideration. I have abandoned my trip with my committee to Panama in order to vote for it, and I wish it might pass without a dissenting vote in this House.

Service Pension Bill.

SPEECH

OF

HON. CHARLES B. SMITH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 9, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. SMITH of New York said:

Mr. SPEAKER: It is the history of pension legislation that a bill uniformly satisfactory to all Members of this House has never been devised. The measure now under consideration is objected to on the ground that its provisions are too generous to the survivors of the Civil War, that they will receive more money than their services to the country warrant.

In my opinion there is one provision of this measure which should be eliminated. I fail to see justification for section 3, which provides that a soldier who receives an annual net income of $1,000 or more shall not participate in the pension awards made under the act. This provision practically places a penalty on thrift. It contemplates a system of investigation and inquiry to ascertain whether a survivor of the Civil War has been financially successful. And in addition it creates a distinction, a class division between the soldier who has been so fortunate as to provide for himself an income of $1,000 a year and a soldier who through lack of opportunity, physical disability, or for other reasons has been unable to earn $1,000 annually.

And who is to have the inquisitorial power to investigate the private income of soldiers of the United States who served in the Civil War? What is to be the machinery which will probe into the affairs of pensioners? In my judgment this provision would not only result in humiliating and endless complications, but it would cost the Government more to enforce the provision than the Government would save as a result of inserting it.

At this point I would like to incorporate in my remarks a statement from the memorial and executive committee representing all the Grand Army posts of the city of Buffalo:

HEADQUARTERS OF THE MEMORIAL AND EXECUTIVE
COMMITTEE OF THE CITY OF BUFFALO,
GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF NEW YORK,
Buffalo, N. Y., December 9, 1911.

Hon. CHARLES B. SMITH,
House of Representatives, Washington, D. C.

DEAR SIR: The memorial and executive committee of this city, which, as you probably know, is composed of delegates from every Grand Army post and allied patriotic order in Buffalo, has, at a meeting held on the 9th day of December, 1911, instructed me, its secretary, to inform you of its opinion of section 3 of the Sherwood bill.

That section provides "that no one shall be entitled to pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension he may receive."

After discussing this section of the bill the memorial and executive committee unanimously resolved to declare itself opposed thereto.

The committee opposes it, because it does not recognize or reward the service of all the soldiers equally. Those soldiers who since the war have been good citizens and by constant application and industry have placed themselves in a position where they can earn $1,000 a year are not allowed to be recompensed for their service to their country, while for the same service those who may have been thriftless and indolent are.

The committee does not believe that the Republic would object to seeing the soldiers and their families enjoying some of the comforts of life which is beyond the reach of one whose yearly income is limited to $1,000, and you know what a meager existence such an income assures to a family whose members are old and perhaps so enfeebled as to need constant care.

There are many members of the committee who would not be affected by this section, but to them the bill seems to give not a reward for services during the Rebellion so much as a premium to indolence since the war, and this is the opinion of the Grand Army men in this vicinity, and the committee asks that you use your best efforts to have section 3 stricken from the bill.

Very sincerely, yours,

Z. L. TIDBALL, *Chairman.*
JOHN J. GRAVES, *Secretary.*

I shall gladly support the measure in its main features, not alone because it is just but because the obligation and honor of the country demand that adequate recognition be given the men who offered up their lives that the Republic might survive. When the Nation was tottering between union and disunion and when the countries of the Old World were joyfully pointing to the ephemeral quality of popular self-government, the test

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of patriotism was applied to the men whom this bill seeks to honor and reward.

We boast of our American institutions and the strength, prosperity, and permanency of our Nation; and our pride is justified. But what would this country be to-day if the bugle call had not been answered by the men who fought and bled in the Union Army during the Civil War? The Republic survived the conflict. It triumphed only through the exercise of the loftiest patriotism and the most stupendous and glorious sacrifices in the history of the human race.

Nearly half a century has elapsed since the close of the war. The men who wore the blue are walking on the border of the grave. More than 40,000 went to their final resting place in the year just past. The Silent Reaper will solve the pension problem of the rebellion only too soon.

Let us pass this bill in gratitude to the men who protected and preserved the integrity of the Union, in recognition of the patriotism which prompted men to leave their homes and those dear to them to fight the battle for the maintenance of national unity and the continuation of American freedom, out of respect to the courage of those who dedicated their lives that future generations might enjoy peace and security, and, above all, for the credit and dignity of a Nation which is now pointing the way to world-wide arbitration, to the creation and perpetuation of a spirit of universal amity.

Service Pension Bill.

SPEECH

OF

HON. JOSEPH R. KNOWLAND,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 9, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. KNOWLAND said:

Mr. SPEAKER: It had been my intention to accompany the Committee on Interstate and Foreign Commerce, which leaves Sunday for the Isthmus of Panama. When it was determined, however, that the pending pension bills were to come to a vote Tuesday I felt it my duty to remain, postponing my departure until final action was had upon these very important measures.

Last month there was held in my congressional district, at Oakland, Cal., a meeting attended by over 300 veterans of the Civil War, which meeting was called at my suggestion for the purpose of discussing the various pension bills pending before Congress and to obtain from those in attendance an expression as to the particular measure favored. After the Sulloway and Sherwood bills had been explained and there had been general discussion a motion prevailed that the entire matter be left to my judgment, confidence being expressed that I would act for the best interests of the old soldier. I am fully sensible of the responsibility.

After listening to the debate I have concluded to cast my vote for the Sulloway bill, believing that it is favored by a majority of the old soldiers. Should this fail to pass, I shall then vote for the Sherwood bill, but with certain amendments.

For instance, I shall vote to strike out of section 1, the provision which would banish from all soldiers' homes every old veteran who might take advantage of the act and draw a pension of $25 per month. Just think of it! The Sherwood bill would throw out of every soldiers' home, the only home many of the survivors of the Civil War have, any veteran who might draw, under the provisions of this bill, a paltry $25 per month.

I shall also vote against section 3, which provides that no veteran shall receive a pension who has an annual income of $1,000. In my district there are very few old soldiers who have such an income. It would probably cost more to administer this section than the Government would save by the exemption. It would also place in the category of paupers all soldiers who took advantage of the act, a humiliation to which the gallant defenders of our Union should not be subjected. It would establish a roll of dependents instead of a roll of honor.

I shall support an amendment or vote for a separate bill to increase the pensions of soldiers' widows. Those devoted wives who for years have cared for old soldiers, nursing them through sickness, suffering privations but ever remaining loyal, should receive more than $12 per month—an amount that will not furnish them with shelter and food.

The ranks of the old soldiers are being rapidly decimated. Thirty-five thousand Civil War veterans responded to the last roll call during the past year. But 25 per cent of those who were originally in the military and naval service of the United States during the Civil War are now living. Before these pass away let us recognize the debt this country owes them. Many are unable to perform manual labor and are sorely in need of assistance. Let us act before it is too late.

Service Pension Bill.

SPEECH

OF

HON. WILLIAM D. B. AINEY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, December 11, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. AINEY said:

Mr. CHAIRMAN: A distinguished statesman of the North, of whom it is said that he is not adverse to receiving the Democratic nomination for the highest office within our country, with a fondness for analysis and logical deduction, has reached the conclusion that nearly all of the so-called political, financial, and sociological conditions which confront us are "a state of mind."

I am not at all sure but that in the exact language of the schools he may be right, but in the larger outlook on life, real life as it is lived in touch, companionship, and stress of everyday experiences, it will not do to dissect man and his activities and place mere brain upon a pinnacle and ignore all those other seemingly illogical, indefinable, and intangible, but nevertheless the most potent emotions of love, gratitude, and patriotism which find their seat in the human heart.

It may not comport with our highly educated and perhaps too acute commercial sense to grant liberal pensions to the veterans of the Civil War, but surely it is the deep-toned harmony with every patriotic impulse, based upon the notes of love and gratitude which a grateful people should feel toward the saviors of its country.

He who gives grudgingly gives not at all, is an old adage, and he who gives from the mere unthinking hand of opulence, as to a suppliant, demeans himself and the gift he seeks to bestow.

This great Nation is not called upon to extend charity to its old soldiers. The gifts and assistance which the father bestows upon his child never passes under the name of charity; that word has met a modern transformation in Holy Writ as it has in the hearts of a grateful people, and its synonym is love.

I am in favor of granting pensions to the blue-clothed veterans of the Civil War, comporting with the dignity of the greatest Nation on the face of the globe, and in keeping with the importance of the self-sacrificing and patriotic acts of those soldiers, without whose service that Nation would not to-day exist. It should be large enough so that grim want would never stalk at the door of a single man who wore the blue.

I am in favor of such a bill as will recognize the sacrifices of the fair womanhood of the land, now grown feeble with the weight of years. Do we not forget when we speak of the "boys" who enlisted, that their wives and sweethearts were mere "girls"? Do we not forget that the sunny smile of life's expectancy was dimmed in many a new home as widow's weeds marked the closing out of life's ambitions and home companionships in the dark days of our country's history?

By whatever name the bill may be called, or by whatever political party it may be offered, I am in favor of such a bill as is in harmony with this conception of high and patriotic duty.

The bill under discussion, known as the Sherwood bill, while in some respects an advance in pension legislation, fails in my judgment to measure up to the true standard. There appears to my mind little reason why, from the national roll of honor which this bill is said to create, there should be excluded the names of hundreds and thousands of patriotic soldiers whose terms of enlistment, or whose length of service were less than three months. If the self-respect of this country is involved, as I believe it is, in placing its honored soldiery beyond the reach of the scornful fingers of want, I see no reason why the needy veteran of five months' service should be discriminated against when compared with the veteran of six months' service; nor can I understand the thought of those having this bill in charge who would deprive the veterans in the soldiers' homes from having a pensionable status under this bill, nor the sentiment involved in section 3 excluding the soldier of modest income from the privilege of being enrolled with the others who are permitted to come within its provisions. It would appear that such discrimination is unjust and not in keeping with the high purposes which it is claimed actuate the formulation of this pension legislation. I would gladly see inserted within its provisions a clause favoring the widow of deceased soldiers.

It appears to me that the Sherwood bill, as prepared by the committee, is insufficient in that it fails to provide for all old soldiers, and therefore discriminates unjustly; it fails to provide for the widow, whose sacrifices were in many instances greater than the soldier himself, and it fails to provide for the veterans of the Mexican War; the bill is objectionable because it discriminates against the soldier occupants of the soldiers' homes. The bill is reprehensible in its features wherein, by the plain language of section 2, its provisions are extended to the Confederate soldiers of the Civil War.

The time has not yet arrived when this country is willing to place itself upon record as favoring pensions to the soldiers who were in rebellion against the Government. While we gladly admit that the division line between the North and South has been obliterated and the hand of brotherly affection is extended between the boys in blue and the boys in gray, this country is unalterably opposed to the open door of this provision of the bill.

It is hardly to be believed that the language of the section was other than inadvertant or careless expression upon the part of the committee reporting the bill, and I trust will be unanimously corrected by amendment. When amended in these respects, and when it more nearly conforms to the terms of the Sulloway bill, I shall be glad to give it my support.

The Sherwood Pension Bill.

I am sure that any fair-minded person will concede that the principle of pensioning the old soldiers is one in accord with the fundamental idea of our Government, one which should not be abused, but which should be carried out equitably and affording relief in each case commensurate with the service rendered.

SPEECH

OF

HON. WILLIAM J. CARY,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 12, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. CARY said:

Mr. SPEAKER: It is very gratifying to me that the Committee on Invalid Pensions has so early in the session reported a bill to the House which will afford the veterans of the Mexican and Civil Wars additional relief.

The Northwestern Branch of the National Soldiers' Home is located within my congressional district, and with a membership of more than 2,000 soldiers, not to say anything about the great number outside the home, all pension legislation pending before Congress is of necessity very important to a large proportion of my constituency. But there is also a loftier motive which should cause everyone to manifest a keen interest in legislation of this character—and that is citizenship. I have listened to the very able speeches of some of my colleagues, leaders in this fight for the old soldiers, who themselves participated in that gigantic struggle for the preservation of the Union. It has been a pleasure to me to learn many of the incidents of that great Civil War from my friends at our soldiers' home, who can show the effects of battle, either by wounds or injuries, and those whose health is so impaired as the result of sickness contracted in or subsequent, but due to the service, that they are absolutely helpless and require the continued attendance of an assistant. We are met by the opposition which cries that it is extravagance to make additional provision for the old soldiers. This argument can be

easily met. Just think for one moment what great sacrifices these men made. It is an impossibility to conceive what might be the condition of this country to-day had the calls for troops from 1861 to 1865 not been responded to. It was through their loyalty to the Stars and Stripes, upholding the principles of the American Government and to let the Nation remain unimpaired in its rapid strides of growth, prosperity, and wealth that they unhesitatingly came to the country's aid. I am sure that any fair-minded person will concede that the principle of pensioning the old soldiers is one in accord with the fundamental idea of our Government, one which should not be abused, but which should be carried out equitably and affording relief in each case commensurate with the service rendered.

I wish to insert here the measure about to be voted on:

An act (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Be it enacted, etc., That any person who served in the militry or naval service of the United States during the late Civil War or the War with Mexico, and who has been honorably discharged therefrom, and all members of State organizations that are now pensionable under existing law, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more in the Civil War, or 60 days or more in the War with Mexico, and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided,* That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, $30 per month.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty, and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

SEC. 3. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 4. That rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after this act takes effect.

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

Let us examine its provisions briefly. It provides for the following ratings of the veterans of the Civil War:

	Per month.
Service of 90 days or more and less than 6 months	$15
Service of 6 months or more and less than 9 months	20
Service of 9 months or more and less than 1 year	25
Service of 1 year or more	30

Before looking at the merits of this bill from the point of view it affords relief, let us summarize briefly the provisions of existing laws.

The general law provides for relief only for wounds, disabilities, or diseases incurred in the service and in line of duty, commensurate with the degree of the disability. Thus we have a measure granting pensions for the physical ailments actually incurred in active service.

Then Congress passed the act of June 27, 1890, which afforded relief with a maximum rating of $12 per month, based entirely upon the physical condition of the claimant, regardless of whether the disabilities were incurred in the line of duty. This measure grants pensions based on the physical condition of claimants even if the disabilities did not originate in the service.

The act of February 6, 1907, known as the old-age law, granted a pension to those who served more than 90 days at the rate of $12 to those who have attained the age of 62, $15 to those who have reached the age of 70, and $20 to those who passed the seventy-fifth milestone. This law gives relief based solely on the age of claimant.

So the three important existing laws enumerated above cover a wide range of qualifications, but none of them is based on the theory of length of service. The bill we are about to vote upon, in my opinion, fills a long-felt want in this particular regard, and I sincerely trust that it will be passed by this House and become a law. It is self-conclusive that those whose service is the longest endured the greatest hardships. There are, of course, exceptions to this rule, as to any other, but I am confident that, taken as a whole, justice will be done in its application to the survivors of the Mexican and Civil Wars.

Section 2 is also a meritorious clause and needs no explanation.

I wish to dwell for a few moments upon section 6, which I shall repeat:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

It would be a boon to the old soldier if this section was enforced. It is most aggravating the manner in which some of these pension agents—and many of them are not deserving of that name—carry out their practices of bleeding the old soldiers for every cent they can get together, regardless of whether they have a meritorious claim or not. There are, no doubt, some good, honest, sincere, and conscientious pension agents, but I honestly believe, from my experience in Congress during the past five years, during which time I have personally examined thousands of claims at the bureau, that if all pension agents were eliminated and the Government itself took a more liberal spirit in assisting the veterans in securing the adjudication of their claims that the soldiers would be benefited very much and the bureau would not be hampered and pestered with thousands of claims with absolutely no merit whatever, but whose applicants are goaded by these agents into believing that their claims will be allowed. I speak from personal knowledge, and, as I say, is not merely hearsay. I recall one case in particular in my district, where a soldier made a claim and had procured plenty of excellent evidence, which he gave to his pension agent to transmit to the Bureau of Pensions. The agent kept putting him off from month to month and from year to year, each week exacting a fee for postage and other incidentals, when, on the advice of some friends, this claimant came to me and explained his case and asked me whether I would look into the matter when I returned to Washington. I made a careful note of what affidavits were supposed to have been sent to the bureau and to ascertain the status of the case, when, on examining the papers on file, I discovered that these affidavits had never been filed by the agent, and the claim was subsequently rejected because we were unable to recover the affidavits. Here was an honest claim, meritorious in every respect, and yet the soldier was denied his just dues simply on account of this gross fraud which had been perpetrated. This is but one example. Similar ones reach my office and ears every day. I have tried to impress upon my veteran friends that it is needless for them to hire pension agents, particularly with regard to claims other than those under the general law.

A 2-cent stamp or a 1-cent postal card to your Congressman is all the expense necessary to secure the proper application blank, which he will file promptly on its return to him.

And with the hopeful anticipation that this bill will pass the House and soon be enacted into law, I want to reiterate this warning to those who make application under this act. The War Department has the records on file showing the length of service of each man. These records will decide the claims. I hope that the old soldiers will bear this in mind, and that they will not forfeit the pension they are now receiving by redeeming it to the malpractices of some of these attorneys as fees and retainers, for it is not within the letter nor the spirit of the law.

The Sherwood Pension Bill.

SPEECH

OF

HON. LUTHER W. MOTT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 12, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. MOTT said:

Mr. SPEAKER: I am very glad to be able to have an opportunity to vote for the Sherwood pension bill, and I believe, in so doing, I am expressing the almost unanimous sentiment of the district I represent as well as the sentiment of the best citizens of our country, regardless of their places of residence. I should have been glad to have seen this House unite in passing the Sulloway bill, because I believe that that bill is the one which meets the greatest needs of the veterans of the Civil War. The Sherwood bill, however, will meet the demands of at least 85 per cent of the worthy cases, and so, as a bill which goes 85 per cent of the way, I favor it.

I come from a district in northern New York—Jefferson, Lewis, and Oswego Counties—which had a splendid record in the Civil War. The men of those counties stepped forward in answer to the call for troops in greater numbers, considering their population, than from almost any other counties in the State of New York. The question which came to the men of northern New York, as it did to the men of the entire Nation in 1860, was the question which worked the transformation of the peaceful farmer and laborer into the uniformed soldier of

the United States. Up there in the North country every citizen realized that it was his duty to be loyal to the Government, and volunteers were furnished from every little hamlet and cross-roads. There were men of great distinction included among the number. Going out as a private in Company A of the Thirty-fifth Regiment, New York Volunteer Infantry, was a distinguished predecessor of mine who served a term as Commander in Chief of the Grand Army of the Republic of the United States. I refer to Col. Albert D. Shaw, of Watertown, by whose death this House was deprived of a Member whose service would have been of the utmost value. There were other men who fought in the ranks, as well as men who commanded companies, regiments, and brigades, whose memories are ever carried in grateful recollection. Men from our country gave their blood to help preserve the Nation on hundreds of battle fields. Many of them gave their lives as sacrifices to the cause of liberty and freedom, but those who came back home, after their years of service, are no less deserving of credit than those who died the death of martyrs.

The hardships of those soldiers of the Civil War should never be forgotten, and the hardships of the mothers, wives, and sisters who stayed at home waiting for the return of their beloved ones, were no less great. When we look back and try to think of the homes which were left desolate—some for a time, some for all time—it is hard to say who suffered the most, the soldier who risked his life on the field or the family waiting anxiously at home.

The Pension Office tells us that the number of soldiers who will be alive on the 1st day of January, 1912, will be about 509,000. The number of deaths last year was over 35,000, so that these old soldiers are dying at the rate of 100 men a day. As we discuss pension legislation here in this House 100 men who should receive the benefits of this bill die each day. It is fearful to think that we can not do justice to the whole army of old soldiers, but we should enact this legislation as soon as possible in order that we may benefit the greatest number in our power.

Now, it may be urged that this bill will cost the Government $20,000,000 or more. We are spending more than this amount every year to build and equip new battleships. Our appropriation bills—many of them—run into figures which make $20,000,000 seem a comparatively small sum. Our country has grown so that we are dealing every day with millions and billions of dollars. Our cotton crop and our corn crop are valued not by the million but by the billion. Shall we say that $20,000,000 is a large sum to give in pensions to these men whose services we can not value on any money basis? The old soldiers are dying, and we should not stop short of doing them real justice. There are now before the Committee on Invalid Pensions 10,000 special bills. If all of these were passed the aggregate amount of money appropriated to make the legislation effective would run into a large sum. This sum we shall save almost entirely by the passage of this Sherwood bill. The special pension bills are evils in many cases. Oftentimes the bills which are absolutely just and proper receive less attention than should be given them while other bills to cover cases less deserving are passed. The old soldiers who depend on special bills—many of them—die before their bills are considered, and many of them receive no attention for reasons not under their control. The doing away with special pension legislation, which this bill will cause, is, I believe, a very strong point in its favor. The Sherwood bill is a bill which establishes an equal rating for all men who fought in the Civil War regardless of whether they received injuries or not. The man who came out of the war sound in body risked his life just the same as the one who was unfortunate enough to be wounded on the field of battle or who contracted an incurable disease. This pension bill places the unknown man on the same footing with the man of influence and the soldier who has been fortunate enough to gain political strength and who can demand a special pension bill with a voice that must be heard. If this bill is passed the House of Representatives will take a stand for justice to all the members of the great Army which saved the Nation. It does away with the idea that a pension is a matter of charity. Pensions should be given through justice, not through charity. The idea of a pension, as carried out in the bill under consideration, is the payment by the Government of a debt which is long since overdue. We have no right to make an old soldier feel that he is getting his pension as a matter of charity and not as a matter of justice.

It is 50 years since the Government of the United States contracted this debt with the men who made it possible for the Government to be preserved, and we, as Members of this House, ought to feel fortunate that we have the opportunity of paying in some small measure this debt to those who survive. This country is what it is to-day because of the sacrifices of life and strength which were made by the soldiers of the Civil War. This Government is a government which is respected and feared by all the nations of the earth just because of the way those men fought and showed the world that the United States was a power which must be respected and which would stand to the end of time regardless of attacks whether from within or without. Fifty years ago the United States was struggling for existence. The entire world watched our Civil War and wondered whether the great American Republic would survive or perish through the horror of a civil war the like of which the world had never known. These old soldiers now, most of them young men in the vigor of life and manhood then, saved the Nation. Since then we have grown to be a Nation of remarkable prosperity, our riches being the wonder and envy of every other nation in the civilized world. Shall we in the hour of our prosperity and strength forget the very causes which made it possible? Shall we not rather do whatever is in our power to help repay the enormous debt we owe to the soldiers of the Civil War?

All over the country there are homes which will be made happy by the passage of this bill. It is not alone the home of the soldier that will be benefited by the bill, but the home of every patriotic American who is familiar with our history and who realizes what we owe to the old soldiers. I believe we shall not have in the history of this House an opportunity to vote for another bill which will as well strengthen the reputation of the United States as a nation of justice and gratitude. Adopt this measure and the nations of the earth will realize that the United States has done what it could to pay the debt it owed the men who saved the country.

The Eight Hour Law.

SPEECH

OF

HON. WILLIAM D. B. AINEY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 14, 1911,

On the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. AINEY said:

Mr. SPEAKER: My remarks on this bill are not with the expectation of adding weight to the measure or to elucidate any of its features or to emphasize its importance. I am adding these remarks for no other reason than to express my position as favoring this legislation.

The subject matter, to wit, an eight-hour law as applied to Government contracts where labor is employed, is in keeping with the best ideas of modern sociology, and it tends to lift man's life beyond the realm of mere mechanism.

The test which modern thought applies to man is not wholly his ability to perform certain work, but it demands of him to be a good citizen, a good father, and good husband, and, under our educational system, a man of some culture. The rights of the family and the demands of good citizenship are to be recognized as claiming a part in every man's life, and therefore the public and the family, as well as the employer, have the right to a portion of a man's time. That employment which by its length of hours deprives the public and the family of a fair share of a man's time is wrong. It errs against good citizenship; it invades the home by depriving the family of its fair share of companionship.

The old-time division of eight hours for usual avocation, eight hours for devotion—recreation, if you please—and eight hours for refreshment and sleep appears to be based upon good physiological and, I believe, it is based on good moral grounds.

This bill places the Government of the United States where it recognizes that standard, and, while its phrases and terms seem a little peculiar and its language is in some places doubtful, it has had the careful attention of a committee of recognized ability, and I am content and shall vote for the bill.

The Pension Bill.

SPEECH

OF

HON. JOHN A. MAGUIRE,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 12, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. MAGUIRE said:

Mr. SPEAKER: I desire to state as briefly as possible my position upon the question of pension legislation. It occurs to me that no extended argument is necessary to secure the passage of a measure that will give more liberal treatment by this Government in the way of pensions to the men who answered the call of duty when the Nation's life was in peril. Although my service in this House has not been long, still I have urged and insisted, upon every proper occasion, that this great Government should liberalize its present pension system. This should be our attitude not only as public servants but also as loyal citizens of this Republic. We are here as Representatives with power to act in behalf of the whole people of this country, and I say again, what I have stated before in this House, that it is our duty in justice and in honor to recognize in some suitable pension measure the gallant and patriotic services of the veteran soldiers who have repeatedly appealed to Congress in the past only to be turned away with empty promises. I trust their appeal will not be ignored by this Congress, and I feel certain it will not be refused by this House. The sincerity of many in public life might well be questioned unless we prove in a substantial manner that we are honestly trying to repay, in a small degree, the great and incalculable services of the men who gave up everything to save the Union.

Mr. Speaker, on the 10th day of last January the House of Representatives as then constituted passed by a vote of 212 to 62 the measure then pending and known as the Sulloway bill. I voted for that bill because I was anxious to see some legislation enacted that would assuage to some degree at least the constantly increasing suffering of the old soldiers, who numbered then about 550,000, and who are rapidly passing from our midst. I say, Mr. Speaker, that I voted for that bill and urged its passage. After passing this House that bill was sent to the Senate, and after a long delay in that body it finally failed to come to a vote. I regretted that the only opportunity for granting relief to the old soldiers was not improved by the Senate. I desire to say also that long before the Sulloway bill came before this body in the last Congress I took occasion, when the naval appropriation bill was under consideration, to submit to the House some remarks upon the advisability and even the necessity of appropriating less money for battleships and, instead, adopt a more liberal pension system for the men who made it possible for us to live to-day as one united people under the same flag. I closed my remarks at that time with these words:

> I conceive it to be a most sacred duty for this Nation to properly care for these few survivors of our Nation's heroic men, and for their widows, minor children, and dependent relatives. This is a duty we can not postpone. It should be discharged faithfully and liberally while yet there is time for a grateful Nation to acknowledge our lasting obligation to those men and women the fruits of whose heroic sacrifices we of to-day are so bounteously enjoying.

Mr. Speaker, my position on the question of liberal pensions as expressed in that speech has not been changed. I am even more concerned now that we do our full duty in pension legislation, because my own party is in control of this House and must be held responsible for what we fail to do here as well as for what we do. When I voted last January for the Sulloway bill I did so without regard to party alignment or party policy. I realized then that I was supporting a measure brought out by a Republican committee and bearing the name of one of the most esteemed Members of this House, Mr. SULLOWAY. It was not because the bill was fathered by Mr. SULLOWAY that I voted for it then, not because it represented the views of the Republican majority of the Committee on Invalid Pensions, but I supported that bill because it was the only bill that we could vote upon and hope to pass. The essential purpose of that bill was to liberalize the pension laws. To-day our purpose is identically the same, and I am supporting the present bill which is before the House. I have every reason to believe that it has been carefully considered by the committee which has had it in charge. I know further that no man in this body could have more sincerely at heart the best interests of the men who wore the blue and carried the Stars and Stripes to final victory than that grand old veteran, Gen. SHERWOOD, the chairman of the committee which reported this bill. I shall support the bill and vote for it with as much enthusiasm as I supported a similar bill in the last Congress, because I believe this bill has the same essential purpose, namely, to give more liberal pensions to those veteran soldiers still living, most of whom are drawing only small pensions. I am convinced that this measure, when finally passed by this House—and I hope there is no doubt about its passage—will be such a bill as to receive the approval of practically all the Members of both parties. As I view this matter, it is not and should not become a political question.

I am confident that every Member of this House will agree that as a matter of simple justice our present pension laws are inadequate. I do not question the honesty nor the patriotism of any man who is inclined to criticize the policy of increasing the pension rolls. This or any other just measure must necessarily call for larger appropriations each year. Some may hesitate to carry any further our policy of granting pensions to the old soldiers, but, Mr. Chairman, I am one of those who believe that we can better afford to appropriate money to pay our moral obligations to the men who fought our past wars than to vote armies and great navies for the purpose of inviting and carrying on new contests. We are a Nation of progress, and let us hope that our advance will continue in peace and prosperity, not by war and conquest. In our efforts to build a greater Nation we should not forget the elements and the forces which contributed so much to the preservation of the Union itself. We all rejoice that the spirit of sectionalism and strife is rapidly passing away, and in its place there is growing in the hearts of the rising generation a consciousness of a bright future in which there shall be, in the words of Webster, a Union "one and inseparable, now and forever." In so far as we strive to forget the bitterness and the enmities of the past our efforts are indeed laudable. But let us hope that we shall not as a Nation forget the chivalry, the gallantry, and the patriotism of those who left their professions, their trades, their businesses, their farms, their homes, and their loved ones in order that they might offer themselves as a sacrifice, if need be, upon the altar of their country and in defense of the Union.

It may be objected that this proposed pension legislation will take from the Treasury millions of dollars annually. I call your attention to the fact that not once have I heard it objected that this proposed increase in the pensions is not well deserved by those in whose behalf it is made. No one has yet ventured to say that these battle-scarred veterans have been overpaid for the great service they rendered in the dark days of our national life. They went forth without promise of reward. They asked for no contract from the Government to reimburse them for the loss of limb and life. No indemnity bond was given to the brave men who answered the call of their country. Thoughtless of themselves and their families, they willingly gave their highest service to the cause in which they fought. It mattered not to them whether patriotism demanded a limb from some, sight from others, sickness and disease from still others, or even death itself of all who volunteered their service. Can such a service be estimated in dollars and cents? Does such service justify an attitude of indifference to-day on the part of this great and prosperous Nation? A pension law to grant more liberal pensions can not and does not operate to compensate these noble soldiers who may come within the terms of its provisions. No compensation, as such, is called for even by the veterans themselves. For this Government to return to even the few survivors of that great struggle what they have given up in health, fortune, and life is impossible. All they are asking of Congress and of us, who are here charged with the responsibility of the Government, is a reasonable pension law, one that will subserve the ends of practical justice.

I am opposed to extravagance and unnecessary expenditure in the administration of the Government. My party is pledged to economy in the public service. But I am willing to leave it to the fair judgment of the American people whether I am following the best economy when I support a measure which may for a few years take from the Treasury a paltry few millions of dollars and give it to the few hundred thousand old soldiers who form the vanishing remnant of the great and victorious Army of the Union. Can we in conscience afford to delay longer this duty that now presses upon us as citizens and men? If the Congress of the United States has been indifferent and derelict in the past in this matter, it is then for us to act without further delay. Let those who reckon the cost in this proposed policy be persuaded, if by no other argument, at least by the mournful fact that the Angel of Death is already repealing day by day and hour by hour the pension laws passed in the years gone by for the benefit of heroic men and women who have passed beyond, where services are rewarded not by pensions,

but by the true standards of justice. Likewise this bill, if it becomes a law, will within a few years be almost completely repealed, so far as its benefits are concerned, by the Great Lawgiver, whose decrees are inevitable. Thousands and thousands of these infirm, wounded, and crippled veterans are hanging their hopes upon our action on this measure. Many of them will never receive its benefits, even if it could go through both branches of Congress and become effective at once. The thought that their surviving comrades will ultimately enjoy the benefits of more liberal pensions will comfort the hundreds that must in the course of nature answer the great summons without themselves receiving any substantial benefits from our action here.

Every year we appropriate large sums of money to erect monuments to our distinguished dead, and in doing so we do great credit to our Nation, but I ask you whether it would not be equally to the credit and national honor to make more liberal appropriations to alleviate the sufferings incident to age and disease of our distinguished soldiers who are still living. Shall we continue to decorate the graves of the deceased veterans and to erect monuments to their memory and yet refuse to make a liberal allowance in pensions to those true and tried ones who, at best, have but a few years until they, too, will be among the honored dead?

I repeat, Mr. Chairman, that I believe it to be a sacred duty for us to pass a reasonable and liberal pension bill at once and let the good word of cheer go out to all the soldiers' posts and homes. Let them realize that this Government is not indifferent to their demands nor ungrateful for their splendid services. To argue about the burden upon the Treasury is simply to postpone and delay the relief that should be given to them at once, if at all. If this bill as reported needs amending, I am in favor of getting the best bill we can and then pass it without further delay.

Service Pension Bill.

SPEECH

OF

HON. JAMES D. POST,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 12, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. POST said:

Mr. SPEAKER: When we consider that there were more than 2,213,000 American patriots in the military and naval service in the United States during the Civil War and perhaps at least that number in the service of the Confederate States during that period, we can readily realize that it was the greatest internecine war of all history. The many great battles that were fought and innumerable number of heroic deeds achieved during the conflict exemplify the patriotism of the times. The fruits of that great conflict are manifold and its results of untold benefit. It was no little sacrifice to give up friends and relatives and vocations to enter the sanguinary conflict. Every individual who enlisted offered as a sacrifice upon the altar of his country his environments and his life.

While our Government has been most generous to its survivors, we have not yet reached the limit to which we should go in that direction. Nearly half a century has elapsed since the close of the Civil War, and the survivors are fast tottering to the grave. If we are to increase their pensions, it must be done and done quickly. More than 4,000 are now dropped from the pension roll each month, and it is estimated that 40,000 of the survivors of the Civil War are now dying annually. This death rate must in the very nature of things daily increase. The average age of the survivors is now about 70 years. At the close of the fiscal year June 30, 1911, the number of survivors of the Civil War on the pension roll was 529,844. It is reasonable to conclude that in the next 10 years this vast army must have nearly vanished. Of the 2,213,000 soldiers of the Civil War it is now estimated only 25 per cent survive.

We annually appropriate more in the payment of pensions than any government in the world, and since the foundation of the Government have disbursed for pensions more than $4,230,000,000. Of this amount nearly $4,000,000,000 has been distributed to the veterans of the Civil War. These figures at first blush seem almost staggering, but when we take into consideration that each Congress in recent years has appropriated about a billion dollars to conduct the affairs of the Government they become insignificant. The greatest appropriation made for the payment of pensions was made in 1909, the total then aggregating about $165,000,000. In the two succeeding years, owing to the rapid death rate, it declined to about $160,000,000.

There are no pensioners from the Revolutionary War and no survivors on the pension roll from the War of 1812. The widows on the pension roll of the War of 1812 are now less than 300. The survivors of the Mexican War now upon the pension roll are less than 1,000 and the widows about 6,000. The survivors on the pension roll from the Indian wars are less than 1,400 and the widows from that war about 2,500. It will thus be seen that those entitled to Government assistance from the wars prior to the Civil War have been reduced by lapse of time to almost the minimum. Those upon the pension roll from the regular enlistment do not exceed 15,000 and from the War with Spain less than 28,000. From these statistics it follows that the great army of pensioners comes from the survivors of the Civil War, their widows, and their dependents. Most of these are pensioned under the acts of Congress of February 6, 1907; June 27, 1890; and April 19, 1908. The act of April 19, 1908, pensions widows and Army nurses. The act of June 27, 1890, is strictly a service pension law, while the act of February 6, 1907, is the so-called age pension act. More than 357,000 are pensioned under the age pension act and more than 113,000 under the general law. From these figures it will be seen that the most of those upon the pension roll who served in the Civil War are receiving pensions by virtue of old age. The minimum pension allowed to any individual under the so-called age pension act is $12 per month. The limitation as to age was 62, 70, and 75 years. Under the provisions of this act many of the surviving veterans who enlisted in the Army at 20 or 30 years and whose services were of very short duration are receiving greater pensions than many who enlisted at an earlier age and served from two to four years. This inequality has given rise to considerable criticism of the provisions of the act. To the individual who served in the armies of his country for three or four years, perhaps participated in many of its most sanguinary conflicts, and who on account of his age would only receive a minimum pension while many of his comrades who, under its provisions, are receiving the maximum amount allowed by the act its provisions would certainly appear inequitable and unjust. While it is conceded that no one has yet been able to evolve legislation that will in equity and justice meet the contingencies that exist and may arise, yet it must be conceded that legislation based upon services is the most equitable and will most justly reward the veterans of the Civil War for their great sacrifices and heroic achievements accomplished in that historical epoch from 1861 to 1865.

The bill before the committee is based strictly upon service. In every such bill length of service must of necessity be recognized. Only four periods are provided for in this bill—a service of from three to six months, from six to nine months, nine months to one year, and one year or more. Those serving the first period are given $15 per month; the second, $20; third, $25; and the fourth period, $30 per month. No distinction is made to those who served one, two, three, and four years. I apprehend that the great mass of the survivors will be satisfied with $1 a day provided for the fourth class, and for that reason a further division into periods may not be necessary. However, upon the principles of equity and justice which are involved in a service pension, it is palpable that the individual who served two years should be entitled to greater credit than the one who served only one year; likewise the one who served three or four years. The provision of the bill under consideration which provides that no one who has a net income of $1,000 shall be a recipient of its benefits is a provision which seems to me not in accordance with the principles of a service pension. Many of those who endured the hardships and sacrifices of the war have never since its close been able to lay up a competency to support them in their declining years, while many who have been more frugal and fortunate are well to do. It is estimated that 85,000 would be affected by this clause.

To penalize those who have been fortunate through their own thrift and frugality, or through opportunity, is wholly repugnant to the principle upon which a service-pension bill is founded. To pension those who followed the flag is one of the institutions of our Government subsisting since its foundation. The first Congress we ever assembled promulgated the institution of pensions, and every Congress ever since has followed in its tread. It has become as much a policy of our laws as the annual appropriations. Except for the act of February 6, 1907, every scrap of pension legislation made by Congress in its history has been based upon service. Under the age bill many who never have been upon the firing line or scented the smoke of battle might be its recipients, while many participants in

great battles might be barred from its provisions. Many who served in the Pennsylvania regiments at the great Battle of Gettysburg, July 1, 2, and 3, 1863, and who had just enlisted prior to its commencement, and who by receipt of wounds or injuries could not serve in the Army afterwards, would be deprived of the benefit of an age pension act. More than 12,000 of these men participated in that memorable battle, the sixteenth decisive battle of the world, many of whom still survive.

Under the provisions of the Sherwood bill these survivors and those in like cases are amply provided for. I shall vote against the section of the bill prohibiting those who have a net income of $1,000 or more from receiving the benefits of the act. I shall vote against the provisions of the bill relating to soldiers' homes. It unjustly discriminates against the inmates of such homes. Many of the inmates of our soldiers' homes are without families and know not the meaning of a home. Many of them have no other place to go, and to deprive them of this privilege in their declining days would be an extreme hardship. It is estimated that 20,000 would be affected by this provision. While it is asserted that this provision of the bill would save the Government some thousands of dollars, our magnanimity should forbid us from depriving the inmates of these homes of the privileges that they now regard as sacred. We can afford to be magnanimous toward those who went out during the trying days of the Civil War and by deeds of valor and heroism kept intact the Union; but for their privations and patriotism we might not to-day be known as one of the great powers of the world and our flag respected by all nations.

The statement has been made by the gentleman from Illinois [Mr. EVANS] that the bill under consideration is inartfully drawn and is patchwork and piecemeal legislation. This indictment is absolutely without foundation. He asserts that the second section is so inartfully drawn as to include the soldiers of the Southern Confederacy. I am at utter loss to understand how he can come to any such conclusion. It is a fundamental rule of construction wherever English jurisprudence exists that any legislative act must be read from its four corners. A single sentence, a single paragraph, or a single section can not be segregated from the whole. The enacting clause of the bill is to grant service pensions to certain defined veterans of the Civil War. The first provision provides "that any person who served in the military or naval service of the United States during the Civil War," and so forth. To give full force to the full context of the bill no department or tribunal would construe the first section to include any other than the veterans of the Civil War.

The gentleman also criticizes the bill for the reason that it specifically states that it does not repeal any existing law, and says that the bill is so crudely drawn that it does not refer to other statutes. Had the gentleman been familiar with like legislation, he would have discovered that the author of the bill simply followed the usual practice in such matters. Not being satisfied with his onslaught against the provisions of the bill he saw proper to attack the report accompanying the bill. He characterizes the report "for a want of common sense." In justice to that grand old veteran, the chairman of the Invalid Pensions Committee, who won his spurs in the line of duty on the field of battle, I must say that this charge made by the distinguished gentleman smacks of maliciousness and exhibits a want of common propriety. The report filed by the chairman specifies that there would be a great saving to the Government on account of the examining physicians; that under the provisions of the bill the services of a pension examiner would be practically eliminated. The distinguished gentleman says that there is neither reason nor sense in the assertion. Had he given this question any consideration whatever he certainly would have discovered the fallacy of his position. Any applicant, under the pending bill, will not be required to secure a certificate from the board of pension physicians; proof of service will be the only proof exacted from him. Those who are now receiving pensions, under existing laws are required to make proof of disability arising from wounds or injuries received while in the service, will become pensioners under this act, if vitalized into law, without such proof. Less than 3,000 pensioners were placed upon the roll for the fiscal year ending June 30, 1911, who had never been pensioned before under existing law. Most of the examinations now required are those for increase of pensions, and it is safe to say that the majority of such applicants were receiving far less than they would receive under the pending bill. It therefore follows that these examinations would be reduced to a very limited number, and the usefulness of the examining board will have vanished.

We expended for medical examinations last fiscal year $206,768, and I assert, without fear of contradiction, that the bulk of this will be saved to the Government by enactment of the pending bill. In addition to that, we expended the last fiscal year $283,219 for special examinations. This sum was expended for salaries, per diem, and expenses. Enact this bill into law and we will have little use for the special examiner, thereby saving practically all of this sum to the Government.

The gentleman also asserts that there was appropriated for the payment of pensions last year on account of the Civil War $157,200,000. In his extreme ardor to cast reflections upon the integrity of the bill under consideration he exemplifies a total disregard for truth. The figures he gave included the total appropriation for pensioners of all wars and the regular establishment. The amount disbursed as pensions for the Civil War is estimated to be about $101,000,000—a little mistake of the gentleman of nearly $57,200,000. He characterizes the report of the committee as guesswork, but when analyzed his argument is punctured with inaccuracies. Finally, he proposes to submit the entire pension subject to a commission to codify the law, in face of the fact that no department has made such a demand and no complaint against the existing pension laws exists.

It has been said upon the floor of the House, and by a Member on this side of the Chamber, that this measure is in defiance to the policy of Democratic economy. Every dollar expended in pensions is paid in extinguishment of a debt due from the Government to the old veteran for services rendered. Such services as were performed by the soldiers of the Civil War can not be measured by dollars and cents. It is not only for the sufferings and hardships endured and the many sacrifices made for which we are indebted while in actual war, but, in addition, accomplished results. Through their valor, their ennobling efforts, the greatest Republic in all history is an accomplished fact, and enduring. Suppose it will cost $75,000,000 more than the present laws provide for, it can not last but a few years. We can easily meet this increment by enforced retrenchment in a few of the great departments of the Government. This has been clearly demonstrated in the administration of the Post Office Department, and without impairment to the efficiency of that service. We can build fewer *Dreadnoughts* to deteriorate to worthlessness in less than a decade. The great Army and Navy appropriations, approximating $300,000,000 annually, can easily be curtailed without impairment to the national defense. The millions we annually expend in the attempt to improve harbors and rivers can be more economically expended, the appropriations for such purpose cut down by the millions. We can reduce the 18 pension agencies now established to 1 office located at the great Capital of the Nation, pay the old soldiers by check, and thus simplify this arm of the service, thereby economizing to the extent of several millions. The prohibitory tariff of 1.90 cents per pound on sugar, one of the prime necessities of life that must be upon the table of the poor as well as the rich, can be reduced one-half, and add millions to the public revenues. We can compel the Sugar Trust, the recipient of the prohibitory tariff on that article, to give the Government honest weight upon importations and realize some millions. The great departments of the Government, literally honeycombed with extravagances, may be conducted more economically; and if so, millions can be realized with which to reward the old soldier in the infirmities of his declining days. Let justice be done.

The Sherwood Pension Bill.

SPEECH

OF

HON. J. CHARLES LINTHICUM,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 12, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. LINTHICUM said:

Mr. SPEAKER: I want only a few moments of the time of this House to place on record my views of this bill. No man can read or recall the stirring history of our Civil War without increasing admiration for the men who wore the blue and those who wore the gray, and without more reverent regard for the depth and purity of that patriotism which has ever filled our land and caused men to unselfishly lay their lives upon the altar of their country for what they believed to be the right.

The lithe, active, full-blooded young boys and young men, drawn from the farm, the factory, and the shop, who made up the armies that were a part of the greatest military drama of modern history are now old men; their course of life is nearly

run, and in their declining days they ask only the support and care of the Government they so loyally served. As Maj. O'Hara has beautifully expressed it in his immortal poem, The Bivouac of the Dead:

The neighing steed, the flashing blade,
The trumpet's stirring blast,
The charge, the dreadful cannonade,
The din and shout are passed;
No war's wild note nor glory's peal
Shall thrill with fierce delight
Those breasts that never more shall feel
The rapture of the fight.

It is a significant fact that in this House we are to-day privileged to witness the spectacle of men who wore the gray urging this pension measure, that those who opposed them in that great strife may be protected and cared for in their old age by the country for which they fought. This is something which testifies more convincingly and eloquently than any words that may be uttered in this Chamber that we are a reunited people, and that the sectional feeling which once existed above and below Mason and Dixon's line is a thing of the past.

We Democrats of Maryland claim that our State is a part of the "solid South." But, notwithstanding that the sympathies of a great portion of our people during the Civil War were with the Southland, we have never failed to recognize the valor and patriotism of the men who wore the blue and been ever ready to accord them that justice to which they are entitled. Typifying this attitude of our State, there stands near the entrance to Druid Hill Park, in the city of Baltimore, a beautiful monument in memory of the Union soldiers of Maryland. This monument was erected under the act of a Democratic legislature, signed by a Democratic governor, and my work for this measure, when a member of the Maryland Senate, is one of the pleasantest recollections of my life.

Our State also maintains a Confederate soldiers' home, where are tenderly cared for in their declining days the men who once wore the gray and gave the best that was in them to the institution has always been appropriated the necessary funds "lost cause." And be it said to the credit of our Commonwealth, regardless of whether a Democratic or a Republican administration has been in control of the affairs of our State, this to provide for the wants of its venerable inmates.

At the last congressional election hundreds of thousands of veterans all over this country, who have for years been assiduously schooled and instructed by Republican politicians in the belief that the Democratic Party was inimical to them and that they could never hope for fair treatment at its hands, went to the polls and cast their votes for Democratic candidates under the final conviction that from no other source could they obtain justice. It is amusing, Mr. Chairman, to hear some men declaiming now that this is not a party question. Very properly it is not. But our friends on the other side of this House have in the past permitted no opportunity to escape wherein they could make political capital of favorable pension legislation.

I fully recognize the justice and propriety of the objections which have been raised to this bill upon the ground that it gives to many undeserving persons pensions which they should not receive. However, these cases are in the great minority, and, notwithstanding the truth of such objections, I fail to see either the justice or equity of depriving thousands of deserving veterans of the help which they need and which this Government is in duty bound to give them, for the sole reason that a comparatively few undeserving may receive something to which they are not properly entitled.

It is true that the American people expect of us an economical administration of the affairs of this Government, but I do not believe they expect this economy at the expense of just treatment of our country's defenders. It is also true that this bill provides for the expenditure of a large sum of money, but when we consider the benefits which this Government derived from the services of these men there is to their credit a total in comparison to which all the moneys that will be expended under this bill will appear insignificant.

The Democratic platform of 1908 contained a provision declaring for liberal pensions to the old soldiers, and upon that platform I was elected one of the presidential electors of my party. My party having promulgated no other declaration upon that subject since that date, I take it that the one then announced should be regarded as defining the party's attitude upon this question and should be borne in mind when we come to vote.

I shall vote for and will be glad to see this pension measure passed by this House, and in connection with its passage I will have but one regret—the regret that it is not broad enough to include those thousands of loyal Americans who wore the gray, who did their duty, as they saw it, as loyally and truly as those who wore the blue.

The Sherwood Pension Bill.

SPEECH

OF

HON. J. HENRY GOEKE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 12, 1911,

On the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. GOEKE said:

Mr. SPEAKER: I shall vote for the bill under consideration for two reasons: First, because I believe that it is right and, secondly, because the platform upon which I was elected to this House contained a declaration, in plain and simple language, favoring the enactment into law of this bill.

The bill provides for a service pension not based upon age, but recognizing the services rendered by the persons affected thereby during the Civil War on behalf of the Union. The so-called Sulloway bill which is being urged by the enemies of pension legislation in this House is what is commonly known as an age-pension bill. If any further pension legislation in the interest of the old Union soldier is at all possible in this Congress, it must come through the enactment of the bill under consideration. For 16 years the Republican Party has been in absolute control of the legislative and executive branches of the Government, and during all that time nothing has been done of any substantial nature in behalf of the surviving Union soldiers of the Civil War. During the Sixty-first Congress the House passed what is known as the Sulloway age-pension law, which will be offered as a substitute for the pending bill, but the other end of the Capitol failed to even give it consideration. The Invalid Pension Committee of this House, of which my colleague, the venerable ISAAC R. SHERWOOD, has the honor and distinction of being the chairman, after a careful canvass of the situation assure us that an age-pension bill has no chance of being enacted into law by reason of the opposition thereto at the other end of the Capitol and the White House, and that if any pension bill can prevail at all it must be along the line of a service pension measure.

The Invalid Pension Committee has approved H. R. 1, the pending measure, the same being, on principle, in line with the dollar-a-day pension bill first introduced by the Hon. ISAAC R. SHERWOOD in December, 1907. A bill of a similar nature was also reintroduced in December, 1909, by the same author, and was pending in the Invalid Pension Committee up to March 4, 1911, the end of the Sixty-first Congress. The present bill does not repeal or modify a single existing pension law. If the soldier is so situated that other existing pension laws will afford him better relief than the pending measure if enacted into law, he is in no wise hampered nor is he required to invoke the provisions of this bill.

A service pension proceeds upon the theory that a soldier who fought in behalf of the Union during the Civil War rendered services for which he has not been fully compensated by our Government, and the Government therefore tacitly acknowledges a bona fide existing indebtedness in behalf of such soldier, and that, by the enactment into law of this bill, the Government is only authorizing the payment of its lawfully existing indebtedness. No one will claim that the men who fought the battles of the Republic for more than four long years were ever fairly compensated for the services they rendered, the hardships they endured, or the pleasures they forewent in behalf of their country. It can in no wise be regarded as a gratuity or a charity, but it simply means that the Government will pay now what it ought to have paid during the war. It means that the Government being now rich, with unlimited resources and ample means wherewith to pay, will discharge a debt due and owing to the men who saved the Republic, which it was not able to pay at the time of the rendition of the services.

The age-pension bill, the principle of which is incorporated in the so-called Sulloway bill, proceeds upon the theory that a grateful Government, recognizing that men who fought for the Republic in the Civil War are now destitute on account of old age, will, as a matter of charity, make them a present of some amount to keep them from want. I can not help but feel that the great majority of the surviving Union soldiers prefer to be placed in a position of being creditors having a meritorious claim against the Government for services rendered and yet unpaid than to be placed in such a position. Of course, it is argued in favor of the age-pension bill, and the argument is plausible, that all Union comrades of the Civil War should

share alike 45 years after the war, and that the short-term soldier and the long-service veteran should be pensioned at the same rate. If this argument prevails, what will be the result? Take, for instance, a man who enlisted in 1862, when 16 years old, for 3 years, and served in 20 battles, being mustered out, say, in 1865, and then take a soldier who enlisted for 100 days, in 1864, at the age of 28 years, the former, being now 65 years old, would, under the so-called age-pension bill, draw a pension of $20 per month, while the latter, the 100-day man, who saw no service and was never at the front but is now 75 years old, would draw $36 per month. Or, in other words, a soldier having rendered 3 years' service and fought in 20 battles for the Union would receive $20 per month, while the 100-day soldier, who fought in no battle, but was in his home camp, would get $36 per month. I am quite sure that this would be an unwarranted inequality and so glaringly unjust that no one could defend it. In passing, however, I want to say that if, by a majority of the votes of this House, the so-called Sulloway bill is substituted for the present bill, I shall, sooner than to see all pension legislation fail at this time, notwithstanding its gross inequalities, give it my support.

House bill No. 1 (the Sherwood bill) provides four classes—$15 per month, $20 per month, $25 per month, and $30 per month, rated on the length of service, the average rate, as reported by the committee, being $22.50, or $270 per year. The average rate per man during the year ending July 1, 1911, was $191.41. The average increase under House bill No. 1 would be, therefore, $78.59. The four classes above referred to are regulated as follows: Soldiers who served 90 days and not more than 6 months, $15 per month; 6 months and not more than 9 months, $20 per month; 9 months and less than a year, $25 per month; and the soldier who served 1 year or over, $30 per month.

There are, however, two provisions in this bill that I feel are objectionable in a service pension bill. If a service pension is based upon the principle of an existing indebtedness for services rendered in behalf of the Union during the Civil War, then the payment for such services ought to be made to persons coming within the various classes hereinbefore enumerated, regardless of their present whereabouts in this country and also regardless of their present financial status. It would be against the very principle of a service pension bill to discriminate against any part of the several classes affected thereby. To my mind the provision "that no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers; and no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more under this act" destroys the very basic principle of a service pension, and I shall support an amendment to strike this limitation or provision from the bill. If the man who is able to live at home with his family or with his friends is entitled by reason of services rendered for his country to a pension of $25 or $30 per month, I can see no good reason why the soldier who is less fortunate and less happily situated, and compelled to go to an unattractive public institution for want of any other place to stay, should be barred from receiving the same pension. In fact, the soldier now confined in the soldiers' home would, if he could, prefer a thousand times over to live at home or with his friends and receive no pension than to be confined in one of these homes at the maximum pension provided for in this bill, and therefore I hope that this House will disregard the recommendation of the committee in respect to this limitation and strike it out of the bill.

Then, there is another limitation in the bill that is just as incompatible with the principles of a service pension as the one that I have just referred to, and that is found in the following language:

> That no one shall be entitled to pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension that he may receive.

In addition to being against the principle of a service pension, it would probably cost more to carry into effect the limitation itself than to pay the soldiers who might be barred the amount of pension they would otherwise be entitled to. It would require evidence and proof in every case that the applicant for pension did not have a net income of $1,000, and so forth. It would require special examiners to prevent frauds, which would have a tendency to complicate the administration of the law. It would give the soldier who has a net income of $999 or less a year the full pension provided for under this bill, and the soldier who has a net income of $1000 or more per year would be barred from receiving the benefits of this bill. Why such a discrimination? Why not treat them all alike? Why punish industry, economy, and frugality? Why penalize the ownership of a little property? Why say to the soldier who, either by inheritance or his own economy and industry, has accumulated a little property, that your services rendered during the war are not worthy of being compensated because you have a net income of $1,000 per year, and yet the services of your neighbor, who has an income of $999 per year, are worthy of compensation at this time? I hope that the House will strike out, by way of amendment, this limitation in the bill.

The provision in the bill that a maximum pension of $30 per month shall be paid to all who were wounded or disabled in the service, even if they did not serve 90 days, is, in my judgment, a fair and proper provision. Under existing legislation and laws it has been determined that a man who has served less than 90 days in the war can not receive a pension, but by the provisions of this bill, if a person who served less than 90 days was either wounded or disabled in the service, he receives the maximum pension of $30 per month. I believe that this provision ought to remain in the bill.

With the objectionable features referred to eliminated, I believe that the bill would be better received by the surviving soldiers of the Civil War and by the people of the country as well, and that it would, in fact, be the best and most righteous pension measure that has ever been enacted into law by this or any other Government. While, of course, the bill would not be perfect, and, no doubt, would not satisfy everybody interested, yet it must not be forgotten that absolute perfection is rarely attainable in human affairs, and that no matter what the terms of the measure might be, it would always be open to criticism and objections. If by reason of such unavoidable imperfections in the bill some one or more of the old veterans are not amply provided for, the same can be corrected in each instance by a special act of Congress, as has been the custom heretofore.

It is argued by some of the Members from the Eastern States, and especially the State of New York, that this bill ought to be defeated, because it involves the expenditure of too much money. If a service pension bill is a recognition of the existence of an indebtedness on behalf of the Government to the surviving Union soldiers of the Civil War, then, in view of the fact that the Government is amply able to pay whatever amount is necessary by the provisions of this bill, it is no argument against this bill to say that it would require large sums of money to meet the appropriations necessary thereunder. The battles of the Republic in the Civil War were not won by the wealth of the country, and yet the wealth of the country, the enormously rich people in this Republic—the millionaires and men with large incomes and swollen fortunes—have received as much benefit, if not more, from the results of the victories won by the soldiers of the Union in the Civil War than other citizens have received. The idle rich of this country, as well as the industrious rich and owners of immense fortunes and large incomes, have never paid their full share of the burden of taxation, and yet they have been ever ready to enjoy all the benefits of the Government. I believe that within a very short time a sufficient number of States will ratify the amendment to the Constitution authorizing the enactment of a properly graded income-tax measure, so that the wealth of the country can be forced to pay its just proportion of the expenses of conducting the Government, and if there is no other way wherewith to pay the sums required by the terms of this bill, I suggest that the income-tax provision, when it becomes a law, be employed to raise sufficient money to pay the same. By that method the burden would fall where it really belongs, and while the Government would be paying an existing indebtedness, it would likewise be collecting from people who are indebted to this Government the sums that should have been paid into the Treasury years and years ago. I have no sympathy whatever with the argument that the Government is not able to pay, or ought not to pay, the appropriations necessary under this measure, and the argument can only be put forth by the enemies of this bill, well knowing that the same is neither sound nor entitled to even respectful consideration. I do not believe in commencing the practice of economy by depriving the men who saved the Union of that to which they are justly entitled.

If economy must be practiced in order to meet the appropriations required by this bill, let us suspend the building of battleships; let us quit the practice of increasing salaries of public officials; let us cut down the extravagance existing in every department of the Government; let us cut down enormous attorney fees paid by the Department of Justice and require the officials of the Department of Justice to do the work of that department under the salaries fixed by law; let us practice economy in the hundreds of other ways that are open to us, without depriving the men who saved this Republic from a comfortable home and livelihood during their few declining years. Then, again, the appropriations that may be required by the

enactment into law of this bill will not continue a great many years. The old Union comrades of the Civil War are now dying at the rate of forty to fifty thousand per annum, and in the course of from 7 to 10 years very few will be among us. The time to do something for them and square our account with them is now and not next year. For every month that you wait 4,000 less are found upon the roll.

Mr. Speaker, I have no hesitancy in voting for this bill. I hope that it will pass the House and become a law before long. I hope that when the hour of adjournment comes to-night the venerable author of this bill, ISAAC R. SHERWOOD, who entered the service of the Union in the Civil War as a private and by his industry, perseverance, heroism, and great patriotism rose to the eminence of a brigadier general and was on the firing line in more than 24 battles, carrying with him to-day the injuries he received while fighting in defense of his country, may send to his comrades throughout the Union the glad tidings that a Democratic House of Representatives in the American Congress has this day passed the most liberal pension bill that has ever been passed by any legislative body in the world. Words can not express the debt of gratitude that surviving Union soldiers of the Civil War owe to their champion in this Congress for fighting their battles here. He fought for four long years to save the Union and had the supreme satisfaction of seeing the Union prevail; he has fought for four long years to secure a just and meritorious pension measure for his old comrades, and he will to-day win the fight. May he live long to enjoy the victory and find compensation and satisfaction in the knowledge that his old comrades richly deserve the benefits and good that may come to them by reason thereof.

Termination of the Treaty with Russia.

SPEECH

OF

HON. MICHAEL DONOHOE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 13, 1911.

The House having under consideration the joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia—

Mr. DONOHOE said:

Mr. SPEAKER: The pending joint resolution involves a matter of grave importance, affecting the rights of our citizens and the honor of our Nation. It seeks to abrogate a solemn treaty of 80 years' standing between the Government of the United States and that of Russia, and it gives as the reason for such abrogation that Russia, in refusing to recognize American passports, because of the religion professed by the holders thereof, violated the essential provisions of that treaty.

Article 1 of the treaty of 1832 says:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing and particularly to the regulations in force concerning commerce.

This article clearly states that any citizen of the United States shall have the right to sojourn and reside, while attending to his affairs, in any part of the Russian Empire, and that every subject of Russia shall have the same rights in the United States. This Government has faithfully lived up to the treaty agreement in letter and spirit, and, indeed, to all such treaties that it has made with the Governments of the world. With the exception of the coolie laborers of the Orient, the people of all lands are made welcome here. In the last decade more than 8,000,000 immigrants landed on these shores. Many of these immigrants have come from Russia or from those unhappy countries that are unwillingly under her sway, and they, indeed, have found here a blessed asylum, free from the galling tyranny that forced them to quit forever their native land.

And how has Russia kept her part of the pact? During the first 35 years of the existence of the treaty there was no difficulty and there was little trouble during the next 15 years, so that for almost 50 years no serious question arose between the two Governments as to the interpretation of the treaty. During those 50 years few immigrants from Russia came here, but during the thirty-odd years that have followed, since 1880, there has been a decided change in the domestic policy of Russia, especially as regards her Jewish subjects, with the result that vast numbers of those people have sought refuge here. And during this new exodus the treaty question has grown to be a serious one, as Russia has refused to recognize passports issued by the United State to citizens whenever these citizens happened to be Jews.

Now, the resolution before the House makes this proper declaration, which is in true accord with the spirit of our Constitution:

That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

The treaty of 1832 was negotiated during the Presidency of that, perhaps, sturdiest of American statesmen, Andrew Jackson. From what we have learned of the life and character of "Old Hickory," his love of justice, his fearless advocacy of the people's rights, his broad and liberal democracy, we may safely say that were he here to-day he would be amazed at Russia's brazen disregard of the solemn treaty obligation contracted in his time, and his voice would be raised in advocacy of the immediate passage of this resolution.

During the more than 30 years that the treaty rights of American citizens have been ignored by Russia and the American passports of our citizens rejected for no other apparent reason than that those citizens were Jews, the diplomacy of such brilliant statesmen as Blaine and Bayard and Olney and others has not been able to prevail against the stolid indifference of the Muscovite.

At this point I want to say that I do not believe that the people of Russia are to be blamed for the faults of the Russian Government. Their well-known bravery on the battle field and their characteristic coolness in the hour of danger stamp them as a great race, and my reading of their history not only makes me feel that there is a strong spirit of democracy in the Russian people, but gives me hope that that spirit will soon be able to so assert itself that there shall be an end to those disabilities, indignities, and cruelties that an autocratic government imposes upon the helpless victims of its inhuman hate. The murmurings of discontent, the rumblings of unrest among the masses, are the signs of a great awakening that is sure to result in the early triumph of the people's cause. As in other lands, where but yesterday the iron heel of heartless despotism was felt and where to-day the light of liberty is breaking, so in darkest Russia I am hopeful that the day is near when a brutal aristocracy shall make way for a hopeful democracy that will establish the fundamental principle of human equality.

This is not a Jewish question, although, naturally, Jews figure most prominently in it because they, more than any other element of our citizens, have family and other ties in Russia. It has been shown that Catholic priests and Protestant ministers, armed with American passports, have also been denied entry into Russia because of their religious beliefs.

It is not a partisan question, for both great parties have emphatically pledged themselves to insist upon the integrity of the American passport and the just protection of all our citizens abroad

The Republican national convention on June 19, 1908, adopted the following plank in its platform:

We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and we declare ourselves in favor of all proper efforts tending to that end.

And on July 4 of that same year the Democratic national convention, in its platform, made the following declaration:

We pledge ourselves to insist upon the just and lawful protection of our citizens at home and abroad, and to use all proper measures to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of our laws and the enjoyment of all rights and privileges open to them under the covenants of our treaties of friendship and commerce; and if under existing treaties the right of travel and sojourn is denied to American citizens, or recognition is withheld from American passports by any countries on the ground of race or creed, we favor the beginning of negotiations with the Governments of such countries to secure by treaties the removal of these unjust discriminations. We demand that all over the world a duly authenticated passport issued by the Government of the United States to an American citizen shall be proof of the fact that he is an American citizen, and shall entitle him to the treatment due him as such.

This, therefore, is a question broader than that of race or creed. It is a question that is higher than any material consid-

erations of trade and commerce. It is one that affects most gravely our Americanism. With us it is a proud boast that we are American citizens, and wherever we may go in other lands we want to feel that as such citizens we have ample shield in the protecting aegis of the Stars and Stripes. Entertaining such thoughts, I will gladly vote in favor of the pending resolution.

Let the treaty be abrogated, so that justice may be done and equality be insured to all our citizens. Its abrogation may, and I hope will, bring Russia to a sense of her indefensible position in her treatment not only of American citizens of Jewish faith, but of her Jewish citizens of Russian birth as well. And if its abrogation tend to strengthen the spirit of liberty in downtrodden Poland and stimulate to greater efforts the sons of that gallant race to which Europe owes so much and to which America's debt of gratitude is not small, I shall deem doubly glorious our work of this day. [Applause.]

Treaty Between Russia and the United States.

SPEECH

OF

HON. GEORGE R. MALBY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 13, 1911,

On the resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia.

Mr. MALBY said:

Mr. SPEAKER: My reasons for opposing the passage of the resolution having for its purpose the annulment of the treaty between this country and Russia are, briefly, as follows: That this treaty was signed between the two countries in 1832, and for more than three-quarters of a century it has served the purpose for which it was intended, and maintained our friendly and commercial relations, except that for several years last past certain citizens of this country, and in particular the Jews, have complained that Russia had discriminated against them in that their officials have refused to indorse their passports issued by the Government of the United States. It is for this refusal and none other that the passage of the resolution is urged.

Of course, if there was reason to suppose that by the passage of this resolution we could remedy the evils complained of, then such action on our part would be justifiable; but if, on the contrary, we have no reason to expect that Russia will modify her policy with respect to such of our citizens as they do not desire to have enter their territory, then, in my judgment, it is not justifiable, because it does not create a situation which will benefit anyone. Under present conditions most all of the citizens of the United States can secure permission from the Russian Government to enter their territory for either business or pleasure. If the treaty is repealed none of our citizens, either Jew or gentile, will be able to visit Russia for business or for pleasure, either with the consent of the United States or of Russia. Certainly the situation which will then exist will not improve present conditions as to anyone, but will work great harm as to many others who now enjoy that privilege. So that, so far as I have been able to discover, the result of our action is to benefit no one in this country, and besides it will undoubtedly greatly interfere with the amicable and friendly relations which have so long existed between the two countries.

Another reason is that any hostile action on our part can not be viewed otherwise by the Russian Government than as an act of hostility and unfriendliness which will not prove beneficial to the citizens of this country or to the Jews in Russia. On the contrary, it is reasonable to suppose that even their present depressed condition would be made much more burdensome than it now is and without the possibility of any friendly intervention on the part of the United States.

I think that those who are responsible for the passage of the resolution have hardly given serious thought to the conditions which would exist after the treaty had been repealed, for had they done so they very clearly would have seen that they had not improved the condition of our citizens of whatever nationality. Besides, it must be remembered that there are two sides to this case. While we hold that Russia is discriminating against our citizens contrary to the provisions of our treaty, the Russians maintain that there is no such discrimination within the provisions of the treaty. On the contrary, they hold that as a matter of right and necessity they must retain the power to determine what citizens shall be privileged to enter Russia for any purpose. Neither is this construction on the part of Russia peculiar to the citizens of the United States, for exactly the same rule applies to the citizens of all other civilized countries of the world with which they have treaties exactly in the form of our own. Great Britain has directly conceded that Russia's interpretation of the treaty with them upon the subject is correct. It must also be borne in mind that under the laws of Russia all Jewish people are confined to certain provinces and localities and are not permitted in other portions of Russia for any purpose. It will therefore be observed that the rules which they promulgated for the Jewish people of other countries are precisely those which they enforce as to their own people.

It is perhaps unimportant that during the past year only three Jews were denied admission into Russia, while several others were actually admitted. It does demonstrate, however, that Russia, in her desire to be friendly with the United States, has not uniformly enforced the rule, but only in such cases as they saw fit. It is a very grave matter, indeed, for one country to break off friendly relations with another, and personally I have not believed that any such conditions existed as would justify the Congress of the United States, in passing a peremptory order directing the President of the United States to give notice that this treaty of such long standing between friendly nations should at the expiration of a given time come to an end.

Neither do I believe—at least we have no information—that diplomacy has been exhausted in an effort to bring about more desirable results; and until all reasonable efforts have been exhausted we are not justified in taking such an important step.

That Russia will change her policy there is no reasonable hope—at least when approached in this unfriendly manner. She will undoubtedly maintain the right, as we ourselves do, and have in many instances, to refuse entry to such citizens of foreign countries as we thought just and proper, and hence I regard our whole procedure as ill-advised, unnecessary, and unwise.

The Eight Hour Law.

SPEECH

OF

HON. JESSE L. HARTMAN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 14, 1911,

On the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. HARTMAN said:

Mr. SPEAKER: I am heartily in favor of this bill and will vote for it with a great deal of pleasure. It has always been the proudest boast of Americans that in our great country the scale of living and opportunities for culture and improvement of the workingman were better than in any country in the world, and there is nothing so conducive to such self-improvement as a working day short enough to leave the workingman time for proper relaxation and intelligent application.

In many branches of industry it has also been fully demonstrated that the eight-hour day is a profitable adjustment of time, as it increases the capacity of the workman by allowing him more time for rest and recuperation.

It is above all important that in its treatment of labor the Government should set an example of generosity and humanity, and that as it is expected that all who work for the Government shall give the best service they can, so the Government in return should certainly give its employees in any and every capacity the very best treatment.

Finally, any legislation for the betterment of labor in any way is good sound Republicanism, as the history of labor legislation in both National and State legislative bodies will show; and it is therefore a pleasure as well as a duty to support this measure, both as a man with long and intimate association with labor and deep sympathy with the workingman's struggle for betterment and as a Republican who is in accord with his party's past record on labor questions.

Eight Hour Workday.

SPEECH

OF

HON. EDWIN E. ROBERTS,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 14, 1911,

On the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. ROBERTS of Nevada said:

Mr. SPEAKER: In the discussion of this question let me say at the outset that the perpetuity of our institutions rests largely upon the character of our American homes. The real American home is one where love, knowledge, and patriotism prevails and around whose doors the children romp and play and where the head of that home is engaged in some sort of lawful employment or labor. That home may be on Fifth Avenue in New York City or, perchance, in some rugged gulch of a western mining camp; but it is home just the same. The character of that home depends not only upon the head of the family, but upon the protection he is afforded by his employer or by the State or Nation in the line of his employment as regards hours of labor or the compensation he receives for the services he renders. His home may be a rented one, as is most often the case in our large cities, and his hours of labor may be so long and tedious that he is compelled to leave home at an early hour in the morning—long before his children are up—and labor until late in the evening, and if he has a great distance to go his children are asleep when he returns at night. Then he is kept away from his family, from their companionship and their association, and they grow up without a knowledge of each other. He has a small salary and most of that goes for rent, and he has no time for recreation or pleasure, for education or reading, and no time to devote to the ones he loves and for whose future welfare he is most responsible. The time was when it was different in this country. Our population was not so great and our cities were not so congested. Our mines, mills, and factories were operated upon a smaller scale and competition for places to labor was not so keen. As time goes on competition will increase, our congested centers will continue to multiply, and the health and safety of our workers will needs be more carefully safeguarded. The struggle for an existence has become so keen that for the good of the whole people—society at large—as well as for the individual himself it has become necessary for the individual States as well as the Federal Government to come to the relief of those who labor for others. Throughout the country the laboring people have by organized efforts improved their conditions materially the past few years, and what was once looked upon as unreasonable and ridiculous has become a reality. The hours of labor have been shortened in many States and in some of the departments of the Federal Government, and from now on a constant improvement will be made, not only in the hours of labor, but in the surroundings of the laborer, all of which will tend to improve the conditions and character of the American home.

The tenement house and the hovel are sure to go. Many municipalities are taking steps in that direction now, and a general uplift of the conditions that exist in the mines, mills, and factories is as certain to come as the landlord is on rent day. Eight hours a day of earnest labor is enough for any man or woman, and entirely too much under the conditions which exist in many of the places where labor is performed. As civilization progresses, more care and vigilance should be taken by the State and Nation in the care and protection of the laboring classes. By so doing the character of the work performed will be improved and the general standard of our citizenship raised. Every man, woman, and child who labors needs some time for recreation and some time for rest. Life must indeed be a dreary existence when the hours are such that there is no time for anything but labor and sleep. Eight hours for work, eight hours for recreation, and eight hours for sleep should be the proper division of the day's 24 hours.

I am in favor of this bill and hope to see it pass. I am in favor of extending the provisions of this bill whenever practicable, and I venture to say that it will be extended materially during the next decade. Some people urge that it is unnecessary for the State or Nation to interfere in matters of this kind, but I must say that it is not only right but it is the duty of both State and Nation, and the only trouble is they have not gone far enough along certain lines.

When hundreds of men, women, and children are huddled together in insanitary surroundings, toiling long, tedious hours in our mines, mills, and factories, it is a disgrace for any State to permit it. It simply means the grinding out of the lives of those workers, when by proper restrictions they might not only have been saved, but the work which they perform have been of a better grade and without any loss to their employers. The employer does not gain by keeping his laborers working long and unreasonable hours. A man or woman can stand just so much. There is a limit to human endurance. The work of a man or woman who is tired and weary can not be classed with the work of the one who is fresh and alert. Especially is that true where skilled labor is required; but the unskilled laborer needs the protecting arm of the Government thrown around him just as much as the skilled laborer.

There is nothing better to see than a crowd of laboring men with their dinner pails going to their homes after an eight-hour shift, when they receive adequate compensation and have proper surroundings in which to work; to see the little ones run out to receive their evening kiss; to see the mother of the home greet the husband after his day's work, and all sit down to their dinner table and partake of the home-prepared meal. After the dinner their time is for reading or for other recreation. The husband enjoyed the meal because he had the appetite. He came honestly by it. He worked for it. All are happy.

That is the sort of home I would like to see every workingman have. The State I represent is full of such homes. Our men work eight hours a day. They receive high wages. We have an eight-hour law, and it is there to stay. People who first thought that the State would go to the "bow-wows" if an eight-hour law were passed are now realizing what it means. It means stronger, happier, healthier, and more contented men and better work. It means that our laboring people have the time to enjoy some of the good things of life and are not compelled to "slave" their lives away. It means that the laborer has time to read and take an interest in the affairs of state. It means that he has ambition, and energy not all spent. It means that the home of which he the head is a real American home, which is the mainstay of our institutions.

Nevada with its 109,700 square miles is an empire in itself. Do you know that we have room in our State for the entire population of the United States, and could give every man, woman, and child—amounting to over 90,000,000 of people—something more than three-fourths of an acre of soil? Yet with all our room, with all our wealth, with all our resources, we took the precaution to legislate for the welfare of our workingmen.

Congested cities and Commonwealths of the East, the North, and the South, with all your wealth, with all your culture, with all your population, with all your early sacred historical associations, you can well turn westward and learn something concerning the treatment of your laboring men. Tear down your tenement houses, build playgrounds for your children, shorten the hours of labor in your mines, mills, and factories, prepare sanitary surroundings for the ones who labor, deal fairly with your employees, pay them a living wage, and assist in raising the standard of our citizenship. The Government is spending millions of dollars annually to raise the standard of its crops and cereals, to reclaim arid lands, to improve its rivers and harbors, to educate its people up to an advanced stage of living, but what is it doing to improve the physical and moral conditions of its people? Much can be done along these lines, and I believe that this bill is a step in the right direction. I shall cast my vote for it, and I trust that the vote will be unanimous. But you say, What is to be gained physically and morally by reducing the hours of employment to eight hours per day? Why, my friends, we have philanthropists who are spending millions of dollars in furnishing and equipping libraries, and in creating parks and other places for public amusement, and endowing great universities and colleges, erecting churches, and yet the poor laborer whose hours of labor are too long and tedious can not enjoy or receive the benefits of any of them. What time has he for reading or other recreation? None. He is glad enough, after he eats his scanty meal, to crawl into bed and rest his weary bones. He has no time for church nor society. No time to improve himself either physically, mentally, or morally. He has no time to look out for and advance the interests of his family circle. He becomes simply a part of the machinery itself, and life holds little in store for him or those dependent upon him.

The individuals make up the Nation, and every undesirable member of society makes the Nation just that much weaker. I think too often some of our employers seek out some par-

ticular downtrodden class of men who will work the longest hours, content with any kind of surroundings and any kind of wages. That sort of action is unpatriotic. It is un-American. That is one reason why we find so many of the lowest type of the various races in our country to-day. They have known oppression all their lives, are used to it, know nothing else, and are willing to continue it in this land of liberty.

Our lowest scale of wages to them is much in advance of what they ever dreamed of at home. We invite foreigners, and we bid them come, but we do want that class which will assimilate with us and become a part of the body politic. We do not want the "scum and scourings" of creation nor that class of foreigners who come here merely for the purpose of making money to send home, where they themselves expect sooner or later to go and remain. We want that class of foreigners who come here believing in our institutions and who desire to become American citizens in the full sense of the word, and who will assist us in making our Government the best on earth.

There are some employers who would work their employees 24 hours a day if they could, but I am glad to say they are a small minority.

Let us bear in mind that the better the workingman is paid, the more reasonable his hours of labor, and the more sanitary his surroundings the better is he prepared to meet the duties of citizenship and to assume the responsibilities of a real home.

The Eight Hour Law.

SPEECH
OF
HON. CHARLES MATTHEWS,
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 14, 1911,

On the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. MATTHEWS said:

Mr. SPEAKER: Having formerly had many years' experience as a worker in the iron mills of western Pennsylvania and later being to some extent interested in works employing a large number of men, I feel that it would not be detrimental to the Government should this bill be passed in its present form.

In the district which I have the honor to represent are situated two of the largest tin-plate mills in the world, together with many iron and steel mills and other manufacturing plants. In all of these plants the 8-hour-a-day plan has been adopted. It has been said at times that the reduction of hours of labor from 10 to 9 and finally from 9 to 8 has added greatly to the cost of production. In practice, however, it has proven the reverse, as a man who works under the 8-hour-a-day law becomes less fatigued, his brain is more active, and he can accomplish as much in the 8 hours as he formerly could in 10.

Referring to section 2 of the bill, regarding armor and armor plate, the objection may be raised that in times of urgent demand for such material it would prevent the firms which have contracted with the Government from supplying the material contracted for in sufficient quantities to meet the emergency. This objection can be met with the statement that the large corporations referred to have installed a system commonly known as the "8-hour shift," by which they are enabled to keep their plants in continuous operation during the 24 hours, and by this plan the work can be completed much sooner and better material furnished than under the old system of a 10-hour day and overtime when rushed with orders.

So far I have spoken from the manufacturers' standpoint. Now, a word as to the benefits derived by the workingman from this system. He has more time to devote to his family, to much-needed rest, and to the study of the great problems of the day, and thus becomes a more contented and better satisfied man and a more useful and intelligent citizen.

It is therefore only just and also a more businesslike proposition, since the larger corporations have almost universally adopted this system because of the mutual benefit employed, that firms contracting with the Government be required to install a like system and place its employees upon a par with other workingmen. I therefore wish to go on record as favoring the 8-hour workday, and I will vote for this bill because it will better the position of the workingman.

Eight Hour Workday.

SPEECH
OF
HON. JOHN A. M. ADAIR,
OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 14, 1911,

On the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. ADAIR said:

Mr. SPEAKER: The pending bill, which limits the hours of labor on all Government work, meets with my approval, and I shall gladly give it my support. I have always favored an eight-hour workday. This bill provides that all contracts made, to which the United States, any Territory, or the District of Columbia is a party, shall contain a proviso or requirement of an eight-hour workday for laborers and mechanics. I am for this bill because it is in the interest of labor and because I believe it to be in the interest of the Government. The laboring men of this country are deserving of our sincere and earnest consideration. I stand to-day where I have stood all the time during my six years' service in this body, favorable to liberal legislation in the interest of those who earn their bread in the sweat of their faces. On February 17, 1910, in speaking to the House, I made use of the following language:

"Now, Mr. Chairman, the men for whom I speak to-day are looking to Congress for relief and are worthy of the most patient and careful consideration it is possible to give them. There are none who contribute more to society or to the greatness and grandeur of our country than the millions of men who mold and fashion out of our natural resources the products of the mills and the factories. In fact, it is the wage earners, no matter how or where employed, who produce a large part of the country's wealth and who at all times have been the Nation's surest protection in time of peril. Go back through the pages of history as far as you will and you will find that in all ages and in all times the men who earn their bread in the sweat of their faces have been the bulwark of society and have contributed much that has benefited and blessed the human race. And these are the men, the humble toilers of our country, whose lives at best are barren, compared with the upper classes, and devoid of anything but the hardest labor and the least expensive and simplest forms of pleasure, who appeal to us for relief. I contend, sir, that Congress has no greater duty to perform than to see that full and complete justice is done the millions of wage earners who constitute the greater part of our enormous population and who are to-day being ground down to a meager living by trusts and combinations which are building up colossal fortunes by controlling the output and fixing the price of many of the commodities of life. A careful investigation discloses the fact that practically everything consumed by the common people is controlled by trusts and combinations and have advanced with leaps and bounds until many of the necessities are now classed as luxuries. It is shown by statistics compiled by the Bureau of Commerce and Labor that the average increase in what the wage earner must buy is far above the average increase in wages, and these facts show conclusively that the present time is not a time of prosperity for those who work for wages or on fixed salaries.

"Statistics also show that the average wage paid to labor is about $1.50 per day, and with such wages it is next to impossible for the average man to live and keep even. In view of these facts, no time should be lost by Congress in the enactment of such legislation as will protect the people from the extortion of trusts controlling the output and fixing the price of the necessities of life.

"I know, Mr. Chairman, it frequently happens when a Member takes the floor and makes a plea for the common people he is classed as a demagogue by some New York trust-owned newspaper or by those who seem to think that government was instituted for them, and them alone, but if he takes the floor and advocates a million-dollar subsidy for some Wall Street corporation in the opinion of these same people he is a great patriot. So far as I am concerned, it makes no difference to me what I am called by this class of patriots. So long as I remain a Member of this House I shall use my voice and

vote in opposition to the commercial vampires who seek special privileges at our hands in order that they may build up stupendous fortunes wrongfully taken from the pockets of the people. I claim the right to speak for the plain citizenship of our country without my motives being questioned, for I was born and reared among them, in the atmosphere of poverty, and the interest I have in their welfare comes from my association with them and my knowledge of their needs and condition."

Mr. Speaker, my position with reference to labor is the same to-day as it was when I uttered these statements, and I stand here ready to cast by vote for this bill and any other legislation that will do full and complete justice to our great army of workingmen. In submitting his report on the bill the distinguished chairman of the Committee on Labor [Mr. WILSON of Pennsylvania] has well said that the introduction of labor-saving devices into the industrial and commercial life of the Nation has greatly enhanced the productivity of the worker in a given period of time. Naturally the workers have sought to secure some of the benefits of their increased productivity in the form of a shorter workday. In many industries in the country a maximum eight-hour workday has been established by mutual agreement between employer and employee. These trade agreements have had the effect of shortening the hours of labor in other lines of industry where no trade agreement exists. The result has been beneficial to the country at large by raising the moral, intellectual, and physical standard of the workers to a higher plane and improving the general standard of living.

It is conceded by many economists that the standard of living has as much to do with the rates of wages obtained as the rate of wages has to do with the standard of living. When, by virtue of a higher standard of living, people have become accustomed to the use of good food, good clothing, good homes, good schooling facilities, and good conditions of employment, they will not readily accept wages and terms of employment that do not enable them to continue these conditions. Notwithstanding these facts, wages do and will no doubt continue to fluctuate with varying industrial and commercial conditions. That is not the case, as a rule, with the shortening of the hours of labor. When a shorter workday has been established, it seldom occurs that there is a return to the longer workday, and therefore the lessening of the hours of labor almost invariably result in the permanent improvement of the conditions of the workers.

Mr. Speaker, I hope this bill will pass without a dissenting vote. The tendency of the times is toward the improvement and betterment of social conditions. For this tendency we are largely indebted to civic societies, philanthropic organizations, newspapers, and magazines, all of which are advocating legislation which will tend to improve the social, moral, and intellectual standing of our great army of working people. At a later date in the session I shall insist on the passage of other legislation that will reduce the cost of living and bring a much-needed relief to those who depend on their daily, weekly, or monthly wage for their support.

The Eight Hour Law.

SPEECH
OF
HON. WALTER L. HENSLEY,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, December 14, 1911,

On the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. HENSLEY said:

Mr. SPEAKER: I desire to take advantage of general leave granted Members in this connection.

I am entirely in accord with the purpose of this legislation; it is a step in the right direction. Through the enactment of this measure which we are going to pass the Government will set the standard at eight hours per day for all laborers and mechanics. Private employers can therefore no longer say that the demands of their employees in this respect are unreasonable when the Government has said that such demands are reasonable and just. It has been the policy of the Government for a great many years in dealing with its employees to keep pace with the highest standard in private institutions, and justly so; the Government should be a model employer. If, therefore, union labor had done nothing more than to give us this bill and kindred measures, which have been and are now under consideration, looking to the health, safety, and general advancement of employees, it would be entitled to the lasting gratitude of the country.

The bill provides—

That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract in the employ of the contractor or any subcontractor contracting for any part of said work contemplated shall be required or permitted to work more than eight hours in any one calendar day upon such work.

With proper penalty for violation of the provisions attached thereto.

It is not my purpose, Mr. Speaker, nor does it now seem necessary, to make an extended argument in behalf of this measure, as every conscientious and justice-loving citizen should favor its passage. It is just; it is honest; it is humane. I wish this Congress, as well as the people generally, could be aroused to a just appreciation of the rights of that great body of men who not only comprise the very foundation of our Government but who by their efforts produce the wealth and insure the stability of our Nation. If the true condition of these people were brought home to each and every one of this membership, then there should not, and, I believe, would not, be a dissenting vote in this House on this bill.

The Labor Committee of this House, of which I am a member, in reporting this bill back to the House and recommending its passage, submitted a report therewith from which I wish to quote. We say:

These trade agreements have had the effect of shortening the hours in other lines of industry where no trade agreement exists. The result has been beneficial to the country at large by raising the moral, intellectual, and physical standard of the workers to a higher plane and improving the general standard of living.

It is conceded by many economists that the standard of living has as much to do with the rates of wages obtained as the rate of wages has to do with the standard of living. When, by virtue of a higher standard of living, people have become accustomed to the use of good food, good clothing, good homes, good schooling facilities, and good conditions of employment, they will not readily accept wages and terms of employment that will not enable them to continue these conditions. Notwithstanding these facts, wages do and will no doubt continue to fluctuate with varying industrial and commercial conditions. That is not the case, as a rule, with the shortening of the hours of labor. When a shorter workday has been established, it seldom occurs that there is a return to the longer workday, and therefore the lessening of the hours of labor almost invariably results in the permanent improvement of the condition of the workers.

The introduction into our industrial and commercial life of labor-saving devices has greatly increased the productivity of the laborer in a given time. Naturally and properly labor has sought to secure a just portion of the benefits from such increased production in the form of shorter workdays. The gentleman from Wisconsin [Mr. BERGER] said the average wage in this country in the year 1910 was $476 per man; the average gross return per man from such labor was $1,150, which, when you deduct the $476, the individual's portion, leaves $674, the employer's portion—the capitalist class, as my friend Mr. BERGER designated them. If these figures be true, and I have no reason to dispute them, then I declare it is an outrage. I say to you that in all fairness the men who toil are entitled to a just portion of what they produce, and these figures show conclusively that they do not begin to receive a just portion. If it had not been for the united efforts of the laboring people of the country in creating sentiment and in urging legislation upon these questions, the people who earn their bread in the sweat of their faces would be 20 years behind where they are to-day, and heaven knows they are not very far advanced, financially, even now.

Union labor is largely entitled to the credit for such reforms which mean so much to the laboring people. Therefore the increase of wages; the advance of intelligence; the decrease of ignorance, pauperism, and crime; the use of improved methods of production; and the consequent cheapening of production should result in shortening the hours of labor. I have a great body of wage earners in my district, and whenever and wherever I can advance their interest by relieving the burden that bears so heavily upon their shoulders I propose to do so. I am sure such action as this on the part of the Congress of the United States will not only meet their hearty approval but will meet the approbation of every fair-minded citizen throughout the country. I hope to see the bill pass this House unanimously.

Admission of New Mexico and Arizona.

SPEECH
OF
HON. HENRY D. FLOOD,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 19, 1911.

The House being in Committee of the Whole House on the state of the Union and having under consideration House joint resolution (H. J. Res. 156) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States—

Mr. FLOOD of Virginia said:

Mr. CHAIRMAN: The resolution reported by the Committee on the Territories and just read is identical with House joint resolution 14, passed by this House on May 23 by a vote of 214 to 58 and the Senate by a vote of 53 to 18, except the provision which makes the elimination of the recall of the judiciary in the constitution of Arizona a condition precedent to the admission of that Territory in the Union as a State. So far as that one provision is concerned the pending resolution is framed to meet the views of the President of the United States as expressed in the message transmitted to this House on last Tuesday.

If this resolution becomes a law, which I believe it will, it means that there will be no effort to pass House joint resolution 14 over the President's veto. The Committee on the Territories did not give up their desire to pass that resolution over the Executive veto willingly, but we recognized that while we might succeed in that effort in this House we would probably fail at the other end of the Capitol, and the result would be that this session of Congress would adjourn without the admission of these Territories to statehood.

House joint resolution 14 was so fair in its provisions to both New Mexico and Arizona, to the reactionary and progressive elements in these Territories, that it was difficult for its advocates to believe that it would not meet with favorable action in both branches of Congress and by the President also. Indeed, Mr. Chairman, the provision incorporated in House joint resolution 14, in reference to the recall of the judiciary in the Arizona constitution, was in exact accord with what the Committee on the Territories understood to be the views and desire of the President upon this question, as a subcommittee from that committee gathered from an interview with the President.

In bringing in the pending resolution the members of the committee realize that it violates the principles of local self-government, a principle which we believe is of far greater importance than the administrative feature of the Arizona constitution by which they proposed to remove unsatisfactory judges. When the President of the United States recognizes that the constitution of Arizona is republican in form, is not repugnant to the Constitution of the United States or the principles of the Declaration of Independence, and is in conformity with the enabling act, and still denies statehood to that Territory, and puts his views of what is a proper fundamental law for its people above their will and judgment, I believe his action is not only arbitrary but is a tyranny that threatens the basic principles of our national fabric.

Many of us do not believe in the recall of judges, but we do believe that under the principle of local self-government the people of Arizona have the right to determine whether they desire it in their constitution, and those of us on the Committee on the Territories here hesitated long before we could make up our minds to yield this principle. But we are confronted by a condition and not a theory; we must yield to the views of the President and permit the doctrine of self-government to be temporarily trampled under foot or the people of these Territories must be denied the right of statehood for the next two, or possibly, three years. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to continue for five minutes, because there are several matters that have been alluded to that I should like to refer to before I take my seat.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SIMS. I would like to ask the gentleman why the committee did not undertake to pass the resolution over the President's veto.

Mr. FLOOD of Virginia. I will say to the gentleman from Tennessee that we wanted to do it, but we were satisfied that such an effort would fail at the other end of the Capitol and statehood would be defeated. [Applause on the Democratic side.]

Mr. SIMS. Could not you have done it in the House?

Mr. FLOOD of Virginia. We could have done it here, but it would have given another body an opportunity to talk to the end of the session, and the result would have been that Congress would have adjourned and these Territories would not have been admitted as States. We felt, Mr. Chairman, that we were doing our duty more clearly by these people and the people of this country in surrendering our convictions temporarily on the question of local self-government in order to accomplish a great good to those people who had been under carpet-bag government for the last 50 years [applause on the Democratic side], and the people of Arizona take that view of it. I have a number of telegrams that I will read here:

PRESCOTT, ARIZ., *August 16.*

Hon. CHAMP CLARK and associates,
House of Representatives, Washington, D. C.:

The Democratic Party of Arizona is eternally grateful for the statesmanlike action of the Democrats of House and Senate in passing the Flood resolution. The responsibility for nullifying it is now on the President alone. We now earnestly beg you, if the bill can not pass both Houses over his veto, to amend the Flood resolution in the single particular of making the elimination of the judiciary recall mandatory and pass it again before the special session ends. The President's action, following the stand the Democrats took for Arizona, relieves the Democratic Party of any responsibility for the coercion, and Arizona will go overwhelmingly Democratic. The people of Arizona and the Democratic Party earnestly petition you thus to give us statehood.

J. P. DILLON,
Chairman Territorial Democratic Central Committee.

Attest:

J. H. ROBINSON, *Secretary.*

PRESCOTT, ARIZ., *August 16, 17, 1911.*

Hon. H. D. FLOOD,
House of Representatives, Washington, D. C.:

If Congress can not pass Flood resolution over President's veto the people of Yavapai County ask you most earnestly to give us statehood, but through the Flood resolution amended only in the judiciary recall feature and in no other. We pray you to take this action during this special session. The people of Arizona thank you heartily for standing by the Flood resolution, which was what they desired.

YAVAPAI COUNTY STATEHOOD LEAGUE,
By M. G. CUNNIFF, *Chairman.*
H. R. WOOD, *Secretary.*

PRESCOTT, ARIZ., *August, 1911.*

Hon. H. D. FLOOD AND FRIENDS,
Washington, D. C.:

Unless your resolution can be passed over veto by both Houses, would urge you to give us statehood with recall of judiciary left out of our constitution. For the coercion the President and his party will be responsible, and Arizona should—and I believe will—go Democratic by a large majority.

MORRIS GOLDWATER,
Vice President Constitutional Convention,
Mayor of Prescott.

PRESCOTT, ARIZ., *August 18.*

Hon. HENRY D. FLOOD AND ASSOCIATES,
House of Representatives, Washington, D. C.:

If veto can not be overridden in both Houses, you are urged to give us statehood under the Flood resolution, amended only by making the elimination of the judiciary recall mandatory. The President and the Republican Party must bear the whole responsibility for the coercion. Arizona will go solidly Democratic.

JOHN LAWLER,
Chairman of Yavapai County Democratic Central Committee.

I do not wonder that a telegram like that makes Republicans wish to shut off this debate. [Applause on the Democratic side.] This was signed by the chairman of the Democratic committee of the Territory of Arizona and the secretary of that committee.

Mr. RAKER. Mr. Chairman——

Mr. FLOOD of Virginia. Oh, I can not yield unless my time is extended. I say the Democratic Party did its duty by the people of these Territories. We tried to make the Republican Party keep the platform pledges that it made in reference to admitting these Territories, but they will keep them in letter, if they keep them at all, and not in spirit. We were met with this condition, that unless we yielded to the views of the President these Territories would probably be kept out of this Union for three years. As long as the present occupant of the White House stays where he is we can only pass a resolution of this character. It will be November, 1912, before the people of this country elect a Democratic President. [Applause.] It will be March, 1913, before he assumes the duties of that great office [applause], and it may be December of that year before a Democratic Congress assembles under that administration. That would mean three years' delay for the people of these Territories. We believe, Mr. Chairman, that justice to those people and the pledges in our platform and our promises to the people of this country make it incumbent upon us to surrender any personal views that we have if by so doing we can

get those two States into this Union immediately, and I hope that every Democrat will vote to admit them under this resolution. [Applause.] We have not been able to get the Republican Party to do its duty, but we have put them in a position where they are bound to admit these Territories at this session of Congress upon this resolution.

Let us admit them, Mr. Chairman. Let us add two more stars to the American flag, and let these new States send their Representatives to this House and to the other end of the Capitol to express their aspirations and desires and to aid us in standing up for the fundamental principles of American liberty. [Applause on the Democratic side.]

Mr. Chairman, I want to state once more what I believe everybody knows, that any amendment will kill this bill. [Applause.]

The Metal Schedule.

SPEECH

OF

HON. BURTON L. FRENCH,

OF IDAHO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 29, 1912,

On the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. FRENCH said:

Mr. SPEAKER: I have already protested against the unreasonable manner in which this bill is being railroaded through this House, and I desire at this time to present a telegram that I received Saturday from one of my constituents. The telegram reads as follows:

WALLACE, IDAHO, *January 27, 1912.*

Hon. BURTON L. FRENCH, *Washington, D. C.:*

Telegrams to-day state "Underwood bill approved by Ways and Means Committee on third reading, House Calendar; puts zinc ore on free list and reduces duty pig lead and lead in ore to 25 per cent ad valorem." Protest against such sweeping reductions without hearing. Large interests affected. Please send copy UNDERWOOD and any other information which you may deem pertinent. Answer, our expense.

HARRY L. DAY.

This telegram is from one of the most responsible citizens of my State, a man who has risen from the ranks of the prospector, until to-day he is part owner of a mine that is furnishing the livelihood for hundreds of our people.

This telegram is from one who is not a member of the political party to which I belong, but who is a member of the majority party of the House of Representatives; yet, so far as I am concerned, his protest against the hasty action that is being taken should receive every consideration at my hands and from this body.

I also present other telegrams from responsible persons, which were sent me to-day. They speak eloquently of the importance of the lead and zinc industries to the West, and the unwisdom of legislation without proper consideration:

WALLACE, IDAHO, *January 29, 1912.*

BURTON L. FRENCH, *Washington, D. C.*

Underwood bill puts zinc on free list. If it becomes a law will kill the zinc industry of Idaho, for there is very small margin now and without a protective duty not a single mine of Idaho can pay expenses. Kindly use your best efforts to defeat the bill. If I can be of any assistance let me know. Wire answer, collect.

H. F. SAMUELS.

WALLACE, IDAHO, *January 29, 1912.*

BURTON L. FRENCH, *Washington, D. C.*

Principal lead producers of world in order of importance United States, Spain, Germany, Mexico, and Australia. World's price for lead outside United States fixed in London; reduction of duty to 25 per cent ad valorem would make this country market place for lead of the outside world, especially so at any time of surplus production the United States being the largest consumer as well as the largest producer. Lead miners in Idaho, among the highest paid workmen in the country, and they would be brought into direct competition with the workmen of the before-mentioned countries. Our wages are higher than those of any of the countries mentioned, and especially are they higher than those of Spain and Mexico, which countries are those best able to increase production. Spain probably pays as low wages as Mexico and produces lead at less cost. It is generally believed Spain can double its lead production if assured of a market and given a little time for development. The importance of this wage feature can be readily understood when it is known that approximately two-thirds of our cost of production is labor cost. The passage of the Underwood bill would reduce our output to the point where nothing but clean, high-grade ores could be produced. This would mean almost entire suspension of operations, as it is well known that this is not a high-grade camp. It would practically wipe out the pay roll which sustains this community. There is a growing zinc production in Idaho which is made on a very small margin of profit. This will cease entirely under lower prices.

JAMES F. MCCARTY.

WALLACE, IDAHO, *January 29, 1912.*

Hon. BURTON L. FRENCH, *Washington, D. C.:*

Underwood bill as passed by committee will so handicap production of lead and zinc in Idaho and Montana as to make our continued operations a very doubtful matter, and many producers within my knowledge will have to discontinue under prevailing wage scales. Any endeavor you may make to relieve the situation will be greatly appreciated by our stockholders and employees.

STEWART MINING CO.
LAFRANCE COPPER CO.
MONTANA ORE PURCHASING CO.,
By M. W. BABIN, *Manager.*

WALLACE, IDAHO, *January 29, 1912.*

Hon. BURTON L. FRENCH, *Washington, D. C.:*

Reduction of lead duty and free zinc would be serious blow to Idaho's mining industry. We could not compete with lead produced by cheap Spanish and Mexican labor. We understand that reductions of duties on raw products in the past have not lessened cost of ultimate consumers. Shoshone County development has been wholly due to the mining industry, and the population of this county is almost entirely, directly and indirectly, dependent upon this industry. Coeur d'Alenes is not a high-grade camp, and a reduction in lead and zinc would work disastrously. Even under present conditions properties here could not operate at a profit without silver by-product. There is also an important and rapidly growing zinc industry here, which a very small reduction in prices would wipe out. The crippling of or destruction of Idaho's mining industry would be far-reaching in effect, as agricultural, timber, and machinery and other industries would suffer indirectly, and prospecting and development of mineral resources would cease, with consequent great loss of investments.

FEDERAL MINING & SMELTING CO.

WALLACE, IDAHO, *January 29, 1912.*

Hon. BURTON L. FRENCH, *Washington, D. C.:*

Thanks your wire 28th. Regret short time available. Briefly, opposition to radical reduction in lead tariffs originally contained in Payne-Aldrich bill and now in Underwood bill is predicated on the conviction that such drastic changes as have been and are proposed would inevitably reduce the price paid for lead considerably. Lowering of this price is sure to be disastrous to ore producers and indirectly to those who find the mines their best markets for large quantities of foodstuffs, high-priced machinery, and manufactured goods. Consider that the western lead-ore miner takes from the depths 16 to 24 pounds of mine run to get 1 pound of lead; that he pays all cost of development, mining, milling, freight, smelting, refining, and delivery in New York of this pound of lead; that he further sacrifices 10 per cent of lead values, 5 per cent of silver values, and all gold under $1 and receives delivered in New York the munificent sum of 4.45 cents and gets his profit, if any, out of it. Only the best-paid skilled labor, the use of the finest machinery obtainable, cheap power, and application of close business methods permit of success. Errors of judgment are fatal. Any change of established conditions which seem to disturb the finely poised equilibrium of a vast industry should be scrutinized with the utmost caution.

HARRY L. DAY.

No copies of the pending bill, if mailed to my constituents at the time it was introduced, could much more than have reached them. My people have had no time to consider the features of the bill and to offer any suggestions with relation thereto.

This bill, as I have said, was reported without a hearing by the Ways and Means Committee and is being pushed through this House, following a course even more arbitrary than that which I have condemned with respect to the party to which I belong.

I desire to cooperate with the Members of this House in bringing about any needed modification of the schedules of our present tariff law, but our constituents have a right to expect that this House shall act in good faith. This bill contains much that I am in favor of, but it also contains much to which I am opposed, and I think that statement embodies the thought of a large majority of the membership of this body, even though the controlling majority is bound by caucus action.

I submit that it is fair to the membership of this House and to the country that at least a few days be given over to the consideration of the details of this comprehensive measure.

For nearly two weeks we have been debating the merits of the bill pertaining to the District of Columbia. We have talked of all the minute details of city government here that would properly belong to the work of a town council, and yet when it comes to a bill that is of national scope and importance, the majority party asks us to rush it through without amendment that is not approved by the chairman, and the telegrams which I submit are in line with the protest that I make and that is made by citizens of my State and of other States against legislation without reasonable consideration of the subject involved.

A Square Deal in Tariff Reductions.

SPEECH

OF

HON. EDWARD T. TAYLOR,

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 27, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"—

Mr. TAYLOR of Colorado said:

Mr. CHAIRMAN: I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, section 51, page 16, by striking out the word "twenty-five," in lines 10 and 11, and inserting in lieu thereof the word "forty."

Mr. TAYLOR of Colorado. Mr. Chairman, this is the first time during the three years that I have been a Member of this House that I have ever refused to be bound by our party caucus or opposed the concerted action of the Democratic membership of this body, and I am exceedingly reluctant to do so now. But this bill does not give Colorado a square deal. This schedule in its present form is an unfair and unjustifiable discrimination against the mining industry of the West. [Applause.]

The Democracy of Colorado and her delegation in Congress stands squarely upon the national Democratic platform adopted in the city of Denver. We have, relatively speaking, as many important protected industries in our State as any State in the Union, and we are ready and perfectly willing to take our full share of all the tariff reductions our party has promised the country. But neither our national nor State platform nor any candidate ever promised to put all of Colorado's products on the free list. There should be some common sense and reasonableness in all things. No matter how high or unnecessary a duty may be, there is such a thing as fair treatment in legislation affecting vast industries that have grown up under a protective tariff. The country demands and expects us to substantially reduce the tariff, but thoughtful people do not ask or expect us to recklessly wipe it all out at one fell swoop. Our national platform demanded and promised the people a gradual reduction of the tariff to a revenue basis. And our Colorado platform says, "We favor and demand reductions of the tariff schedules in accordance with the national platform adopted at Denver." But those provisions sounded no warning to the people who have honored me with a seat in this House that sugar, and wool, and lead, and zinc, and tungsten, and hides, and all other Colorado products were to be at once put upon the free list. I have been given no commission here to say that Colorado is a free-trade State. [Applause on the Republican side.] But I do have the authority to say that she is not a Payne-Aldrich, stand-pat, high-protection State. [Applause on the Democratic side.]

Colorado is in favor of a fair and equitable revision of the tariff downward; and the Democracy of our State believe that the tariff can be equitably reduced to the necessary revenue basis to properly maintain this Government without discrimination against or injury to any legitimate industry. We are compelled to raise three and one-half million dollars a day to run this Government. Most of that comes, and must come, from the tariff duties on imported articles; and no matter how much most people would like to, we can not very much reduce the aggregate amount of our tariff receipts. But we can choke off some of the grafts and infamous robberies of the people, and readjust the tariff schedules so as to take some of the burdens off of the common people of this country and put them onto those who can better afford to pay the taxes; and in that readjustment we believe every industry that may be at all entitled to it can and will receive all the incidental protection it deserves.

But there may be just as much politics, selfishness, and local favoritism in tariff readjustments or reductions as there were in the original increases. While neither increases nor reductions can be made exactly horizontally, nevertheless it is not equitable to reduce the products of one portion of the country or State only about 10 or 20 per cent and in the same bill reduce the equally important products of another State from 70 to 100 per cent.

I can not in the few minutes allowed me discuss this bill generally, or even go into a discussion as to whether or not the present tariff rates on Colorado products are higher than necessary. I think probably they are, but a great many good people in Colorado think they are not. This is not a question of what they or I think. It is a question of fair treatment. Every reasonable person knows that if there is ever going to be any tariff reduction every State and portion of the country and nearly every industry must submit to its just share of reductions on its products. And we must always remember that there are hundreds of consumers to every producer of all these various articles. But neither our platform nor any of our candidates in my State ever advocated or promised free trade, or promised to cut all the duties off of our products. If we had some of us might not be here to-day. We promised a gradual and substantial reduction, and I am now offering an amendment to stand by the party platform and reduce the duties on all of Colorado's products affected by this bill, even more than the 35 per cent general average of the reductions in the bill. That is according to our platform, and it is fair and is enough; and it seems to me that no Democrat can reasonably ask more or Republican expect any less of me than that.

If the Democrats of Colorado expected us to vote to put the products of our State on the free list our platform should have clearly said so. We should have frankly gone before the people on that issue. But not having done so I do not consider that I have any right or authority to advocate or support general free trade in Colorado products. I am certainly going the limit in offering the pending amendment, which would reduce the present duty on lead 50 per cent. And my colleagues will offer amendments to the sections on zinc and tungsten, making nearly as large cuts in the duty on them. But these amendments will, under the caucus rule, all be promptly rejected. There is no middle ground for us. We are given no chance to vote for a "gradual reduction" on our products. There is in this bill no "tariff for revenue only" on Colorado industries.

So far as our delegation in this House is concerned, this bill puts squarely up to us a straight, cold-blooded proposition of voting for or against free trade in Colorado products, while at the same time and in the same bill the duty on the relatively similar products of some of the other States are only cut about 15 per cent to make the general average of this bill 35 per cent. I can not appreciate the justice of striking an average that way. That is not my idea of fair dealing.

We have had no opportunity to be heard on these matters, and I understand the committee has had no hearings. The West has no representation on the majority membership of the Ways and Means Committee, and it looks to me as though you have not properly considered the interests of our country. Upon what data or authority does this committee presume to strike all the duty off of zinc and tungsten? The Government gets no revenue from articles put on the free list. I do not believe that zinc ore containing 25 per cent or more zinc needs a protective duty of $22.40 per ton, or that zinc in coated sheets needs a duty of $35 per short ton; but there is no showing here as to what effect the wiping out of all of that duty at once would have on that industry in about 20 counties in my State.

The present duty of $33.60 per ton on lead is so high that it is practically prohibitive, and the Government gets very little revenue from it. But who has any right to say that three-fourths of it should be at once cut off? There is not one word in all this 100-page written report of the committee on this bill to show why you reduced the tariff on lead from 93.38 per cent to 25 per cent, and on lead ore from 63.12 per cent to 25 per cent, or why you made any of these reductions on Colorado products.

Mr. CULLOP. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Indiana?

Mr. TAYLOR of Colorado. I do.

Mr. CULLOP. You are reading now the duty from the Payne Act, are you not?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. CULLOP. What was the duty on this commodity at the time the Denver platform was adopted?

Mr. TAYLOR of Colorado. My recollection is that the duty on lead ore in 1908 under the then existing Dingly tariff was higher than it is now under the present Payne tariff.

Mr. CULLOP. Oh, no. It was largely increased in the Payne Act.

Mr. MARTIN of Colorado. Will my colleague [Mr. TAYLOR] permit me?

Mr. TAYLOR of Colorado. Certainly.

Mr. MARTIN of Colorado. The gentleman from Indiana [Mr. CULLOP] says it was largely increased in the Payne bill. What is the rate in the Payne bill, if I may ask the gentleman from Indiana?

Mr. CULLOP. The gentleman from Colorado [Mr. TAYLOR] has just read it.

Mr. TAYLOR of Colorado. The present rate on lead ore in the Payne bill is 63.12 per cent.

Mr. MARTIN of Colorado. The gentleman from Indiana is volunteering information in a very general way, and I would like him to be more specific. Now, Mr. Chairman, if the gentleman from Indiana will permit me, I will tell him that the rate in the Payne bill was 1½ cents a pound on the ore content, and it was 1½ cents a pound in the Dingley bill, and it was 1½ cents a pound in the McKinley bill, and it was three-fourths of a cent a pound in the Wilson bill, which, by the way, was considerably more than it is in the proposed legislation. [Applause.]

Mr. RUCKER of Colorado. In answer to the gentleman's inquiry, you have only to refer to the report on the Dingley bill, where it says it was 88.18 per cent.

Mr. TAYLOR of Colorado. Mr. Chairman, I can not go into the history of tariff legislation in the few minutes I have. This bill cuts off nearly 70 per cent of the present duty, which I feel is wholly disproportionate and——

The CHAIRMAN. The time of the gentleman from Colorado has expired

Mr. KENDALL. I ask unanimous consent that the time of the gentleman from Colorado be extended five minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. KENDALL. I want to inquire of the gentleman from Colorado how many men are engaged in the lead industry who would be affected by this change in the lead tariff in the State of Colorado?

Mr. TAYLOR of Colorado. I can not give the exact number, but there are several thousand men engaged in the mines producing lead and zinc throughout about 20 mining counties of Colorado.

Mr. KENDALL. What, in the gentleman's opinion, would be the effect of this horizontal reduction of duty proposed by the Committee on Ways and Means?

Mr. TAYLOR of Colorado. I have no definite information on that subject. But the reduction is not horizontal. That is one of the things that I am complaining of. My understanding is the committee has held no hearings or made any investigation as to the probable effect of this reduction upon the industry, and I insist that we are not being treated fairly when the duty is cut from 93.38 to 25 per cent without knowing what the result will be. I feel that we are getting the worst of it, because the West has had no representation and no hearing, and there is nothing in the report on the subject.

The production of zinc in Colorado is comparatively a new industry. The output has increased marvelously in the past two or three years. The output of zinc already exceeds the value of silver produced in Colorado by nearly $2,000,000 a year. The splendid mining city of Leadville alone produces nearly $4,000,000 a year of zinc. We should certainly have some official data as to whether or not that important industry needs that duty, and if so, who is getting the benefit of it. If, as manypeople believe, the Smelter Trust or some other trusts are getting all the benefit of this tariff on lead and zinc and tungsten, then I feel that we should know it before we take it off.

Mr. Chairman, if this was a general tariff bill instead of merely the metal schedule, or if this was the final action on this bill, I would hesitate more than I do before voting against it, because there are undoubtedly many beneficial provisions in the bill. But the bill will now go to the Senate where the Finance Committee of that body will undoubtedly conduct elaborate hearings and investigations upon these various items, and I trust it may be definitely shown as to who gets the benefit of the duties on these Colorado products. If the Democrats and insurgent Republicans in the Senate, after such hearings, agree upon proper amendments to this bill, and then pass it and return it to this body for our approval, I am perfectly confident that it will meet with my approval on the final vote. But without that information and in view of the glaring inequalities and disproportionate reductions in this bill, I feel it is my duty to protest at this preliminary stage and vote against it for three reasons: First, because it does not give Colorado a square deal; second, because, so far as my State is concerned, I look upon it as a direct violation of the Democratic platform; and, third, because in my judgment the position of the committee is indefensible. I do not believe that it is good legislation, or good business policy or politics, to cut all the duty off of any important industry without a full and fair public hearing and a conclusive showing as to the effect on that industry. For these reasons I must decline to place my devotion to the party caucus above my loyalty to Colorado. [Applause.]

The Metal Schedule—Printing Presses.

SPEECH

OF

HON. GEORGE H. UTTER,

OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 29, 1912,

On the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. UTTER said:

Mr. CHAIRMAN: I desire to offer an amendment.

The CHAIRMAN. The gentleman from Rhode Island offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 22, in line 9, by striking out the words "printing presses."

* * * * * * *

Mr. UTTER. I have proposed this amendment for five reasons: First. In the printing-press industry there is neither trust nor combination of any kind. Whoever buys a printing press, whatever may be its style or its capacity, can feel assured that he can buy that which he desires without even a gentleman's agreement having previously determined the price which shall be paid.

Second. A printing press is not an article of general consumption by that important gentleman now known as the ultimate consumer. It is only a means toward an end, and the ultimate consumer finds his share in the end in the cheapness of the product of the printing press and not in the printing press itself. When novels, even of the popular Indiana style, can be purchased for from 50 cents to $1.50, depending upon the quality of the paper and the binding; when magazines, the uplift kind included, can be purchased for from 5 cents to 25 cents; when a daily newspaper, bringing all the affairs of a world's day to us at our breakfast table, can be bought for from 1 to 2 cents; and when the CONGRESSIONAL RECORD can be had for the asking, surely the ultimate consumer should have no complaint to make as to the cost of the product of the printing press.

Third. The printing press is distinctively an American machine. American inventive genius and American mechanical skill have perfected the printing press, and have perfected it in such a way that no country to-day equals our own in its supply of the periodicals or of literature of every kind. This ingenuity and skill have been imitated in foreign countries. A few years ago the American printing-press people were finding a foreign market for their standard presses, but as soon as that fact was learned the foreign manufacturer purchased in the open market the American machine, took it to his own factory and dismantled it, and used the machine which he had purchased as a pattern from which to make others; and then, with his cheaper labor, he was enabled not only to drive the American manufacturer out of his own particular market, but out of the other foreign markets which the foreigner himself had not previously occupied. Such printing machines as are sold to-day abroad, and which show in the Treasury figures as of large value, are only those that are intended for special purposes and which have been developed for those purposes, because American ingenuity was ready to assume the expense and assume the labor of such development.

Fourth. In this process of development the American manufacturer has expended large sums of money in experimentation. He pays his employees more than twice the wages that are received for similar work abroad. The American machinist to-day receives as a minimum wage $3.25 for an eight-hour day. This makes something under $20 a week, while the better-paid English mechanic, the receiver of the maximum wage, receives about $10 for a week's work. The pending bill, by putting printing presses on the free list, would open the American mechanic to direct competition with the foreign mechanic at this depressed wage.

Fifth. Only one result could follow from the enactment of this bill unamended. The capital now invested in this country, the wage now paid in this country, the enterprise shown by both inventor and manufacturer, the ambition of the American mechanic to foster the purpose from which the printing press has been developed, would all be lessened because, if thrown into competition where the results of our own genius and our own workmanship could be turned to the advantage of the foreigner as well as to that of ourselves, discouragement would follow.

Therefore, for these five reasons I have presented this amendment.

The Metal Schedule.

SPEECH

OF

HON. H. OLIN YOUNG,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 29, 1912,

On the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. YOUNG of Michigan said:

Mr. CHAIRMAN: In the debate on Saturday last the following controversy occurred between the gentleman from Pennsylvania [Mr. PALMER] and myself:

Mr. PALMER. * * * We feel that, as far as iron ore is concerned, by placing it upon the free list we do an act of simple justice and fairness to the manufacturers in America and at the same time make it possible that the final consumer of the articles which are manufactured from that ore will benefit in the price of their product.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman permit a question right there?

Mr. PALMER. I want to take only five minutes on this, but I will yield to the gentleman.

Mr. YOUNG of Michigan. I presume the gentleman is familiar with the testimony of Mr. Schwab, given before the Committee on Ways and Means when he appeared, to favor taking the duty off from iron ore, when he said that in his opinion it would not lower the cost of any manufactured product to the consumer if it were done?

Mr. PALMER. I understand that is Mr. Schwab's opinion about the final cost to the consumer. But Mr. Schwab is not the only manufacturer of steel and iron in this country who is affected by this provision in this act. That might well be definitely and finally understood right now. The fact is that nearly all of the independent people in the iron and steel business are necessarily interested in this proposition. The big people, as for example, the steel corporation, have practically an absolute control of the American ore beds to-day, not only by ownership and leasing, but by a variety of devices with which my friend the gentleman from Michigan must be perfectly familiar.

He says that no western ore has been sold along the Atlantic seaboard for years. That is true, and the reason for it is not so much in the control by ownership and leasing on the part of the corporation as in the indirect control by various devices of transportation across the Lakes. Why, there are upon the Lakes to-day men who would be anxious to carry in their vessels this ore at prices which would make it possible for it to be laid down in the eastern Pennsylvania market at such price that they would not have to bring in Cuban ore.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PALMER. But, Mr. Chairman, the steel corporation will not permit that kind of transportation on the Lakes even by these independent transports.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman permit a statement right there?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. I do not want to hold up the debate, so I think I will not go on any further.

Not having had an opportunity to reply to the statements of the gentleman from Pennsylvania at that time, as the above quotation discloses, I seize this opportunity of doing so.

When I learned that the Democratic caucus metal schedule tariff bill had been prepared by a subcommittee, of which the gentleman from Pennsylvania was the presiding genius, and then examined as best I could the astonishing provisions of that bill, I feared that the gentleman from Pennsylvania had acted on insufficient and untrustworthy information. But the statement made by the gentleman as to iron ore made that haunting fear a certainty.

He said that there are upon the Great Lakes to-day men who would be glad to carry the ore in their vessels at prices which would make it possible for it to be laid down in eastern Pennsylvania markets at such a price that the manufacturers would not have to bring in Cuban ore, but that the steel corporation would not permit them to do it. He did not explain how the steel corporation could compel the vessel owners to refrain from doing it. On this point he was discreetly silent. The statement was grotesquely absurd in its want of any connection with the truth. Why, sir, if there is any place on earth where competition is free it is on the Great Lakes. They are covered with tramp steamers having diverse ownership, getting cargoes where they can and at the prices they can bargain for; sometimes it is true getting a charter for the season, but more frequently not.

I myself am so unfortunate as to be a very small part owner in a little fleet of 12 steel steam freighters on the Great Lakes. They are not obsolete; they are modern boats of large capacity, some of them capable of carrying a cargo of 10,000 gross tons of iron ore, and yet so far have their freight rates been from excessive that this year, for instance, they have paid no dividends to their owners because they have earned none. Their owners are free agents; they have never been dictated to as to what charges they should make the steel corporation or anyone else. Their principal business is carrying iron ore, but they also carry coal, flour, and, in short, any cargo they can obtain.

In few lines of business has the decrease in the price charged for service been so extreme. In 1872, when I went to the Lake Superior region, the lake rate on iron ore from Marquette to Lake Erie ports was $3 per ton in the summer, rising to $6 per ton in the bad weather of the autumn. We are now glad to receive 70 cents a ton for carrying ore from Duluth to Lake Erie ports—it is a distance of about 1,000 miles. So far are lake rates from being excessive that their cheapness is one of the marvels of transportation.

But this is an infinitesimal part of the mistake of the gentleman from Pennsylvania. If the Lake carriers would transport iron ore from Duluth and Ashland and Marquette to Lake Erie ports for nothing, still that ore could not compete with free Cuban ores at eastern points.

To recur to Herbert Knox Smith's report, he states that the cost of Lake Superior iron ore at Lake Erie ports to the Steel Corporation is as follows:

Mine cost	$1.21
Railroad freight	.40
Lake freight	.61
General charges	.18
Making a total of per ton	2.40

Now let us deduct the Lake freight $0.61 and we have a remainder of $1.79 as what the cost of iron ore would be in Lake Erie ports if it was transported across the Lake for nothing. The rail freight from Lake Erie ports to Pittsburgh is $0.96; adding this we would have a cost of $2.75 at Pittsburgh if no charge was made for transportation across the Lakes. But as the Steel Corporation owns its own railroad from Conneaut to Pittsburgh and makes a profit on its business, it would probably be fair to make a deduction of 36 cents a ton from this cost, which would leave the actual cost at Pittsburgh $2.39 a ton if transported free across the Lakes.

Now, what would Cuban ore cost at Pittsburgh? Recurring again to the statement which I made earlier in this debate and for which I gave my authority, we have the following statement:

Mining and freight cost in Cuba	$0.25
Ocean freight	.50
Railroad freight to Pittsburgh reduced as promised	1.25
Total	2.00

Or a total cost of $2 a ton, or 39 cents less than the cost of Lake Superior ore at the same point, if the latter had been transported free across the Lakes. But Pittsburgh is not eastern Pennsylvania, and the gentleman from Pennsylvania's statement referred to that section. Eastern Pennsylvania in the steel business means Bethlehem and Steelton. For these points add $1 to the cost of Lake Superior ore and subtract $1 from the cost of Cuban ore and we have the cost of Lake Superior ore at eastern Pennsylvania points $3.39 a ton; cost of Cuban ore at same points $1 a ton. Figures on transportation east of Pittsburgh are not absolutely correct, but they are substantially so. If we restore the Lake freight on the Lake Superior ores, we have a cost at Bethlehem or Steelton of $4 a ton for such ores as against a cost of $1, or at the outside $1.25, for Cuban ores, and at Philadelphia and Baltimore the conditions are still more unfavorable for the Lake Superior ores.

This is sufficient to show the marvelous inaccuracy of the statement made by the gentleman from Pennsylvania that Lake Superior ores could be laid down in eastern Pennsylvania points in competition with Cuban ores but for the extortion of the Lake carriers under the dictation of the steel corporation. I have shown that the cost would be nearly three times the cost of Cuban ores, even with free transportation across the Lakes. To talk of competition under such conditions is absurd. Of course, no one asks for a duty on iron ore high enough to permit such competition. That would be unreasonable; but I do think that domestic producers are entitled to fair protection in western Pennsylvania, in the Pittsburgh district, and that the miners in the Champlain district of New York and those in New Jersey are entitled to a fair chance in the eastern markets.

But the gentleman from Pennsylvania contends that free ore is in the interest of the smaller manufacturers, while the duty would be in the interest of the great manufacturers, and yet the gentleman, if he had given any study to the subject at all, would have learned that all of the great deposits of Cuban ore are owned by the Bethlehem Steel Co., whose works are in the district of the gentleman from Pennsylvania, the steel corporation, or the Spanish-American Co., which is a subsidiary of the Pennsylvania Steel Co., the control of whose stock is owned by the Pennsylvania Railroad Co. None of these are small manufacturers, and all of them will themselves use all of the ore they will import. It is not likely that they will be so generous, or so lacking in business acumen, as to sell those ores at a low price, in order to build up competition from the small manufac-

turers in the very districts they now themselves control. This remark applies especially to the Bethlehem and Pennsylvania Steel Cos., as the steel corporation has other very large bodies of ore from which it will continue to draw its principal supply. Nor is it true, as intimated, that the steel corporation controls the bulk of the Lake Superior ores. The recent report of the United States Bureau of Corporations estimates the amount of ore controlled by that corporation in the Lake Superior district at 1,200,000,000 tons, and Mr. C. W. Hayes, of the United States Geological Survey, estimates the entire ore supplies of the Lake Superior district at present available as 3,500,000,000 tons. Whether these two estimates are made upon the same basis I do not know, but it is certain that in the State of Michigan a very careful estimate of the total amount of iron ore developed has lately been made by Mr. Finlay, an expert of high standing, employed by the tax commission of Michigan to make such estimate as a basis for taxation. His estimate shows that out of 188,000,000 tons of ore developed in that State only 54,000,000 tons are controlled by the steel corporation, and of the remaining portion a very large proportion is owned by merchant miners who are not connected with manufacturers and sell their ore in the open market.

It seems to me entirely clear that the statement of Mr. Schwab is entirely justified by the facts and that the ultimate consumer of iron and steel products can not possibly reap any benefit from free iron ore. The only possible effect of that provision, should the bill be enacted into law, would be to deprive the United States Treasury of the duty and add it to the profits of the Bethlehem Steel Co., in the district of the gentleman from Pennsylvania, and to those of the Pennsylvania Steel Co. The gentleman from Pennsylvania frankly stated that the purpose of this bill was to extend the zone within which foreign products could be sold, thereby decreasing by a like amount the sales of American products, decreasing the rewards of American laborers, and throwing a certain number of American workmen out of employment.

Omnibus Claims Bill.

SPEECH
OF
HON. CALEB POWERS,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,

Friday, February 2, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts of March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts—

Mr. POWERS said:

Mr. CHAIRMAN AND GENTLEMEN: I want to say a word in regard to the merits of the claims here under discussion and incidentally make a few observations as to the conduct of the War Claims Committee in regard to them.

A majority of the members of the Committee on War Claims are Democrats. The duty of this committee, as I understand it, is to investigate claims against the Government growing out of the injury to, or use of, property by the Federal Government or Federal troops in suppressing the rebellion. This does not apply to property destroyed in the course of the war, nor does it apply to property used or taken by the Confederate Army to sustain or uphold the Confederacy.

The bill reported by the War Claims Committee, and which is now before this House for approval, or disapproval, carries an appropriation of about $1,600,000 for the purpose of repaying those whose property was used or taken by the Federal troops or Government in helping to put down the rebellion. These claims have been due and unpaid for the last half a century. Congresses have come and Congresses have gone and these just claims have remained unpaid. And it has remained for this Democratic House of Representatives to allow these claims. I congratulate the Democratic Committee on War Claims for reporting favorably these claims, and I congratulate this Democratic House for allowing them.

There are a number of unpaid war claims in the district I have the honor to represent. During my short stay in Congress I have introduced a number of bills for the relief of those whose property was taken or used by Federal troops in suppressing the rebellion. I realize that it is not the policy of Congress to pay for property destroyed in the course of the war, but only to pay for property taken or used by Federal troops.

Of the bills I have introduced I am glad to say that this committee has reported favorably and that this House will pass one dozen just claims for people living in the district which has honored me by electing me a Member of this House.

I introduced bills for the following claimants and for the following amounts:

Thomas P. Caldwell, Laurel County	$89.83
Valentine I. Brewer, Owsley County	469.90
N. S. Denny, heir of the estate of Thomas D. Denny, Wayne County	102.00
Sarah Ann Dobbs, widow of Nathaniel B. Dobbs, Pulaski County	152.25
Robert Hardwick, Pulaski County	980.00
William B. Kelly, Clay County	50.00
Harriet N. Lair, Pulaski County	350.00
Ella J. Vermillion and others, children and heirs at law of Zachariah A. Morgan, Letcher County	52.60
Mary Speak, widow of Jesse C. Speak, deceased, Laurel County	36.60
To the trustees of the Baptist Church of Somerset, Ky	1,500.00
To the trustees of the Presbyterian Church at Somerset, Ky	550.00
Patrick Henry Bridgewater, Adair County	220.00

I am glad to say that these claims have been favorably considered and that they will pass this House.

I have other meritorious claims pending, and I hope in due time they will be favorably reported and allowed.

During my campaign for Congress those opposing me claimed that I would have no influence in Congress in the event I was elected, and that this would especially be true if the House should happen to be Democratic. Before I was elected to Congress—and therefore I can not be charged with any part of it—the country seemed to be displeased with the record made by the Republican Party and elected an overwhelmingly Democratic House. This occurred in November, 1911. This House now has 67 more Democratic than Republican Members, and notwithstanding this fact and notwithstanding the claims of those who opposed my nomination and election, this House—this Democratic House—has allowed or will soon allow and authorize to be paid more claims from my district than any other district in Kentucky, although 9 out of the 11 districts are now represented by Democrats.

The Committee on War Claims has in this bill reported favorably 102 claims from Kentucky. Divide that by 11, the number of Congressmen from Kentucky, and that shows that if each Member had gotten an equal number of claims allowed from his district in this bill each would have gotten 9 and a fraction. I have from my district 12 claims favorably reported, although this House is Democratic and although mine is a Republican district. I want to thank you once again for this manifestation of fairness toward me and the district I have the honor to represent. I knew the claim made by those opposing me that I would be discriminated against and would have no influence in Congress was unfounded, and I am glad that this Democratic House has refuted the argument made against me and upheld the position taken by me. And I shall take pleasure in informing my constituents that their Representative in Congress, although a Republican and although looked upon with disfavor by a few Democratic partisans in Kentucky, is receiving and shall receive fair and decent treatment by this House, strongly Democratic though it is. I am glad to know that the Democratic Party of the Nation has produced men big enough and broad enough not to let any local hatred on the part of a few Democrats in Kentucky militate against me or interfere in a narrow way with my being of the best service of which I am capable to the constituency that has honored me with a seat upon the floor of this House. [Applause.]

Muckraking.

SPEECH
OF
HON. J. HAMPTON MOORE,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 1, 1912,

On the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: The Philadelphia Record, with whose editorial policy I do not always agree, is one of the best and cleanest newspapers in the United States. You can generally rely on the news you find in the Record, whether you subscribe to its editorial predilection for free trade or not. The great value of the paper is in the fairness with which it presents the news. So long as we get the news accurately and understand the editorial drift, it makes very little difference whether the editorial view is right or wrong. We are usually prepared for it and know how to meet it. We need newspapers like the Record because, as in all other large cities, there has been much muck-

raking in recent years, and perhaps more in Philadelphia than elsewhere.

We are all, I think, slowly coming to realize that the reading public looks more intently to the lurid headlines and to the cartoons than it does to the text, and that if it is frequently fooled with regard to political questions, as we sometimes feel justified in thinking it is, the responsibility rests largely upon those who jump at hasty conclusions concerning men and measures, and who have neither the time nor patience to examine the facts.

Only a few days ago a startling announcement in all the Philadelphia newspapers indicated that the cost of living was deliberately increased because of the storing up in warehouses of food supplies withheld from the public market. At this time, when the topic is uppermost in the public mind, such a statement finds ready credence with the unthinking. The day following the publication, when the facts were finally ascertained, the glaring headlines gave way to explanatory statements and ultimately to a retraction. Apparently, the original statement was not true.

Again, yesterday, one of the Republican newspapers which had been conducting a bitter campaign against the Democratic city solicitor of Philadelphia acknowledged its error and to-day all the newspapers of the city announce that a full and complete retraction of the original charges has been made.

I mention these incidents to show how easy it is with the sensational, right or wrong, to inflame the public mind. It is no more the fault of the newspapers, perhaps, than it is of the reader, who finds more satisfaction in the sporting page or the passage of the "ugly word" than he does in the religious column or in the proceedings of the legislative body.

With this brief statement I again draw attention to the Philadelphia Record. Editorially it is opposed to protection. It is in favor of such measures as have been brought in here by the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Ways and Means Committee. It does not, as we Republicans do, see any harm in these measures. On the contrary, it frequently contends that the reductions of duties which they impose, leading even to ultimate free trade, will do no harm to the business interests or to the wage earners of the country. Radically as we differ upon this point, it is a matter of congratulation that all regular Republicans can agree with the Philadelphia Record this morning in an editorial which it publishes under the heading of "Too much reckless talk." Of such sound reasoning and common sense is this editorial and so near in statement of fact to the actual truth with regard to certain destructive policies now finding a foothold in this country, that I submit it in full as a part of my remarks.

That there are demagogues who aimlessly and recklessly attack all business and irreverently assail commendable enterprise in the United States is clearly set forth in the statement of this high Democratic authority. In indorsing the action of President Taft in calling a halt upon the muckrakers the Record is generous and takes high ground. I commend its editorial to the House and to the country. Here it is:

[Editorial from the Philadelphia Record (Democratic), February 1, 1912.]

TOO MUCH RECKLESS TALK.

The Philadelphia Produce Exchange is to be commended for the promptness with which it acted in calling State Food Commissioner Foust to accoun. for his misleading and exaggerated statement that there are now in cold storage enough poultry, game, butter, and eggs to feed the entire country until next July. It is to the credit of the commissioner that he made a handsome retraction as soon as the figures were submitted to him showing how inaccurate his remarks were; but even at that it is to be feared that his reckless statement has added to the embarrassments of a difficult situation, as many who read what he first said will fail to see his correction.

Much of the present unrest and hesitation in the business world is due to similar wild statements of the muckrakers and the so-called progressive politicians of both parties, who keep up such an unceasing denunciation of everything upon a very slender basis of facts. Not only are the very fundamentals of government attacked, but in all lines of trade and other activity there is such a constant criticism of all things that many unreflecting people are almost irresistibly led to believe that the whole fabric of the United States is based upon graft and corruption, and that every other man is a thief seeking to rob the unwary. Nothing, of course, could be further from the truth. The vast majority of merchants and manufacturers are honorable and honest, as is shown by the great extension of credit in busines as conducted today, and our Government, Federal, State, and municipal, is on a higher plane than ever before. In national matters especially there is no more comparison between the present conduct of affairs and such a period of debauchery and corruption as the two terms of Grant than there is between daylight and darkness.

President Taft is entirely right in calling a halt upon these reckless defamers of everything, and in insisting that they shall prove their sweeping denounciations or be silent. In business it would be well if all careless statements, such as those of Commissioner Foust, which are calculated to give many persons the idea that the present high cost of living is the result of a deliberate conspiracy to rob them, should be promptly challenged and verification demanded. This country is not going to the bow wows, but it would be more prosperous and there would be more comfort in living if there were not so many blatant demagogues and self-constituted social reformers shouting their nostrums at us from the housetops.

White Earth Indian Reservation.

SPEECH

OF

HON. HALVOR STEENERSON,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 7, 1912.

On certain legislation affecting the White Earth Indian Reservation.

Mr. STEENERSON said:

Mr. SPEAKER: To show the origin and history of and reason for the additional allotment legislation from its first appearance before Congress in March, 1897, to the final passage of the act of April 28, 1904, the so-called Steenerson Act, I have compiled and will insert in the RECORD the committee and department reports on the various bills.

The records show that this proposition for additional allotments, which is now assailed by the attorneys for the Interior Department as designed in the interest of lumber companies, was first introduced in Congress and embodied in a Senate bill by Senator NELSON in 1897 (S. 412, Fifty-fifth Congress), and passed the Senate on his motion. (CONGRESSIONAL RECORD, Fifty-fifth Congress, p. 5694, S. Rept. No. 998.) It was twice introduced by Congressman Eddy and four times favorably recommended by the same department that now condemns it. When this bill for additional allotments, which had been pending in Congress for seven years, finally passed, which was during my first term, the Indians were so pleased that without my knowledge they convened a council on May 9, 1904, and unanimously elected me a member of the tribe, and, as I was told, caused the proceedings to be certified to the Secretary of the Interior by the United States Indian agent for approval or disapproval, and I was requested to be present at the annual festival in June when the ceremony of promulgation would take place. I went there to accept the honor, just as officials, Representatives, and even Presidents have accepted membership in social, fraternal, and labor organizations, such as the Brotherhood of Locomotive Engineers, the United Order of Redmen, and the Masons, and so forth.

In response to the chief's speech, presenting the pipe of peace, in which he declared that I was the first white man who had kept word with his people, and that they had unanimously made me a member and wished me to have the best allotment on the reservation, and I could even have his own, I replied that while I appreciated the honor I would decline not only to accept his land, but that I would decline to accept any land or benefits whatever. Later it was pointed out to me that the Indian custom of gift making at festivals was held in great reverence and sanctity, and that custom required the gift, whatever it was, to be accepted, and that to refuse to accept it amounted to a serious discourtesy. It was further pointed out that under Indian usage and custom when such gift was accepted the giver or givers expected a gift in return of about equal value. "Gift making grows into an act of worship. Indians always carry with them presents to be given away according to their position; those visited respond by another gift." (Spencer's Sociology, sec. 367-8.) So here was a dilemma; if I refused, the Indians would be insulted, and if I accepted they would expect me to give them something of equivalent value in return, on pain of forfeiting their friendship. As a way out of the difficulty the plan suggested itself of accepting the allotment—in the event of my enrollment—in trust and using the proceeds to establish for the tribe a free hospital or similar benevolence. In part execution of this plan the application for allotment was sent to me by the Secretary of the Indian council all filled out, and it was returned to him to be filed or used only in the event of my name being placed on the rolls, which it never was; and consequently the application amounts to nothing, and I never knew or heard of its being filed until recently.

That the people of White Earth did not understand that this proceeding indicated any evil design on my part against their property is sufficiently evidenced by the fact that I was not only unanimously reelected in 1904, but in the three campaigns since that time I have always received their united support. It was my only desire to establish and maintain friendship and mutual regard with these people who had confided in me and honored me.

[First session Fifty-fifth Congress.]

S. 412. A bill to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; introduced by Mr. NELSON; referred to Committee on Indian Affairs (RECORD, p. 42, Mar. 16, 1897); reported back

with amendments (S. Rept. No. 998, p. 4603), with new title, "To provide for allotments to Indians on White Earth Reservation, in Minnesota." Amended and passed Senate (p. 5694); referred to House Committee on Indian Affairs (p. 5796).

[S. Rept. No. 998, Fifty-fifth Congress, second session.]

CHIPPEWA INDIANS, MINNESOTA.

(May 5, 1898.—Ordered to be printed.)

Mr. Mantle, from the Committee on Indian Affairs, submitted the following report, to accompany S. 412:

The Committee on Indian Affairs, to whom was referred the bill (S. 412) to amend "An act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," have had the same under consideration and report as follows:

This bill was referred by the Committee on Indian Affairs to the Secretary of the Interior for his opinion and advice in respect to the same. His response thereto is hereto attached and made a part of this report, including a letter from the Commissioner of Indian Affairs. The substance of the Secretary's recommendation is that he recommends the adoption of the following substitute for the foregoing bill, to wit:

"A bill to provide for allotments to Indians on White Earth Reservation, in Minnesota.

"*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty with or laws of the United States, in accordance with the express promises made to them by the commissioners appointed under the act of Congress entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, and to those Indians who may remove to the said reservation who are entitled to take an allotment under article 7 of the treaty of April 18, 1867, between the United States and the Chippewa Indians of the Mississippi, 160 acres of land; and said allotments shall be made, and patents issued therefor, in the same manner, and having the same effect, as is provided in the general-allotment act entitled 'An act to amend and further extend the benefits of the act approved February 8, 1867, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the commissioners of the United States over the Indians, and for other purposes,"' approved February 28, 1891: *Provided*, That any allotments of less than 160 acres heretofore made and not accepted by the Indians may be canceled by the Secretary of the Interior and new allotments of 160 acres to each Indian entitled thereto may be issued in lieu of those canceled."

Your committee concur in this recommendation of the Secretary, and accordingly recommend that all after the enacting clause be stricken out and that the foregoing bill proposed by the Secretary of the Interior be substituted therefor, and that the title of sad bill be amended by striking out all of the same and inserting in place thereof the following: "A bill to provide for allotments to Indians on the White Earth Reservation, in Minnesota"; and that the bill when so amended do pass.

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1898.

SIR: I have the honor to transmit herewith a copy of a communication of the 30th ultimo from the Commissioner of Indian Affairs, in reply to your letter of the 11th ultimo addressed to him, relative to S. 412, "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889."

This bill is identical with H. R. 1885, upon which report has this day been made to the chairman Committee on Indian Affairs, House of Representatives.

In reporting on H. R. 1885, I have concurred in the views of the commissioner.

Very respectfully, C. N. BLISS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1898.

SIR: I have the honor to acknowledge the receipt, by department reference of the 15th instant, for report, of a communication from Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, House of Representatives, dated March 12, 1898, with which he incloses H. R. 1885, "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889." Mr. SHERMAN requested a report thereon by this department.

I am also in receipt of a communication from Hon. R. F. Pettigrew, chairman of the Senate Committee on Indian Affairs, dated the 11th instant, with which he incloses Senate bill 412, bearing the same title as said H. R. 1885. Mr. Pettigrew also requested a report upon the bill submitted.

Comparison shows that the two bills are identical; a single report will therefore suffice for both cases.

Section 1 of the bill provides that section 3 of the said act of January 14, 1889, shall be so amended as to give allotments of 160 acres each to all the Chippewa Indians of Minnesota, beneficiaries of said act; and in case there is an insufficient amount of land to fill said allotments on the White Earth Reservation, the deficiency shall be made up from the unceded lands on the Red Lake Reservation.

And section 2 of the bill provides that section 7 of the act of January 14, 1889, shall be amended as regards the distribution of the annual interest for 50 years. The act of January 14, 1889, provides that one-half the annual interest for 50 years shall, except in the cases otherwise provided, be paid in equal parts to heads of families and guardians of minor orphans; one-fourth of said interest, in equal shares per capita, to all other classes of Indians; and the remaining one-fourth shall be devoted to the establishment and support of public schools. The bill provides that three-fourths of the interest during said period shall be paid annually per capita to all the Chippewa Indians, and the remaining one-fourth shall be devoted to the establishment and maintenance of free schools.

In reporting upon the matter I have the honor to state that the views of this office concerning the allotment of 160 acres of land to certain of the Chippewa Indians, beneficiaries of said act of January 14, 1889, are fully stated in office letter of April 20, 1892, to the department. In said letter the office recommended the allotment of 160 acres to all the Chippewa Indians legally residing upon the White Earth Reservation and to such other Indians as might remove to the White Earth Reservation who were entitled to allotments under the provisions of Article VII of the treaty of March 19, 1867 (16 Stats., 721). Said office letter, an opinion of the Assistant Attorney General for the Interior Department concerning the matter, letters of the original Chippewa commissioners, and a draft of a bill to carry said recommendation into effect, are printed as Senate Executive Document No. 99, Fifty-second Congress, first session, to which your attention is respectfully invited.

After giving all the facts in the case as they were then known, the number of Indians it was estimated would be entitled to allotments of 160 acres each, and the area of the White Earth Reservation, it was stated that after making a reasonable allowance for swampy and unavailable land it was thought there would still remain sufficient good land on the White Earth Reservation to make the increased allotments and leave a small surplus of good agricultural land.

The conditions have not materially changed since the writing of said letter, except that there has probably been a small increase in numbers in each of the bands; still, it is thought that this increase is not sufficient to exhaust all the available land on the White Earth Reservation if the allotments of 160 acres are confined to the classes named—those who are legally residing on the White Earth Reservation and those who were entitled to take advantage of the provisions of Article VII of the treaty of March 19, 1867.

I see no reason why the recommendation of the office of April 20, 1892, should be changed, and respectfully suggest that the bill be amended to conform thereto. I am not inclined to favorably consider the proposition to make up the deficiency in the allotments from the diminished Red Lake Reservation in case there should be an insufficient amount of land at White Earth Reservation. It was certainly never intended in the original act that the Indians of any of the other reservations should have allotments on the diminished Red Lake Reservation. In addition, the Red Lake Indians have contributed more than any other band of Chippewas to the general fund. I am also inclined to think that such a change could not be made without at least the consent of the Red Lake Indians, and probably not without the consent of all the Chippewas of Minnesota.

Neither am I inclined to favorably regard the proposed change in the method of distributing the annual interest for the first 50 years. While the change is not a radical one, I doubt its expediency. I am also inclined to think that it would require the consent of the Indians. I do not believe that the consent of the Indians to the change could be obtained, and I think it would be impracticable to try. It is accordingly recommended that this feature of the bill be stricken out.

The bills and the letters of Senator Pettigrew and Representative SHERMAN are returned herewith; also duplicate copies of this report. It is respectfully recommended that one copy of the report be sent to Senator Pettigrew with his letter, and that the other copy be sent to Representative SHERMAN.

Very respectfully, your obedient servant,
W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

[Third session Fifty-fifth Congress.]

H. R. 1885. A bill to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; introduced by Mr. Morris and referred to Committee on Indian Affairs (p. 151); reported back with amendments (H. Rept. No. 1660).

[H. Rept. No. 1660. Fifty-fifth Congress, third session.]

CHIPPEWA INDIANS, MINNESOTA.

(Dec. 6, 1898.—Referred to the House Calendar and ordered to be printed.)

Mr. Eddy, from the Committee on Indian Affairs, submitted the following report, to accompany H. R. 1885:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1885) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, have had the same under consideration and report as follows:

This bill was referred by the Committee on Indian Affairs to the Secretary of the Interior for his opinion and advice in respect to the same. His response thereto is hereto attached and made a part of this report, including a letter from the Commissioner of Indian Affairs. The substance of the Secretary's recommendation is that he recommends the adoption of the following substitute for the foregoing bill, to wit:

"A bill to provide for allotments to Indians on White Earth Reservation in Minnesota.

"*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty with or laws of the United States, in accordance with the express promises made to them by the commissioners appointed under the act of Congress entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, and to those Indians who may remove to the said reservation who are entitled to take an allotment under article 7 of the treaty of April 18, 1867, between the United States and the Chippewa Indians of the Mississippi, 160 acres of land; and said allotments shall be made, and patents issued therefor, in the same manner and having the same effect as is provided in the general allotment act entitled 'An act to amend and further extend the benefits of the act approved February 8, 1867, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the commissioners of the United States over the Indians, and for other purposes,"' approved February 28, 1891: *Provided*, That any allotments of less than 160 acres heretofore made and not accepted by the Indians may be canceled by the Secretary of the Interior and new allotments of 160 acres to each Indian entitled thereto may be issued in lieu of those canceled."

Your committee concur in this recommendation of the Secretary, and accordingly recommend that all after the enacting clause be stricken out and that the foregoing bill proposed by the Secretary of the Interior be substituted therefor, and that the title of said bill be amended by striking out all of the same and inserting in place thereof the following: "A bill to provide for allotments to Indians on the White Earth Reservation in Minnesota"; and that the bill when so amended do pass.

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1898.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th ultimo and accompanying bill (H. R. 1885), "A bill to amend an act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889.

This bill provides that the act of 1889 shall be so amended as to give allotments of 160 acres each to all the Chippewa Indians of Minnesota, beneficiaries of said act; and in case there is an insufficient amount of land to fill said allotments on the White Earth Reservation the deficiency shall be made up from the unceded lands of the Red Lake Reservation, and also that it be amended as regards the distribution of the annual interest for 50 years.

In response thereto I transmit herewith a copy of a communication of the 30th ultimo from the Commissioner of Indian Affairs, wherein it is shown that the matter of giving the Indians of White Earth, and to such as might remove thereto, 160 acres each was recommended by this office April 20, 1892. This recommendation, with the opinion of the Assistant Attorney General for this department concurring in the matter, letters of the original Chippewa commissioners, and draft of bill to carry the same into effect, are contained in Senate Executive Document No. 99, Fifty-second Congress, first session.

The commissioner sees no reason why the recommendation of his office, above referred to, should be changed, and suggests that the bill be amended to conform thereto. He is not inclined to favorably consider the proposition to make up the deficiency in the allotments from the diminished Red Lake Reservation, nor is he inclined to the proposed change in the methods of distributing the annual interest for the first 50 years.

In the views of the commissioner I concur.

Very respectfully,
C. N. BLISS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1898.

SIR: I have the honor to acknowledge the receipt, by department reference of the 15th instant, for report, of a communication from Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, House of Representatives, dated March 12, 1898, with which he incloses H. R. 1885, "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889." Mr. SHERMAN requested a report thereon by this department.

I am also in receipt of a communication from Hon. R. F. Pettigrew, chairman of the Senate Committee on Indian Affairs, dated the 11th instant, with which he incloses Senate bill 412, bearing the same title as said H. R. 1885. Mr. Pettigrew also requested a report upon the bill submitted.

Comparison shows that the two bills are identical; a single report will therefore suffice for both cases.

Section 1 of the bill provides that section 3 of the said act of January 14, 1889, shall be so amended as to give allotments of 160 acres each to all the Chippewa Indians of Minnesota, beneficiaries of said act; and in case there is an insufficient amount of land to fill said allotments on the White Earth Reservation the deficiency shall be made up from the unceded lands on the Red Lake Reservation.

And section 2 of the bill provides that section 7 of the act of January 14, 1889, shall be amended as regards the distribution of the annual interest for 50 years. The act of January 14, 1889, provides that one-half the annual interest for 50 years shall, except in the cases otherwise provided, be paid in equal parts to heads of families and guardians of minor orphans; one-fourth of said interest, in equal shares per capita, to all other classes of Indians, and the remaining one-fourth shall be devoted to the establishment and support of public schools. The bill provides that three-fourths of the interest during said period shall be paid annually per capita to all the Chippewa Indians, and the remaining one-fourth shall be devoted to the establishment and maintenance of free schools.

In reporting upon the matter I have the honor to state that the views of this office concerning the allotment of 160 acres of land to certain of the Chippewa Indians, beneficiaries of said act of January 14, 1889, are fully stated in office letter of April 20, 1892, to the department. In said letter the office recommended the allotment of 160 acres to all the Chippewa Indians legally residing upon the White Earth Reservation and to such other Indians as might remove to the White Earth Reservation who were entitled to allotments under the provisions of Article VII of the treaty of March 19, 1867 (16 Stats., 721). Said office letter, an opinion of the Assistant Attorney General for the Interior Department concerning the matter, letters of the original Chippewa commissioners, and a draft of a bill to carry said recommendation into effect, are printed as Senate Executive Document No. 99, Fifty-second Congress, first session, to which your attention is respectfully invited.

After giving all the facts in the case as they were then known, the number of Indians it was estimated would be entitled to allotments of 160 acres each, and the area of the White Earth Reservation, it was stated that, after making a reasonable allowance for swampy and unavailable land, it was thought there would still remain sufficient good land on the White Earth Reservation to make the increased allotments and leave a small surplus of good agricultural land.

The conditions have not materially changed since the writing of said letter, except that there has probably been a small increase in numbers in each of the bands; still, it is thought that this increase is not sufficient to exhaust all the available land on the White Earth Reservation if the allotments of 160 acres are confined to the classes named—those who are legally residing on the White Earth Reservation and those who were entitled to take advantage of the provisions of Article VII of the treaty of March 19, 1867.

I see no reason why the recommendation of the office of April 20, 1892, should be changed, and respectfully suggest that the bill be amended to conform thereto. I am not inclined to favorably consider the proposition to make up the deficiency in the allotments from the diminished Red Lake Reservation in case there should be an insufficient amount of land at White Earth Reservation. It was certainly never intended in the original act that the Indians of any of the other reservations should have allotments on the diminished Red Lake Reservation. In addition, the Red Lake Indians have contributed more than any other band of Chippewas to the general fund. I am also inclined to think that such a change could not be made without at least the consent of the Red Lake Indians, and probably not without the consent of all the Chippewas of Minnesota.

Neither am I inclined to favorably regard the proposed change in the method of distributing the annual interest for the first 50 years. While the change is not a radical one, I doubt its expediency. I am also inclined to think that it would require the consent of the Indians. I do not believe that the consent of the Indians to the change could be obtained, and I think it would be impracticable to try. It is accordingly recommended that this feature of the bill be stricken out.

The bills and the letters of Senator Pettigrew and Representative Sherman are returned herewith; also duplicate copies of this report. It is respectfully recommended that one copy of the report be sent to Senator Pettigrew with his letter and that the other copy be sent to Representative Sherman.

Very respectfully, your obedient servant,
W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

[First session Fifty-sixth Congress.]

H. R. 997. A bill to provide allotments to Indians on White Earth Reservation in Minnesota; introduced by Mr. Eddy; referred to Committee on Indian Affairs (p. 56); reported back with amendments (H. Rept. 493; p. 2566).

[H. Rept. No. 493, Fifty-sixth Congress, first session.]

ALLOTMENTS TO INDIANS ON WHITE EARTH RESERVATION IN MINNESOTA.

(Mar. 5, 1900.—Referred to the House Calendar and ordered to be printed.)

Mr. Eddy, from the Committee on Indian Affairs, submitted the following report to accompany H. R. 997:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 997) providing for allotments to Indians on the White Earth Reservation, in Minnesota, report the same back with the following amendments:

Strike out all after the word "provided" and substitute the following:

"That where any allotments of less than 160 acres have heretofore been made the allottee shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed 160 acres: *And provided further*, That if there is not sufficient land in said White Earth (diminished) Reservation subject to allotment, each Indian entitled to allotments under the provisions of this act shall receive a pro rata allotment."

And that so amended the bill do pass.

On March 19, 1867, a treaty was made and concluded by and between the representatives of the United States and Hole in the Day and other chiefs, representing the "Mississippi Chippewas," whereby the said bands ceded large tracts of land held by them, and accepted in payment for said relinquishment a tract of land designated in article 2 of the treaty above noted, and since known as the "White Earth Reservation." (See Exhibit A.) Provision was made in said treaty, above noted, providing for allotments of land for each and every member of the band known as the "Chippewas of the Mississippi," in quantity as specified in article 7 of said treaty (see Exhibit B), and which entitled every man, woman, and child of said band to 160 acres of land each. Many of the most enterprising members of said band have acquired certificates and title to land in quantity, as therein specified, viz, 160 acres.

In 1889 an agreement was entered into by and between the representatives of the United States, viz, the "Chippewa Commission," and the Chippewas of Minnesota, and in which agreement the "Chippewas of the Mississippi" became coparticipants, and which agreement was known as "An act for the relief and civilization of the Chippewas of Minnesota."

The agreement provided, among other matters, that after the approval of said act by the President "all of said Chippewas of Minnesota should be removed to and allotted lands on the White Earth Reservation in conformity to the act of February 8, 1887. (See Exhibit C.) The provision was the occasion of a great deal of argument between the members of the commission and the representative men of the "Chippewas of the Mississippi"; the Indians contending that their rights to the 160-acre benefits were not impaired by said provisions, and persisted that their lands should be allotted in the future, as heretofore, and in quantity as specified in article 7 of the treaty of March 19, 1867, and supported their claims by citing provisions embodied in section 1 of the general allotment act of February 8, 1887 (see Exhibit D), and which clearly demonstrated the validity of their claim, viz, "in quantity as specified in such treaty or act"; and it was not until the most solemn promise had been given as a pledge by the members of the Chippewa Commission that land would be allotted to every man, woman, and child of the Chippewas of the Mississippi in quantity (160 acres) as heretofore (see Exhibit E) that the chiefs finally counseled and advised the male adults, members of their bands, to sign the agreement. (Legislation of 1889.)

Some time during the fall of 1890, under the chairmanship of Hon. H. M. Rice, the matter of allotting lands to members of the "Chippewas of the Mississippi" was begun and land was allotted on the lines and in quantity (160 acres) as promised and interpreted by said commission. (See Exhibit E.) This complacent course was continued until some time during the fore part of July, 1891. About this time, too, the personnel of the "Chippewa Commission" was changed under new auspices. A short time after this change the Indians (members of the Chippewas of the Mississippi) were informed by the newly appointed members of the "Chippewa Commission" that said commission had been instructed by the Indian Office to discontinue the allotment of land in the 160-acre quantity, but, instead, to allot land in 80-acre lots only to any one Indian, including the Chippewas of the Mississippi. The members of said band protested and protest to this day that their rights and privileges to homes and lands suffered inadequate consideration and were otherwise misconstrued and misinterpreted thereby.

The Chippewas of the Mississippi contend, and further emphasize the validity of their claims to 160-acre allotments, as heretofore cited, on the further fact that section 2079, United States Revised Statutes, chapter 2, page 364 (see Exhibit F), fully sustains the operative validity of article 7 of the treaty of March, 1867, relative to land allotments, and in quantity as provided by said "Chippewa Commission," as noted in Exhibit E, herein inclosed. The Chippewas of the Mississippi further contend that no other Chippewa bands in the State of Minnesota otherwise than the members of their said band have any right or claims

to land allotments in quantity as specified in said article 7 of the treaty of March 19, 1867, otherwise than the amount stipulated for in the general allotment act.

EXHIBIT A.

[Extract from treaty of Apr. 19, 1867.]

ART. 2. In order to provide a suitable farming region for the said bands there is hereby set apart for their use a tract of land, to be located in square forms as nearly as possible, with lines corresponding to the Government surveys, which reservation shall include White Earth Lake and Rice Lake and contain 36 townships of land; and such portions of the tract herein provided for as shall be found, upon actual survey, to lie outside of the reservation set apart for the Chippewas of the Mississippi by the second article of the treaty of March 20, 1865, shall be received by them in part consideration for the cession of lands made by this agreement.

EXHIBIT B.

[Extract from treaty of Apr. 19, 1867, between the United States and Hole in the Day and other chiefs representing the Chippewa Indians of the Mississippi.]

ART. 7. As soon as the location of the reservation set apart by the second article hereof shall have been approximately ascertained and reported to the Office of Indian Affairs the Secretary of the Interior shall cause the same to be surveyed in conformity to the system of Government surveys, and whenever, after such survey, any Indians of the bands parties hereto, either male or female, shall have 10 acres of land under cultivation, such Indian shall be entitled to receive a certificate showing him to be entitled to the 40 acres of land, according to legal subdivision containing the said 10 acres or the greater part thereof, and whenever such Indian shall have an additional 10 acres under cultivation, he or she shall be entitled to a certificate for additional 40 acres, and so on until the full amount of 160 acres may have been certified to any one Indian, and the land so held by any Indian shall be exempt from taxation and sale for debt, and shall not be alienated except with the approval of the Secretary of the Interior, and in no case to any person not a member of the Chippewa Tribe.

EXHIBIT C.

[Extract of legislation, 1889.]

SEC. 3. That as soon as the census has been taken, and the cession and relinquishment has been obtained, approved, and ratified, as specified in section 1 of this act, all of said Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth Reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on the Red Lake Reservation, and to all other Indians on the White Earth Reservation, in conformity with the act of February 8, 1887, entitled "An act for the allotment of lands in severalty to Indians on the various reservations," etc. * * *

EXHIBIT D.

[Abstract of general allotment act, Feb. 8, 1887.]

And provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President in making allotments upon such reservation shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act.

EXHIBIT E.

[Extracts from report of Chippewa commission during negotiations with Chippewas of the Mississippi, of the White Earth Reservation, in 1889.]

At a council held July 17, 1889 (see report, p. 86), Hon. H. M. Rice informed the members of the bands of the Chippewas of the Mississippi, and who occupied the White Earth Reservation, that "under the present act (act for the relief and civilization of the Chippewas of Minnesota) as soon as these negotiations shall have received the approval of the President (President Harrison approved and sanctioned the report of said commission on March 4, A. D. 1889), we are authorized to give to every man, woman, and child 160 acres of land as an allotment, and in case of the death of any person who has received such an allotment the land passes to his or her representative."

Again, on page 89 of said commissioners' report, we note that in the council with said Chippewas, held on July 19, 1889, the members of the Chippewa commission referring to the limited land allotments provided for by a certain proposed treaty (Northwest Commission) said "you (the Chippewas of the Mississippi) would receive only 160 acres per head of family, and the balance of you 40 and 80 acres each, but under this act every man, woman, and child gets 160 acres. Would you take less when more is offered?"

Also see page 91 of said commission's report, in answer to one of the concluding questions of the late venerable chieftain, White Cloud. The aged head chief, manifesting the deepest concern, asked the members of the commission: "How do you propose to allot lands? How much to each individual?" Hon. H. M. Rice, speaking for the commission, answered with much earnestness: "Our duty, under instructions, is to allot to each individual—each man, woman, and child—160 acres of land with good title," etc.

See page 104 of commission's report. In concluding the negotiations, and prior to signing the agreement, White Cloud, speaking for the members of his band, said: "Everything in the act has been so well explained, it looks so fair and plausible, that we are favorably disposed toward it."

See commission's report, page 108. And thus, by the representations, interpretations, and promises of the representatives of the United States of America (the Chippewa Commission) the majority of the male adults of the Chippewas of the Mississippi occupying the White Earth Reservation were persuaded to sign the agreement aforesaid.

EXHIBIT F.

SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power, with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired. (U. S. Rev. Stat., ch. 2, p. 364.)

There is sufficient land to comply with the provisions of this law subject to allotment on the White Earth Reservation.

These Indians were definitely pledged 160 acres of land each by the treaty of 1867. They received the most solemn assurances on the part of the commissioners who negotiated the treaty of 1889 that the provisions of this treaty of 1867 would be carried out, and it was in consideration of this promise they signed the treaty, and they never would have consented to it if the promise had not been made.

The fact that it has not been kept is a source of much dissatisfaction and discontent. They regard, and justly so, its violation as a distinct breach of faith on the part of the Government.

The true Indian policy is for the Government to scrupulously keep every pledge made by them and rigidly require, and if necessary compel, the Indians to observe every obligation entered into by them.

The letters of the Indian Commissioner and Secretary of the Interior are hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1900.

SIR: I have the honor to acknowledge receipt of your communication of the 10th ultimo and accompanying bill H. R. 997, "A bill to provide allotments to Indians on White Earth Reservation, in Minnesota."

In response thereto I transmit herewith a copy of a communication of the 12th instant from the Commissioner of Indian Affairs, to whom the matter was referred.

In regard to H. R. 997, the commissioner says that it is thought that no legislation should be enacted that would disturb the allotments already made on the White Earth Reservation, and that the bill should be amended so as to provide simply for additional allotments of 80 acres each, and not exceeding in the aggregate 160 acres to each allottee, and it should also provide for pro rata additional allotments in case there is not enough land on the reservation to give each Indian 160 acres.

The views of the commissioner meet with my approval.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 12, 1900.

SIR: The office acknowledges receipt by department reference of the 15th ultimo, for report, of a communication from Hon. J. S. SHERMAN, House of Representatives, dated the 10th instant, inclosing H. R. 997, "A bill to provide allotments to Indians on the White Earth Reservation, in Minnesota."

Mr. SHERMAN requests a report on said bill by this department.

Early in 1892 the entire matter relative to granting allotments of 160 acres each to the bands known as "Mississippi Chippewas" (the bands covered by the present bill) was considered by this office and the department, and recommendation was made for the increased allotments to the Mississippi Chippewas. The views of this office and the department at the time the subject was under discussion before, as well as an opinion of the Assistant Attorney General upon the matter, are printed in Senate Ex. Doc. No. 99, Fifty-third Congress, first session, to which your attention is respectfully invited for a full understanding of the entire subject.

A report on a bill having largely the same effect as the bill in question was made to the department under date of December 17, 1896, to which your attention is also respectfully invited. As this office, in the instances just referred to, offered no objection to the proposed legislation, it does not now feel like offering objections to the present bill, notwithstanding it will involve considerable delay and expense.

The bill, however, will need amendment in two important particulars before this office could advise its approval. As has been said, the bill provides for the cancellation of the allotments of less than 160 acres heretofore made to the Indians and not accepted by them and the making of new allotments of 160 acres to each such Indian. The Chippewa Commission has made nearly 4,000 allotments on the White Earth Reservation. This has largely engaged the time of the commission for the past four years and has involved considerable expense.

The work of making allotments in the field on the White Earth Reservation under the provisions of said act of January 14, 1889, is practically completed, and it is thought that no legislation should be enacted that would disturb the allotments already made. Something like 150 or 200 houses have been built on the lands assigned to removal Indians, and, in the case of the White Earth Indians, many of them have made valuable improvements on their allotments. The bill should therefore be so amended as to provide simply for additional allotments of 80 acres each, and not exceeding in the aggregate 160 acres to each allottee.

Again, some doubt is entertained about there being sufficient land on the White Earth Reservation to give each Indian embraced in the bill 160 acres of land. The bill should therefore be so amended as to provide for pro rata additional allotments in case there is not enough land on the reservation to give each Indian 160 acres.

If the bill shall be amended in these particulars the office would interpose no objections to its passage.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

S. 5255. A bill to provide allotments to Indians on White Earth Reservation, in Minnesota, by Mr. CLAPP; referred to Committee on Indian Affairs (p. 3660); reported back (S. Rept. No. 1925) and passed Senate (p. 4415); referred to House Committee on Indian Affairs (p. 4544); reported back (H. Rept. No. 2460); passed House (p. 5546); approved by President (p. 5824).

It was the Senate bill that actually passed and became the so-called Steenerson Act.

[S. Rept. No. 1925, Fifty-eighth Congress, second session.]

ALLOTMENTS TO INDIANS ON WHITE EARTH RESERVATION, IN MINNESOTA.

April 7, 1904.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following report, to accompany S. 5255:

The Committee on Indian Affairs, to whom was referred the foregoing bill, having examined the same, report said bill without amendment and recommend its passage.

MEMORANDA.

This bill is to carry out the promises of the commissioners appointed under an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians of Minnesota," approved January 24, 1889.

Appended is a letter from the Department of the Interior in regard to the matter:

DEPARTMENT OF THE INTERIOR,
Washington, April 4, 1904.

SIR: I have the honor to acknowledge the receipt, by your reference of the 26th ultimo, of S. 5255, "A bill to provide allotments to Indians on White Earth Reservation, in Minnesota."

In response thereto I transmit herewith copy of Indian Office report of 1st instant, stating that S. 5255 is identical with H. R. 9666, upon which a favorable report was made March 25, 1904.

There seems to be no objection to the proposed legislation.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

[H. Rept. No. 2460, Fifty-eighth Congress, second session.]

ALLOTMENTS TO INDIANS ON WHITE EARTH RESERVATION, MINN.

(Apr. 14, 1904.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.)

Mr. LACEY, from the Committee on Indian Affairs, submitted the following report [to accompany S. 5255]:

The Committee on Indian Affairs, to whom was referred the bill (S. 5255) to provide allotments to Indians on White Earth Reservation, in Minnesota, beg leave to submit the following report and recommend that said bill do pass without amendment.

This is a bill similar in terms with House bill 9666, which the committee has had under full consideration. It provides for increased allotment of land to the Chippewa Indians on the White Earth Reservation, in Minnesota, from 80 acres, already allotted, to 160 acres, and at the same time makes allotments to some Indians who have never before had them. In case there is not sufficient land to give each allottee 160 acres, the allottees will receive a pro rata allotment of this land. The Interior Department was called upon to report on H. R. 9666, and reported thereon favorably with some amendments, which are incorporated in this bill (S. 5255), which is favorably reported, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1904.

SIR: I have the honor to acknowledge the receipt, by your reference, of H. R. 9666, "A bill to provide allotments to Indians on White Earth Reservation, in Minnesota."

The commissioner's report of 25th instant on this bill (copy herewith) shows that previous correspondence has been had in the matter of allotting these Indians additional lands, and that, as provision is made by H. R. 9666 for pro rata allotments in case there is not enough land on the reservation to give each Indian an allotment of 160 acres, there appears to be no objection to the passage of the bill.

In the views of the commissioner I concur.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 25, 1904.

SIR: The office has the honor to acknowledge receipt, by department reference of the 16th instant, for report, of a communication from Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, House of Representatives, inclosing H. R. 9666, "A bill to provide allotments to Indians on White Earth Reservation, in Minnesota."

The bill provides that the President of the United States shall be authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty with or laws of the United States, in accordance with express promises made to them by the Chippewa Commission, and to those Indians who may remove to the said reservation who are entitled to take allotments under Article VII of the treaty of April 18, 1867, 160 acres of land, said allotments to be made in accordance with the provisions of the act of Congress of February 8, 1887 (24 Stat. L., 388).

The bill also provides that where any allotment of less than 160 acres has heretofore been made the allottee shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed 160 acres; also that if there is not sufficient land within the diminished White Earth Reservation subject to allotment to give each Indian entitled thereto the amount of land provided by the bill, then the lands shall be pro rated among the allottees.

Reporting upon the bill, the office has the honor to state that it has heretofore made several reports upon similar bills having practically the same object in view. A report upon a bill having practically the same effect was made to the department under date of December 17, 1896, to which attention is respectfully invited. The office also, on February 12, 1900, submitted a report upon H. R. 997, the general scope and effect of which was identical with the present bill. Attention is also respectfully invited to said report. On March 26, 1902, the office also submitted a report on Senate bill 4340, having practically the same effect as the present bill. In all of these reports the office has recommended the passage of the bills with such slight modifications as have been made from time to time.

In office report of March 26, 1902, attention was invited to the fact that the office entertained some doubt of there being sufficient lands on the White Earth Reservation to give each Indian embraced in the bill an allotment of 160 acres, and it was accordingly suggested that the bill be so amended as to provide for pro rata allotments in case there was not enough land on the reservation to give each Indian 160 acres. The bill in question has been modified as suggested in said office report, and the office now sees no objection to the passage of the bill, and accordingly so reports.

The bill is returned herewith; copy of this report also inclosed.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Protection of Fur Seals and Sea Otter.

SPEECH

OF

HON. L. C. DYER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 14, 1912.

On the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia, concluded at Washington, July 7, 1911, for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean.

Mr. DYER said:

Mr. SPEAKER: I am heartily in favor of this bill as it was reported to the House by the gentleman from New York [Mr. SULZER], the able and splendid chairman of the Committee on Foreign Affairs.

When the gentleman from Iowa [Mr. KENDALL] was addressing the committee the following colloquy took place between him and myself:

Mr. DYER. There have been how many killed during the last two years?

Mr. KENDALL. We killed 12,000 last year and 13,000 the year before.

Mr. DYER. And equally that number was killed on the high seas?

Mr. KENDALL. That, I think, is not true. The gentleman is laboring under a delusion which has been inculcated with some enthusiasm by different people around this Capitol. Pelagic sealing, which I admit to be cruel and reprehensible, is not responsible for the disappearance of the seal life in the north Pacific Ocean.

Mr. DYER. Will the gentleman yield further?

Mr. KENDALL. For a question, but not for an observation.

Mr. DYER. I will ask if the gentleman's statement is not controverted by every scientist and naturalist who testified before the committee?

Mr. KENDALL. No; if the gentleman had read the hearings he would not have asked a question of that character.

Mr. DYER. I have read the hearings.

Mr. KENDALL. I mean if the gentleman had read them with more understanding.

At another portion of the address of the very able gentleman from Iowa [Mr. KENDALL] this additional colloquy took place between us:

Mr. DYER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KENDALL. For a question.

Mr. DYER. The gentleman refers to a monograph of Dr. Elliott. I would like to ask if the views which Dr. Elliott expressed before the committee in its recent hearings were similar to those expressed in the monograph?

Mr. KENDALL. I think the views expressed by Dr. Elliott before the committee and those in the monograph are identical.

Mr. Speaker, I have a high regard for the gentleman from Iowa. He is a very splendid Member, and usually accurate in his statements during debates in this House; but the answers he gave me to the questions I asked him above are certainly, at least, not based upon the facts and information elicited on these matters before the Committee on Foreign Affairs. The very great preponderance of the testimony elicited there, as well as statistical facts, all point conclusively to the opposite of what the gentleman from Iowa [Mr. KENDALL] stated. The gentleman should know that during the year 1911 the land catch from the Pribilof Islands herd amounted to 12,006, while the pelagic catch for the same year amounted to 12,700, while the year before the land catch was 13,584 and the pelagic catch was 12,000. Also, let me give you the facts as regards the land catch and pelagic catch for the last 20 years, to wit:

Years.	Land catch.	Pelagic catch.
1892	7,549	46,642
1893	7,425	30,812
1894	16,031	61,838
1895	15,000	56,291
1896	30,000	43,917
1897	20,766	24,321
1898	18,032	28,552
1899	16,812	34,168
1900	22,470	35,191
1901	22,672	24,050
1902	22,386	22,812
1903	19,292	27,000
1904	13,128	29,006
1905	14,368	25,320
1906	14,476	21,236
1907	14,964	16,036
1908	15,001	18,151
1909	14,995	14,142

1910 and 1911 are stated above.

Mr. Speaker, these figures are taken from official reports of the United States, the Paris Tribunal of Arbitration, and re-

ports of sales of sealskins in London, and we are safe in saying that these figures are substantially correct. What are these figures for the last 20 years as enumerated above? It shows that the land catch from the Pribilof Islands herd was 330,957 and that the pelagic catch from the Pribilof Islands herd was 583,285. These figures conclusively show that the distinguished gentleman from Iowa [Mr. KENDALL] was mistaken when he said that pelagic sealing was not responsible for the disappearance of the seal life in the North Pacific Ocean.

The hearings held before the Committee on Foreign Affairs contain facts and figures that substantiate the fact that the thing necessary to be done for the protection of the seal herd is to stop pelagic sealing. That was the conclusion and the reason for the United States of America, Great Britain, Japan, and Russia entering into the treaty at Washington on the 7th of July last, and for the purpose of fully carrying out our portion of that treaty this bill is presented to the Congress of the United States. Among those who gave testimony before the Committee on Foreign Affairs in regard to this matter was Mr. W. I. Lembkey, who is the United States agent in charge of the seal fisheries of Alaska under the Department of Commerce and Labor. On January 3, 1912, he testified before this committee. He had just returned from the Pribilof Islands, where he has spent six winters looking after the seal herd. With regard to pelagic sealing he testified in part as follows:

I wish to say an explanatory word with regard to pelagic sealing. Pelagic sealing means the killing of the fur seals in the water by means of small boats operating from a schooner as a base. The practice was almost unknown until the year 1881, when some adventurous spirit fitted out a schooner on the Pacific coast and went into the Bering Sea for the purpose of seeing how many seals he could capture in the water. His success was more even than he anticipated, and in the following year his vessel was accompanied by a number of other schooners bent upon the same errand. The industry of pelagic sealing increased from 1881 until 1894, when, if I remember correctly, 35 schooners operated in taking seals from the Pribilof herd as well as the Commander or Russian herd on the opposite side of the Pacific Ocean. These schooners secured a catch of over 60,000 Pribilof Island skins, as contrasted with a land catch on the islands of only 16,000. This pelagic killing was especially disastrous to the herd, for the reason that it was composed of from 60 to 85 per cent of breeding females—females with milk.

The killing of a female seal, which, by the way, when in the Bering Sea Islands is pregnant, involves the loss of the life not only of the mother seal, but of the unborn seal which she will deliver the following year and her nursing pup on shore—which dies of starvation—because a female seal will not nurse the pup of any other cow. The loss of a breeding female seal entails the loss of three lives, and it should require no further explanation from me to show the committee how destructive the practice of pelagic sealing is to the seal herd.

The land catch, on the other hand, is composed entirely of young males between the ages of 2 and 3 years at the present time, and 2 and 4 years during the periods of the two leases which I have already mentioned.

It is not necessary to state to the committee that the fur seal is a highly polygamous animal. The sexes are demonstrated to be born in equal numbers, and it has also been shown that not more than one male in every 30 is necessary for the purposes of propagation. The remaining 29 can therefore be killed, although our killing has never included twenty-nine thirtieths, by any means. Speaking, however, from the biological standpoint, the killing of twenty-nine thirtieths of all the surplus males would not result in any depletion of the birth rate, for the reason that sufficient males would have survived from the killing to properly impregnate all females.

We therefore contend, and it has been conclusively demonstrated, that such killing as has been carried on during the American occupation of the Pribilof Islands has never had any effect upon the birth rate, and therefore has never injured the future increase of the species.

The practice of pelagic sealing was soon realized to be destructive to the herd and to its increase, and the officers of the Government took measures to abolish the practice which resulted in the Paris agreement of 1892, which afforded a measure of protection to the seal herd, but did not provide sufficient protection to prevent the females from being killed in such number as to cause a decrease in the herd. The Paris tribunal, by the way, bound, as you know, only the Governments of Great Britain and the United States. All other governments were not bound, and therefore did not need to observe any of the provisions of the Paris award. The Japanese Government, or rather the citizens of Japan, began to engage in the practice of pelagic sealing, coming very close to the islands for their seals. While the Canadians more or less relinquished the practice, the fleet of Japan began to increase, until last year there were no Canadian sealers in the sea, so far as I know, whereas there was a Japanese fleet of possibly 35.

Mr. Speaker, in quoting from those who gave testimony before this committee I will say that everyone, with the exception of Prof. Henry W. Elliott, substantially agree with Mr. Lembkey. Among these officials, scientists, and naturalists besides Mr. Lembkey, were the following: Dr. Barton W. Evermann, Chief Division of Alaska Fisheries, Department of Commerce and Labor; Capt. Ellsworth P. Bertholf, commandant Revenue-Cutter Service, who has spent years in looking after the seals of the North Pacific Ocean; Hugh W. Smith, Deputy Commissioner Bureau of Fisheries; Dr. F. W. True, Assistant Secretary of the Smithsonian Institution, formerly head curator of biology, United States National Museum, and special investigator on the seal islands in 1895; Prof. David Starr Jordan, assisted by Leonard Stejneger, Frederic Augustus Lucas, and George Archibald Clark, who made a report on Bering Sea fur-seal investigations, and which was called to the attention of the Committee on Foreign Affairs by Dr. Evermann in his testimony and which is found in the hearings heretofore referred to. Other authorities similar to the above were called to the attention of the Committee on Foreign Affairs, and among them were Joseph Stanley Brown, for many years resident of the seal islands as agent for the Treasury Department and later for the North American Commercial Co.; Gerald E. H. Barrett-Hamilton, of Dublin, Ireland, British member of the fur-seal commission of 1896 to 1897; Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the fisheries' steamer *Albatross*, member of the fur-seal commission of 1896 to 1897, and for nine seasons special investigator on the seal islands; Edwin W. Simms, formerly United States attorney at Chicago, Ill., and special investigator on the seal islands in 1906.

Mr. Speaker, the gentleman from Iowa [Mr. KENDALL] in his address referred to Dr. Elliott and his monograph on the seal question as the principal authority for the position taken by him on this question, that the killing of seals should be stopped, not only on the water but also on the land, for a number of years at least, in order that the herd might be rehabilitated. The gentleman from Iowa [Mr. KENDALL], in answer to a question from me, stated that the views expressed by Dr. Elliott before the Committee on Foreign Affairs last month were similar to his views expressed in his monograph, whereas, according to the statements of Dr. Elliott himself before the Committee on Foreign Affairs last month, he himself testified, in part, as follows:

Mr. Chairman and gentlemen of the committee, Dr. Evermann has read to you an extract from my testimony given to a House committee in 1888, which declares that I then had no objection to the land killing as it was then conducted and is to-day.

That is a statement which I made in good faith, as I had stated it in my report of 1874 and 14 years after I had surveyed the work officially.

But when I again visited the islands, in 1890, my studies then opened my eyes to the fact that I had been mistaken in my opinion of 1874, and, as quoted by Dr. Evermann, I called attention to this fact in my report of 1890 to the Secretary of the Treasury—that I was wrong in my theory of 1874; that the work done during the 16 years which had elapsed between 1874 and 1890 had satisfied me of my error. So, Mr. Chairman, I myself called attention to my own error and corrected it in this report. (See Report on Present Condition of the Fur-Seal Rookeries of Alaska, H. Doc. No. 175, 54th Cong., 1st sess., pp. 5–15.)

I was on the wrong side then, and I am one of those who do not believe it is more creditable to stay consistently wrong than to admit an error and publish the same. I sure am on both sides, but that only shows to you that I have left the wrong side in 1874 and taken the right position in 1890, and since then, Mr. Chairman, I have remained there.

The truth of the matter is that Prof. Elliott, according to the testimony of Dr. Evermann, has occupied all sides of all phases of the fur-seal question in the last 20 years. He has occupied at one time one side of the question and at other times opposite sides of this question. At a hearing, on September 17, 1888, this question was asked of Prof. Elliott:

Under the system adopted by the Government and the company, do you think the full breeding capacity of the entire herd can be preserved indefinitely?

Mr. Elliott replied:

Yes, sir. So far as we are concerned, I do not think we are able to cause an increase by anything that we can do on the islands, because we can not cause a greater number of females to be impregnated than are there; and as long as that is done, as it has been done and is done now, everything is done that can possibly be done. When they leave the islands they are the prey of certain natural marine enemies which we can not shield them from.

By this he means pelagic sealing, which this bill and the treaty heretofore promulgated will put an end to.

Mr. Speaker, the result of a sensible and unprejudiced consideration of this question brings us to the following conclusions:

First. The seal herd of the North Pacific Ocean, belonging to the United States, must be protected; otherwise the herd will be practically destroyed and become extinct.

Second. The way to preserve the herd is to stop pelagic sealing entirely.

Third. Land killing should be limited, as provided for in the amendment offered to this bill by the gentleman from Virginia [Mr. FLOOD]. The passage of this bill with this amendment will be the greatest possible protection that we can give to our seal herd, and it will result in it being greatly enlarged and increased in number. This amendment could have well been left out of the bill, because with pelagic sealing stopped and the land killing left to the United States, under the Department of Commerce and Labor, there would have resulted and been accomplished everything that this amendment will accomplish for the bill. With the enactment of this bill into law, and the stopping of pelagic killing under the provisions of the treaty heretofore entered into, it is to be hoped that the Government of the United States will have the seals sold at auction in an American fur market, instead of the London fur market, on the theory of "America for Americans."

Mr. Philip B. Fouke, president of Funsten Bros. & Co., St. Louis, Mo., and a man who has given much thought and study

to the fur-seal question from all angles and whose expert advice the Committee on Foreign Affairs had advantage of in its hearings, touched incidentally on this question, which has not heretofore been discussed in this debate. This is with regard to having the seals sold at auction in an American fur market instead of a European—London—fur market, page 149 of the hearings, to wit:

On this phase of the fur-seal question Mr. Fouke says in part:

It ought to be the policy of the American Government to foster American industry and not deliberately ship an American product all the way across the United States to be exported to a foreign country, to be sold by a foreign house in a foreign market for account of the American Government, when the seals could be sold in an American market by an American house for account of the Government to just as good or better advantage.

Secretary Nagel himself is a great believer in protecting American commerce, and it is known that his views are favorable to a policy of having the sealskins sold in an American market by an American house in preference to consigning them to an English house in an English market.

As soon as the Government announces its policy that it will have its sealskins sold in an American market by an American house for account of the Government, it will bring to this country the best seal-dyeing houses that are now located in Europe. In fact, the most successful sealskin dyer and dresser in the world has already announced his intention of coming to this country to locate should the Government decide to sell the seals in this country.

The pelagic seals, known in the London market as the northwest-coast seals, but which come from Alaska, have always supplied the European markets, while 90 per cent of the Alaska sealskins taken by the Government are consumed in the United States; and when they are brought back to this country it is necessary for the American people to pay 20 per cent duty on the dressed and dyed sealskins, which is unfair to the American people.

If the sealskins are sold in an American market, with the dressing and dyeing plant located in America, it will mean that sealskins can be had for less money by the consumer, and at as much net money to the Government.

The Government's policy of selling the sealskins in an American market means that on account of the Alaska seal herd being the largest herd of seals in the world, as well as the most valuable, it will transfer the sealskin market of the world from London, England, to the United States, besides bringing to this country the new industry of sealskin dressing and dyeing.

Furthermore, the Government will be showing great wisdom and foresight in having the sealskins sold in an American market, because within 10 years' time it will be selling upward of 50,000 sealskins annually, instead of about 10,000 to 12,000, as it is now; within 15 years it will be selling 100,000 sealskins annually. This will mean that the American market will be the sealskin market of the world and will attract to it all of the other seals from different parts of the world, such as the Copper Island, the Cape Horn, the Lobos Island, and Shetland Island seals.

It is simply an opportunity of changing the seal market of the world from England to America. This is a fact generally conceded in the fur trade of America and by experts who know. It is also conceded by those best posted in the American fur trade that the seals will sell at as high prices in an American market as in a foreign market—at less expense to the Government, and therefore with a better net result. It also will mean that the American people, who are the largest consumers of Alaska seals, will not have to pay a 20 per cent ad valorem duty on the dressed skin which is a product of their own country and which is signally unfair to them.

It is to be hoped that the Government will see the wisdom and foresight of selling the Alaska seals in this country in the future continuously. Such an act would be conserving American commerce, which would undoubtedly redound to the credit of the Government, and an act which would be applauded by the whole American people.

The Army Bill and Army Posts.

SPEECH

OF

HON. FRANK W. MONDELL,

OF WYOMING,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 16, 1912,

On the bill (H. R. 18956) making appropriation for the support of the Army.

Mr. MONDELL said:

Mr. SPEAKER: I was unavoidably absent from the House during the consideration of a portion of this bill owing to the failure of the railway on which I was traveling to live up to its reputation for the safe and timely dispatch of trains. Had I been here I should have offered several amendments to sections of the bill which have been read. I realize, however, that nothing would have been gained by so doing, as the Democratic majority has voted down every amendment that the gentleman from Virginia [Mr. HAY], the chairman of the committee, does not favor and has voted in every amendment he offered or favored. For the first time during my service here the questions arising in connection with the consideration of the Army bill have been decided on party lines and as party questions.

I have already expressed my opposition to the reduction of the Cavalry by five regiments as provided in the amendment offered by the gentleman from Virginia [Mr. HAY], and when the bill was first under discussion I gave some of the reasons why, in my opinion, that should not be done. No one pretends that 15 regiments of Cavalry to 30 of Infantry is not excessive, viewed from the standpoint of a military establishment proportioned for war operations. We need a preponderance of Cavalry for various reasons: First, because in case of war and the sudden expansion of our military establishment the additions which we would receive from the National Guard would be almost exclusively Infantry, which can be speedily brought to efficiency, while the assembling and training of Cavalry requires a considerable period of time; second, in the case of troubles near home Cavalry would be most effective for policing and patroling; third, without a considerable Cavalry establishment the demand for Cavalry horses would be so small as to discourage the raising of horses for that purpose. I do not approve the policy of Government horse breeding, either through the Government ownership of stallions or the establishment of Government breeding farms. That is a business which may well be left to the farmers and stock raisers of the country; but as long as we must have a military establishment we should have sufficient Cavalry to furnish a market for Cavalry horses large enough to encourage the raising of horses fit for such use.

I am at a loss to understand how anyone can favor a five-year term of enlistment. I am not surprised that the great majority of Army officers oppose such a term. I am surprised that any favor it.

Very few young men in our country voluntarily adopt the military life as a profession. If they did there would be no special objection to a five-year enlistment. The majority of young men who enlist do so with the idea that a term of Army service may furnish a good training and opportunity for improvement, while some are more largely actuated by a spirit of adventure or lured by their youthful notion of the glory of the warrior's life. To such the three-year term of enlistment does not seem a discouragingly long period. Few such would enlist for five years. On the other hand, to those who seek Army life because they consider it a soft snap, or enlist because they have not the energy or ambition to make their way in civil life, the five-year term would present no obstacle. Thus the extension of the term of enlistment would have the tendency to discourage the class of enlistments which the Army most needs and desires, while it would offer no discouragement to the class of enlistments which we could very well get along without. That the longer term of enlistment would largely increase desertions is not only proved by our experience, but without such proof would appear to be a reasonable and logical result.

ARMY POSTS.

When the appropriation for barracks and quarters was reached, the gentleman from Virginia [Mr. HAY] offered the following amendment:

Provided further, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Ariz.; Boise Barracks, Idaho; Fort Brady, Mich.; Fort Clark, Tex.; Fort George Wright, Wash.; Fort Jay, N. Y. (mobile garrison only); Fort Lincoln, N. Dak.; Fort Logan H. Roots, Ark.; Fort McIntosh, Tex.; Fort Mackenzie, Wyo.; Madison Barracks, N. Y.; Fort Meade, S. Dak.; Fort Niagara, N. Y.; Fort Ontario, N. Y.; Fort Wayne, Mich.; Whipple Barracks, Ariz.; Fort William Henry Harrison, Mont.; Fort Yellowstone, Wyo.; Fort Ethan Allen, Vt.; Plattsburg Barracks, N. Y.; Fort Robinson, Nebr.; Fort Missoula, Mont.; Fort Logan, Colo.; Fort Douglas, Utah; Fort D. A. Russell, Wyo.

This amendment was, according to the gentleman from Virginia, offered in the interest of economy and in order to save the expenditure of $173,000, which had been allotted to these posts, out of a total appropriation for barracks and quarters of $1,721,389. The gentleman from Virginia [Mr. HAY] has a curious notion of what constitutes economy. He ought to know, if he does not, that but few if any of these posts can be abandoned until other provisions have been made for the housing of the Army, and yet he considers it economy to allow good buildings at these posts to deteriorate for lack of ordinary repairs.

Personally, I find it a little difficult to use parliamentary language in expressing my opinion of the views of gentlemen who propose to overturn our long-established policy of the distribution of troops throughout the country, and to substitute for it an apeish imitation of the military establishments of European monarchies. If the European plan of concentrating troops in or near large centers of population and allowing officers to dwell in large cities is a good one, why not carry the European plan out a little further and reduce the pay and allowances of officers from half to two-thirds below what it now is? If one part of the program is to be carried out, why not the other? The Democratic majority approve the European plan of massing troops

in centers of population. In some of these European armies which it is proposed to imitate, I am told, the enlisted men are not furnished underwear or socks. I suppose our Democratic friends do not intend to carry their imitation that far this year.

Every once in a while certain classes of Army officers return from brief sojourns in the armed camps of Europe so saturated with the spirit of servile imitation of the rampant militarism which has impoverished the Old World that they hasten to pattern our military establishment after those of despotic monarchies in blind disregard of the difference in conditions and in the attitude of our people toward our military establishment. They have proposed such frequent changes in Army uniforms in keeping with some military fad they have discovered in Europe as to lead the committee in framing this bill to prohibit further changes without sanction of Congress. If the committee does not consider the men in charge of the Army competent to judge of the propriety or necessity of changes in the amount or form of gold lace or the cut of the trousers to be worn by the Army, by what curious process of reasoning do they arrive at the conclusion that the same men are more competent to judge of the proper locality and manner of the housing of our troops than the Congress? On what theory does the committee reach the conclusion that men whom they do not consider competent to prescribe the proper kind of clothes to be worn are competent to judge whether or not we shall abandon twenty to thirty millions of dollars' worth of first-class Army posts with a view of concentrating our armies in the slums of a few large cities?

In response to a resolution of a Democratic committee of this House, the Secretary of War, on January 25, made a report, which I regret I have not the time to analyze as it deserves. I shall refer to only one portion of it which I find on page 5, which is as follows:

If the mobile Army is to be efficient its distribution must meet the following requirements:
1. It must be favorable for the tactical training of the three arms combined (Infantry, Cavalry, and Field Artillery).
2. It must be favorable for the rapid concentration of the Army upon our northern or southern frontier or upon our eastern or western seaboard.
3. It must favor the best use of the Army as a model for the general military training of the National Guard.
4. It must favor the use of the Regular Army as a nucleus for the war organization of the National Guard and such volunteer forces as Congress may authorize to meet any possible military emergency.
5. The distribution must favor economical administration with the view of developing the maximum return for the money appropriated for military purposes.
6. The distribution must permit a peace organization which will also be effective in war; that is, an organization which will permit a prompt expansion in time of war by means of a system of reserves.

The present distribution of our Army is not an accident. It is in accordance with the needs of the country and in harmony with the objects and purposes of our military establishment, but I scarcely expected to find our present distribution of the Army practically indorsed by the very conclusions on which the recommendations for the abandonment of a large number of our best posts is based.

I am perfectly willing to accept the above-quoted requirements as to the proper distribution of our mobile Army and believe I will have no difficulty in proving that the present distribution of the Army meets the conditions laid down much better than the concentration proposed. Let us see what the above-quoted requirements of efficient distribution are:

1. It must be favorable for the tactical training of the three arms combined (Infantry, Cavalry, and Field Artillery).

It would be difficult to conceive a condition more favorable for the tactical training of the three arms of the service than those presented by a garrison like that of Fort D. A. Russell, where the three arms of the service are represented, and where additional organizations from the near-by posts in Utah, Colorado, and Nebraska can be readily assembled on an immense reservation comprising varied topographic features of plain, wooded hills, and rugged mountains, all in a climate whose bracing, tonic properties are unexcelled anywhere in the world.

Under what possible conditions of concentration could so favorable conditions for tactical training be secured as exist in the vicinity of Fort McKenzie, Wyo., which should be a cavalry post. On the reservation and in the adjacent mountain-forest reserves are the most ideal conditions imaginable for the maneuvering and training of troops stationed at this post, augmented by the other arms of the service within easy marching distance at the adjacent posts in South Dakota and Montana.

The second requirement is as follows:

2. It must be favorable for the rapid concentration of the Army upon our northern or southern frontier or upon our eastern or western seaboard.

The posts proposed to be abandoned are largely in the northern central portion of our country, and therefore in ideal position for concentration on either border or either seaboard. Unless we are to have an army large enough—which no one contemplates—so that in case of war none of our troops are to be used except those already concentrated near the point of attack, the best location for the bulk of our troops is a central one, on or near the main transcontinental lines, North and South and East and West; such is the location of the posts proposed to be abandoned.

3. It must favor the best use of the Army as a model for the general military training of the National Guard.

As the National Guard is scattered throughout the country, it follows that if the Army shall be of the best use as a model for the National Guard it must be widely distributed in order to be brought into contact with the National Guard. The concentration proposed would deprive the National Guard to a very large extent of the benefit of the Army as a model for general military training.

4. It must favor the use of the Regular Army as a nucleus for the war organization of the National Guard and such Volunteer forces as Congress may authorize to meet any possible military emergency.

As the Volunteer forces would be drawn from the body of the people, and the best of such forces from rural and agricultural communities, the Regular Army can be best used as a nucleus for the war organization of the National Guard and Volunteer forces by keeping the Army distributed as at present. Concentration would largely minimize the usefulness of the Army in this regard.

5. The distribution must favor economical administration with the view of developing the maximum return for the money appropriated for military purposes.

It is yet to be demonstrated that any economy would result from the proposed concentration. The estimated saving of $5,500,000 per annum is based upon reasoning so manifestly faulty as not to entitle it to the serious consideration of any sane person. Take as an example the estimate of saving $2,240,000 annually in the matter of transportation.

One does not need to be a military expert to realize how ridiculous such a proposition is. Perhaps it would be a more accurate statement to say that everybody except certain classes of military experts will realize its absurdity at a glance. Concentration may be a desirable thing from a certain military point of view, but it will not shrink the map nor reduce the distance between any two given points. As against the alleged saving is the certainty that it would cost probably $50,000,000 to secure the ground and provide the buildings necessary at proposed concentration points and involve a loss of at least $20,000,000 to $25,000,000 in the posts abandoned, without taking into consideration the large reservations, aggregating many thousands of acres, connected with them. Anyone familiar with conditions knows that the Government would receive practically nothing for these posts and reservations.

6. The distribution must permit a peace organization which will also be effective in war; that is, an organization which will permit a prompt expansion in time of war by means of a system of reserves.

The only possible way in which the Army can be promptly and efficiently expanded in time of war is to have it distributed through the country from which the men for that expansion are to come. Concentration near large centers of population would remove the Army from the localities in which the largest proportion of the best class of volunteers could be secured. The present arrangement is ideal, as it would draw recruits from all parts of the country for the expansion of our peace organization.

I regret I have not the time to review even briefly the various alleged arguments in the document to which I have referred. One which stands out in picturesque prominence among its fellows as a gem of sophistry of the purest ray, is the following:

As a business proposition it should be possible to refund the investment and largely finance the relocation of the Army from the proceeds of the sale of the real estate which is no longer needed for military purposes. The project would be similar in many respects to the Reclamation Service as now established by Congress. In that service a fund is formed from the proceeds of the sale of certain public lands, and from this fund certain approved projects are successively executed under general rules prescribed by Congress.

It is believed that the Army can in this way be scientifically distributed at an expense little if any in excess of the proceeds of the sales of the properties to be abandoned.

Because the Government hopes to be able to irrigate fertile lands at a price which farmers can afford to pay for them, therefore say our expert military financiers, the Government can sell isolated Army posts, consisting of buildings many of which would have but little value for any but Army purposes, even if

they were favorably situated for other uses, and lands the greater portion of which have no appreciable value except for military purposes for enough to erect modern buildings for the same number of men on high-priced lands near large centers of population. I understand that the lands on which some of the posts proposed to be abandoned are located were granted to the Government with a reversionary clause in case they were not used for military purposes. Such a clause would probably take the buildings with the land. A proposition is now before Congress to grant to the State of Texas a recently abandoned post. Like propositions would follow in every case where the post would not actually prove a white elephant to the State. The probability is that with two or three possible exceptions these fine posts, if abandoned, could not be sold for enough to pay for the paint on their porticoes.

On the other hand, we have already witnessed the beginning of the scramble for the Federal plums and appropriations which some of the brethren expect to have come their way, with the anticipated abandonment of posts in the North and the Northwest. Two resolutions have been put through the House in the last few days by the Democratic majority providing for boards to examine areas in Tennessee and Alabama with a view of their purchase for maneuver purposes. Skillfully drawn and innocent on their face, their sponsors are clearly looking forward to the transfer of the men from the northwestern posts to that region.

I suppose, as long as we have an Army, we must expect to have an outbreak every so often of some weird plan, based purely on theory and speculation, to revolutionize our military establishment. The Staff Corps must have some relief from the monotony of planning campaigns that never materialize, and the only consolation the average citizen finds amid their constantly changing views is contained in the fact that the various plans of alleged reform eventually neutralize each other. I have heard a good deal one time and another in the way of criticisms of "political" influence in the establishment of Army posts and in planning Army organization. If no one but the gentlemen who would be responsible would suffer, I would like to see the sort of an organization we would have if the various schools of military experts, in military and civil life, from time to time connected with the War Department were given carte blanche, independent of Congress, to put into operation their different and sundry theories with regard to military affairs. The result would be a spectacle for gods and men in appearance, place, and organization; extravaganza, and comic opera would no longer be necessary for the amusement of the people.

The fact is that the distribution of the Army of the United States is neither a matter of chance nor of politics, in the sense in which that word has been used in that connection. It is the natural, wise, and rational result of our conditions and of our theory as to the utilization of our military establishment in time of peace and in preparation for war; and the men who contemplate revolutionizing that system are profoundly ignorant of the views of our people touching the Army and its use. The temporary presence of a Democratic majority in the House of Representatives affords an opportunity for exploiting certain theories of concentration utterly un-American, apish of the military-ridden States of Europe; but if the plan were to succeed, which it will not, to the extent of the abandonment of a considerable number of posts, its sponsors would be disappointed in that the result would not be concentration, but merely the abandonment of one set of more or less scattered posts and the establishment of another set of widely scattered posts to take their place in other parts of the country.

Several of the posts which have been mentioned in connection with the talk of abandonment are still important; if not to prevent Indian outbreaks, at least for their salutary influence in that direction. Fort McKenzie, in the vicinity of several large reservations, is one of these. Some of the posts, like Fort Yellowstone, were built for no other purpose than to house troops regularly engaged in policing the Yellowstone National Park, for which service the Cavalry is peculiarly adapted. Practically all of the posts in the Northwest are conveniently located for the quick dispatch of troops to aid in fighting fires on the adjacent Government forest reserves, at least until the Forest Service can in great emergencies organize a civilian force. Many lives and much property were saved by the use of troops in the Northwest in the great fires of a year ago last fall.

These considerations in themselves emphasize the folly of taking troops from these garrisons, but over and beyond and above these local considerations are the facts of our deliberate and consistent and wise policy of a wide distribution, within proper limitations, of our armed forces.

The Chemical Schedule.

SPEECH

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 20, 1912,

On the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: As with the wool bill brought in and steamrollered through this House without public hearings or recourse to the Tariff Board, and with the steel schedule catapulted over the efforts of the minority to reason and deliberate, so it is with this chemical schedule, with this exception, that despite the protestations of the gentleman from Alabama [Mr. UNDERWOOD] as to the credibility of the Tariff Board and the general indifference thereto of the Democratic Ways and Means Committee, the gentleman from New York [Mr. HARRISON] has broken over the traces and gone to this same unthinkable Tariff Board not for data, but "for a glossary." He has borrowed the Tariff Board's dictionary and has thus given a literary flourish to the chemical schedule report which was not embodied in the product of the gentleman from Alabama—the wool schedule—or that of the gentleman from Pennsylvania [Mr. PALMER] in the steel schedule. Indeed, the action of the gentleman from New York is so contrary to the practice of the Democratic Ways and Means Committee that it threatens the boasted consistency of the advocates of a revenue policy which assumes to run the Government by ignoring the principle of protection and undermining the tariff system.

Protesting that the Democratic Party stands for a tariff for revenue only our friends upon the other side, after embarrassing the woolen industry of the country and distressing the iron and steel industries, now comes to the conclusion that duties ought to be imposed upon raw materials that enter into the manufacture of chemicals, and they proceed to take off the free list of the Payne bill noncompetitive raw materials and deliberately tax them. Shades of Thurman! Whither is Democracy drifting?

But this startling proposition is presented in the Harrison bill, and the principal excuse for it, as given by the gentleman from New York, is that such duties are necessary to force the American manufacturers to yield up unreasonable profits. Truly an anomalous and difficult position for a consistent Democrat! And yet the gentleman from New York has justified the tax upon raw materials which are the product of the soil substantially for the reason stated and to raise revenue. In addition to challenging Democratic policy and out-Payneing the Payne bill in this particular, the gentleman has done more. He has permitted the Democratic camel to poke its nose into the Tariff Board tent in a manner which indicates it will soon warm up to the Tariff Board data, if it does not eventually absorb it all. And if the facts that are essential to the framing of an equitable tariff bill are desired, perhaps the way of the Tariff Board will be found the best in the end. Thus the camel may eventually lead in the donkey.

That up to this time neither facts nor equity have governed the secret proceedings of the Ways and Means Committee is fairly well demonstrated in the messages that have been coming in during the last few days from business men who have not been heard by the Ways and Means Committee, which sits in judgment upon their business affairs.

I present herewith some of these telegrams and letters. They come from men who do know something about the chemical schedule and the effect of sudden and ill-considered changes affecting their business. They appeal from the caucus and the glossary to the actual hardships that would be imposed by this bill:

PHILADELPHIA, PA., *February 19, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: We note the duties in the Underwood bill revising the chemical tariff schedule on linseed oil from 15 cents to 13 cents; soya bean oil, which is now free, raised to one-fourth of a cent per pound; and China wood oil, which is now free, raised to 5 cents per gallon.

LINSEED OIL.

Linseed oil is seldom, if ever, imported into this country, unless there is a failure in the seed crop; therefore any reduction is unnecessary. The Government might as well have the benefit of 15 cents as 13 cents.

SOYA BEAN OIL.

This is now being admitted free, and one-fourth of a cent per pound means 2¼ cents to 5 cents per gallon, and as we do not raise this stock in our country, or, if so, in very limited quantities, no protection is necessary. If, on the other hand, we are going to encourage the farmer and are really able to make soya-bean oil from soya beans, we want to put a larger duty on it, say, 10 cents to 15 cents, the same as on linseed oil.

CHINA WOOD OIL.

China wood oil or nut oil is imported free to-day and should be continued so, as it is impossible to grow this nut or crush it in this climate, and it would be a great hardship to charge 5 cents per gallon, the proposed rate, as it would affect every varnish and oil manufacturer in this country. For your information, would say that the use of China wood oil has saved the varnish industry, and it has largely replaced the use of Kauri and other gums, which have become almost prohibitive in price.

Very truly, yours, PECORA PAINT CO.

—

NATIONAL ANILINE & CHEMICAL CO.,
Philadelphia, February 16, 1912.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: Referring to page 2, under the head of "Acids," you will notice that they have taken from the free list benzoic acid and made it dutiable at 5 cents per pound. This is one of the products used by us in the manufacture of aniline colors.

Referring to page 34, "Coal-tar products known as aniline oil and salts, toluidin, zylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, nitrobenzol and nitrotoluol, naphtylaminsulfo acids and their sodium or potassium salts, naphtolsulfo acids and their sodium or potassium salts, amidonaphtolsulfo acids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfo acid, metanilic acid, paranitranilin, dimethylanilin."

These intermediate products are now upon the free list. They have taken them from the free list and placed them on the dutiable list at 10 per cent ad valorem. All of these products are used by us for the manufacture of aniline colors and are not produced in this country.

Coal-tar dyes, known in the trade as aniline colors (see p. 32). Under the Payne tariff bill the protective duty is 30 per cent. They have reduced the duty to 25 per cent.

If this bill becomes a law the aniline industry of the United States will receive a decided setback.

Very truly, yours, M. W. HANNA.

—

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

We protest against changes in duties on paints, oils, and varnish gums proposed in new chemical schedule. Why lower duties on manufactured paints and varnish and raise duties on raw materials that we home manufacturers must use? Don't this seem like knifing us both ways?

EUGENE E. NICE.

—

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

We earnestly protest against changes in duty on paint and oils proposed in new chemical schedule, specially china wood oil, which would double cost of about 50 per cent of varnishes consumed.

THE LAWRENCE MCFADDEN CO.

—

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

In the best interest of oilcloth and linoleum manufacturers, large consumers of varnish, do all you can to oppose duty on gums, paragraph 37; also, soya bean and Chinese nut oil, paragraph 50.

GEO. W. BLABON CO.

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
Care House of Representatives, Washington, D. C.:

We earnestly protest against changes in duties on paints and oils proposed in new chemical schedule, especially duty on china-wood oil, which would largely increase cost of about one-half varnishes consumed.

YARNALL PAINT CO., *Philadelphia.*

—

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
Washington, D. C. (left notice):

We earnestly protest against changes in duties on paints and oils proposed in new chemical schedule, especially duty on china wood oil, which would double cost of about 50 per cent of varnishes consumed.

JOHN LUCAS & CO.

—

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

We earnestly protest against changes in duties on paints and oils proposed in new chemical schedule, especially duty on china wood oil, which would double cost of about 50 per cent of varnishes consumed.

THE A. M. PARKS CO.

—

PHILADELPHIA, PA., *February 17, 1912.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

We earnestly protest against change in duties paints and oil, proposed new chemical schedule—special duty China wood oil, which would add duty of 50 per cent to varnish consumers.

C. T. WETHERILL.

—

PHILADELPHIA, *February 20, 1912.*

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: We write to protest against the imposition of a duty, as provided by the Underwood bill revising the chemical tariff schedule, upon soya-bean oil, now free, and advanced to one-fourth cent per pound duty, and China wood oil, now free, and advanced to 5 cents per gallon duty.

These two oils, and especially China wood oil, are of paramount importance to the paint and varnish trades and are rapidly coming into use in other trades.

China wood oil is not produced at all in this country. The price is already excessively high, and the imposition of a duty, still further increasing the price, will not protect any American industry, as it is an oil which has no competitor, particularly in the varnish trade, and it will put a tax, which will be a hardship, on a large and important industry.

We sincerely trust these two items of tax will be withdrawn from the bill.

Yours, very truly,

ATLANTIC DRIER & VARNISH CO.
By W. H. MAGOFFIN.

Mr. Speaker, I submit these messages as protests against the passage of this bill. At most it is experimental, as in the case of the Underwood wool bill and the Palmer steel measure. Neither of these experiments have met with that unanimous public indorsement which the proponents of the bill were inclined to think they would receive. They were disturbing factors, drafted behind closed doors, and based upon no scientific principles. They can best be described as "feelers," intended to test the public sentiment, with the hope, more earnest than apparent, that they would be vetoed by a Republican President. The chemical schedule is exceptional, as I have indicated, in trying out the scheme of taxing raw materials which the Payne bill left free. It is different in another respect, in that while it taxes raw material which American labor works up into a marketable product, it reduces duties upon foreign-made products that come in competition with American manufactures. It adds to the American burden in both ways, taxing the man who undertakes to do business and cutting him down because he does it successfully. It encourages the foreigner to keep his raw material which we can not produce in this country, and then lowers the tariff barriers so that when the foreign manufacturer is ready to enter our market he can do so on easier terms than he did before. In other words, this bill is designed to encourage foreign manufacturers and cheap labor to do their utmost to put American manufacturers out of business and to degrade American labor.

It is a long reach from the American consumer to the European market, and I am persuaded that there are many Democrats on this floor representing manufacturing districts who would be glad to oppose this measure if they could violate the Democratic caucus rule. I am still further persuaded that there are many Democrats representing farming districts where paint and varnish are largely used upon the frame houses in which live the tillers of the soil, who would also like to vote against the proposition if they, too, were not also bound hand and foot by "King Caucus."

If legitimate manufacturing enterprises are to be taxed going and coming, and all incentive to engage in the manufacturing business is to be discouraged in the United States, we may wake up some day to find that tariff tinkering is as dangerous in its effects upon the food-producing centers of the country as it is upon those districts which depend largely upon manufacturing enterprises. The only encouragement American protectionists are able to gather from the bills that have thus far come from the Democratic Ways and Means Committee is that the American producers and consumers alike are beginning to see through the political pretenses of those who now admit the wisdom and necessity of a protective policy, but rather than proclaim it, continue to experiment with legislation which thus far has operated only to encourage foreign competition and disturb the business conditions that have prevailed in the United States to the lasting credit and glory of the Republican policy of protection. Our Democratic brethren should accept the protective principle or let business alone.

Investigation of the Wall Street Money Trust.

SPEECH

OF

HON. JOHN A. M. ADAIR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 24, 1912,

On the House resolution (H. Res. 405) to investigate the Money Trust.

Mr. ADAIR said:

Mr. SPEAKER: I assert that the greatest menace to American liberty, American opportunity, and to popular government is the monopoly of money, and I further assert that such a monopoly, better known as the Money Trust, now exists in Wall Street, which trust is to-day controlling the credit of the American

business world and is using its power to stifle honest competition, to rob honest investors, to reduce to a starvation basis the wages of labor, and to force down the value of the products of the American farmer.

The resolution before the House authorizes a thorough and complete investigation of this vicious trust. I am heartily in favor of it and shall gladly give it my support. I want the investigation made in order that the country may know the inside workings of the most powerful combination the world has ever known and as a basis for legislation which will forever put at an end the vicious villainy of the commercial vampires who inhabit Wall Street, and who are joined together for the purpose of levying tribute on the American people.

Mr. Speaker, I know it requires some courage to give expression to our views upon this question for the reason that the Money Trust owns and controls many of our great metropolitan newspapers, has unlimited power in the political world, and has many times in the past demonstrated that power by driving out of Congress Members who had the courage to denounce its methods and to vote against its nefarious schemes. What I am saying to-day may bring upon me their condemnation and their determination to drive me out of this body, but, Mr. Speaker, let that be as it may, I shall discharge my duty to the people as I see it, and if my action here and now results in my defeat for reelection I shall not complain. I would much rather go out of Congress now, knowing I have been faithful and loyal to the people I represent, than to remain here the balance of my life as the subservient tool of those whose chief purpose in life is to rob and plunder the masses and whose milk of human kindness is more bitter than gall.

Mr. Speaker, there are some who contend there is no Money Trust and that the passage of this resolution will injure business. It is the same old cry that always goes up when an honest effort is made to protect the rights of the people. If the manipulations of Wall Street are honest and the conduct of their business is within the law, they need have no fear of an investigation. If there is no Money Trust an investigation of Wall Street methods will hurt no one, but, on the other hand, will place those who control the big business of the country in a better light before the people. Publicity never has and never will hurt honest business, and any business than can not exist under the light of day does not deserve protection or deserve to succeed.

There is no question but what the wealth of the country has been centralized in New York City, where it could be used for the big corporate movements which have astonished the world in the past few years. There is no doubt of a gigantic combination among the great financial institutions of New York City, consisting of trust companies, banks, life insurance companies, fire insurance companies, railroad companies, safe-deposit companies, steamboat companies, and express companies; the combined wealth of these amounts to billions of dollars, and the proceeds of all these institutions are used by the Morgan interests to control big business. The power of this Wall Street Money Trust reaches out in every direction and has its clutches fastened upon the throats of many financial institutions in various cities scattered throughout the States. If a railroad or a traction line is to be built in any section of the country the promoters must first see the Morgan interests in Wall Street and ascertain whether the money can be had with which to construct the road. In fact, no great enterprise can be launched and carried to a successful conclusion until Wall Street has had its rake-off.

Mr. Speaker, during the past few years a large number of powerful trusts have been formed, and all of them have been organized by Morgan & Co., representing the Wall Street interests. The recent investigation of the Steel Trust disclosed the fact that Morgan & Co. received $70,000,000 for organizing the steel manufactures into a trust, a very liberal fee for suggesting methods and perfecting the organization. This vast sum of money was collected off the people in the way of increased prices on steel products. It has also been shown that Morgan & Co. received $5,000,000 for organizing the International Harvester Co., and this vast sum was collected off the farmers in the way of increased prices on agricultural implements and farm machinery. This same Morgan & Co., representing the Wall Street interests, organized and put into operation over 300 trusts, representing billions of dollars, and in each instance received an enormous rake-off for its service. These trusts have controlled both the output and the price of all the commodities of life, and have extorted from the American people billions of dollars annually in excess of what would have been a fair profit on their investment. As a result the wealth of the country has been concentrated in the hands of a very few Wall Street gamblers, and it is now within their power to bring on a panic whenever they desire to do so. Their power in this direction was shown in 1907, when, at a time of universal prosperity, when God had permitted the sunshine and the rain to fall upon us and the earth had brought forth bountiful crops, when our great mills and manufacturing establishments were running day and night, when labor was universally employed at moderate wages, when banks were bursting with deposits and railroads were unable to handle the freight offered for shipment, when there was not a cloud in the sky to throw a shadow over our magnificent prospects, we were hurled into the chasm of one of the worst panics our country ever experienced, a panic that cost the American farmers millions of dollars and threw out of employment thousands of laborers in every State in the Union. And all this loss was due to the dishonest and disreputable manipulations of Wall Street.

Mr. Speaker, is it not time the American people were awakening to their interests and demanding investigation and legislation which will protect their rights against the cruel and wicked practice of those who seem to be heartless and whose conduct in the business world is a disgrace to American citizenship? I regret that Congress to some extent has been a party to this unfortunate condition, by continuing a system of tariff protection which has given shelter to these great trusts and has enabled them to prey upon the people, and by doing so have extended a privilege which has aided Wall Street in its disreputable methods. I am glad this Democratic House is bringing the day of special privilege to an end by revising downward the high-tariff duties levied on the necessities of life and giving to the American people the manufactured products they must have at a decreased price.

Mr. Speaker, in what I have said I hope I am not misunderstood. I have heretofore stated on the floor of the House, and I will state it again, that I am not an enemy of wealth. I want every man, no matter what his financial condition may be, to have the same rights, privileges, and opportunities and the same protection under the law, but I am opposed to legislation which makes a few men rich at the expense of the many. Aggregated capital in the hands of honest men with honest motives and purposes is a blessing to labor and a help to mankind. In fact, modern civilization demands the employment of a vast amount of capital in carrying out our stupendous industrial enterprises. It is not the existence, but the abuse, of the corporate powers and combined capital that meets condemnation and denunciation and calls for remedial legislation. When combined capital in any hands abuses its legitimate powers, becomes oppressive, or assumes the form of gigantic monopolies, it becomes detrimental and dangerous to the Nation. It then affects seriously every citizen, unless it be the very few who fatten at the expense of the many.

Mr. Speaker, I insist that the welfare of our people and future of our country depends upon the enactment of legislation that will give equal rights to all men and special privileges to none. The resolution before us speaks for itself. It is the people against the Wall Street Money Trust. It is the interests of the laborer, the farmer, the merchant, and the mechanic against the selfish interests of the speculator. So far as lies within my power, I shall use my voice and vote in protecting the rights of the masses and in curtailing the power of those who are without conscience, and who seem to have no respect for the commandment "Thou shalt not steal."

Lands of Creek Indians in Alabama.

SPEECH

OF

HON. J. THOMAS HEFLIN,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 4, 1912,

On the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

Mr. HEFLIN said:

Mr. SPEAKER: Under the leave granted me by the House to print in the RECORD remarks upon the Clayton bill, which quiets or settles forever the title to the Creek Indian lands in Alabama, I simply desire to print from the hearings a short speech made by me before the Committee on the Public Lands, the committee before which the bill was fully discussed and

finally acted favorably upon. The Clayton bill, which was drawn after a conference between those of us whose districts are interested, grants the relief that our people want. The report of the Committee on the Public Lands was written by Mr. DENT, my colleague, who is a member of that committee, and in that report he has set out forcibly the reasons why this bill should pass, and that report has done much toward removing opposition to its passage. Here I will insert my remarks before the committee, favoring the Clayton bill:

TITLE TO CREEK INDIAN LANDS IN ALABAMA.

"Mr. HEFLIN. I do not know that I can add anything to the statement made by my colleague, Mr. CLAYTON. I think he has thoroughly and ably presented our case. I think the committee should act favorably on this bill, and I believe that it will do so.

"The people now in possession of these lands have paid for them. They have improved them, and have been paying taxes on them for years and years and exercising ownership, full and complete, and they are entitled to continue in the peaceful possession of them. If the Government should set aside the title, somebody else would enter the lands, and that would work a great injustice upon these people. I do not believe that the Government would be a party to anything like that. Such a course would work great injustice and hardship upon the people now in possession of these lands. I believe that Congress will act favorably upon this measure, and, so far as I am able to ascertain, I believe that those in authority in the Land Office are willing to have these titles quieted. Now, Mr. Chairman, I am heartily in favor of the bill under consideration by this committee. This bill, if enacted into law, will grant relief to hundreds of people who are the rightful owners of lands the titles to which have never been disturbed or questioned by anyone prior to this time.

"The decisive battle was fought with the Creek Indians March 27, 1814, at the Horseshoe Bend on the Tallapoosa River, in the district which I have the honor to represent. We are making preparations to celebrate in appropriate fashion the anniversary of that important occasion. So, Mr. Chairman, in two more years a hundred years will have passed since Jackson and his men practically annihilated the Creek army at the Battle of the Horseshoe, and our people who purchased the lands that belonged to the surviving Creek Indians, and those to whom they have sold the same lands, have been in peaceful possession ever since. They have builded homes upon these lands, and there they have reared their offspring. Their children have grown to manhood and womanhood, and in some instances two generations have been born and lived under the same roof tree on the lands that our fathers bought of the Creek Indians.

"I appeal to the committee to take favorable action on this bill. It is a meritorious measure, and ought to, as I believe it will, become the law."

The Delaware River.

SPEECH

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 11, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Of all the mighty rivers of the country none is more historically interesting than the Delaware, nor is any quite so serviceable as a burden bearer to industry.

As an aid to the solution of the transportation problem the Delaware invites the closest attention, since it courses through the richest wealth-producing territory of the country. Considered with the canalization contemplated by the Atlantic intracoastal project, it becomes a factor in our future development, as it is now a valuable adjunct to distribution where the population is congested and capital and labor are busily employed.

These phases of our progress with respect to internal improvements were the topic of discussion by representatives from many of the coastal States who assembled in large number at a meeting in Philadelphia on Saturday night last. On that occasion I made some observations, the substance of which, with the indulgence of the House, I shall now present briefly.

A NOBLE RIVER AND ITS APPROACHES.

Canalization projects have been familiar to Europe for centuries. They were planned by our forefathers for transportation purposes along the Atlantic coast, and were very effective, before the advent of railroads, in many States where conditions were favorable, as, for instance, between the Chesapeake and Delaware Bays and the Delaware and Raritan Rivers; but no coordinated, comprehensive plan for a continuous inland waterway to parallel the coast was ever successfully undertaken until the organization of the Atlantic Deeper Waterways Association at Philadelphia in November, 1907. That association was the outcome of a tri-State conference held at Trenton, in October of the same year, to agitate for a union of forces in Pennsylvania, New Jersey, and Delaware, to urge the improvement of the Delaware River. To a certain extent the Trenton conference was a protest against the prevalent notion of certain Congressmen representing western districts that the Delaware River was to be gauged for commercial purposes by the size of the rowboats in which Washington pushed his way through the ice at his historic "crossing" above the New Jersey capital; and to remove other congressional cobwebs that menaced the navigation of the river for fully 40 miles below the "crossing" from Trenton to Philadelphia, and for the remaining 100 miles from Philadelphia to the ocean. It was intended to restore to the people of the Delaware Valley the pride they once had in possessing at Philadelphia the greatest maritime port in the United States, and to renew their confidence in the river itself, which, handicapped as to depth in competition with Boston, New York, and Baltimore, and losing prestige on that account, was, as it still is, the greatest commercial inland stream of the United States, creating more of wealth for the people and producing more of revenue for the United States Treasury than any other river in the country. Neither the Hudson above New York, nor the great Mississippi, nor the Missouri, nor the Columbia in the extreme Northwest, nor the Ohio, can compare with the Delaware in the value or the tonnage of commerce carried. It stands supreme above them all.

PHILADELPHIA CONVENTION STARTED THINGS.

The Philadelphia convention, which adopted the coastal project, assembled the advocates of an improved Delaware; but it did more than that. It brought together the latent forces that had witnessed the gradual neglect and decadence of eastern streams from Maine to Florida, and it demanded recognition and relief. Thus, the Delaware River was no longer left to stand alone and fight for its "piece of pork." It became a part of a union of forces connecting up one great project from New England to Key West, and began immediately to derive the advantages of such an association. In great conventions subsequently held in Baltimore, Norfolk, Providence, and Richmond, the possibilities of this union of forces were emphasized and reported upon. Step by step the project has been drawn to public attention, and year by year the Congress of the United States has been made aware of this new and powerful factor in commercial development in the East. It has been only five years since the new propaganda was enunciated, but in that brief time it has reached out from Philadelphia to every State along the coast. It has been carried into every large city, along the banks of every river of consequence, into the South and West, and even to foreign countries. Indeed, the coming to America for the first time of the International Navigation Congresses, soon to assemble in Philadelphia under the auspices of the United States Government, was a direct sequence of the work of the Atlantic Deeper Waterways Association.

So successful was the agitation that an act of Congress was approved March 3, 1909, appropriating $100,000 for an examination and survey of the most feasible route or routes for the proposed waterway. Promptly thereafter the engineers entered upon their work, and in January last, after two and one-half years study of the conditions, a report generally favorable to the entire project was presented to Congress. Thus in less than five years from the Philadelphia convention in 1907 the Atlantic coastal project has obtained a definite legislative status, which if properly supported along the coast will mean the ultimate consummation of the entire scheme. To properly understand the importance of the proposed inland waterway it is only necessary to make known the startling losses that have occurred to coastwise traffic along the Atlantic seaboard during the 10 years from 1900 to 1909, inclusive. In that decade 5,700 disasters were charged up to the open sea route, involving the loss of 2,200 lives and $40,500,000 in property. It is also interesting, as it is important, to note that much of this business was crowded into the sea because of railroad congestion in the New England States and the lack of railroad facilities along the southern seaboard. We have only one-eighth of the area of the

entire country along the Atlantic coast east of the Appalachian chain, with a population exceeding one-third of the entire 92,000,000, and yet our railroad mileage is limited to 23 per cent of the entire railroad mileage of the United States. Hence the interest of our sister seaboard States in the union of forces for improved facilities of transportation along the entire coast.

DELAWARE RIVER A KEYSTONE.

But to return to the Delaware River and its relation to the intracoastal waterway. What has the agitation of the past five years accomplished for the Delaware? It must be conceded that many of the other States north and south of Pennsylvania found the intracoastal project worthy or they would not have attached themselves to it. We will not now attempt to enumerate these advantages, except to say that waterways improvements have been stimulated in every State along the line of the proposed intracoastal waterway and have been given impetus in every rivers and harbors bill since the plan was organized. The canal across Cape Cod is now being cut through after a delay of 200 years. At the lower end of the Boston-Beaufort section of the great waterway the sounds of North Carolina have been carried through solid land to the Atlantic Ocean below Cape Hatteras. The State of New Jersey has made an appropriation for the right of way across from the Delaware River to New York Bay, and a New Jersey State canal commission will soon be setting up monuments marking the lines across the State. Similar movements have been in progress in Rhode Island and Massachusetts. And what is more significant, the rivers and harbors bill reported to Congress March 7 gives the first substantial recognition to the United States Army Engineers' report by providing that the Chesapeake and Albemarle Canal, leading from the North Carolina sounds to Hampton Roads and the Chesapeake Bay, shall be taken over and made free. The next step will be the acquisition of the Delaware and Chesapeake or the opening of a free canal to take its place.

Where does the Delaware come in? Well, first of all, as a result of the cooperation of our friends in other States during the last five years, the Delaware River has been given assurance of a 35-foot channel from Philadelphia to the sea and of a 12-foot channel from Philadelphia to Trenton. We had neither the assurance nor the money for either of these projects five years ago, and, be it remembered with regard to these important channel improvements, that the Delaware in relation to the intracoastal project stands exactly as Pennsylvania did to the thirteen original States—it is the "keystone of the arch." There can be no continuous Atlantic waterway inland without the Delaware River, and even as the project has now progressed with inadequate canalization above and below the river itself, the Delaware actually empties its waters into the Chesapeake Bay and through the North Carolina sounds to the Atlantic Ocean below Cape Hatteras, as its waters are also carried northward through the canal across New Jersey via New York Bay, Long Island Sound, and Narragansett Bay to the new canal across Cape Cod. With the completion of the Cape Cod Canal the flow of water from Boston may proceed inland continuously via Philadelphia to the Atlantic Ocean below Cape Hatteras, a distance of about 800 miles.

THE 35-FOOT CHANNEL MUST BE FINISHED.

If this be the prospect generally, what has been specifically realized for Philadelphia and the Delaware River? Whereas we had 28 feet and thereabouts in the channel, up to Philadelphia, when the coastal project was introduced, we now have 30 feet, with contracts under way and dredging being done upon a 35-foot channel. When this new work commenced in 1910 the appropriation for deepening the main channel and widening bends in the river amounted to $800,000. In 1911 we secured an appropriation of $800,000 more, plus $700,000 for contracts, a total of $1,500,000, which carries the work on the 35-foot project forward to June 30 next. For the next ensuing year the rivers and harbors bill, reported March 7, appropriates $1,000,000, and with this, unless the allowance be raised in the Senate, we shall have to be content until another rivers and harbors bill is presented. And while it is pleasing to record the progress we are making, our intracoastal-waterway friends cooperating with us and we cooperating with them, it is due to the Delaware River that the agitation for the 35-foot channel, out of which was born the intracoastal project, shall receive the benefit of every possible influence that can be brought to bear to complete the work in strict accordance with the recommendations of the Army engineers. It will be recalled that the estimated cost of the 35-foot channel approximated $11,000,000, or, to be exact, $10,920,000, and that, having regard to maintenance and waste through delay, the work should be completed in six years.

The report was presented to Congress in March, 1910, just two years ago, so that we have no time to lose if we are to keep up with the official program. Indeed, if we are to get the 35-foot channel through on time, the annual appropriations for the Delaware 35-foot project should be nearer $2,000,000 than $1,000,000, and all efforts should be directed hereafter to obtain that amount in each successive rivers and harbors bill. It is due to Philadelphia and our splendid navy yard capable of docking and repairing in fresh water the entire naval fleet; it is due to the Frankford Arsenal, where all the small-arms ammunition of the Government is made; and it is due to the great shipyards on the river, and to our manufacturing enterprises, whose annual trade with the world approximates a billion dollars. It is also due to the United States Government, whose total investment of a little more than $10,000,000 on Delaware River improvements since way back in 1836, is now paying annually at the customhouse at Philadelphia import duties aggregating $20,000,000.

Now, if we could be placed at once upon the basis fixed by the War Department in its recommendations, the 35-foot channel in the Delaware would be a reality in five years, and the port of Philadelphia would increase its shipping facilities a hundred per cent. The receipts of the Federal Treasury would also be largely enhanced. But if we are to proceed upon the basis of appropriations not to exceed $1,000,000 per annum, then the completion of the 35-foot project will be postponed for a much longer period, and the advantages in depths of harbor which now attain at Boston, New York and Baltimore, and which are being approached at Norfolk and Savannah, will continue to hold us back.

OUR GREATEST COMMERCE CARRIER.

The future of the Delaware River, with its intracoastal connections north and south, is one of the brightest. But apart from the intracoastal advantages, the Delaware River, with its 30-foot channel now being dredged to 35 feet, is an asset of inconceivable import to the city and to the Nation. We are building upon the banks of our river an immigration station, the location of which, together with the assurance of a deeper channel, have in three years induced four trans-Atlantic steamship lines to establish regular business connections with Philadelphia. The city itself has been awakening to a realization of the river's value and is constructing piers which are models for competing cities. The Schuylkill River has been dredged and improved at city expense, though clearly the Federal Government should do the work. The State of Pennsylvania, with its characteristic foresight, has, by liberal appropriations, aided the port development. We have been building the greatest battleships of the Navy on the Delaware River. We can accommodate them in the channel we now have, and in our navy yard we can dock and repair them; but we shall not be content while the inequality between our sister cities and ourselves in the matter of harbor depth continues to exist. The reasonableness of this contention is apparent and invites continued vigilance and assertiveness.

Reference is sometimes made to the splendid advantages the Government possesses in the Philadelphia Navy Yard. It is the only yard in the country, and perhaps in the world, where vessels can be docked and repaired in fresh water. It is the best protected of all our navy yards, and is surely excelled by none in its proximity to the labor market and the fuel supply. It has the merit of being upon an island, with a back channel but 1,700 feet at one point across from the Delaware River, making feasible the construction of a dry dock of unusual length and of exceptional capacity. If it shall be determined that but one great naval station shall suffice upon the Pacific and but one upon the Atlantic coast, the yard at League Island is by all odds the most suitable upon the Atlantic for naval strategy and for economy and convenience. It furnishes a vital governmental reason why the project of the lower Delaware should be pursued insistently and with a view to obtaining annual appropriations sufficient to bring the 35-foot channel work up to the standard set by the Government engineers.

It is not necessary now to make comparisons with other sections of the country or to attempt to demonstrate the relative commercial value of the streams upon which the Government is spending its money. We can rest our case upon the incontrovertible fact that the Delaware carries more commerce and does a greater business for the Government and the people than any river of the United States. From every point of view, therefore, we are justified in sounding its praises to Congress and in continuing aggressively the agitation which seeks but simple justice for the greatest producer and public servant of all the navigable waterways of the Nation—the historic, the noble, the commercially incomparable Delaware.

Agriculture Appropriation Bill—Ginseng Culture.

SPEECH

OF

HON. ELMER A. MORSE,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 11, 1912,

On the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. MORSE of Wisconsin said:

Mr. SPEAKER: Ginseng was discovered on the North American Continent near Montreal, Canada, in the year 1716, by Father Lafitau, a Jesuit missionary to the Iroquois Indians. Very soon after this the French began collecting it, through the agency of the Indians, for export to China.

The plant attains a height of about 20 inches, and the root, which is the part of the plant that is valuable, is forked and branched and attains a size of an inch to an inch and a half in diameter and 10 to 15 inches in length. In the autumn the stem dies and breaks off, leaving a scar at the upper end of the root at the side of which is found the bud. The plant commences to bear seed in two years. The latter part of June or early in July a number of small yellowish-green flowers appear. These are followed by the fruit, which develops rapidly and remains green until the middle of August, when it begins to turn red, becoming a beautiful bright scarlet in September.

These berries are about the size and shape of small wax beans and grow in clusters of from 6 to 40 berries. Each berry generally contains two seeds; occasionally only one seed, and sometimes three, are found in each berry. The seeds do not germinate the first year, but remain in the ground 18 months before sprouting. The seed ripening in the fall of 1912 will not grow until the spring of 1913.

It is customary among growers of ginseng to gather the berries in the fall, remove the pulp from the seeds and then put them in a box, mix them with damp sand and bury the box in the ground. The box is dug up the following fall and the seeds which are seen to be cracked open are sifted out from the sand and planted in the ground. They grow the following year.

It is customary to allow the plants to remain in the seed bed for one or two years when they are transplanted to their permanent location. Experts do not agree as to the proper distance to set these roots apart in the ground. I set mine 6 inches one way by 8 inches the other, and believe this is about the proper distance. In order that one may be able to remove the weeds from the bed and reach the plants with a spray, it is customary among people who cultivate ginseng to set the plants in beds about 4½ feet wide, leaving a path about 18 inches wide between the beds. The sides of the beds are supported by boards 6 or 8 inches wide, and these boards are held in place by strong stakes firmly driven into the ground. I use 6-inch boards and pine stakes 18 inches long.

The root is not ready for market until it is about 5 years old. Some people dig it when it is 4 years old, but the majority of ginseng growers are of the opinion that it should remain in the ground until it is 5 or 6 years old.

The plant grows naturally in the dense hardwood in the States of New York, Ohio, Michigan, Minnesota, Kentucky, Pennsylvania, and some of the other Northeastern States. It will not grow if exposed to the direct rays of the sun, and it becomes necessary to plant the roots in the woods or to erect artificial shade. The latter method is the method generally followed.

I use strips of lumber 4 inches wide and 13 feet long and nail then to a framework supported by cedar posts, which framework is made of lumber 2 by 4 and 2 by 6 inches. The strips are laid 1½ inches apart and firmly nailed to the framework. There is great difference of opinion among ginseng growers as to the amount of shade required, some maintaining that one-half shade and one-half light is about the right proportion, but I am convinced that one should have at least 75 or 80 per cent of shade.

My own excuse for taking up the time of the House with a discussion of this question is for the purpose of emphasizing the value of this industry to the American people and trying to get a small appropriation to be expended under the direction of the Secretary of Agriculture, to be used by him in the study of this plant and of the diseases and insect pests that threaten it with destruction.

I said in the beginning that we had been exporting to China a great deal of ginseng every year since it was discovered, in the early part of the eighteenth century. Our exports have steadily increased, and in the year 1900 they reached the amount of 160,901 pounds and brought $813,710. In 1910 we exported $1,439,434 worth of ginseng.

Many Members of Congress and hundreds of interested people have written me, asking me something about the price and culture of ginseng. The price has steadily increased. At first it brought only 40 cents a pound. In 1890 it sold for $2.75 a pound, and last fall a good grade of the root brought the raiser $6.50 a pound.

A good average on an acre would be 5,000 pounds. These figures seem almost incredible to one who is not familiar with the plant and its value, and the question very naturally arises, "If the raising of this plant is so profitable, why do not more people engage in the business?" The answer is this: In the first place the seeds and the roots are quite expensive, and the cost of shading amounts to a considerable sum, and furthermore the plant is subject to many diseases, and the business is therefore a very precarious one. My recollection is that it requires about 45,000 feet of lumber to properly shade 1 acre of land.

From the best information that I am able to secure I would say that the Chinese market will readily take, at $6 a pound, several times as much ginseng as we are now able to furnish. It is used by the Chinese in medicine, and a very well educated Chinaman recently told me that there was no danger of flooding the market for many years to come.

Several men in my home city of Antigo, Wis., have been raising the plant successfully for many years. Mr. W. J. Zahl, Mr. James McHale, Mr. Peter Krier, and the Antigo Manufacturing Co. all have large gardens, consisting of more than 2 acres each under shade. Mr. Andre Norem and Dr. C. B. Baker, of Bryant, Langlade County, Wis., also have very large gardens, and all of these people have found the raising of ginseng and golden seal very profitable. There are several hundred smaller gardens in Langlade County and many in Marathon and Shawano Counties.

There is in course of preparation in the Department of Agriculture a bulletin on this subject, and it is hoped that this bulletin will be ready for distribution in the early spring.

I offered an amendment to this bill asking for an appropriation of $5,000 to be used by the Secretary of Agriculture, and I sincerely hope that the amendment will be adopted. I wish to thank the minority leader, the gentleman from Illinois [Mr. MANN] for his courteous allusion to me. I am not an expert, but have derived a great deal of pleasure and hope to derive some little profit from the cultivation of ginseng. I believe that this is a proper subject for governmental consideration. We appropriate large sums out of the Treasury every year to help the cotton raisers and the corn raisers to fight the boll weevil and diseases affecting corn and to study the diseases of cattle and hogs, and it does seem to me that an industry of this magnitude ought to receive some consideration at the hands of this Government.

We are not asking for a protective tariff or a bounty, but we would like some assistance from the scientific men who are now in the employ of the Federal Government devising methods of making farming and gardening more profitable and doing such a magnificent work.

The Referee Board.

SPEECH

OF

HON. L. C. DYER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 11, 1912,

On the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. DYER said:

Mr. SPEAKER: I congratulate the able chairman and the Committee on Agriculture of this House in providing in this bill for the retention of the Referee Board. I believe the retention of this board, sometimes referred to as the Remsen Referee Board, is essential to the proper administration of the food and drugs act. In making that statement I want to go on record as favoring the strict enforcement of the law providing for pure foods and drugs. It is most essential to the health of the people, and there is no more important duty for the Congress of the United States to perform than to do what it can for the proper conservation of the health of the people. The

greatest asset that our Nation can have is that its people—the men, women, and children—shall be healthy and strong. This Referee Board is generally known as the Remsen Referee Board because its chairman is Dr. Ira Remsen, of the Johns Hopkins University. Dr. Remsen and the men who are associated with him on this board are as great scientific experts along the lines for which they are called upon to act in these matters as can be found in this or any other country. They are all men of undoubted integrity and high culture. Those who would have this board abolished seem to believe that Dr. H. W. Wiley, Chief of the Bureau of Chemistry, is infallible. I recognize that Dr. Wiley has been of great service to the people in assisting to enforce the pure food and drugs act of Congress, but I do not agree with some people who think that his decision should be accepted in all cases, by the 90,000,000 of American people, without an appeal to a referee board of scientific experts. If the only appeal to be had from Dr. Wiley's decisions were to the courts, great injury and injustice would oftentimes be done to splendid industries because of the delay and of the publicity that would be had. A decision by a high official of the Government to the effect that a certain food or drug was impure and would work injury to the health of the people, whether said decision was right or wrong, would work untold injury to the company or individual that was engaged in its manufacture. It is to prevent such results that the Referee Board was established. Dr. Wiley is quoted as saying that he could not qualify as a physiologist, a chemist, a toxicologist, a physiological chemist, a pharmacologist, or a doctor of medicine to the satisfaction of either himself or the Government. See page 891 of the hearings before the Committee on Expenditures in the Department of Agriculture, August 21, 1911.

Therefore in the determination of these great scientific questions of what is pure food and pure drugs, while we must and do give due credit to the splendid work of Dr. Wiley, we can readily see the need of expert chemists and scientists to determine close and important questions bearing upon the pure food and drugs act. The functions and duty of the Remsen Referee Board has been much misunderstood by the public, and a plain statement of their functions may serve a useful purpose.

The duty is imposed upon the Secretary of Agriculture by the food and drugs act of granting a hearing to any person who might feel aggrieved by the findings or conclusions of the Bureau of Chemistry to the effect that a certain article is adulterated or misbranded under the provisions of the food and drugs act.

If the finding of the Bureau of Chemistry should be that an article is adulterated because it contains an added poisonous or other added ingredients which may render the article injurious to health, and the correctness of this conclusion is denied by the party aggrieved, a physiological question or scientific issue is raised which the Secretary of Agriculture must first solve before he can determine to his own satisfaction whether any of the provisions of the food and drugs act have been violated. To solve such a question the Secretary of Agriculture has the right to take the advice of physiological and other experts. In order to secure such expert advice and opinions at the least possible cost to the Government, the Secretary of Agriculture made an arrangement with five of the foremost scientists and specialists of this class, recommended to him by the leading universities of the United States. Under this arrangement they were to collaborate to first secure through their combined efforts all the actual facts, so as to accurately advise the Secretary of Agriculture with respect to all such physiological questions as he might consider of such far-reaching importance as to require or justify such reference.

The fact that these five experts have been designated as a board neither adds anything to nor subtracts anything from the right or duty of the Secretary of Agriculture to solicit expert opinions to assist him in reaching the conclusion which he is first required to reach after granting a hearing to the party aggrieved by any finding of the Bureau of Chemistry. No other or further legal authority is required for consulting with these five men than that now existing.

It is absurd to suggest that the law should require the Secretary of Agriculture to grant manufacturers or others a hearing without carrying with it the authority, expressed or implied, of making a decision after such hearing which would either confirm or reverse the conclusions or recommendations of the Bureau of Chemistry. As the Bureau of Chemistry has no physiological chemists the Secretary of Agriculture must seek light wherever the best special advice can be had on such questions, and he has chosen his advisers well. From the farmer and horticulturist, through the manufacturer, jobber, and retail dealer, these special and unusual physiological questions arise, sometimes over substances which have been in use for many years and about which no questions have heretofore been raised. It would be wrong to leave the determination of questions affecting all the people and great industries to any one man. No matter how competent he may be, a one-man opinion based upon error might lead to the destruction of millions of dollars' worth of property before the questions raised could be passed upon by the courts. Such an error would have until rectified all the force of law.

The Remsen Referee Board, acting as a body of consulting scientific experts, serves a most useful purpose in the due and impartial administration of justice in connection with the enforcement of the provisions of the food and drugs act, for which reason no action should be taken by Congress which would interfere with the right of the Secretary of Agriculture to consult with them when in doubt on contested or involved physiological questions. Such consultations minimize the chances of mistakes.

Mr. Speaker, there are many important industries in my district that have called my attention to the importance of the Referee Board. I have given the matter careful consideration, not especially for the interests of these industries, but in connection with the health of the people. I do not believe that the success of any industry or product that they manufacture should be weighed against the health of the people. I believe, however, that a fair, impartial, and scientific hearing and adjudication should be had upon matters that involve the success and preservation of a great industry. I will not burden this RECORD with the many letters and telegrams that have come to me from my constituents, urging the retaining of this board, as they are in a similar vein, all asking for a fair opportunity to have questions affecting the industries and business in which they have invested much money and labor decided with all the scientific knowledge possessed by men upon these matters. The following telegram is a sample of hundreds of telegrams and letters that I have received, which I ask leave to insert in the RECORD, as to the position that they take in regard to the retention of the Referee Board:

ST. LOUIS, MO., *February 12, 1912.*

Hon. L. C. DYER,
House of Representatives, Washington, D. C.:

Our State produces and uses a very large amount of baking powder, making it an important industry, and all of it containing salts of alumina. This business has been lawful for 30 years. Neither the United States Government nor any State charges that it is unwholesome. All courts have declared that it is wholesome. These salts of alumina are under consideration by the Remsen Referee Board. Dr. Wiley demands that our business be stopped at once, even while the Referee Board is considering the matter and before they bring in their decision. See his testimony, pages 767 to 769, which pages it is important you should read. We demand protection from one-man power by asking you to insist upon the continuance of the Remsen Referee Board. Otherwise, as Dr. Wiley has stated, we will be put out of business at once, should he succeed in getting the Referee Board out of the way. It will turn the whole baking-powder industry over to the cream-of-tartar combine, and this will cost the people of the country more than $40,000,000 additional yearly. We represent the independent baking-powder manufacturers.

JACK FROST BAKING POWDER CO.
EDDY & EDDY MFG. CO.
SHEPARD BAKING POWDER CO.

Linking North and South.

SPEECH

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 11, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: It is a matter of very great congratulation to the advocates of improved inland waterways along the Atlantic seaboard that the United States Army Engineers should have been able to forward to this session of Congress their report on the intracoastal waterway from Boston, Mass., to Beaufort, N. C., survey for which was authorized by the river and harbor act approved March 3, 1909. The section reported upon is the most important, so far as commerce and industry and volume of tonnage are concerned, of any on our coasts; but it is only part of the whole project, which contemplates the ultimate opening up of one continuous inland waterway extending from the New England States to Key West, a distance of approximately 1,800 miles.

I have spoken upon this subject on former occasions and do not now propose to do more than make a brief reference to the increasing commerce in the vicinity of the Chesapeake and Delaware Bays, which makes it desirable that the Chesapeake & Delaware Canal shall be taken over and made toll free in accordance with the report of the United States Army Engineers, or that some new route shall be adopted to relieve the congestion of commerce and the heavy freight tolls charged in this vicinity. It will hardly be questioned that the Chesapeake & Delaware Canal connection was one of the wisest improvements made by our forefathers, and that if their canal, commenced in 1825 and completed in 1829, were suited to the demands of modern transportation it would vastly increase the exchange of commodities between the North and the South and bring the raw material of the one section and the finished products of the other into larger markets.

Since the formation of the Atlantic Deeper Waterways Association, in 1907, the improvement of the facilities for carrying heavy freight between the Chesapeake and Delaware Bays has been a live issue, and there has been an incessant demand for action on the part of the Government. The Agnus Commission recommended the taking over of the existing canal in 1907, and now, in the intracoastal waterway report, the Army Engineers support the report of 1907 and hold this section of the proposed waterway—

sufficient to warrant the immediate purchase of the existing canal and the inception of work for its enlargement as soon as funds can be made available.

It is estimated that the existing canal could be purchased for approximately $2,500,000, and the River and Harbor Committee was urged during its recent sitting to take over the property, but did not see its way clear at this session of Congress to undertake to provide the money. In the bill reported by the committee, however, provision is made for a $500,000 appropriation to take over the Chesapeake & Albemarle Canal, which leads south from Chesapeake Bay to the sounds of North Carolina, and this, taken with the canal completed last year from the North Carolina sounds via Beaufort to the Atlantic Ocean, assures a free open passageway from the lower end of the intracoastal waterway from below Cape Hatteras all the way up to Baltimore. The depth of the Beaufort Cut, however, is only 10 feet, and the extension from the sounds north to Chesapeake Bay are to be limited for the present to 12 feet, so that further legislation may be necessitated by the requirements of commerce over this part of the intracoastal route. But what is most needed now is relief for the upper end of the route leading on from Baltimore and Chesapeake Bay to Philadelphia and New York.

Obviously, the first step after the taking of the Chesapeake & Albemarle Canal will be the acquisition of the Chesapeake & Delaware Canal or the construction of some other canal contiguous thereto. The depth of water in the existing Chesapeake and Delaware Canal will not permit the passage of vessels drawing more than 9 feet, and the width of the locks is about 24 feet only, so that the limitations upon heavy traffic are apparent. At the present session of Congress an effort will be made to obtain early action with regard to the Chesapeake and Delaware proposition. If the money can not be provided until another river and harbor bill is reported, there ought, at least, to be an authorization to the Army engineers to negotiate for the existing property in accordance with the recommendations made to Congress.

It is about 90 miles as a crow flies from Philadelphia to Baltimore. An improved canal about 13 miles long through the upper end of the Delaware and Maryland peninsula would unite these two cities and the entire north and south coast, almost as effectively as they are now united by rail, and would aid materially in making new territory productive to agriculture and to manufactures; but in view of the tolls charged upon the existing canal, as well as its lack of depth, vessels of commerce drawing more than 9 feet of water and Government vessels, such as torpedo boats, are obliged in making the run from Philadelphia to Baltimore to pass out into the ocean, down around the eastern shore of Maryland and Virginia, and up the Chesapeake Bay, a distance of 325 miles.

With the sailing vessel rapidly passing out of existence and the barge, the motor boat, and steamer coming on to take its place, it will be seen how the changed conditions affecting transportation make it imperative, if transportation is to keep abreast of industry, that such available and strategic resources as the Chesapeake & Delaware Canal, or any new canal that may respond to the same general geographical conditions, shall not be longer denied the great communities that are doing large business and that are capable of doing more.

Agriculture Appropriation Bill—Roosevelt and Reciprocity.

SPEECH

OF

HON. JULIUS KAHN,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 12, 1912,

On the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. KAHN said:

Mr. SPEAKER: Those Republicans who propose to support Mr. Roosevelt for the nomination in preference to President Taft because they are not in sympathy with the President's efforts to bring about reciprocity with Canada should read carefully the views of Mr. Roosevelt expressed while the measure was pending in the Senate during the Sixty-first Congress. Only a week after the measure had passed the House Mr. Roosevelt made two speeches, one at the banquet of the Lincoln Club, of Grand Rapids, Mich., February 11, 1911, at which I was personally present, and one two days after, before the Republican Club of New York, at the Lincoln-day dinner. In both these speeches Mr. Roosevelt referred to the reciprocity measure in most emphatic language and gave it his unqualified approval. Reciprocity with Canada is dead. It was not a party measure, and had friends and opponents in both parties. It is no longer an issue of American politics, but if Mr. Roosevelt is to be preferred to Mr. Taft solely because of Mr. Taft's activity in a measure which was not universally approved, then what Mr. Roosevelt thought about the matter should be considered. His opinions were expressed in the following language:

STATEMENT OF COL. THEODORE ROOSEVELT AT GRAND RAPIDS.

[Grand Rapids Herald, Feb. 12, 1911.]

* * * * * * *

Here, friends in Michigan, right on the northern frontier, I have the peculiar right to say a word of congratulation to you and to all of us upon the likelihood that we shall soon have closer reciprocal tariff and trade relations with the great nation to the north of us. [Applause.] And I feel so pleased, primarily because I wish to see the two peoples, the Canadian and the American peoples, drawn together by the closest ties on a footing of complete equality of interest and mutual respect. [Applause.] I feel that it should be one of the cardinal policies of this Republic to establish the very closest relations of good will and friendship with the Dominion of Canada. [Applause.]

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EXTRACT FROM MR. ROOSEVELT'S SPEECH BEFORE THE REPUBLICAN CLUB OF NEW YORK, DELIVERED AT THE LINCOLN-DAY DINNER AT THE WALDORF HOTEL ON FEBRUARY 13, 1911.

* * * * * * *

I want to say how glad I am at the way in which the members of the club here to-night responded to the two appeals made to them to uphold the hands of President Taft, both in his effort to secure reciprocity with Canada and in his effort to secure the fortification of the Panama Canal.

And in addition to what has been said about reciprocity with Canada, I would like to make this point: It should always be a cardinal point in our foreign policy to establish the closest and most friendly relations of equal respect and advantage with our great neighbor on the north. And I hail the reciprocity arrangement because it represents an effort to bring about a closer, a more intimate, a more friendly relationship of mutual advantage on equal terms between Canada and the United States.

Under date of February 29, 1912, Col. Roosevelt wrote a letter to B. V. Collins, publisher of the Northwestern Agriculturist, a paper which circulates generally in the Northwest. In this letter Col. Roosevelt said, in part:

The reciprocity treaty is now dead. No useful purpose can be served by discussing it.

Continuing, Col. Roosevelt referred Mr. Collins to a statement expressing his views on reciprocity in a speech made at Sioux Falls, S. Dak., on September 3, 1910. In this connection Col. Roosevelt explained:

Before making that speech I went over it carefully with Senator Dolliver; it expresses the views I then held and which I now hold.

In fact, Col. Roosevelt did, as he says, make a speech at Sioux Falls, S. Dak., on September 3, 1910, the substance of which was published in the Outlook of September 17, 1910. That speech contains no reference to Canadian reciprocity whatever, but outlines Mr. Roosevelt's position on the general tariff. The speech was carried in full in the newspapers of the country, except one paragraph, which Mr. Roosevelt himself included in the article in the Outlook. That paragraph is important for the reason that in it Mr. Roosevelt said:

I think that the present tariff (Payne law) is better than the last (Dingley law) and considerably better than the one before the last (McKinley law), but it has certainly failed to give general satisfaction.

The speech to which Col. Roosevelt evidently intended to direct the attention of Mr. Collins was one he delivered at Sioux City, Iowa, on the same day as his Sioux Falls speech. In this speech he referred directly to Canadian reciprocity, as follows:

I was particularly pleased with what the President [Taft] said in his letter on the subject of the tariff commission. A number of Senators and Congressmen have for some years advocated this as the proper method of dealing with the tariff, and I am glad that the country seems now to have definitely awakened to the idea that a tariff commission offers the only solution of the problem which is both rational and insures the absence of jobbery. The President [Taft] from the beginning advocated this commission. * * *

There is another feature of the tariff law that points our course in the right direction—the maximum and minimum provision; and here again I wish to point out that the value of the provision has depended largely upon the excellent work done by the administration in the negotiations with the Dominion of Canada, which were the most difficult of all, and yet in my eyes the most important, because I esteem it of vital consequence that we should always be on relations of the highest friendship and good will with our great and growing neighbor in the north.

The Remsen Referee Board.

SPEECH

OF

HON. W. A. RODENBERG,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 12, 1912,

On the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. RODENBERG said:

Mr. SPEAKER: There has been so much said in the course of the debate on the Agricultural appropriation bill and also in the public prints regarding the Remsen Board by those who favor its continued existence as well as by those who demand its immediate abolition that I feel under deep obligations to the Members of the House for their courtesy in giving me an opportunity to make a detailed statement as to the personnel of the board, its functions and achievements, and its relation to the Bureau of Chemistry.

Almost six years ago we passed a pure food and drug law. It was, without doubt, the most important and solemn duty performed by the Fifty-ninth Congress. Here was a measure designed to protect the health of all our people; but notwithstanding its beneficent purpose, there were grave doubts on the part of many as to the passage of that law because of misgivings, not as to its desirability but as to how a law of such far-reaching importance would be administered.

Enormous power was given by that law to the Department of Agriculture; power to seize and libel goods; power to change the branding of foods and drugs; power to determine the wholesomeness of their ingredients, and then, through these agencies, power to throw their manufacturers into the courts to fight no less an antagonist than the United States Government, and thus the power to suspend the operations of old-established enterprises, and compel them not only to await the slow processes of the courts, but meanwhile to rest under the condemnation of the Government and the suspicion of the people.

It is significant of the general effects which the law has developed when, after these six years, we find so many who now claim the credit for its passage. Some of these claimants are associations who would like to profit by the prestige; some are those who set up the claim as a disguise for their continued nefarious practices in the manufacture of food products, but about the lowest and most despicable are the individual claimants who travel about the country on lecture tours and speech-making enterprises on pure-food campaigns, representing that their efforts alone saved the bill.

Mr. Speaker, I denounce one and all as impostors. The pure food and drugs act is the product of the combined wisdom of the Congress which enacted it. The law was framed by painstaking, hard-working, patient legislators, notable among whom was that indefatigable worker, my distinguished colleague, Mr. MANN, at that time a member of the Committee on Interstate and Foreign Commerce, and who deserves more credit for the enactment of this legislation than any other Member of Congress. These legislators had the cooperation and advice of the sturdy, honest, legitimate food manufacturers of this country, who as earnestly desired the protection which that law gives against dishonesty and fraud, in order to conserve their own business and reputation, as consumers desired the law to conserve their health. We should not forget that human welfare depends quite as much upon commercial health as it does upon physical health. It is no less a sin to poison the mind of a community against a legitimate industry than for some one to sell deleterious substances to the people who inhabit the community. While I am profoundly impressed with the manner in which the law has been enforced in general, and for which due credit should be given to all concerned, yet I do want to call attention to some of the conditions which the law has brought about, and which have led to misunderstandings which I would publicly correct.

The law was intended, primarily, to prevent deceit, fraud, adulteration, and poisoning of our food and drug supply.

It is a great pity, Mr. Speaker, that some law could not be devised to prevent fraud and deceit upon the mind in the use of the terms "adulteration" and "poisoning." Indeed, it is the confusion of the public mind in respect of the use of these terms upon which the unscrupulous rely to carry on a most reprehensible campaign, under the banner of purity, and to basely mislead the consuming public. Adulteration is not poisoning; and poisoning is not adulteration. Water is added to milk; the milk is thereby adulterated, but by no means poisoned. This word "poison" is a much overworked term. It imparts a shudder to the unthinking, but, as a matter of fact, we "live and move and have our being" through the use and in the very midst of substances which through legend and common usage we have come to regard as poisons. The air we breathe contains oxygen, and oxygen in its concentrated form is a deadly poison. Common table salt is composed of sodium and chlorine. Both of these elements are active corrosive poisons in their free state; combined, they have neither caustic nor corrosive properties.

Ordinary garden spinach contains arsenic; rhubarb contains oxalic acid; plums and apricots contain prussic acid; potatoes contain the deadly solanin; wines, plums, cherries, gooseberries, oranges, lemons, figs, pears, and apples each contain boracic acid; huckleberries and cranberries contain benzoic acid; strawberries, raspberries, and grapes contain salicylic acid; all smoked meats contain formaldehyde; honey and the fat of milk each contain formic acid; molasses contains proteids, which in turn carry sulphur; vinegar is diluted acetic acid, and acetic acid is a corrosive poison; tea contains caffeine and tannin. In combination they are perfectly harmless; but these two alkaloids when free—that is, not in chemical combination—may be highly injurious. Tannin is a powerful astringent. I need not go further into the vegetable kingdom.

In the animal kingdom we find in the most important function of all in human beings—the digestion—that nature has placed in the digestive fluid no less a substance than hydrochloric acid, and which in its condensed form is a rank poison.

I do not attempt to explain the purpose of the Creator in distributing these and so many other so-called poisons throughout the vegetable kingdom in God's great out-of-doors. Manifestly, there was a purpose which we may partially reveal.

No food is necessarily deleterious because it contains a deleterious ingredient. That food is rendered deleterious only in proportion as the ingredient is used. Too much salt is poisonous as well as too much strychnine. When one puts salt on his potatoes he consumes sodium, chlorine, and solanin—three poisonous substances—but no one claims that suicide has been attempted. It is necessarily and inevitably a question of the dose. One of our prison convicts, according to a late newspaper, recently suicided by drinking pure water. He drank it in large quantities and was dead within two hours from overdosage. The danger lies in the abuse and not in the use, especially with those substances which nature uses so unreservedly for her and our purposes.

Some years ago a scientific explorer observed that the cranberry was of all fruits the best preserved; that it invariably retained its plumpness, its coloring, and its full native flavor. He analyzed this very popular berry and found it to contain benzoic acid. It was but a step to treat benzoic acid with soda, and the assets of commerce were thereby increased by a preservative known as benzoate of soda. This preservative was quickly adopted by great preserving establishments, which desired to follow nature in the case of the cranberry and through its use both preserve and retain the full flavor of their fruit products.

I am using this circumstance merely to emphasize the usefulness of the Remsen Referee Board, for which we are asked to appropriate in the pending bill.

The Bureau of Chemistry declared this benzoate of soda to be unwholesome and ruled against its use as a preservative. The manufacturers who used it protested to Secretary Wilson. Happily, that official realized the vital issues at stake. Modern

science had here found a simple method of preserving catchups, fruits, and so forth, through the use of this mild salt, and whose mother was nature herself, as a substitute for the ancient methods of preserving through the excessive use of vinegar (acetic acid), sugar, and the spices, and which latter method, let me say, is an inheritance from the Egyptian days, when their mummies were preserved with spices. Moreover, this modern, later day, twentieth century method invoked the very spirit of the law itself, since the presence of this new preservative, having neither odor, color, nor taste, presupposed cleanliness and the use of clean, wholesome materials, and could not be used, as in the case of the sugar, acetic acid, and the spices, to disguise uncleanliness and unwholesomeness in materials. The Secretary recognized also that while the analytical chemists in his department were capable of separating substances and defining their various parts, yet there were none who knew the effects of any of the parts so found upon health; and he very properly conceded the justice of a scientific board of appeals to which this and similar disputes could be referred for final decision.

It was this that impelled President Roosevelt to request the leading universities of the country each to nominate to him as a member of such a board some man who, by reason of probity of character and profound knowledge of those sciences necessarily involved in the question of the wholesomeness of a given substance upon the human system, was qualified to determine finally and indisputably the wholesomeness or unwholesomeness of an article of food. In this way five men were selected. Who were they?

THE PERSONNEL OF THE REMSEN BOARD.

Prof. Ira Remsen, president of Johns Hopkins University, of Baltimore, founder and editor of the American Chemical Journal, author of note, and presumably the greatest chemist in this country to-day.

Prof. Russell H. Chittenden, of Yale University, one of the world's greatest living pathologists, an author of fame, and a man of unquestioned accomplishments.

Dr. Christian A. Herter, of Columbia University, a renowned pharmacologist, and also a distinguished author on the subject of nervous diseases.

Dr. John H. Long, of the Northwestern University, Chicago, a pathological chemist and also an author of textbooks, and a well-known contributor to scientific publications.

Dr. Alonzo B. Taylor, of the University of California, where he was a professor of pathology, and who is now professor of physiological chemistry in the University of Pennsylvania.

Upon the death of Prof. Herter, in 1910, Dr. Theobold Smith, of Harvard University, was appointed to the vacancy. Dr. Smith's attainments are also well known and recognized wherever the language of science is spoken, and, since 1901, he has been a member of the board of directors of the Rockefeller Institute for Medical Research, in New York.

Such is the Remsen Referee Board.

It was raised to determine the dispute over benzoate of soda, already alluded to, as also another dispute over the use of sulphur in drying fruits.

Its judgment, after an exhaustive examination lasting six times as long as that of the Bureau of Chemistry, was unanimous that benzoate of soda was a harmless ingredient—a judgment which was promulgated as the ruling of the Government and which stands to-day, as it will ever stand, as the final word on the subject. This decision is the first handed down by the Remsen Board. It reversed Dr. Wiley who, as pointed out by the gentleman from California [Mr. KAHN], was shown, in the testimony before the Moss committee, to be incompetent to qualify as an expert in chemistry, physiology, pathology, toxicology, pharmacology, or medicine. And here again we find justification for the appointment of great experts in those very branches of science, because it is those, and those alone, which are involved in every question relating to the effects of any substance upon health.

This decision of the Remsen Board readjusted and restored business situations; it gave confidence to vast enterprises; it enabled the farmer to continue producing his fruits for sale to preserving plants; it continued in employment thousands of laboring men, women, and children who were dependent upon the activities of those institutions; it has had untold influences upon whole communities which in turn were dependent upon those laboring people; and mark you, Mr. Speaker, just exactly the reverse of all this would have been true had the original decision of the Bureau of Chemistry been allowed to stand. In the light of the discovery of the erroneous conclusion let us not forget the disastrous effects if that error had not been discovered and corrected and those affected had had no redress or place to appeal.

What I have said applies with equal force to those undetermined questions now before the Remsen Board awaiting final solution. One of these is the wholesomeness of alum. Alum enters largely into the arts. It is used extensively in baking powders—those kinds whose prices bring them within the reach of the poor man's pocket. The Bureau of Chemistry has condemned this substance and desires to prevent its use. As I understand it, there has been no physiological examination to definitely determine its harmfulness. No one knows to-day by what scientific and conclusive authority alum has been condemned. Happily the matter has been held in abeyance, and a portion of the sum we are now asked to appropriate will go toward solving the problem, and in a way that will admit of no dispute among scientific men.

When it is settled we shall know whether there is any justification for the condemnation of this article, or whether—like the salt composed of two elements, each harmful, but when combined become harmless—alum and its salts will not be found, when acted upon by heat and converted into gas, to have developed an entirely different combination which renders it free from injurious effects, provided it ever had any in the first place.

I might continue with other illustrations, but they are not necessary to convince me of the wisdom of the appointment and the sound reasons which exist for the continuance of the Remsen Board. We want to know. We want to be shown. We can not know too much. We can not go too high for the last word on these mooted questions. We can not go to a higher source of information than this Remsen Board. Let us continue it, and strengthen its hands, and increase its powers if need be; and furthermore, Mr. Speaker, let us help, by indorsing this useful adjunct to the pure-food law, to break down some of the insanity and hysteria which have characterized the criticisms of the board. Above all, let us by voting this appropriation voice our indorsement of the board and set the seal of our condemnation upon the unspeakably base efforts to which some commercial houses have resorted in attempting to belittle its past decision, and in trying to foster public distrust in what it has done and is doing so accurately and well.

Agriculture Appropriation Bill.

SPEECH

OF

HON. JOHN A. MAGUIRE,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 12, 1912,

On the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. MAGUIRE of Nebraska said:

Mr. SPEAKER: The House has under consideration the bill which provides for the annual appropriation of the Department of Agriculture for the fiscal year ending June 30, 1913. In the hearings, consideration, and preparation of this bill the Committee on Agriculture, of which I have the honor to be a member, acts in the capacity of an appropriation committee. While the preparation of the bill is only a part of the work of the committee, still it is nevertheless one of the most important and essential matters upon which the committee has to act. We, of course, in our present capacity are not preparing legislation or enacting substantive law, but providing funds for the operating expenses of an executive department. We as a committee did not consider that it was our duty to pass upon the wisdom of Congress in providing for the various bureaus and divisions of the department, but, rather to make appropriations under the law as we found it.

The Secretary of Agriculture and all bureau and division heads and those who have to do with the needs and administration of the department appeared before the committee to furnish information and answer inquiries. Not only these officers, but other parties who had information to present to the committee, were heard. The itemized estimates of the department, along with the items of appropriations for past years, were before us. Every item was examined, and after the hearings were had and the information and estimates examined the committee prepared the bill.

The needs of the department were considered, keeping in mind the agricultural problems and development of the whole country. Every effort was put forth to learn not only of the progress of scientific investigations, but of the administration

machinery of the several bureaus and subdivisions of the department. We believe that we have provided liberally for the department, and at the same time have scrutinized carefully each item to see that public money was not extravagantly used or wasted. The bill is submitted with the belief that it will satisfy the House and the country.

The bill carries in appropriation a total of $15,836,976, which is over a million dollars more than was expended in 1911, and which will, no doubt, be more than will be expended in the present fiscal year. The following is a tabular statement taken from the report of the committee, setting forth the amounts of estimates by the department and the amount allowed in the bill which the committee recommends:

	Estimates.	Carried by bill.	Increases over estimates.	Decreases below estimates.
Office of the Secretary	[1] $294,110	$279,380	.....	$14,730
Weather Bureau	1,610,450	1,599,680	.....	10,770
Bureau of Animal Industry	1,645,096	1,608,316	.....	36,780
Bureau of Plant Industry	2,099,000	2,089,900	.....	9,100
Forest Service	5,498,615	5,115,245	.....	383,370
Bureau of Chemistry	1,014,220	968,940	.....	45,280
Bureau of Soils	341,700	291,420	.....	50,280
Bureau of Entomology	661,920	624,880	$22,960	.....
Bureau of Biology	133,400	116,400	.....	17,000
Division of Accounts	114,620	114,620	.....	.....
Division of Publications	206,110	209,720	3,610	.....
Bureau of Statistics	240,020	240,680	660	.....
Library	43,150	41,280	.....	1,870
Contingent	96,066	96,066	.....	.....
Office of Experiment Stations	1,879,000	1,866,000	.....	13,000
Office of Public Roads	227,396	192,120	.....	35,276
Rent in the District of Columbia	95,329	95,329	.....	.....
Insecticide act	100,000	87,000	.....	13,000
Fighting forest fires	1,000,000	200,000	.....	800,000
Total	17,240,262	15,836,976	27,230	1,430,516

[1] Includes supplemental estimates carrying $6,810.

Of course these are the consolidated amounts, so that the amount for each bureau will be clearly before the House. Upon examination of the bill you will find that the items of the various bureaus and divisions are set out in detail. The bill carries only the current annual appropriation, but there are permanent annual appropriations amounting to $5,555,000 which are provided for specifically by law, and therefore do not have to be appropriated for in this bill, but which should be included in the total of appropriations for agriculture. The following items make up this amount:

Meat inspection (act June 30, 1906, vol. 34, pp. 674–679, secs. 1–22)	$3,000,000
Refund to depositors, excess of deposits, national-forest fund (acts Mar. 4, 1907, vol. 34, pp. 1256–1270, sec. 1; Mar. 4, 1911, vol. 36, p. 1253, sec. 1)	50,000
Acquisition of lands for protection of watersheds of navigable streams (act Mar. 1, 1911, vol. 36, p. 961, sec. 3); this act to expire by limitation June 30, 1915	2,000,000
National Forest Reservations Commission (act Mar. 1, 1911, vol. 36, p. 963, sec. 14)	25,000
Printing and binding (carried in sundry civil act) for the Department of Agriculture	480,000

In taking notice of the amount expended for agricultural purposes we must also include in the totals $50,000 paid direct from the Treasury of the United States to each State and Territory in aid of colleges of agriculture and mechanic arts under the acts of Congress approved August 30, 1890, and March 4, 1907. This has now reached its maximum and this year amounts to $2,500,000. Under the Hatch Act of March 2, 1887, and the Adams Act of March 16, 1906, $15,000 each, or a total of $30,000 under both acts for United States experiment stations, is allowed to each State and Territory, which will amount this year to a total for the fiscal year of $1,440,000. If the items in this bill are enacted, this makes in all a total of $25,331,976 provided by the Government for the Department of Agriculture and for the States through current and permanent appropriations and special acts.

The Department of Agriculture is one of the latest in establishment, but nevertheless one which is meeting the needs and requirements of the people and a rapidly developing country. In years gone by the popular impression prevailed that agriculture was a calling followed by those who had no other business or occupation. The occupation was somewhat segregated or circumscribed and seemed not to have its full part in the social and economic make-up of the Nation's whole life. It is only within the last three decades that much notice has been taken by the Government of agricultural development and its great need as a really national industry; and it is even within more recent years that the life of the whole people was recognized as intimately associated and dependent upon the farm and its products. To-day the problems of the farm become those of the whole people.

Through the early history of the Government but little organized encouragement was given to agriculture. In 1839 the first appropriation was made by Congress in the amount of $1,000 for the purpose of promoting agricultural investigations. It will be interesting to note the history and progress through appropriations from that time to the present, and I call attention to the following statement of appropriations taken from the report of the Chief of the Division of Accounts and Disbursements of the Department of Agriculture for 1911:

Fiscal year.	Amount appropriated.	Amount disbursed.	Fiscal year.	Amount appropriated.	Amount disbursed.
1839	$1,000.00	$1,000.00	1877	104,686.96	188,206.19
1840	.....	.....	1878	198,640.00	197,634.94
1841	.....	.....	1879	206,400.00	206,360.00
1842	1,000.00	1,000.00	1880	199,500.00	198,361.72
1843	.....	.....	1881	275,460.31	267,608.84
1844	2,000.00	2,000.00	1882	363,011.05	354,482.39
1845	2,000.00	2,000.00	1883	456,396.11	438,941.72
1846	3,000.00	3,000.00	1884	410,641.13	413,618.09
1847	3,000.00	3,000.00	1885	655,930.25	558,934.89
1848	4,500.00	4,500.00	1886	677,973.22	519,196.11
1849	3,500.00	3,500.00	1887	657,641.81	628,287.14
1850	5,500.00	5,500.00	1888	1,027,219.06	1,011,282.62
1851	5,500.00	5,500.00	1889	1,134,480.60	1,033,590.22
1852	5,000.00	5,000.00	1890	1,170,139.11	971,823.62
1853	5,000.00	5,000.00	1891	1,372,049.21	1,266,277.36
1854	10,000.00	10,000.00	1892	2,303,655.75	2,253,262.29
1855	50,000.00	50,000.00	1893	2,540,060.72	2,355,430.25
1856	30,000.00	30,000.00	1894	2,003,855.58	1,977,469.28
1857	75,000.00	75,000.00	1895	2,506,915.00	2,021,030.38
1858	63,500.00	63,157.25	1896	2,584,013.22	2,094,916.42
1859	60,000.00	60,000.00	1897	2,448,763.53	2,348,512.98
1860	40,000.00	40,000.00	1898	2,467,902.00	2,425,510.44
1861	60,000.00	60,000.00	1899	2,829,732.00	2,827,795.65
1862	64,000.00	63,704.21	1900	3,006,022.00	2,947,003.43
1863	80,000.00	80,000.00	1901	3,304,265.97	3,239,137.39
1864	199,770.00	189,270.00	1902	3,922,780.51	3,902,675.79
1865	112,304.05	112,196.55	1903	5,015,846.00	4,734,230.84
1866	167,787.82	167,787.82	1904	5,025,024.01	4,969,311.64
1867	199,100.00	199,100.00	1905	5,894,540.00	5,820,204.00
1868	279,020.00	277,094.34	1906	6,225,690.00	6,029,510.02
1869	172,593.00	172,593.00	1907	9,505,484.74	9,025,318.93
1870	156,440.00	151,596.93	1908	11,487,950.82	11,045,412.19
1871	188,180.00	186,876.81	1909	15,385,806.00	15,079,472.29
1872	197,070.00	195,977.25	1910	15,470,634.16	13,794,231.97
1873	202,440.00	201,321.22	1911	17,278,976.10	14,759,202.08
1874	257,690.00	233,765.78	Total	133,417,252.40	123,782,111.19
1875	337,380.00	221,079.83			
1876	249,120.00	198,843.64			

These figures do not include $16,900,016 appropriated for the fiscal year 1912, which, of course, is still being disbursed.

Agriculture is essentially our national industry; it is the one upon which our people draw for almost their entire food supply. Nearly 100,000,000 people are now looking to this great industry for sustenance. The trend of population is away from the farm and toward the city. This movement has in recent years become marked and can not continue without seriously affecting the industrial equilibrium of this great people. In such transfer the individual ceases largely as a producer and becomes a consumer. It subtracts from the wealth of the Nation and draws more heavily upon the proportionately lessening supply. The last annual report of the Secretary of Agriculture, touching upon the balance of trade, contains the following:

In the fiscal year 1908 the balance in favor of this country was $448,000,000 in agricultural products; the next year it was $274,000,000; in 1910 the balance fell to $198,000,000.

The line between the amount of production and consumption is disappearing. Agriculture has given the balance of trade in our favor thus far, but the shifting in the occupation of our people may cause that to disappear. The nations of the earth have looked to our storehouses in the past for some of this food surplus. When our food supply lessens, the life and vigor of the Nation weakens. We have the greatest potential production of any nation on earth, but may it not be possible that we are not realizing fully on our latent possibilities of production?

Our whole financial and industrial system feels the shock when any of our leading farm crops meets with a failure; a drought, a wheat or corn failure almost drives many to the bread line, and they are not necessarily those who have to do with production. Strike at production and you shock the whole machinery of distribution and consumption. Stop the plow and the failure in food supply will not only disturb the Nation's balance, but will paralyze the Nation's growth. Cripple production and the millions of consumers in our great cities would not be long in feeling the effects, while village centers would be among the first to receive the disastrous effects, because they merely reflect the prosperity of the farm.

We as a people have been sowing and reaping from virgin soil thus far, and when one region becomes depleted in fertility, rather than attempt to rehabilitate we go on to the unbroken lands just beyond. Ours has been rather an extensive agri-

culture with but a minimum of conservation and tillage. We have now arrived at a point in our development when we must halt and take an inventory of our national soil resources. We, of course, must realize that our public domain is growing limited and particularly those areas which require but little subjection of the soil before production. With the survey of our soil wealth before us we are forced to the conclusion that the acre for the whole country must be made to produce, in the long run of years, double and triple what it is now producing. To be further convinced that the process has been uniformly one of tearing down and partial abandonment, it is only necessary to examine into the older and run-down farm regions of the Eastern States. The inevitable conclusion is that this process of tearing down must give way to the program of restoration and building up. The soil being the basis of our food supply and of all agriculture, its conservation in a high state of fertility reaches almost the dignity of a public question.

The farmer has, in recent years, very much widened the scope of his activity and his influence. He is becoming more a contributing part of the whole program of social and industrial progress of the country. The time was when his activities were supposed to be confined through division of labor to sowing and reaping. He formerly led a life somewhat all his own, and to quite an extent his was a segregated calling. Farming, however, has grown in complexity and intensity as agriculture advanced. Earlier farming was somewhat an occupation of physical toil, but it now requires the application of system and methods of business. Information and knowledge of markets, transportation, home supply, foreign production, methods, and machinery of distribution are all falling readily within the command of the business of farming.

Associated with agricultural problems, not alone to life in the country, but to the cities and villages as well, is the subject of improved public roads, and before passing I wish to touch on its immediate relation to agriculture. The subject has come more and more under my observation in recent years, and my judgment is that the good-roads movement will succeed, because it rests not only on a basis of a broader social and business economy, but also upon a policy of a wise statesmanship. The commercial clubs and civic bodies are taking the right attitude in pushing forward this movement and offering to cooperate with the farming communities everywhere.

There are over 2,000,000 miles of public roads in the United States, with almost one-fourth of this mileage that can be classed as main roads. About 75 per cent of the traffic passes over the main roads. From the utilization point of view alone it can be readily seen how important is the subject of public roads. Among the great problems of the present civilization is transportation, and this is not to be confined in definition and service to railroads, but it includes all highways in the exchange and interchange of commodities between the millions of people in the homes and the great markets.

The social and commercial life in the great agricultural sections will be greatly improved by a system of good roads. The producers can market their products more easily and the commercial centers can distribute their goods in exchange to the greater advantage of all. The more than 41,000 rural mail carriers must travel daily 1,000,000 miles in delivering mail to the millions of people over these roads, and the millions of school children make their trips to school each day.

The farmer and his family will make more frequent visits to the village centers; social intercourse among neighbors will be encouraged; the farm will have a greater earning power because of shortened distances to markets, school, and social activities; population between country and city will become more equally distributed and thus help to relieve the congested centers. The Department of Agriculture in the past few years has taken notice of the need and is lending encouragement through investigations by road engineers and making the results available to the public through publications and lectures.

The scientific investigations and research have very much widened the zone of productivity, and the Department of Agriculture with the colleges of agriculture have been largely instrumental in bringing about the results. The selection of seed, the experimentation with plant varieties, adaptation of varieties to the soil, altitude, and climatic conditions have much to do with obtaining the best results. The department is making progress in the adaptation of plant life brought from other parts of the world. Cross breeding with similar varieties in order to strengthen qualities is carried on with success. The time was when corn, as a successful and paying crop, was confined to a zone about one State wide through Indiana, Illinois, Iowa, and other States in that latitude, while now corn is a staple crop in the northern tier of States, and the Southern States, clear to the Gulf, are making decided improvement in both yield and quality in this truly American product.

Our State agricultural colleges have taken the lead in encouraging agricultural science and the training of the young men and women who attend them as to how to deal with agriculture in its most practical phases. The whole scope and field of agriculture has received their attention. The soil, the climate, the animal, the plant, and farm management are all receiving due attention. The results of breeding and judging of stock have come under my observation. The study of domestic animals is made with a view of first determining upon a few types; for example, beef and dairy cattle, draft and road horses. The accepted qualities and marks of different varieties and breeds of farm animals are becoming so well known that stock judging, breeding, and selection become practical. The young men in these agricultural colleges come into possession of a desired amount of practical information, and thereby become proficient in the selection of farm animals for breeding and also for building up and culling out of unprofitable animals in both the dairy and beef breeds of cattle and in selection for different purposes all farm animals. I consider this an example not alone of the scientific but also of the very practical work now being carried on in our agricultural education. Such practical application as this brings profit out of a loss and turns failure into a success.

Successful as is the training given the young men in these schools, still I believe that the training and practical knowledge given the young women is fully as serviceable as that furnished the men students. A large field of influence is opened up to these young women students, such as courses in cooking, sewing, gardening, horticulture, household sanitation, care of sick, poultry raising, bee culture, dairying, and a wide range of other subjects associated with the farm and the home. I am more than pleased to see these schools opening up successfully this great field of useful training, and I predict that the time will come when the present scope of training will be wonderfully broadened and deepened so that it will encompass the still larger field of life's activities for the average man and woman.

The whole subject of farm literature is adding much of practical information to farming. The Farmers' Bulletins and other public documents that go out from the Government departments cover a wide range of subjects relative to the farm and home, and they are prepared as the results of actual investigations on farms and in the laboratories and from practical life. The agricultural newspapers regularly entering the homes are inspiring and contributing their full share to our agricultural development and prosperity.

In so far as we have legislated to go in research and investigation, results have fully surpassed expectations, but we are face to face with the still increasing complexity and larger application of our natural resources. The energy of the Department of Agriculture and the agricultural colleges is confined largely to investigation and research, but the next step is to effectually get this information to the farm. It was never intended that the information was gathered for the purpose of adding to the sum of knowledge for the sake of science alone or to remain as an asset of the investigator and the student.

The individual and the public can not physically come to the centers of research or gather about the investigators in the Department of Agriculture or at college centers. Only a few can do this, and often not those who are most anxious or most in need of the information. What methods, then, must be pursued? Efforts are being made to get this information to the people through publications and literature. Does the full force of the information reach the farm in this way? True, great results have been accomplished in thus transferring the information, but results not commensurate with the amount of information available. It is still information largely of record and only partially applied to the fields, farms, and herds. The progressive and wholesome spirit of the age demands that results be brought to the soil where it is tilled, to the herds where they develop, and to the plants at their place of growth.

Many of the States have provided appropriations for the farmers' institutes and demonstration work with a degree of success, and while splendid results have been gotten, the work is entirely too limited in area and application. The whole program of agricultural extension and educational work must be further directed, organized, and reenforced and become an actual going institution. The information must be taken from the laboratories and to the farm by the expert, and there become a codemonstrator with the farmer himself.

In many States the amount of $80,000 from the Federal Government serves only as a nucleus, while the State very much enlarges upon it. These colleges are making splendid efforts in

attempting to get agricultural education to the farmers and rural homes; but notwithstanding the energies directed toward reaching the farms, they fall short of the demands for agricultural development in each State. It is my good fortune to be a graduate of one of these agricultural colleges, and I therefore have some knowledge of their efforts and work.

The large majority of boys and girls on the farms and even the more mature men and women can not and will not go to a central point in the State to attend an agricultural school or college. The time must come, however, in the process of growth in both population and development when the education of the agricultural college will reach the farm. The people, through natural and normal growth, will ultimately demand its application. The energies of the agricultural school must go to the farm itself. I believe that the industrial and economic should be much further applied in our educational system. The physical and applied sciences are coming more and more into the life of the average man, woman, and child. The purely cultural studies must give way more to the demands and needs of the economic and industrial. The heart, hand, and mind of the child must all receive training in a well-balanced system of education. The available instruments of our civilization must be placed in the hands of every citizen in order that the Nation itself may reap the fruits of our civilization.

We hear much of the "back-to-the-farm" movement, and while as yet this is more of a hope than a realization, still the agricultural betterment will do more than all else to turn back the tide of those who have their faces turned away from the soil and toward the commercialism of the cities. The rush from the farms is due to the attractions of the cities. Before the restoration of the equilibrium is approached the attractions of the city must be made in a larger way the inducements of the country. Means of communication and travel are doing much to improve and make more inviting the surroundings of rural life. The telephone, the rural delivery, better roads, improved farm machinery, better sanitation, and the installation of modern conveniences in the home and household, use of motor power, admission of country children to village schools are all eliminating many of the objections to country life and contributing to the "back-to-the-farm" movement. We also hear much these days about the high cost of living. This movement away from the farm has contributed no small amount to the cost of living, and it must remain relatively high till the relation between the producer and consumer is better established.

I am in favor of liberal appropriations for agriculture and feel that this Congress is in full sympathy with its importance. An industry embracing, directly or indirectly, the welfare of every citizen of the Republic I know will receive liberal treatment at your hands.

The Sugar Schedule.

SPEECH

OF

HON. HENRY McMORRAN,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 15, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. McMORRAN said:

Mr. SPEAKER: Seldom during my nine years' career in this House have I felt it incumbent on me to consume the time of the House upon the various subjects presented, but at this time, when one of the great interests of the country is attacked, and in which my district is directly interested, having within its boundary four large sugar mills, I feel the necessity of entering a vigorous protest against this so-called "sugar tariff," one of the most drastic measures that has ever been introduced in this House.

I regard it as very unfortunate that of the two great parties in this country we should have only one built along constructive lines, while the other has been of a destructive character every time it has been in power, and it might be well to review some of the legislative action of the Democratic Party for the American people to determine whether they were wise in the fall of 1910 in electing a Democratic House of Representatives. I have never been able to satisfy myself that they have ever enacted any legislation except of the most destructive character, and all legislative acts that have been passed which have inured to the benefit of the American people have been enacted by the Republican Party.

One of the cardinal principles of the Democratic Party seems to be that they are never happy when the country is prosperous. That is the one plank in the Democratic platform of principle which never changes. It would seem in their course of action that they never profit by results. It is fortunate for the American people that they have only been in power for short periods during the last half century.

They now have possession of the majority in this House of Representatives, and the legislation they have brought forward up to date is of a most destructive character. They propose to let down the bars of protection to every American factory and to the American farmer, and advocate the increase of importations from foreign countries of manufactured products which, while it may possibly increase the Treasury receipts, it must decrease the prosperity of every American manufacturer and every farmer throughout the country and every American workman, and as you decrease their prosperity you strike a blow at the general prosperity of the entire country. The Democratic Party have changed their base so many times that it is hard to tell where they stand. At one time they have favored free raw material, and now they propose to tax raw material and cut down the duty on the finished product. They seem to be floundering around, trying to arrive at some plan by which they can fool the American people.

It is very evident from the position taken by the leader of the majority, the gentleman from Alabama [Mr. UNDERWOOD], and he has frankly stated, that he does not believe in protection, and that no measure he has introduced in the House is intended to protect American industries—simply to raise revenue. He seems to be in line with our honored Speaker, who in 1897 declared in a speech he made before this House that—

> I am a free trader, and I glory in the fact. I rejoice in the record we free traders made in the House in 1894, in the Fifty-third Congress. Nearly all that was good in the Wilson bill was put there by the free traders. We jumped on that bill when it came into this House, and in spite of the majority of the committee, and nearly the whole committee, in spite of the Republican majority, we knocked out the bounty feature of the Wilson bill, copied in a modified form from the McKinley bill, and killed it too dead for resurrection. We twice put sugar on the free list. We put steel rails on the free list. We put agricultural implements on the free list. We won many notable victories, so that when that bill left this House it was a tolerably decent sort of a bill.

Showing conclusively my assertion that the Democratic Party have never favored any kind of legislation but that which was destructive to every American industry, and they assert boldly that they glory in the fact that they are free traders and favor foreign trusts as well as manufacturers.

From a political standpoint I am very much pleased to think they have brought in as drastic legislation as they have in this House, as it will demonstrate to the American people that when November next comes they will be only too glad to have an opportunity to go to the polls and to bring about one of the greatest defeats the Democratic Party has ever suffered in the American Republic. The American people realize at the present time, from the methods adopted by this Sixty-second Congress, that they are unworthy of their further consideration. The Republicans also realize the result of their failure to go to the polls in 1910, in the election of a body of men who are so grossly incompetent to legislate for the interest of the American people.

They have clamored many years for a prosecution of the trusts, yet in the report made by the majority of the Ways and Means Committee on the sugar tariff bill they state that the refining interest is the most important factor connected with the sugar manufacturing of the United States. Therefore, the industrial position of refining requires primary consideration. The ability of refineries to compete with other countries without the aid of tariff protection can not be successfully denied. Perhaps this was why in their free list bill in the extra session of this Congress they excepted "sweetened biscuit," continuing a duty of 50 per cent on these things, to the material benefit of the Biscuit and Sugar Trusts.

From the above one might be pardoned if he believed that it was the intention of the Democratic Party to take care of the Sugar Trust, and it might be well to refer to the messages of President Cleveland on the question of trusts in this country, as the Democratic Party has always claimed that the Republican Party was responsible for their creation, and ascertain what they have ever done in the way of compelling the so-called trusts to live up to the laws of our country.

Mr. Cleveland was first inaugurated President March 4, 1885. Neither in his inaugural address nor in any message does he mention the subject of trusts until immediately preceding the election of 1888. In his last message preceding that campaign he refers to the existence of combinations, frequently called trusts, and closes with this sage conclusion:

> The people can hardly hope for any consideration in the operation of these selfish schemes.

He recommends no relief and suggests no remedy. Nevertheless the Congress to which this comprehensive statement of fact was submitted, a majority of the Members of which belonged to his school of political thought, appointed a commission to investigate the subject. The purpose of the commission was to convince the people that their interests were not being neglected, at least during the campaign, and that if Mr. Cleveland was reelected some remedial legislation would follow. To that end this commission held meetings from time to time throughout the campaign. Mr. Cleveland was not reelected, however, but when Congress reconvened, in a paragraph of five lines, he refers to the subject of trusts and closes with this sad and terrifying announcement:

> Corporations, which should be the carefully restrained creatures of the law and the servants of the people, are fast becoming the people's masters.

But he recommends no relief and suggests no possible way of escape.

Two days before the inauguration of President Harrison the commission to which I have referred made its report, setting forth what evidently appeared to the commission as a most deplorable condition:

> Your committee respectfully report that the number of combinations and trusts formed and forming in this country is, as your committee has ascertained, very large and affects a large portion of the important manufacturing and industrial interests of the country. They do not report any list of these combinations, for the reason that new ones are constantly forming and old ones are constantly extending their relations so as to cover new branches of business and invade new territories.

Their encouraging statements which follow must be read in view of the fact that two days later a Republican Congress, elected some months before, was to convene. Let us review their report:

> Your committee further report that owing to the present differences of opinion between the members of your committee they limit this report to submitting to the careful consideration of subsequent Congresses the facts shown by the testimony taken before the committee.

Both the President and the committee acknowledge the existence of harmful trusts and combinations, but neither holds forth to the people any ray of hope except at the hands of those who were about to fill their seats.

In marked contrast with this acknowledged lack of ability was the action of the Republican Congress following. The very first bill introduced in the Senate of the Fifty-first Congress was John Sherman's antitrust bill—Senate file No. 1. It passed both Houses and received the signature of Benjamin Harrison. The passage of this act was followed by several suits for its enforcement and several decisions by the Supreme Court were secured, declaring it constitutional and applying it to various conditions.

On March 4, 1893, President Cleveland was again inaugurated, and in his inaugural address he refers to trusts, saying:

> These aggregations and combinations frequently constitute conspiracies against the interests of the people, and in all their phases they are unnatural and opposed to our American sense of fairness. To the extent that they can be reached and restrained by Federal power the General Government should relieve our citizens from their interference and exactions.

He suggests no modification of the Sherman Act, and recommends nothing in its place, but in harmony with the teachings of State sovereignty statesmanship, of which he "always had been, and therefore always will be," a diligent student, he suggests that it is very doubtful whether the Federal Government has any jurisdiction in the premises.

That was in his inaugural address. He does not again refer to the subject of trusts in message or proclamation until December, 1895, after the election of William McKinley, when he can throw the responsibility upon another. In this, his last message, he denounces combinations of every description in language as intemperate and inflammatory as was ever employed by his party's more recent candidate for the Presidency. He says:

> Their tendency is to crush out individual independence and to hinder and prevent the free use of human faculties and the full development of human character.

Showing that he and his Cabinet evidently could not devise any means by which these so-called trusts could be reached, and they never have been reached except under our Republican administration, and no stone has been left unturned by the present administration to prosecute every trust that they were satisfied was operating in violation of the Sherman Act. Thus showing their further incompetency to deal with prominent affairs affecting the interests of the American people.

We have only to refer to the passage of the Wilson bill and its operation to demonstrate the fact that they were incompetent to devise a tariff which would protect the American industries, and at the same time furnish revenue sufficient to operate the the Government.

The Cleveland Administration from 1893 to 1897 proved a dismal failure. They were obliged to sell 262,000,000 bonds to run the Government, while the McKinley bill, passed in 1890, and one of its express purposes being to reduce the revenue receipts, for the first year under that act we accumulated a surplus of $37,000,000, the next year we had a surplus of $10,000,000, and the next year $2,000,000, when for some unknown reason the American people became dissatisfied with the administration and reelected Cleveland, who had never been able to accomplish anything during his previous administration, and after his election business was demoralized, millions of men were thrown out of employment, the farmers' market was destroyed, women and children went hungry because the husbands and fathers could not find work, men slept by night on the floors in the corridors of city halls or in haystacks or barns, and by day they walked the city streets or the country highways pleading for the privilege to work at any wage or no wage, except for something to eat. When the Republican Party came back into power in 1897 the Democratic tariff for revenue was wiped off the statute books, and when the beneficent policy of protection was put in operation the condition of idleness and constant want and misery was quickly changed to industry and prosperity and happiness, which has since continued.

Now the Democrats are again asking the American people to try their old schemes. The crusade for free trade, and that is the ultimate meaning of the present agitation, must be met by a contrary crusade for protection for our industries, for our wages, for our homes. Otherwise the history of 1892 may repeat itself in 1912, and it will begin with the opening of our gates to the foreign manufacturer and will end with the opening of the soup houses.

Is it any wonder that when the tariff measures of the present Congress are submitted to the American people and they are given an opportunity to digest them and to reason out the results of such free-trade measures that they will be called upon to rebuke this kind of impractical legislation at the fall election?

Now, with reference to the beet-sugar industry. I have in my district four sugar mills, with a capital of approximately two and one-half millions and with a capacity of approximately 250,000 tons yearly, paying to the farmers of the district upward of $1,250,000 annually, in addition to the freight to the railways and the labor of manufacturing barrels and sugar. And as a result of the encouragement of this sugar industry in Michigan, and especially in my district, it has tended to increase the value of the land by the better methods adopted by the farmers in the past five years in their cultivation of beets to such an extent that they have nearly doubled their tonnage per acre, and by rotation of the crop have fertilized their fields and farms in such a manner as to increase their production of other crops, such as oats, rye, and wheat, to the extent of 50 per cent more than they have produced before.

Some nine years ago when Secretary Wilson went through my district looking at the various sugar mills and discussing the methods of cultivation with the farmers, he gave them such directions as enabled the farmers to make the great advance that they have made in the growth of beets. At that time lands were selling in the vicinity of $50 per acre, and during the past year farmers have been coming from Ohio and from Iowa and other Western States, and buying some of this same land, paying $100 to $125 an acre; but our Democratic friends think that this industry should be transferred to foreign countries, so that the American sugar refinery and its interests, controlling perhaps 90 per cent of the refining industry in this country, may be enabled to dictate the prices to the American people for their sugar, doing away with competition entirely and forcing the sending of American money to foreign countries, instead of keeping it at home and encouraging the industry here, and thereby creating competition at home.

We never had a greater object lesson on this question than we had during the last fall, when the report was given out early in the season that the world's crop of sugar was short and the sugar refineries in the country advanced their prices something over 2 cents a pound and were able to make the American people pay this advance until the sugar-beet crop came upon the market in October, when they were obliged to reduce their prices 2 cents per pound; and yet our Democratic friends would destroy this competition and insist on our people going to foreign lands with American money, and encouraging foreign capital to seek this market and to dictate the prices which our people shall pay for their necessities.

The claim is made by our Democratic friends that the removal of the duty on sugar will make lower prices to the consumer. While I can see that possibly that may be true to a limited extent, but not to the amount of the duty for the reason that the refiners, as they have done in former years, will absorb a part of this duty in spite of the removal of the duty by the bill.

Assuming that the present duty is a tax upon the consumer of, say, $1.60 per hundred, with an average family of 5 people and an average consumption of 250 pounds per year for each family, assuming that they get the entire benefit of the duty it would make a difference to each family of $3.75, and which upon the ordinary laborer having an income of $10 per week, or $520 per year, would be a trifle over three-fourths of 1 per cent. Now, when you take into consideration the difference in the wage earner's income when compared with that of the English workman, where it is shown to be 130 per cent greater than that of the English workman, and where his expenditures for food and rent are 52 per cent greater than that of the English workman, which would the American workman prefer to do—to have his wage scale reduced to the level of that which prevails in England or to pay three-fourths of 1 per cent out of the 130 per cent which he is receiving in wages more than the English workman?

It can not be said the taxation to that extent is burdensome in comparison with his income compared with the compensation of the foreign laborer.

The Duty on Sugar.

SPEECH

OF

HON. FRANK W. MONDELL,

OF WYOMING,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 15, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. MONDELL said:

Mr. SPEAKER: It finally becomes so clear that no man of intelligence can fail to understand it, that the Democratic leaders in the House of Representatives, in their mad ambition for power, are ready to sacrifice industries and properties on which considerably more than a hundred thousand of our people depend for a livelihood and in which upward of $200,000,000 are invested.

This proposed legislation, if enacted into law, would be as destructive of the two hundred and odd millions invested in the beet and cane sugar industries in the United States as would be the granting of letters of marque and reprisal authorizing the application of the torch to that amount of American property. It would prove as disastrous to the hundred thousand farmers and planters who now produce sugar cane and sugar beets as though it contemplated a forced levy of half the value of their lands.

Not only does the proposed legislation jeopardize, not only would its enactment into law destroy, the values of cane and beet sugar properties and cane and beet sugar lands in our own country, but it involves a repudiation of our obligations to our over-sea sugar-producing possessions—Hawaii, Porto Rico, and the Philippines—and of our solemn treaty obligations with Cuba. All this the Democratic leadership in this House proposes in the vain hope that the American people will, in anticipation of the fulfillment of empty promises of insignificant benefits, put the seal of their approval on acts of confiscation and dishonor.

A gentleman on the Democratic side who does not approve of this program referred to it the other day as an act of political buncombe. I have my own doubts as to whether, if the legislation could be enacted into law, the Democratic majority in this House would dare pass it; but much as I realize the desperation of the majority in its efforts to make political capital in a presidential campaign, I am loath to charge them with the perfidy involved in a deliberate threat of industry destruction and treaty repudiation which they would not, if they had the opportunity, consummate. It is more charitable to view them as being so obsessed with free-trade theories as to feel justified in closing American mills and factories and depreciating the values of American farms in putting their theories into effect. But whichever horn of the dilemma one takes, they stand convicted by their acts as a menace to the welfare of the Nation and the prosperity of its people.

This bill provides for the free importation of sugar as against the present duty of $1.68 per 100 pounds on 96 degree raw sugar and of $1.90 per 100 pounds on refined sugar, thus completely reversing the policy we have followed in regard to sugar under all parties and from the foundation of the Government. Even at a time when we produced no sugar we had a sugar tariff, and in the early years of our history the duty was at one time as high as 12 cents a pound. Never in our history has the duty on sugar been as low as it is now, except under the Walker tariff just before the Civil War. It is true that raw sugar was free under the McKinley bill, but the domestic producer was protected by a bounty of 2 cents a pound. Every civilized country levies a duty on sugar. Even so-called free-trade England, which has no sugar industry to protect, collects a duty on sugar.

It can be said without fear of successful contradiction that the American production of sugar, both cane and beet, has been made possible by the tariff. Cane-sugar production dates back to long before the war, but the beet-sugar industry is of comparatively recent growth. When the Dingley Tariff Act passed in 1897 there were only six beet-sugar factories in our country. In the fall of 1911 there were 71 factories in active operation in the States of Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, Ohio, Oregon, Utah, and Wisconsin. The following table gives the consumption of sugar in the United States in 1910, and the place where the same was produced:

Consumption of sugar in United States and where produced.

	1910	1909
	Tons.	*Tons.*
Total consumption of sugar in United States	3,350,355	3,257,660
Compared with preceding year, increase	92,695	71,871
Do	[1] 2.845	[1] 2.256
Consumption consisted of:		
Domestic cane (Louisiana and Texas)	333,006	409,960
Domestic beet	457,000	434,000
Maple	6,000	11,000
Molasses sugar	9,200	9,136
Total domestic	805,206	864,095
Hawaii (cane)	459,128	483,671
Porto Rico (cane)	276,788	235,117
Philippine Islands (cane)	96,658	46,804
Cuba (cane)	1,640,182	1,427,531
Total on which tariff concessions allowed	2,472,756	2,193,123
Total foreign on which full duty assessed	72,393	200,441
Of which foreign raw cane	71,548	199,675
Of which foreign raw beet		
Of which foreign refined beet	805	643
Of which foreign refined cane	40	123

[1] Per cent.

Under our laws the sugar of Hawaii and Porto Rico comes to our markets without payment of duty. Three hundred thousand tons may be imported free from the Philippines and the remainder can be imported upon payment of 75 per cent of our duty. Under our treaty with Cuba, Cuban sugar pays but 80 per cent of the full duty, or $1.34 per hundred, and for this concession Cuba gives us a reduction in duty on many articles which our farms and ranches and factories produce, all of which preference we lose if we place sugar on the free list.

DEMOCRATIC REASONS.

It is very difficult, from anything they say on the subject in their report on this bill, to judge as to just what motives actuated the Democratic majority of the Ways and Means Committee in reporting this bill, and so one must either accept the statement of the distinguished Democrat who said it was done for mere buncombe, or be forced to the conclusion that it is merely an illuminating illustration of the wanton disregard of the free trader as to the effect of his policies on American industries. The committee in its report does, however, express a desire to reduce "the high cost of living." If that is really their object, the mountain has certainly labored prodigiously to bring forth a mighty insignificant mouse. The gentleman from Alabama [Mr. UNDERWOOD] has declared that this legislation would reduce the price of sugar to the consumer a cent and a half per pound. If the gentleman really believes that would be the effect of the legislation, he is the only person I know possessed of such childlike optimism. But assuming for the sake of argument that his dream might come true, we are confronted with the engaging spectacle of the Democratic Party, as represented in the House, having labored for months in an alleged effort to reduce the cost of living, and, according to their own exaggerated estimate, having succeeded only far enough to promise a reduction of 45 cents per person per year. That is the most they themselves promise through a measure of property confiscation and treaty repudiation.

According to the testimony taken before the Hardwick committee, 50 pounds of the 80 pounds of the annual per capita sugar consumption of the United States goes into manufactured articles, such as condensed milk, jelly, tobacco, whisky, chewing gum, candy, and soda water. Do the thirsty anticipate a larger jigger of whisky or glass of soda water by reason of this reduction in the price of sugar? Is there any probability of our obtaining more chewing gum for a nickel or any cheaper caramels because of a slightly lessened price for the sugar which is the principal ingredient of these articles? As to the 30 pounds per capita of direct consumption of sugar, the Democratic leaders evidently expect that the mere promise of a saving of 30 or 40 cents per person per annum will at once relieve us from our struggle to make both ends meet and establish us all in a secure position of independence and affluence.

PRICE WOULD NOT BE REDUCED.

The fact is, however, that even this insignificant promise of relief would not be realized by the consumer, though part of it might be temporarily added to the profits of the chewing-gum manufacturer, the purveyor of soda water, the jobber, and possibly the retailer.

Sugar is one of the few articles on which the jobber and the retailer have made a comparatively small profit. In this respect it has afforded a strking contrast to articles like tea, coffee, and rubber, which are duty free and for which the people pay high prices. There can be no doubt but what the importer and refiner under free sugar would for a time furnish the jobber and the wholesaler with sugar at a somewhat lower price, but who believes that the intermediate handlers of this commodity would not take advantage of the opportunity thus offered to increase the very moderate profits they have heretofore obtained on sugar and thus absorb the temporary reduction in price long before it reached the ultimate consumer?

But this reduction to the middleman and increase of his profits would be but temporary, and at the utmost only last long enough to dismantle the beet-sugar factories, to turn the cane farmer of the South and the beet farmer of the North to other and less profitable lines of production. This accomplished, the American people would be in the grip of the domestic refiner and at the mercy of the foreign producer, with the inevitable consequences of ultimately higher prices than those we now pay.

Can anyone doubt that this would be the ultimate result in the face of our experience the last year? If so, he is beyond being convinced by the cold, hard facts of recent and practical experience. Early last summer the foreign sugar market began to feel the effect of a reported shortage of the European beet-sugar crop and the Cuban cane-sugar crop. Taking advantage of this, American refiners proceeded to sell refined sugar, made from raw sugar which they had purchased at a low price, at constantly advancing figures. From a price of 5½ cents per pound on July 6 they advanced their price steadily until it reached 7½ cents about the 1st of October. Our half million tons of beet sugar began to reach the market in October, and in that month last year, without any change in European conditions, the American refiners, forced to do so, as they themselves admitted before the Hardwick committee, by the marketing of great quantities of American beet sugar, reduced their prices nearly 2 cents a pound. Does anybody believe that this would have happened but for the necessity of meeting the beet-sugar competition? During that period our people complained of the high price of sugar. How much worse would have been their situation had there been no beet-sugar production to break the high prices fixed by the refiners of foreign sugar? As it was, while the refiners of foreign sugar sold their product for as much as 7½ cents a pound, the bulk of the beet sugar was sold to the jobber at about 5½ cents per pound or less. What better object lesson could we have than this of the condition of the American people had we no domestic sugar industry producing refined sugar to check the rapacity of combinations of producers abroad and refiners of foreign sugar at home?

DESTRUCTION OF DOMESTIC INDUSTRY.

I have said that free sugar would destroy the American cane and beet sugar industries. No one can successfully deny that proposition. Few will be rash enough to attempt it. It is true that the gentleman from Alabama [Mr. UNDERWOOD] has said in an interview that free sugar will not destroy the American sugar-growing industry. The report of the Democratic members of the Ways and Means Committee accompanying this bill makes no such claim. With the characteristic indifference of the free trader to the welfare of American producers, their report is contemptuously silent on that subject. This is not surprising in view of the fact that indisputable evidence from the most reliable sources bears convincing testimony to the fact that neither cane nor beet sugar can be produced in the United States in free competition with cane and beet sugar from abroad. Taking what is confessedly the most hostile testimony obtainable—that of the report of the majority on this bill—and they admit a difference of nearly 1¼ cents a pound in favor of the German product in the cost of production of beet sugar there and here. Turning to less prejudiced sources, we find from the hearings before the Hardwick committee that the American farmer receives on an average for his beets from $1.20 to $1.88 per ton more than the German farmer receives for beets of the same sugar content; that he obtains from $1.60 to $2.28 per ton more than the French farmer; that the average rate of wages paid to men in French beet-sugar factories is about 80 cents a day, as against an average of about $2.40 a day in American factories. Furthermore, many women and children work in the French factories, at wages of from 33 to 43 cents a day. No women or children work in American beet-sugar factories.

But the beet-sugar industry of Europe, while it is in position behind its tariff walls to put the American sugar industry out of business, is not at all times the greatest menace to the American industry, for the Tropics are the native home and habitat of the cheapest of all sugar-producing plants—the tropical-grown sugar cane. There nature's most prolific sugar producer grows in rank luxuriance, and labor, free from the necessity of large expenditure for clothing and housing, is cheaper, both by the day and per unit of production, than anywhere else in the world. Evidence is multiplied that raw sugar can be produced in many parts of the Tropics at from 1¼ to 1½ cents per pound. The Hardwick committee places the cost in many parts of the Tropics at 1½ cents per pound. The gentleman from Georgia [Mr. HARDWICK], in his speech on this bill, attempted, in the face of his own committee report, to prove that our beet-sugar industry, or the most favorably located portion of it, might exist in competition with German beet sugar; but, as soon as the question of competition with tropical cane sugar was mentioned, he said, of course, the beet-sugar industry both here and in Europe must have protection from tropical cane sugar if it is to survive. Everybody knows who has given the matter any study whatever that free sugar means not only the checking of further development of the industry in the United States, but the wiping out of the industry already established, and that is what the Democratic leaders, with contemptuous indifference, calmly contemplate, in the hope, I presume, of securing the support of those, if any such there be, who are willing to see American industries ruined on the promise of some slight temporary advantage to themselves.

POSSIBILITIES OF AMERICAN SUGAR DEVELOPMENT.

What is the industry that the Democratic leaders are so willing to sacrifice? What does it mean to the American people? The Secretary of Agriculture has told us there are at least 274,000,000 acres of land in the United States suitable for beet culture. We are utilizing less than half a million acres at the present time for that purpose, but we are producing on them nearly one-sixth of all the sugar we consume. In addition to the States where beet sugar is now produced there are many other regions, from New England to the Pacific coast, having lands adapted to sugar-beet culture.

Wyoming alone has at least a half million acres on which, with adequate protection, sugar beets could be profitably grown. We are now successfully growing sugar beets in several widely separated localities, and there is no reason why, if the present duty is maintained, we should not have as many beet-sugar factories, costing over a million dollars each and utilizing the production of thousands of acres, as California, which has 10, or Michigan or Colorado, which have 17 each.

The beet-sugar industry not only makes us independent, in proportion to its volume, of the fluctuations and combinations abroad, it not only keeps down prices, but it is of the greatest economic value to the regions where beets are produced. Speaking of the value of the industry, Secretary Wilson, of the Department of Agriculture, said:

From the best information I have it may be stated: The beet-sugar industry has been one of the most potent factors developing agricultural conditions, not only in sugar production, but in all agricultural features, and the building of such a plant is the incentive for projecting many other improvements such as the dairy, creamery, breeding of animals and preparing the same for market, also the fruit industry, cereal and alfalfa production, canneries, preserving fruit, and many other things. It is, and will continue to be, the most important medium developing the benefits and promoting the success of our national reclamation act.

Dr. Harvey Wiley, in the hearings before the Hardwick committee, called attention to the fact that the sugar which the farmer sells from a crop of beets comes almost entirely from the atmosphere and water, and takes but little plant nourishment from the ground. What little is taken from the soil is returned by feeding the tops to stock on the ground

or plowing them under. Dr. Wiley expressed the opinion that the industry is of vast value to the country, even if it were necessary to largely increase the price of sugar to promote it.

Continental Europe has fully realized the economic value of the beet-sugar crop, and built it up at a cost in enhanced prices of sugar which our people have never been called upon to pay. Even now, with the industry fully established, with a population trained to beet-sugar culture, with vast factories of the most approved pattern, with a low wage scale, Europe finds it necessary to protect her industry against the cane-sugar industry of the Tropics by a very considerable duty. Germany, on a little more than a million acres of land, produces a beet-sugar crop of 2,000,000 long tons, valued at over $200,000,000, equal to nearly two-thirds the amount of our entire consumption. Beginning with Napoleon, European economists have long realized that the industry is not only worthy of being built up and developed for the sugar production itself, but because of the increase in the production of other crops grown in rotation with the sugar beet—an increase estimated at 24 per cent for wheat and 102 per cent for potatoes.

DOES FREE SUGAR MEAN CHEAPER SUGAR?

If the Nation is to embark upon a policy of free sugar importation, thereby depriving the Government of revenues now amounting to more than $52,000,000 annually, under which hundreds of millions of dollars invested in sugar properties will become largely valueless, under which nearly a million acres of farm land devoted to cane and beet sugar growing must be devoted to other crops, under which the hope of the farmers of many districts of the opportunity to grow sugar beets is to be disappointed, under which we are to be placed at the mercy of foreign sugar crop shortage and foreign sugar price manipulation, not to mention being subjected to the tender mercies of American refiners, who have not only been convicted of robbing the Government, but have at all times advanced prices whenever possible; we should at least be certain that we are to secure cheaper sugar thereby.

The important question then is, Does duty-free sugar mean cheap sugar? Let us marshal the testimony. I think it will be admitted by all and denied by none that the foremost authority on sugar in the United States is Mr. Willett, of the firm of Willett & Gray, publishers of the Weekly Statistical Sugar Trade Journal. Mr. Willett was called as an expert by the Hardwick committee. In his testimony before the committee he called attention to the increased price demanded and obtained by the refiners last summer, based on an alleged European shortage. In answer to Mr. SULZER he said, speaking of these advanced prices:

> The moment our American beet sugar became available the rise stopped, and owing to this American production refined sugars were a cent and a half lower. But for that American production we to-day would be buying sugar at the world's prices.

He also said that had it not been for our domestic production the price instead of going down would have gone still higher. After emphasizing the importance of increasing our domestic supply for the purpose of keeping the price down, and stating that if we could increase our production largely "it would give us sugar always cheaper than they would get in Europe," he summed up as follows:

> In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer increase the domestic production as rapidly as possible.

The converse of that is that if you decrease the American production or entirely wipe it out as free sugar would do, the result would be to ultimately raise the price of sugar in the United States.

It is not necessary to go into an elaborate argument on this point; every intelligent man who has studied the subject knows that free sugar, if it meant any reduction at any time to the ultimate consumer, which is doubtful, would only bring that result for a limited period, or until the American producer of beet and cane sugar, having been put out of business, we should be at the mercy of the Sugar Refiners' Trust. Surely no intelligent man will deny this in view of our experience of last summer to which I have referred, when in the interval when no beet sugar was being marketed they raised the price 2 cents per pound.

WHO WANTS FREE SUGAR?

In this connection it is pertinent to inquire who is asking for or demanding free sugar? I do not recall ever having received such a request from any of my constituents. It is true that some Members have received numbers of the now famous "yellow circular," with the heading "Committee of wholesale grocers." The hearings before the Hardwick committee have shown up the genesis and authorship of that fraud. We have the testimony of the conspirators themselves that this mythical committee, which has been busy trying to create a demand for free sugar, originated with and was composed of Mr. Frank Lowry, sales agent of the Federal Sugar Refining Co., and was entirely financed by that company. But if we have no evidence that the people desire or demand the removal of the duty on sugar, we have abundant evidence that the refiners of foreign cane sugar desire free sugar, so that they may monopolize and manipulate the market.

In addition to the active Mr. Lowry, Mr. Spreckels, president of the Federal; Mr. Post, president of the National; Mr. Atkins, acting president, and Mr. Heike, secretary of the American Sugar Refining Co.; and Messrs. Gilmore and Jamison, of the Arbuckle Refinery, as well as others connected with the refining interests, with more or less reluctance voiced their approval of and desire for low duties or free sugar. And why? Because, as Messrs. Atkins and Heike of the American Sugar Refining Co. (the Sugar Trust) claimed and admitted, the beet sugars are taking away the trade of the refiners year by year and reducing the markets and profits of the refiners, and free sugar would destroy the beet-sugar industry absolutely and thus give the refiners a free hand.

Reduced to its final analysis, this is a bill in the interest of the refiners, and admittedly so, for in their report on the bill the Democratic majority say that the refining interest, as the "paramount interest" in the sugar business, "requires primary consideration." And thus the claim of legislation for the benefit of the consuming public is by the admission of its authors primarily in the interest of the sugar-refining trust which, according to the report of the Hardwick committee, controls 90 per cent of the refining business of the country.

Evidently this "primary consideration" has been given, for I note by to-day's papers that stock of the American Sugar Co. (the trust) was quoted at $1.23½. On March 12, just three days ago, the stock was quoted at $1.18½; this makes an increase in the value of the stocks of the Sugar Trust of nearly $5,000,000 since this bill was reported to the House. This is giving the refining interest "primary consideration" with a vengeance.

And what a lovely outfit it is. Less than a year ago the newspapers and magazines were full of the story of its contemptible robbing of the Government through the "17-hole" weighing swindle; of the millions it was required to disgorge, and of the conviction and imprisonment of its employees. To-day some of its former officers are facing trial on the charge of connection with frauds against the Government. This is the "paramount interest" which the Democratic leadership serves in this bill.

The Democratic Party sometimes keeps its promises, but always in a way that is an eye-opener. In 1892, when wheat was low, Democratic orators told the farmers: "Give us control of the Government and there will be no more 65-cent wheat." Some of the farmers helped them to gain control, and the promise came true; there was no more 65-cent wheat; it went down to about 39 cents. In like manner the last Democratic platform promised that if they had the opportunity, "articles entering into competition with trust-controlled products shall be placed on the free list." The people supposed they meant that the trusts were to be put out of business by increasing their competition; evidently there was a joker in that promise. Foreign-grown sugar is, according to high Democratic authority, a trust-controlled article in this country, controlled by the Sugar Refining Trust; its only dangerous competitor, according to the testimony of trust officials, is the American-grown sugar, and so Democracy is about to give us a left-handed fulfillment of its promise by putting out of business through the medium of the free list the only effective competitor of a trust-controlled product.

WHY THE PEOPLE HAVE NOT DEMANDED FREE SUGAR.

The reasons why there has been no general demand for free sugar are not far to seek. Sugar, while its importation brings a large return to the Government, is, in proportion to its food value, the cheapest of all food products. It has a nutritive value about equal, pound for pound, with lean beef. It costs about one-third as much; furthermore, sugar is cheaper in our country than in any civilized country on earth except England and some of its possessions.

According to the report of Secretary of State Knox, contained in the President's message of February 5 of this year, sugar sold in November last to the consumer in England at from 5½ to 6¼ cents per pound; in Germany at from 6½ to 7½ cents; in France at from 8 to 9 cents; in Italy at about 14 cents; in Austria at from 8½ to 9½ cents; in Russia at from 7½ to 8¼ cents; in Sweden at 8½ cents; and at about 10 cents a pound in Holland. Nowhere on the face of the globe will an hour's or a day's labor buy as much sugar as in the United States. While the price of every other food product has advanced ma-

terially in the past few years and the general advance in the price of commodities has been almost startling, sugar has not advanced in price except for the period last fall when the price was boosted by the refiners.

WORLD'S PRICE FIXED BY AGREEMENT.

The fallacy of the Democratic argument that we can secure cheaper sugar in the long run by placing sugar on the free list, with its inevitable consequence of destroying the American industry, is demonstrated by the fact that sugar prices abroad are controlled by international combinations which, within certain limits, can and do fix prices with little reference to the world's supply. At the time of the alleged shortage in Europe last summer there were millions of tons of beet sugar locked up in Russia by international agreement as well as large supplies in Germany. Our domestic production is the only protection we have against the price manipulations of these combines and agreements.

An effort will no doubt be made to discredit the beet-sugar industry by the claim that the Sugar Trust has a considerable interest in some beet-sugar factories. It is true that several years ago the American Sugar Refining Co. purchased stock in a number of beet-sugar factories. Mr. Havemeyer evidently thought at one time he could control this growing and dangerous rival. Before the Hardwick committee Mr. Atkins, vice president of the American Sugar Refining Co., told how he warned Mr. Havemeyer that it could not be done and the effort was long since abandoned; and though the American Sugar Refining Co. still has some interest in a number of beet-sugar factories, in no case is that interest a controlling one except in a few small factories, and the testimony is that the trust does not control, but rather is continually fighting the beet-sugar people for the market.

VALUE OF THE INDUSTRY.

I have called attention to the fact that the majority report states:

> The refining interest is the most important connected with sugar manufacturing in the United States. Therefore the industrial position of refining requires primary consideration.

If it were true that the refining interest were the most important connected with the sugar-manufacturing business in the United States, that fact would not justify the Democratic Party in putting the beet and cane raisers out of business in favor of the Sugar Trust; but it is not a fact.

To be sure, four-fifths of the sugar consumption in this country passes through the refiners' hands, who, as a matter of fact, produce nothing. They simply clarify and cleanse a product the manufacture of which has been largely completed. For every ton of sugar refined there is expended for labor and material from 40 to 50 cents per hundred. The balance of the cost of production, leaving out of consideration the home cane product, goes to the cane grower and laborer in the Tropics, amounting from 1½ to 2 cents a pound. For every 100 pounds of beet sugar the sum of $3.54—taking the figures presented by the majority report—goes to the American farmer, the American laborer, and the American producer of those articles which are necessary in the process of manufacture.

So, taking as our basis the annual consumption of 3,350,000 tons, and deducting from this our home sugar production of 800,000 tons, we find that the refiners, in refining 2,500,000 tons of imported raw sugar, pay out for American labor and supplies $28,000,000, while in producing only 530,000 tons of beet sugar there is paid to American labor and American industry and American manufacturers $42,400,000. In other words, the economic value of the beet-sugar business is shown by the fact that the amount expended in the United States in labor and material in making a pound of domestic beet sugar is about seven times as great as the amount expended for the same items in refining a pound of sugar from imported raws. This, of course, does not represent the difference in cost, but goes to show that while the bulk of the money required to purchase a pound of imported cane sugar goes abroad, the whole of that expended in purchasing a pound of domestic beet sugar remains at home.

If ever any industry was worthy of protection, incidental or otherwise, it is the beet-sugar industry; and if we can have an end of tariff agitation, if the industry is permitted to expand as it will expand if let alone, not only will the question of price to the ultimate consumer be solved through open and active competition, but we will have built up an industry which will render a benefit to our agriculture that can not be measured in dollars. Destroy this industry, close these factories, drive the farmers back to less profitable crops, and you will have written upon our statute books one of the greatest legislative infamies of this generation.

This is what the Democratic majority in the House of Representatives proposes to do—destroy our present sugar industry, close the door of hope to those who have been looking for its expansion, leave us at the mercy of rapacious combinations abroad and a criminal trust at home, ignore our duty to our island possessions, repudiate our treaty with Cuba, deprive the Treasury of fifty-odd millions of revenue. And for what? To give us a lawsuit over an excise tax which, if we win it, will still leave us at least $30,000,000 short of needed revenue.

Whom the gods would destroy they first make mad.

Free Sugar and the Excise Tax.

SPEECH

OF

HON. DAN V. STEPHENS,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 16, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. STEPHENS of Nebraska said:

Mr. SPEAKER: There are only a few facts needed to convince the average citizen that a tariff on sugar is not justified. We produce in this country about 25 per cent of the total sugar consumed. The amount consumed in the United States, in round numbers, is nearly 8,000,000,000 pounds per year.

The average wholesale price for sugar for the last 10 years is about 5 cents per pound. Eight billion pounds at 5 cents per pound make a total of $400,000,000 which the people pay annually for their sugar. The testimony of Spreckles and others is to the effect that the price of sugar is increased almost the exact amount of the tariff, or 1.9 cents per pound. Therefore we pay to the Sugar Trust and domestic producers the 1.9 cents per pound on the total consumption of 8,000,000,000 pounds of sugar, or a total of $152,000,000.

The producers of beet and cane sugar in the United States supply just one-fourth of the sugar consumed, or $100,000,000 worth. Therefore we are now guilty of the folly of paying a tax of approximately $152,000,000 a year for the purpose of protecting an industry which produces less than $100,000,000 worth of sugar; or, in other words, in order to give the beet and cane sugar producers of this country an advantage over outside sugar of 1.9 cents per pound, or $38,000,000, tribute, we tax ourselves $152,000,000.

Such a policy is not in line with good business sense. It can not be defended, even if the cane-sugar industry can not survive the removal of the tariff. It can not be defended, even if the beet-sugar industry fail as a result of the removal of the tariff. There is no reason that can be offered why nearly 100,000,000 people should pay $152,000,000 to the Sugar Trust and a few thousand people interested in the production of domestic sugar.

WILL NOT DESTROY SUGAR INDUSTRY.

But I do not believe the destruction of the industry is even a remote possibility. This is proven by a comparison of the average cost of sugar in five of the largest sugar-consuming countries during the year of 1911, as presented by the committee's report:

Average quotations, net cash, in cents per pound, in 1910.

Country.	Raw in bond.	Tax refined.	Wholesale refined tax paid.	Refined in bond.
England	2.848	0.400	4.101	3.706
Germany	2.656	1.510	5.150	3.640
Austria	2.593	3.498	7.208	3.800
France	3.134	2.380	6.450	4.070
United States	2.840	1.900	4.972	3.532

The prices of refined sugar in bond, given in this table, when brought into comparison with the cost figures already shown for the United States, indicate clearly that domestic producers of sugar have nothing to fear from free trade in this article.

The difference between the export price of sugar at Hamburg and the wholesale price at New York for several years is brought out by the figures of this table.

Comparison of export price of sugar at Hamburg and wholesale price of same at New York, 1900 to 1911.

[Cents per pound.]

Year.	Raw sugar.			Granulated sugar.		
	Export price Hamburg.	Wholesale price New York.	Difference between export price at Hamburg and wholesale price at New York.	Export price Hamburg.	Wholesale price New York.	Difference between export price at Hamburg and wholesale price at New York.
1900.....	2.24	4.56	2.32	2.64	5.32	2.68
1901.....	1.88	4.04	2.16	2.29	5.05	2.76
1902.....	1.43	3.54	2.11	1.79	4.45	2.66
1903.....	1.81	3.72	1.91	2.11	4.63	2.52
1904.....	2.14	3.97	1.83	2.55	4.77	2.22
1905.....	2.55	4.27	1.72	3.00	5.25	2.25
1906.....	1.87	3.68	1.81	2.31	4.51	2.20
1907.....	2.05	3.75	1.70	2.40	4.65	2.25
1908.....	2.29	4.07	1.78	2.63	4.95	2.32
1909.....	2.35	4.00	1.65	2.78	4.76	1.98
1910.....	2.74	4.18	1.44	3.22	4.97	1.75
1911.....	2.82	4.45	1.63	3.20	5.34	2.14

From this table of comparison it will be seen that the average cost of sugar in New York in 1911 was a trifle more than 2 cents a pound higher than in Hamburg, or slightly greater than the tariff. Therefore, with the tariff off, Hamburg sugar can be laid down in New York at from about 3½ cents to 3¾ cents per pound.

It was shown by the evidence produced by the committee that domestic sugar can be produced here for from 2½ to 3¾ cents a pound. It will be seen, then, that European sugar, costing about 3 cents in Hamburg, must have added to its Hamburg price the freight to this country, both water and rail, before it can come into competition with our domestic crop of sugar, and this would bring the cost of Hamburg sugar above the cost of beet sugar under most favorable conditions. Then, when the railroad transportation across the country to the beet-sugar States is added, the domestic sugar has a natural protection of nearly 5,000 miles of transportation charges against sugar from Europe. What better conditions could an infant industry want than to have its competitors separated from it by seas and continents, with heavy freight charges to be added to every pound of sugar that comes in competition with it?

DOES NOT PROTECT AMERICAN LABOR.

The excuse given by this industry for desiring the privilege of laying a tax of nearly $152,000,000 a year upon the people of this country is the same one offered by all the other industries that seek the same privilege, namely, that American labor must be protected. Just how they satisfy the producers of beets and cane that they are dividing their plunder of $152,000,000 a year with them in the face of the gigantic dividends made by the various companies engaged in the sugar industry is difficult to see at the present time. True it is that the producers have been fooled from time to time into supporting a high protective tariff in the belief that they were receiving their share of the protection.

It was apparent that the manufacturer was not dividing the tariff with the producer when it was shown that beets brought a higher price in Germany than in this country. The further fact was developed also that the sugar content of the beets in this country is greater than the beets produced in Germany, thus making the production of beet sugar cheaper in that particular. In fact, it is contended that in view of the lower price paid our farmers for beets and the higher quality of the beets that we produce the American manufacturer has an advantage, and this advantage may be an offset for the cheaper cost of labor in Germany. Allowing these two incidents in the production of sugar to offset one another, then the American production of sugar is on an almost equal footing with the German producer. Certainly the advantage of the German producer, whatever it might be, must be overcome by the 5,000 miles of transportation which he must pay before he comes into competition with our beet-sugar industry.

It must be a shock to the producer of beets, who has loyally stood for a protective tariff on the beet industry, to find that he has been paid less for better beets than the German producer is paid by the German manufacturer. The price paid to the producer of sugar beets in this country has never been one cent more than the factories were forced to pay to get the beets.

A CONCRETE ILLUSTRATION.

As an illustration of this, in my own State and county, where a factory was erected in 1896, we began to raise beets for the encouragement of this industry. We anticipated that the development of the sugar-beet industry would add enormously to our material wealth and prosperity. The farmer dreamed that his land would be enormously increased in value as a result of this new crop production. For the first few years beet production was entered into very enthusiastically by our people, with most unsatisfactory results. In fact, from the first the farmers lost money on their crops, which began to check the production of beets; not only did the unprofitableness of the business check production, but the nature of the crop called for most slavish labor. The idea of crawling on their hands and knees to thin and weed out the beets did not appeal to the high-minded American farmer, but his desire to encourage the industry lead him to do the best he could to supply the factory with beets.

A group of business men of our city, among them myself, formed a company for the patriotic purpose of growing beets, in order that the factory might be supplied with the necessary raw material. The factory was to pay us according to the per cent of sugar content of our beets, and some years the price ran as low as $2.50 a ton and seldom above $4.

The factory kept down this price to these figures until it had driven practically all of our farmers out of the business, leaving only the company of business men in our neighborhood growing beets for the factory. Each year we lost money on our crop and the factory encouraged us by promising to raise the price of the next year's crop, which it did, so from year to year for 10 years we raised beets for the factory for the price ranging from $2.50 to $5.50 a ton, and each year, except one, we lost money, and that year, being a most favorable year for the production of beets, demonstrated to us that under favorable weather conditions the production of beets and the manufacturing of sugar was most profitable.

That year our beets ran in sugar content from 12 per cent to 18 per cent and the factory made a profit of $140,000. This profit was made on the investment of probably $500,000, showing how profitable the industry is in a climate where beets can be produced containing a high sugar content.

In the 10 years we grew beets there was only 1 year when the weather conditions in eastern Nebraska were such as to produce a high grade of beets. Finally our factory was compelled to quit business and abandon the field, because our farmers refused to raise the beets at the price the factory could afford to pay for the crop. This was due to the low sugar content of our beets owing to the humidity of our climate.

This experiment demonstrated two things to us; one was that beets that would contain a sugar content sufficiently high to make the manufacturing of sugar profitable could not be successively grown in a humid climate like ours; and the other was that when the season was right for the beet production, sugar could be manufactured out of beets at $6 per ton at an enormous profit. We believe that there is no doubt about the profitableness of this industry in a climate like western Nebraska, Colorado, and other beet-producing States of the West.

If in a favorable year, in the unfavorable climate of eastern Nebraska, beets could be produced with the sugar content so high that a half-million dollar capital could make $140,000 profit in the production of sugar, there is absolutely no excuse for a protective tariff on this product.

We also learned that a peaceful community of high-grade farmers who use modern machinery do not take kindly to the growing of sugar beets, because the production of beets requires an immense amount of labor of the hardest kind, making a crop of beets cost around in the neighborhood of $35 an acre, this drudgery being so great that it was found impossible to secure American labor that would do the work, with the natural result that the production of beets soon passed into the hands of Japanese and other classes equally as objectionable to the average farming community. Thus instead of the country being settled up with the high class of substantial people that go to make up the backbone of our citizenship it was filled up with a class of Asiatics that can not be assimilated by our people.

In fact, this cheap labor, living in tents and shacks in the beet fields during the crop season and moving to the slums of the cities in the winter, affords a good excuse and opportunity for the factory to pay the smallest possible price for the beets. Labor housed and fed much as is the live stock on the average farm is not in much of a position to demand a high price for its services. The beet industry is not calculated to uplift any community where a factory is located.

AN UNNATURAL BUSINESS CAN NOT BE MADE TO PROSPER BY ARTIFICIAL MEANS.

On the whole our experience demonstrated in a way the folly of making an unnatural business prosper by artificial means, as exampled by the business men of our town trying to grow beets for other than a profit consideration as a basis. It is

equally as foolish at this period of our national development for the National Congress to attempt to foster the growth of an industry that can not itself succeed on its own merits. An industry in this age of our splendid strength that can not prosper without taxing the people for its benefit is not worth protecting.

The sugar industry has a place on our semiarid plains where beets can be grown with a high sugar content and where the manufacturing of sugar can be carried on in the most profitable manner without the aid or protection of the National Government. This, I think, has been proven beyond any question of doubt, and therefore I have not the least hesitancy in voting for free sugar, because I believe that in so doing I will not endanger the sugar industry of this country, but, on the other hand, will have voted to leave in the pockets of the American people approximately $152,000,000 a year that they are now paying as tribute to the Sugar Trust and the sugar industry of this country.

EXCISE TAX.

In placing sugar on the free list the National Government will lose $52,000,000 in tax on sugar collected at our ports of entry. In order to make up this deficiency in revenue, which is taken from the backs of the masses of people, the Democratic Party proposes levying an excise tax on the incomes of the comparatively rich. In other words, it is proposed to relieve the poor man's table from this burdensome tax on sugar and put it on the incomes of those who are abundantly able to pay it, and should pay it for the protection the National Government gives their property.

The incomes above $5,000 are to be taxed. That means that a person must have a capitalized sum of about $100,000 before he is called upon to pay 1 per cent tax on that portion in excess of $5,000. It is believed that this tax will produce a revenue of about $60,000,000, or enough to make up the loss on sugar.

And what could be more just than a tax on incomes for the support of the National Government, and what could be more unjust than a tax on the necessaries of life for that purpose? It is claimed that less than 10 per cent of the people own 90 per cent of the wealth of the country. Governments are used principally for the protection of property, and yet we have the remarkable situation here of property paying absolutely not one cent to the support of the National Government.

PROPERTY NOT TAXED TO SUPPORT NATIONAL GOVERNMENT.

Instead of taxing property for the support of the Government we have a clever scheme of levying a tariff on imports, which compels the great mass of people to pay the whole cost of the running expenses of the National Government. So we have this unfair situation of people owning 90 per cent of all of the wealth and paying but 10 per cent of the cost of government, and they pay that, of course, as the 90 per cent pays its share, through a tax on food and clothing, and so forth, while their 90 per cent of all the property pays nothing. Could any system of taxation be more unjust than this? The masses of the people produce the wealth, and by legislative advantage a few get possession of it, and by this clever scheme of hidden taxation through tariffs levied at customhouses the whole burden of the support of the Government falls principally upon the necessaries of life—upon the very lifeblood of the Nation—while the accumulated wealth in the hands of the few escape entirely.

From the tax on these necessaries—the lifeblood of our people—the Nation builds great battleships and supports a large Army, maintains courts and officials high and low in countless numbers for administering the affairs of this great country; in fact, pays every cent of the more than a half billion dollars collected each year for the running expenses of the Government. All of this, too, for the purpose of maintaining order and protecting property, while property pays nothing.

Now, the Democratic Party proposes to shift $52,000,000 of this burden from sugar, the principal food of all the people, and place it upon the incomes derived mostly from the ownership of large wealth. The cry of those affected and their representatives in Congress is interesting, but not touching. The truth is, they ought to be shingled, like mother used to treat them when they wanted all the pie.

The very idea that we should ask those who enjoy all the blessings of Government, even to owning most of the property which the Government protects, to pay part of the running expenses of the Government is perfectly outrageous, unconstitutional, and morally wrong; but we think the people of this country who have borne all the expense since the foundation of the Government will not be moved by their cry of distress. Some do not oppose the excise tax, they declare, because of its merits or demerits, but because it is unconstitutional; but these same people have been moving heaven and earth to prevent a constitutional amendment that would permit of an income tax that would reach everyone. This excise tax will not reach all the incomes, but it comes as near as the decisions of the Supreme Court seem to permit.

When the Democrats passed the income tax in 1894, it came within a scratch of being constitutional, but a judge changed his mind over night, and now those who oppose the excise tax are no doubt bitterly complaining of the stupidity of the court in not foreseeing that some future Congress might scheme out some new way of getting at the moneybags. The court could have easily fixed this excise-tax legislation in that decision had they been long headed. But the good Lord looks after His own in His own day and time, and the people profit by this oversight. So the excise tax will have to be declared constitutional or the court will have to reverse itself and do a lot of explaining, which would hasten the day of the "recall," when judges will have to give an accounting to the people for their acts, the same as Presidents, Senators, and Representatives do.

It is believed that this excise tax will reach the earning of the bulk of the great properties of the country, and that about $60,000,000 will be paid into the National Treasury. This is less than half the saving that will be made to the masses of people by placing sugar on the free list. This tax on sugar is the most unjust tax ever levied in the history of our Government. Sugar is the principal food of all the people. It is used on the table for breakfast, dinner, and supper, and is used one way and another in the preparation of all palatable foods. In order to show the injustice of this tax, suppose a tax of 2 cents was placed on every 5-cent loaf of bread sold in the United States, and you have a parallel to this outrageous tax on sugar. The only reason bread is not taxed is because we produce all we use and do not import it. We tax everything we can possibly get at that goes into the mouths or on the backs of the masses of the people.

PAY TAX OR DIE.

No method of raising revenues known is so unjust and wicked as that of taxing the necessaries of life. The people as a whole produce the surplus wealth of the Nation, and upon this surplus the burden of the support of the National Government should lie. The food and clothing necessary to life should bear no part of this tax any more than should the blood that circulates in the human body bear it. In fact, when we tax food and clothing we tax the very life or right of a citizen to live. In other words, pay the tax or die is the only answer to be given to such a method. A man has an inalienable right to live first before he can be called upon to contribute to the support of the specie en mass.

Yet we go on levying a tax on imports—on the necessaries of life—which simply means that every man who eats pays the tax, no matter whether he has one meal a day or three, no matter whether he is hungry and cold all the time or not, he pays the tax just the same to the support of this great rich Nation. There are in this country countless thousands of little children who go to bed hungry every night, and who toil in the daytime half clad, who pay this hidden cruel tax on the meager food and clothing supplies that they are able to buy. There is no method of taxation so cunning and deceptive as an import tax. It comes on the people like a thief in the night and robs them of a little here and a little there, and millions never know they have paid the tax that gives this great Nation the power to stalk through the world like a giant.

Buildings, banks, railroads, and steamship lines and other forms of great wealth do not come in at our ports and pay tax to the National Government. The people have produced this wealth within our high-tariff walls, and the clever ones with favored legislation have transferred 90 per cent of it to only 10 per cent of our people. This 10 per cent of our people who own 90 per cent of our property favor a tariff on necessaries of life and oppose an income tax on property. They would tax the lifeblood of those who produced the property rather than to permit this property to pay for the support of the National Government.

A TAX ON NECESSITIES IS A BLOOD TAX.

A tax on food and clothing is a blood tax—a tax on life itself. Shylock was reasonable in demanding his pound of flesh compared to those who would tax food, because Shylock was dealing with a shrewd merchant like himself. But in this case the people who suffer most do not know the cause of their troubles. They do not understand they are being exploited for the benefit of the few; that part of their daily bread goes to support the great Nation, while the wealth of the Nation goes free of tax. But this excise tax will help some, and in time the income tax will help more, and the glad tidings will ultimately come when the necessaries of life of every form will bear no tax to the National Government.

Banking and Currency.

SPEECH

OF

HON. CHARLES A. LINDBERGH,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 27, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 18960) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1913—

Mr. LINDBERGH said:

Mr. CHAIRMAN AND GENTLEMEN: We are responsible for the banking and currency system. We make the statute laws and the bankers follow the inevitable law of human nature in conducting their business to meet the demands of commerce and trade. They follow the statute laws as far as they are required to and no further, when to follow the law would be an obstruction to business. In all other fields of industry as well, every advantage of circumstances is made use of to strengthen the grasp of each special business. Those in business do that as a result of human nature, and I do not criticize the bankers for doing what others do. But we, as Representatives of all the people, should know human nature and enact laws that will relieve the special kinds of business of the opportunity and therefore of the temptation to take advantage of the public.

Considering the bad laws under which the banks are compelled to operate, they have done much better in facilitating exchange and accommodating the demands of commerce than we might expect. If it were not that special interests had possessed themselves of the great city banks to control the finances for their own purposes we should have had less complaint. But there are fundamental defects in the system and it is up to the people, through Congress, to provide a remedy.

We have gone far wrong and should not expect to correct the errors of the past in one swing of the pendulum. If we were to adopt a correct banking and currency system that would make things adjust to their natural order we would immediately have on our hands a violent panic. We would want to repeal it before we could get it into working order, because the most of us would think the law was the real cause of the panic, whereas, in truth, the cause would arise out of the confusion of adjusting, the same as there is confusion in moving from one house to another. On the other hand, we may modify our present defective system so as to be followed by a boom that will later fasten on us economic evils a thousand times worse than a panic. We are living under the influences of evils resulting from methods of patchwork of such systems now. We are going through what we may term dry-rot, brought on so gradually that few people realize why it is that things are wrong.

If Congress would adopt a system of laws with a view to correcting the present economic evils, to take effect at a practical time in the future, and laws to arrange for the adjustment in the intervening time, so that we should have no confusion in readjustment, there would be such prosperity as the world has not dreamed of so far, because we now have all the instruments of production that, with proper application of our energy, would produce plenty for all. But the trouble is that the changes demanded are so abrupt in their application that the confusion of adjustment—in some cases the anticipation—brings chaos and not enough know the cause to be willing to endure it till order can be restored and real prosperity brought about. We shall have to take notice of actual conditions and be governed in our action by what on all the circumstances seems likely of practical application, but in no way adopt any plan that will fasten on posterity greater evils.

There has been proposed what is commonly termed the Aldrich plan, which it is sought to have adopted by Congress as the future monetary and banking system of the country. There is more of veiled design in that plan than in any measure that I have ever studied. When I examined the tentative plan, first proposed by ex-Senator Aldrich on behalf of the National Monetary Commission, my mind was forced back to the days of my child life to repeat the little verses that my mother taught me to think of when some evildoer sought to coax me into mischief:

> Come into my parlor said the spider to the fly,
> I've the prettiest little parlor that ever you did spy.

Well, we all know what happens to the fly when he becomes entangled in the spider's net. In this case the Money Trust is the spider seeking to enveigle the people, whom it treats as flies, into its webs contained in the bill proposed by the National Monetary Commission. In all that I have read and studied nothing, so cunningly cloaked, approaches this attempt to fasten on the American people the Aldrich plan. The underground methods adopted to fool the people and induce them to set a back fire to force Congress to adopt that plan, are not excelled by the Biblical narrative of the temptation of Adam and Eve in the Garden of Eden, nor by anything that has taken place since.

The very adroitness of the Money Trust, hiding behind that scheme and seeking by the most ingenious means to get it enacted into law, leads me to indulge in a preliminary caricature fitted to the facts as they are now being enacted in our United States.

A certain rich man called his servants unto him and said: "Behold I am exceeding rich and powerful, and great substance is gathered unto me from the uttermost parts of the earth. Kings and princes appeal to me for tips on the market and unto whom I will, I give them. All borrowers bow themselves down before me; and to one that hath money to lend I say Lend, and he lendeth; to another, Withhold, and he withholdeth.

"Go to now. It is not yet enough. This people seemeth to govern themselves. The wealth is mine, and all power belongeth to me. Go ye forth into all cities of the land, but say not that I have sent thee. Tell all who will hear thee of a plan that I have made, but say not that it is my plan. Form leagues among the people, but not in my name. Charge a dollar apiece for them to join, but the expense shall be mine, because I can collect from my aids and allies and also from those who depend on me to let their business run. I will select all the officers and pass all the resolutions, and ye shall speak to the people and publish them in the press. We will fool this stiff-necked and rebellious generation, and ye shall say unto them, Except ye bow down yourselves to us and come under our yoke and accept the bill which we have planned for you and for your good, a besom of destruction shall surely come upon you, and a great panic such as the world never saw, so that no man shall either borrow or lend, and there shall be neither buying nor selling among you.

"So shall ye say unto them, and they shall bow themselves down before me, and my kingdom shall be established to the uttermost parts of the earth."

So they went and did as he had said. And it came to pass that—

But it has not yet come to pass. We have not got that far. It may be a wonderment to some, as it certainly has been to me, why the rich man should want more when he already has more than enough, but there seemeth a certain madness of riches, which causes him who hath to want more and him who hath more to want all; and so it behooveth him who hath not, yet needeth wherewith to provide food and shelter and clothing, and even some of the luxuries of life, to guard well the means of protection which have been provided him through the long struggle of former generations, lest he awake from his sleeping and find that "From him hath been taken way even that which he seemeth to have."

There is now pending in Congress this matter of grave importance. It is of far greater importance than the tariff. All the newspapers and many individuals have more or less to say about the money question. It is something that interests all of us, because we need money to provide the means by which we live, and none of us enjoy paying more for it in products and labor than we can buy with it. Since a few are able, through special privilege, provided for them by law and recognized custom, to buy much more with money than they pay for it, most men remain poor and continue to labor without receiving the just rewards of their labor.

It is imperatively necessary that the common people be wide-awake and observant while the discussion of this question is going on. As the late Senator Dolliver remarked, in connection with another matter, the subject has been entirely surrounded by people who know exactly what they want.

It is admitted on all sides that our banking and currency systems are not at all what they should be, and these people take advantage of that situation in presenting their plan. But mark this: The selfsame people who are presenting the new are mainly, if not wholly, responsible for the old. In other words, the money system is being revised by its friends. If we were dealing with men who had heretofore shown a desire to promote the general welfare, we might be justified in at least assuming that they would continue to do so, but the very parties we are now asked to trust are those who have heretofore robbed

us. I believe, in any event, to make the public safe, whether we deal with alleged friends or rogues.

They say that we should adopt their new proposition unless we can propose a better plan. But that does not necessarily follow. Having been for years responsible for the old, which they now assure us is bad, it is at least incumbent on them to show that their new one is better, and until they do opposition is not only justifiable, but necessary, to the end that we may avoid the possibility of going from bad to worse.

However, lest there be misunderstanding at the very beginning, it may be well to state here that, in my opinion, a better plan can be, and probably will be, presented. Not only that, but important modifications of the plan they are presenting will be proposed, so that after full discussion the outlook is favorable for the adoption of legislation that will better present conditions, but if the people do not themselves demand what they need Congress will again get together with its bosses in caucus and adopt the millionaire's plan. Their suggestion that their plan should be adopted unless a better one is proposed is a challenge to the American people. The challenge will be accepted, and a better plan will be forthcoming.

Practically the same people thought that the Payne-Aldrich Tariff Act could not possibly be improved. Evidently the rest of the people think it can. They, the owners of the wealth, too, believed that the Wickersham railway bill, one of the worst in the form it was introduced, should be passed without crossing a "t" or dotting an "i," but certain progressive Members of Congress got their heads together and conceived the idea that it should be improved or defeated, and the whole world knows that it was improved. Indeed, most men believe that if the trust representatives back of that bill in the form of its introduction had been less stubborn it could have been improved more than it was. Whether or not we can arrive at the best solution of our financial problem will depend altogether upon how well we understand the facts and principles which underlie the situation and how well we apply our knowledge. Let us then seek the facts and strive to comprehend them.

Primarily some knowledge of banks and banking methods is required. Most people who have money not in use, some of those who earn more than they spend, business men, firms, and corporations, who always have more or less surplus cash which must be readily accessible, and various governmental agencies are bank depositors. These seldom withdraw the actual cash but pay their obligations by check, which is usually redeposited, the operation constituting a transfer of credit rather than of actual cash. The business of the country is now done on approximately 96 per cent credit and but 4 per cent of actual cash. The banks in the United States hold approximately $1,545,000,000 cash and owe individual depositors approximately $16,000,000,000, or more than 10 times as much as they could immediately pay in cash. Yet all that make their loans properly are solvent. In addition to what is owed to individual depositors, banks owe large sums in the aggregate to each other. The greater portion of the deposits are loaned. The remainder is kept as a reserve. Under our present bad system these reserves have become a tremendous factor in the financial situation, and it happens in this way:

All banks, except those in reserve cities, loan approximately 85 per cent of their deposits direct to borrowers. The other 15 per cent is required as legal reserve. But all except 6 per cent may be redeposited with banks in reserve cities. As a matter of fact, most banks keep somewhat in excess of the required reserve on deposit in the reserve cities, on which they ordinarily draw 2 per cent on the amount of the daily balances. On these balances drafts are drawn for the ordinary exchanges. The 2 per cent makes it an object for the banks to keep such portion of their reserves in the large cities. Banks in reserve cities may loan 75 per cent of their deposits, including the reserve coming from other banks, to individual borrowers, and half the remainer, 12½ per cent, they in turn can redeposit with banks in central reserve cities. Banks in these cities may loan 75 per cent of all their deposits and are required to keep 25 per cent in their vaults.

Savings banks, trust companies, insurance companies, and the big corporations are all immense factors in the general scheme, but it is not necessary here to go into details as to them.

The only three central reserve cities—New York, Chicago, and St. Louis—hold approximately $1,000,000,000 in cash reserves. Most of it is held in New York. As all the banks together hold only $1,545,000,000 of actual cash and the nonreserve banks hold 6 per cent of their deposits in cash, you begin to see where the money on which the business of the country is principally done is located. The actual money in banks over and above the reserve requirements is very small—only a few millions. Reserves and cash in transit are at all times very large. The aggregate joint accounts of all the banks would at no time come anywhere near balancing, because of the constant transit of cash and credit by express and mail. A California bank, remitting by mail or express to a New York bank, charges the latter when the package is made up, but receives no credit in the New York bank until the package is received, several days later. The aggregate of funds so in transit is constantly so large that if an order were made that they should not be charged up by the remitting bank at the time of shipment and only when received it would create serious business depression, because the bank's books would not show the required reserve.

Such is a very brief outline of the system which certain people are now telling us is all bad. But remember that the same people have had it in their power to change it for a better system at any time they pleased during the past 40 years. Have they not known how it was working all that time? Have they but just now discovered that it is bad?

Shortly before his death, after having had an opportunity to observe its working for a time, Salmon P. Chase, who was Mr. Lincoln's Secretary of the Treasury at the time the national-bank law was passed, said:

> My agency in securing the passage of the national-bank act was the greatest mistake of my life. It has built up a monopoly that affects every interest of the country. It should be repealed.

Had Mr. Chase lived to see its present monopolistic effects, he would be amazed that it had not been repealed. With his rare prophetic vision, inspired by his intense love for his country, Abraham Lincoln said:

> Yes, we may all congratulate ourselves that this cruel war is nearing its close. It has cost a vast amount of treasure and blood. The best blood of the flower of American youth has been freely offered upon our country's altar that the Nation might live. It has been, indeed, a trying hour for the Republic; but I see in the future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war.

Well, that is just about the way it has worked out, isn't it? And do you suppose that what Lincoln could see 50 years ahead, these skilled financiers have failed to observe while the substance of his vision was being worked out under their hands? They tell us it is bad now. It was bad in the beginning. It has been bad all the time—and they were in power. Why was it not repealed? They knew it was bad, but they were making use of it to their advantage.

Let us see if we can not determine. They even praised and glorified the system while their colossal fortunes were being built up under it. The control of credit in this country affords a greater power than even our Government exercises at the present time. The great special interests cooperate to conserve the cash reserves of the banks and hold them inviolate as a basis on which to construct their credits. They can absolutely depend upon these reserves, because the banks for which they are held are not allowed to loan them or even to pay them out to depositors. Credit is as good as cash when properly used, and when so used, or when improperly used to inflate or depress values it is the power that controls business. Panics come and go as credits are withheld or extended. Industry thrives and commerce languishes in harmony with the opening and closing of the hand which controls the balance of credits, just as the fate of nations may depend upon who holds the balance of power in legislatures.

Now, then, with bank reserves not subject to loan by most of the banks of original deposit, but subject to loan when held by the reserve banks, the money which makes up the reserves—which we have already seen is the greater part of all the real money there is in the banks—is forced into the cities where the reserve banks are located. As every dollar of real cash is on the average the basis for $24 of credit—and very much more when handled through the banks, and still more when subjected, as it is, to Wall Street manipulation—we can realize something of the power of Wall Street's control of business. I charge, and defy successful contradiction, that the one billion dollars or so of the bank reserves are the greatest cash fund under the control of the Wall Street specialized credit system and create for it more than the average credit, the average being $24,000,000,000. The cash reserves have been the most efficient agency in giving the special interests control of the banks, transportation systems, and industrial corporations. By means of their control of the reserves, and the credit created by their

use, they have manipulated so as to obtain control of the great life insurance companies, thus augmenting their power.

Most persons are now aware of the fact that approximately 3,000 persons control more than 80 per cent of the entire wealth of the country. J. Pierpont Morgan, the king of finance, together with his associates and affiliated firms and corporations, absolutely controls the working capital of more than $10,000,000,000, in which he has an interest, based on an estimate made two years ago, and to it should be added the accretions of these two years of expansion. In addition to these are other corporations, whose stocks and bonds have been underwritten by these men and parties allied with them, and whose combined capital is several times $10,000,000,000. Enormous as the power of such an aggregation of capital is, it does not tell the whole story. Each of the corporations controlled by these men exerts a powerful influence indirectly on all portions of the country. The transportation systems can add to or detract from the importance and the business prosperity of every locality through the manipulation of rates and the facilities afforded for the prompt shipment and delivery of goods. There is not a hamlet reached by railway some of whose citizens have not favors to ask and disfavor to dread from the management of these great corporations, and whose business men, bankers, and newspapers do not, in some degree, feel the necessity of bowing down before the mandates of big business.

Not only are these persons in control of the greater portion of the wealth of the country, and through such control enabled to reach out and mold the sentiment of a large and influential body of the citizens, but some of them have been able to create wealth. In a hearing recently before a committee of the House James J. Hill testified that he and his associates purchased, in northern Minnesota, a railway and certain ore lands for $4,500,000, which are now, because of ore deposits, valued at $500,000,000. That value has been created by the act of God and the necessities of man. The $495,500,000—that is, the greater proportion of it—representing the profit in the transaction, is a charge upon humanity without consideration. Nevertheless, when Mr. Hill and his successors proceed to collect the profits on the transaction and convert them into ready cash, there is a substance of value which they will deliver to the people from whom they make their collection. In the case of the Morgan-created Steel Trust and other similar aggregations, there is an assumption of value which does not exist and never can exist except as a potential agency for the basing of profits on fictitious value, to be paid by consumers. Except for these extortionate profits there is nothing represented by, perhaps, as much as $500,000,000 of Steel Trust watered stock, which Morgan and his associates ever did or ever can deliver.

Such is the system and some of the benefits which those who now advocate a change in our monetary methods have derived from it. They pretend to have suddenly discovered that the financial system is all wrong. Why do they want a change of system which has been so profitable to them? Are their motives humane—to better conditions? Are they patriotic and now disposed to be fair? If so, there is abundance of other opportunities for them to "bring forth fruits meet for repentance," which seem to have been neglected. Does the Money Trust seek, through the provisions of the new plan, to control the finances of the world? Has big business expanded beyond the capacity of present financial methods and its individual fortunes grown so great that its activities can no longer be accommodated, and is it compelled to seek broader fields? If so, are we to gratify them, or are we now to think of the ninety-odd millions of the people who were defrauded by our old plan, and shall we really work out a plan for the people now? If so, we must beware of the spider's web.

Great is the money problem, and involved in its proper solution are all these questions to which I have referred. I do not claim that the money power takes notice of persons generally, or ordinarily or directly interferes with their individual conduct. If it did, its existence would soon be threatened. The power it exercises is not directed against individuals, but is aimed at systems. Those who are at its supreme head well know that its growth is limited only by the toll it exacts from the aggregate of individual production. For that reason its aim is to have everybody employed and producing, because under present arrangements the greater the average individual production the more it can expect as its toll. It takes the cream of production.

That is why less than a dozen men have been able, directly and indirectly, to secure control of—

Over 85 per cent of the railroads.
Over 90 per cent of the express and Pullman companies.
Over 75 per cent of the telephones.
Over 60 per cent of the copper.
Over 65 per cent of the petroleum.
Over 87 per cent of the steel.

The list of businesses in their control could be added to indefinitely, till it would include almost all the important business of the country, on which hundreds of thousands of smaller and dependent concerns rely for operation as things are now managed. When one realizes this he begins to understand the silent and occult, but no less effective, force which commands without word or act to which one can point specifically and say, "This is the identified power." No one who has given the subject proper study claims that there is an organized, or even an unorganized, association that can specifically be defined or circumscribed, pointed to, and named as the Money Trust. Formal organization is not necessary to its potential existence. In fact, its power is greater because it exists without organization. It can and does do by indirection more effectively than it could by direction. From the very fact that the business interests are aware of the existence of a money power which can make or unmake business for them at its will that power derives its greatest efficiency. Silently and grimly that power is exerted, and its force is realized by all the great industrial interests of to-day. Because of its peculiar, yet potent, power it is preeminently important that legislation affecting the money and credit system should and must be most carefully guarded lest greater troubles ensue.

Just as soon as an individual or a collection of individuals enters or proposes to enter into competition with an industry or business operated under the protection of the Money Trust, then notice is taken of its existence. If the enterprise, whatever it is, bears promise of success, the influence of the Money Trust is exerted to block the sources from which it can secure credit. It can not sell its stock or bonds, nor borrow on its notes sufficient to keep its business going. Even though the enterprise may have the approval of bankers and business men, these know and understand that it has an unequal chance in competition with the trust-protected industry, and not only that, but they also know and understand that diminished opportunity will be afforded themselves to participate in trust-controlled business and thus the prospect of decreased profit in case they respond to the appeal for credit grimly resolves the doubt in favor of retaining the greater and more profitable clientage. There is no sentiment in the banking business. It is a matter of profits and dividends, and he who controls the sources of profit controls the bank, even though he may not have a dollar invested in it.

A peculiar illustration of the power of the trust over the banks is given in the practice that has been developed by Morgan and his associates in the business of underwriting the securities of corporations that have been taken under trust protection or control—none others need apply. The stocks and bonds to be floated are divided arbitrarily and allotted in various amounts to the different banks with which the great interests do business. No bank is asked how much it desires to take, or whether any at all. No bank that works in with those interests dares refuse. No word or sign is needed. The bank is notified. It understands. There is the same silent force—the prospect of withdrawal of deposits by trust-controlled corporations and individuals and the definite understanding that if it refuses once it will not again be allowed to participate.

The banks of the country wish to be relieved of this merciless condition, but the same silent power and influence which impels them to take the bonds and securities allotted to them by the Money Trust, and to refuse those offered from other sources makes most of them fear to protest lest it should endanger the business they are now permitted to have.

Mr. George M. Reynolds, president of the Continental & Commercial National Bank of Chicago, the second largest bank in America, was one of the principal advisors of the Monetary Commission in formulating the Aldrich plan. In a speech before the National Business Congress, made in the gold room of Congress Hall Hotel, Chicago, December 13, 1911, he said:

> I think I can make it plain to you where the money power lies to-day; I believe you already know, if you will stop and consider carefully, and I believe anyone within the sound of my voice realizes that at this time the money power is in the hands of at least half a dozen men. We have reserve centers carrying the reserve to-day, and the banks all over the country are dependent upon those reserve centers.
>
> I believe the money power now lies in the hands of a dozen men. I plead guilty to being one, in the last analysis, of those men.
>
> I believe that two or three in New York, two or three in Chicago, and two or three in St. Louis could control the question of whether or not loans should be made to correspondents throughout the country.

We have now arrived at a point where we are capable of understanding perfectly how it is that both bankers and business men in so many instances all over the country are prepared to

indorse the Aldrich plan in its entirety without study or reflection as to the effects that are likely to follow a few years after its adoption. The edict has gone forth, "It is a good thing for business," and that is sufficient for those of them who fear to protest to what the Wall Street interests demand. It has to be.

Why is it that while the politicians have been running the Government its natural resources have been secured by a few who charge so much for them that they get the most of the people's daily earnings? What shall the people do with those of their public servants who, without so much as a protest, permitted this condition to be brought about? They are even responsible for the legislation that brought it on. Notwithstanding their failure to preserve the public rights they are asking for reelection. Will the people keep them there because of long terms of bad and useless work? Due to their malfeasance in office, we are rapidly approaching a crisis in the history of our country. Originally the purpose was to make this the people's government, but because of partisanship in its legislative bodies it has gone far astray. We have now a state of general unrest, and an uncertainty as to what will take place. Shall we face it with utter disregard for the common necessities? If we do, we shall reap the whirlwind.

Now, again, comes a powerful special interest with a proposition that the Government shall give it power to issue aerated money. We have all heard of "watered stocks." The notes which it is proposed the National Reserve Association shall issue are to be secured by from one-third to one-half of real money and the balance by more or less inflated credits. It is the attempt of special interests, by the use of aerated money, to make a final clean-up of what little the people have left. The people have found out what watered stock means, so now the new scheme is to make aerated money—money that will be secured largely by the watered bonds, stocks, and securities. That is one of the schemes of this plan.

If the country does not arouse to the importance of defeating this Aldrich scheme, it will later arise in wrath and at great expense and sacrifice to remove from themselves the added burdens of its iniquity. Never before were the money kings so bold as they are in this case, to openly ask the people to submit to binding themselves and their posterity to pay this additional toll. Heretofore schemes of that character have been fixed up with the politicians without appeal to the people. Now the politicians are scared, business is scared, much of the public press is scared, and some are subsidized. While in this state of fear and uncertainty the shrewd money kings are lurking behind the scenes with veiled threats of panic unless we permit ourselves to be loaded with an additional burden and this new instrument of aerated money be given them to still further exploit their extravagances on us. Do we understand why it is that that influence is furnishing funds to print papers and pamphlets and send speakers abroad among the people and lobbies to Congress to advocate the scheme? Examine the boldness of their new banking and currency plan and we will then understand.

Most of those who hold the public offices are trying to keep the money problem from being the issue, so that they will not have to promise before election as to how they will vote on that plan. It should be made the paramount issue of the next election.

If the Aldrich plan is adopted the Government is to retire permanently from the business of issuing notes to circulate as money. The plan does not provide that the association shall issue its notes as money, but it is given the power to do so if it sees fit. It may issue notes in unlimited amounts or refuse to issue any. There is no limit to the rate it may charge for discount. A panic may come and go without its taking any action to prevent or relieve it if it chooses to remain inactive. The only incentive to cause it to act or to remain inactive would be to make a profit or prevent losses to itself and the subscribing banks which would control it. It fixes a tax to be paid on the note issues, but adroitly provides a way to avoid the tax by covering its notes by an equal amount of lawful money, gold bullion, or foreign gold coin held by it. That does not mean that it shall own the money, but simply hold it. And since it is provided that the Government shall turn over to the reserve association all the Government's general funds—usually amounting to hundreds of millions—it will also hold these. The subscribing banks and trust companies will keep their reserves with the association, and it will also hold them.

As reserve agent, the association can use the interlocking system, whereby the same directors, or those in their control, serve on the different directorates, now practiced by the large banks, and can easily secure $1,500,000,000 of bank reserves to hold. From those three sources—its capital, Government deposits, and bank reserves—it could hold more than $2,000,000,000 of gold and lawful money, 50 per cent of which would be the reserves required by the plan to secure its notes, leaving the other 50 per cent reserve for its demand liabilities, such as the subscribing banks' reserves, and the whole would be counted as lawful money to cover its notes to exempt it from the special tax.

On the first $900,000,000 of the association's notes it shall pay for the full period of its charter, 50 years, a franchise tax of 1½ per cent per annum on an amount equal to the par value of the United States 2 per cent bonds transferred to it by subscribing banks. Unless the subscribing banks transfer the bonds to it, it will pay no tax whatever on that portion of this sum in excess of national-bank notes outstanding, now approximately $680,000,000.

Mr. JACKSON. Will the gentleman yield?

Mr. LINDBERGH. In a few moments I will. The banks can keep the bonds or transfer them to individuals friendly to the Money Trust, retire the national-bank notes secured by them, and relieve the association of the tax. The Government has reserved the right to pay these bonds in 1930 and, to maintain its credit as it should, will probably do so. Holders of the bonds will have no taxes to pay on them and will draw $244,800,000 of interest in the 18 years they still have to run, and out of the whole affair on that section would save their private corporation $675,000,000 taxes in the 50 years of its charter. Does anyone wish to assume that they will not take advantage of this opportunity? But if all the bonds are transferred to the association, which are now held by banks to secure circulation, it will, according to the Treasury report, February 23, 1912, still be exempt from taxation for the 50 years on approximately $220,000,000. Is Congress likely to be attracted by this provision of the Aldrich plan?

Should the Money Trust take advantage of its opportunity, it will issue, in effect, billions of dollars of its notes, with which it may enter foreign markets for purposes of speculation and secure control of the markets of the world and thus create a world-wide monopoly. Big business will need no protective tariff when that is done.

I now yield to the gentleman from Kansas for a question.

Mr. JACKSON. Mr. Chairman, I notice the gentleman spoke about the tax being little or no tax on the circulation. I simply want to ask if the tax should be greater if it would not in the end result in harm to the borrower or the bank which issue this currency? In other words, should not the tax be small? Is it not to the interest of the public that the tax should be small rather than large, and, in fact, why should there be any tax on the issue of this currency?

Mr. LINDBERGH. I will say to the gentleman that I shall cover that point in my discussion later. This is a private corporation and, in my opinion, should be taxed.

Mr. JACKSON. Is the gentleman quite correct in characterizing this as a private corporation? I am asking these questions simply for information.

Mr. LINDBERGH. Certainly it would be a private corporation. The banks forming this company are private corporations, and by the bill they would own it. To be sure, the banks serve business, and I am not opposed to them if they ask only what they are entitled to. I am opposed, as I believe you are, to giving them any special privileges.

Mr. JACKSON. The banks being the stockholders of this central bank, whatever profit or benefit there would be in issuing the currency would in the end be distributed back to the banks again, and the issuance of currency is really one of the powers of the banking corporations, and they ought to have that right.

Mr. LINDBERGH. The gentleman from Kansas and I usually agree on economic problems, but I differ with him if he says that banks ought to have that right.

Mr. JACKSON. Does not the gentleman believe that if we could get an ideal system it would be that every bank of the country, State or National, should have a right to issue its bank notes upon its own credit? Would not that give us the most and best money that we could have if we could do that with safety?

Mr. LINDBERGH. If we could do it with safety, and I will add if we could do it with justice, but I do not believe any private institution can do it with both. The issue of money is properly a function of government.

Mr. JACKSON. The gentleman uses the word "money." He uses that term, of course, not accurately. It is understood that the notes are not legal tender.

Mr. LINDBERGH. If the bill proposed is passed they will be legal tender by section 53. Everything is money that passes as money, when we speak in a practical sense. I agree with

you that a bank note does not come within the technical meaning of money.

Mr. HAUGEN. Is it not a fact that the Government shares in the profits?

Mr. LINDBERGH. I will cover that point later in my argument.

Mr. NELSON. I may be obtuse in catching a point, but I did not quite understand whether this gift you spoke of comes from exemption from taxation or in what way would they get it?

Mr. LINDBERGH. They get the benefit by being authorized upon their own responsibility to issue $900,000,000 of their notes, and if they take advantage of their opportunity are exempt from taxes upon that. Therefore, it is equivalent to a gift. Not only that, but by other sections in the bill they may increase the issue to billions.

Mr. NELSON. The income, then, is where they would be gaining right along?

Mr. LINDBERGH. Yes; the same as if the Government would give you or me or anybody else that amount of money to use during that period of time. They are also given the use of the funds of the United States free of charge and may issue notes on them.

Within a few years after its organization it could issue over $2,000,000,000 of its own notes to pass as money. These would constitute a first lien on both the deposits of the Government and the reserves deposited by the banks. The original depositors would have second security. I do not, however, by that mean to cause depositors to distrust its capacity to pay. This private monopoly would never be insolvent, because all of us would be its industrial slaves. We would be compelled to work for it, to pay its debts. It would raise the discount rate if it wished, for by the bill it has absolute discretion to charge any rate of discount. This discount would be included in the cost of what we buy.

Heretofore banks have bought Government bonds and deposited them with the Government to secure their circulating notes. This plan provides that a special monopoly be created and that the Government and private depositors and borrowers through the subscribing banks will supply the security for the money that the private monopoly will print and own. That is, indeed, a snap for the proposed association. It is a great scheme to give this private monopoly a wonderfully large gift. So far as I have been able to learn, it is the first time in all history when a private concern has had the nerve to ask the Government to set it up in business without some kind of security in return. This is truly the boldest of all schemes that ever any people were asked to fasten on themselves.

Another thing, those who have deposits in banks will learn to their surprise and sorrow, in case the plan is adopted, that when a bank does close its doors it will be after it has used all its valuable notes to borrow from the National Reserve Association, and that association will have all the good paper and the depositors, large and small, will get the old rags left in the bank.

Now, answering the question of the gentleman from Iowa [Mr. HAUGEN]. On its face the plan purports to turn over to the Government all the profits in excess of 5 per cent per annum and a 20 per cent surplus to be accumulated in the 50 years. The association begins with 46 directors and a corps of officials; each of the 15 branches will have its separate board and corps of officials and clerks; and the still more numerous local associations likewise. The National Reserve Association alone, with its 15 branches, will have an official force practically equal to that of Congress. These directors of the National Reserve Association will have power to fix their own and all other salaries, which will be paid out of profits, which the United States will not receive, but all of which, together with the dividends, surplus, and tax to the Government, will have to be paid by some one—by the consumer in the ultimate analysis, let us not forget that. While there is no limit to the amount of salaries that may be paid, there is also no limit to the capitalization.

In the last 10 years bank capital has doubled. If the bill becomes a law, it is likely to more than double in the next 10. Most banks will consider a 50-year, gilt-edge 5 per cent investment exceedingly attractive; and that, taken in connection with the power that increased capitalization will give them in the organization, will tend to induce banks to increase their individual capital, and correspondingly increase the capitalization of the association. Such a monopoly would be too tempting for those who could get it to neglect taking advantage of the opportunity to convert bank surplus in excess of 20 per cent into capital, for by so doing they would get the best stock in the world for their exclusive use. The surplus of the banks in New York City now exceeds their capital. How quickly the banks there and elsewhere could increase their capital to include all except 20 per cent of their surplus. In addition, there would be numerous new banks organized. This monopoly could have $1,000,000,000 capital in 10 years, and continue increasing in that proportion for the 50 years of its charter—or, at least, till it got whatever surplus the plain people may have. It is argued that they would pay in only 50 per cent of the capital; but the 5 per cent and 20 per cent surplus would be too tempting to hold the capital down to 50 per cent, so it would all be paid in in a short time. This plan is the greatest endless-chain device ever invented by the imagination of man for creating capital in the control of a special monopoly. It would take the last pound of flesh from a crushed people.

This is a spectacular period. The Government has been prosecuting several of the great trusts, with the public applauding. But, notwithstanding the prosecutions, the stocks of both the Standard Oil and Tobacco Trusts have gone higher, because the prosecuting officers failed to secure decrees that were effective. The decisions were advertised as favorable to the public, but in truth they were favorable to the trusts. Now comes this Aldrich proposition for the Government to establish a greater money trust, with more power than they all have now, and to turn over to it even the most important powers of the Government itself. These adroit money changers suggest that their plan is framed after the form of our Government—counties, States, Nation. But let us consider for a moment. We, the people, all have a part in the Government of the county, State, Nation. We are all included; while in this Money Trust it is the local associations, local bankers; branch associations, large bankers; National Reserve Association, banker kings and princes. Where do we, the people, come in? Bankers are not different nor less fair than other people; but why should we give any one interest such special privilege? The necessity to amend our banking laws is, indeed, urgent, but we should never further surrender control of our money and credit. We should recover control instead.

Mr. JACKSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kansas?

Mr. LINDBERGH. Yes; I do for another question.

Mr. JACKSON. I dislike to interrupt the gentleman, but we all like to learn about these things, and I confess I have not made a careful study of this plan. Does the gentleman think any of these things which he has mentioned are really objectionable if the control of the bank is lodged properly with the public?

Mr. LINDBERGH. But it is not proposed by the plan to lodge the control of this association with the public. No, sir; the control will, in fact, be held by Wall Street influence.

Mr. JACKSON. A certain number of directors are to be appointed by the President and a certain number of the others are to be appointed by the smaller banks.

Mr. LINDBERGH. I beg the gentleman's pardon. The only director the President appoints is one from a list of three furnished by the association directors, which is the same as if the association itself appointed. To be sure, three members of the President's Cabinet and one other Government official are to be ex officio directors, but you will readily see that 4 directors out of 46 will give the Government no control. The small banks will cut mighty little figure in that plan.

Mr. JACKSON. Will the gentleman yield to me again just for a moment?

Mr. LINDBERGH. Just for a question.

Mr. JACKSON. I do not mean to approve the plan, but I wanted to call the attention of the gentleman to the fact that, in my opinion, the control is the important thing.

Mr. LINDBERGH. That is in fact only one of the important things. Yes; the control is an important thing, and to show you how little the members of the National Monetary Commission studied their own report I call attention to their statement, on page 34 of their report, in which they state:

> In order to effect a combination to secure a majority of the directors the votes of eight districts would be necessary, and with New England having one, the Eastern States two, and the Middle West four, one other district would be necessary, showing that no combination of Eastern and Middle West with other interests could be made which did not include more than 80 per cent of the banking power of the country.
>
> We think that this statement must of itself show conclusively that there can be no local domination—no domination of selfish interests in this organization, and that fear of possible Wall Street control can have no substantial foundation.

Now, the truth about that is that there are 46 directors in all, but 3 of them are selected by the other 43 and 22, a majority of 43, will control their appointment. Since 9 are selected by the stock, Wall Street will control these and will require only 13 more to secure control of the board. That will be secured

by combining the New England and the Eastern groups with any one of the other groups, which would give one more director to Wall Street than necessary to control, and in only seven of the branches. As a matter of fact, as I before described, the Wall Street influence extends into every district, so it will, if it chooses, control all of them.

The term Wall Street in its financial aspect is not confined to the narrow strip lined up with two rows of skyscraper buildings in New York City. It means that influence which reaches out all over the world wherever there are producers from whose products it may scalp profits. Its headquarters are in Wall Street, N. Y., but it has its agents in every nook and corner of the globe. I do not know what you may think about the report of the commission, but I know that the report is full of other inconsistencies as glaring and patent as their statement that for Wall Street to control it will take 8 out of the 15 districts to control the National Reserve Association, but even if it did they would control it.

The proponents of the Aldrich plan have gone to great lengths and have taken extreme pains to assure the people that Wall Street could not control the National Reserve Association. It has even been tried to make it appear that the National Monetary Commission discriminated against the banks of New York and other eastern cities. It is a sad admission for a national commission to make that it discriminates. It is because of discrimination in our national legislation and in the application of laws that most of us are now compelled to work two or more days for one day's pay, while the major portion of the results of our productive energies are diverted to the pockets of money kings. Through such discrimination most of us pay more in service or products for money than we can buy with it, and the great majority of us, however industrious and frugal we may be, remain poor so long as we do that.

It is unfortunate that it should have been thought necessary to propose a plan and bolster it up by arguments based upon the assumption that Wall Street is hostile to it. But since such is the case, we are put upon our inquiry and must consider the plan itself with reference to what is known of Wall Street's power and influence. The plan takes no notice of people. It is a dollar proposition exclusively. That also is the Wall Street point of view. It takes no notice of people except to scalp a profit off their earnings by every possible means and devious contrivance. When its chief votaries tell us that they have devised a plan which will make it impossible for it to do the things which have made its name a fear and a reproach to all the world, we need to "beware of Greeks bearing gifts." It is easily apparent to those who have studied the methods of the money kings that they would control.

But on this point let Wall Street itself testify. A Wall Street paper, Financial America, in an editorial published January 8, 1912, from which I quote, says:

> Superficially examined, ex-Senator Aldrich's mathematical computations would seem to lend color to the belief that he has accomplished this object (meaning the taking of control from Wall Street): None knows better than he, however, the utter impossibility and the absolute untruthfulness of such an inference. He knows that no curtailment, no restriction of voting power in the proposed reserve association can curb or check the domination—yes, "domination" is the word—of the banks of this city (New York) over the banking interests of this country as they now exist or as they may be affected by the recommendations of the National Monetary Commission. That domination is fixed and permanent because of the solidarity, strength, and resources of the banks of this city; because this city is the reserve center in the final analysis of all the banks of this country; because of this circumstance thousands and thousands of the banks throughout the country look up to and are influenced by the banks of this city.

The same editorial asserts that Wall Street should control, and adds:

> Let the project go through, and when the interests of the country need financial guidance or direction we predict that the votes of the eastern banks—New York and New England—in the reserve association will be in the majority, for they will be followed by the men in other sections who have had to rely on New York's leadership for their very existence on former occasions of peril.

It is by such means that the great special financial interests of New York, New England, Chicago, St. Louis, and of other great cities hope, through the passage of this bill, to control absolutely by law as well as by environment and manipulation the finances of this country and, eventually, I believe, the markets of the world to form a world trust.

Mr. NELSON. Mr. Chairman——

Mr. CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. LINDBERGH. I do.

Mr. NELSON. I was very much interested in a private talk that former Secretary of the Treasury Shaw gave us on the train coming to Washington, in which he pointed out how this scheme would give Wall Street men an opportunity, by discounting securities, to give value to their bonds listed on Wall Street, and how they would refuse to accept securities that were not approved by them or that did not have fixed quotations in Wall Street. What does the gentleman from Minnesota say about that?

Mr. LINDBERGH. The gentleman from Wisconsin [Mr. NELSON] probably knows that the Wall Street schemers are trying to hide from the public their real motives in seeking to get their plan adopted. As the gentleman knows, that is one of the many woodchucks in the bill, and your question is equally important with the one asked by the gentleman from Kansas [Mr. JACKSON], concerning the control of the proposed association. To get at the real meat of the thing we may as well go into the subject somewhat in detail and understand who really drew this plan on which the bill is based. George M. Reynolds, whom I before referred to as the president of the second largest bank in the country and one of the Morgan-Rockefeller group, tells the truth about that. I quote from his speech, the same speech to which I before referred, delivered last December, the following:

> I want to say that, so far as the author of the bill is concerned, it is not Mr. Aldrich's bill, nor the bill of any one man. It is the creation of many men. Perhaps 100 men have had to do with its construction in one form or other. It represents the consensus of opinion of many of the largest banking men and business men of this country. Conference after conference has been held on the subject.

In the same speech Mr. Reynolds stated that he sat in almost every conference. Those 100 men, including Mr. Reynolds, were and are most of them connected with Wall Street. You will hardly get the full benefit of Mr. Reynolds's speech and the general scheme unless I quote from the same speech the following:

> At the very beginning of the study of this question the first and foremost problem that confronted those who had the work in charge was its political aspect; the ability, if you please, to have the bill passed was infinitely greater than the economic problem. The bill was presented to the country in a tentative form for consideration some months ago. Since that time there has been much discussion and some criticism of it. Some amendments have been made to the bill with a view of covering or meeting such criticism.

I take a little pride myself in having secured some of the amendments referred to by Mr. Reynolds by my criticism of the plan in a speech that I made before the Rules Committee on the Money Trust. No amendments were offered until after I made that speech. I produced the argument and the evidence to have a section added allowing national banks to loan on real estate, so if the bill becomes a law farmers may, if they choose, borrow on their farms. Several other important amendments that I suggested were made, but the most vicious provisions of the bill still remain.

Now, directly answering the question asked by the gentleman from Wisconsin [Mr. NELSON], I will state that it is a matter of common knowledge that the Morgan-Rockefeller group, including their allies, in the boom that followed the panic of 1893 and succeeding years, entered into the greatest stock, bonds, and securities schemes and speculations that have in all history taken place. They capitalized the earning capacity of the people, but not for the benefit of the people—on the contrary, for their own selfish purposes. For that purpose Morgan and his allies created numerous corporations and underwrote stocks and bonds of others by the hundreds. Later they discovered that a still better system for them would be to amalgamate corporations into trusts to enable them to absorb competing independent operators or else drive them out of business.

This has been the most successful business ever undertaken up to the present. Therefore they created all the great monopolies and trusts. It has been necessary for them to put up the prices on things required to supply the people's daily necessities in order to collect from the people the dividends and interest to pay on the watered stocks and bonds. The high cost of living and low wages have caused a spirit of general unrest among the people that seriously threatens the trusts and monopolies. The latter know the cause and seek by this bill to render the people helpless to make any change that would defeat the purpose of the trusts to continue their rule.

In 1907 the speculation and boom had developed to an extent that made the Morgan people, who were now mainly in control, desire to begin reenforcement of their own properties. There were independent concerns, however, that were waging competition with some of Morgan's pet schemes. That difficulty the Morgan interests figured had to be overcome, and Morgan, commanding all his united forces, was equal to the emergency. Conditions in a financial way were ripe to bring on the 1907 panic. To be sure it was a bold and cruel act and they did not like to have a panic, for these men do not like to see suffering. They are not naturally vicious, but will win their points, if they can, at any cost to the people. They knew it was necessary in order to enable them to accomplish their purpose to sacrifice the people and they did so. The panic was brought on, and

under its stress they were able, June, 1908, to scare Congress to pass the Aldrich-Vreeland emergency currency bill by which the National Monetary Commission was created.

That coup was so smoothly and adroitly accomplished that none who had not previously studied our financial and economic problems could suspect the end sought by these money kings, and many Members of Congress innocently voted for the measure, not knowing that it was loaded to later fire at Congress this bill. To secure the passage of this bill was the principal scheme of that act. On the other hand, the leaders then holding the power in the Senate and the House knew exactly what was wanted, and accommodated Wall Street interests by placing on the commission a man as leader who knew the game and would direct the proceedings.

No doubt the members generally of the commission wished to do right, but there was their leader to direct the proceedings, and only one side of financial problems were allowed to be brought out—the side of the wealthy. Their side was kept to the lead. There was no systematic presentation of evidence and facts to the commission by the actual producers of wealth. They did not have the means nor the organization and possibly they did not generally even realize the necessity to present evidence. The collectors of wealth sat in with the commission, and were given the right of way. Congress must protect the producers—the farmers, wage earners, all labor, and the people generally. It can not do that if it follows the evidence of the money kings.

Yes; the commission got its evidence from the collectors of wealth—"the one hundred men" referred to by Mr. Reynolds as having framed this bill, and from the parties they brought in to give testimony. They were eminently able to keep their plan before the commission and to keep the commission from seriously considering any other plan. It is their plan that the commission reported. Mr. Morgan and his allies overcapitalized their trusts and, necessarily, wanted to make the best of the condition for themselves. The way to do it was to shut out competition. Then they can continue to charge enough for the products the trusts control to pay dividends and interest on their watered stocks and bonds. This bill was framed up by "the one hundred men" with that in view. It was to fasten on posterity the so-called "vested rights." You will observe a part of the scheme in sections 26, 27, and 28.

The sections 26 and 27 define the notes and bills of exchange that may be rediscounted by the National Reserve Association. These, you will note it is stated, shall arise out of agricultural, industrial, and commercial transactions, and these two sections negative the right of the association to rediscount paper growing out of transactions from stocks, bonds, or other investment securities. Those are two of the sections that Morgan and his allies value most, because, as they control the larger banks, they can keep all who would organize any business that would compete with their trusts from issuing, with any reasonable prospect of selling them, stocks, bonds, or other securities, for they could not be used against the objections of those who control the association under the proposed new system in the banks.

But when Morgan and his allies would wish to discount paper growing out of the prohibited list they would simply take plain negotiable notes that would not show upon their face what the consideration was, and these would be rediscounted by the association, notwithstanding that they grew out of stocks, bonds, or other securities. It will simply give these people the opportunity to shut out all competition, thereby making the trusts supreme. We should bear in mind that those who would be in control of the association are the same parties who now do, and for some time past have, controlled the large city banks, and that they are daily violating the laws and will probably continue to do so as long as they profit by it.

Now, then, as to section 28, that provides for the spectacular work of the Wall Street forces. It is for extraordinary emergencies, such as occurred in the panic of 1907. You will observe by that section that securities growing out of stocks, bonds, and so forth, are not excluded. When Wall Street operators get ready for one of their spectacular panic reapings to fleece the lambs and even some quite big business, section 28 will furnish the means. Financial panics could then be exactly staged to Wall Street interests. Every means is provided by this measure to produce booms and follow by tightening the money market and make wealth for the few. This bill would give the money changers absolute control. When Wall Street would want to get control of the smaller interests operating independent of the trusts it would proceed to bring about the condition; that is, the great emergency provided for by section 28, and that would enable the Wall Street operators to use the stocks, bonds, and other securities of the trusts and monopolies as security to secure a print of the National Reserve Association bills to buy up the depressed stocks, bonds, and securities of weaker independent concerns that would not, till Wall Street approved of them, be accepted by the association as collateral security.

I do not, of course, claim that commercial, industrial, and agricultural paper would be excluded. All paper growing out of that kind of business not in competition with monopoly would of course be meat for the trusts and monopolies, and would be provided for. That provision has been offered as bait. They would naturally want to let business and enterprise exist in order to collect their earnings. Those and the plain producers and consumers are necessary for the trusts, the same as farmers require their teams, stock, and so forth.

One of the schemes of the principal advocates of the plan is to make it appear to the public that it is proposed to prohibit further loaning of bank reserves upon stock-exchange collaterals and to pretend that these reserves shall hereafter be used "for the support of purely commercial operations." In connection with that claim I call attention to the fact that the association would be absolutely owned by the same banks that are now running the finances of the country; that these are the banks that would borrow its money and loan it to speculators and stock gamblers just the same. Neither you, nor I, nor anyone except the subscribing banks, can borrow from the association. The plan does not propose to change the law to regulate the banks. We must deal with the same banks that we now deal with. Under our present laws, if they are brave enough to dare it, and in some cases they are, the banks can in some measure act without being bound by the central money power. If once the proposed monopoly is completed they will be irretrievably tied to it, and the individual banks with less than $1,000,000 capital will cut little figure, and even $1,000,000 will look small.

We know it is extremely dangerous to raise large vicious dogs and turn them loose on the community, even if they are muzzled, for they have been known to get the muzzle off even in dog days. The Federal court of the United States gives us the situation in a nutshell in its syllabus in the Standard Oil case (173 Fed. Rep., 177), in language as follows:

> The power to monopolize vested in a combination is indicative of the character of the combination, because it is to the interest of the parties that the power shall be exercised, and the presumption is that it will be.

The Aldrich bill has every element in a combination that comes within the definition of the Federal court decision. It would be exclusive. There would be no competitors. It is an attempt to establish the most exaggerated monopoly that it is possible to conceive of.

The subtle and underground influence of Wall Street in furthering and advocating that plan is illustrated in the formation of the National Citizens' League, which started in Chicago and has formed branches in nearly every State.

It would be interesting to inquire why no powerful citizens' leagues are formed to advocate other important problems than this Aldrich plan. The transportation system is most unjust in its discrimination, but there are no national citizens' leagues to advocate its correction. If it were corrected, it would save the people hundreds of millions. The unjust tariff discrimination is another important problem, but there are no citizens' leagues attending to that. That, too, would, if properly adjusted, save the people vast sums. We have the great labor problems which if properly adjusted would save the wage earners and the people in general billions of dollars, and yet we have no national citizens' leagues formed to correct it. And so I might run through a long list of problems, vastly important to the people, and yet not one, except this Aldrich plan, has been dignified by the formation of national citizens' leagues. Is it because the people are by the Aldrich plan to give billions of dollars to a private monopoly that there are such numerous leagues springing up? Draw your own inference. Certain interests got busy inspiring citizens' leagues. I believe in citizens' leagues, but I would like to see them started voluntarily by the people themselves. I do not believe in a few men getting together and appointing themselves to the offices of a so-called citizens' league and then solicit citizens to join simply to say "amen." What we in Congress want are actual citizens' leagues, inspired from among the citizens themselves.

The officers of the so-called citizens' league just had a convention and luncheon at the Great Northern Hotel, Chicago, which was attended by the officials of the branch organizations. Its president, John V. Farwell, in opening the meeting, stated:

> The National Citizens' League, with organizations in 44 States of the Union, with its members drawn from all our agricultural, manufacturing, and mercantile interests, is the strongest organization of its kind ever enlisted in a great public service.

"We do not advocate any bill now before Congress," stated Mr. Farwell. In the next breath, after making that statement,

Mr. Farwell disregarded his solemn statement that "we do not advocate any bill now before Congress," and he advocated the Aldrich bill, which was then and is now before Congress, the same bill I am discussing, he using the following language:

We do, however, recognize in the report that has been unanimously made by the National Monetary Commission the greatest step that has yet been taken in this country to give us a sound banking system. We believe that this report embodies those fundamental principles for which we all stand. The report is a conscientious, painstaking effort to provide a working basis for legislation in Congress. We will continue to advocate these principles, confident that Congress will give us the legislation the country demands.

How could the National Citizens' League indorse and advocate the bill in stronger terms than the language which I quote from a speech of its president? Not only does the league at its meetings advocate the plan, but it employs speakers to travel over the country speaking for it; and the leagues distribute all kinds of literature in support of the Aldrich bill, and as far as practicable for it to do so, it suppresses all literature that opposes that plan.

So far as the general membership of the leagues are concerned, there is, of course, no purpose to foist upon the country bad legislation. In my own State, for instance, the president of the branch league there is reported to be a man of high character and standing, and I am convinced would not knowingly advocate a bill that he did not think, on the whole, would be in the common interests. It is because of securing some men of splendid character as officers for the leagues to be formed that Wall Street has shown its finesse. But since these men in the first instance were indirectly selected by the Wall Street interests, their proceedings are principally directed by those who are in charge of the league in Chicago. With the permission of the House, I will append to my speech a concrete illustration of how the managers of the leagues resort to misleading practices to prevent any literature from getting publicity that would discredit the Aldrich plan. This they have done in connection with my own speeches and letters, of which I have proof in my files. I have some evidence of that now, and will probably have more before this is published in the RECORD, and will insert it.

Wall Street is underground supporting the league, seeking through them to force Congress to pass the bill before the general public shall have solved its mysteries; for if once the public knows its purpose, it will not permit its passage. Members of the leagues, with few exceptions, do not know that they are advocating the Wall Street plan.

It is unnecessary to enter into great detail in a discussion of the bill with my colleagues, as they are able to spell the things between as well as those that are in the lines just as well as I am. I particularly call your attention to one phase of the Wall Street underground work. I have so far, on the phase of the subject to which I am about to refer, received letters from nearly 100 different banks in many different States, only 7 of which are from my own. The letters written by the New York banks to their correspondents are all practically the same. I shall quote one set only, as an example of what they all are, to wit:

THE CHASE NATIONAL BANK,
New York, February 21, 1912.

GENTLEMEN: We inclose a letter from the National Citizens' League which we have been asked to forward to you. The campaign of education which the league is conducting in favor of currency and banking reform is nonpartisan in character and national in scope. We believe it of direct importance to the business interests of the country. The merchants interested in the work have felt that, while they regard themselves as responsible for the raising of funds for the prosecution of the work, the country at large should know that the banking interest is in sympathy with the work. Any correspondence should be taken up direct with Mr Isidor Straus, treasurer, Broadway and Thirty-fourth Street, New York, and any contributions made direct to him.

Yours, sincerely, A. H. WIGGIN, *President.*

You will notice that the letter does not give the name of the bank to which it was sent. Some of these letters are written to others than bankers. Inclosed in that letter was the following blank, intended for the banker to which it was sent to fill out and attach a check:

NEW YORK, *February —, 1912.*

To ISIDOR STRAUS, Esq.,
Treasurer National Citizens' League,
100 Broad Street, New York City.

DEAR SIR: I inclose herewith my check for $—— as my subscription to the fund of the National Citizens' League in its campaign of public education for the promotion of a sound banking system.

Yours, truly,

——— ———.

Attached to the letter of the Chase National Bank was the following letter:

DEAR SIR: You insure your property against fire, your business against risks, yourself against incapacity and death. For this protection you pay many annual premiums of considerable amount.

We ask you to pay a single premium for the insurance of your business against money panics, against the business collapse that attends them, and the business depression that follows them.

The same investment is also for the assurance of the stability of borrowing facilities, of uniform interest rates, of wider and more stable market.

These are the benefits of banking and currency reform. And this reform is assured if the business men will combine and lend it the same support they gave sound money in the nineties.

The issue is just as live and big. Sound currency needs a sound currency system back of it. Business isn't paralyzed to-day as it was four years ago. Another panic is not anticipated. But the fact remains, and it must be faced squarely now, that under our present defective and dangerous banking system disastrous panics can not be controlled. Revision is demanded—now.

This is a problem even more vital to the business men than to the banker. The final burden of panic is borne by the business and the industry of the country.

Business men all over the country, irrespective of rank and party lines, have organized the National Citizens' League for the promotion of a sound banking system.

The league does not advocate any particular plan, but is carrying on a nation-wide campaign of education, in an economical and legitimate way, to the end of arousing Congress to prompt and business-like action free from the prejudice of partisan politics.

Any subscription from $1 upward will constitute a membership in the league.

You will see from the inclosed list the national character of this movement, and the personal and business standing of its leaders.

As an instance of what other States are doing, in Minnesota 25,000 business men have subscribed to a fund ample enough to organize and unify that State for banking reform. Other States are following suit. Your active interest and your contribution are greatly needed by the New York branch of the league.

If you count this a good business investment—with 1907 clearly remembered—will you fill out and return the inclosed blank?

Yours, very truly,

JOHN CLAFLIN,
President New York State Branch National Citizens' League.

I have similar letters sent by most, if not all, the Wall Street banks. Letters were sent by Wall Street banks to bankers in all the States. Every banker, except one, who wrote me, expressly requested that I should not disclose his name, for to do so, they wrote, would bring upon them the disfavor of certain business interests. One of these letters, sent to me by a banker in my own State, I shall quote simply to show what I believe to be the feeling among the bankers in the small towns, though suppressed because of a fear of harming their business because of incurring the disfavor of the special interests. I omit, of course, all the facts that would identify the party for reasons appearing in the letter itself:

———, MINN., 1912.

Hon. C. A. LINDBERGH,
Washington, D. C.

DEAR SIR: I have noticed with considerable interest your charge against the National Citizens' League—that it is being financed by Wall Street influence. I am inclosing herewith a circular letter from a Wall Street bank, soliciting subscriptions for the league from the Minnesota banks. This letter comes from our New York correspondent. I assume that the plan is to reach our banks in this way through their New York depository. I take the liberty of sending this to you as it may be of some value to you in your campaign against the iniquitous Aldrich currency measure.

This letter comes to you from a stranger, but from one who is in hearty sympathy with your congressional work. I would, of course, not want either my name or bank mentioned publicly in this connection.

Respectfully, ——— ———, *Vice President.*

It is to be regretted that the conditions in our beloved country are such that bankers dare not come out and fight this "iniquitous Aldrich currency measure," as this man so aptly terms it. Parties from all sections of the country have offered their views on the economic and financial conditions, and among them are many bankers.

Mr. LAMB. Right here will the gentleman tell us what is the remedy?

Mr. LINDBERGH. Before we provide a real remedy we can make some amendments to our present system that will prevent panics. I shall not oppose such amendment even though they do not provide a satisfactory remedy. The plan offered by the National Monetary Commission is not a remedy at all, but is a proposition to still further centralize wealth and enslave the producers and consumers.

Mr. LAMB. Will the gentleman yield?

Mr. LINDBERGH. Certainly.

Mr. LAMB. I judge, from a part of the gentleman's reply, that he would like to go back to the old greenbacks, without the exception clauses.

Mr. LINDBERGH. I have said nothing about that.

Wall Street values very highly information on the business conditions of every section of the country and on the private affairs of those in business who do not cooperate with Wall Street operators. The Aldrich plan would accommodate its operators to the fullest extent. The governors of each of the 15 branches would be the natural agents of Wall Street, and since the association, by the provisions of the bill, will have access to the books of all the subscribing banks, any person or

party doing business with these banks whose business is of interest to the Wall Street speculators will be open to them.

We could go through section after section of the plan and point out the footprints of Wall Street—"the one hundred"—men who took part in their formation, but the time precludes such extended discussion in a single speech. Those sections to which I have already referred are sufficient to reject the plan.

Take the plan as a whole, it is appalling to contemplate its many objectionable provisions. Its principal advocates know full well that its enactment must be achieved through ignorance and fraud—both. The broadest distribution of literature and the staging of public addresses principally paid for by institutions subject to Wall Street influence is but a cunning device of the crafty to rivet public attention on our present imperfect and grossly wrong system. There is, however, encouragement in the fact that any appeal at all is made to the public, for by this fact the people will be made to appreciate the importance of securing a proper monetary system. Less than 10 years since, these people who are now advocating this plan would have made no pretense or attempt to educate the public. The plan would have been fixed up with the politicians and passed by Congress without so much as thinking of the people. We have made some progress.

Other devices for securing support for the proposed plan are more sinister in their aspect. A threatened panic hangs like the famous sword of Damocles over the heads of bankers and business men. Big business is probably even now speculating as to what the effect of a panic would be—whether the people will exercise their sovereign power and establish an impartial money and credit system, which Wall Street does not want, or whether they will cower under financial stringency and give it the Aldrich plan, which it very much wants.

No foreign enemy, though confronting our shores in embattled array, with hostile fleets and huge armies, could frighten us into a surrender of the least of our rights or the smallest portion of our possessions. We would sacrifice our last cent, pour out our last drop of blood, and endure all the horrors of war rather than yield. Yet Wall Street thinks it can, by a threat of panic, bluff the American people into surrendering to it a right which Congress, through the Constitution, has inherited from the people. When Congress can no longer exercise the power which it has received from the people wisely and well, its plain duty is clear—to deliver it back to the people and not bestow it upon a private and oppressive trust.

To whom is it proposed to give this unlimited power? Who is this that it is proposed to make the arbiter of our destinies, of the fortunes and misfortunes of our future? Upon its face it purports to be to all the banks. That is the most favorable construction that is claimed for it. But why to the banks more than to anyone else? Why not the farmers, the merchants, the labor unions, or the other industries? Are we willing to give to the banks unlimited control of all our finances and business, even with the promise that they will deal fairly with each other? The plan makes no provision to guarantee that the banks will deal fairly with the rest of us. Can we rely on those who desire the highest rate of interest to give us a square deal? I make these inquiries with no disrespect to bankers. I am absolutely opposed to giving special privileges to anyone.

The commission, in a way, has done a great, though incomplete, work. With its conclusions I can not agree, and shall oppose this plan to establish a permanent money monopoly. If it is enacted into law we shall probably have a few years of boom prosperity, in which the wealthy will become more wealthy and the producers and consumers poorer. It will necessarily be followed by a period of the hardest times for the plain people, who will find themselves then in a situation from which they can not escape except by most radical procedure.

While I do not agree with the adoption of such a plan nor of that system of finances, nevertheless the recommendations of the commission, with some material modifications, can be utilized as the foundation for a national monetary system that would be an improvement over our present banking laws. In adopting such a system we need entertain no prejudice nor practice discrimination against the people of New York City, or any other section of the country. All that anyone should ask is a square deal for all and special favors for none. Important modifications have already been secured as a result of the agitation for an investigation of the Money Trust, and others may be confidently expected. If, however, no better plan can be secured, if Congress is prevailed upon to turn over the business of the country to a special interest, it is still its plain duty to amend the plan in several important particulars, only a few of which I shall now suggest.

The nine directors at large, to be elected by voting representatives of the branch associations according to the holdings of stock by the different banks, should be entirely eliminated. This provision is not necessary for the protection of the banks, as that is sufficiently provided for by the very nature of the business to be engaged in and by the two-fifths representation of capital in the various local and branch associations, and its absence from the plan will materially lessen the danger of monopolistic control.

A better plan for the selection of a governor and two deputy governors, all three of whom are to be ex officio directors, than that proposed would be to have these three officials selected by the President from lists furnished by the House of Representatives, each Representative filing with him a list of five names, and selection to be made from the five persons whose names appeared in the greatest number of lists. This would bring these important officials closer to the people and would also assist in keeping control away from Wall Street. I do not say that that should be done, but it would be better than the method proposed by the commission.

One of the most dangerous things in the plan is the information that will be obtained by a few private individuals of the affairs of all the people in business. No private agency should be allowed to have that advantage over the people of this country. If we are to have a national reserve association, let it be one in fact; the Government itself can best serve that purpose; and if we are to have such a plan as the one suggested, it should be so amended that the Government would be the reserve association for all the others and in the interest of the people.

The number of officials and the salaries to be paid to each and to the army of clerks and employees necessary to carry on the business should be fixed by law, and there should be some fixed limit to the capitalization. Otherwise, the profits which the Government is to derive in return for the use of its funds and as a franchise tax on the proposed monopoly will remain a wholly indeterminate quantity. It may be much or it may be nothing.

The rate of dividends to be paid on the capital stock should be much less than 5 per cent. Most of the banks which will furnish the capital for the proposed National Reserve Association are now and have been for years content to receive from the banks in the central reserve cities, principally New York, 2 per cent per annum. While the Government will not have to pay the dividends—and it is claimed by the proponents that it will profit from the enterprise—the people will have to pay them, and a high rate of interest generally prevailing is one of the prime causes of the high cost of living.

The lower the prevailing rate of interest to the general public, the fewer the men who will be able to live off the sweat of other men's brows, the fewer parasites on the body politic, and the greater the number who will be compelled to support themselves. It would not be wise for Congress to follow the reasoning of some of our courts and give its sanction to the doctrine that 7 per cent or even 5 per cent is a fair and reasonable return for the use of money, because it can be economically demonstrated that either 5 per cent or 7 per cent will require periodical liquidation. Nor is the usual wail for the protection of widows and orphans and innocent purchasers applicable here. The latter has not yet made his appearance in this deal, and as for the widows and orphans, there are few, indeed, of them who are able to clear 5 per cent on the investment of funds left them by those who have passed beyond. Most of them, in fact, are lucky to find even 2 per cent remaining after necessary broker's charges for finding safe investments and taxes are paid. But, by a recent court decision, the trusts were decreed 7 per cent in perpetuity on railway investments, and here we find them asking 5 per cent and 20 per cent surplus on a 50-year investment as safe as Government bonds.

A maximum rate of discount should be established which should be as low as practicable, and bring the benefits to be derived, if any, at all times within the reach of the people. Speculators can, at times, afford to pay excessive rates for the use of money, but this should not be for them.

I mention only a few of the amendments that should be made if the plan should be adopted at all. When it comes before Congress for consideration or action I shall make further suggestions that I have noted as being important. If the people generally should become familiar with the plan proposed they will back away from it as they would from fire.

The CHAIRMAN. The gentleman's time has expired.

Mr. HAUGEN. I yield a few minutes more time to the gentleman.

Mr. LINDBERGH. Very well; I only wish a few minutes.

This plan is monstrous. More so than any thing that was ever offered or proposed. It would practically put the people of this Government and the Government itself into a receivership. It would place within the control of a few the means of commercial exchange by the use of which they would control the material merchantable substances of the earth and compel the rest of us to eat out of their hands on such terms as they fixed. I must nevertheless speak of the plan in measured terms, for when I stop to consider how the people have permitted themselves to become slaves of false systems, I realize the possibility of their submitting even to this additional burden.

I appeal to all the people and to the business interests and to bankers who should seek independence to study with care the proposed plan. The subject is so important that it can not be fairly neglected.

I do not wish to be personal except so far as it is necessary to fix the responsibility of persons who have to do with shaping the great problems of the day. I regret that it is ever necessary to discuss the individual conduct and relations of Members of Congress with the business of the country, and the effect that their personal interests in a business has on their work here in Congress. I have high regard for the personal characteristics of all the Members with whom it has been my good fortune to become acquainted. But upon public problems it has seemed to me that a great many Members are guided by standards false to the public.

When I was first elected to Congress I disposed of all business that in the remotest way might, to the least or to the most suspecting person, seem a reason to influence my conduct on any bill or proceeding in Congress. I did so at a financial sacrifice. But when I arrived at the seat of Congress I found that committees in charge of legislation are largely made up from Members who have direct and personal interest in the legislation referred to them. When I discovered that I was well pleased that I had sacrificed, for if my constituents should think of me, if I had continued my business relations, as I think of the members of committees who have a personal interest in the legislation they deal with, I should be ill at ease in my work. I should rather take their testimony on vital questions than to leave the decision with them where their personal interests conflict with the public interests.

I make that statement on general principles. I make that statement to call attention to the fact that the leading members of the National Monetary Commission, and also of the Banking and Currency Committee, because of being associated with banks and owning bank stocks, are personally interested in the legislation that has been proposed and also in the investigation of the Money Trust recently authorized. Some of the committee members belong to the American Bankers' Association, which keeps a lobby to deal with legislation in its interests. I am not complaining of the fact of the Bankers' Association, but I—and I am sure the public as well—would like to see impartial judges on the committees. I do not like to see men sit in judgment on themselves when they are to decide a matter involving their own interest in opposition to the public.

The trouble with this country is that everything is adjusted to the dollar instead of to the natural order of things. And the trouble with Congress is that Members are looking after some special interest instead of serving the public. As long as that practice prevails we shall have the cost of living high and the pay of wage earners and other producers low.

If Congress would do its duty, the people would be very prosperous whenever and wherever the natural conditions were suitable for prosperity. I can not see that there is anything to boast of in having prosperity for the rich alone. It does seem that a little consideration for the fitness of things would make people object to the Government serving special interests to obtain advantages over the people. It does seem that it would be unfair and beyond the conscience of those whom the public has entrusted to look after the general welfare that such persons should recommend or vote for the Aldrich bill, to incorporate a private corporation and give to it the name of the National Reserve Association, as if it were to serve a national function, when it would be, in fact, a private monopoly, with practically unlimited powers to control the general finances. I can not understand the citizenship and civic mind of a party who would give such power to a private concern, but I do know that the selfish interests are using every subterfuge in an attempt to fool the people.

The plain truth is that it is proposed to take out of their pockets billions of dollars for the use and to make them industrial slaves of the money kings. It is, of course, impossible to defend a bill which would accomplish that. Therefore the advocates of the plan decline to enter into a full, detailed explanation of it. That is why in this controversy my questions directed to the advocates of the plan have not been specifically answered; but instead the answers have led off into a maze of words about matters on which there is no controversy.

In order to explain that, I shall ask the House for leave to withhold this speech from the RECORD till I can illustrate this practice by inserting into the RECORD certain letters, circulars, and newspaper articles which are merely indicative of the way in which it is sought to fool the public.

Hon. Robert W. Bonynge, who was a member of the National Monetary Commission, made a speech at St. Cloud, Minn., which is the district I have the honor to represent, after which the Journal-Press, a daily newspaper in that city, wishing to give as much information as it could to the public, invited a discussion of the bill through its columns, and particularly directed my attention to the invitation. To the Journal-Press I sent the following letter:

Noticing in your editorial an impartial comment upon the discussion held in St. Cloud on the Aldrich bill, and suggesting that the other side be presented, and practically inviting me to answer, which, of course, I will, I am prepared to answer now; but as it requires a close analysis to discuss it in its true meaning, it would take too much space for a newspaper article. I shall discuss this question soon in Congress, and will then bring the subject out in its details, including some suggestions within the plan that may be utilized to advantage by having the Government serve as the reserve association and exercise the powers in favor of the public that this Aldrich plan proposes to give exclusively to a private trust control. It would be folly to give control to a private monopoly which we should later have to take over with an incumbrance. Our present plan is enough of an incumbrance. We must do no injustice in a readjustment. The Aldrich plan is radically wrong, and it should not be adopted even if Wall Street would not control. But I shall show and those familiar with the conditions lying back of it know that Wall Street would control. Observe the following, which I quote from Financial America, a Wall Street publication, in its issue of January 8, 1912:

"With the leading popular features of this report we shall not deal in consequence, but with the attempt made by ex-Senator Aldrich and his colleagues to make it appear to the Nation at large that the proposed reserve association, if established, will be controlled by the banks of the country other than those in New York City, or, in other words, by interests other than those of the country's most powerful financiers—the great majority of whom are to be found in the city mentioned and interested heavily in its banking institutions—we intend in this editorial to express our views frankly, and we trust with the same open-mindedness which our readers have full cause to know has always characterized our opinions heretofore on the currency and banking question.

"Superficially examined, ex-Senator Aldrich's mathematical computations would seem to lend color to the belief that he has accomplished that object. None knows better than he, however, the utter impossibility and the absolute untruthfulness of such an inference. He knows that no curtailment or restriction of voting power in the proposed reserve association can curb or check the domination—yes, 'domination' is the word—of the banks of this city over the banking interests of this country as they now exist or as they may be affected by the recommendations of the National Monetary Commission. That domination is fixed and permanent because of the solidarity, strength, and resources of the banks in this city; because this city is the reserve center in the final analysis of all the banks in this country; because through this circumstance thousands and thousands of the banks throughout the country look up to and are influenced by the banks in this city.

"What ex-Senator Aldrich, the commission's chairman, hopes to gain by presenting a recommendation constructed artificially to appease a certain degree of public opinion and intended to create an impression that the control of the reserve association will be vested in men and banks from sections of the country not logically entitled to it, in view of what we have just stated, is difficult to ascertain. He knows that his restrictions on the banks in the East will not lessen their power or their control of the country's banks and banking system just as truly as he knows that calling a sheep's tail a sheep does not make it a sheep. Then, why stoop to a political subterfuge that can fool no thinking citizen and which must return as a boomerang? Why not look facts squarely in the face, recognize them, and admit them candidly and publicly? If the interests in control of the great banks in the East have reason to control the reserve association, it will be only a matter of brief duration until that will be accomplished. They are masters of the situation to-day. A reserve association will not change that condition; and it is a condition and not a theory, as is the whole recommendation of the commission. Let the project go through, and when the interests of the Nation need financial guidance or direction, we predict the votes of the eastern banks—New York and New England—in the reserve association will be the majority, for they will be followed by the men from the other sections, who have had to rely on New York's leadership for their very existence on former occasions of peril, and who know full well the saving power of the sanctuary afforded them in the 'domination' of which we have written. There was no occasion to try to cloak the power of the New York City banks. There is absolute folly in giving it disproportionate recognition in the reserve association. The only ones deluded by that attempt finally will be the members of the commission, particularly their political chairman, Aldrich."

When I discuss the plan I will show by conditions and facts that what Wall Street claims it can do it will do. The speakers and literature that it pays for will deny that. The article from which I quote was not expected to get out among the people, and the editor was unguarded, but told the truth. When the plan comes onto the House floor for consideration I shall offer amendments that if adopted will give the Government the power to do for the people what is proposed by the Aldrich plan to do for a private trust. They will then say that it is not a good plan. I will offer to relieve the banks of the 2 per cent bonds in the same way. My amendment will protect the country banks in a support of the territory in which they do the business and will leave the city banks with the business that belongs to them. The city people and the country people will be equally benefited.

I have a different and, what I consider, a better plan to offer, but wish to test the advocates of the Aldrich plan as to whether they would be willing to trust the Government as much as they ask the Government to trust a private monopoly.

The above letter was published.

Some weeks later Hon. John H. Rich, president of the Minnesota Citizens' League, caused the following letter to be published:

I have read with much interest Congressman LINDBERGH's letter, published in your paper.

This letter contains some views which if not properly met and answered will serve only to cloud the issues in the present movement of the business men of the country to bring about a reform of the banking system. The nub of Congressman LINDBERGH's letter is found in his quotation from an eastern paper, in which the editor states that the control of Wall Street over the finances and business of the country is fixed and permanent.

No one can dispute the soundness of this contention. It is generally known and admitted among business men that Wall Street has control, has had it for many years, and will continue triumphantly in power for many years to come, unless something is done.

It is much more to the point to determine how Wall Street control can be broken than by hearings and investigations to attempt to prove the admitted fact that its financiers have altogether too much to say about finances and about business.

Wall Street control comes from its control of the money of many hundreds of banks—in the form of deposited reserves and idle funds—which, because of the nature of the present banking laws, gravitate to the central reserve banks in New York and are there loaned out to operators on the stock exchange as "call loans." Wall Street has control because it has tremendous accumulations of these bank funds, and the possession of this money is the source of its power.

It is obvious to any business man that Wall Street control will not be broken by investigations or by criticisms. It will be broken if at all by taking the bank reserves out of Wall Street and putting them where they can not be used in support of stock-exchange operations or manipulations. This is exactly what is proposed in the banking legislation now before Congress, and by the terms of the proposed law it will be impossible further to loan these reserves upon stock-exchange collateral, which is the only kind Wall Street can offer, or for any individual or corporation, to do business with the proposed reserve association which is to hold the reserves.

Hereafter it is proposed that these reserves shall be used for the support of purely commercial operations—loans to business men on prime commercial paper, instead of loans to operators in Wall Street. Stringent provisions are included by which it will be impossible for Wall Street or for any other financial or any political group to gain control of the reserve association.

It is proposed to institute a system that will prevent panics, that will enable every bank to pay its depositors on demand, and continue to loan to those having legitimate credit, irrespective of hard times, stress, or adverse business conditions. These are things banks can not always do under the present banking system, and things which are essential if we are to have a system as good as that of other first-class countries.

I have no criticism of Congressman LINDBERGH's proposal for an investigation of the Money Trust; in fact, I think anything he might discover by such action would be valuable information for the business men of this country to have, and would have the effect of still further emphasizing the position of the Citizens' League as I have stated it. But Mr. LINDBERGH should not overlook the fact that the known and admitted control exercised by Wall Street is bad and should be terminated, or the fact that the business men of the country want a new and better banking system than the present. In furthering his proposed investigation he should not neglect to give proper attention to these more important things. Legislation is now proposed in Congress. Let us have a reform of the banking system and work for it first, last, and all the time, and if, without endangering this more important issue, we can have an investigation such as is proposed, let us have that, too.

I believe Congressman LINDBERGH's purposes are above criticism, but perhaps in his interest in the one thing he has given the other less attention than it should have. The bill now before Congress deserves the most careful study and examination by every business man. Those who have not seen it can get a copy by writing me. It also deserves the especial and very thorough study and attention of every Member of Minnesota's delegation.

JOHN H. RICH.

To this letter my answer was as follows:

Hon. JOHN H. RICH,
President Minnesota Citizens' League, Red Wing, Minn.

DEAR SIR: My attention has been called to your communication published in the St. Cloud Journal-Press of February 21. It is very plain that you have not understood the main purpose of my resolution to investigate the Money Trust. It was not to show that the reserves and idle funds are deposited largely in New York and there loaned to speculators on "call." That is important information in the present discussion, but pretty generally understood now. It was to show that the Wall Street influence extends into a much larger field, and, in fact, extends to nearly every section of the country, so that the persons who are in control there have the power of controlling credit everywhere. Through the occult influence which they exert on business they will have the power to control credit as fully after the passage of such a plan as your various leagues propose as before. Through this power they will control the central reserve association which is proposed as effectively as if every director were to be a resident of New York City. A curious illustration of the power and method of this influence is furnished by the National Citizens' League, which started in Chicago—not New York—and has formed branches in nearly every State, your own organization being one of the branches. Can you truthfully deny that these leagues have been organized through the influence and under the direction of Wall Street and that they are universally advocating the Aldrich plan of monetary reform and none other; and, further, that the Aldrich plan has been formulated for, through, and by Wall Street influence and is being advertised at its expense? The dollar charged for membership does not pay one-tenth part of the sums that are being expended in exploiting the Aldrich plan through the various citizens' leagues. Of course it is called the Monetary Commisson's plan, but, I ask, is not that the same thing?

This should make no difference with anyone, however, and it certainly makes no difference with me. I have just mentioned the facts, showing the origin of your organization, to illustrate the power and subtle influence of the Money Trust. Those who join the league after the start, and frequently those who start the leagues, do not know from what source the first inspiration comes. Everybody wants to improve the money and banking system, and most of the persons who join the leagues do so in the faith that they will learn more about the system and be able to spread the truth. That is why it is unfortunate that a few well-paid agents are furnishing all of the literature through the Chicago organization. I entertain no prejudice against Wall Street or against the Aldrich plan. If it is a good plan, we should all wish it adopted into law. If it is bad and calculated to make more grievous the burdens of the people, we should seek to know that and either supplant it by a better plan or make such modifications in this as will make it better. I deem it, therefore, a splendid opportunity to take up the discussion of the question through the league which you represent. I am reliably informed that you are a worthy, sincere, and able citizen, and also believe that the league, as well as yourself, will be interested to know all the facts and not one side only—the mother league in Chicago is sending out only one side. But now that you have issued a sort of a challenge to me, I invite, not only your league but the one in Chicago, to join in a full discussion of the subject in such newspapers as desire to open their columns for that purpose. And I request that you use your influence to secure me an opportunity of presenting the other side in the columns of Banking Reform, published in Chicago under the auspices of the Citizens' League. This paper has already devoted considerable space in its first issue to me, and it can not fairly deny sufficient space to the discussion which I propose, if it desires the subject to be fully presented. I will send a copy of my articles to you and the president of any other league who may request them, and also to the newspapers of Minnesota which desire to receive them and to other papers as well, so far as I can afford to do so. I would also request that copies of articles challenging me to discussion of any phase of the plan be forwarded to me. I do not always get time to read all that is in the newspapers, and my attention was called to your article by mere accident.

You make a point in your article of the provision which the Aldrich plan apparently makes, and which is supposed to prohibit the further loaning of bank reserves upon stock-exchange collateral, and you say that these reserves shall hereafter be used "for the support of purely commercial operations." Would it not be possible for the great banks of New York and other cities—yes, far greater banks than there are now—to loan their money on such collateral and rediscount their loans on their own or the indorsement of their local associations, without transferring the collateral? How would the National Reserve Association know that the deal did not represent a "purely commercial transaction"?

Will you also allow me to call your attention to section 56 of the Aldrich plan, which, among others, I would like to have explained? Is it your opinion that the Representatives in Congress should give to a private corporation the use of $220,000,000 for 50 years, without taxes or interest, which all it will have to do is to print for the banks to loan to the people at any rate of interest they may wish to charge? When you or I or anyone else desires the use of money which we have not got, we give our note and pay interest and taxes. Here is a proposition whereby an association of banks can get lawful money without either, which they will turn around and loan to us at a rate of interest which they have the sole power to fix. Wouldn't that be a pretty good proposition for you or me, Mr. Rich, if we could get it? Yet what would the country—and Wall Street—think of a proposition to bestow such a privilege upon us?

But this is not all. The report of the Treasurer of the United States, February 23, 1912, shows that at the close of business on that day the Government funds under his control amounted approximately to $290,000,000, which it is proposed shall be deposited with the National Reserve Association, whereupon this private corporation may proceed to issue against it lawful money provided for by sections 49, 51, and 52. Its notes are to be a first lien on the Government's deposits as well as against its other assets. Are these among the things which you wish to have done?

To call attention to more of the pitfalls contained in the proposed legislation would extend this letter to an inordinate length, so I will close here. When these questions have been satisfactorily answered, however, I have some more, which I should like to propound, of far greater importance than these.

Very respectfully,

C. A. LINDBERGH.

My letter quoted above was answered by a circular. The statements attributed to me in the interview referred to in the circular are not correct. I did state that the one good thing about the plan is that it is bringing out a most important problem for consideration, and much might be accomplished by the discussion. I do not claim that all the ideas presented by the plan are bad. I do claim that the fundamental principles on which the commission bases its plan are to boost special interests as against the general interests and consequently are opposed to the general welfare. That part of the circular which purports to be an answer to my letters is as follows:

CHARGES TRUST RULES LEAGUE—REPRESENTATIVE LINDBERGH ASSERTS MONEY POWER DOMINATES CITIZENS' ORGANIZATIONS—HE REPLIES TO JOHN H. RICH—SIXTH DISTRICT CONGRESSMAN DECLARES BODIES WERE FORMED TO SUPPORT ALDRICH PLAN.

(Dispatch Washington bureau.)

WASHINGTON.

Charging that the National Citizens' League, with branches throughout the country, is "organized under the direction of Wall Street to advocate the Aldrich monetary plan," Representative LINDBERGH, of Minnesota, to-day in an open letter replied to John H. Rich, president of the Minnesota Citizens' League, of Red Wing, Minn., who recently criticized Mr. LINDBERGH's attitude on the Money Trust question in a letter published in St. Cloud, Minn. Mr. LINDBERGH said:

"It is very plain that you have not understood the main purpose of my desire to investigate the Money Trust. It was not to show that the reserves and idle funds are deposited largely in New York and there loaned to speculators on call. That is important information in the present discussion, but pretty generally understood now.

FIELD MUCH LARGER.

"It was to show that the Wall Street influence extends into a much larger field and, in fact, extends to nearly every section of the country, so that the persons who are in control there have the power of

controlling credit everywhere. Through the occult influence which they exert on business they will have the power to control credit as fully after the passage of such a plan, as your various leagues propose, as before. Through this power they will control the Central Reserve Association, which is now proposed, as effectively as if every director were to be a resident of New York City.

SAYS IT CONTROLS.

"A curious illustration of the power and method of this influence is furnished by the National Citizens' League, which started in Chicago and New York and has formed branches in nearly every State, your own organization being one of the branches. Can you truthfully deny that these leagues have been organized through the influence and under the direction of Wall Street, and that they are universally advocating the Aldrich plan of monetary reform and none other, and, further, that the Aldrich plan has been formulated for, through, and by Wall Street influences and is being advertised at its expense?

"The dollar charged for admissionship does not pay one-tenth part of the sums that are being expended in exploiting the Aldrich plan through the various citizens' leagues.

"Of course it is called the monetary commission's plan, but I ask you is not that the same thing?

"This should make no difference with anyone, and it certainly makes no difference with me. I have just mentioned the facts, showing the origin of your organization to illustrate the power and subtle influence of the Money Trust."

It will be noted that Mr. Rich did not insert all of my letter in the circular. Then he proceeded to answer in the same circular as follows:

Hon. C. A. LINDBERGH,
House of Representatives, Washington, D. C.

DEAR MR. LINDBERGH: I have your kind favor of the 26th ultimo, and thank you for the frank explanation of your position in regard to the monetary bill now before Congress. I should like to be equally frank in answering your questions, and should like to say that it seems to me that the fear that the "occult influences" exerted by Wall Street would control the proposed Reserve Association seem to me to be largely imaginary. The only control that Wall Street has ever exerted, or does exert at the present time, is exerted because of its enormous money power. It is perfectly obvious to me that if we wish to destroy the power of Wall Street in these respects, the way to do it is to take away from Wall Street the reserve deposits and idle funds of banks which are the source of this power—

DESTROY WALL STREET POWER—

which is so justly feared. When these funds have been taken away from Wall Street and Wall Street no longer has the power to grant favors, or by fear of favors to be withheld, exercise a dominating influence over the banks of the country, its power will only be the power that it has in proportion to the remaining money it has under its control. I can illustrate what I mean best by saying that the power of any man, financially speaking, is in proportion to his wealth. When Wall Street has been shorn of this immense accumulation of other people's money its power will be proportionately reduced. If you will carefully examine the publications of this organization you will find that our position from the first has been decidedly antagonistic to this control of Wall Street, and that we have repeatedly said it constituted a very grave danger which ought to be removed.

WHERE THE POWER COMES FROM.

I trust you have not understood my letter to Hon. Alvah Eastman to mean that the only thing to which this league is opposed is that the deposited reserves and idle funds in New York form the basis of stock exchange operations. We realize very well that, as you say, the influences emanating from Wall Street have a very much wider and more important significance than the mere matter of whether speculation is encouraged or not. All of these influences, however, trace themselves back to the fact that Wall Street has altogether too much of the people's money, and has too little control as to the use it makes of such money. My hope is, therefore, that this power and these influences can be broken by destroying their source, which is the present control of Wall Street over the money of the people. I have no faith to believe that the power which has been exerted so long, and which has grown so rapidly in recent years, and which constitutes such an evil at the present time, can ever be broken by any plan except one which will remove these deposits from the control of Wall Street and put them where they can not be used for loans on stock exchange collateral.

EVERY DOLLAR RAISED IN MINNESOTA.

I note what you say in regard to the formation of the National Citizens' League, and desire to state to you very emphatically that so far as the Citizens' League of Minnesota is concerned, every single dollar it has spent has been raised here within the State from business men and others whom you know or whose names are at least familiar to you, and that not one cent has come directly or by any devious course from Wall Street. I wish to be equally emphatic in saying that the work of this organization, which has been prosecuted under my authority, has not at any time been informed, even in an indirect manner, by Wall Street, nor subject in any way, shape, or manner to any control from Wall Street. A study of our literature, our statements to the newspaper press and to the business men, and the statements made by public speakers appearing under the auspices of this organization have all, without exception, called attention to the very dangers which interest you so much and have steadily hammered home the fact that the control of Wall Street must be broken in the interest of business in this and other States. I know of no way in which we could have made our antagonism to Wall Street control more apparent or more emphatic.

NATIONAL LEAGUE INDEPENDENT.

I have been very familiar with the organization and work of the National Citizens' League since its formation. I have been as interested as you in knowing whether there were any indirect connections with Wall Street or whether Wall Street was engineering the work of that organization, with which this organization in Minnesota, although independent and distinct from that, is affiliated with it, and have been unable to find any connection with Wall Street or to develop any other situation than exists with regard to our own organization in this State.

WORK STARTED IN WEST.

I think you have overrated the power of the so-called Money Trust in connection with the work of the National Citizens' League. All of this work started in the West and not in the East, and is being supported, so far as my knowledge and information go, in exactly the same manner as the work in Minnesota—that is to say, by the independent subscriptions of local men. In case these organizations are under the control and authority of Wall Street it would never have been necessary to go outside of New York for enough money to conduct their work. On the other hand, it has been necessary in Minnesota not alone to solicit the subscriptions of business interests, but to pursue a very active campaign for membership in order to provide funds through the use of which business men might be thoroughly informed on this very important question.

UNJUST TO BECLOUD ISSUES.

I agree heartily with you in your statements that if the bill now before Congress is right we should all work to have it enacted into law. If it is a bad bill its defects should be pointed out, and if you will permit me to say so, I should like to express my view that to criticize this organization, and to charge that it is affiliated with Wall Street under the control of the Money Trust, when, as a matter of fact, it is a local institution, supported by Minnesota money and trying its best in all sincerity to get the facts out on this question before the business men of the State, serves only to cloud the issues involved and make them more and more hazy in the minds of the people of the State at large. Such criticisms are unjust, and doubtless will have bad effects which will be impossible for you to remove because of the fact that it is very easy to arouse prejudice, but not so easy to get business men to give the serious study to such a question as this as its importance to them deserves.

CRITICISM WELCOMED.

It is to the point to confine criticisms of the legislation now before Congress to specific things and to point out wherein any defects in this bill may lie. I shall be very glad to welcome your criticisms along this line, and to give, in so far as I can, our views in regard to any objections you may raise.

MONEY-TRUST INVESTIGATION.

Now, in regard to the so-called Money Trust. I find that you and I are in perfect accord in one thing—that is, that there is a Money Trust of some kind which exerts a very powerful influence in this country. I doubt very much whether any investigation will show that it is in organized form. If, in your opinion, it is worth while to go ahead and prove, through an investigation which will cost a great deal of money, that such a trust does exist, there is no objection whatever to your doing so, although it may not be productive of results of great benefit to business men, but simply prove something which we all know exists. If you can go further and bring out facts that are not already known in regard to the extent and ramifications of these influences there is nothing that you uncover that will not directly help the work of this league by showing the business men with more and more force how important it is that the defects and pitfalls of the present banking system be remedied. If a Money Trust exists, it is the direct product of a banking system which has remained practically unchanged since the Civil War, and the business men of this country have themselves to thank for not having made it impossible long ago for Wall Street to continually extend its power.

ASKS LINDBERGH'S COOPERATION.

It seems to me that this organization is working along the same lines you are, to eliminate the serious dangers under the present banking system and to substitute a better system which will limit the power of Wall Street and prevent any group of financiers from enriching themselves or extending their operations through the use of money which does not belong to them, but to many thousands of depositors in banks. These facts suggest to me that you ought to be a member of this organization and take an interest in its work and keep in touch with what it is doing. I shall be glad to have your membership fee and put you on our list.

Thanking you for your letter and the opportunity you give me of making a frank reply thereto, I am,

Yours, very truly,

JOHN H. RICH, *President.*

In the same circular was a purported interview with me, which never occurred, but I have no doubt Mr. Rich thought it had or he would not have quoted it. My objection to Mr. Rich's circulars are that he did not use my whole letter. The public was entitled to it all, if any was used.

Mr. Rich wrote me a personal letter, saying he would discuss the plan. To that I answered as follows:

Hon. J. H. RICH,
President Citizens' League of Minnesota,
Publishers of Banking Reform, Chicago:

Replying to your letters, I acknowledge with pleasure the courtesies, and will gladly discuss the monetary plan. I note that you prefer to have me make no statement concerning Wall Street influences in favor of the plan. I am willing to leave Wall Street out of the discussion if the advocates of the bill will discuss it on its merits and demerits and not pretend that Wall Street opposes it, and in that way seek to get the public to support it; but if its advocates continue to claim that Wall Street opposes the measure I shall show some of the facts that relate to Wall Street.

As I was challenged, I desire to direct the discussion along lines to secure the most information on the plan in the least time and space, confining my letters, so far as possible, to approximately 1,000 words each. I will arrange one or more points to discuss in each letter and will ask and answer direct questions on the different sections. If at any time you fail to answer my questions, I shall follow with answers. When we have covered the plan then general statements may be made.

To the public we may all say that the only justification for a new plan is that it should be better than our present poor system and that the plan should be the best we can get.

You claim that the proposed plan is better than the one we have. I claim that it is not. That is a square issue. The public has a right to believe that we are equally interested in securing a good plan. If the majority of the people will take an interest in this subject and give their support to a good plan, prosperity will be secured for all, whereas now, by the most burdensome labor, most people can secure only the bare necessities of life.

None of the advocates of the plan, so far as I have been able to learn, has discussed its details. I will do that in these letters. I ask that you answer all questions and objections section by section of the plan until we have covered it. We can propose amendments. Do not fail to answer each point to which I direct your attention. You did not answer two important questions in my letter No. 1. I will

explain one of them here, assuming that you may answer the other in the meantime.

By section 56 it is provided that on the first $900,000,000 of the association's notes it shall pay, for the full period of its charter, 50 years, a franchise tax of 1½ per cent per annum on an amount equal to the par value of the United States 2 per cent bonds transferred to it by subscribing banks. Unless the subscribing banks transfer the bonds to it, it will pay no tax whatever on that portion of this sum in excess of national bank notes outstanding, now approximately $680,000,000. But the banks can transfer these bonds to individuals friendly to the Money Trust, retire the national-bank notes secured by them, and relieve the association of the tax on the whole $900,000,000. That is what, in common parlance, is called a joker. The Government has reserved the right to pay these bonds 1930 and, to maintain its credit as it should, will probably do so. Holders of the bonds will have no taxes to pay on them and will draw $244,800,000 of interest in the 18 years, and out of the whole affair, on that section, would save their private monopoly $675,000,000 taxes in addition, in the term of its charter. Does anyone wish to assume that they will not take advantage of this opportunity? But if all the bonds are transferred to the association which (that implies that all the national banks would have to join it) are now held by banks to secure circulation, it will, computing from the Treasury report, February 23, 1912, still be exempt from taxation for 50 years on approximately $220,000,000.

Section 56 would give the association the use of $220,000,000 for 50 years without charge, and by it a private monopoly may, at its option, get $900,000,000 exempt. I ask you to answer if you favor the Government giving to a private monopoly the right to print what will pass as money $900,000,000, or even as much as $220,000,000, without paying for it when the plain people will have to pay for every dollar they get? When the Government has to raise money it issues its bonds and pays interest on them. This plan proposes to give to a private corporation, when it wishes to secure money, the power to print bills to pass as money without paying anything for the privilege. Do you advocate that section? If not, what amendment would you suggest? I am opposed to giving any such power to a private corporation. That is not the worst section in the bill, however. When you state your position on that section I will take up another.

I call your attention to the fact that the association would be absolutely owned by the same banks that are now running the finances of the country. That these are the banks that would borrow its money. Neither you nor I nor anyone else can borrow from it. The plan does not propose to change the law to regulate them. We will have to deal with the same banks that we now do. Now, under our present laws, if they are bold enough to dare it, the banks can in some measure act without being bound by the central money power. If once the proposed monopoly is completed they will be irretrievably tied to it, and the banks with less than $1,000,000 capital will cut little figure. My discussion will lead up to show that, after you have answered some questions on specific sections in the plan. Mr. Rich, president of the Minnesota League, I believe to be an honest man. Since his first letter appeared challenging the discussion of the plan several of my friends who know him, state that he is very much in earnest, and that he is fair. That being so, I feel confident that when we have discussed section by section of the bill that we shall finally agree that most of them should be amended. That is why I wish that each of my questions be specifically answered, because I think we can, after the discussion, prepare an honest plan which, if enacted into law, will take business out of its present stagnation.

Respectfully,

C. A. LINDBERGH.

To that letter I received a copy of Banking Reform containing an article in reply and also a letter from Mr. Rich.

The answer of Banking Reform I quote, omitting their quotations from my letters, which show for themselves. The answer was as follows:

The National Citizens' League, in its desire to promote a free, unprejudiced, nonpartisan discussion of banking and currency reform, opens the columns of Banking Reform to all citizens who have constructive ideas for remedial legislation, or who have criticisms to make of the reform plan proposed by the National Monetary Commission.

Hon. CHARLES A. LINDBERGH, a member of the Minnesota delegation in Congress, and a foe of the Money Trust, has criticized the proposed plan on the ground that the National Reserve Association would be controlled by Wall Street. We have therefore asked Mr. LINDBERGH to state specifically his reasons for this belief. In our letter to Mr. LINDBERGH we said:

"We suggest that you confine any article you may care to write to the manner in which Wall Street, New York, or the Money Trust, would control the proposed reserve association, and what it would do with the control if it got it."

As we have yet to learn how the Money Trust could get hold of the National Reserve Association, and what it would do with it if it got it, we are keenly anxious to have somebody answer the question. But Mr. LINDBERGH has disappointed us. He opens his discussion with a criticism of the proposed method of ridding our currency system of the bond-secured bank notes. We hope Mr. LINDBERGH will later avail himself of the opportunity to use these columns to answer the question. He says:

* * * * * * *

CRITICISMS BOILED DOWN.

Mr. LINDBERGH'S objections, as above stated, may be boiled down to these three propositions:

"1. That the association could evade the payment of the proposed tax of 1½ per cent a year on $680,000,000 of United States twos by arranging to have private investors buy the bonds from the national banks.

"2. That if the banks, on the other hand, sold the bonds to the association, thus forcing the association to pay the franchise tax, the association would still be exempt from the payment of any tax on $220,000,000 of additional circulating notes that it could issue under the plan.

"3. That the banks are now in some measure free from central control; that under the plan they would be tied to a private monopoly; and that the small banks would be swallowed up."

It is to be regretted that Mr. LINDBERGH does not open his attack on the plan of the Monetary Commission by striking at the fundamental principles on which the plan is based. The National Citizens' League is interested in fundamental principles. The league believes that these principles are incorporated in the plan.

The manner in which these principles are to be worked out in technical detail is a matter for the Congress of the United States to determine after a full discussion of the whole question. The particular detail which Mr. LINDBERGH discusses in the above criticism is one to which the commission has given a great deal of conscientious study.

The fact that we have an inelastic, unscientific bank-note currency is not, we believe, a matter of debate. That the volume of our bank-note currency ought to be regulated by the needs of the business community and not by the market, for the bonded debt of the United States is likewise, we believe, recognized by Mr. LINDBERGH and all other intelligent men. The problem before the commission and before Congress is how to substitute a scientific bank-note currency for our bond-secured currency with the least disturbance to the country, and without loss to the Government, the banks, or the people. The commission has proposed a tentative plan for this particular reform. Better plans may develop in the discussion in Congress. But Mr. LINDBERGH proposes no substitute for the plan he criticizes. His criticism is destructive; what the country demands is constructive criticism.

THE ANSWER TO MR. LINDBERGH.

I. If Mr. LINDBERGH knows of any large-pursed philanthropic capitalists who stand ready to invest $680,000,000 at 2 per cent interest, he has access to sources of information closed to 91,972,265 of his fellow countrymen, basing the computation on the official census of 1910.

The Government twos of 1930 sell around par because they are used by the national banks as a basis of issuing bank notes. The banks make the market for them. Without the circulating privilege they would sell on a 3 per cent basis, as do the Panama threes. As an investment bond, shorn of the circulating privilege, they would sell not at 100, but around 70. A very powerful syndicate, such as Mr. LINDBERGH has in mind, might be induced to take over this mass of bonds around 70. But this would mean a loss to the banks of $300 per bond, or $204,000,000 on the whole amount. That the 7,300 national banks of the country would give up the privilege of issuing their circulating notes and pocket a loss of $204,000,000 in the bargain, is a proposition that Mr. LINDBERGH surely does not wish to discuss seriously.

But how does Mr. LINDBERGH propose to get this $680,000,000 of bonds out of the Treasury into the hands of his great syndicate? The charter bonds—to the amount of about $150,000,000—could be obtained from the Treasury only by closing up the banks—they are there to stay. The additional bonds deposited to secure circulation could be obtained only by the deposit by the banks with the Treasury of an equivalent amount of lawful money. The banks would then get their bonds, but they would get their money back only as the bank notes came in gradually for redemption. Under the law, furthermore, the Treasury will receive no more than $9,000,000 a month for this purpose, so that it would take several years to get the bonds—no matter how willing might be Mr. LINDBERGH'S syndicate to pay spot cash.

Mr. LINDBERGH'S first proposition therefore reduces itself to an absurdity.

II. Mr. LINDBERGH'S second objection is that the association would have the privilege of issuing $220,000,000 of circulating notes without the payment of any tax. His underlying idea is that it is unjust that any institution should have the privilege of issuing demand notes to pass as money without paying a tax for the privilege.

In this connection, Mr. LINDBERGH may find in the report of the Indianapolis Monetary Convention—1898—a lucid discussion of the whole question of "Taxation of banks," with especial reference to the matter of the taxation of note issues.

A tax on note issues is a tax on the people—it increases the cost of borrowed money. It is always the consumer who pays the tax. The $220,000,000 of notes Mr. LINDBERGH would tax are the notes that the commission believes would be needed by the farmers at harvest time to move the crops of the West and South. A tax on these notes would be a tax on the farmers—it would increase by just so much the cost of funds they need to market the products of their industry.

In some countries note issues in excess of a certain amount are taxed; but this is not a tax on the privilege of issuing notes; it is a tax for the purpose of increasing the cost of loans, and so checking undue expansion of credit. Such a tax is proposed in the plan now under discussion in this country. It is one of the proposed safeguards against inflation.

Why, may we ask Mr. LINDBERGH, should notes be taxed and deposits not be taxed? If Mr. LINDBERGH discounts his paper at his bank in Little Falls, Minn., he may use the funds he thus obtains either in the form of a deposit on which he can check or in the form of bank notes. He may pay for his winter's coal with a check or with bank notes; it makes no difference to the bank. If he thinks that bank notes should be taxed, why, then, should not his deposit be taxed? One form of bank credit is just as good as the other for his use in the payment of his obligations. His check is as good as money wherever he is known, and it may pass from hand to hand in exactly the same manner as a bank note. Does he think his check should be taxed?

Does the friend of the people propose to tax the people?

III. Mr. LINDBERGH'S third objection—that the proposed national reserve association would strike at the independence of the small banks—is, we believe, founded on insufficient study of the plan. The bulwark of our American banking system is the independent bank, owned and managed by the trusted men of affairs in the community it serves. Any proposal for banking reform which did not preserve this independence would be repugnant to our American banking traditions. The country banks are now, to a greater or less extent, the feudal dependents of the big city banks. The national reserve association would strike at the very root of this feudal system and would give the small banks of the country a real democratic independence in place of the pseudo independence they now have in our banking oligarchy.

Mr. LINDBERGH plainly views banking in this country as a monopoly; he assumes that the national reserve association would be a "private monopoly"; and he makes the strange error of assuming that the association would be a profit-making institution, and that its profits would go to its shareholders.

These assumptions are based on a surprising lack of knowledge of American banking and of the plan of the Monetary Commission. We have in this country a free banking system—anybody with a little money can open a bank anywhere in the United States, receive deposits of the people's money, make loans to the business community, and compete with every other banker in the country. The reserve association would not disturb this system of free banking. Anybody would still be free to go into the banking business and become a member and shareholder in the association. But with the proposed cooperative plan in operation there would be even more freedom of action for the small banker. He would get from a public institution as a matter of right what he now gets from the big banks as a matter of favor. The idea that the association would be a profit-making monopoly is a strange delusion. The association would pay, at the maximum, a rate of dividend to its shareholders so low that many banks are asking what would be the use of their joining it. All the profits of the institution in excess of this low rate of income on the investment would go to the Government, and so to the people, who are the Government.

My reply was the following letter:

To Hon. JOHN H. RICH,
President Citizens' League, Minnesota,
and to Publishers of Banking Reform, Chicago.

GENTLEMEN: It was my aim to discuss with you, so far as I am able, ways and means to secure the best currency and banking bill possible. Your answers show that you favor the Government granting special privileges. I am opposed to that. Therefore it is not likely that we shall be able to join on a plan.

The principal statement in your answer that the public should take notice of and remember is the following:

"A tax on note issues is a tax on the people—it increases the cost of borrowed money. It is always the consumer who pays the tax. The $220,000,000 of notes Mr. LINDBERGH would tax are the notes that the commission believes would be needed by the farmers at harvest time to move the crops of the West and South. A tax on these notes would be a tax on the farmers—it would increase by just so much the cost of funds they need to market the products of their industry."

That statement admits, as I have alleged the bill would do, that it is proposed, by one section of the bill alone, to give to the money monopoly at least $220,000,000. You try to justify it because, as you state, it would be needed by the farmers at harvest time to move the crops of the West and South. In effect you state that you want the Government to give a monopoly power to print that $220,000,000 to speculate with the farmers' products. If you are really anxious to help the farmers we can frame up a bill that will not place Wall Streeters between the farmer and consumer. Why would you delegate that power to a monopoly even if it were not to Wall Street? Do you want to create another special interest even greater than Wall Street? You say "it would be a tax on the farmers" if the monopoly pays a tax on the $220,000,000 that the Government would give to it to buy the farmers' products. But there is no provision in the bill to prevent the monopoly from charging the farmers any sum that it pleases. Sections 49 and 56 give the monopoly at the least $220,000,000 free from the tax for 50 years, and $680,000,000 additional at 1½ per cent, but for nothing if it chooses to juggle, with practically no restriction as to how it shall be used. By another section it would, within a few years after its organization, have power to issue billions, and by juggling even avoid paying taxes on that. You propose to trust everything to a private monopoly. I call your attention to the decision of the Federal court in the Standard Oil case (173 Fed. Rep., 177), in which the court uses the following language:

"The power to monopolize vested in a combination is indicative of the character of the combination; because it is to the interest of the parties that the power shall be exercised and the presumption is that it will be."

To the same people who now have most of the money you propose to give power to print more money. Do you think that their characters have changed so that instead of fleecing the public as the court indicates is natural for a monopoly that has the power, and as they have done in the past, that now, if we give them the $220,000,000 and the other sums proposed they will be public angels and not charge all that they can get for its use?

We gave away our public domain, our timber, our mineral, our water powers, our ports, and our terminals, etc. That is what the standpatters in Congress gave away. Do the railroads charge us less freight because they get hundreds of millions of acres free land grant? Do we get lumber cheap because the lumbermen got the timber for almost nothing and much of it through political trickery? Do we get the products of the mines cheap because the owners got the ores for little or nothing? Does the owner of a lot, who gets it for a few dollars, sell it cheap when the demand for it has increased the value to thousands? If the rich getting things for nothing makes things cheap, how do you account for the high cost of living? How will you account for the Rockefellers, the Morgans, the Hills, the Harrimans, if when they get things for nothing they give the people the benefit of it—I mean the 3,000 persons who own and control more wealth than all the other 93,000,000 together? Are they letting us have things cheap because what they have cost them so little?

Now, again, you advocate that we should give away $220,000,000 with no practical restriction as to its use. Are these money kings going to keep it idle between crop-moving times, or will they be angels to the stock and bond and produce speculators and loan it to them between times? I mean will the big bankers, who will control this monopoly, do that if you give them the money without tax, and then, when it comes time to move the crops, will they notify the speculators to pay because the money will be wanted for the farmers? I ask you, will they do all these things? Will the money kings make the speculators pay in crop-moving time and thereby raise the rates of interest and consequently reduce the price of crops when the farmers sell? Then, again, when the farmers want to buy the finished products will their prices be raised? I ask you to answer these questions. I readily see that upon the advisability of giving to a monopoly $220,000,000 we are fundamentally separated.

You say that the Government is going to get great profits out of this private monopoly. How do you reconcile that statement with your other statement that if there is any charge it will tax the farmers? I infer from your statement that you are willing, when the farmer borrows, to tax him so as to make him pay, first, 5 per cent annual dividends and 20 per cent surplus to the stockholders, and in addition the cost of an expensive administration by innumerable officers, who would fix their own salaries; and, lastly, enough more to make a great profit to the Government. But you justify the gift of $220,000,000 to the monopoly without paying any tax whatever. The two positions you take seem to me to be diametrically opposed. Do you want to create a private monopoly at all to assess the people to collect the taxes for the Government? On these questions I think the public would be glad to have your answers.

My speech, referred to later herein, sets forth the way in which Wall Street would control the National Reserve Association, and I hope that you will publish in Banking Reform all of what I said about that.

It needs no "large-pursed philanthropic capitalists," as you suggest, to be ready to buy the 2 per cent United States bonds to avoid the special tax of $680,000,000. These bonds are already owned by the same parties to whom you propose to give the power to form a monopoly. No one else can turn them in, according to the bill, and these would have the option to do just as they choose. The bonds would be held by them in practically the same proportion to their stock holdings. They would not be needed to base currency on, because their own association could issue currency without bonds. Your statement that the Government pays only 1½ per cent net goes to show that it would be profitable for the holders not to turn the bonds in, because when the owners retire the bond-secured bills they will get the 2 per cent interest the bonds bear, and in addition avoid a special tax of 1½ per cent on an equal amount, which would be 3½ per cent net—a pretty fine rate when backed by the Government. If the bonds are paid in 1930, as they probably will be, they would get an exemption from tax for 32 years additional, which would be equivalent to increasing the interest to upwards of 5 per cent.

Answering some of your less important questions in omnibus, you seem to think that private depositors are not subject to be taxed. If you will examine the law, you will find that they are.

Neither my check nor your check should be taxed to us, because when we give checks it transfers that much funds to the person who owns the checks. It is the owner of the funds that should be taxed, the same as owners of property are.

I dropped the discussion of the Wall Street control from my letters because I would present it in a speech. I knew very well that you would not admit Wall Street's control under any circumstances. I would not ask you to do it. The public will form its own opinion about that.

As to section 56, I ask you to reread it, after first reading 49 and 51, and then I refer you to my speech for further explanation.

The bill does not propose to withdraw from the banks the circulation privilege, unless they choose to do so themselves. Therefore I see no reason to discuss your statement about that. But I do not believe in creating a special privilege as an inducement for the banks to surrender their circulation. We have too many special privileges now.

It is unnecessary to discuss the inference of your statement that I do not understand. That is a matter for the reader to determine from our arguments. But I see that, so far as your circulars and Banking Reform are managed, I am at a disadvantage, because you publish only such parts of my argument as you wish and publish all of your own.

I have observed that whenever a scheme is devised to put through Congress a bill for a special privilege that the proponents of it at once become solicitous for the farmers and the wage earners and ask them to urge Congress to pass it. The proponents well know that the farmers and wage earners elect and also defeat legislators as they choose. But if the schemers secure what they want they then proceed to collect the extra charges from the farmers and wage earners and from the public in general.

Now, gentlemen, it appears that we are fundamentally separated, traveling along different lines and aiming to different purposes. It would be easier for me to be on the same side that you are; but it is not my way to look for the easiest side. The country has gone too far to one side—the side of wealth. I can see how those who have always been with or who for a long time have had the surroundings of wealth may, even in their sincerity, advocate giving additional wealth as a special favor; therefore I shall not charge the advocates of the Aldrich plan generally with insincerity. It has been my lot to become acquainted with all sides of life, from the poorest people to the most wealthy. I know what the struggles of life are. I know that the wealthy have their troubles and that it is not all gold that glitters. But I have been among the poor—have been poor myself, and am now—but, so far as I am concerned, I ask no sympathy. I do, however, sympathize with humanity in the miscarriage of government, because government is the very foundation of our social conditions, and I shall do all I can to correct the evils of the present system.

Upon the proper solution of the financial problems we seem to be far separated. I have recently made a speech in Congress on this subject, embodying some of my criticisms of the Aldrich plan, and I shall soon publish a little volume dealing more fully with the details of finances. The speech will be in print in a few days. It answers the questions you ask that are not answered in this letter, and I will send you a copy. I will also send you a copy of the book when it is printed. When you read the speech and the book you will understand why we think differently. Therefore we may as well now revert to the adage, with the courtesy of no reference to its personal application, for it might apply to either or all of us, leaving the application for the reader to make.

Convince a man against his will,
He holds the same opinion still.

I wish to remind you of something that possibly you are overlooking in this discussion. In connection with that I quote from your letter the following:

"Mr. LINDBERGH'S second objection is that the association would have the privilege of issuing $220,000,000 of circulating notes without the payment of any tax. His underlying idea is that it is unjust that any institution should have the privilege of issuing demand notes to pass as money without paying a tax for the privilege."

Then you go on and attempt to show why they should have. I have not discussed the question of who should issue notes to pass as money, nor the conditions. I shall discuss that at another time. You are trying to teach the people to force Congress to pass the Aldrich bill. You tell them to think for themselves, but at the same time you are telling them how you want them to think. You are showing them how the Government can authorize a money monopoly to print bills to be used as money; and you are advocating the bill that will do that. By its provisions the notes, bonds, and securities of private individuals, the reserves of banks kept with the association, and the Government deposits will be security for the bills so printed.

Has it not occurred to you that you are simultaneously showing the people, if they will stop to think about it—and they are likely to—that if a private monopoly can be given the power to issue notes to pass as money—if the Government can delegate that great privilege it can also use the power itself for the people. It has all the assets of the people back of it, so that it can redeem its notes as well and better than a private monopoly. In that way you could save the farmers, for whom you profess to have a special sympathy, the cost of the 5 per cent annual dividends and the 20 per cent surplus and the immense cost of a corps of officials, and also the expensive methods to support the Government.

Why do you want to let a private monopoly print notes and make them legal tender and support them by Government deposits and bank reserves that belong to the people and by the personal notes and obligations of the people? Have you thought that your arguments may show the people that it is better to let the Government issue these notes instead of a monopoly doing it? Of course, Wall Streeters would tremble if they suspected that the people would get out of all this discussion the idea that the Government might as well keep this great privilege for the benefit of all the people. If the Government did that your city banks could not control the reserves that belong to the country banks, and both the country and city banks would be more independent. All the people would be independent.

Let us refer back and see what was done in the sixties that scared the money kings all over the world. Our Government issued $433,000,000 greenbacks. If at that time the Government had taken pains to keep them at par so that no one would have lost on them, the same as it is proposed that this private monopoly shall keep theirs at par, there would now be no public debt and comparatively little private debt, and we would have been prosperous all these years and would now all be

prosperous. The Government, instead of doing that, delegated the power to private parties and the Government guaranteed, while the private parties took the interest and profits on the Government guaranty. The Government resumed payment in full of these greenbacks after they had been purchased by the money kings. Now, the Government can do what you propose should be done by a private monopoly. Do you think the people will let you fool them that way? They gave away the timber, the public domain, the minerals, and much else. Now what are they getting? They know. Are they now going to give away the right to regulate their finances? Let us see what the London Times, a newspaper controlled by the money kings in the sixties, said about the $433,000,000 greenbacks. It was as follows:

"If that mischievous financial policy which had its origin in the North American Republic during the Civil War in that country should become indurated down to a fixture, then the Government will furnish its money without cost. It will pay off its debts and be without debt. It will have all the money necessary to carry on its commerce. It will become prosperous beyond precedent in the history of the civilized Governments of the world. The brains and wealth of all countries will go to North America. That Government must be destroyed or it will destroy every monarchy on this globe."

If the Government had kept the greenbacks at par, as it is proposed by this private monopoly to do with its bills, we would never have gotten into this trouble, and everybody would now be prosperous. It is impossible to pay 5 per cent interest, saying nothing about keeping up an expensive corps of officials and collecting profit for the Government, without having periodical panics for the purpose of liquidating. It is not within the mathematical calculation to do so on the basis of the present distribution of wealth. We are bound to have periodical panics to liquidate usury. Do you advocate a law that by the very terms of it will destroy the continuous success of the people? Some of our laws are of this kind now, and you are proposing one that is worse than any heretofore.

If the people once begin to realize how outrageously they have been enslaved by the false money system and other false practices, it will not take long to get a new plan; but if they should turn to the Aldrich plan and accept that without amendment, they will get the last straw. Their backs will not only be further loaded but will be broken. Just keep this money problem agitated until the people get fully interested, as they did in the question of slavery. When they once realize how quickly this country can, by a proper money and credit system, be changed from a field of drudgery to a land of plenty for all of its 93,000,000 of people they will not be slow to act. I do not complain of the wealthy, but I do of the waste that we now have. The wealthy will lose nothing by a proper change, except the opportunity to further tax us, but the rest of us will gain.

This money problem is the most important of all now pending, but the politicians try to obscure that fact. I hope that every one who reads yours letters and mine, too, and your discussions and my speech will pass them on to their neighbors and in that way keep them going, so that more may get interested. I can live under our present system, and so can others, but I should like for us all be be most prosperous—as prosperous as natural conditions will allow. We can not be that as things are now, and we should change our money and credit system so that it may not be a special-privilege affair. We can not make this change until the people are ready for it. I am not in favor of making any change that the people are not ready to support. If a majority want the Aldrich plan, bad as it is, it will be the duty of the rest of us to accept the verdict and make the best of it. But I am sure if we can get the people to study this problem well that much good will come out of the discussion. Your claim that it is tearing down things to oppose the Aldrich plan is based on the wrong assumption. The burden is on the advocates of the plan to show that it is better than the present system. When the public has found out the defects of the plan you propose, some one will be ready—possibly yourselves—to suggest amendments or a new plan altogether. In the meantime we should all be working on it.

Sincerely, C. A. LINDBERGH.

The Sugar Schedule.

SPEECH

OF

HON. ADOLPH J. SABATH,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 16, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. SABATH said:

Mr. SPEAKER: On December 10, 1909, I introduced the following resolution:

Resolved, That the Secretary of the Treasury and the Attorney General are hereby severally directed and instructed to report to this House as speedily as possible the names of the corporations controlled by the American Sugar Refining Co., incorporated January 10, 1891, in New Jersey, the names of the directors of each of the several corporations so controlled; secondly, the amounts actually received from any of these companies in settlement or compromise of any violations of the customs laws, and the dates thereof and the approval for such settlement, compromise, and payment of moneys due to the United States; thirdly, a compilation of the amounts that should have been paid to the United States on merchandise either fraudulently imported or undervalued; and, fourthly, an abstract of the testimony in the various proceedings had and the names and rank of the persons prosecuted; and, fifthly, the length of time that these frauds were carried on; and, sixthly, the reasons why criminal proceedings against the directors of the Sugar Trust were not instituted.

This was the first resolution of its kind and was the first real step taken against the Sugar Trust. As you will notice, it was my desire to secure information for the Members of this House and the people of the country concerning the great frauds that were being perpetrated by this gigantic trust against our Government, and why the Government officials of this administration accepted from this sugar combine a fifteenth part of the amount that has been alleged the Sugar Trust defrauded the Government of at that time.

When this situation became known to the country there was an insistent demand on the part of the people for an investigation. The President, Mr. Taft, being greatly interested (and I wonder why), sent a special message warning us that an investigation on the part of Congress might interfere with the investigation proposed to be carried on by the Department of Justice.

Not wishing to interfere, and to give him and his administration every opportunity to carry on the investigation without delay and to eliminate all possible excuse for not proceeding immediately, I inserted the following provision in my resolution:

Provided, however, That should the committee ascertain that any investigation on its part may interfere with or obstruct or retard any honest prosecution on the part of the Department of Justice of all of the perpetrators of such frauds and all that are in any way connected with such frauds, then the committee shall postpone such investigation until such time as it will in no way conflict with any criminal prosecution.

This was done to preclude interference with any honest efforts on the part of the department and the administration against this Sugar Trust. This was, as I stated, on December 10, 1909. I patiently waited 16 months for the administration to proceed against the gentlemen higher up who were responsible for these great frauds, but during all these months no steps had been taken to bring those criminals to justice, and, as I had determined that these frauds should not go without proper punishment, I again, on April 20, 1911, introduced this resolution:

Resolved, That the Secretary of the Treasury and the Attorney General are hereby severally directed and instructed to report to this House as speedily as possible the names of the corporations controlled by the American Sugar Refining Co., incorporated January 10, 1891, in New Jersey, the names of the directors of each of the several corporations so controlled; secondly, the amounts actually received from any of these companies in settlement or compromise of any violations of the customs laws, and the dates thereof and the approval for such settlement, compromise, and payment of moneys due to the United States; thirdly, a compilation of the amounts that should have been paid to the United States on merchandise either fraudulently imported or undervalued; and, fourthly, an abstract of the testimony in the various proceedings had and the names and rank of the persons prosecuted; and, fifthly, the length of time that these frauds were carried on; and, sixthly, the reasons why criminal proceedings against the directors of the Sugar Trust were not instituted.

That was within five days after the Democratic Congress convened in special session. Just about that time and a little later other resolutions of like nature were introduced.

On May 9, 1911, within 30 days after the Democratic Congress convened in special session, resolution was adopted by Congress to investigate the Sugar Trust. I wish to state that during this time I introduced three bills exempting certain articles of food from duty, in two of which sugars of all grades were included. One of these bills was during the final session of the Sixty-first Congress and the other two were introduced during the present session, and during all this time I have continuously advocated, insisted, and demanded the investigation of the Sugar Trust and placing sugar on the free list.

Is there any wonder when I say that I now feel elated at seeing my labors rewarded by having the pleasure and satisfaction of knowing that this House is placing sugar on the free list, and that criminal proceedings have been finally commenced against the officials of the Sugar Trust, a gang of pirates.

I feel satisfied with my efforts and my work, as I firmly believe that my insistence and persistence and the new resolution that has been prepared forced the administration to proceed a few days ago to bring these malefactors to trial.

Mr. Chairman, placing sugar, which is a necessity of life, on the free list is a step in the right direction. I have always believed that it is unjust and unfair to tax the necessities of life, and I hope that at no late day my bill placing all other food articles on the free list will be favoraby reported.

Exempting sugar from duty will relieve American consumers of the payment of $115,000,000 annually, thereby invoking an indirect saving of at least $7.50 for every family each year. And when such taxes are removed from the other necessities of life the high cost of living problem will have been solved.

This action by the Democratic House conclusively demonstrates that we are legislating for and in the interests of the people, and that we do not believe in placing burdens upon 99 per cent of the people for the benefit of the other 1 per cent. The same 1 per cent controls and regulates the prices which the consumer is compelled to pay for all of the necessities of life, and which prices they manipulate at will without regard to the law of supply and demand.

I am also heartily in favor of and will with pleasure vote for the excise tax, which provides for a tax of 1 per cent on all incomes of $5,000 and over.

This law will transfer to the people who are best able to bear it a portion of the burden that has long been borne upon the shoulders of those that can least afford to pay it.

The Sugar Schedule—Free Sugar.

SPEECH

OF

HON. H. ROBERT FOWLER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 15, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"—

Mr. FOWLER said:

Mr. CHAIRMAN: While it is one of the primary duties of organized government to provide sufficient revenue to defray the necessary expenses thereof, yet it is equally binding upon such government to enact only such laws as will bring the greatest good to the greatest number. The taxing power should never lay heavy hands upon the necessaries of life except in times of emergency, and then it should be used discriminately, in favor of the masses, by placing the burdens of taxation upon the luxuries of life and upon those who are most able to bear them. Our greatest temporal wants are found in supplying ourselves with food, raiment, and shelter. These are necessaries of life and are common to all men alike.

Our greatest comfort and happiness is not necessarily found in an expensive and wasteful supply of these articles, but a plain and wholesome supply in sufficient quantity to satisfy that law which gave birth to our existence and which numbers our days is not only necessary to our happiness but to life itself. That power which places this supply beyond our easy reach entails upon us not only unnecessary burdens but becomes our inveterate enemy.

A heavy tax upon these articles is one of the ways of lessening our chances for this supply. Were the wealth of this country equally distributed among the people with power to maintain this equality, then the burdens of taxation would fall upon all alike, regardless of the articles taxed and the rate of duty placed thereon.

But this is not the case. The wealth is in the hands of the few, and the masses are poor and dependent upon their daily labor for support. A heavy tax upon the necessaries of life is keenly felt by them. It increases their hours of toil and lengthens their period of servitude. The owners of large capital and big interests are the strongest advocates of a high tariff, and they have invariably succeeded in getting laws passed which place the highest rates of duty on articles most commonly used by the toiling masses and the helpless poor.

TAX ON SUGAR.

Sugar is a necessary article of food. It ought to be on every table in the land three times a day, and yet it has been heavily taxed from the beginning of our Government with but few exceptions. The tariff act of 1789 taxed brown sugar at 1 cent a pound, loaf sugar at 3 cents a pound, and all other sugars at 1½ cents a pound.

The act of 1790 taxed brown sugar at 1½ cents a pound and all other sugars 2½ cents a pound.

The act of 1790 taxed refined sugar at 4 cents a pound. The acts of 1795 and 1800 placed a tax of one-half cent a pound on brown sugar. The act of 1816 taxed brown sugar at 3 cents a pound, powdered sugar at 4 cents a pound, lump sugar at 10 cents a pound, and loaf sugar at 12 cents a pound. The act of 1832 taxed brown sugar at 2½ cents a pound and white clayed sugar at 3½ cents a pound. The act of 1842 taxed brown sugar at 2½ cents a pound and refined sugar at 6 cents a pound. The act of 1846 taxed all kinds of sugar at 30 per cent ad valorem. The act of 1861 taxed brown sugar at three-fourths cent a pound; refined sugar at 2½ cents a pound; refined sugar, after being colored and adulterated, at 4 cents a pound. The act of 1870 taxed raw sugar, not above 7 Dutch standard in color, 1¾ cents a pound; raw sugar, above 7 Dutch standard and all other sugars not above 10 Dutch standard, 2 cents a pound; above 10 Dutch standard and not above 13 Dutch standard, 2¼ cents a pound; above 13 Dutch standard and not above 16 Dutch standard, 2¾ cents a pound; above 16 Dutch standard and not above 20 Dutch standard, 3¼ cents a pound; and all sugar above 20 Dutch standard, and all refined, loaf, lump, crushed, powdered, and granulated sugar, at 4 cents a pound.

The act of 1883 taxed all sugar not above No. 13 Dutch standard and testing 75° at 1⅜ cents a pound, and for each additional degree four one-hundredths of a cent per pound. All sugar above No. 13 Dutch standard and not above No. 16 Dutch standard, 2¾ cents a pound; above No. 16 Dutch standard and not above No. 20 Dutch standard, 3 cents a pound; all above No. 20 Dutch standard, 3½ cents a pound.

By the act of 1890 sugar was placed on the free list, but a bounty of 1½ cents a pound to 2 cents a pound was given the American producer.

The act of 1894 taxed brown and raw sugars at 40 per cent ad valorem, and all sugar above No. 16 Dutch standard and all sugar which had been discolored was taxed one-eighth of a cent a pound additional.

The act of 1897 taxed all sugar not above No. 16 Dutch standard and which tested 75° by the polariscope at ninety-five one-hundredths of a cent a pound, and for each additional degree by the polariscope test thirty-five one-thousandths of a cent a pound additional; all sugar above No. 16 Dutch standard and all refined sugar 1.90 cents a pound.

The act of 1909 taxed all sugar not above 16 Dutch standard and all sugar not testing above 75° by the polariscope ninety-five one-hundredths cent a pound, and for each additional degree by the same test thirty-five one-thousandths cent a pound in addition; all sugar above 16 Dutch standard and all refined sugar 1.90 cents a pound.

For more than a century the American table has been heavily and unduly taxed under the false and misleading plea that by imposing a heavy tariff duty America in the course of time would be able to produce enough sugar to supply our home demand. During the entire life of this Nation, Congress has thrown the strong arm of tariff protection around this infant industry and given it a most wonderful opportunity to grow, and yet at the age of more than 120 years we find it still crying for help. It never has been a healthy child; always pale and sickly. It is one of those cases in which nature does not afford the proper nourishment. Neither the fostering hand of the mother nor the skill of the family physician can save the child. It has dwindled along under the influence of tariff stimulants, hovering between life and death, until to-day it is not more than half as large as it was 100 years ago, comparatively speaking.

The following table shows the difficulties under which the sugar producer has labored in the United States since 1830. A close inspection of these figures makes it evident that the American sugar producer never will be able to supply the demand of our people for sugar, regardless of the size of tariff tax placed upon it. Statistics prove that during the last five years the production of cane sugar has been decreasing. In 1908 we produced 352,000 tons of cane sugar in Louisiana and Texas, which was our total production in this country. In 1911 we produced about 311,000 tons, less than one-tenth of our consumption. The same table of figures, which I will print in the RECORD, shows that we produced in this country 456,000 tons of beet sugar during the same year, a little over 13 per cent of our consumption, or, when combined, it makes a little over 23 per cent of our total consumption.

The following table of approximate figures is submitted:

Consumption and production of sugar in long tons in the United States.

Years.	Total consumption.	Production in United States proper.	Per cent of consumption produced in United States proper.
1830	69,711	34,321	49
1840	107,177	51,556	48
1850	239,904	111,787	47
1860	428,785	120,845	28
1870	607,834	63,200	10.5
1880	956,784	151,736	16
1890	1,522,731	265,439	18
1894	2,012,714	312,079	15
1897	2,070,978	355,371	17
1898	2,002,902	293,905	14.5
1899	2,078,068	233,426	11
1900	2,219,847	269,833	12
1901	2,372,316	439,986	18
1902	2,571,359	473,126	18
1903	2,529,421	496,463	19
1904	2,678,060	423,135	16
1905	2,566,680	544,722	21
1906	2,825,343	613,717	21
1907	2,913,928	663,610	23
1908	3,097,153	780,200	24
1909	3,190,430	739,010	24
1910	3,302,938	785,595	25
1911	3,351,000	756,000	25

SOURCE OF OUR SUGAR SUPPLY.

The world is producing annually about 16,500,000 long tons of sugar. Of this amount we produced in 1911 a little more than 800,000 long tons of cane and beet sugar combined. The production of cane sugar is confined almost exclusively to Louisiana, with a small quantity produced in Texas. During last year Louisiana produced 300 000 long tons and Texas 11,000 long tons, making a total production of 311,000 long tons of cane sugar.

The production of beet sugar in the United States is chiefly confined to Michigan, California, Colorado, Utah, Wisconsin, Idaho, Iowa, and a few other States in smaller quantities. During the same period we produced, in round numbers, in the United States 500.000 long tons of beet sugar. We produced in the Territory of Hawaii last year 506,000 long tons of cane sugar and in the Territory of Porto Rico 291.900 long tons of cane sugar, making a total production of about 800,000 long tons of cane sugar from these two Territories. Put this with the 311,000 tons of cane sugar produced in continental United States, and we have a total production of cane sugar in the United States and her Territories aggregating a little more than 1,000,000 long tons. Add to this amount the 500,000 tons of beet sugar, and we have a total production of 1.500,000 tons of cane and beet sugar in the United States and her Territories.

It is estimated that we consume annually 3,500,000 tons, which is more than twice the production in the United States and her Territories combined. These figures show that the amount produced in the United States is less than one-fourth of our consumption. It is evident that we will be compelled to go upon the markets of the world to buy more than one-half of the sugar consumed by the American people. The table of figures which I have cited and the table which I now cite relative to the production of sugar in the world indicate with much certainty that this condition will continue indefinitely and that we will always be compelled to go upon the markets of the world to buy the bulk of the sugar consumed by our people.

I submit the following table, which shows the production of cane and beet sugar in the world for the last five years, by countries, which table is taken from the Crop Reporter for the month of March, 1912, published by the authority of the Secretary of Agriculture:

Production of sugar in countries named from 1906–7 to 1910–11.

[All data are from official sources, except where otherwise stated. The figures refer to raw or to refined sugar, according to the kind reported in the original returns.]

Countries.	1906–7	1907–8	1908–9	1909–10	1910–11 (preliminary).
CANE SUGAR.					
North America.					
United States:					
Contiguous—	*Long tons.*	*Long tons.*	*Long tons.*	*Long tons.*	*Long tons.*
Louisiana	230,000	240,000	355,000	[1]290,625	300,000
Texas	13,000	12,000	15,000	[1]7,679	11,000
Noncontiguous—					
Hawaii[2]	393,000	465,000	478,000	463,000	506,000
Porto Rico[2]	184,700	186,000	234,400	279,500	291,900
Total United States	820,700	1,003,000	1,072,000	1,040,804	1,108,900
Central America.					
British Honduras	600	600	600	400	[4]400
Costa Rica[2]	2,000	2,000	3,000	2,000	2,000
Guatemala[2]	7,000	7,000	7,000	7,000	7,000
Nicaragua	5,000	[5]5,000	10,000	[6]10,000	[6]10,000
Salvador[2]	6,000	5,000	6,000	6,000	6,000
Mexico	117,600	121,300	140,900	145,600	157,500
West Indies (British):					
Antigua	10,800	14,800	13,300	9,200	[4]9,200
Barbados	56,100	38,000	36,400	18,300	40,400
Dominica	100	100	100	100	[4]100
Jamaica	31,800	28,500	24,000	18,800	12,000
Mont Serrat	800	400	100	100	[4]100
St. Christopher Nevis	15,900	14,900	11,700	12,300	13,300
St. Lucia[3]	5,400	5,000	5,500	5,000	[4]5,000
St. Vincent[3]	300	200	200	300	[4]300
Trinidad and Tobago	63,000	50,000	48,900	53,000	52,000
Cuba	1,441,900	969,300	1,521,800	1,117,500	1,500,000
Danish[7]	12,000	12,600	4,400	11,900	11,600
French:					
Guadeloupe[3]	38,300	35,500	24,800	42,200	[4]42,200
Martinique[3]	36,300	35,400	37,400	[6]37,400	[6]37,400
Santo Domingo[3]	56,000	62,200	69,500	91,400	[4]91,400
Total North America	2,727,600	2,411,400	3,038,000	3,329,304	3,106,700

[1] Preliminary census return.
[2] Unofficial.
[3] Export for calendar year in which crop year ends. Data for 1909 and 1910.
[4] Data for 1909–10.
[5] Data for 1906–7.
[6] Data for 1908–9.
[7] Exports.

Production of sugar in countries named from 1906–7 to 1910–11—Contd.

Countries.	1906–7	1907–8	1908–9	1909–10	1910–11 (preliminary).
CANE SUGAR—continued.					
South America.	*Long tons.*	*Long tons.*	*Long tons.*	*Long tons.*	*Long tons.*
Argentina[1]	116,900	111,600	159,100	125,300	146,200
Brazil[2]	261,000	194,000	244,000	249,000	282,600
Guiana:					
British[3]	100,700	115,200	108,500	101,000	108,300
Dutch	12,400	11,700	11,800	10,800	[4]10,800
Peru[2]	159,000	133,000	148,000	148,000	162,000
Total South America	650,000	565,500	671,400	634,100	709,300
Europe.					
Spain	15,500	15,800	13,800	21,300	22,600
Asia.					
British India[5]	2,205,300	2,046,900	1,872,900	2,127,100	2,226,400
Federated Malay States: Perak	[6]12,000	12,200	11,400	[6]12,000	[6]12,000
Formosa	62,900	64,500	120,400	[7]120,400	[7]120,400
Japan	50,000	49,200	53,100	57,900	[4]57,900
Java	1,051,000	1,191,000	1,222,000	1,222,000	1,234,000
Philippine Islands[8]	118,400	149,300	110,600	125,700	147,000
Total Asia	3,499,600	3,513,100	3,390,400	3,665,100	3,797,700
Africa.					
Egypt[2]	42,000	55,000	49,000	52,000	54,000
Mauritius	216,760	161,500	192,800	248,000	219,300
Natal	24,200	32,000	77,500	[7]77,500	[7]77,500
Reunion[2]	44,000	39,000	37,000	39,000	43,000
Total Africa	326,900	287,500	356,300	416,500	393,800
Oceania.					
Australia:					
Queensland	182,200	185,100	150,400	132,800	210,800
New South Wales	23,400	29,200	15,300	14,700	18,800
Fiji	41,900	68,300	66,100	68,900	61,800
Total Oceania	247,500	282,600	231,800	216,400	291,400
Total cane sugar	7,467,100	7,075,900	7,701,700	8,282,704	8,321,500
BEET SUGAR.					
North America.					
United States	432,000	414,000	380,000	[9]447,946	456,000
Canada: [10] Ontario	9,300	9,400	[11]9,400	[11]9,400	[11]9,400
Total North America	441,300	423,400	389,400	457,346	465,400
Europe.					
Austria-Hungary [12]	1,309,600	1,389,300	1,365,000	1,225,900	1,498,700
Belgium	273,400	223,400	243,700	235,600	267,000
Bulgaria[2]	3,000	3,000	6,000	4,000	3,000
Denmark	65,200	51,800	65,300	61,800	107,300
France [13]	661,900	637,000	701,400	711,500	630,000
Germany	2,206,600	2,104,900	2,046,400	2,005,200	2,548,900
Greece[2]	1,000	400	1,000	[7]1,000	[7]1,000
Italy[2]	105,000	134,000	163,000	169,000	181,000
Netherlands	162,000	156,000	194,000	178,000	213,000
Roumania[2]	29,000	21,000	25,000	30,000	40,000
Russia [14]	1,266,400	1,232,800	1,109,100	1,002,400	1,881,600
Servia [15]	7,300	7,300	7,300	7,300	7,300
Spain[2]	80,600	93,000	107,000	85,000	70,000
Sweden[2]	160,000	110,000	134,000	125,000	171,100
Switzerland [15]	2,700	2,700	2,700	2,700	2,700
Total Europe	6,333,100	6,166,600	6,170,900	5,784,400	7,631,600
Total beet sugar	6,774,400	6,590,000	6,560,300	6,241,746	8,097,000
Total beet and cane sugar	14,241,500	13,665,900	14,262,000	14,524,450	16,418,500

[1] Sugar on which internal-revenue tax was paid.
[2] Unofficial.
[3] Exports for year ending Mar. 31.
[4] Data for 1909–10.
[5] The figures represent the production from about 97 per cent of the area under sugar cane and 90 per cent of the area under all sugar crops from 1906–7 to 1909–10.
[6] Average production 1907–8 and 1908–9.
[7] Data for 1908–9.
[8] Exports for year ending June 30.
[9] Preliminary census returns, 496,800 short tons of "granulated" and 4,900 of "raw" beet sugar.
[10] In addition to Ontario, Alberta produced 2,230 long tons in 1907–8; no data for later years.
[11] Data for 1907–8.
[12] Estimate as returned by Central Union for beet-sugar industry.
[13] In terms of refined sugar. Total production of sugar and molasses in terms of refined sugar; 1906–8, 672,060 long tons; 1907–8, 646,452; 1908–9, 711,654; 1909–10, 722,303; 1910–11, 640,208.
[14] Sugar made from beets entering factories.
[15] Average production as unofficially estimated.

According to these tables of statistics the world produced last year 8,321,500 tons of cane sugar, with British India in the lead with 2,226,400 tons, producing more than one-fourth of the world's crop of cane sugar, followed by Cuba with a produc-

tion of 1,500,000 tons, and Java with a production of 1,234,000 tons. These three countries produce more than one-half of all the cane sugar in the world.

The production of beet sugar in the world falls a little short of the cane sugar, being 8,097,000 tons for last year, making a total of cane and beet sugar of 16,418,500 tons for the entire crop of the world. Germany stands at the head of the list of beet-sugar production, 2,548,900 tons, being more than one-fourth of all the beet sugar produced in the world.

It will be seen that in 1911 the United States and the West Indies produced 3,106,700 tons of cane sugar and 465,400 tons of beet sugar; total, 3,572,100 tons. We consume about as much as is produced in all of these countries. The United States produced less than 800,000 tons during the year.

With our poor showing, as compared with the capacity of other countries to produce both beet and cane sugar, it is idle for us to talk about being able to compete with them, either in quantity or cost of production. If this be true, is the American Congress justified in keeping up an unreasonable tax upon this most necessary article of food? The present rate of duty is more than 65 per cent.

It is estimated that this tax forces the American consumer to pay into the coffers of the Sugar Trust $150,000,000 annually, a sum many times the value of the entire American crop of sugar, a sum three times as large as the entire revenue received by us at the customhouse on sugar. What do you think of it as a business proposition? If it does not look good to you from a business standpoint and if it appeals to you as a bad investment, do you think that we ought to fasten such a proposition upon the American people?

FREE SUGAR.

The bill under consideration proposes to place sugar on the free list. This step, if taken, would sacrifice between $50,000,000 and $60,000,000 of our revenue, a very large sum to lose, but it is proposed to replace this sum by an excise tax of 1 per cent on annual incomes from business above $5,000. A bill to that effect is now pending before this House, which will be passed as soon as the sugar bill is out of the way. The House will pass both of these bills, and if the Senate and the President will give their approval both of them will become laws before this session of Congress adjourns. Such legislation is in the interest of the people at large. Free sugar would undermine the American Sugar Trust and give the people of this country a chance to buy sugar at what it is actually worth.

An excise tax on large incomes would place the burden of taxation where it justly belongs. The rich are much more able to pay taxes than the poor, and equity and good conscience demand a square deal among men in this life. To increase the burdens of the helpless by law is tyranny, whether done in a republic or an empire.

Mr. Chairman, I have been waiting with much patience to learn some good reason why certain gentlemen on the floor of this House are opposing the passage of this bill. The opposition comes mostly from Louisiana and the beet-sugar producing States. Lengthy arguments have been delivered by some of these gentlemen, in which they have labored hard in trying to convince us that the enactment of this bill into law will destroy the sugar industry in America. All of their arguments thus far are purely local and selfish. Members from Louisiana declare with much emphasis that free sugar will destroy the cane-sugar industry in that State. Suppose it does. What would be the result? It could do no more than take away less than one-tenth of our consumption. Our area for cane sugar is very small, and there is no visible hope of increasing it.

The loss to the sugar-cane growers of Louisiana would be comparatively small. Every acre of land which will produce sugar cane will produce cotton. The sugar factories could be converted into cotton mills. Such a change would be beneficial both to the land and the planter, and the world at large would lose nothing thereby.

I presume that no one will contend that free sugar will destroy the cane-sugar industry in Hawaii and Porto Rico, because these two Territories have been engaged in producing sugar for centuries without the aid of a protective tariff. They have built up their sugar industry upon a basis of world-wide competition. It would be worse than folly now to claim that they will not be just as able to meet their competitors in the markets of the world in the future as they have done in the past. Their soil and climate are well adapted to the production of sugar cane, and with the advantage of cheap labor they will be able to maintain their industry in the open markets of the world against all opposition.

WILL FREE SUGAR DESTROY THE BEET-SUGAR INDUSTRY IN AMERICA?

But it is claimed by the representatives from the beet-sugar States that free sugar will destroy the beet-sugar industry in America. I deny that proposition, Mr. Chairman. First, let us see if this industry is a profitable business. The table of statistics which I hold in my hand, and which I will insert in the RECORD, shows that the average sugar-beet yield in 1910 in this country was 10.17 tons per acre. It also shows that the average yield for the last 10 years is a little less than 10 tons per acre. It shows that the average sugar extraction from the beet for 1910 was 12.61 per cent and for the last 10 years was 11.36 per cent. It follows that an acre of beets will produce more than 1¼ tons of sugar.

The following statistics of acreage in sugar beets and the production of beet sugar for the season 1910 are based upon the actual returns to this department from 57 factories and estimates of 4 factories from which returns were not received:

Sugar-beet acreage and beet-sugar production in the United States, 1901–1910.

State and year.	Factories in operation.	Area harvested.	Average yield of beets per acre.	Beets worked.
1910.		[1] *Acres.*	*Tons.*[2]	*Tons.*[2]
California	8	90,500	10.20	923,100
Colorado	13	81,412	10.62	864,474
Idaho	3	13,178	8.39	110,556
Michigan	17	117,500	10.28	1,207,700
Utah	5	26,767	11.42	305,773
Wisconsin	4	16,772	9.14	153,327
Other States[3]	11	51,900	9.29	482,362
Totals and averages[4]	61	398,029	10.17	4,047,292
1909	65	420,262	9.71	4,081,382
1908	62	364,913	9.36	3,414,891
1907	63	370,984	10.16	3,767,871
1906	63	376,074	11.26	4,236,112
1905	52	307,364	8.67	2,665,913
1904	48	197,784	10.47	2,071,539
1903	49	242,576	8.56	2,076,494
1902	41	[7] 216,400	8.76	1,895,812
1901	36	175,083	9.63	1,685,689

State and year.	Sugar manufactured.	Average extraction of sugar based on weight of beets.	Average sugar in beets.	Average purity coefficient of beets.[1]	Average length of campaign.
1910.	*Tons.*[2]	*Per cent.*	*Per cent.*	*Per cent.*	*Days.*
California	139,890	15.15	18.20	82.78	114
Colorado	103,092	11.93	15.19	83.40	63
Idaho	14,269	12.91	16.82	87.38	51
Michigan	139,215	11.53	16.08	86.15	100
Utah	38,490	12.59	15.80	85.71	82
Wisconsin	18,130	11.82	16.75	84.14	76
Other States[3]	57,086	11.83	15.66	82.69	68
Totals and averages[4]	510,172	12.61	16.35	84.35	83
1909	512,469	12.56	16.10	84.11	83
1908	425,884	12.47	15.74	83.5	74
1907	463,628	12.30	15.8	83.6	89
1906	483,612	11.42	14.9	82.2	105
1905	312,921	11.74	15.3	83.0	77
1904	242,113	11.69	15.3	83.1	78
1903	240,604	11.59	[5] 15.1	([6])	75
1902	218,406	11.52	[5] 14.6	[5] 83.3	94
1901	184,606	10.95	14.8	82.2	88

[1] By purity coefficient is meant the percentage of sugar in the total solids of the substance tested, whether it be beets, juice, or sugar. In this table it represents the average percentage of sugar in the total solids of the beets as determined by tests made at the factories.

[2] Tons of 2,000 pounds each.

[3] Grouped together to avoid giving publicity to data relating to individual factories.

[4] The average yield of beets per acre is found by dividing the total beets worked by the total acreage harvested; the average extraction of sugar by dividing the total sugar produced by the total beets worked; the average content of sugar coefficient of purity, and length of campaign by adding the figures reported by the different factories and dividing by the number of reporting factories.

[5] These averages are not based on data for all the factories, as some of them failed to report results of tests, but it is believed that they fairly represent the character of the total beet crops.

[6] No data reported.

[7] Based on reports from 27 factories and careful estimate for 14 others.

The acreage planted in 1910 was about 434,800 acres, and the amount abandoned about 9.5 per cent. By States, the planted area was: California, 97,000 acres; Colorado, 96,268; Idaho, 15,662; Michigan, 127,000; Utah, 28,220; Wisconsin, 18,639; other States, 58,000 acres.

I am reliably informed that the planter gets about $6 a ton for his beets, $10 an acre for his beet tops and beet pulp in the way of food for stock, making a total of $70 per acre. It costs about $40 per acre to produce and market this crop, which leaves the planter a net profit of $30 per acre. I am told that the yield often reaches 20 and 30 tons per acre, which would give a net income of $60 to $90 per acre.

Sugar beets are now grown in Iowa, and a beet-sugar plant has been constructed at Waverly, Iowa. I desire to call the attention of the House to some statistics and figures which have been collected by Mr. H. A. Wallace and reported in Wallace's Farmer, of Des Moines, Iowa, relative to the production of sugar beets around Waverly, Iowa. The average last year was 13 tons per acre. The planter received $5.40 per ton for the beets, which equals $70.20 per acre, the tops and beet pulp not included, which would add about $10, making, in round numbers, $80 per acre.

Cost of production per acre.

Fall plowing	$1.50
Harrowing, disking, and planking	2.00
Seed, 20 pounds, at 10 cents per pound	2.00
Drilling the seed	.75
Foreign hand labor, which consists of blocking and thinning, weeding twice, pulling, and cutting off the tops	20.00
Six horse cultivations	3.00
Hauling (varies with the tonnage and distance to the factory or beet dump)	6.00
Rent	5.00
Incidentals, including depreciation of machinery and interest on the investment	1.00
Fertilizer, 125 pounds	1.75
Total	43.00

Now, deduct the cost from the income, and it leaves a net profit of $37.20 per acre. It is estimated that the production of an acre of corn in the same locality costs about $13, that the income is $16, leaving a net profit of $3 per acre. If these figures are correct, it will take 12 acres of corn to bring in as much as 1 acre of beets, while the labor and cost of producing an acre of beets is more than three times what it takes to produce an acre of corn.

I desire now, Mr. Chairman, to call the attention of the House, and especially the attention of the Congressmen who represent sugar-beet growing States, to the profits per acre realized by the farmer from four of the leading crops of the country—wheat, corn, oats, and barley. The Agricultural Department during the last year estimated the cost of the production of these crops and the income therefrom per acre in the United States. My figures are taken from these reports, which I desire to extend in the RECORD for further information.

The net profit on wheat is $5.44 per acre; on corn, $7.82 per acre; on barley, $4.33 per acre; and on oats, $3.17 per acre. On close examination of these tables we find that the price per bushel fixed by the Agricultural Department on these articles is much in excess of the price actually received by the farmer for these crops. The price of corn is estimated at 62 cents and wheat at 96 cents per bushel. It must be remembered that wherever sugar beets can be raised wheat, corn, oats, rye, and potatoes can also be raised, and that the farmer will not give up these crops to raise a new crop, about which he knows but little, unless it is more profitable.

Cost of producing corn in 1909.

Item.	United States.	North Atlantic States.	South Atlantic States.	South Central States.	North Central east of Mississippi River.	North Central west of Mississippi River.	Far Western States.
Cost of—							
Commercial fertilizer, dollars	0.82	2.91	2.57	0.79	0.55	0.19	0.12
Preparation of land...dollars..	2.11	4.42	2.36	1.96	2.51	1.74	2.26
Seed.....do....	.24	.32	.24	.23	.25	.23	.24
Planting.....do....	.44	.74	.56	.47	.35	.38	.65
Cultivation.....do....	2.24	2.81	2.80	2.54	2.11	1.80	1.81
Gathering.....do....	2.20	5.00	2.24	1.65	2.86	2.06	2.54
Miscellaneous.....do....	.47	.62	.52	.48	.46	.42	.67
Land rental or interest..do....	3.75	3.62	3.14	3.17	4.97	3.76	3.40
Total, excluding rent, dollars	8.52	16.82	11.29	8.12	9.10	6.82	8.26
Total, including rent, dollars	12.27	20.44	14.43	11.29	14.07	10.58	11.66
Yield per acre.....bushels..	32.40	43.10	25.70	25.20	42.60	34.10	27.60
Cost, excluding rent, per bushel.....cents..	26.30	39.00	43.90	32.20	21.40	20.00	29.90
Cost, including rent, per bushel.....cents..	37.90	47.40	56.10	44.80	33.00	31.00	42.20
Value per bushel.....do....	62.00	70.00	85.60	67.60	55.00	51.90	74.30
Value per acre.....dollars...	20.09	30.17	22.10	17.14	23.43	17.73	20.42
Difference between value and cost per acre:							
Excluding rent.....dollars..	11.57	13.35	10.81	9.02	14.33	10.91	12.16
Including rent.....do....	7.82	9.73	7.67	5.85	9.36	7.15	8.76
Difference between value and cost per bushel:							
Excluding rent.....cents..	35.70	31.00	41.70	35.40	33.60	31.90	44.40
Including rent.....do....	24.10	22.60	29.50	22.80	22.00	20.90	32.10
Per cent of value above cost:							
Excluding rent....per cent..	136	79	96	111	157	160	147
Including rent.....do....	64	48	53	52	67	68	75
Value of by-products per acre, dollars	1.20	5.06	2.14	.87	1.50	.66	1.74
Average size of cornfields, acres.	30.20	9.00	15.90	28.80	24.40	42.10	28.90
Average value of cornlands per acre.....dollars..	59.46	62.72	30.60	31.37	98.72	70.80	54.57
Per cent which rental or interest is of land value	6.30	5.80	10.30	10.10	5.00	5.30	6.20
Number of reports tabulated...	6,145	523	1,044	1,022	1,445	1,973	138

In July, 1910, the Bureau of Statistics, Department of Agriculture, sent inquiries to correspondents for estimates of the cost of producing crops in 1909. The foregoing summary shows the average of the reports upon the cost of producing corn. The schedule of inquiry called for the following information: Cost per acre of (1) commercial fertilizer, (2) preparing ground for seed, (3) seed, (4) planting, (5) cultivation, (6) gathering or harvesting, (7) preparing for market.

Cost of producing wheat in 1909.

State, Territory, or Division.	Cost per acre.										Yield of grain.	Cost per bushel.		Value per bushel.	Value of grain per acre.	Value less cost per acre.		Value less cost per bushel.		Per cent of value to cost.		Value of by-products per acre.	Average size of fields.	Value of wheat lands per acre.	Per cent of rental or interest value to land value.	Number of reports tabulated.
	Commercial fertilizer.	Preparation.	Seed.	Planting.	Harvesting.	Preparing for market.	Miscellaneous.	Land rental or interest on land value.	Total.																	
									Excluding rent.	Including rent.		Excluding rent.	Including rent.			Excluding rent.	Including rent.	Excluding rent.	Including rent.	Excluding rent.	Including rent.					
	Dls.	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Bu.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*P. c.*	*P. c.*	*Dls.*	*Acs.*	*Dls.*	*P. c.*		
Maine	5.00	3.50	3.50	0.43	2.00	1.13	1.12	7.00	16.68	23.68	25.0	0.67	0.95	1.12	28.12	11.44	4.44	0.45	0.17	169	119	.....	.....	75.00	9.3	3
Vermont	6.75	3.00	2.75	1.31	3.12	2.63	.44	3.00	20.00	23.00	36.2	.55	.64	1.18	42.81	22.81	19.81	.63	.54	214	186	5.00	7.8	50.00	6.0	5
New York	2.50	4.23	2.20	.61	1.95	1.94	.66	3.91	14.09	18.00	23.4	.60	.77	1.05	24.51	10.42	6.51	.45	.28	174	136	4.25	8.3	62.90	6.2	157
New Jersey	3.60	3.25	2.07	.62	1.79	2.10	.58	4.05	14.01	18.06	22.1	.63	.82	1.04	22.96	8.95	4.90	.41	.22	164	127	5.40	10.8	74.09	5.5	59
Pennsylvania	2.83	3.80	1.94	.60	1.79	1.66	.62	3.50	13.18	16.68	19.8	.67	.84	1.02	20.10	6.92	3.42	.35	.18	153	120	3.87	10.7	62.38	5.6	131
North Atlantic	2.81	3.36	2.01	.60	1.82	1.69	.63	3.63	13.42	17.05	20.7	.65	.82	1.03	21.18	7.76	4.13	.37	.20	158	124	4.03	10.2	63.18	5.7	355
Delaware	4.15	2.60	1.70	.65	1.30	1.40	.61	3.15	12.41	15.56	20.0	.62	.78	.96	19.26	6.79	3.64	.34	.18	155	123	3.30	19.0	50.00	6.3	9
Maryland	3.09	2.81	1.73	.51	1.53	1.32	.61	3.03	11.57	14.60	19.8	.58	.74	.97	19.31	7.74	4.71	.39	.23	167	132	3.10	17.1	48.29	6.3	60
Virginia	2.54	2.50	1.55	.53	1.24	1.18	.41	2.74	9.95	12.69	15.0	.66	.85	1.05	15.77	5.82	3.08	.39	.20	158	124	1.43	15.5	35.32	7.8	258
West Virginia	1.71	3.25	1.58	.70	1.55	1.20	.43	3.07	10.42	13.49	14.5	.72	.93	1.08	15.62	5.20	2.13	.36	.15	150	116	1.23	9.8	38.91	7.9	144
North Carolina	2.16	2.35	1.29	.62	1.14	1.19	.43	2.34	9.18	11.52	13.5	.68	.85	1.14	15.44	.26	3.92	.46	.29	168	134	1.06	8.3	28.31	8.3	164
South Carolina	2.66	1.46	1.30	.59	1.23	1.33	.35	3.03	9.28	12.31	12.8	.72	.96	1.26	16.16	6.88	3.85	.54	.30	174	131	1.07	8.6	26.74	11.3	49
Georgia	2.73	1.84	1.36	.73	1.25	1.41	.47	3.06	9.79	12.85	14.0	.70	.92	1.24	17.44	7.65	4.59	.54	.32	178	136	1.53	9.4	29.13	10.5	117
S. Atlantic	2.59	2.47	1.52	.62	1.33	1.26	.47	2.85	10.25	13.10	15.7	.66	.85	1.09	16.83	6.58	3.73	.43	.24	164	128	1.77	12.8	36.66	8.1	792
Ohio	1.76	2.86	1.75	.48	1.40	1.49	.41	4.22	10.15	14.37	18.3	.55	.79	.99	18.10	7.95	3.73	.44	.20	178	126	1.64	12.2	73.92	5.7	395
Indiana	1.20	2.57	1.51	.41	1.12	1.54	.45	4.79	8.80	13.59	17.8	.49	.76	.97	17.26	8.46	3.67	.48	.21	196	127	1.18	16.8	82.82	5.8	310
Illinois	.27	2.01	1.50	.35	1.19	1.46	.43	5.33	7.21	12.54	19.5	.37	.64	.97	18.96	11.74	6.41	.60	.33	263	151	.87	27.0	112.84	4.7	253
Michigan	.95	3.44	1.78	.41	1.47	1.44	.52	3.53	10.01	13.54	19.9	.50	.68	1.01	20.00	9.99	6.46	.51	.33	200	148	1.95	11.9	56.89	6.2	239
Wisconsin	.98	2.44	1.73	.51	1.37	1.37	.37	3.69	7.87	11.56	18.8	.42	.61	1.00	18.74	10.87	7.18	.58	.39	238	162	1.51	10.0	67.18	5.5	117
N. C. E. Miss. R.	1.00	2.58	1.60	.41	1.25	1.49	.44	4.63	8.78	13.41	18.7	.47	.72	.98	18.31	9.52	4.90	.51	.26	212	137	1.39	17.8	85.65	5.5	1,317

Cost of producing wheat in 1909—Continued.

State, Territory, or Division.	Cost per acre.										Yield of grain.	Cost per bushel.		Value per bushel.	Value of grain per acre.	Value less cost per acre.		Value less cost per bushel.		Per cent of value to cost.		Value of by-products per acre.	Average size of fields.	Value of wheat lands per acre.	Per cent of rental or interest value to land value.	Number of reports tabulated.
	Commercial fertilizer.	Preparation.	Seed.	Planting.	Harvesting.	Preparing for market.	Miscellaneous.	Land rental or interest on land value.	Total.																	
									Excluding rent.	Including rent.		Excluding rent.	Including rent.			Excluding rent.	Including rent.	Excluding rent.	Including rent.	Excluding rent.	Including rent.					
	Dls.	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Bu.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*P.c.*	*P.c.*	*Dls.*	*Acs.*	*Dls.*	*P. c.*	
Minnesota	0.18	1.90	1.59	0.42	1.35	1.34	0.55	2.67	7.33	10.00	16.4	0.45	0.61	0.90	16.28	8.95	6.28	0.54	0.38	222	163	0.45	43.8	48.87	5.5	210
Iowa	.10	1.49	1.63	.41	1.28	1.56	.47	4.53	6.94	11.47	18.6	.37	.62	.94	17.50	10.56	6.03	.57	.32	252	153	1.01	17.6	100.78	4.5	267
Missouri	.46	1.96	1.30	.37	1.23	1.32	.37	3.35	7.01	10.36	15.2	.46	.68	.95	14.51	7.50	4.15	.49	.27	207	140	.58	23.6	53.83	6.2	419
North Dakota	.06	1.95	1.31	.44	1.03	1.60	.38	2.22	6.77	8.99	14.4	.47	.62	.96	13.86	7.09	4.87	.49	.34	205	154	.24	141.0	31.94	7.0	177
South Dakota	.11	1.46	1.38	.41	1.18	1.22	.39	2.83	6.15	8.98	14.4	.43	.62	.96	13.78	7.63	4.80	.53	.34	224	153	.20	79.3	51.69	5.5	190
Nebraska	.09	1.48	1.28	.44	1.22	1.38	.49	3.70	6.38	10.08	18.3	.35	.55	.88	16.09	9.71	6.01	.53	.33	252	160	.41	39.8	74.53	5.0	360
Kansas	.06	1.81	1.22	.41	1.49	1.44	.45	3.41	6.88	10.29	16.3	.42	.63	.92	15.05	9.07	5.66	.50	.29	232	155	.31	63.4	55.35	6.2	309
N. C. W. Miss. R.	.12	1.79	1.36	.42	1.26	1.42	.44	2.93	6.82	9.74	15.8	.44	.62	.95	14.96	8.34	5.42	.51	.33	223	155	.35	74.6	50.24	6.0	1,932
Kentucky	1.13	2.13	1.34	.50	1.23	1.41	.47	3.36	8.21	11.57	14.2	.58	.81	1.00	14.20	5.99	2.63	.42	.19	173	124	.75	19.4	42.08	8.0	194
Tennessee	1.15	2.24	1.27	.51	1.04	1.30	.39	3.13	7.90	11.03	13.1	.60	.84	1.03	13.49	5.59	2.46	.43	.19	171	122	.86	15.1	37.17	8.4	122
Alabama	2.04	1.91	1.21	.69	1.27	1.49	.45	2.39	9.06	11.45	13.1	.69	.87	1.23	16.17	7.11	4.72	.54	.36	178	141	.52	6.7	19.43	12.3	16
Texas	.05	1.62	1.19	.44	1.40	1.62	.39	3.32	6.71	10.03	14.5	.46	.69	.99	14.28	7.57	4.25	.53	.36	213	142	.62	51.8	39.41	8.4	83
Oklahoma	.03	1.63	1.13	.40	1.34	1.56	.42	2.80	6.51	9.31	15.6	.42	.60	.90	14.03	7.52	4.72	.48	.30	216	151	.42	45.3	34.97	8.0	98
Arkansas	.24	2.02	1.16	.50	1.22	1.52	.49	2.99	7.15	10.14	14.0	.51	.72	1.03	14.33	7.18	4.19	.52	.31	200	141	.77	13.3	23.33	12.8	60
S. Central	.57	1.89	1.22	.46	1.25	1.48	.42	3.06	7.29	10.35	14.4	.51	.72	.98	14.05	6.77	3.71	.47	.26	195	137	.64	32.0	36.60	8.5	573
Montana	0	2.55	1.36	.54	1.72	2.05	1.00	3.25	9.22	12.47	28.6	.32	.44	.87	24.88	15.66	12.41	.55	.43	270	200	.....	25.0	36.00	9.0	22
Wyoming	.22	2.79	1.45	.62	1.60	1.91	1.10	3.21	9.69	12.90	25.9	.37	.50	1.00	25.76	16.07	12.86	.63	.50	266	200	1.55	38.3	35.82	9.0	28
Colorado	.05	2.39	1.15	.51	1.38	1.88	.77	3.92	8.13	12.05	24.9	.33	.48	.92	22.99	14.86	10.94	.59	.44	283	191	.72	49.5	54.02	7.3	45
New Mexico	.....	2.08	1.36	.68	1.54	1.96	1.10	3.13	8.72	11.85	22.0	.40	.54	1.12	24.18	15.46	12.33	.72	.58	277	204	1.10	10.6	43.50	7.2	23
Arizona	.....	2.75	2.17	.50	3.15	1.37	2.73	1.75	12.67	14.42	20.0	.63	.72	1.22	24.38	11.71	9.96	.59	.50	192	109	.....	40.0	20.00	8.8	3
Utah	.36	2.84	1.35	.57	2.51	3.46	.96	5.64	12.05	17.69	27.9	.43	.63	.80	25.57	13.52	7.88	.37	.17	212	145	1.43	64.4	79.29	7.1	7
Idaho	.07	2.65	1.15	.57	2.06	2.24	1.10	4.05	9.84	13.89	27.8	.35	.50	.79	21.96	12.12	8.07	.44	.29	223	158	.73	55.6	56.57	7.2	79
Washington	.38	2.36	1.24	.49	1.72	1.94	.54	4.43	8.67	13.10	25.0	.35	.52	.90	22.65	13.98	9.55	.55	.38	261	173	.95	134.4	67.82	6.6	48
Oregon	.08	2.35	1.30	.49	1.32	1.75	.60	4.00	7.89	11.89	22.0	.36	.54	.91	20.02	12.13	8.13	.55	.37	254	168	.95	110.0	60.00	6.7	54
California	.02	2.06	1.61	.62	1.55	1.18	.77	3.03	7.81	10.84	20.2	.39	.54	.97	19.60	11.79	8.76	.58	.43	251	181	.59	161.1	51.93	5.8	60
Far Western	.17	2.39	1.32	.53	1.68	1.89	.75	3.97	8.72	12.69	24.3	.36	.52	.90	22.01	13.29	9.32	.54	.38	255	175	.88	105.3	58.81	6.8	369
United States	.58	2.11	1.42	.46	1.33	1.48	.48	3.30	7.85	11.15	17.2	.46	.66	.96	16.48	8.75	5.44	.50	.31	216	150	.82	59.6	54.59	6.3	5,333

Cost of producing oats in 1909.

State, Territory, or Division.	Cost per acre.										Yield of grain.	Cost per bushel.		Value per bushel.	Value of grain per acre.	Value less cost per acre.		Value less cost per bushel.		Per cent of value to cost.		Value of by-products per acre.	Average size of fields.	Value of oat lands per acre.	Per cent of rental or interest value to land value.
	Commercial fertilizer.	Preparation.	Seed.	Planting.	Harvesting.	Preparing for market.	Miscellaneous.	Land rental or interest on land value.	Total.																
									Excluding rent.	Including rent.		Excluding rent.	Including rent.			Excluding rent.	Including rent.	Excluding rent.	Including rent.	Excluding rent.	Including rent.				
	Dls.	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Bu.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*P.c.*	*P.c.*	*Dls.*	*Acs.*	*Dls.*	*P. c.*
Maine	3.83	3.75	1.91	1.03	2.09	2.45	1.54	3.44	17.20	20.64	40.0	0.43	0.52	0.57	22.62	5.42	1.98	0.14	0.05	132	110	4.54	6.0	47.75	7.2
New Hampshire	1.12	5.12	1.44	1.38	2.38	3.49	.56	1.81	15.49	17.30	43.0	.36	.40	.67	28.62	13.13	11.32	.31	.27	185	165	5.25	3.0	33.75	5.4
Vermont	2.07	4.38	2.08	.85	3.00	3.14	.47	3.00	15.99	18.99	43.5	.37	.44	.56	24.42	8.43	5.43	.19	.12	153	129	6.48	6.8	48.66	6.2
Massachusetts	2.00	4.00	1.92	1.10	2.80	3.50	.64	3.70	15.96	19.66	39.5	.40	.50	.58	22.91	6.95	3.25	.18	.08	144	117	6.00	4.0	60.00	6.2
Connecticut	1.31	4.19	1.70	.75	2.38	2.10	.62	4.50	13.05	17.55	31.2	.42	.56	.61	19.12	6.07	1.57	.19	.05	147	109	7.00	4.2	63.75	7.1
New York	1.9	3.75	1.55	.66	2.01	1.85	.56	3.22	12.37	15.59	37.9	.33	.41	.50	18.98	6.61	3.39	.17	.09	153	122	4.71	9.9	53.38	6.0
New Jersey	1.56	3.07	1.31	.59	1.68	1.81	.33	3.63	10.35	13.98	37.3	.28	.37	.52	19.48	9.13	5.50	.24	.15	188	139	4.56	9.2	68.10	5.3
Pennsylvania	1.67	3.11	1.30	.64	1.80	1.51	.52	3.34	10.55	13.89	35.6	.30	.39	.48	17.21	6.66	3.32	.18	.09	163	124	3.34	9.8	60.15	5.6
North Atlantic	1.94	3.52	1.48	.68	1.99	1.80	.58	3.28	11.99	15.27	37.3	.32	.41	.50	18.70	6.71	3.43	.18	.09	156	122	4.24	9.5	55.90	5.9
Delaware	2.00	2.35	1.10	.70	1.40	1.40	.47	3.40	9.42	12.82	36.0	.26	.36	.48	17.28	7.86	4.46	.22	.12	183	135	3.30	15.0	55.00	6.2
Maryland	1.9	2.62	1.15	.54	1.44	1.20	.49	3.21	9.30	22.57	35.6	.26	.35	.49	17.40	8.04	4.82	.23	.14	186	138	3.12	11.9	52.14	6.1
Virginia	1.65	2.40	1.06	.55	1.13	1.03	.35	2.55	8.14	10.69	26.3	.31	.41	.55	14.44	6.30	3.75	.24	.14	177	135	1.51	12.8	33.86	7.5
West Virginia	1.16	3.28	1.11	.71	1.44	1.14	.37	2.84	9.15	11.99	27.6	.33	.43	.54	14.97	5.82	2.98	.21	.11	164	125	1.38	8.2	35.21	8.1
North Carolina	1.31	2.09	1.12	.61	1.12	1.02	.38	2.64	7.72	10.37	23.0	.34	.45	.63	14.48	6.75	4.11	.29	.18	187	140	.59	7.8	28.74	9.2
South Carolina	2.80	1.62	1.39	.67	1.37	1.51	.42	3.18	9.76	12.97	27.9	.35	.46	.69	19.30	9.51	6.33	.34	.23	197	149	1.35	9.7	26.95	11.8
Georgia	2.30	1.45	1.33	.69	1.13	1.31	.41	2.36	8.62	11.48	26.3	.33	.44	.71	18.59	9.97	7.11	.38	.27	216	162	1.67	12.0	26.10	11.0
Florida	1.55	1.88	1.10	.83	1.54	1.28	.38	1.67	8.56	10.23	22.2	.39	.46	.69	15.24	6.68	5.01	.30	.23	178	149	1.92	15.2	15.00	11.1
South Atlantic	1.97	1.97	1.22	.65	1.22	1.23	.40	1.89	8.66	11.46	26.3	.33	.44	.64	16.81	8.15	5.35	.31	.20	196	147	1.48	10.7	29.33	9.5
Ohio	.85	2.46	1.06	.47	1.41	1.43	.38	4.04	8.06	12.10	37.1	.22	.33	.40	14.63	6.57	2.53	.18	.07	182	121	1.69	11.5	73.62	5.5
Indiana	.48	1.80	1.00	.38	1.08	1.43	.36	4.63	.53	11.19	35.6	.18	.31	.36	12.93	6.40	1.74	.18	.05	198	116	1.24	17.4	85.17	5.
Illinois	.12	1.32	1.11	.30	1.15	1.41	.39	5.54	5.80	11.34	38.3	.15	.30	.36	13.90	8.10	2.56	.21	.06	240	123	1.23	29.6	120.90	4.6
Michigan	.56	3.02	1.05	.43	1.50	1.46	.46	3.41	8.42	11.83	36.8	.23	.32	.41	14.92	6.50	3.09	.18	.09	177	126	2.19	12.0	54.92	6.2
Wisconsin	.08	2.49	1.20	.54	1.41	1.51	.37	3.76	7.51	11.27	36.7	.20	.31	.42	15.35	7.84	4.08	.22	.11	204	136	2.16	18.7	68.44	5.5
N. C. East Miss. R.	.33	1.99	1.10	.40	1.27	1.43	.39	4.57	6.91	11.48	37.2	.19	.31	.38	14.27	7.36	2.79	.19	.07	206	124	1.60	20.7	89.86	5.1
Minnesota	.16	1.85	1.11	.40	1.42	1.47	.32	2.66	6.93	9.59	34.2	.20	.28	.37	12.69	5.76	3.10	.17	.09	183	132	.83	27.4	49.53	5.4
Iowa	.05	1.23	1.20	.37	1.26	1.48	.42	4.50	6.01	10.51	35.8	.17	.29	.35	12.55	6.54	2.04	.18	.06	209	119	1.80	30.6	99.62	4.5
Missouri	.17	1.38	.97	.35	1.21	1.24	.32	3.13	5.64	8.77	30.7	.18	.29	.37	11.21	5.57	2.44	.19	.08	199	128	.75	20.6	53.80	5.3
North Dakota	.03	1.91	.91	.44	1.06	1.80	.39	2.17	6.54	8.71	33.3	.20	.26	.35	11.66	5.12	2.95	.15	.09	178	134	.52	46.6	31.34	6.9

Cost of producing oats in 1909—Continued.

State, Territory, or Division.	Cost per acre.										Yield of grain.	Cost per bushel.		Value per bushel.	Value of grain per acre.	Value less cost per acre.		Value less cost per bushel.		Per cent of value to cost.		Value of by-products per acre.	Average size of fields.	Value of cut lands per acre.	Per cent of rental or interest value to land value.
	Commercial fertilizer.	Preparation.	Seed.	Planting.	Harvesting.	Preparing for market.	Miscellaneous.	Land rental or interest on land value.	Total. Excluding rent.	Total. Including rent.		Excluding rent.	Including rent.			Excluding rent.	Including rent.	Excluding rent.	Including rent.	Excluding rent.	Including rent.				
	Dls.	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Bu.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*Dls.*	*P. c.*	*P. c.*	*Dls.*	*Acs.*	*Dls.*	*P. c.*
South Dakota	0.05	1.50	0.95	0.42	1.18	1.45	0.42	2.90	5.97	8.87	33.0	0.18	0.27	0.35	11.55	5.58	2.68	0.17	0.08	193	130	0.65	35.0	52.00	5.6
Nebraska	.08	1.15	.98	.40	1.22	1.26	.47	3.68	5.56	9.24	30.5	.18	.30	.35	10.57	5.01	1.33	.17	.05	190	114	.76	30.9	74.82	4.9
Kansas	.01	1.38	1.02	.40	1.48	1.53	.45	3.41	6.27	9.68	32.3	.19	.30	.39	12.46	6.19	2.78	.20	.09	199	129	.61	23.2	56.56	6.0
N. C. West Miss. R.	.08	1.46	1.06	.39	1.27	1.46	.44	3.44	6.10	9.60	33.5	.18	.29	.36	11.96	5.80	2.36	.18	.07	194	125	.89	31.2	68.19	5.1
Kentucky	.56	1.66	.91	.49	1.19	1.32	.36	3.14	6.49	9.63	27.2	.24	.35	.48	13.04	6.55	3.41	.24	.13	201	135	.70	14.5	40.21	7.8
Tennessee	.74	1.96	.92	.49	1.08	1.20	.37	2.83	6.76	9.59	26.4	.26	.36	.48	12.62	5.86	3.03	.22	.12	187	132	.83	12.8	35.12	8.1
Alabama	1.41	1.81	1.15	.65	1.34	1.54	.47	2.41	8.37	10.78	26.0	.32	.41	.63	16.28	7.91	5.50	.31	.22	195	151	.56	9.9	16.68	14.4
Mississippi	.98	1.83	1.20	.62	1.44	1.40	.42	2.80	7.89	10.69	24.0	.33	.45	.61	14.64	6.75	3.95	.28	.16	186	137	.55	12.6	17.00	16.5
Louisiana	1.00	1.82	1.41	.53	1.45	1.26	.28	2.32	7.75	10.07	28.5	.27	.35	.56	15.91	8.16	5.84	.29	.21	205	158	.50	18.4	14.79	15.7
Texas	.07	1.62	1.10	.51	1.36	1.78	.39	3.28	6.83	10.11	34.7	.20	.29	.46	16.07	9.24	5.96	.26	.17	235	159	.92	37.4	37.35	8.8
Oklahoma	.02	1.52	.94	.49	1.37	1.64	.39	2.69	6.28	8.97	35.7	.18	.25	.37	13.26	6.98	4.29	.19	.12	211	148	.58	29.1	32.58	8.3
Arkansas	.21	1.77	.93	.51	1.22	1.66	.40	2.89	6.72	9.61	29.5	.23	.33	.52	15.20	8.48	5.59	.29	.19	226	158	.89	13.5	21.99	13.1
South Central	.41	1.68	1.03	.50	1.32	1.58	.40	2.89	6.92	9.81	31.3	.22	.31	.48	14.65	7.73	4.84	.26	.17	212	149	.73	23.9	30.67	9.4
Montana	.00	2.53	.95	.55	1.70	2.15	.55	3.30	8.43	11.73	51.0	.17	.23	.44	22.44	14.01	10.71	.27	.21	166	191	.75	40.0	38.90	8.7
Wyoming	.05	2.65	1.00	.60	1.60	1.90	.50	3.20	8.30	11.50	38.0	.22	.30	.51	19.38	11.08	7.88	.29	.21	233	169	.75	30.0	36.00	8.9
Colorado	.05	2.33	.99	.50	1.34	1.89	.77	4.21	7.87	12.08	38.8	.20	.31	.53	20.67	12.80	8.59	.33	.22	263	171	1.21	25.2	56.95	7.4
New Mexico	.00	2.38	1.26	.65	1.52	1.93	.82	3.49	8.56	12.05	37.0	.23	.33	.66	24.40	15.84	12.35	.43	.33	285	202	1.62	13.1	42.97	8.1
Arizona	.00	2.50	2.25	1.00	2.00	1.75	4.20	3.50	13.70	17.20	22.0	.62	.78	.92	20.24	6.54	3.04	.30	.14	148	118	.....	.....	25.00	14.0
Utah	.42	2.73	1.53	.54	2.30	3.47	1.24	6.67	12.23	18.90	59.2	.21	.32	.45	26.33	14.10	7.43	.24	.13	215	139	1.17	33.3	95.00	7.0
Idaho	.00	2.65	1.19	.57	2.04	2.54	1.13	4.04	10.18	14.22	43.7	.23	.33	.45	19.53	9.35	5.31	.22	.12	192	137	1.13	39.9	58.35	6.9
Washington	.18	2.62	1.15	.84	1.80	2.56	.52	5.03	9.76	14.79	45.5	.21	.33	.53	22.97	13.21	8.18	.32	.20	235	155	1.24	44.6	65.29	7.7
Oregon	.00	2.20	1.00	.55	1.40	1.90	.55	3.50	7.66	11.16	39.0	.20	.29	.52	20.28	12.62	9.12	.32	.23	265	182	1.10	60.0	65.00	5.4
California	.00	2.14	1.82	.53	1.50	1.87	.52	3.11	8.38	11.49	41.3	.20	.28	.56	23.19	14.81	11.70	.36	.28	277	202	.81	94.0	62.37	5.0
Far Western	.07	2.43	1.16	.58	1.65	2.16	.66	3.87	8.71	12.58	43.7	.20	.29	.50	21.61	12.90	9.03	.30	.21	248	172	1.02	48.1	56.66	6.8
United States	.40	1.88	1.12	.44	1.34	1.51	.44	3.78	7.13	10.91	35.2	.20	.31	.40	14.08	6.95	3.17	.20	.09	197	129	1.42	25.5	70.48	4.5

COST OF PRODUCING BARLEY IN IMPORTANT BARLEY STATES.

The following data concerning the cost of producing barley in 1909 are similar to the data concerning the cost of producing corn, wheat, and oats, which were published in the Crop Reporter of last April, May, and June, respectively. The figures given below are the averages of estimates of about 200 correspondents of the Bureau of Statistics:

Item.	United States.	New York.	Wisconsin.	Minnesota.	Iowa.	North Dakota.	South Dakota.	Nebraska.	California.
Cost per acre for—									
Preparing ground for seed.....dolls..	1.84	3.71	2.22	1.83	1.25	1.83	1.61	0.97	1.77
Seed.....do....	1.14	1.96	1.38	1.21	1.22	.97	1.02	.89	.95
Sowing.....do....	.46	.65	.60	.42	.36	.46	.37	.48	.44
Harvesting.....do....	1.28	2.00	1.58	1.22	1.37	.99	1.15	.93	1.42
Preparing for market.....dolls..	1.50	2.58	1.60	1.38	1.25	1.69	1.26	1.04	1.75
Rental value of land, dolls	3.17	2.87	4.16	2.67	4.80	2.36	2.73	2.43	3.20
Other items of cost, dolls	.66	.72	.73	.62	.39	.29	.49	.29	.93
Total cost per acre—									
Including item of rental.....dolls..	10.05	16.28	12.49	9.43	10.64	8.59	8.71	7.24	10.46
Excluding item of rental.....dolls..	6.88	13.41	8.33	6.76	5.84	6.23	5.98	4.81	7.26
Yield per acre...bush..	27.6	41.0	30.0	25.0	28.0	25.0	24.0	23.0	33.0
Cost per bushel—									
Including rental, cents	36.4	39.7	41.6	37.7	38.0	34.4	36.3	31.5	31.7
Excluding rental, cents	24.9	32.7	27.8	27.0	20.9	24.9	24.9	20.9	22.0
Value of grain—									
Per bushel.....cents..	52.1	67.0	60.0	51.0	54.0	47.0	51.0	45.0	50.0
Per acre.....dolls..	14.38	27.47	18.00	12.75	15.12	11.75	12.24	10.35	16.50
Average size of fields, acres	44	10	12	28	19	50	44	42	112
Value of land per acre, dolls	65.47	45.83	77.43	51.00	106.36	33.96	52.08	40.00	62.06

If these estimates are not misleading, the sugar-beet producer can cut his profits in two and then realize a much larger income from raising sugar beets than he can from any other crop raised on the farm. Here is the comparison of profits per acre:

Sugar beets, profit per acre	$30.00 to $60.00
Corn, profit per acre	7.82
Wheat, profit per acre	5.44
Oats, profit per acre	3.17
Barley, profit per acre	4.33
Cotton (unofficial) profit per acre	6.00

With this showing, does anyone really believe that free sugar would destroy sugar-beet raising in this country? Men will continue to raise sugar beets as long as the income exceeds that of other crops.

In the February issue of the Quarterly Journal of Economics, Prof. F. W. Taussig, Henry Lee professor of economics of Harvard University, in discussing the sugar-beet industry, said:

If protection to young industries was needed, it has been given. The initial stages of trial and unfamiliarity are certainly passed. The industry of the far West has certainly passed the infant stage.

William Bayard Cutting, one of the first men in this country to engage in the production of beet sugar, says:

The beet-sugar industry is profitable under conditions of absolutely free trade, and the United States, being an agricultural country, the industry has nothing to fear, even from the annexation of Cuba.

PROFITS OF THE SUGAR TRUST.

Ten tons of beets will yield 1¼ tons of granulated sugar and about 300 pounds of molasses. If the sugar should be sold at 5 cents a pound it would bring in $137.50. Add to this sum $10 from the sale of the molasses and it amounts to $147.50. Deduct from this $60, the cost of the beets, and $25 for operating expenses, making a cost of $85. Deduct this from the income and we get $62.50, which is the net profits of the Sugar Trust. This is not quite 75 per cent of the whole cost of production. It was developed in the hearings of the Hardwick sugar investigating committee that sugar can be produced for less than 3 cents a pound. If this be true, then our estimate of the cost of production is too high and the profits of the Sugar Trust is too low. But, however that may be, the Michigan Beet Sugar Co. declared a dividend of 33⅓ per cent, and the Union Sugar Co., of California, declared a dividend of 100 per cent last year. When we consider that sugar has been selling as high as 6¼ cents a pound, at wholesale, we get some idea of the robbery which was perpetrated by this big criminal last year. For the last 12 years the average wholesale price of granulated sugar in New York was 4.89 cents a pound and the average export price for the same period was 2.32 cents a pound.

Not satisfied with robbing the people on a gigantic scale, this big freebooter a few years ago slipped a secret spring in the scales at the customhouse and robbed the Government out of millions of dollars, and when caught, laid its crime on a servant working for a salary. It was permitted to expatriate its crime by paying back to the Government the cost price of a small part of the stolen property. Its hirelings are trying to defeat the passage of this bill, and declare in measured tones that the sugar industry in America will be destroyed if the duty on

sugar is removed. The tariff is the secret spring which unlocks the savings of the toiling masses and helpless poor and makes robbery easy, plentiful, and profitable.

Havemeyer, the late sugar king, in his declining years was frank enough to admit that the protective tariff is the mother of all trusts, but presidents of other trusts are not ready and willing to accept this statement. They are not ready to give up the business of wholesale robbery of the people. They say trusts are the best friends the people have; that they sell cheaper than anybody else, and produce a better article. They preach peace and friendship, but they are always armed with daggers secreted in their treacherous belts.

Mr. Chairman, I can see some reason why Representatives from sugar-producing States are opposing the passage of this bill. Naturally, they want to make a showing for their States, but I can not see how anyone not interested in the production of sugar can oppose the bill. I was much amused at the ingenious argument of the gentleman from Colorado [Mr. RUCKER], who declared that if this bill should become a law it would put his State out of business, likening it to an apothecary without medicine. I admit, Mr. Chairman, that it is a deplorable condition to have an apothecary without medicine, but it is much more deplorable to have babies crying for sugar, with none to give. Let us have free sugar. [Applause on the Democratic side.]

The Duty on Sugar.

SPEECH

OF

HON. WILLIAM D. B. AINEY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 15, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. AINEY said:

Mr. SPEAKER: After careful consideration of this measure, which proposes to remove all tax upon the importation of sugar, I am convinced that it ought not to pass.

The time allowed for general debate on this bill precludes an opportunity for discussion at length by all the Members who desire to be heard, and therefore I am taking advantage of the leave to extend my remarks in order that my position in opposing it may be fully defined.

I have the honor to represent a district whose hills and valleys are devoted to agriculture and whose young men are contributing to the productive energy of our country as farmers or wage earners in shops, mines, or on railroads.

It has been my careful endeavor during my short membership in this House to examine all proposed legislation in the light of its probable effect upon the farmer and wage earner of my district and with a deep sense of obligation which every man owes to his country at large to deal fairly and unselfishly with all governmental problems.

In my judgment the bill removing all duty from sugar is not in the interest of the consumer, and therefore would not be for the benefit of the people of my district, but would enable the Sugar Trust to destroy its competitors and secure for it undisputed control of the American sugar market.

I desire to call attention to some startling facts in connection with this measure, much of which was uncovered by the Hardwick committee of Congress, charged with the duty to investigate the Sugar Trust.

I. PRIMARY CONSIDERATION OF THE BILL IS THE SUGAR TRUST.

The report presented by the Ways and Means Committee through the gentleman from Alabama [Mr. UNDERWOOD] divides the industry into three main divisions—(1) beet sugar; (2) Louisiana cane sugar; (3) refining of sugar.

On page 5 of this report this astonishing statement of policy is advanced:

> The refining interests is the most important factor connected with sugar manufacturing in the United States. Therefore the industrial position of refining requires primary consideration.

Let the American people pause and consider this declaration, advanced in advocacy of a law supposed to affect every home in the land, that the refining interests—the Sugar Trust—and not the consumer is entitled to primary consideration.

II. SUGAR TRUST ADVOCATED REMOVING ALL TAX FROM SUGAR.

If the abolishment of the tax was in the interest of the consumer and not of the Sugar Trust one would expect a protest from the refiners. Such was not the case.

Representatives of the American Sugar Refining Co. (the Sugar Trust) and its allied interests appeared before the Hardwick committee of Congress in open advocacy of either heavy reduction of sugar duty or absolute free trade.

Among those so appearing were Mr. Spreckels, president Federal Sugar Refining Co. (p. 2277); Charles H. Heike, former secretary American Sugar Refining Co. (p. 292); William G. Gilmore, partner Arbuckle Bros. (p. 1168); James H. Post, president National Sugar Refining Co. (p. 527).

III. THE ABOLISHMENT OF SUGAR DUTY WOULD AID THE TRUST.

Before the Hardwick committee these same representatives of the Sugar Trust admitted that legislation such as is proposed by this bill would inure to their benefit—increase their business, because it would destroy the competition which had already wrested some of their business from them.

When it is borne in mind that the refiners (the trust) are not engaged in growing sugar, but their activities confined to refining imported raws, the reason is apparent.

IV. IT WOULD DESTROY BEET-SUGAR INTERESTS.

With a frankness quite astonishing these same witnesses admitted before the Hardwick committee that the abolition of the sugar duty would seriously cripple if not wholly destroy the beet-sugar industry of our country, which furnished a beet market in 1909 for the product of 416,000 acres of farm land in California, Colorado, Michigan, and Wisconsin.

The beet-sugar industry has become a great factor in our annual supply. Even to-day a shortage in crop of sugar beets affects the price of sugar, but the large annual output has made serious inroads upon the sales of the Sugar Trust—so their officers admitted at the Hardwick hearings.

V. SOURCE OF THE YELLOW SLIPS.

This is not all. The country has been flooded with little yellow slips, which the people were asked to sign and send to their Representatives in Congress, the intimation being that heavy reduction of tariff or free trade in sugar would beneficially affect the consumer by reducing the price of sugar.

It is disclosed by his own statement that Frank C. Lowry, the self-appointed secretary-treasurer of the Wholesale Grocers' Association, is the New York sales agent of the Federal Sugar Refining Co., and that these petitions which have been sent to Congress originate from his office, the entire expense for which—$12,000—was paid by Mr. Spreckels, of the Federal Refining Co.

VI. WORLD'S SUPPLY CONTROLLED.

With continental sugars now controlled by an international syndicate, whereby prices and shipments are arbitrarily determined, we are asked by this bill to destroy the beet-sugar industry, to deprive the cane-sugar grower of Louisiana of the only protection which permits his business to exist, and this for the benefit of the Sugar Trust, in the expectation that when the Sugar Trust has crushed all opposition and in the face of a short supply it would voluntarily sell sugar at a reduction equivalent to present tariff rate.

VII. NEED OF TARIFF BOARD REPORT.

When on the floor of this House the majority leader, the gentleman from Alabama [Mr. UNDERWOOD] was asked as to whether the Louisiana industry, now producing about one-tenth of the sugar consumed in this country, could survive, his answer was, "I will say to the gentleman candidly that I do not know. I do not know whether it can or not; I hope it can."

No better illustration of the benefit of a tariff board need be given. The Republican Party has advocated the careful investigation of these matters by a nonpartisan board composed of men qualified to answer, and urged that the tariff laws of our land—the most complex and far-reaching laws we are called upon to enact—should be based upon their investigation and report.

With such information it would not be necessary for a political leader to confess ignorance upon the floor of the House as to whether a measure proposed by him or his party would destroy a great and vital industry of several States of the Union.

VIII. SUGAR EXPERT'S OPINION.

The Hardwick investigating committee had the benefit of the advice and suggestions of Mr. Willett, whom all concerned agreed upon as the greatest sugar statistician and expert in America. I quote from his statement:

[Extract from testimony of W. P. Willett, sugar expert.]

Mr. SULZER. What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?

Mr. WILLETT. By increasing the amount of domestic production and in Porto Rico and Hawaii—that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons. (Misprint; should be 670,000.)

Mr. SULZER. In other words, you think it advisable for the Government of the United States to do everything within its legitimate scope to encourage the growth of cane and beet sugar in the United States?

Mr. WILLETT. Yes, sir.

Mr. SULZER. And in our insular possessions?

Mr. WILLETT. Yes, sir; in our insular possessions.

* * * * * * *

Mr. HINDS. Then, Mr. Willett, the world's price for sugar is not a supply-and-demand price entirely, is it?

Mr. WILLETT. You mean it is not free to seek a proper level?

Mr. HINDS. Yes.

Mr. WILLETT. No; it is not free throughout the world to seek a proper level of price.

Mr. HINDS. And the world's price is an artificial price?

Mr. WILLETT. To the extent that the trade of the world is not free and open and clear and it is subject to bounties and restrictions and conditions. What we want to do is to get independent of all that, and we can do it.

Mr. HINDS. Suppose we increase considerably in the Philippines and Cuba increases considerably and the beet-sugar supply in this country doubles, will not that make a revolution in sugar?

Mr. WILLETT. Most decidedly. That is what I say—increase the Cuban, Porto Rican, Hawaiian, Philippine, and domestic cane and beet sugar industry to a point above our requirements for consumption up to 500,000 tons, so that if Cuba should give out some year and not produce much sugar we would still have enough for our consumption. Then we would be independent of the world, and we would make our own (world's) price.

Mr. HINDS. And what ought that price to be in the United States?

Mr. WILLETT. That price, after equalizing the production to consumption, will depend upon the competition between the different interests—between Cuba, Porto Rico, Hawaii, and the domestic beet and cane industry. They will all be working to get our market, and the consumer then will get the advantage.

Mr. HINDS. And probably we would get the cheapest sugar on earth?

Mr. WILLETT. We would get the cheapest sugar on earth under those conditions. There is no doubt about that.

* * * * * * *

Mr. WILLETT. * * * This promotion of our industry is a much more vital point (from the consumers' standpoint included) than is a reduction of tariff to a point that lets in foreign sugar and thereby diminishes the home protection. Whenever we reach the condition indicated, competition between our free and partially free duty producers will begin and the consumers will benefit thereby and the United States will be entirely free from the speculative and other influences which control the world's price, and it is not unreasonable to expect that, under the conditions indicated, the United States will become a considerable exporter of its surplus production to the foreign countries which may be short of supplies, as under present conditions abroad.

As showing the ultimate effect of home production equal to or surpassing home consumption, I call attention specially for earnest consideration to the fact that in 1910 we reached this desired consummation within 74,000 tons, and as a result we were almost independent of Europe; so much so, in fact, that we got our supplies from Cuba at over one-half cent per pound under world's prices, during which time one man (Santa Maria) was carrying on a big bull speculation in Europe in which we would certainly have been involved but for this limited amount we required that year. In 1911 the Cuban crop fell short of 1910 by 320,898 tons, and we required 212,182 tons from abroad to complete our supplies; hence we were involved in the world's prices in 1911, and the result was a hue and cry against the high prices of sugar. I am not making an argument, but am simply pointing to the facts that appear to me to make the consideration of the increase in our local supplies of greater importance in legislation than a reduction of duties beyond certain limits, those limits to be such as will positively exclude all sugars outside those of our States and dependencies.

* * * * * * *

In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

I am in favor of tariff reduction, and I therefore supported the amendment proposed by the gentleman from Iowa [Mr. PROUTY] to reduce the sugar tariff to 1¼ cents per pound; but I am not in favor nor will my vote be cast for a measure which is so plainly in the interest of a trust whose record has not been such as to inspire the confidence of the American public or lead one to believe that when it had acquired the market dominance which this bill would give it, it would for one moment remember its duty and responsibility toward the American people.

IX. PRICE OF SUGAR.

Notwithstanding the effort of the refining interests to make it appear that the tariff was responsible for the present price of sugar, it is apparent that that can not be so. Even the Payne-Aldrich bill slightly reduced the duty on refining sugars, and last year the wholesale price of sugar in France was approximately 6½ cents per pound; in Austria, 7½ cents per pound; in Germany, a little over 5 cents per pound; in England, a little over 4 cents per pound, whereas in the United States it was 4.9 cents per pound. The price in the United States being less than in any of the countries mentioned except England, where sugar is more expensive when the difference in wages is considered, thus showing that the tariff did not control the cost.

It appears to me to be conclusively demonstrated by the evidence before the committee and in debate upon the floor of this House that this bill is antagonistic to the consumer and therefore in opposition to the interests of the people of my district. If passed it would inure to the benefit of the Sugar Trust, destroy the home industry, and lose to us that competition which would ultimately insure the consumer in this country the cheapest sugar on earth.

X. MONEY NEEDED FOR PARCEL EXPRESS.

It is proposed to do this at a time when it is admitted that the present revenue from raw sugar importations, amounting to about $53,000,000, is absolutely needed for the Government expenses.

It is proposed to do this at a time when the people of the rural communities are demanding the establishment of an adequate parcel post or express system, which would necessarily require the expenditure of large sums of money.

It is proposed to do this without making any adequate provision for the revenue so lost, there being serious questions as to whether the proposed special excise-tax measure is constitutional, and, if constitutional, whether it would produce sufficient revenue.

The Sugar Schedule.

SPEECH

OF

HON. H. GARLAND DUPRÉ,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 16, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. DUPRÉ said:

Mr. SPEAKER: Supplementing my remarks heretofore made in opposition to free sugar, as proposed by H. R. 21213, I submit resolutions adopted at a meeting of the citizens of New Orleans and of the cane-producing section of Louisiana, held in the city of New Orleans on Tuesday, March 12, 1912; also report of a committee of the American Cane Growers' Association read before the meeting above mentioned.

I request that these resolutions and report be inserted in the RECORD as part of my remarks:

Be it resolved by the citizens of New Orleans and the cane-production section of Louisiana in mass meeting assembled, That—

Whereas a blow has been aimed at the very life of the sugar industry of the United States in the proposed legislation now pending before Congress, in which an attempt is being made to take sugar from the dutiable list of articles imported into the United States; and

Whereas the destruction of this great agricultural industry means the loss of 1,000,000 tons of sugar to the world's supply, worth $100,000,000; and

Whereas this million tons of sugar is necessary to supply the demands of the markets of the world, and its loss would, through the laws of supply and demand, increase the price of sugar, which would mean untold profits to the refiners, in whose hands would be placed its sole distribution to the ultimate consumers; and

Whereas this great agricultural product has for years assisted in maintaining the balance of trade in favor of the United States; and

Whereas the destruction of the sugar industry would require the importation of sugar into the United States to supply the deficit that is now raised within the borders of this Nation, of more than 1,000,000 tons annually, worth more than $100,000,000; and

Whereas this amount of more than $100,000,000 annually would greatly affect the commerce of the United States, as well as the interstate commerce between the States of this Nation, who furnish every variety of farming implements, machinery, feeds, fertilizers—in fact, everything necessary for the purpose of equipping and maintaining a sugar plantation—and receive in exchange vast quantities of the sugar raised in the sugar-producing States; and

Whereas there is invested in this great agricultural industry in Louisiana alone, to say nothing of the other 17 or more sugar-producing States, in lands, with buildings and field improvements, $70,000,000; in factories, $35,000,000; in mules, $10,000,000; in implements, $2,000,000; in plantation railroad equipment, $2,000,000, making a total of $119,000,000; and

Whereas this industry, out of its gross crop receipts, approximating $29,000,000, pays annually for factory labor, including $200,000 for salaried officers and clerks, $2,500,000; factory upkeep and repairs, $1,250,000; factory supplies, $700,000; fuel, oil, and coal, $1,000,000; factory taxes and insurance, $525,000; freight on cane to factory, $1,000,000; freight on factory products after manufacture, $1,500,000; field labor, including $500,000 for salaried officers and clerks, $12,000,000; annual renewal of mules, $1,000,000; peas and commercial fertilizer, $1,250,000; feed for teams, $1,000,000; land taxes and insurance on buildings, $750,000; lumber, building materials, hardware, implements, etc., $1,000,000, making a total of $25,475,000 expended annually; and

Whereas more than 30,000 laborers are employed every day on the plantations during the year, and also more than 30,000 extra laborers during the 70 to 75 days of harvesting; and

Whereas this vast annual expenditure is distributed among the laborers employed and throughout the United States: To New England and Middle Western States, Alabama, Tennessee, and Kentucky for the purchase of boilers, mills, evaporators, pumps, and other machinery and apparatus; to Kentucky, Tennessee, Illinois, Missouri, Texas, and Kansas for the purchase of mules and overseers' horses; to Ohio, Indiana, Kentucky, Tennessee, and Pennsylvania for the purchase of wagons, carts, and implements; to Alabama, Illinois, Pennsylvania, Ohio, Missouri, Michigan, for the purchase of plantation and railroad equipment; to Alabama, Texas, Tennessee, Oklahoma, Kentucky, Penn-

sylvania, and Illinois for the purchase of fuel, oil, and coal; to Alabama, Mississippi, Texas, South Carolina, North Carolina, Georgia, and Tennessee for cottonseed meal as fertilizers, and to the stock-raising States of the West for other fertilizers; and

Whereas this great agricultural product of the United States has at all times been *the pride of the Nation*, has been looked upon with favor by both of its great political parties, and has been regarded by one as not only a maximum revenue producer, but as a proper commodity to be protected along with the other protected articles of the United States, and by the other political party as being one of the greatest revenue producers, and, therefore, entitled to remain upon the dutiable list for the purpose of raising revenue, and incidentally for protection, and this policy has amounted to a tacit agreement, which has existed for more than a hundred years between the Government of these United States and its various individual citizens, who, upon the faith of the existence of such tacit contract, have invested their savings in sugar properties under the firm belief that this tacit agreement would be lived up to and the industry would be nurtured and protected instead of being destroyed; and

Whereas all tools, agricultural implements, and machinery which are purchased by the sugar producer for the maintenance and operation of his factory and farm remain on the high protective list; that such legislation is inequitable, unjust, and discriminative: Therefore be it further

Resolved by the above-named citizens, That they as Louisianians and as American citizens do protest against the action of Congress in its proposed destruction of their industry; they protest in the name of the commerce of the United States, whose trade balance it will greatly impair, and in the name of the public fisc, whose revenues it will greatly deplete; they protest in the name of the cane planter, whose fields will go to waste and ruin; they protest in the name of the manufacturer, whose magnificent factories will stand idle and become the prey of rust and canker; they protest in the name of 60,000 laborers employed in the cane fields of Louisiana, whose means of livelihood will be destroyed, and of the 250,000 women and children who are dependent upon these wage earners for their support and maintenance; they protest in the name of the artisan, the mechanic, the overseer, the engineer, the sugar chemist, and the great horde of skilled laborers who have devoted their lives, their energy, and their means in qualifying and fitting themselves for the task of filling these responsible positions where just remuneration is the price of such skill; they protest in the name of the citizens of New Orleans; in the name of its bankers, its merchants, its traders, and its manufacturers against the destruction of this great industry, which for more than 100 years has formed the nucleus of the growing commerce of its port; they protest in the name of the hill farmer of north Louisiana and Georgia and Alabama and North and South Carolina, Tennessee, Kentucky, and Missouri, who receive hundreds of thousands of dollars every year for their extra crop of peas purchased by these planters and sown to enrich their lands; they protest in the name of the mule raiser of Missouri and Tennessee and Kentucky and Arkansas and Illinois and Kansas, who annually reap the golden harvest of $1,000,000 for the new supplies of mules each year furnished to this industry; and at last they protest in the name of every American who is in favor of fair and just treatment of its citizens at the hands of their Government.

Not only do they protest, but, coupled with this protest they appeal to the citizens of New England and the East, whose agricultural implements they buy; to the planters of the South, North, and West, whose foodstuffs, mules, peas, and fertilizers they buy; and to every other citizen of these United States who is willing that no injustice be done, to call upon his Congressman and Senator individually and ask that this blow be not permitted to fall upon the sugar producers of Louisiana and the other 17 sugar-producing States of this Union; they appeal to the Congress of the United States for fair and just treatment at its hands, to not ruthlessly disregard the fixed policy of the Nation with reference to this magnificent agricultural industry, and not to destroy but to assist it in order that it may in a few years be able to supply this great Nation with its necessary quantity of sugar. If this appeal is heeded not, then they appeal to that grander and more august branch of the Congress of the United States, the Senate, which has immemorially been renowned for its considerate and conservative action on all questions coming before it, to interpose this time-honored principle and rule of action as a shield to ward off the deathblow being dealt to this industry by its less considerate and more radical brother, the lower House of Congress; and, should all of these appeals fail, they then finally appeal to the Chief Executive of this great Nation to exercise his prerogative, the veto power, to write the word "disapproved" upon this proposed law, and thereby forever put his seal of condemnation upon this effort to destroy one of America's greatest agricultural industries.

Respectfully submitted.

R. E. MILLING, *Chairman*.	JAMES C. MURPHY.
JULES GODCHAUX.	HENRY N. PHARR.
JULES M. BURGUIERES.	LOUIS P. RICE.
PEARL WIGHT.	JOHN T. GIBBONS.

In addition to the resolutions a copy of the statistics compiled by the committee was read:

THE INDUSTRY'S STATISTICS.

NEW ORLEANS, *March 9, 1912*.

Our subcommittee met this afternoon, and below you will find figures which we have gotten up hurriedly and feel confident that they are very near correct, viz:

Land, 1,000,000 acres, with buildings, field improvements	$70,000,000
Factories	35,000,000
Mules	10,000,000
Implements	2,000,000
Plantation, railroad, and equipment	2,000,000
Factory labor, including $200,000 for salaried officers and clerks	2,500,000
Factory upkeep and repairs	1,250,000
Factory supplies	700,000
Fuel, oil and coal	1,000,000
Factory taxes and insurance	525,000
Freight on cane to factory	1,000,000
Freight on factory products after manufacture	1,500,000
Field labor, including $500,000 for salaried officers and clerks	12,000,000
Annual renewal of mules	1,000,000
Peas and commercial fertilizers	1,250,000
Feed	1,000,000
Land taxes and insurance on buildings	750,000
Lumber, building materials, hardware, implements renewed annually, etc	1,000,000
Total	144,475,000

Laborers employed every day on plantations during year, 30,000.

Extra laborers employed during 70 or 75 days, harvesting, 30,000.

You can see from the above that we buy goods, supplies, machinery, and other things from the following States, viz:

First. Factories built from the products of the New England States, Middle Western, Alabama, Tennessee, and Kentucky, in the way of boilers, mills, evaporators, pumps, and other machinery, appurtenances.

Second. Mules from Kentucky, Tennessee, Illinois, Missouri, Texas, and Kansas.

Third. Implements from Ohio, Illinois, Indiana, Kentucky, Tennessee, and Pennsylvania.

Fourth. Plantation railroad equipment from Alabama, Illinois, Pennsylvania, Ohio, Missouri, and Michigan.

Fifth. Fuel oil and coal from Alabama, Texas, Tennessee, Oklahoma, Kentucky, Pennsylvania, and Illinois.

Sixth. Insurance is placed in all the large companies of the United States.

Seventh. Factory products after manufacture are distributed throughout the United States by all trunk lines entering the South.

Eighth. Factory supplies: (a) Lime, mostly from Alabama; (b) building materials from Alabama, Missouri, Illinois, and Maine; (c) Hardware from Alabama, Pennsylvania, Missouri, Illinois, Ohio, Tennessee, and Kentucky.

Ninth. Peas from Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Mississippi.

Tenth. Commercial fertilizers made from the animal products of Alabama, Georgia, Mississippi, and all the States of the West, as well as Texas.

Eleventh. Feed from the entire West and Texas.

Twelfth. Lubricating oils from Pennsylvania, Indiana, Ohio, and Texas.

Thirteenth. Cooperage from Indiana, Ohio, Mississippi, and Arkansas.

Wages amounting to $15,000,000 paid out of the pay rolls of the sugar industry is distributed throughout the whole of the United States, both directly and through the merchants of the city of New Orleans.

All wage earners, with the exception of a few Italians, are natives of the United States.

By referring to the present tariff you will see that all purchases made by the sugar planters are articles protected by a high protective tariff, as follows:

Oats, 15 cents per bushel.
Wheat, 28 cents per bushel.
Flour, 28 per cent ad valorem.
Beans, 45 cents per bushel.
Machinery, 45 per cent ad valorem.

Burlap and other articles, which you can very readily find from your last tariff bill.

You will see by the above that all machinery used in the sugarhouse is subject to a tax of 45 per cent ad valorem.

The balance of trade between sugar factories and the merchants of the United States, you will find by investigation, runs up into the millions, which you can readily find by referring to hearings before previous Ways and Means Committees to which Louisiana planters have testified.

You will also find that by destroying the sugar industry of the United States and by the passage of such a bill that over $100,000,000 of our money will have to go abroad to buy foreign sugars, seriously affecting the balance of trade with other countries.

Economic Management of a Private or Cooperative Business.

SPEECH

OF

HON. CHARLES V. FORNES,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 15, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. FORNES said:

Mr. SPEAKER: An effective and economic management of a private or cooperative business is the true agency to meet competition and to sell in the home and foreign markets. Success results from ability and perseverence; economy from the power to secure the article of trade or material to manufacture at the lowest cost. To accomplish this requires ample capital and established commercial credit, for lowest prices are, as a rule, fixed on the largest quantities purchased. This is the inevitable natural law, and no human law can change it unless in violation of man's ordained right to exercise the power of ambition and to display the master mind. These natural rights being fundamental principles of human efforts, it becomes the duty of government to maintain them for each individual or cooperation alike, and that the revenue exacted for the proper support of the Government should be impartial and just concerning every industry and investment. This treatment will reward the honest, capable, and industrious and eliminate the dishonest, indifferent, and deficient in capital, credit, or ability. Upon this basis a tariff grants neither an advantage nor a disadvantage in the home market, although it may endanger or prevent the possibility of a low enough cost of production to sell in foreign markets, and to do which is all important for the steady employment, and therefore the economic employment, and production, insuring support and contentment to labor and profit to capital. These should be, and are, the aims of the Democratic Party in the

honest revision of the tariff. The cost of living is relatively low when the income warrants the price. Grant fair and steady wages by fixing the world's market prices for labor's production, then foreign markets will largely contribute in the payment of employment and dividend on capital. I have not the time to present in detail the facts and figures which commercial history records in finance, manufacture, and trade, because I desire to have printed in the RECORD, and ask unanimous consent to do so, the substance of an address delivered recently by one of New York City's most prominent citizens. His success as a jurist, his conception of public duty and the administration thereof will form a brilliant chapter in its history of ceaseless devotion for the public welfare in behalf of our great Nation's metropolis, and therefore for our country's prosperity.

The Democrats do not propose free trade. The Democratic position is admirably stated in the speech which the Hon. William J. Gaynor, mayor of New York, made recently at a Democratic dinner in that city. Mayor Gaynor said:

The question before the country is not one of free trade but of levying our tariff on imports in a way which, while it raises a sufficient revenue, will work the least injury and do the most good to the people of the country as a whole. That idea took root among us when we were still British colonies struggling for independence and has grown ever since. No doubt it has branched out, now and again, into abuses and into favoritism by law to individuals or classes, which is the worst of all abuses in government. It is these abuses we want to do away with, and that is the issue.

That this task of tariff adjustment could not be done rashly or without due regard to business conditions, the mayor was careful to state. On this subject he said:

But we may not prudently entertain the notion of doing away with our immense tariff structure at one stroke. In that way we would create disorder and panic, and do great harm to honest business and honest people. Our tariff system has been long in the building, even from colonial days, as I have said. To pull it down all at once would be a revolution and lead to great disasters. When society creates any system by law, and especially after it has fostered it for a long time, and everyone has conformed to it, society should not do away with it except in a way so well considered and gradual as to do no unreasonable harm to individuals and to the community. Even a tethered bull who has wound around his stake while grazing until he has brought his nose up against it has to slowly unwind again sooner than tear his nose to pieces in an effort to get away.

I say our tariff system again, for system it is. It may serve a purpose admidst so much talk to see how our tariff system, with all of its favoritisms, injustices, and crudities, has gradually grown up. It is the result of repeated votes of the country on the question. There are signs of a realizing sense throughout the country that we have gone to extremes and ought to recede.

After we had achieved independence as a Nation one of our first aspirations was not to remain dependent on foreign countries for manufactured articles. The people of the colonies had been subjected to that condition—had been admonished that they should be agriculturists and depend on the mother country for manufactured goods—and were much averse to it. That was one of their grievances. Hence we find that the tariff law of 1789, the first passed after the adoption of the Constitution, was drawn for protection as well as to raise revenue. The next tariff act, that of 1794, went still further in the direction of protection against foreign imports and in favor of our small, struggling home industries. The tariff act of 1816 continued in the same direction. And so it went on without much, if any, objection until after 1830, when some States and localities began to strongly object that since they were solely agricultural they were receiving no benefit from this tariff system. The matter was brought into party contentions in that way. There followed some reduction of tariff duties. The tariff act of 1857 went in that direction and made wool free. The commercial hard times which ensued made the tariff question still more acute. It became more than ever a party question. But the extremes to which tariff taxation was to attain later were not then thought of. I do not suppose that Hamilton and, later, Clay, who favored a reasonable protection, ever foresaw the unscientific extremes it was to grow to.

Then, after reviewing the successive tariff laws down to the present law, Mayor Gaynor ably stated the principle which should guide us in the revision of the tariff. This principle he stated as follows:

This review suffices to remind us that the question which confronts us is not one of free trade, but of a judicious but firm reduction of the tariff. All of its extremes should be cut out. Free trade is a long way off. We must have sufficient revenue and, therefore, an import tariff tax. But it should be so applied as to produce no injustice or favoritism.

Let us then stand to the assertion of principle that we recognize no excuse for a protective tariff on any article except to protect the American workingman from having his wages run down to the level of wages in the country which produces that article. When a tariff tax goes beyond this the excess should be cut off. Such excess does not benefit the workingman. It makes everyone pay to aggrandize a few. It is a scandalous thing to have a tariff tax on manufactured articles so high as to enable the manufacturer of such articles in this country to sell them abroad at a profit at a price lower than is exacted in this country.

And we must stand to this further principle, namely, that, except for revenue only, there is no excuse at all for a tariff tax on imported articles which, from peculiarities of soil or clime or any other special and abiding cause, we can not produce at all or can not produce enough of them for our consumption. If our lands are generally of so high a grade, for instance, that they are put to a more profitable use than sheep raising, and therefore we do not and in the nature of things will not produce wool enough for our own use, then there should be no tariff on wool unless out of necessity for revenue. And so on all down the list.

Let the question be submitted to the enlightened judgment of the country. Mark well that public opinion on the subject has now grown to be stronger than mere party opinion. I feel that I am not mistaken in this.

President McKinley saw plainly that the gathering sentiment of the Nation would not put up any longer with a protective tariff which goes beyond protection to American wages and was preparing to yield thereto.

Public opinion is now ripe for the change. Let us not disappoint it. Let us go with it. I do not say let us lead it. Enlightened public opinion in this country is such that the statesman does enough who divines it, keeps up with it, and conforms to it.

The Excise Tax on Business Incomes.

SPEECH

OF

HON. AUGUSTUS P. GARDNER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 18, 1912,

On the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Mr. GARDNER of Massachusetts said:

Mr. SPEAKER: Inasmuch as this bill is certain to pass by an overwhelming majority, it is useless for me to take up the time of the House by a long discussion. I therefore beg to file my views on it as follows:

I can not give my vote for the excise-tax bill even though, perhaps, for campaign purposes some of its supporters call it an income-tax bill.

WHAT THE BILL PROVIDES.

This measure is unjust, and we all know that it is unjust. It places a tax on the income of men in business or in a profession, but it places no tax on the income of men who are not in business and not in a profession. I realize, of course, what the difficulty is which forces this unfair discrimination. Incomes of men not in business can at present only be taxed by the State governments until a sufficient number of States have ratified the constitutional amendment, which accords that right to the National Government. I suppose that within the next two years enough States will have ratified this constitutional amendment to permit the imposition of a national income tax on all incomes. Meanwhile I protest that it is unjust to tax some incomes and not other incomes.

Moreover, this bill exempts from taxation all incomes below $5,000 per annum. I totally disapprove of so high an exemption. Provisions for exemptions from income taxation in other countries vary from the exemption of incomes below $120 per annum in Switzerland to exemption of incomes below $1,000 in Australia. One of the greatest dangers to this country is the extravagance of our citizens and of our governments. Men who are exempt from taxation can not be expected to take the necessary interest in keeping down expenses. It is not right, for instance, that the man with an income of $2,500 should pay nothing at all, if it is determined that national revenue shall be raised by an income tax.

Another feature of this bill is absolutely wrong and contrary to the laws of other countries. A professional man's or a workman's income and capital both die with him. He can not transmit his brains and his practice to his heirs. A merchant's or manufacturer's income and capital do not die with him. Is it fair to charge the same rate of income tax against a physician who has an income from his practice of $6,000 that you charge against the manufacturer who has an income from his invested capital of $6,000? Yet that is precisely what you have done in this bill. The physician's capital is constantly being exhausted as he grows older. The manufacturer's capital suffers no such diminution.

WHAT A JUST INCOME TAX WOULD BE.

My idea of a just income tax is as follows:

(*a*) First, the tax on incomes derived from invested capital should be proportional to the incomes taxed. An income of $50,000, derived from invested capital, in my opinion, should be taxed just twice as much as a similar income of $25,000. I doubt the justice of a graduated income tax. In other words, I doubt whether it would be just to impose a tax of 3 per cent on the $50,000 income and a tax of 2 per cent on the $25,000 income.

(*b*) Second, the rate of taxation ought to be different on incomes derived from invested capital and on incomes derived from a man's own brains, skill, or labor. Obviously it should be greater for the first class of incomes, unless the difference is to be offset by a property or inheritance tax.

(c) Third, the exemption allowed should be reasonable, but should not be high. I should exempt all incomes which are not large enough to afford a liberal margin over the annual cost of living reasonably enjoyed by American citizens.

MY OWN POSITION ON THE INCOME-TAX QUESTION.

In time of war I should probably be willing to vote for an income tax which might violate these provisions.

In time of peace, unless the state of the national revenue absolutely demands it, I rather incline to the old doctrine that the right to impose inheritance taxes or property taxes or income taxes should be confined to the State governments, so that they may meet State, county, and town expenses, and that the expenses of the National Government should be met by protective import duties and by our present sources of internal revenue. In this matter, however, I reserve the right to change my mind.

WHY THE MASSACHUSETTS LEGISLATURE REFUSED TO RATIFY THE NATIONAL INCOME-TAX AMENDMENT.

Undoubtedly gentlemen from the fertile Western States would call this the selfish view of Massachusetts. I can not agree to that. Of course everyone knows that under a national income tax almost the whole burden would fall on New York, Pennsylvania, New Jersey, and New England, whereas those States would receive but a small proportion of the expenditures. In spite of that fact you gentlemen from the West maintain that because Massachusetts is richer than the new States, therefore she is better able to bear the burden of taxation. Let us see whether that is the case. Massachusetts has no natural resources at all. It is an exceptional field in my part of the world which can grow 2 tons of timothy hay to the acre, even with heavy fertilizing. I heard one of you gentlemen who are supporting this bill declare that in your State many a field without fertilization yields 5 tons of timothy to the acre. Your banks loan money at 8 per cent on farm property. Our banks must content themselves with half that amount.

You have forests, you have mines, you have immense fertile fields, you have public lands to pay your school expenses. We have none of these things. Can you wonder that the Massachusetts Legislature has hitherto refused to ratify the constitutional amendment for a national income tax? Can you wonder that she is unwilling to surrender a part of her own slender resources of taxation? Massachusetts only to a small extent taxes incomes, but she taxes the property from which incomes are derived. In her necessity to raise money in every way possible she goes much further than most States. If a Massachusetts man owns shares in a mill in New Hampshire, not only is his property taxed in New Hampshire where it is situated but his shares are taxed again in Massachusetts, although Massachusetts is put to no expense in connection with the enterprise. This, of course, looks like double taxation, but the Supreme Court of Massachusetts has held this tax to be constitutional. I refer to this matter merely by way of explanation of the attitude of the Massachusetts Legislature in failing to ratify the national income tax constitutional amendment.

I have little doubt, however, that enough States will ratify that amendment so that in the near future Congress will have the power to impose a national income tax. It is obviously as much to the interest of the Western and Southern States to vote in favor of such a tax as it is for the interest of Massachusetts to vote against such a tax.

As I am not a lawyer, I forbear to express an opinion as to the constitutionality of this bill. I judge from the debate that there is grave doubt as to this question.

The Excise Tax on Business Incomes.

SPEECH

OF

HON. WILLIAM C. REDFIELD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 18, 1912,

On the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Mr. REDFIELD said:

Mr. SPEAKER: I heartily approve this measure whereby a direct tax is laid upon a large amount of taxable wealth that now contributes nothing directly to the support of the Government. And I approve it the more that it permits the removal of tariff taxes which are no longer needed by the manufacturers whom they are supposed to protect. To illustrate this I read the report of Mr. Marcel Bloch, motive power inspector of the Paris-Orleans Railway, reprinted from the Revue Generale des Chemins de Fer in the Railroad Age-Gazette for June 11 and 18, 1909:

COMPARISON OF LOCOMOTIVE BUILDING IN THE UNITED STATES, GERMANY, AND FRANCE (TRANSLATED FROM THE REVUE GENERALE DES CHEMINS DE FER).

[By Marcel Bloch, motive-power inspector of the Paris-Orleans Railway.]

During the last few years French railways have purchased in Germany and in the United States a certain number of locomotives at more satisfactory prices and deliveries than those offered by French builders.

It is the purpose of this article to investigate the various causes that justify this difference in price and delivery by comparison of locomotive building methods and conditions in the United States, Germany, and France. We will consider the questions of earlier delivery and lower factors separately, although it is clear that both are inseparable factors. A company crowded with work will naturally demand higher prices than one lacking orders, and, of course, the delivery will be earlier for the latter than for the former.

The requirements of each country have been responsible for the erection of shops whose size is proportionate to the local demand. Considering only standard-gauge locomotives, it would appear that the United States, with two large companies and a few of minor importance, has an average yearly capacity of over 5,000 locomotives; the 14 German locomotive works can deliver each year 2,000, while in France, with 6 builders, only 400 engines are built yearly.

Consequently, although in the United States and Germany it is possible for the locomotive industry to be specialized, this is not the case in France, where all builders of locomotives find it necessary to engage in other work at the same time. For example, the Société Alsacienne builds stationary engines, electric motors, turbines, and looms; the Fives-Lille Co. builds turbines, sugar-refining machinery, bridges; the French Mechanical Construction Co. builds bridges, freight and passenger cars, shop machinery, etc., without mentioning the Creusot Co., the Batignolle Works, and the French-Belgian Co., which are all in the same condition. The locomotive is a somewhat difficult machine to build, for prices are very closely discussed in France and inspection is very severe, and these requirements naturally cause French builders to devote themselves preferably to other mechanical work. This peculiar situation appears to influence both price and delivery to a very great extent.

Having thus briefly exposed the purpose of this article, the writer will now consider in detail the methods pursued in the three countries, with illustrations taken from actual observation in different shops. The comparison being based only upon the construction of a locomotive of the French type, the writer need not take into account the great advantage possessed by American and German builders when building locomotives of their own standard type, frequently duplicated.

EARLY DELIVERY.

Every locomotive building plant consists of the same number of departments, namely, main offices, drawing room, power house, pattern shop, foundry, blacksmiths' shop, boiler shop, machine shop, and erecting shop.

These departments will be considered successively in the above order, without going into details familiar to most readers, and the writer will note only the characteristic differences of execution obtaining in the different countries.

Main office.—Americans, being men of action, always wish to accomplish things rapidly; they think and act rapidly and always seek the shortest way of reaching the desired result. It is always more important in the mind of an American to obtain results rapidly, even if in some cases better results could be obtained by slower methods. This accounts for the rapidity of execution in all American offices, so surprising to a European. As an example, take the handling of incoming mail at the Schenectady works of the American Locomotive Co. The letters arrive at 7.30 a. m., brought by one of the company's messengers from the post office. They are immediately opened in the mail room and distributed by boys 13 to 15 years old to the various departments, where such replies as can be decided immediately are dictated at once to stenographers. When a reply requires careful deliberation the clerks at once obtain the desired information, and as soon as received dictate the letters and send them up ready for signature. All the higher employees are authorized to sign for the manager and write the latter's name with their initials after it. Outgoing mail is then carried to the mail room and posted. Extensive use is made in America of the telegraph and telephone, which are much more readily accessible than in Europe on account of the greater number of lines and competing companies. Americans appear to use them regardless of cost, which is much higher than in France. All large plants have their own telegraph operator, and generally lease a special wire, connecting them with New York or Chicago, according to their location. With such an organization it is easy to understand how rapidly replies can be received, particularly when the use of the signature is distributed among so many different employees. Replies are often made over the telephone or telegraph. Papers, letters, etc., are carried from and to the various departments by messenger boys 13 to 15 years old, one of whom is assigned to every foreman's office.

Both in France and Germany the office system is much more complicated. Confidence in the ability of subordinates is much more limited and individual responsibility is less general than in America. In the latter country each man is responsible for his own actions, while in Germany and France the chief of the department bears the full burden; this method necessitates a large amount of checking, inspecting, corrections, etc., which, while they have their advantages, naturally greatly lengthen the time required.

From the point of view of rapid production the American system certainly presents very great advantages.

DRAFTING DEPARTMENT.

American drawing rooms are organized in a very remarkable manner and always greatly impress the European who has occasion to visit them. The work is gotten out in the following order when, as generally practiced in America the builders furnish their own working drawings and design their locomotives themselves:

The chief draftsman gives the principal data of the engine to be designed to one of his leading draftsmen, and the latter, with one or more assistants, establishes the design and passes it on to one of the detail draftsmen, each one of which completes the design of that part which is his specialty. Detail draftsmen are divided in departments, as follows:

1. Boiler, ash pan, firebox.
2. Frames and crossties.
3. Cylinders, steam pipes.
4. Rods, pistons.
5. Motion work.

6. Suspension, wheels.
7. Tenders.
8. Runboards, cabs, pilots, etc.

For the delivery of these drawings to the different shops each one of the above departments follows a rigorously established order issued by the superintendent of the drawing room. This order, in tabulated form, gives the maximum number of days which must elapse between the delivery of drawings to the shop and the complete termination of the first engine of lot. The delivery of these drawings is therefore based upon the delivery of the first engine. Each draftsman makes his own tracings, which saves him from completely finishing his pencil drawings; being in possession of all details, it is easy for him to finish his tracing even from a mere rough sketch. In this way the position of tracer is suppressed, with corresponding saving of time and force. Lastly, a very complete system of classification by numbers of all drawings permits the draftsmen to refer with great facility to previous similar drawings for guidance. A great number of fittings, such as cocks, small shafts, etc., does not vary from one type to another, and for such there exists a collection of "standard drawings," which greatly facilitate the work.

In Germany and France two or three draftsmen get up the design of a locomotive complete. Their drawings are not transmitted to the tracers until they are complete in every detail. The only difference existing between French and German drafting methods is the more extensive use in Germany of the standard drawings. This is accounted for by the fact that the German locomotive is much simpler than the French, and that German builders, being allowed a much greater latitude in the matter of details, generally base new designs upon those of locomotives built, thus enabling an entire design to be gotten up in much less time.

MATERIAL ORDERS.

It is clear that the greater a country's production of raw material the easier it is for builders to obtain their supplies. In this matter there is an enormous difference between the United States, having an annual production of 25,000,000 tons of cast iron, Germany, with 10,000,000 tons per year, and France, with only 3,000,000. It is clear that French builders, all other conditions being equal, are greatly handicapped by long delays in the delivery of raw materials.

In all three countries as soon as the draftsmen have finished their work the chief draftsman receives from them a complete statement of raw material required, which is transmitted to the purchasing department.

The rapidity in getting out drawings, as well as the small amount of checking and inspecting to which American work is submitted, permits them to get these material sheets out much sooner than their European colleagues. The purchasing department immediately gets in touch with makers of material, in Europe as in America. But the centralization of similar industries in the large New York and Chicago office buildings singularly facilitates and expedites the transaction between builders and supply houses. A single building in New York, for instance, such as the Hudson Terminal Building, contains the offices of the American Locomotive Co., the Carnegie Steel Co., the Worth Bros. Co. (steel plates), the Railway Steel Spring Co., etc. In a few minutes orders can be placed for plates, axles, tires, wheels, etc., after short interviews with the manufacturers and without exchanging letters or telegrams. The rapidity with which these orders are placed is further enhanced by the extraordinary capacity of American shops, which can obtain from the manufacturers contracts for a certain period of time, enabling them when placing the order simply to state the amount and delivery required. The Pratt & Letchworth Co. and the Union Steel Casting Co. may be quoted as examples; these companies furnish the American Locomotive Co.'s steel castings almost exclusively. In Germany some of the locomotive builders, such as Henschel and Borsig, are manufacturers of their own raw material. Others obtain theirs from the manufacturers in Ruhr and Schleswig and must bargain with the latter for prices and deliveries.

In France, with the exception of the Creusot Co., no builders produce their own materials, and it appears that every order placed must be specially negotiated with the manufacturers.

These different conditions naturally have a great influence on the dates of deliveries. As a general impression, I should say that in the United States the capacities of plants are designed not for supplying the average demand of the country for such products, but for maximum requirements, when the country is in full prosperity. It is therefore clear that orders placed during a time of medium prosperity can be executed very rapidly by companies thus equipped. Of course, the execution of the recent order placed by the Paris-Orleans Railway with the American Locomotive Co. for 30 Pacific type locomotives can not be taken as a conclusive demonstration of the early deliveries possible in America, for it was placed during a period of general depression, when orders were lacking everywhere. It is, however, interesting to note that the Worth Bros. Co. started rolling the steel boiler and tank plates for this order on the same day that the telegram giving them the order was received, and that the entire order was executed in three weeks' time. Mr. Garbe, general manager of the Prussian State Railways, says in his recent work, "Die Lokomotive der Gegenwart," that when rush orders are placed American locomotive builders can be in receipt of the boiler steel within five days and that four days later cast steel side frames can be ready for slotting.

In Germany these deliveries are much less rapid. The large orders placed by the navy often crowd manufacturers to their full capacity. For such builders as Henschel and Borsig this difficulty is avoided, as they can place their orders ahead of others, being the owners of their own material supply shops. The following example may be quoted: A number of plates having been ordered from the Borsigwerk (Schleswig), the latter was able to submit for inspection 30 boiler plates which had been rolled during the night. This happened during a period of great activity and was only rendered possible by the issuing of special orders to the works to get these plates out ahead of any other orders they might have on their books. As a general rule, however, German manufacturers are able to deliver their material in good time, and night work is always done during prosperous times.

In France the mills are less well equipped than in Germany. In normal times they are able to offer satisfactory deliveries, but as soon as orders increase they become congested with work and the shipments are delayed, often for several months. For boiler and frame plates the shipments vary from three weeks to four months, according to the amount of work in hand.

SHOP PRACTICE.

It is not the writer's object to go into intricate details of shop construction; this varies very greatly and is entirely dependent upon local conditions. For instance, the American Locomotive Co. has been able to extend its works at Schenectady, having ample property at its disposal, while the Baldwin Locomotive Works, being hedged in at Philadelphia, has been obliged to seek additional shop space by superposition of several stories. However, on account of their larger capacities, American and German builders have been able to expand their shops much more than it was possible in France.

POWER HOUSES.

Power houses are very similar in all three countries, with the exception that automatic stokers are used almost exclusively in America and Germany, while in France their number is limited; it is also noticeable that in the latter country the power house is not developed on the same scale as the shops themselves. Most French shops appear to be always short of compressed air for air hammers, etc.; their compressors rarely yield more than 350 to 500 cubic feet per minute, while in America a production of 1,400 to 1,700 cubic feet is common.

PATTERN SHOP.

The differences in all three countries are trifling; the shops can deliver a pattern for a single cylinder in about three weeks and for a double cylinder in about one month.

FOUNDRY.

In addition to their size and the large number of cupolas as compared with the actual production, American foundries are exceptionally well equipped with molding machines, crane facilities, and powerful machinery generally, while the force is trained to work systematically and as rapidly as possible. The foundry at Schenectady, for instance, 650 feet long and 175 feet wide, is divided into three sections or floors; the main floor has two 10-ton and two 25-ton high-speed overhead cranes. At the lower end of the foundry there are 30 Tabor molding machines with eight 5-ton cranes; numerous pneumatic hoists help the molders to set their cores. The output of this shop is 7 cylinders per day, corresponding to 50 to 60 tons. Two days are generally necessary to finish an American cylinder, one day for molding, one night for drying, one day for remolding and pouring. Four days are required for a double-compound locomotive cylinder. Floor iron is always cast in green sand by means of white metal patterns and Tabor molding machines.

The output of German foundries is necessarily lower; the Borsig foundry casts about two cylinders per day, with a total output of about 40 tons of cast iron. Molding machines are less extensively used than in America and are generally hydraulic, which makes them necessarily much slower than the American machines. The latest and most up-to-date German foundry, at Hannover, does not possess a single molding machine; it requires about seven days to cast a cylinder in Germany.

French foundries are generally much older and their equipment out of date as compared with those of Germany and America. Molders and foundrymen are more experienced and careful; the castings produced have a much finer appearance; but the time required is a great deal longer, with the possible exception of one foundry, recently installed in the Nord district, which can easily deliver one cylinder in a week. In another large French foundry, now somewhat out of date, the following time is required for the casting of a double-compound locomotive cylinder:

Molding	6 days.
Drying	1 day and 2 nights
Remolding	5 days.
Total	12 days.

that is, practically two weeks. This foundry can not therefore deliver more than four cylinders per week; about 20 tons of iron are poured per day, and no night work is done.

The following table can now be established for making a double cylinder:

	Days.
Schenectady	4
Germany	7
France	12

BLACKSMITH SHOP.

Blacksmith and hammer shop practice is radically different in Germany, the United States, and France. In the two former countries, and particularly in the United States, parts are very roughly forged, and much more machine work is therefore necessary to bring them down to finished dimensions.

In France the common practice is to give the rough forging a shape and size approximating as nearly as possible the finished part. All Americans who have visited French shops have noticed with what perfection the French smith succeeds in forging parts. Yet it is incontestable that with the modern machine-shop facilities and powerful machine tools the utility of leaving as little excess metal as possible on forgings disappears almost completely and the careful French smith's work becomes to a certain degree useless.

In Germany some of the most modern shops now use the oxhydric burner for the more complicated forgings, such as eccentric straps, rod straps, draft-gear hooks, etc., which are cut out at high speed (about 2½ inches per minute for 2-inch thickness). This practice saves making special dies.

French shops are beginning to use the same methods; the Denian shops, for instance, have recently welded mudrings with an acetylene burner.

BOILER SHOP.

French shops are incontestably superior to German and American as far as careful boiler work is concerned. The short life generally required of locomotives in the United States renders carefully finished work less necessary; however, even when French inspection is imposed, the work is gotten out much more rapidly in the United States than in France. This is due, in the first place, to the powerful machinery with which American shops are equipped and also to their standard shop practice. Taking as an example the American Locomotive Co.'s boiler shop in Schenectady, which is wonderfully well fitted, and measures 650 feet long by 175 feet wide, the following table will show the order in which boilers are gotten out:

South. <——————> North.

Bending. Drilling. Punching. Shearing. Laying out. Material. (A)

<——————— <———————

———————>

Riveting. Assembling. Erecting. Complete boilers.

———————>

Machine tools. Flanging presses. Crown stays and stay bolts. Tubes.

This order is always followed strictly: the plates are received from the mills through the door at (A) and follow the direction of the

arrow, being successively laid out, sheared, punched, drilled (in series of four or five), then bent, welded, and arrive thus to the southern side of the shop, and start up again along the middle aisle, where they are first adjusted and riveted, then assembled, and finally the complete boiler is put together. During this time the fire boxes have been prepared in the eastern part of the shop; plates are flanged and drilled, mudrings milled and drilled, crown stays and stay bolts threaded. The assembling of the boiler is done by the help of two 35-ton overhead cranes. Thus boilers advance from south to north as their construction is proceeded with. In this manner handling of boilers, etc., is reduced to a minimum; stays and stay bolts are set by compressed air, which is distributed generously throughout the shop. On account of this logical and rigorously followed order and thanks to a large force (I have seen 18 men working at the same time on one of the Paris-Orleans fire boxes), astonishing results are obtained in the matter of quick execution. The most wonderful feat ever accomplished was the construction of a complete boiler in three days and three nights, from the laying out of the first plate to the last detail on the boiler. This is certainly remarkable, notwithstanding the fact that it is quite an exceptional performance and that the finished boiler was probably not of highest perfection.

For establishing a comparison between the three countries, the construction of 30 boilers for the Paris-Orleans Railway may be cited as an example. The Schenectady works began by making dies for all fire box, fire-box shell, and side frame plates. These plates were then flanged or bent on a press without the least difficulty. In France the number of dies used was much smaller, and the fire-box plates were flanged with small flanging presses. The same process was followed in Germany, but the boiler makers in this country being much less skillful than in France caused a great deal of time to be lost. The fire boxes were placed in their shells only after many failures. Although it must be considered that 30 locomotives were ordered in America, while only 10 were placed in France and Germany, and that therefore the American builders found it more to their advantage to make dies for all flanged plates, yet it is unquestionable that the method followed by the latter saved them much time and gave more accurate results.

Little difference exists between the German and French methods of boiler construction, and the only advantage in time which the former possess results from the fact that they work both night and day, and that their work is less careful. This is proved by noting that a German boiler shop which delivers ordinarily 30 complete boilers per month, only succeeded in getting out 5 French boilers in the same time, on account of more careful work being required by the inspectors.

MACHINE SHOP.

In this shop, more than in any other, is noticeable the radical differences between American and European practice.

An American manufacturer who has paid $10,000 for a machine wishes to make it pay for itself in the shortest possible time by obtaining the largest possible amount of work from it and by keeping down repairs. On account of the constant improvements introduced in machine design, he will find it to his advantage to scrap this machine in a relatively short period of time, and purchase in its stead some new design invented or improved during that time which will be more powerful and yielding a better output.

In Europe, on the other hand, machine tools are still considered as delicate pieces of mechanism, requiring scrupulous care, whose life should be lengthened as much as possible by careful handling and frequent repairs. They are generally run by much lower-power motors than used in America, and are not used except on carefully prepared forgings, in which the excess metal to be removed is reduced to a minimum. This naturally carries with it a great difference in the time required for machining different parts.

Here are some time studies taken in the three countries—milling side rods, horizontal milling wheel:

	United States of America.	Germany.	France.
Number of rods worked	2	1	1
Diameter of milling wheel, inches	8	5.12	6
Height of cut, do	4 by 2	4.7	4
Depth of cut, do	¾	1.37	0.15
Cutting speed of tool, feet	60	46	37
Feed, inches	2	1.12	7.38
Weight of chips per hour, pounds	175	123.5	14
Time required (rods 7.3 feet long), minutes	49	88	71
Power, horsepower	[1]50	(2)	[1]12

[1] Electric motor. [2] Belt.

This shows the time saved by the American machine. Two rods are milled on one side in 49 minutes, while one rod is milled on one side in 88 and 71 minutes, respectively, in Germany and France. The forging is placed on the machine in a much more finished condition in France, therefore the time gained in America in the blacksmith shop should be added to the time gained in machining. The French shop is, however, ahead of the German, but the time saved by the former is compensated fully by the quicker forging work in Germany, which saving is considerably greater than the 17 minutes gained by the French.

Grooving side rods on horizontal milling machine:

	United States.	Germany.
Number of rods	2	1
Type of machine	(1)	(2)
Size of wheels, inches	11	5.1
Height of cut, do	3½ by 2	2.67
Depth of cut, do	1	0.98
Cutting speed, feet	70	37.5
Feed, inches	2	1.53
Weight of chips per hour, pounds	242.5	68

[1] Bement. [2] Droop and Rain.

Planing for guides:

Schenectady.

Cut	0.4 inch.
Feed per minute	⅜ inch.
Cutting speed	35½ feet.
Weight of chips per hour	265 pounds.
Time required	5 hours.

For boring wheels the Niles wheel lathes are extensively used in America and give interesting results. The American Engineer gives the following results (September, 1908) obtained by such a lathe, worked by a 25-horsepower electric motor, when boring 55-inch tires with two tools:

Schenectady.

Speed	21 feet 6 inches.
Feed	½ inch.
Depth of cut	⅝ inch.
Weight of chips per hour	160 pounds.

With one machine, a hoist, and one helper a man has been able to bore 41 tires in a nine-hour day. He could have bored 54 with two hoists and two helpers in the Chicago shops of the Chicago & North Western Railway. In Europe, with the air lathes generally used, the slowness of fixing, etc., and the lower cutting speed, only 6 tires can be gotten out in a nine-hour day.

These examples show the considerable advantage gained by Americans in using more powerful machines and harder tool steel. But these are not the only factors to be considered. American engineers have also succeeded in reducing the time required for mounting parts on machines to a minimum; as soon as the drawings are finished the drawing room designs and studies the quickest way in which these operations can be done. The foundry and machine shop make special jigs and supports, whose shape and size are such that after fixing them on a machine the workman has only to securely fasten all bolts holding the part to be machined. These jigs are numbered, and the same number appears on the drawing of the part, and the workman is thus advised what particular jig should be used for that part. The most remarkable application of this method is the manner in which the Schenectady works of the American Locomotive Co. bored the double low-pressure cylinder in the recent Paris-Orleans order executed by them. As soon as the sides of the cylinder saddle had been planed the cylinder was placed on the boring mill by means of a large cast-iron support, made in such a way that the center line of the cylinders coincided exactly with the center of the movement of the tools. For milling the valves, planing, etc., three more similar jigs were made, thus avoiding all laying out and greatly reducing the possibility of errors. The same applied to driving boxes. These were planed in lots of 18, bolted to a cast-iron jig, which held them rigidly in the required position. The high-pressure eccentric cranks were also turned in this manner, and the time for laying out was thereby saved.

European engineers are beginning to realize the large advantages derived from these methods, and several shops, such as the Eastern Railway of France Epernay shops and the Cail Locomotive Works at Denain (France), are introducing them. But European builders are rarely willing to invest so much money in up-to-date machine-tool equipment, dies, jigs, etc., unless a large number of locomotives ordered in one lot justify this expenditure.

ERECTING SHOP.

Much more allowance being granted builders in the United States in fitting, etc., the latter are able to erect their locomotives in a very short time, as there is little adjusting to be done. For French locomotives, which are put together much more carefully and precisely, these facilities do not exist. Nevertheless, some remarkable results have been obtained in quick work, due principally to the specialization of the different gangs and the personal initiative which their foremen are allowed to use. The 300 men working in the Schenectady erecting shop are divided into 20 specialized gangs, while in Europe these gangs do not number more than 10 or 12. In America the different gangs work simultaneously on the engines which are on the floor; each gang foreman is permitted, on his responsibility, to begin operations on any engine he deems sufficiently assembled for the purpose. While the first Paris-Orleans locomotive required 38 days for assembling, the last but one only demanded 13 days, the workmen being thoroughly trained to the work in hand.

In Germany the assembling is not conducted on the same basis, as the frame is finished throughout, cylinders adjusted, etc., in a special shop, and is not placed over the pit until these operations are complete; the engine is therefore in an advanced stage of erection before it reaches the floor, and the time for assembling proper is therefore greatly shortened. But notwithstanding this, it takes from three weeks to one month before a French type of compound locomotive is ready for test. The Paris, Lyons & Mediterranean suburban locomotives now building at Hanover require as long as six weeks for erection.

Although in France it has taken up to 80 days to assemble an engine, there are some erecting floors very well organized, in which the labor is as much specialized as possible. Assembling is done very quickly, considering how complicated French locomotives generally are, and it often happens that an engine is only 15 days on the floor.

YARD FACILITIES.

The American practice of working as rapidly as possible has naturally brought with it a large increase of yard and general shop facilities, such as powerful cranes, yard engines, etc. European shops are now generally equipped with a fairly good amount of yard tracks, locomotives, and cranes; but the latter, particularly, work much more slowly than American machines of the same power. For an example, all the cranes at the Schenectady works having 20 tons capacity or less move at a speed varying between 300 and 500 feet per minute, which is rarely reached by French or German cranes even of very small capacity.

LABOR.

The character of workingmen in the three countries is also entirely different. The American, desirous of having all comforts around him, wishes to earn the largest amount possible in the shortest time. All labor is organized on this basis; the labor unions uphold it very strongly, and, keeping away from politics altogether and only acting for the financial good of their members, second the workingman very effectively. Time labor, always to be preferred in work for which great exactness is required, is replaced by piecework whenever possible. In this system the workmen receive in addition to their regular compensation a certain bonus based upon the gain on standard time for the part he is working upon. This bonus is generally calculated so as to divide equally between the workman and his employer the amount gained on standard

time. This system, although greatly in vogue in the United States, has many disadvantages, such as the continual discussions which arise, the intervention of the unions, etc, which render its application rather difficult, and in the locomotive business, in which standard time is easily determined, preference is shown for piecework, or "contractors." The latter are generally either foremen or other men in the confidence of the company to whom the works pay fixed prices for the various parts. The contractor attends himself to enrolling the required number of men and pays them as he deems best, either by piecework or per day. This system is very much in favor at the Baldwin Locomotive Works of Philadelphia, and is also used by the American Locomotive Co. at Schenectady. It is rather difficult to obtain much information about the contracts between employers and contractors, as the details of such are kept secret as much as possible. This system has the disadvantage, no doubt, of producing an inferior grade of workmanship, and would require very careful inspection and supervision. The latter is generally rather scarce in American shops, where everything is subordinate to the rapidly of execution. But the rapidity of contract labor is certainly very great.

The workmen, as stated, specialize as much as possible in one kind of work, or even on a single machine. But it must be said that in America the increase in the efficiency of a workman does not to the same extent as in Europe cause an attempt on the employers' part to diminish the bonus allowed to the workman. In the United States, where labor is high, it is particularly desirable to increase every man's efficiency as much as possible and derive all the possible benefit from this increased output. This tendency has been noted by most Europeans visiting America, particularly the English Mosely commission (1903). Mr. Barnes states [1] that in the Westinghouse Pittsburgh shops a man earning 26 cents per hour can easily increase his pay to 40 cents; from actual observation it appears that bonus work generally corresponds to a 33 per cent increase in salaries, while in many cases observed recently this increase has been as high as 50 per cent.

In Germany the ordinary workman has a very different character from the American. The Berlinese frequently change their occupation and are generally of wandering disposition. The large number of different industries in Berlin make them much harder to please than their qualifications justify. The number of parts rejected on account of carelessness of workmen is very high in the Borsig Locomotive Works at Tegel, near Berlin, and shows conclusively that the average German mechanic, although reputed, is greatly inferior to the French and American. He is generally well paid, but the tendency is to decrease the standard price paid for parts as the output increases, and this is certainly no incentive for him to work rapidly.

The French workman, much more skillful, is placed in the same conditions French companies generally limit to a certain sum the amount of bonus their men can earn, and this limitation has caused, in the north of France particularly, a tendency in the labor unions to compel their members not to work above a certain amount, in order that the companies may find no pretext to lower their rate schedules or obtain from their men more than a certain amount of "bonus" work, usually between 30 and 40 per cent. These conditions are responsible for the low output and tardy development of French shops. Indeed, some companies have entirely suppressed piecework on this account.

There is another practice in American shops which greatly helps rapid production; with the possible exception of some automatic machines the American shopman only runs one machine. American engineers claim that they save considerable time thereby. It is not to be questioned that the French shop practice of having one man run two machines, or two men three machines, causes considerable loss of time. While it is true that these losses are not noticeable at once, and that it does not often happen that both machines are idle at the same time, there is no doubt that the men do not obtain the maximum results the machines are capable of producing. It is impossible to follow and observe the tool progress. It often happens that a man finishes the work on two machines together, and the result is that one of them remains idle while he fixes a new part on the other. While there are some advantages in this practice, and at least one-quarter is saved on the pay roll when the men are paid by the day, the American system makes a larger and quicker output possible, and is therefore more economical in the long run.

RESULTS.

The natural results of American shop practice, where the machines are worked to their utmost capacity and frequently renewed, and where labor is organized so as to place speed above everything else, are, of course, in the locomotive industry, a much more rapid execution than can possibly be obtained in Europe.

On two different occasions the Paris-Orleans Railway ordered in America locomotives of French design throughout, twenty 10-wheelers from the Baldwin Locomotive Works in 1906 and thirty Pacific type from the American Locomotive Co. in 1908. The former were ordered in December, 1906, and delivered in June, 1907, while the latter were ordered in February, 1908, and delivered in August, same year. In both cases six months sufficed to build locomotives of entirely new type, with which the shopmen were totally unacquainted.

In Germany a number of consolidated locomotives were ordered from the Borsig works. Orders for raw material for these engines were placed in July, 1907, yet the first engines were not delivered until April, 1908, five per month being shipped thereafter, and the last locomotive was not completed until October, 1908. It therefore took 14 months to build these engines, which was a much longer time than had been stipulated in the contract.

The results obtained in France when normal business conditions prevail are comparable to those obtained in Germany; but when the works are crowded it is impossible to obtain any but much longer deliveries. For instance, an order placed in France in January, 1907, was not delivered until December, 1908, viz, 24 months after signing of contract. Another order for 20 locomotives, placed in March, 1906, was not shipped until January, 1908, for the first locomotive, and June, same year, for the last, a total delay of 27 months for the execution of this order.

COST AND PRICE.

Analyzing the cost of locomotives is generally very difficult. It is rarely possible to obtain the elements on which a price is based, and manufacturers naturally do their best to keep this essential part of their business as secret as possible. For an outside party to establish a cost is generally guesswork for the greater part, and only approximate results are obtained, chiefly by comparison and a careful study of the methods used in different countries.

The chief factors of a cost list are labor, material, and general expense factor.

The selling price is obtained by adding the profit, or margin, to the total estimated cost.

LABOR.

The writer has shown in this paper the radically different conditions between American and European labor. As a result the rate of comparison in the two continents differs greatly.

The following table shows the average pay of American, German, and French labor:

	United States.	Germany.	France.
Boiler maker	$2.80 to $3.10	$1.50 to $1.75	$1.20 to $1.50
Machinist	2.20 to 2.80	1.25 to 1.40	1.00 to 1.30
Assembler	2.50 to 2.80	1.20 to 1.40	1.00 to 1.40
Helper	1.50 about	.80	.60 to .80

To these salaries must be added a bonus, often exceeding 50 per cent in America, but between 30 and 40 per cent in Europe. The average ratio between European and American salaries is between one-third and one-half. The average German salary is slightly greater than the French. In the large cities a 25 per cent difference is at times observed, which may be accounted for by the difference between the mark and the franc.

MATERIAL AND GENERAL EXPENSE FACTOR.

In France there is no metal market; hence no material price list as in Germany and America, and therefore any estimating based on the figures contained in these market reports would be impossible. It is true that these market prices are often ignored totally, private contracts being made between manufacturers and builders on bases often different from the quoted market price. It is extremely difficult, unless the builders are willing to divulge the information themselves—which they are very reluctant to do—to give any reliable details on the average cost of materials

The writer has, however, been able to reach some satisfactory results by comparing costs of locomotives built by the railway companies in their own shops, both in America and in France, which are given below.

These tables are based on two single expansion 2-8-0 consolidation type locomotives, weighing 87 and 93 tons, respectively, built in America, and on two French freight locomotives, namely, one consolidation and one 4-8-0 type, both being four-cylinder compounds:

Cost of a consolidation single expansion locomotive of American design built in the United States in 1907.

[Weight in working order, 87 tons; weight empty, 82 tons.]

	Labor.	Material.	Total.
Boiler shop	$1,047	$2,102	$3,149
Tank shop	584	1,811	2,395
Brake	205	644	850
Wheels and axles	150	1,550	1,705
Patterns, tools, etc	3,488	5,403	8,891
General expenses	2,533	417	948
	6,007	11,827	17,848
Overhead charges			1,534
Cost per locomotive and tender			19,382

Cost of locomotive alone, $16,987.
Cost per pound, $0.094.

Cost of a consolidation single expansion locomotive of American design built in the United States in 1908.

[Weight in working order, 93 tons; weight empty, 83 tons.]

	Labor.	Material.	Total.
Boiler shop	$1,046	$2,292	$3,337
Tank shop	639	1,340	1,977
Brake	189	615	804
Wheels and axles	166	1,593	1,759
Patterns, tools, etc	3,500	6,427	10,127
General expenses	800	400	1,200
	6,340	12,667	19,184
Overhead charges			2,200
Cost per locomotive and tender			21,384

Cost of engine alone, $19,407.
Cost per pound, $0.107.

Cost of a four-cylinder compound consolidation type French freight locomotive of French design.

Material	$10,693
Patent royalty	10
General expenses	1,069
Drawing-room	59
Labor	3,508
Overhead charges on labor (100 per cent of labor)	3,508
Total	19,847

Cost per pound, $0.126.

[1] See J. Barnes's report on Mechanical Shops.

Cost of a four-cylinder compound 4-8-0 type locomotive of French design built in France.

Material	$12,142
Factor	655
Labor	3,175
Overhead charges on labor (70 per cent approximately)	2,064
Total	18,036
Deduct value of scrap	807
Net cost	17,229

Cost per pound, $0.109.

The following tabulated statement gives a résumé of the above tables, separating labor from material and adding to each item the general expenses, proportionately, for American locomotives:

American locomotives.

	Weight empty 82 tons; loaded weight, 87 tons.		Weight empty, 88 tons; loaded weight, 93 tons.		Average.	
	Total.	Per pound.	Total.	Per pound.	Total.	Per pound.
Labor and factor	$5,425		$5,881			
Part of general expenses	513		747			
Total for labor	5,938	$0.033	6,628	$0.034	$6,280	$0.0335
Material and factor	10,121		11,327			
Part of general expenses	1,021		1,453			
Total for material	11,142	.062	12,780	.066	11,961	.064
Grand total	17,078	.095	19,408	.100	18,243	.0975

French locomotives.

	Consolidation.		4-8-0 type.		Average.	
Labor and overhead charges	$7,017	$0.047	$5,240	$0.0335	$6,028	$0.04
Material and overhead charges	11,772	.078	12,797	.086	12,285	.082
Grand total	18,789	.125	18,037	.1195	18,313	.122

With the exception of the arbitrary percentage taken as overhead charges, which is only estimated, the above statement is interesting and gives very clear comparisons between the costs of production in the different countries.

Thus, notwithstanding the considerably higher prices paid for labor in America, the net price per pound falls much below the average cost in France. This is due partly to the fact that many parts used in the American locomotives are delivered finished and ready for application and that the labor proper on these parts is charged to material. The greater simplicity of design and lesser amount of finish must also be considered in American locomotives, as the engines considered are of the single expansion type. But notwithstanding these factors, the difference in cost is worthy of consideration and is without doubt due to special American shop practice and general methods of construction. Concerning material, besides the extra cost accruing in America on certain parts delivered finished and ready for application, there is a difference of $0.245 per pound between the two costs, representing an excess in the French prices of about 30 per cent.

We will now consider the American price per pound, as applied to a compound locomotive delivered in France, by adding the factors appearing in the following table:

Cost per pound in America for a single expansion locomotive	$0.0975
Overhead charges on capital (not considered in a railway company, but which must be added in the case of a manufacturer)	.011
Extra for copper fire box and stay bolts (say $1,200 to $1,400 per engine)	.007
Extra for compounding feature	.008
Duty when entering France	.018
Stripping, boxing, packing, insurance, reassembling at destination (about $2,000 per locomotive)	.011
Total per pound	.1525

To this cost must be added the expenses incidental to more rigorous inspection by French railways, better finish being required; radical changes in current shop practice rendered necessary in the construction of an entirely new and different type of locomotive; also the legitimate profit to which builders are entitled. It will therefore be seen that in ordinary times American builders can not successfully compete with French prices. American locomotives can only be sold in France during periods of great activity, when French builders are unable, owing to full order books, to offer satisfactory deliveries, or else during times of depression in America when builders are willing to sacrifice all or a part of their usual profit in order to keep their shops going.

German labor is generally higher than in France and less good. Material is expensive in France, particularly on account of the high duties imposed, the minimum rates of which are as high as 64 cents to $1 per 100 pounds on steel plates, 73 cents for rough tires and axles, and 54 cents on shapes.

In a recent report made out by the Tariff Commission, Marc Reville writes that the duty imposed on imported material necessary for the construction of a compound locomotive weighing 63 tons amounts to a total of $1,703, corresponding to 1.23 cents average per pound of finished engine.

The duty on imported locomotives—1.4 cents per pound—amply protects French builders. It is a significant fact that in the revision of the tariff now under discussion the large French metal industry has asked for no additional protection. It may therefore be assumed that builders consider themselves sufficiently, even amply, covered by the actual schedule of rates.

There are no data proving that this duty of 1.4 cents per pound on locomotives imported from Germany is greater than the actual cost of production in the two countries. We have seen in this paper that, as far as labor is concerned, the German builders have a distinct disadvantage. It may therefore be correctly assumed that with the tariff now applied, in addition to the freight charges which German builders are obliged to pay, there is no apparent reason for the German locomotives being any cheaper than the French.

It may be drawn from the data given in this article that in normal times, and for locomotives of French design delivered in France, little or no advantage is possessed, as far as price is concerned, by American or German companies over French builders. But builders in the United States are far ahead in time of delivery.

As confirming substantially the statements made in the preceding report, let me cite also an extract from an article by Naval Constructor Louis Barberis, Royal Italian Navy, published in Rivista Marittima and printed in a translation by A. Conti, in Volume XXIV, No. 1, of the Journal of the American Society of Naval Engineers, February, 1912. He states that the following average cost prices per ton of displacement of the *Dreadnought* type of battleships have been derived from his studies:

	Hull and machinery.	Ship complete without ammunition.
England	$182	$401
Germany	214	416
United States	212	417.5
Austria	256	490
France	247	525

And he then proceeds as follows, speaking always of "The cost of *Dreadnoughts*":

In regard to cost of production, the nations may be grouped as follows: England, Germany, and the United States, where ships are comparatively cheap, and Austria and France, where ships cost much more.

In the first group, England pays very little for hull and machinery while armor and ordnance are comparatively expensive. In the United States armor is cheap; in Germany this is so with ordnance, although this is probably due rather to the small proportion of the displacement assigned to the battery than to the low cost of German ordnance.

If the *Texas* had not been included in the average the mean cost for the United States would have been slightly less than for Germany. It must be noted that the low cost of the *Nassau* class is for ships with reciprocating engines and 11-inch guns.

In France ordnance is comparatively expensive. This is easily explained for the *Dantons*, owing to the large number of turrets, but is not so justified for the *Jean Barts*. For Austria armor is rather moderate. Due to the fact that her ships have only four turrets and that the *Skoda* artillery is rather light, the cost of Austrian ordnance can not be considered moderate. Very high is the cost of machinery; and even the continuity of demand (which is, of course, a factor in the cost) has not been able to overcome the monopoly of the Stabilimento Tecnico Triestino.

With the exception of the United States, where the increased cost is due to the eight-hour clause, the general tendency is toward a slight decrease of cost. In France, particularly for the last two ships, there has been a sensible reduction. Armor is now much cheaper everywhere, and within the last two or three years this is true for turbine machinery. On the other hand, tin and copper cost more, and even steel is slightly higher, but this has very little importance in the total cost of a large warship.

In conclusion, a new ship of 25,000 tons complete, but without ammunition, could be obtained nowadays from shipbuilders of various nations at the following prices:

England	$10,100,000
Germany	10,400,000
United States	10,580,000
Austria	12,300,000
France	13,100,000

For the ship complete and ready for service we should add to these figures about $400,000 for general expenses (such as the Navy's designing staff, experimental tank, civil employees, inspectors, crews aboard ship during completion, etc.), and at least $2,000,000 for ammunition (in France, where a larger allowance is carried, an allowance of at least $2,500,000 should be made) and $200,000 for torpedoes, navigating instruments, etc., all of which, although taken from the Navy's stock, must, nevertheless, be replaced by a new supply when a new ship is ordered.

Therefore the taxpayers of various nations for each new ship of 25,000 tons need the following appropriations:

England	$12,600,000
Germany	12,900,000
United States	13,000,000
Austria	14,800,000
France	15,000,000

This shows at a glance how the Mediterranean nations are badly handicapped in comparison with other nations where the steel industry is more advanced and whose shipyards, owing to a larger and steadier output, are in better condition to give a return on the large capital invested.

Free Sugar and Excise Tax.

SPEECH

OF

HON. MICHAEL E. DRISCOLL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 19, 1912,

On the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Mr. MICHAEL E. DRISCOLL said:

Mr. SPEAKER: The free-sugar bill and the excise-tax bill are companion pieces of legislation. The free-sugar bill was first reported and first to pass the House, and should have had the right of way in its legislative course, for if it does not become a law there will be no demand for the revenue which the excise-tax bill is designed to produce.

The removal of the duty on sugar will entail a loss to the Treasury of between fifty and sixty millions a year, and it is to meet that loss and to raise the funds to pay our current expenses that resort is had to an income tax on business. Able lawyers assert that it is unconstitutional, and that it will be set aside by the court. Even if held to be valid, no facts or well-considered arguments are submitted which warrant the conclusion that it will produce fifty millions or even twenty millions of revenue. Therefore, as far as receipts for the Government and good business management are concerned, the proposition is to surrender a certainty for an uncertainty, a sure revenue for a guess and a lawsuit.

There is an irreconcilable difference of opinion between the advocates and opponents of the sugar bill as to its effects on the price of sugar in this country. One says it will lower the price from a cent and a half to 2 cents a pound, and keep it down. Another says it will not reduce the price at all; that the foreign producers and refiners will absorb the duty now paid to the Government, and that the consumers in our country will get little or no benefit. The probability is that neither statement is strictly correct, and that the truth lies somewhere between these two extremes; that the foreign producers will raise the price and appropriate as much as possible of the present tariff duty. The American consumers will get some, and the importers and refiners will absorb considerable and make tremendous profits. That is the way it seems to me after reading and hearing much debate on both sides of the question. Certain it is that surprising and unexpected results often follow changes in the import duties on articles in common use in this country. The Payne tariff law reduced the duty on meats and immediately the prices rose. It reduced the duty on lumber, and the prices went up. It put raw hides on the free list, and they went up. It reduced the duties on boots, shoes, and leather goods, and they rose in the markets of this country.

In the spring of 1898 a tax of 10 cents a pound was put on tea as a Spanish War tax, and tea in this country did not rise to exceed 1 cent a pound. In the spring of 1902 that duty was taken off, and it did not fall in the market to exceed 1 cent a pound. Just what will happen in this country if the duty on sugar is removed only time and the logic of events will determine. If the price in this country is not materially reduced our American beet and cane sugar producers will continue in business, and, with active and healthy competition, tend to check unlimited extortion by the Sugar Trust. Whereas if the price should drop from a cent and a half to two cents a pound our home producers would be driven out of business in a short time. Then the refiners would have the people of this country at their mercy and would raise the price to the limit of their greed. Certain it is that the refiners, and especially the Sugar Trust, want the duty removed, and they know what is for their interest.

The Republican organization of the House, by a motion to recommit, offered to accept a sugar schedule with tariff rates equal to the difference in the cost of production between this and foreign countries, thereby waiving the clause in our last national platform for reasonable profits, and the differential on refined sugar and Dutch standard color test, which none but experts fully understand. That is a straight protective duty to the home producer. That will mean, in my judgment, the reduction of the present duty by nearly one-half. It would maintain our cane and beet sugar business, and if our opponents are correct in their contention it would reduce the price of sugar to the people by from 75 cents to $1 a hundred pounds.

If the people of our country have become tired of reasonable protection to home industries and are ready to adopt a system of duties for revenue only, or free trade as expressed in this bill, they will soon have the opportunity. But they should be willing to give as well as take. If they demand protection for what they produce and sell, they should be willing to concede protection to what they buy and consume. If they insist that all duty on sugar be removed they should be willing to grant a bounty on sugar measuring the difference in the cost of production at home and abroad, for the protection of domestic producers in order that their business may not be destroyed.

Sugar is treated by all civilized nations as a revenue producer. Since the creation of our fiscal system, over a hundred years ago, sugar has been on the dutiable list, save under the McKinley law, when there was a surplus of revenue approximating $100,000,000 a year. Then the protective principle was not abandoned, for a bounty of 2 cents a pound was paid on domestic sugar. The Wilson-Gorman law levied a duty of 40 per cent on sugar. During several years back the average price of sugar has been lower in this than in any other civilized country save England. It would be very unfair to cut off all protection of our domestic sugar by one act and without any bounty which may sustain home producers until they can adjust themselves to the new conditions. If we are to adopt the policy of free trade, then we should reduce the duties gradually and proportionately, so that any business which is paying higher prices for what it buys may have some protection on what it sells, in order that it may be able to exist until the free-trade level of wages and commodities may be reached by all.

Last fall, when the sugar reports from other countries indicated that the world's crop was short about a million tons, the Sugar Trust took advantage of that scare and raised the price of sugar higher than for many years, and much higher than was necessary for reasonable profits, and kept the price up until American sugar came into the market in competition and bore down the price.

If by the removal of the duty on imported sugar our home producers will be driven out of business, thereby reducing the world's supply by about 900,000 tons a year, the importers will be sure to take advantage of that shortage and raise the price to our people beyond what it has been in the past with import duties paid.

It is contended by the Democrats on the Ways and Means Committee that the proposed excise law will be sustained by the court as valid, and by the Republicans on that committee that it will be declared by the Supreme Court to be unconstitutional and void. It is claimed by the Democrats that it will produce sixty millions of revenue, and by the Republicans, if all its provisions are sustained by the court, it will not produce to exceed twenty millions. These will remain disputed questions until they are settled, the one by the Supreme Court and the other, in case the law is sustained, by its actual administration.

It is called an excise tax to distinguish it from an income tax, which has been declared unconstitutional; and the majority frankly admit that it is not the kind of a law they would propose had the Congress the constitutional power to enact such a law as they would like.

The man who puts his capital into a manufacturing business, buying materials, hiring labor, putting money into circulation, and helping promote the general prosperity of his community, suffers the loss if his enterprise fails, while if he succeeds he is taxed on his profits. On the other hand, the man who invests his capital in gilt-edge stocks and bonds does nothing but cut off coupons and is an idle drone on society—escapes the tax. The Rockefellers, Carnegies, Astors, and Vanderbilts pay nothing, because their money is not engaged in active business, while men who are engaged in active business are, in case of success, taxed on their investments and the fruits of their labor. The idle rich are exempt. The industrious men of ordinary means pay the tax. It is a premium on idleness and sloth and an imposition on industry and thrift. Officials of the Federal Government are expressly included for taxation, while officials of State, county, and municipal governments are expressly excepted. All in all it is crude in form and unfair in its provisions, and a bungling attempt to sidestep the constitutional prohibition against such an income tax as the majority would like to propose. It is strictly a political measure, framed up by the majority of the House in the hope that it will appeal to the great majority of those people who will not come within its provisions.

As a resident and Representative of New York State I am opposed to this measure because it proposes to tap a source of revenue which should be reserved for the use of the State. So much has been said on the free-sugar and excise-tax bills with regard to their general effect on the business and prosperity of the country that I would not attempt to discuss them were it

not that I wish to point out to the people of my State how this excise-tax measure, if enacted into law, will particularly injure them.

Our State has been and is engaged in many public enterprises which other States are demanding at the expense of the Federal Treasury. In 1826 the old Erie Canal was opened to navigation from Albany to Buffalo through the center of our State from east to west. About the same time the magnificent Mississippi Valley was opened up to cultivation and its products shipped to New York and other eastern cities by that canal, to the great advantage of western farmers.

In 1895 the State bonded itself for $9,000,000 for deepening and improving the Erie, Champlain, and Oswego Canals.

In 1903 it bonded itself in the sum of $101,000,000 for the construction of what is known as the Barge Canal.

In 1909 it bonded itself in the sum of $7,000,000 for the improvement of the Seneca and Cayuga Canals and in 1911 it bonded itself for $19,800,000 for the terminals and facilities of the barge-canal traffic.

Thus it is seen that since 1895 it has assumed a bonded indebtedness in the sum of $138,800,000 for canal enlargement and improvement, and there is no doubt the expense will exceed that sum by many millions of dollars before the canal is completed and all riparian and other damages settled.

From the year 1817 to September 30, 1910, it spent the enormous sum of $364,473,363.25 on canal construction, improvement, and maintenance, principally on the canal which parallels the New York Central line from Albany to Buffalo, which has been a tremendous benefit to western farmers and producers by keeping down freight rates, not only on the New York Central, but on all railroads from the West to the Atlantic seaboard.

While New York has been assuming those heavy obligations and constructing those magnificent public works, very largely for the benefit of other States as well as itself, what have the States whose Representatives on this floor are the most clamorous for this bill been doing for themselves in canal construction? Nothing. This is not technically correct, for they have been very busy and enterprising in creating national waterways associations, deep-water ways associations, public improvement commissions, and many other organizations, and they have been spending a little money for junkets, dinners, cigars, and wines, and other entertainments, to which Congressmen have been invited, to the end that they may get their canals dug by the Federal Government.

In 1905 New York bonded itself for $50,000,000 for the improvement of its highways. That sum is practically all spent and nearly as much more by counties and towns, which are required by law to contribute toward their road construction. And it is now proposed to authorize an additional debt of $50,000,000 for the continuance of this work. What have the other States whose Representatives are advocating this measure as a stroke of genius in financeering been doing? Why, their Members have been introducing bills in Congress—30 or 40 of them—for the construction of their roads by the National Government. Those bills are interesting from their variety, originality, and recklessness, but all have a common purpose—to draw money from the Federal Treasury to do for them what they should do for themselves.

Some of those gentlemen who are not quite ready to surrender their State rights and antipaternalistic views would draw money from the Federal Treasury and deliver it to their State officials for road construction. Those who are willing to waive their theories when appropriations for their States or districts are concerned would have the Federal agents go into their States and build the roads. Some would have the Government build grand highways across the country in all directions radiating from Washington. Others yet would have the Nation construct a magnificent Lincoln memorial boulevard from the Capitol to Gettysburg in order to commit the Federal Government to the policy of country-road building.

New York has acquired 1,643,244 acres of forest reserves, at a cost of about $4,000,000, and has planted 15,000,000 trees in those reserves. It has a conservation commission for the care, protection, and reforestization of those reserves and the care and protection of fish and game, for which service there was spent in the fiscal year ended September 30, 1911, the sum of $607,875.08, while the gentlemen from other States who are shouting for this bill forced an act through Congress a couple of years ago requiring the National Government to buy their denuded mountain tops at good prices.

New York is spending approximately $1,000,000 a year for defense, which, while under the name of State defense, is in fact for national defense, the money being spent on the national guard, naval militia, arsenals, armories, and so forth.

New York spent in the year ended September 30, 1911, $254,160 through the health officer of the port of New York. That is the principal immigration port of the country, and money spent in the inspection of immigrants and in preventing the spread of disease inures to the benefit of the whole Nation.

Other States, especially the smaller and poorer ones, are constantly and persistently appealing to Congress to do for them many things which our State voluntarily does for itself. The acquisition, protection, and reforestization of the Catskill and Adirondack Mountain regions in aid of navigation, as well as for public health, is a great advantage to the country at large as well as to our State. It is a very large and expensive undertaking, and if in any other State the burden and responsibility would be shifted onto the Nation. The same is true of the barge-canal project.

Now, in order to continue those great and necessary works and in order to pay the bonded indebtedness incurred for them, it needs the revenue proposed to be taken from it by this measure. The bonded indebtedness of our counties and towns, cities and villages, is enormous, many times the national debt. Municipal taxes are very heavy to pay the interest on those bonds and the current expenses, which are constantly increasing. To relieve the burden of taxes from our farms and homes our State government undertook several years ago to raise the necessary funds to pay its current expenses by indirect taxes. It continued to do so for several years until last year, when resort was again had to direct property taxation.

The revenue which it is proposed by this bill to take for Federal purposes properly belongs to the States for the expenses of their governments, and the more that is extracted from them by this and similar methods the heavier will be the direct tax on the real and personal property of the States.

The corporation tax falls relatively very heavily on New York, and it is quite certain that it would have to bear the burden of an excise tax of this character in an equal, if not a much greater, proportion.

According to the census of 1910, the total population of the country was 91,972,266, and the population of New York was 9,113,614, less than one-tenth. In the same year the revenue derived from the corporation tax was $33,511,525, of which New York paid $7,947,707.75, nearly one-fourth.

New York paid approximately as much as 37 other States, according to the following statement taken from the last report of the collector of internal revenue:

New Mexico	$16,108.74
North Dakota	26,319.08
South Dakota	28,312.50
Idaho	29,935.72
Wyoming	37,855.45
Mississippi	47,779.57
Delaware	50,709.69
Vermont	55,031.95
South Carolina	58,270.05
New Hampshire	62,748.83
Oklahoma	68,508.91
Arkansas	70,499.38
Montana	71,871.88
Arizona	79,612.72
Florida	101,009.39
Nevada	101,693.52
North Carolina	109,025.89
Utah	115,536.17
Nebraska	130,800.38
Alabama	165,698.04
West Virginia	176,537.70
Oregon	185,358.96
Tennessee	193,082.04
Louisiana	205,904.44
Iowa	229,126.95
Georgia	237,822.76
Maine	280,829.71
Colorado	302,098.40
Kentucky	305,972.27
Washington	307,455.56
Kansas	410,048.57
Rhode Island	413,680.43
Maryland	426,296.12
Texas	477,215.82
Indiana	501,136.03
Wisconsin	530,654.55
Virginia	586,442.10
Total	8,097,314.85
New York	7,947,707.75

These figures are significant and foreshadow what will happen if this bill be enacted into law and sustained by the court. The power and jurisdiction of the Federal Government will increase by leaps and bounds, and a reign of extravagance and waste will follow. Especially will this be true if the income-tax amendment to the Federal Constitution be adopted.

Why not build ordinary country roads out of the Federal Treasury, when New York can be made to pay as much as 37 of the smaller States?

Take the State of North Dakota. It has 70,183 square miles of area, while New York has only 47,654. Therefore North Dakota has many long roads to construct and maintain. It pays of the corporation tax only $26,319.01. New York pays $7,947,707.75, or practically 302 times as much. Why not build

and maintain North Dakota's highways at the expense of the Federal Treasury and make New York pay $302 for North Dakota's $1?

A few weeks ago I received an engraved invitation to a national drainage congress, held by an association of gentlemen who propose to drain the swamps of the country at the expense of the National Treasury. Florida has about 19,000,000 acres of swamp lands; New York only about half a million. Florida contributes $109,009.39 of the corporation tax; New York, $7,947,707.75, nearly 79 times as much. Why not drain the Florida swamps and Everglades at the national expense, since New York contributes $79 to Florida's $1?

Why not irrigate all the lands in the arid and semiarid regions of the West? Then why not dig out the stumps, clear away the brush, build fences, and cultivate the land?

In the House the great States by their large delegations may be able to protect themselves to some extent; but how about the Senate? Nevada, with only one one-hundred-and-eleventh of New York's population has the same voting power, and the Senate does business largely by unanimous consent. It will be to the interest of the smaller States to combine against the larger ones, and if the present Senators from those States will be reluctant about it they will be promptly retired.

Florida and North Dakota are extreme cases, but they illustrate what will happen when the Federal Treasury is supplied with revenue from corporation, excise, income, and collateral-inheritance taxes. When 37 of the smaller States pay, in the aggregate, only as much as New York, while they have 37 times as much power in the Senate, a combination will be formed and an indiscriminate assault will be made on New York and the other large and rich States for the money to pay the expenses of internal affairs and domestic improvements.

It may be claimed that these raids on one section of the country for the support of another will be stopped by the Federal Constitution. I greatly fear that it will not restrain the raiders very long. Where there is a will there is usually a way, even with the Constitution.

Many Members in this body who voted for the purchase of forest reserves candidly admitted that their only constitutional justification for so voting was contained in "the general-welfare" provision of that document. That provision will in the future be invoked to justify any and every appropriation which the Congress, in its wisdom, may deem to be for the general welfare of the country.

The Democratic Party stands squarely on a tariff-for-revenue-only policy. It is proposed to remove the duty on sugar and raise the revenue by an excise tax on industry. Since tariff for protection is to be abandoned, then why not abolish other duties and raise the revenue by a larger excise tax or income or collateral inheritance tax? If 1 per cent is constitutional and justifiable, it may be raised to 5, 10, or 50 per cent; and that will be the tendency.

The insurgency which has been developing in the Middle West and Northwest during the last few years is, according to my diagnosis, simply a manifestation of hostility toward the rich and concentrated East and near East. The farmers of the West were prosperous under the Dingley tariff law; but they were not entirely happy or contented, for they were jealous of the eastern manufacturers, who, they thought, were making too much profit at their expense. They have been lashing themselves into fury against the industrial, financial, and commercial combinations and corporations of the East, and the nearer those concerns are to Wall street the more bitterly they are hated.

The agricultural States of the West and South are drawing closer together than they have been for many years, as will be illustrated by the vote on this bill, because they believe they have a common grievance against the East and are looking for an opportunity to get even. If this measure is passed and stands the test, and then if the income-tax amendment to the Constitution is adopted, their opportunity will be at hand. They will proceed to tax the wealth and business of the large cities and industrial centers and pour the money into the Federal Treasury with one hand and with the other draw it out for the construction of country roads, drainage of swamps, irrigation of arid lands, and a hundred other local and domestic projects which were not dreamed of as national functions until the advent of insurgency and progressive policies.

The Empire State will be heavily in debt for canals, roads, forests, and many other internal improvements; and the revenues which should be reserved for the liquidation of that debt and current expenses will be appropriated by the Federal Government for like improvements in other States. Any Member from New York or the other large, populous, industrial, and conservative States, be he Democrat or Republican, who votes for this bill will help precipitate a reign of populism and national socialism the results of which no man can foresee.

Swamp and Overflowed Lands.

SPEECH

OF

HON. L. C. DYER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 19, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21477) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. DYER said:

Mr. CHAIRMAN: I had hoped to see in this bill some provision providing for funds to actually begin the work of reclaiming the swamp and overflowed lands of this country. The work of reclaiming the swamp and overflowed lands is closely akin to the project of improving and making navigable the great waterways of our Nation. A national commission should be created for the purpose of making the necessary surveys, estimates of cost, and actually beginning the work. Sufficient funds ought also to be provided by this Congress for that purpose. The American people are anxious to know if these lands can be drained, if overflows can be prevented, and, if so, what it will cost and how the work can best be done. There is no doubt but what this project can be successfully carried out.

After considering what has been done to reclaim the marshes of Holland, two-fifths of which lie below the level of the sea, and the difficulties that have been overcome in draining the fens of England, it would be a reflection on the skill and intelligence of the American engineer to proclaim the drainage of our swamp lands impossible. On the contrary, the engineering problems are simple, as most of these lands are several feet above sea level and have natural creeks or bayous that need only to be improved by straightening, widening, and deepening to afford outlets for complete drainage. In case of some of the river bottoms and the salt marsh along the coast it is necessary to build levees to prevent overflow and to construct internal systems of drainage, with sluice gates or pumps to discharge the water from within, and by the use of modern machinery this work is neither difficult nor expensive. Levees can be built and ditches excavated with suitable dredges at a cost ranging from 7 to 16 cents per cubic yard. Large works in swamps where the land is overflowed are readily and cheaply constructed in this manner.

As to the cost of draining these lands, and whether or not it will pay, we have but to refer to the numerous works of this kind that have been completed. In those States where large areas of swamp land have been thoroughly drained by open ditches and tile drains the cost ranges from $6 to $20 per acre, while in places where tile drainage was not required the average cost has not exceeded $4 per acre. Judging from the prices which prevail in a large number of these districts where work of this kind is being carried on, it is safe to estimate that the 77,000,000 acres of swamp can be thoroughly drained and made fit for cultivation at an average cost of $15 per acre. The market value of these lands in their present shape ranges from $2 to $20 per acre, depending upon the location and prospect of immediate drainage, with an average of probably $8 per acre. Similar lands in different sections of the country that have been drained sell readily at $60 to $100 per acre at the completion of the work, and in many instances, when situated near large cities, they have sold as high as $400 per acre. To determine whether or not it will pay to drain these lands we have but to consider the following figures:

Cash value of 77,000,000 acres after thorough drainage, at $60 per acre		$4,620,000,000
Present value of this land at $8 per acre	$616,000,000	
Cost of drainage at $15 per acre	1,155,000,000	
Value of land and cost of draining		1,771,000,000
Net increase in value		2,849,000,000

These figures, though large, are not fanciful, but are based on results obtained in actual practice in different sections of the country where work of this kind has been done. An extended investigation shows that in every case where a complete system of drainage has been planned and carried out the land has increased in value many fold. In some instances, however, much time and money have been wasted because the work was undertaken without any well-defined plan or it was not sufficient to afford adequate and complete drainage.

In many cases conditions are such that drainage can not be secured in an economical manner without cooperation, and

where a project affects the lands of several owners cooperation can rarely be secured by mutual consent. To secure an adequate outlet for drainage, it is frequently necessary to improve natural streams by widening, straightening, and deepening, and to construct new channels where none exist, or to build levees or embankments on private property. In order to carry out such works the States have come to view drainage, when it extends beyond the boundaries of the individual landowner, as a public function. The courts have frequently held that such works confer a benefit on the community at large by improving the public health, benefiting the public highways, and contributing to the general welfare of the community.

Were this 77,000,000 acres of swamp and overflowed land drained and made healthful and fit for agriculture and divided into farms of 40 acres each it would provide homes for 1,925,000 families. Swamp lands, when drained, are extremely fertile, requiring but little commercial fertilizer, and yield abundant crops. They are adapted to the growth of a wide range of products and in most instances are convenient to good markets. While an income of $15 to $20 per acre in the grain-producing States of the Middle West is considered profitable, much of the swamp lands in the East and South would, if cultivated in cabbage, onions, celery, tomatoes, and other vegetables, yield a net income of more than $100 per acre.

In addition to the immediate benefits that accrue from the increased productiveness of these lands, a greater and more lasting benefit would follow their reclamation. The taxable value of the Commonwealth would be permanently increased, the healthfulness of the community would be improved, mosquitoes and malaria would be banished, and the construction of good roads made possible. Factories, churches, and schools would open up, and instead of active young farmers from the Mississippi Valley emigrating to Canada to seek cheap lands, they could find better homes within our own borders.

Holland, two-fifths of which lies below the level of the sea, has been reclaimed by diking and draining, and now supports a population of 450 per square mile. Her soil is no better than the marshes of this country, and her climate not so good as that of the Southern States, yet we have within our border an undeveloped empire ten times her area.

There is no good reason why this condition should longer continue, and it is to be hoped that the Congress of the United States will soon take steps to abate this nuisance and make these lands contribute to the support and upbuilding of the Nation.

The following is an estimate of the number of acres of swamp and overflowed lands in the several States which may be reclaimed for agriculture, exclusive of the coast lands which are overflowed by tide water. The acreage given is that obtained from the most recent information secured by correspondence with officials of the counties in the States represented:

	Acres.
Alabama	1,479,200
Arkansas	5,911,300
California	3,420,000
Connecticut	30,000
Delaware	127,200
Florida	19,800,000
Georgia	2,700,000
Illinois	925,000
Indiana	625,000
Iowa	930,500
Kansas	359,380
Kentucky	444,600
Louisiana	10,196,605
Maryland	192,000
Maine	156,520
Massachusetts	59,500
Michigan	2,947,439
Minnesota	5,832,308
Mississippi	5,760,200
Missouri	2,439,600
Nebraska	512,100
New Hampshire	12,700
New Jersey	326,400
New York	529,100
North Carolina	2,748,160
North Dakota	200,000
Ohio	155,047
Oklahoma	31,500
Oregon	254,000
Pennsylvania	50,000
Rhode Island	8,064
South Carolina	3,122,120
South Dakota	611,480
Tennessee	639,600
Texas	2,240,000
Vermont	23,000
Virginia	800,000
Washington	20,500
West Virginia	23,900
Wisconsin	2,360,000

The lands above enumerated are not all permanently unfit for cultivation in their natural state, but part of them are swamp or are subject to such frequent overflows from streams as to be entirely unproductive, while a part are only periodically rendered unfit for cultivation by reason of their wet condition. The lands named in the foregoing list are properly those which may be wholly reclaimed from either a permanently or periodically swamp or overflowed condition.

With reference to their productive value as affected by their natural wet condition, they may be classified as follows:

First. Lands which are permanently wet and are never fit for cultivation, even during the most favorable years, nor afford profitable grazing for live stock.

Second. Lands which afford pasturage for live stock, though the forage they produce may be of indifferent quality.

Third. Lands which in their natural condition are subject to periodical overflow by streams, but which at other times produce valuable crops.

Fourth. Lands which during seasons of light or medium rainfall will yield profitable crops, but which are wholly unproductive during the seasons characterized by a greater than the normal rainfall.

The following classification of the swamp and overflowed lands, with reference to these differences, represents approximately their relative agricultural value as affected by water conditions. All of these classes of land require draining to fit them for profitable cultivation, though a revenue of greater or less amount is periodically derived from all except the first class:

Classification of unreclaimed swamp and overflowed land.

State.	Permanent swamp.	Wet grazing land.	Periodically overflowed.	Periodically swampy.	Total.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama	900,000	59,200	520,000		1,479,200
Arkansas	5,200,000	50,000	531,000	131,300	5,912,300
California	1,000,000	1,000,000	1,420,000		3,420,000
Connecticut		10,000	20,000		30,000
Delaware	50,000	50,000	27,000	200	127,200
Florida	18,000,000		1,000,000	800,000	19,800,000
Georgia	1,000,000		1,000,000	700,000	2,700,000
Illinois	25,000	500,000	400,000		925,000
Indiana	15,000	100,000	500,000	10,000	625,000
Iowa	300,000	200,000	350,000	80,500	930,500
Kansas		59,380	300,000		359,380
Kentucky		100,000	300,000	44,600	444,600
Louisiana	9,000,000		1,196,605		10,196,605
Maryland	100,000		92,000		192,000
Maine	156,520				156,520
Massachusetts	20,000		39,500		59,500
Michigan	2,000,000	947,439			2,947,439
Minnesota	3,048,000	2,000,000		784,308	5,832,308
Mississippi	3,000,000		2,760,200		5,760,200
Missouri	1,000,000		1,439,600		2,439,600
Nebraska		100,000	412,100		512,100
New Hampshire	5,000		7,700		12,700
New Jersey	326,400				326,400
New York	100,000	100,000	329,100		529,100
North Carolina	1,000,000	500,000	500,000	748,160	2,748,160
North Dakota	50,000	50,000	50,000	50,000	200,000
Ohio			100,000	55,047	155,047
Oklahoma			31,500		31,500
Oregon	254,000				254,000
Pennsylvania			50,000		50,000
Rhode Island			6,000	2,064	8,064
South Carolina	1,500,000		622,120	1,000,000	3,122,120
South Dakota	100,000		511,480		611,480
Tennessee	639,600				639,600
Texas	1,240,000	1,000,000			2,240,000
Vermont	15,000		8,000		23,000
Virginia	600,000		200,000		800,000
Washington	20,500				20,500
West Virginia			23,900		23,900
Wisconsin	2,000,000			360,000	2,360,000
Total	52,665,020	6,826,019	14,747,805	4,766,179	79,005,023

In addition to the above total area of 79,005,023 acres of wet land, it is estimated that there are 150,000,000 acres of what is now known and occupied as farm land, which is too wet for the most profitable cultivation, and whose production would be increased 20 per cent by proper drainage.

Mr. B. F. Yoakum, in an address before the Business Men's League of St. Louis on the 16th of January, 1912, speaking upon the relations of the river and agricultural development to St. Louis, touched upon this great question, and in part said:

When that rich body of land between here and the Gulf is reclaimed by drainage and is under cultivation, you may be sure that the river itself will be improved to meet the new demands upon it. There now exists enough waste land on both sides of this river to make a State as large as Kentucky. This land, commencing right at your door and extending along the Mississippi, is sufficient for 625,000 farms, or 3,000,000 people. The average crop production per cultivated acre in the United States is about $12.50. This Mississippi Valley land, under scientific methods, will yield, conservatively estimated, $40 an acre, which would mean $1,000,000,000 of new wealth and new purchasing power annually.

Mr. Chairman, the time is now here when the Congress should give serious consideration to this question. The high cost of living in this country to-day is due primarily to the inability of the producers to supply the consumers. More farms, more agricultural lands, are needed to solve the problem of high prices for foodstuffs. This is not a question for the States, but is a question for the Government of the United States to deal with, and I sincerely hope that this committee and the Members of this Congress will soon see their duty clear in the premises, and provide the ways and means for reclaiming this vast area of swamp and overflowed land to the use and benefit of the American people.

Free Sugar and the Excise Tax.

SPEECH

OF

HON. EDWIN S. UNDERHILL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 19, 1912,

On the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. UNDERHILL said:

Mr. SPEAKER: The Payne-Aldrich tariff law and high prices are still with us and are just as much an issue in 1912 as they were in 1910.

The time allowed for general debate on this bill precludes an opportunity for discussion at full length by all Members who desire to be heard, and therefore I have availed myself of the opportunity to extend my remarks in order that my position in favor of this measure may be fully defined. The district which I represent contains industries of diversified character, is largely devoted to agriculture, grape growing, and to manufacturing industries, many of them small, so that the productive energy of the district embraces farmers and grape growers as well as wage earners in shops and on railroads.

I was elected to the Sixty-second Congress as the candidate of the Democratic Party largely on a personal platform whereby I promised to represent the district to the best of my ability and to favor legislation which would be beneficial to the residents of the entire district so far as possible. That platform contained a plank in which I pledged myself to favor an honest revision of the tariff downward, not on the luxuries imported from abroad but on the necessaries of life.

I shall vote for this bill because I believe it will afford a considerable measure of relief to the American people who are laboring under a heavy burden of excessive Federal taxation. One of the cardinal principles of the Democratic Party is that the expense of maintaining government should be divided in proportion to the ability to pay of those who are taxed. The Democratic majority in this House was elected largely on a platform of this character. They also stood in opposition to "Cannonism" and in favor of selection of committees of Congress by the Members of Congress and not by an all-powerful Speaker. I am proud that I was one of the majority thus selected to assist in restoring our legislative machinery to the hands of the people of the Nation and thus destroy the pernicious influence of the interests to the end that public affairs should be regulated for the public good. Greatly to the surprise and distress of the members of the Republican Party, they found in the first session of the Sixty-second Congress that the Democratic Party was keeping faith with the people by redeeming its pledges.

The national Democratic platform of 1908 declared for a gradual, not a radical, reduction of the tariff. It also declared that articles which came in competition with trust-made articles should be placed on the free list. Notwithstanding the promises of the Republican national convention in 1908 that they would reduce the tariff, when President Taft convened the Sixty-first Congress in special session for the purpose of carrying out this pledge they produced the Payne-Aldrich tariff bill, which, instead of lowering the taxes levied upon the people for the support of the National Government, actually raised rates already in existence. This work was not accomplished without the earnest protest of the Democrats and many so-called progressive but really patriotic Republicans, who insisted that the changes in the tariff were not reductions but rather increases. Patriotic members of the Republican Party in both Houses of Congress voted against the measure, as they deemed it a violation of the platform pledges and that it was virtually a betrayal of the American people. It was such a flagrant departure from the Republican platform that the Hon. JAMES R. MANN, of Illinois, the distinguished minority leader of the present Congress, refused to give it his support on the final passage. And after it had passed both Houses a Republican President gave it his indorsement and later complimented it by calling it "the best tariff law ever enacted." Throughout the consideration of this bill in the House, under the leadership of our present able and distinguished Speaker, the Democracy were a solid and compact force against it, aided by the Progressive Republicans to whom reference has already been made. This repudiation of party faith was so outrageous that it contributed largely to the defeat of the Republican Party in 1910, whereby a Republican majority of 40 in this House became a Democratic majority of 66; and yet, notwithstanding this very trying experience, the Republican Party has since uniformly opposed all legislation endeavoring to carry out the plain mandate of the people, and to-day is divided into two hostile camps—progressives and standpatters, the latter being in favor of high tariff and constituting a majority of their party representatives.

I favor the passage of the bill placing sugar upon the free list because I believe that it will relieve nearly 100,000,000 people of the burden of taxation which they should not be compelled to stand.

I invite your attention to the table of sugar prices that is printed on page 6 of the report of the Ways and Means Committee on this bill:

Average quotations, net cash, in cents per pound, in 1910.

Country.	Raw in bond.	Tax refined.	Wholesale refined tax paid.	Refined in bond.
England	2.848	0.400	4.101	3.706
Germany	2.656	1.510	5.150	3.640
Austria	2.593	3.498	7.298	3.800
France	3.134	2.380	6.450	4.070
United States	2.840	1.900	4.972	3.532

These prices show clearly that domestic producers of sugar have nothing to fear from free trade in this article.

I next invite your attention to the differences between the export price of sugar at Hamburg and the wholesale price at New York for several years, as brought out by the following table:

Comparison of export price of sugar at Hamburg and wholesale price of same at New York, 1900 to 1911.

[Cents per pound.]

Years.	Raw sugar.			Granulated sugar.		
	Export price at Hamburg.	Wholesale price at New York.	Difference between export price at Hamburg and wholesale price at New York.	Export price at Hamburg.	Wholesale price at New York.	Difference between export price at Hamburg and wholesale price at New York.
1900	2.24	4.56	2.32	2.64	5.32	2.68
1901	1.88	4.04	2.16	2.29	5.05	2.76
1902	1.43	3.54	2.11	1.79	4.45	2.66
1903	1.81	3.72	1.91	2.11	4.63	2.52
1904	2.14	3.97	1.83	2.55	4.77	2.22
1905	2.55	4.27	1.72	3.00	5.25	2.25
1906	1.87	3.68	1.81	2.31	4.51	2.20
1907	2.05	3.75	1.70	2.40	4.65	2.25
1908	2.29	4.07	1.78	2.63	4.95	2.32
1909	2.35	4.00	1.65	2.78	4.76	1.98
1910	2.74	4.18	1.44	3.22	4.97	1.75
1911	2.82	4.45	1.63	3.20	5.34	2.14

Please bear in mind that beet sugar leaves the first manufacturing establishment in a refined condition, while all cane sugar, which constitutes about four-fifths of our consumption, has to be refined. It will thus be seen that the refining interest is the most important factor connected with sugar manufacturing in the United States. The ability of our refineries to compete with other countries without the aid of tariff advantage can not be successfully denied. This condition Mr. Claus Spreckels, one of the largest refiners of sugar, testified to in his statement before the Ways and Means Committee in 1909. Mr. Spreckels stated:

I would be perfectly satisfied if you should finally decide to agree upon free trade in both raw and refined sugars. I would, of course, appreciate, and think we are entitled to, a moderate protection on refined sugars, but would prefer absolute free trade to the present schedule, under which the Sugar Trust is the principal beneficiary and enabled to exact special privileges and conditions on sugars produced in Louisiana and the Hawaiian Islands.

It is evident that the country desires a revision of the tariff, and expects a reduction of duties whenever it can be shown to be reasonable, feasible, and advantageous. Personally, I take no stock in the old and threadbare theory that the duty on sugar can not be abolished

on account of the Government requiring the revenue, and have full confidence that your committee and the Senate Finance Committee can, after your years of experience, raise the necessary revenue from other sources.

As far as the production of the domestic sugar is concerned, I claim that beet-sugar factories located in proper localities, such as Colorado, California, Utah, Idaho and Oregon, should and, I am informed, can produce granulated sugar at 2½ cents per pound. Of course, if it be the purpose of this Government to impose a tariff which will enable the production of articles in unsuitable localities at the expense of the American public, then an import duty is necessary and will always have to be maintained.

As far as Louisiana is concerned, I contend that the Sugar Trust is in a position to seize at its discretion a large share, if not all, of the benefit of the protection granted.

As far as our colonies are concerned, they to-day are able to produce sugars in competition with the rest of the world.

Under the circumstances, I believe the sooner our Government reduces and gradually wipes out entirely the duty on sugar the better it will be for the country and all concerned, of course bearing in mind that the differential afforded refiners should be reduced in proportion to the reduction in duties on raw sugar. (Tariff hearings, Committee on Ways and Means, 1909, p. 3389.)

In considering the first table the sugar produced abroad is beet sugar, and in comparing that product with the product manufactured in this country it should be borne in mind that while the cost of manufacturing beet sugar is lowest in Germany, that beets have a higher sugar content in the United States, and that the freight charges from Germany to this country and the transportation from the seaboard to destination will fully offset any differences in labor.

The amount of sugar consumed in the United States, in round numbers, is nearly 8,000,000,000 pounds per year, which, at the average price for the last 10 years, cost the people a total of $400,000,000. The testimony of Spreckels and others before the Hardwick committee is to the effect that the price of sugar is increased almost the amount of the tariff, or 1.9 cents per pound. We therefore contribute to the Sugar Trust and domestic producers annually a total of $152,000,000.

This legislation is designed to cut down the high cost of living, and it is a great privilege as a Member of this Democratic House, following the wise statesmanship of the distinguished Speaker, CHAMP CLARK, and the commanding leadership of OSCAR W. UNDERWOOD, to stand shoulder to shoulder with other Democratic Members of the Sixty-second Congress and vote to relieve the people of this country from the imposition of this tax.

The Payne-Aldrich Tariff Act levies these taxes:

Fresh beef, 1½ cents per pound.
Fresh mution, 1½ cents per pound.
Fresh pork, 1½ cents per pound.
Hams, 4 cents per pound.
Bacons, 4 cents per pound.
Lard and compounds, 1½ cents per pound.
Sausage (except bologna), 25 per cent.
Flour, 25 per cent.
Bread, biscuits, wafers, 20 per cent.
Buckwheat flour, 25 per cent.
Oatmeal, 1 cent per pound.
Salt, 33 to 80 per cent.
Shoes, 10 per cent.
Sewing machines, 30 per cent.
Harness and saddlery, 20 to 35 per cent.
Wagons and carts, 45 per cent.
Lumber (average on rough and dressed), $2 per thousand feet.

In response to the demand of the American people for relief from excessive tariff taxation this Democratic House placed these articles upon the free list, and it can with safety appeal to the people for the defeat of that measure by the present Republican administration. The effort of the Democratic Party to further relieve the people of the payment of over fifty millions annually in tariff taxes on cotton and woolen goods met with a like lamentable fate. The Democratic Party has endeavored to redeem its pledges to the people, and can with safety appeal to them for their verdict upon the record in November, 1912.

EXCISE TAX.

When sugar was placed on the free list it was necessary for the Ways and Means Committee to originate a source of income for the Government, as the sugar tax yields a revenue to the General Government of about $52,000,000 annually. This tax, which has been levied for many years upon all classes, bears most heavily upon the masses of the people. It is the proposal of the Democratic Party to replace this loss in revenue by levying an excise tax upon the incomes of the comparatively rich. In other words, it is proposed to relieve the table of the poor man from this burdensome tax on sugar and reimburse the Treasury by levying a tax upon the incomes of those who are able to pay it, and should pay it, as it is by the fostering care of this country that they have been able to amass their property and obtain their incomes. Only incomes above $5,000 are to be taxed, which means that a person must have a capitalized sum of, perhaps, $100,000 before he is called upon to pay 1 per cent tax on that portion of the income in excess of $5,000.

What tax could be more just than one imposed upon those best able to pay it? The claim is made that 10 per cent of the people own 90 per cent of the wealth of the country. The vast property of this 10 per cent receives the protection of the Government, just the same as the small holdings of the other 90 per cent who have been paying nearly uniformly per capita on the sugar tax.

It is estimated that this excise tax will reach the earnings of the great properties of the country, and that about $60,000,000 will be paid into the National Treasury, which is less than one-half the saving which will be made to the masses by placing sugar on the free list.

The Democratic Party has always stood for the general proposition that the wealth of this country should bear its fair share of the taxes necessary to support our great Government, and I believe that these two measures, placing sugar upon the free list and levying this excise tax on earnings in excess of $5,000, will meet with the hearty approval and warm indorsement of the people.

The Three-Year Homestead Bill.

SPEECH

OF

HON. LOUIS B. HANNA,

OF NORTH DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 20, 1912,

On the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes relating to homesteads.

Mr. HANNA said:

Mr. SPEAKER: At the beginning of the present session of this Congress I introduced a bill in this House for the purpose of allowing homesteaders to prove up on their lands at the end of three years. A similar bill was introduced in the Senate and passed the Senate, came to the House, and was considered before the House Committee on Public Lands, together with the bill of mine, and we have now for consideration before this House a three-year homestead bill, to which amendments have been made, and I believe we now have the best legislation ever proposed upon this subject, and I sincerely hope this proposed amended bill may pass this Congress.

In the early days when the homestead law was first passed public lands were to be had under the homestead laws in many of the best agricultural States in the Union—Iowa, Illinois, Minnesota, Kansas, eastern Nebraska, South Dakota, North Dakota, and other States—and at that time the homestead period of five years for a person to live upon his land was not a hardship, because the lands which the homesteader had to choose from were of high quality and also within the area of country where there is at all times and in all seasons a sufficient rainfall, and it was comparatively easy to make a living on a few acres of good land, and where the climatic conditions were all that could be desired.

I have lived in North Dakota for 30 years, and it is one of the public-land States, was then and is now; but the lands where the homesteader now lives, and the lands still left in North Dakota open for homesteading, and the lands which are left throughout the United States and which are open for settlement under the homestead law, and those upon which settlers are now living as homesteaders, are generally lands of good character and good soil, but are in the drier sections of the country, and much is in the semiarid belt of the United States. The consequence has been that the settlers who have gone out upon these lands have not the same opportunities for making a home as quickly and as successfully as did the homesteaders of 10, 20, or 30 years ago, who had the advantages of lands where there was plenty of rainfall, and many of those lands were nearer to timber, and timber and lumber is a great asset and a great boon, where it can be had, to the new settler.

Many of the settlers on Government land to-day can not in the first years earn a livelihood for themselves and their families upon their land, but must spend at least a part of their time away from their lands in order to get work to tide themselves over the first years, and also the years when perchance they may have had bad crops by reason of drought or for some other reason of a similar nature. Three years to-day upon a homestead is a longer period than five years was in the old days.

There is another reason why we should pass this bill, and that is that many of the new settlers upon Government land

need something in the way of tangible security upon which they can borrow money. Farming to-day is not what it was 25 or 50 years ago; but the farmer of to-day must not only have stock, he must have machinery to farm with. This costs money. If he has to go into the local banks in the new sections of the country to borrow, the rates of interest are naturally high, as the only security he has to give—if he has any security at all—is the security upon his horses, cattle, or machinery, and in many cases the real security and the only security which he has, from which money can be realized at some time, is his crop, which has not as yet, perhaps, been even put into the ground. Taking into consideration the hazard, the banks in the new sections of the country charge a high rate, and they can not be condemned for so doing, because the risk is great. Many of the settlers in order to get money upon their land, and they can get money upon their land at a great deal less rate of interest than they can upon personal property, commute at the end of 14 months. This is really an unfortunate thing for them to do. The reason is because when they do commute they have to pay the Government at the rate of $1.25 per acre, which would be $200 for a homestead of 160 acres. This money is absolutely gone; but if the settler, instead of commuting at the end of 14 months, could and would wait for 36 months and then make proof—and many times he could do that, but can not wait for the 60 months, as under the five-year proof—then instead of having to pay the Government the $200, he would get his title in full for the land without paying the Government anything; and every penny he had to borrow on the land, if he had to borrow at all, would go to him, and $200 to a new settler who is making a start and a beginning is vital as to his future welfare and to his future prosperity, and he, the settler, needs that $200 much more than the Government does.

If the land happens to be within the railroad limits, so called, as in the case of the Northern Pacific Railway, he would have to pay $2.50 per acre, or $400, to commute upon 160 acres of land. I have always considered that this charge of $2.50 per acre inside of the railroad limits was an outrage. When the Northern Pacific built their railroad from Lake Superior to Puget Sound they were given, clear across, a land grant extending for 40 miles on either side of the main line of their railroad and consisting of every other section of land. Now, wherever a settler settled upon any of the even numbered Government sections, the railroad having the odd sections, and proved up by commuting on his land, as thousands of them did and are doing, he had to pay $2.50 per acre for commuting inside of the railroad limits, while the price was only $1.25 outside the railroad limits, or, in other words, the poor settler who commuted had to pay for the railroad land that the Government gave to the railroad which lies directly alongside of his own land. I have always believed that this was absolutely unjust, and have had a bill before Congress for a long time, but so far without success in getting favorable action upon it, to stop this practice and to allow the settler who commutes within the railroad limits to do so at $1.25 per acre, the same as the settler who lives outside of the 40-mile territory.

This matter of proving up on land and getting title to it so that the settler may have some basis of credit is vital, and it may also happen that perhaps by reason of sickness or from some other cause that the settler may not be aware of at the time he first filed and began to live upon his land it may become necessary for him to make some changes, and if he has to wait five years in order to get his patent for his land it works many times a great hardship upon his family and himself, and the three-year homestead proof will be a great boon to the settlers now living upon Government lands all over the great West and thousands who may yet file upon Government land.

I have referred briefly to the matter of commutation and wish to say a few more words upon that subject. If the five-year proof stands, as now, then the settlers, regardless of where their lands are, whether they are within the so-called coal areas, where they only get surface title to the lands anyway, ought to be allowed to make commutation proofs, if they wish to do so and wish to pay the $1.25 per acre to the Government for that privilege. But under the law as it stands now, wherever there is coal—even lignite coal, which is a coal of not the best quality, as in my own State, although I firmly believe that some day the right way to use the lignite coals of North Dakota will be found—commutation proofs can not be made, even though the settler gets surface title only.

Under the regulations adopted by the Interior Department under the so-called conservation law, where there is a vein of lignite coal of 30 inches or more at a depth not greater than 500 feet down from the surface of the land it is called coal land. I have been working earnestly for two years, and shall continue to work, to try and get the regulations and the law changed, especially as it applies to North Dakota, for the reason that the North Dakota lignites have no rock roof over them. The lignite coals of Texas and of Alaska have a slate or rock roof of some kind, but in North Dakota the roof is either sand or clay, and the consequence is that a certain amount of the coal itself must be left to act as a roof. I have corresponded with some 20 or 25 men or companies who are operating the larger mines in North Dakota, and they have, everyone of them, advised me that they are leaving from 1 to 2 feet of the coal to act as a roof. This being true—and I have presented these facts and figures to the Geological Survey—then the minimum vein of lignite coal, in North Dakota at least, should be changed by law and regulations from 30 inches to at least a minimum of 50 or 60 inches. To work a vein of coal 30 inches thick and leave 12 inches of it for a roof is ridiculous. This change to 50 or 60 inches would release at least 50 per cent of the coal lands in North Dakota, and possibly 75 per cent, which are now being held up and called coal lands, and the homesteader would get title in full for his land, with no reservations, as he should. Another thing is that in North Dakota we have no natural timber, and the timber used for the purpose of holding up the roof outside of where the coal pillars themselves are left has to be shipped in at large expense from a distance of several hundred miles, except for a very small amount of timber that is available from along the big Missouri River and a few of the smaller streams. For these two reasons—the lack of natural timber in North Dakota and from the fact that there is no natural roof over the lignite coal—there should be some strong exceptions and difference made in regard to the minimum thickness of coal in North Dakota from that made in other States, where conditions are more favorable.

One other feature of this bill is the leave of absence. The bill provides that there shall be allowed the entryman or his family a leave of absence for five months in every calendar year. This is a splendid feature of the bill and should be adopted in the bill, for, as stated in the early part of these remarks, it is absolutely necessary many times for the entryman, by reason of lack of money and the necessity to earn some, and because he is just starting to establish himself and has but little capital with which to make a home, or perhaps by reason of failure of crops, to go where the conditions are more favorable and get a chance to work and earn some money to tide himself over the bad times and hard times. This leave of absence will take care of these necessary absences without subjecting him to the possibility of having his claim contested and putting him to the expense of defending himself, an expense which he can not afford. The time for settlers to leave their lands to the best advantage differs in different parts of the country; in Oregon, for instance, the time would be better in the summer season; in North Dakota the time would be best in the fall and winter; and so it goes, wherever the lands may be, conditions vary, and this bill provides latitude enough so that in every section of the country where there is Government land the settler will have the opportunity to choose for himself the time when it will be most advantageous for him to be away from his land. Again, many of our settlers go upon land a long way back from the railroads. The school facilities are not all that might be wished for. The homesteader has boys and girls coming on that he wishes to give a chance in life, just as you and I do with our children, and perhaps to give them a little better chance than he and his wife had themselves, and so he wishes his boys and girls to get an education; and, under this leave of absence, it will be possible, as in my own State—North Dakota—for the settler to go into town during the long, cold winter months, when it is impossible for him to do anything upon his lands, and give his boys and girls a great deal better opportunity in the town schools than they could possibly have in the country.

The man on the frontier, the pioneer, is deserving of every consideration that Congress can give him. He is the one who blazes the way, opens up the country, breaks the sod, builds his little house and barn; and when he does so looks into the future for the time to come when the Almighty shall smile upon the efforts which he and his good wife have put forth and shall give them the means to build the new and better house and barn and to make the other improvements that are as yet but dreams and dreams only. The pioneer builds the first schoolhouse and the first church, and the schoolhouse and church go hand in hand in making the community intellectually and morally what it should be. The hope of the Nation and the bulwark upon which it must lean in the future, as in the past, when trouble may come is not to be found in the congested cities, but will be, as it has been through all the years of the Nation's life, with the loyal, true, American men and women who live upon the farm.

This bill is in the interests of everyone, not only those who are living upon the Government lands of the West to-day, but in the interests of the men and women of the older States, who perhaps, if the conditions for homesteading are made a little more favorable, as they will be if this bill becomes a law, will go out and try for themselves to make a home in the great West. I believe that this is a bill in the interests of all and of every section of this country; that the bill is right; that it has its humanitarian features, is practical, just, and should become a law; and I believe that this House will pass it. [Applause.]

The Excise Tax Bill and the Sugar Tariff.

SPEECH

OF

HON. FRANK B. WILLIS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 19, 1912,

On the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Mr. WILLIS said:

Mr. SPEAKER: Section 1 of the bill now pending before the House provides—

That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year; or, if a nonresident, such nonresident person shall likewise be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the amount of net income over and above $5,000 received by such person from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during each year.

When the roll is called I shall vote for this bill for several reasons: First, because it is in the nature of an income tax, and I have favored an income tax for many years and now favor it. This is an attempt, though rather an awkward one, to tax incomes under the existing interpretation of the Constitution. The bill is rather loosely drawn, but perhaps it is as well done as we have a right to expect that our Democratic friends can do. Notwithstanding its incongruities I shall support it, because it is an attempt to tax incomes. Theoretically, at least, an income tax is the most just kind of a tax. The Republican Congress proposed an amendment to the Federal Constitution to provide for the taxation of incomes. This amendment has already been ratified by 28 States, and undoubtedly will soon be ratified by the additional number required to make it valid and binding as a part of the Federal Constitution.

When this action shall have taken place, if I am still a Member of this House, I shall gladly support a general income tax with proper limitations and exemptions. I look upon this measure as simply a temporary expedient. It does not tax the idle wealth of the country. A general income tax would. Under the provisions of the pending bill the Carnegies and Rockefellers will pay tax only in so far as they are engaged in business. This bill will not levy a tax upon the idle rich. A general income-tax law, such as can be passed when the Constitution is properly amended, would levy a tax upon these people and would thus put the burden upon shoulders best able to bear it. But this bill is at least an attempt in the direction of levying a tax upon incomes, and therefore I shall support it. I am further inclined to be favorable to this bill because it is a copy in part of the corporation-tax bill passed by a Republican Congress and signed by a Republican President. To be sure, the Republican measure levying a tax upon the income of corporations did not contain the absurdities and incongruities that are to be found in this bill, but this measure is avowedly an attempt to extend the provisions of the corporation-tax law to firms and copartnerships. This Federal corporation-tax law is, in turn, along the line of the corporation-tax laws which have been in force in the State of Ohio for a number of years and under the operation of which great revenues have flowed into the coffers of the State. Fifty-two per cent of the total revenues of Ohio is derived from the taxation of corporations. Only one other State in the Union collects so large a per cent of its taxes from corporations. So that, while this measure is by no means perfect, it is at least an attempt to copy after measures that were wise and the operations of which have been of great benefit to the people of this country. But while thus stating my intention to support this measure, I do not wish to be understood as being in sympathy with the Democratic program, of which this bill is a part. When the sugar bill was brought in here I voted against it, because I did not believe in paralyzing and absolutely destroying a great industry at one blow without any permanent benefit to the people of the United States. The Democratic Party was pledged to the American people in favor of a gradual reduction of the tariff.

It has violated its pledge by proposing here a measure which, according to the admission of its own leaders in this House, would destroy a great and flourishing industry that has been built up in this country. Thousands of farmers would be deprived of a market for their product, thousands of workmen would be thrown out of employment, many mills would be idle, this growing business would be paralyzed, the rapidly developing sugar industry of this country would be absolutely wiped out without the ultimate consumer of sugar being benefited in any way whatever. It was admitted in this debate by one of the distinguished leaders of the Democracy that he did not know what effect the passage of the bill would have upon one branch of the sugar industry, namely, the cane-sugar industry of Louisiana. Another leader stated that in his judgment this bill would destroy the cane-sugar industry. It is perfectly clear to those who have examined the facts and figures and who know what the farmer gets for his beets in this country and the wages that are paid to workmen that if the sugar bill were to become a law the beet-sugar industry in this country would be absolutely destroyed. If the tariff on sugar is higher than is necessary to equalize the difference between the cost of production here and abroad I am willing to vote for a reduction, and, in fact, did vote for a reduction when I supported the amendment offered by the gentleman from Iowa [Mr. PROUTY] which reduced the duty on sugar to 1½ cents a pound, and another amendment which reduced it to 1¼. I was willing to vote for these amendments because I was willing to stand by the provisions of the Republican platform of 1908, but I was not willing to vote for a measure which absolutely ignored the difference in cost of production here and abroad, and which, if enacted into a law, would put the American producer of sugar in competition with sugar producers in the Tropics, where labor costs practically nothing. I am opposed to putting American labor and American farmers on the level of the laboring men and farmers of Java. But it is urged by our Democratic friends that under the McKinley tariff of 1890 sugar was placed on the free list. So it was, but under what conditions? A bounty of 2 cents per pound was given to the American sugar producer so as to protect his industry against ruinous competition from abroad; this very important element of protection is lacking in the Democratic bill; Democratic free trade blights and destroys, William McKinley undertook to build. Democratic policies encourage foreign industries, McKinley policies develop our own.

If the Republican policy is adhered to and a tariff is maintained on sugar sufficiently high to equalize the difference in cost of production at home and abroad, it will be but a few years until we can produce in this country substantially all the sugar that we need. It has been proven by experiment that in a large number of the States we can raise the sugar beet successfully. We now have 71 beet-sugar factories, located in 16 different States, with an annual output of 506,000 tons of sugar. That the industry is a growing industry is proven by the following table, taken from page 706 of the hearings, showing the development of the beet-sugar industry from the fall of 1891 to the fall of 1910, both inclusive, giving the number of factories, the number of acres, and the pounds of sugar made each year:

Years.	Number of factories.	Acres.	Pounds of sugar.
1891-92	6	7,155	12,004,838
1892-93	6	13,128	27,083,288
1893-94	6	19,645	45,191,296
1894-95	5	19,538	45,006,000
1895-96	7	22,948	65,453,000
1896-97	7	57,239	84,081,000
1897-98	9	41,272	90,491,670
1898-99	15	37,400	72,735,000
1899-1900	31	135,305	163,458,075
1900-1901	34	132,000	172,164,000
1901-2	39	194,725	365,402,000
1902-3	44	259,513	437,837,000
1903-4	53	292,295	466,222,000
1904-5	51	252,100	469,777,000
1905-6	52	307,364	625,481,228
1906-7	63	376,074	967,224,000
1907-8	63	370,984	927,256,430
1908-9	62	364,913	851,768,000
1909-10	65	461,055	1,009,332,800
1910-11	64	429,014	1,019,692,800

Undoubtedly the gain would have been much greater had there not been repeated modifications of the sugar tariff which aroused feelings of uncertainty and insecurity.

Since 1910 seven more factories have been built, so that the total number is now 71.

If it could be shown that there was no chance to develop the sugar industry in this country there might be some reason for voting to put sugar on the free list; but when it is shown that there is a splendid opportunity to develop the industry here, to furnish work for our own people and a market for the products of our own farmers, thus keeping at home hundreds of millions of dollars that we are sending abroad to pay for sugar, it seems to me that there is absolutely no defense for a policy which would destroy this industry and condemn our people to the tender mercies of the American Sugar Refining Co., familiarly known as the Sugar Trust. Everybody is in favor of cheaper sugar, because it is a great article of necessity, but no one except the Sugar Trust will gain from a policy which first destroys the industry in this country and thus curtails the world output of sugar and gives the Sugar Trust an excuse to boost prices. As was brought out in the hearings before the Hardwick committee, the only way to reduce permanently the price of sugar is to produce more sugar. In this connection I cite the testimony of Mr. Wallace P. Willett, one of the great experts of the world on the sugar question:

Mr. SULZER. What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?

Mr. WILLETT. By increasing the amount of domestic production and in Porto Rico and Hawaii; that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons. [Misprint; should be 670,000.]

Mr. SULZER. In other words, you think it advisable for the Government of the United States to do everything within its legitimate scope to encourage the growth of cane and beet sugar in the United States?

Mr. WILLETT. Yes, sir.

Mr. SULZER. And in our insular possessions?

Mr. WILLETT. Yes, sir; in our insular possessions.

Mr. SULZER. And you also would recommend the abolition of all tariff taxes upon the importation of sugar?

Mr. WILLETT. No, sir. Do you mean import duties?

Mr. SULZER. Yes, sir.

Mr. WILLETT. No, sir.

Mr. SULZER. Would not the elimination of import duties on sugar materially reduce the cost to the manufacturers of sugar and the consumers in the United States?

Mr. WILLETT. At times it would, but at other times it would not.

Mr. SULZER. At what times would it not reduce it?

Mr. WILLETT. This year.

Mr. SULZER. Why not this year?

Mr. WILLETT. Well, because we had a very present example that the moment our American beet-sugar production became available on the market the rise stopped, and, owing entirely and totally to this American production, refined sugars were a cent and a half lower than they were at the highest point. But for that American production we to-day would be buying sugar at the world's prices. We can not get rid of it. There is no other source from which we could get sugar.

* * * * * * * *

In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible. (Pt. 48, p. 3978 of Hearings, the concluding paragraph of Mr. Willett's testimony.)

But the question may come, Why can not we produce sugar just as cheaply in this country as it can be produced in Europe? There are two reasons: In the first place, the American farmer gets more for his beets; in the second place, the American workingmen get higher wages. In a nutshell this tells the whole story. If we are willing to bring our farmers and laboring men down to the level of prices and wages maintained in other countries, perhaps we could produce as cheaply here as elsewhere. But the fact is that if the American farmer is to be paid only the price that is paid to the European farmer he will decline absolutely to raise beets, and consequently the industry will be at a standstill. Furthermore, it is of course impossible to obtain workingmen in the factories at any such ridiculously low rates of wages as are paid in foreign countries. I desire to call attention here to two tables from the minority report, showing prices paid for beets and rates of wages in this country as compared with the sugar-producing countries of Europe:

PRICE PAID FARMERS FOR BEETS IN EUROPE AND THE UNITED STATES.

The testimony taken before the hearings of this committee conclusively demonstrates that the beet-sugar manufacturers in this country are paying the farmer considerably more for beets than they did a few years ago. In California the price of beets has recently been increased 75 cents a ton, which makes the price for the quality of beets usually raised in that section $6 per ton. (Hearings, p. 3873.)

In Utah and Idaho the ruling price is $5 per ton and freight, which makes the beets cost, delivered at the factory, over $5.60 to $5.65 per ton. (Hearings, p. 797.)

In Colorado and Nebraska the price averages from $5.50 per ton to $6.50 per ton. (Hearings, pp. 400, 888.)

In Michigan and Ohio the customary contract calls for a payment by the factory of $4.50 per ton for beets testing 12 per cent sugar with 33⅓ cents per ton for each additional per cent of sugar in the beets, with a minimum guaranty of $5 per ton. (Hearings, p. 719.)

Under such form of contract, coupled with the freight charges paid by the factory, the average price paid by one of the leading Michigan companies in 1910 was $6.91 per ton. (Hearings, p. 712.)

As contrasted with the above cost of beets to the American manufacturer, we have the officially determined cost of beets per ton of 2,000 pounds in the open market in France and Germany as follows:

	France.	Germany.
1902–3	$4.03	
1903–4	3.92	
1904–5	3.91	$4.34
1905–6	4.31	4.32
1906–7	3.81	4.04
1907–8	3.98	4.23
1908–9	4.18	4.60
1909–10	4.27	4.73
1910–11		4.86
Average	4.05	4.45

EUROPEAN AND AMERICAN WAGES PAID IN BEET-SUGAR INDUSTRY.

The following table, giving the average daily wages of employees in French beet-sugar factories for the years 1902–3 to 1909–10, both inclusive, is taken from the official Bulletins de Statistique of the French finance department and is furnished the committee by the United States Department of Commerce and Labor. (Hearings, p. 3974.)

Average daily wages of employees in French beet-sugar factories.

[From the official Bulletins de Statistique of the French finance department.]

Years.	Men.		Women.		Children.	
	Value.	United States equivalent.	Value.	United States equivalent.	Value.	United States equivalent.
	Francs.		*Francs.*		*Francs.*	
1902–3	3.97	$0.766	2.18	$0.421	1.71	$0.330
1903–4	3.98	.768	2.15	.415	1.69	.326
1904–5	4.03	.778	2.13	.411	1.67	.322
1905–6	4.07	.786	2.18	.421	1.73	.334
1906–7	4.14	.799	2.26	.436	1.75	.338
1907–8	4.20	.811	2.26	.436	1.75	.338
1908–9	4.22	.814	2.32	.448	1.70	.328
1909–10	4.32	.834	2.39	.461	1.75	.358

On November 16, 1908, pages 33–36 of the hearings of the Ways and Means Committee, that committee took the statement of W. H. Baird, who had just completed a personal inspection of the American and European beet factories for the purpose of determining the rate of wages paid therein. His statement shows the following:

American wages.	European wages.
General foreman, $150 to $160 per month	Germany, $22 to $37.50 per month.
Beet shed men, 22½ cents per hour	Germany, 5 cents per hour; Austria, 7 cents per hour.
Flume feeders, 17½ cents per hour	Germany, 6¼ cents per hour; Austria, 7 cents per hour.
At the beet washers, 17½ cents per hour	Germany, 5 cents per hour; Austria, 5½ cents per hour.
At the beet cutters, 20 to 25 cents per hour	France, 8 to 10 cents per hour.
Sharpening knives, 22½ to 27½ cents per hour	France, 5.7 to 10 cents per hour.
At the diffusion battery, 25 cents per hour	Germany, 6 to 10 cents per hour; Austria, 4 to 5 cents per hour; France, 9 to 10 cents per hour.
Battery helpers, 20 cents per hour	Germany, 4 cents per hour; Austria, 4 to 6 cents per hour; France, 9 to 10 cents per hour.
Carbonation men, 25 cents per hour	Germany, 5 cents per hour; Austria, 5 cents per hour; France, 8 cents per hour.
At the filter presses, 17½ to 25 cents per hour	Germany, 4 to 5 cents per hour; Austria, 5 cents per hour; France, 7 to 8 cents per hour.
Evaporation men, 25 cents per hour	Germany, 4.4 cents per hour; Austria, 5.8 cents per hour; France, 8 cents per hour.
Vacuum-pan boilers, $100 to $125 per month	Germany, $18 to $22 per month; Austria, $18 per month.
Firemen, 25 cents per hour	6½ to 7 cents per hour.
Boiler cleaners, 20 cents per hour	France, 6 cents per hour.
Blacksmiths, 40 cents per hour	Germany, 7½ cents per hour; Austria, 7 cents per hour; France, 8 cents per hour.

From these figures it is apparent that the American farmer receives from $1.50 to $2 more per ton for his beets than is received by the farmer in Europe, and at the same time the workingman in the American beet-sugar factory receives almost three times as much as does the workingman in the beet-sugar factory of Europe. So that if the sugar bill should become a law it is apparent either that the industry must absolutely cease in this country or else our farmers and workingmen must continue to produce at rates that will come in competition with

the cheap labor of Europe and the still cheaper labor of tropical Java. Of course, our people will not and can not and ought not to work at such rates of wages, and consequently the inevitable conclusion is that if the sugar bill becomes a law this industry will be destroyed. Such action would cut off a large portion of the world's sugar supply, and thus ultimately increase the price to the consumer, and by placing him where it would be possible for the Sugar Trust to levy a tribute upon every pound of sugar that he bought, it would make it possible for that gigantic corporation to add to its ill-gotten gains by marking up prices, as it did last summer. Our domestic beet-sugar crop is the only product that comes into competition with the output of the American Sugar Refining Co., and consequently is the only force that operates to keep prices down. There is no doubt at all of the hostility of the sugar refiners to the beet-sugar industry. It is a very significant fact that all the great sugar refiners who appeared before the Hardwick committee argued in favor of free sugar. Why did they do this? Upon what theory can we account for the newly found solicitude on the part of these magnates for the interests of the ultimate consumer? Let the hearings before the Hardwick committee answer:

CLAUS A. SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. In other words, perhaps, you would take it (the tariff) all off, would you not, and have free trade?
Mr. SPRECKELS. I would have free trade.
Mr. HINDS. You would have free trade in sugar?
Mr. SPRECKELS. Absolutely. (Part 27, p. 2277, of Hearings.)

CHARLES R. HEIKE, SECRETARY AMERICAN SUGAR REFINING CO. FROM 1887 TO 1910.

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar, could we produce either cane or beets in this country?
Mr. HEIKE. I doubt it very much.
Mr. FORDNEY. Then, that would destroy the industry absolutely in this country?
Mr. HEIKE. Yes.
Mr. FORDNEY. And you would approve of that?
Mr. HEIKE. Yes. (Part 4, p. 292, of Hearings.)

WILLIAM G. GILMORE, PARTNER ARBUCKLE BROS., SUGAR REFINERS.

Mr. MADISON. In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?
Mr. GILMORE. Yes, sir.
Mr. MADISON. And you would advocate the taking off of the duty?
Mr. GILMORE. I would personally. I am only speaking now personally. (Part 14, p. 1163, of Hearings.)

EDWIN F. ATKINS, VICE PRESIDENT AND ACTING PRESIDENT AMERICAN SUGAR REFINING CO.

The CHAIRMAN. Is it really on account of the competition, Mr. Atkins? * * *
Mr. ATKINS. I think so. * * * There is very much larger capacity than is required, and the beet sugars are taking away the trade of the refiners year by year. (Part 1, p. 48, of Hearings.)

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Mr. MADISON. So you can hardly ascribe it to the fierce competition by the beet-sugar people?
Mr. ATKINS. Certainly. All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago and the Michigan sugar into Buffalo and Pittsburgh; and eastern refineries, not only the American Sugar Refining Co., but the others, have to reduce or close down until the beet sugars are out of the way. Any refining that is done between the 1st of October and the 1st of January is done without any profit and very often at a loss.

These questions and answers tell the whole story. It is evident that the refiners of cane sugar want free sugar not because they care anything about the welfare of the consumer, but because they want to crush out the only industry that offers any competition against their product. With the beet-sugar industry gone and the cane-sugar industry of Louisiana seriously crippled, the refiners would be absolute masters of the situation. If no sugar were produced in this country, every pound imported would have to pass through the hands of the great sugar refiners. They could levy such tribute on the American people as they pleased. As long as the beet-sugar industry lives and thrives there is a vigorous competitor at home whose product serves to keep down the exorbitant monopoly prices fixed by the Sugar Trust. The operation of these forces is well illustrated by the conditions which obtained in the sugar market last summer and fall. Between July and October the price of eastern granulated sugar advanced from $4 per hundred to $7.50 per hundred. It was maintained that this advance of price was owing to European stock shortage. Domestic beet sugar came on the market for actual delivery in the month of October. Late in September the eastern refiners began to lower their prices. There was no change in the European situation. It was the domestic beet sugar that brought down the prices; hence the hostility of the Sugar Trust.

The American Sugar Refining Co., otherwise known as the Sugar Trust, does not own nor control the American beet-sugar industry. As is shown by the hearings of the Hardwick committee it is now interested in only 33 of the 71 beet-sugar factories in the country. In only one of these companies, namely, the Iowa Sugar Co., one of the smallest producers of beet sugar, does the American Sugar Refining Co. have a controlling interest. In one other small company it has a 50 per cent interest and in another 49 per cent. The maximum interest it now has in any other beet-sugar company is 35 per cent. The American Sugar Refining Co. has now no interest, financial or otherwise, in the American Beet Sugar Co. There is no testimony tending to show that the American Sugar Refining Co. seeks to control in any way any beet-sugar company in which it has stock. There is not the slightest evidence to prove that there is any combination whatever between the various beet-sugar companies relative to the purchase of beets or the price at which sugar shall be sold. In other words, the beet-sugar industry is an actual vigorous competitor of the sugar refiners. It has demonstrated its ability to break prices and give the American consumer cheaper sugar. This is a contest between the Sugar Trust on the one hand and the independent producers on the other. It is a battle between monopoly and competition. If the beet-sugar industry shall be destroyed the American people are helpless in the grasp of a great monopoly. It is therefore perfectly clear why the great magnates of the Sugar Trust are in favor of free sugar. I desire to present here a table showing the total consumption of sugar in the United States and the sources from which our supply comes:

Total consumption of sugar in United States, 1911.

Total consumption of sugar in United States	tons	3,351,391
Compared with preceding year—increase	do	1,036
Compared with preceding year—increase	per cent	0.031
Consumption consisted of:		
Domestic cane (Louisiana and Texas)	tons	288,074
Domestic beet	do	506,825
Maple	do	8,000
Molasses sugar	do	8,910
Total domestic	do	811,809
Hawaii (cane)	do	482,231
Porto Rico (cane)	do	280,622
Philippine Islands (cane)	do	168,408
Cuba (cane)	do	1,409,259
Total on which tariff concessions are allowed	do	2,340,520
Foreign raw cane	do	183,344
Foreign raw beet	do	13,915
Foreign refined beet	do	430
Foreign refined cane	do	1,373
Total foreign on which full duty is assessed	do	190,062

From this it appears that the major portion of our sugar is already duty free. That which comes to us from Hawaii and Porto Rico comes in absolutely free of duty. The Cuban crop comes in under a 20 per cent concession; in other words, paying only 80 per cent of the duty provided by law. The total crop of the Philippines up to the amount of 300,000 tons per year comes in absolutely free; so that whereas a few years ago 75 per cent of our annual consumption consisted of full-duty-paid sugar, now it is only a little over 2 per cent. Another feature that requires consideration in this connection is our duty toward our insular possessions. Under the important concessions granted by this great Government to Porto Rico, Hawaii, Cuba, and the Philippines, sugar production has increased in those islands at a tremendous rate. As is shown by the report of the Department of Agriculture, we have in the mainland of the United States 250 times the sugar area of Germany. In addition to this we have the fruitful and rapidly growing possessions that came to us as the result of the Spanish-American War. Do we not owe these people something? Is it not better to develop our own country and our own possessions, and thus become the greatest producer of sugar in the world, bringing contentment and prosperity to our own people, than to consign these industries to destruction, break our plighted faith as a Nation, and continue to pay untold millions to the sugar producers of the Tropics without any advantage to the ultimate consumer of sugar in the United States? In the majority report occurs the following language:

Beet sugar leaves the first manufacturing establishment in a refined condition, but all cane sugar, which constitutes about four-fifths of our consumption, must be refined; consequently the refining interest is the most important factor connected with sugar manufacturing in the United States. Therefore the industrial position of refining requires primary consideration.

According to this the sugar-refining industry is the one that should receive primary consideration. With this proposition I

do not agree. The consumer and the producer of sugar are the ones that should receive primary consideration, and because the sugar bill proposed by the majority would destroy the sugar industry of this country, would not benefit the consumer, but, on the contrary, would operate to fill the already overflowing coffers of the Sugar Trust, it ought not to become a law. The only way that we can guarantee cheaper sugar to the consumer is to produce more sugar, and we can not do that by destroying the industry we have. But the sugar bill having passed the House and the $50,000,000 of revenue having been thrown away, I propose to vote for this excise-tax bill, because it will in some degree recoup the losses to our revenue occasioned by this Democratic free-trade program. I desire to add as a supplement to my remarks an article which recently appeared in the Ohio Farmer entitled "Sugar and the tariff," by Mr. C. H. Allen, of Paulding, Ohio:

SUGAR AND THE TARIFF.

The editorial in your issue of December 30, 1911, entitled "The sugar tariff," has seemed to a large number of your farmer readers to be so inimical to their interest, that I have been requested to give their side of the question and request that you give it as great publicity as you did your editorial.

There are always two sides to a question, and the farmers of northwestern Ohio believe: 1. That their future welfare depends to a great extent upon the cultivation of the sugar beet. 2. That the information upon which you have written your editorial is not only erroneous but given from the standpoint of selfish interests seeking to throw the entire supply of sugar into the hands of the sugar refiners on the Atlantic and Pacific seaboard, and that the results of such a policy will bind us hand and foot and give us over to the tender mercies of the Sugar Trust.

We have noticed from time to time articles advocating a bounty to be paid on sugar manufactured in this country. The Supreme Court of the United States long ago decided that this country could not pay a bounty to anyone on anything.

There are three sources of supply from which we get our sugar—Louisiana cane, beets grown in the northern and western part of the United States, and from foreign countries. When I say foreign countries I include Cuba, Porto Rico, Hawaiian Islands, and the Philippines. Louisiana furnishes a little over 300,000 tons, the beet sugar of the North 500,000 tons, and the remainder of our total consumption, some 2,500,000 tons, is imported from foreign lands.

The beet-sugar factories turn out the finished product—that is, granulated sugar ready for table use. All the remainder of our sugar must go through a sugar factory. The sugar refineries of the United States are stationed as follows: Three at New York, those owned by the American Sugar Refining Co. (the trust), Arbuckles, and the Federal Refining Co. at Yorkers, N. Y. The Federal is owned by Claus Augustus Spreckels, of San Francisco.

At Philadelphia there is a sugar refinery owned by the trust; at New Orleans they control one, and at San Francisco the trust controls one, while the other refinery, known as the California & Hawaiian Refining Co., handles only sugar coming from the Sandwich Islands.

You can readily see that the trust largely controls the handling of all sugar coming in from abroad, and furthermore that the trust, together with Arbuckles and Claus Spreckels, could absolutely force the payment of any price they might ask for sugar if they could in some way bring about the destruction of all other sugar interests and compel us to bring in all of our sugar from abroad. There is one disturbing element however, to this beautiful arrangement, and that is the beet-sugar factories of the North and West.

There are 71 beet-sugar factories in the United States, in 30 of which the trust owns some stock, in 1 they have a majority interest, in 1 they own 49 per cent, and in the other they have a large enough control to have considerable to say in regard to the policy the factory shall follow. The other 41 factories are owned by absolutely independent companies. We can readily see that the American Sugar Refining Co. (the trust) is a large factor in the manufacture of beet sugar and still larger in the refining end of the business. The policy of that institution should go a long way toward telling us what to do.

The president of that company testified before the Hardwick committee of the House of Representatives investigating sugar that the present control of that company had been opposed to the ideas of Mr. Havemeyer in seeking to gain control of the beet-sugar companies of this country, and it was not their policy to build any more sugar plants in the United States.

People in business do not follow a certain policy unless they see some gain is to be made from it. And to one conversant with the facts it is very clear why the Sugar Trust does not intend to build any more factories in this country, because they can buy their sugar cheaper some place else.

The reduction of the tariff or the abolition of the tax on raw sugar will not do the trust any damage or any other refiner (see their testimony before the Hardwick committee), for their interests are so large outside their beet-sugar interests that they could soon make up anything lost by the shutting down of those plants. The abolition of the tax now levied will absolutely place in the hands of the sugar refiners the control of the sugar business of the United States, the exact opposite result from what your editorial says would happen.

The thorn in the flesh, and it is not a very deep thorn at that, is the sugar furnished by the independent sugar factories of the North. Louisiana does not count, for all of her sugar has to go through refineries anyway, and they are controlled by the interests mentioned. To compel Congress to take the tariff off of sugar so that they can control the situation, destroy the independent sugar interests, and produce incalculable damage to the farmers of this country is most audacious.

The Wholesale Grocers' Committee is leading this fight. There is no question but what this is a formidable association, representing, as it does, a large number of wholesale grocers all over the United States. The title of the association, the objects of it, and the individual men interested in it and in its objects makes it very impressive.

Mr. F. C. Lowery, secretary-treasurer of this association, before the Hardwick committee, testified that he organized the Wholesale Grocers' Committee himself; that they had never had a meeting, never elected officers, never had any dues, and not one of the members had ever contributed one dollar toward the furthering of the objects of the association; that the only thing they had done was to solicit the aid of Members of Congress by forwarding to their Representatives literature sent to them by Mr. Lowery for that purpose; and, further, that the only contribution ever made to the association was one of $12,000 by the Federal Refining Co. We turn again to Mr. Lowery's testimony and find that he is the selling agent of the Federal Refining Co. or was before he became the secretary and treasurer of the Whole Grocers' Committee.

Not content with this, the Federal Refining Co. stamps on every barrel of sugar it sends out that the sugar contained therein would cost the consumer 2 cents less per pound if there was no duty to be paid; and in every 25-pound bag they have said the same thing, intimating in this way that what they are after is to abolish the tariff on sugar, when the fact of the matter is that they are trying to abolish or reduce the tariff on raw sugar, an entirely different thing.

What is there about the sugar refining business that causes men to resort to such low tricks and chicanery? The whole history of the business for years has been full of cunning and underhand work and stealing from the people. They do not go about it in the bold form of a highwayman who forces a man to stand and deliver, but in the manner of a pickpocket.

The ordinary sugar factory is one that will cut 700 tons of beets a day. Such a factory will cost from $800,000 to $1,000,000 to build. A factory like this will run 100 days in the fall, and, of course, will cut 70,000 tons of beet. A ton of beets will make 240 pounds of sugar, and at the end of the campaign such a factory would make 16,800,000 pounds of sugar; that is, if everything runs perfectly, which we will assume. This year a large number of the factories sold their sugar in August for 5½ cents a pound, and the gross receipts therefor would amount to $924,000 under the most favorable conditions a person could imagine. Is it not almost criminal for a person to intimate that the beet-sugar factories are robbing the people on such a showing as that?

Remember, this does not take into account the money paid the farmers for beets, the wages of 300 to 400 people employed in the factories, the freights paid the railroads, the expenses of a field crew, the obtaining of labor from the cities, and a thousand and one things that take money in handfuls; nor does it take into account the losses in the rotting of the beets, which in years like this one has been appalling.

The average amount of sugar used by each person in the United States is 81 pounds a year; but this includes all the sugar used in the manufacture of hundreds of different things, like chewing gum, wines, etc., which amounts to a great deal. The evidence developed by the Hardwick committee shows that ordinary men, such as farmers, laboring men, clerks, doctors, editors, etc., use about 30 pounds a year. The tax on this now in effect would be 50 cents a year, but we get most of our sugar from Cuba, which comes in under a reduction of 20 per cent, and this would make 40 cents a year.

A little history of this tariff may be interesting. It was passed as a tariff for revenue only to obtain money to run this Government. Yet just as soon as the American farmer began to use its provisions to build up a valuable crop on his farm, and one I hope to show is more valuable than any he has now, there has been assault after assault made on it. While in Washington attending as a witness before the Hardwick committee I was told by a man who knows that since the passage of the Dingley bill in 1897 there had only been two sessions of Congress in which some attack had not been made in the beet-sugar interests of the North and West. This is the history of this tariff, and this is in view of the fact that every civilized agricultural nation of the globe absolutely prohibits the introduction of sugar made in the Tropics from entering their borders except the United States. Germany, Austria, France, and Russia all protect their farmers and laboring men and their consumers by keeping out the sugar of the Tropics.

It costs our farmers $18 to $20 an acre to do the hand labor on the beet fields; the same work is done in Germany and continental Europe for $6.40. The laboring men in our factories get from $2 to $3 a day, while in foreign countries the wage is from 20 cents to 50 cents a day. Can we stand that kind of competition? The same kind and quality of beets in Germany are furnished the factory at $4 a ton, for which the factories here pay $6 to $7 a ton. Can we stand that competition? If we can not do that, how can we stand the competition of the Tropics when Germany, Austria, and France, which pay these low wages, can not stand it?

Sugar cane in Cuba has to be planted once in five years. The clothing bill of a laboring man over there does not have to be over 50 cents a year for a pair of overhauls; he can sleep in a hammock under the leaves of a tree, and when he awakens in the morning reach up and pick a banana for his breakfast. If these things are so, then why would it not be better to buy our sugar in the cheapest market; will this not benefit the largest number of people of the United States?

There are just two reasons that I would bring against it: One of these is that you put absolutely in the hands of the four interests mentioned before, viz, the Sugar Trust, Arbuckle, the Spreckel family, and the C. & H. Refining Co., the sugar bill of the people of the United States, and I am afraid cheaper sugar would prove a will-o'-the-wisp. The other reason, and by far the greater one, is that of inaugurating a system of agriculture that will allow the people who come after us a hundred years from now the certainty that they will not go hungry to bed.

I have no quarrel with the refiners. I have no interests in beet-sugar factories, but I do have an interest in the advancement of agriculture in this country, believing as I do that the greatest question before the American people to-day is not the tariff, the currency question, or even the trust question, but of that greater one of how to raise enough to eat to keep our people from starving.

Yes, we have more land suitable for the raising of sugar beets than all Germany and France combined. All northwestern Ohio, all northeastern Indiana, all northern Illinois, all northern Iowa, all southern Michigan, and a large part of Wisconsin are only a fraction of the land suitable in the Middle West.

Ohio could support 30 factories, Indiana as many. Wisconsin should have 40, and the whole United States should have at least 500 factories, and before they could be built and in operation a hundred more would be needed to fill the demand for sugar.

Is the future of this great business that will do so much to benefit the agriculture of America, as it has that of France and Germany, to be killed because a few refiners on the seaboard want to increase their already swollen fortunes at the expense of the American public; and are the farmers and the consumers who are most interested in its development going to be a party in the destruction of a business that is of vital interest to them in keeping down the high cost of living?

(C. H. Allen, Paulding County, Ohio.)

Revision of the Wool Schedule.

SPEECH

OF

HON. GEORGE P. LAWRENCE,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 1, 1912,

On the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Mr. LAWRENCE said:

Mr. SPEAKER: I have been in favor of the creation of a permanent nonpartisan Tariff Board, for I have been convinced that the investigations of such a board would result in more scientific, businesslike revision of the tariff and would prove a long step in removing that subject from the realm of guesswork and of politics. I advocated and voted for the passage of House bill 32010, to create a Tariff Board, in the Sixty-first Congress. The defeat of that measure during the closing hours of the Congress was a matter of deep regret to honest revisionists all over the country.

The bill made it the duty of the board created thereby to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation. The board was directed to inquire particularly as to prices paid domestic and foreign labor, prices paid for raw materials entering into manufactured articles, the condition of domestic and foreign markets affecting the American products, and to include in its report detailed information with respect thereto, together with all other facts pertinent to the fixing of import duties. The bill also made it the duty of the board to make investigation of any such subjects whenever directed by either House of Congress. It is ridiculous to make the assertion, as was done in the House during the debate upon the bill, that the effect of such legislation would be to nullify that wise provision of the Constitution that revenue bills should originate in the House of Representatives, that the power to legislate is thus delegated to a commission appointed by the President, and that it is an attempt on the part of Congress to evade responsibility and abrogate its constitutional functions. The bill simply provided a means by which exact and impartial information could be secured. Every Member of the House who has taken any part in the framing of tariff legislation has realized how difficult that task is. All have known that it is practically impossible for any congressional committee by spasmodic efforts every few years to get the needed information, and that some agency should be at work all the time. This the bill to create a tariff board provided for. When the facts are before Congress it will then be wholly for Congress to determine the legislation which is required.

Although we failed to secure the permanent board which was desired, nevertheless the President has made the most of the authority given him by the Payne bill to employ such persons as may be required to assist him in the discharge of his duties under the act and to assist officers of the Government in the administration of the customs laws. Acting under that authority, the President appointed a Tariff Board consisting of five members, three Republicans and two Democrats, which has been conducting thorough and painstaking investigations as to the cost of production here and abroad of articles which have been made the subject of tariff legislation. The reports already made justify in fullest measure the hopes and predictions of those who believed in the tariff-commission idea. The board has not been made permanent, as recommended by the President, and has been forced to get along with insufficient appropriations, but the facts which it has already secured are of inestimable value and it has put an end to much misrepresentation. It should be a matter of deep and sincere regret to all patriotic citizens that the Democratic majority now in control of this House should feel compelled to absolutely ignore the honest and able report of this bipartisan Tariff Board. It is indeed unfortunate for our country that those in control should seek to pass (with little opportunity for debate or amendment) bills which, if they became law, would be practically certain to subject American workingmen to the disastrous consequences of competition with the underpaid laborers of Europe, and particularly with those of the Orient. Little regard for the comfort, happiness, and prosperity of our people is shown when hearings are refused, when bills are made in secret, and when information gathered by the Tariff Board through months of thorough and patriotic effort receives no consideration whatever.

After thorough investigation the Tariff Board has presented its report on the wool schedule. The members of the board—three Republicans and two Democrats—are unanimous in their findings. An enormous amount of work has been done, and the accuracy and fairness of the report has nowhere been successfully challenged. Advocates of a tariff board are completely justified in the position they have taken by this report alone. The board has ascertained the facts. Never has Congress or the country been in possession of such detailed information with respect to this difficult schedule. For the first time in our history we are able to deal scientifically and satisfactorily with a subject concerning which there has been endless dispute. And yet the Democratic members of the Committee on Ways and Means refused to give even the slightest consideration to the facts so conscientiously and carefully gathered. They treated with contempt the findings in which the Democratic members of the board concur, and reported again to the House the bill which was considered last year.

I voted against it then. I shall do so again. It is based upon guesswork, and protection is withdrawn from a great industry, and the welfare of tens of thousands who are dependent upon it is recklessly endangered. The bill which will be offered by the minority of the Committee on Ways and Means as a substitute for this Democratic measure meets with my approval and will have my vote, because it is based in every detail upon the report of the Tariff Board and will maintain such protection as is measured by the difference in the cost of production here and abroad. It is my sincere belief that only by the maintenance of such a degree of protection can the American wage scale, the American standard of living, and American civilization itself be preserved. It is gratifying to know through the investigations of the Tariff Board that we can, without guesswork or experiment, reduce the duties in Schedule K by about 40 per cent and yet be true to the policy of protection.

As soon as that fact was shown beyond doubt a Republican President recommended prompt action, and if his recommendations should be heeded by Congress, the result would be of undoubted benefit to all the people. If our Democratic friends really believed that there was the remotest chance of their bill becoming a law, I am sure they would hesitate long before attempting to rush through this House legislation which might destroy our sheep industry and send abroad $12,000,000 now paid annually to our workingmen. I may be unduly optimistic in this utterance, and yet I know so many Democratic Representatives so well and respect them so highly that I feel justified in making it.

One can not study the Tariff Board's report without being convinced of the great difference in the cost of production here and abroad. Many comparisons of the cost were made, both from the standpoint of the weekly wage and of piecework. Then, too, a great number of tests were made of the cost of making goods in quantities of a thousand yards of the same quality in the United States, in Great Britain, and in France. And the minority of the Committee on Ways and Means, in presenting their views to the House, says:

> The tests reported prove absolutely that, generally speaking, taking into consideration experience, efficiency, wages, and every other element, the labor cost per yard in the United States is double that of the labor cost abroad.

That had been the testimony of many careful students and investigators of the subject, but there have been many who would not accept the evidence formerly presented. The finding of the Tariff Board, however, must be accepted as conclusive, for it is founded upon facts which can not be disputed. The minority of the committee further says:

> The board used so many examples and reported upon them so clearly that it was not difficult to figure the duty necessary to compensate for the difference in cost at home and abroad of the conversion of wool into its varied forms of manufactures. Upon the manufactured articles we have therefore taken the clean content duty upon the wool used and upon no other material used. Then, we have added an ad valorem duty equal to the difference in conversion cost and the result has been a radical reduction in the rates, amounting on the average to 40 per cent.

It is of the utmost importance to the State which I, in part, represent that there should be fair and rational revision of Schedule K. After the passage of the McKinley law the manufactures of woolen goods in Massachusetts increased to more than $50,000,000 a year. Then came the Wilson law, and our production fell to about $38,000,000 a year. Some of our mills were shut down and many ran on part time until the enactment of the Dingley law helped to bring back prosperity. Since then the woolen industry has been a growing one, and now the product of our mills amounts to more than $100,000,000 in a single year. The substitute bill to be offered by the minority proposes very radical reductions in the duties upon

showed that the percentage of illiteracy among cotton-mill child-comparing the rates of the present law with those which would exist in case the substitute bill is adopted. I call especial attention to the changes proposed in paragraph 21:

21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

(NOTE.—Present law, 33 cents per pound and 50 per cent ad valorem; this bill, 25 cents a pound and 30 per cent ad valorem.)

Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

(NOTE.—Present law, 44 cents per pound and 50 per cent ad valorem; this bill, 26 cents per pound and 35 per cent ad valorem.)

Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein and in addition thereto 40 per cent ad valorem.

(NOTE.—Present law, valued at more than 60 cents and not above 70 cents, 44 cents a pound and 50 per cent ad valorem; valued at more than 70 cents and not more than 80 cents, 44 cents per pound and 55 per cent ad valorem; this bill, 26 cents per pound and 40 per cent ad valorem.)

Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein and in addition thereto 45 per cent ad valorem.

(NOTE.—Present law, 44 cents a pound and 55 per cent ad valorem; this bill, 26 cents per pound and 45 per cent ad valorem.)

Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein and in addition thereto 50 per cent ad valorem.

(NOTE.—Present law, 44 cents per pound and 55 per cent ad valorem; this bill, 26 cents per pound and 50 per cent ad valorem.)

Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein and in addition thereto 55 per cent ad valorem.

(NOTE.—Present law, 44 cents per pound and 55 per cent ad valorem; this bill, 26 cents per pound and 55 per cent ad valorem.)

These changes are indeed drastic, and yet I propose to vote for them, for they are made in accord with the principle of protection. If Massachusetts is to continue its splendid industrial development, it is absolutely imperative that protection be maintained. We do not, however, ask for excessive or unjust tariff rates. We ask simply for such protection as will continue to make possible the realization of American ideals.

The Woolen Schedule.

SPEECH

OF

HON. FINLY H. GRAY,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 1, 1912,

On the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Mr. GRAY said:

Mr. SPEAKER: The tariff upon raw wool, which the manufacturer promised to pay, but which the sheep raisers do not get, is a cunning device to enlist the aid of the many and the victims themselves in collecting a tribute of more than $200,000,000 annually from all of the people for the benefit of a few men. The wool manufacturers could not maintain the extortionate rates of the Payne tariff upon woolen clothing for a single day without the aid and help of the sheep raisers. And realizing this, the first step of the manufacturers to secure a monopoly upon woolen clothing was to meet and bargain with the sheep raisers, pleading with them to make common cause of the tariff, each to support a duty for the other, and in return for the sheep raisers helping to give the manufacturers a tariff upon woolen clothing the sheep raisers were to have a tariff upon wool, and both were to share in the profits extorted from the people.

John L. Hays, secretary of the National Association of Wool Manufacturers, at a joint meeting in Washington, as reported in the Boston Journal of April, 1866, addressing the sheep raisers, stated the very solicitous interest of the wool manufacturers in the welfare of the woolgrowers and the understanding which should exist between them, as follows:

And we, gentlemen, we of the eastern tribes have come up to-day to meet you gentlemen of the West, with no recollection of the old feud which has divided us so long. We washed off the war paint, if any yet remains. We have buried the hatchet; we have smoked the pipe of peace; and in this first council of once hostile interests we have formed an alliance which, I trust, will inaugurate a new and auspicious era in all our industries.

The object and purpose of the wool manufacturers in holding out a tariff on raw wool is plainly disclosed by Julius Forstman, president of Forstman & Huffman Co., a woolen concern of Passaic, N. J., in a document circulated in defense of Schedule K, in which he says:

The raw material of the woolen manufacturer, wool, is dearer by the amount of the specific duty per pound of grease wool imposed for the protection of the American woolgrower. In this the wool manufacturers cheerfully acquiesce, for they have sufficient economic foresight to realize that the encouragement of American woolgrowing is essential to the welfare and development of the industry in general, assuring the manufacturer of a reliable source of supply, within the boundaries of his own country, of his sole raw material, and at the same time adding materially to the supply of meat products necessary for the Nation's sustenance. American woolen manufacturers demand no reduction in the duty on raw material; they only ask that they shall continue to be sufficiently compensated for the increased cost of raw material to protect them from the lower price at which foreign manufacturers are able to obtain their wool. The freight on foreign wool plays no very great part, but it is at all events relatively much higher than the freight on the imported woolen fabrics.

Edward Stanwood, writing in defense of the woolen schedule for the woolen manufacturers, in 1904, and quoted in the Republican campaign book of that year, states their position to the woolgrowers in the following favorable language:

The growers of wool have rightfully contended that they were as deserving of the fostering care of the Government as were the users of their product. The concession of their contention has resulted, naturally and inevitably, in the requirement of a duty on finished goods which seems excessive to those who are not aware of the peculiar circumstances of the case and which has made the wool and woolen schedule of the tariff the vulnerable point always chosen by the opponents of protection as the best for an attack and the easiest to carry by assault. There have consequently been many interruptions and variations in the policy of protection which have prevented the full and healthy development of the industry. At one time, in 1846, a blow was given to the manufacturers by a tariff law which levied no higher duty on finished goods than on raw wool.

But there is an old adage that there is no honor among evildoers, and the sheep raisers find themselves not only used as tools by the crafty to prey upon their fellow men, but they are denied to share in the spoils which they alone have made possible to take from the people and are the victims of the sheep raiser instead of their partners in profit. They find that after lending their aid to give the manufacturers a monopoly upon woolen clothing in return for the tariff which they were to have upon wool, they must themselves pay tribute to the Wool Trust upon their woolen clothing along with all the people, and at the same time are compelled to sell their wool at substantially the same price they would have received without any tariff.

The explanation of this most earnest advocacy and contention of the manufacturers to maintain a tariff on wool which the manufacturers would have to pay if the sheep raisers were benefited by it is that it enables the manufacturers to hold a monopoly on woolen goods under a claim for a tariff for the sheep raisers and to conceal their demands from the people under the pretense of a claim for others, and yet appropriate to themselves all the benefit of the support of a tariff on wool without the payment of the tariff inducing the support of sheep raisers.

The claim of Julius Forstman, president of the Forstman & Huffman Woolen Co., of Passaic, N. J., just quoted, that—

the raw material of the woolen manufacturer, wool, is dearer by the amount of the specific duty per pound of grease wool—

is not true, but is a claim made to deceive the sheep raisers.

That tariff upon raw wool is 11 cents per pound, as provided in section 369 of the act of August 5, 1909, commonly known as the Payne Tariff Act. If the sheep raisers receive the benefit of this tariff, then they would get 11 cents per pound more than the foreign market price. But while the tariff remains uniformly the same at 11 cents per pound the price of wool, as shown by the market reports tabulated in the United States agricultural yearbooks, constantly fluctuates with the world's markets.

The Manchester Guardian, an English trade journal, of date January 2, 1912, reviewing the British wool market for the year 1911, shows the average price per pound of some of the English wools corresponding to our one-fourth blood merino strains here for each month of the year 1911, as follows:

From the grade of wool from sheep known as North Hogs, the same being the average price for each month of the year 1911, expressed in both English and American money:

January, 13 pence; equivalent in United States money, 26 cents.
February, 12¾ pence; equivalent in United States money, 25½ cents.
March, 12½ pence; equivalent in United States money, 24½ cents.
April, 12¾ pence; equivalent in United States money, 25½ cents.
May, 12¾ pence; equivalent in United States money, 25⅝ cents.
June, 12½ pence; equivalent in United States money, 25 cents.
July, 12½ pence; equivalent in United States money, 25 cents.
August, 12½ pence; equivalent in United States money, 25 cents.
September, 12½ pence; equivalent in United States money, 25 cents.
October, 12½ pence; equivalent in United States money, 25 cents.
November, 12¼ pence; equivalent in United States money, 24½ cents.
December 12¼ pence; equivalent in United States money, 24½ cents.

From grade of wool from sheep known as Southdown Ewes, the same being the average price for each month of the year 1911, expressed in both English and American money:

January, 14 pence; equivalent in United States money, 28 cents.
February, 14 pence; equivalent in United States money, 28 cents.
March, 14 pence; equivalent in United States money, 28 cents.
April, 14 pence; equivalent in United States money, 28 cents.
May, 14 pence; equivalent in United States money, 28 cents.
June, 13½ pence; equivalent in United States money, 27 cents.
July, 13¾ pence; equivalent in United States money, 27½ cents.
August, 13¾ pence; equivalent in United States money, 27½ cents.
September, 13¾ pence; equivalent in United States money, 27½ cents.
October, 13½ pence; equivalent in United States money, 27 cents.
November, 13½ pence; equivalent in United States money, 27 cents.
December, 13½ pence; equivalent in United States money, 27 cents.

For the year 1911 the average London price quoted for one-fourth blood wool similar to our wool, as shown by the statistical abstract of 1911, was 25 cents per pound. With the tariff of 11 cents added, the sheep raisers here should have received 36 cents per pound, but instead they only received 26 cents per pound, as shown by the Agricultural Yearbook, or an increase over the London price of 1 cent per pound, which can be largely if not wholly accounted for in freight and other charges incident to transportation.

The wool manufacturers evade the tariff of 11 cents per pound on wool which they have so generously enacted for the sheep raisers and so adroitly held out to them, under what is known as the "skirting" clause, in paragraph 368 in Schedule K. Under this clause fleeces, with the stained and inferior parts which grow on the legs, belly, and neck of the sheep removed from the edges, are allowed to come in at the same duties as wool in ordinary condition. While "sorted wool" calls for a higher duty "skirted fleeces" are held under the peculiar wording of the law as "not sorted," and the higher duty applying to sorted wools is thus evaded. In 1890 a few of the sheep raisers, becoming wise to the effect of the "skirting clause" of Schedule K, made an effort to have "skirted wool" classed as "sorted wool," so as to be made subject to the higher duty, and the sheep raisers plead they were so entitled under the "alliance" between them and the wool manufacturers, but the manufacturers, while professing loyalty to the "alliance," objected to the "skirted wool" being classed as "sorted wool," and were influential in keeping the law standing unchanged. This clause admitting the superior grade of wool at the same duty as wool in ordinary condition, with the arbitrary shrinkage basis of the tariff at 66⅔ per cent, vastly in excess of the actual shrinkage, has the effect to reduce the tariff from 11 cents per pound to about 4 cents per pound.

But not content with this evasion and consequent reduction of the tariff on wool, in violation of their "alliance" with the sheep raisers, the manufacturers proceeded to organize and have combined for the purchase of wool as well as the sale of their product to act as one wool buyer, all offering one and the same price, and as the numerous sheep raisers are unable to cooperate among themselves and combine to hold their wool, and must sell at the price offered, the manufacturers are thus able to get their supply of wool at their own price independent of the tariff.

The sheep raisers have not only failed to profit from the tariff they have bargained for, but they are compelled to pay tribute to the manufacturers on the clothing which they buy under the tariff and which they alone have made possible for the manufacturers to maintain, along with all other people. They have sold their birthright for a mess of pottage and then failed to get the pottage. The extent of the tribute which the sheep raisers have enabled the manufacturers to collect from the American people, including the sheep raisers themselves, is shown by a table printed on page 705 of the report of the Tariff Board in a labored argument made by this board in defense of the manufacturers to show that the manufacturers do not take full advantage of the tariff which they insist on maintaining, but only a "reasonable" profit. The table in part shows the following:

Increased price or tribute collected off American people, including sheep raisers who get little or no increased price for wool.

Kind of woolen cloth.	English price per yard.	American price per yard.	Increased price per yard.
Men's suiting	$1.28	$2.42	1.14
Worsted serge	1.32	2.15	82
Unfinished worsted	1.18	1.80	62
Worsted serge	1.22	2.05	73
Unfinished worsted	1.28	2.15	87
Worsted serge	1.36	2.37	1.01
Unfinished worsted	1.36	2.12	.76
Unfinished worsted suiting	1.42	2.37	.95
Do	1.50	2.32	.82
Men's worsted	1.52	2.15	.63
Heavy worsted	1.68	3.00	1.32

Taking the value of the woolen goods manufactured in the United States with imports added and less exports for the year 1909 at $530,862,522 as the amount consumed in the United States, and taking the average tariff rates of the Dingley and Payne laws at 90 per cent, as officially ascertained, it is found that the enhanced price of woolen goods which, by reason of the tariff, the consumers, including the favored sheep raisers, must pay was $251,461,247. And allowing for the reduction in price below the tariff at which the Tariff Board claims the manufacturers sell their goods, as a generous donation to the American people, the sum of $50,000,000, yet $200,000,000 annually remains as the amount of tribute which the sheep raisers make possible for the manufacturers to take from the American people, including the sheep raisers themselves, without any substantial benefit to even the sheep raisers in return.

The Tariff Board report, now being urged as a final solution of the wool question, is a most remarkable document, not only for the infinitesimal particulars and the minutiæ of detail into which the same goes and the broad and extended ramifications of inquiry made, but for what it evades, overlooks, and fails to report upon. This report shows that in the collection of data numerous sheep raisers from many different parts of the United States were quizzed and interrogated; that its agents in search of unbiased facts journeyed to South Africa, South America, Australia, New Zealand, and other foreign lands; that its clerks and statisticians, seeking new details, climbed the dizzy heights of mountains, traversed broad plains, sailed upon many seas, and completely circumnavigated the globe; that during these wanderings, in quest of new data, many bucks were photographed, numerous rams were sketched, and cross-breeds of various strains were pictured and all reproduced, with many tables and diagrams to further explain and illustrate the subject upon inquiry and made a part of the report. Many samples of wool were inspected; the odor of the different fleeces observed and noted; microscopic investigations were made to detect the exact strain or breed to avoid reliance upon uncertain pedigrees; samples in the grease were plucked from many fleeces and, with the history of the sheep from which the same was sheared, together with plans of the ranches upon which the animals were grazed and fed, were made to accompany the samples for the personal inspection and full advisement of the painstaking "board."

Yet in all this voluminous report, so complete in detail and extended in minutiæ of presentation; so far-reaching in its investigation and scope of inquiry and added to and enlarged upon by invoking the aid of all the senses—the ear to detect the peculiar bleat of the sheep, the touch to ascertain the precise nature of the wool fiber, the eye to disclose the color and tint to make known the precise nature of this product in its crude form, the olfactory nerve to discover otherwise unobserved qualities, and, lastly, the taste or qualities of the mutton as food, of course, to judge of the strain of the sheep and thereby to ascertain more accurately the character of the wool—it is to be regretted that sufficient data has not been discovered and reported upon to explain why the farmer fails to get 11 cents tariff on his wool, which he was promised in return for supporting a tariff upon woolen clothing, which gives to the wool manufacturers a monopoly of the American market and enables the Wool Trust to collect a tribute off of all the people, including the sheep raisers themselves, of over $200,000,000 annually.

Indian Appropriation Bill.

SPEECH
OF
HON. CLARENCE B. MILLER,
OF MINNESOTA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, April 6, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913—

Mr. MILLER said:

Mr. CHAIRMAN: I desire to be heard on the point of order, because it is a matter of importance and ought to be somewhat thoroughly discussed. There are two provisos here to which the point of order just made will apply, but they are a little bit different in character and therefore need separate treatment.

The first portion of the paragraph to which the point of order applies is the proviso which reads as follows:

Provided, That $25,000, or so much as may be necessary of the above amount, is hereby appropriated and made immediately available for payment of salaries of persons employed in connection with the work of advertising and sale of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes.

Mr. Chairman, that part of the paragraph is subject to a point of order on either one of two grounds. In the first place, it is a deficiency appropriation and has no place in this bill. Making as it does $25,000 available at this time, it is an appropriation for the fiscal year ending June, 1912, is a deficiency appropriation, and comes under the jurisdiction of another committee of this House. But that is not the only objection to the proviso. It is a distinct change of existing law.

While I am not able at this time to state all the laws changed by this provision, yet I can and do present to the committee one particular law, one in itself sufficiently important to be controlling, one of such character as to commend itself with great force to the membership of the House. In the Indian appropriation bill of 1911, page 14 of the act, is found the following:

The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in National or State banks in the State of Oklahoma, in the discretion of the Secretary of the Interior.

In other words, it was provided that the expenses of the survey and of the estimating and marketing of these lands, the conduct of the sale, and the handling of the financial transactions necessarily incident to and connected therewith were to be borne by the tribes.

This pending proviso changes that law absolutely. It is new legislation. It now provides that these expenses shall not be borne by the tribes, shall not be paid out of the receipts from the sale of the land, but shall be paid out of the Treasury of the United States. It certainly will not be proper to urge that this is in the way of retrenchment, in any sense in the interest of economy, because it is in the line of gross extravagance; it is placing new burdens upon the Treasury of the United States. It appropriates $25,000 of the public moneys of the United States for a purpose that heretofore the law has said shall be paid by other people, the ones who are directly benefited.

By reason of either of these two considerations, especially the last, the pending provision is subject to a point of order.

I want to speak now particularly with reference to the point of order in its application to the last proviso, and this is by far the more important of the two. It reads:

Provided further, That during the fiscal year ending June 30, 1913, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, without specific appropriation by Congress.

The argument which I desire to make in support of the point of order to this particular part of the paragraph will be to establish the fact, apparent upon its face and made more apparent by investigation, that the proviso is new legislation, changes existing law, and affords no retrenchment in the expenditures of the Government.

Rule XXI, that upon which I have made this point of order, is one tolerably clear and one that has many times been interpreted. By reason of it a point of order will lie to any provision in an appropriation bill, or to any amendment thereto, which is not authorized by law already existing or which is in the nature of new legislation, exception only being made by the recent adoption of the Holman rule, making in order a germane provision or amendment designed to effect an economy in the expenditures of the Government.

This portion of the paragraph is a matter of far-reaching and tremendous importance. I did not appreciate myself just how important it was until I got to considering some of the existing laws that this would change, some of the upheavals that will result, and some of the revolutions that will be wrought if this should be included in the bill.

As all of us know, the Indian tribes now resident within the confines of the State of Oklahoma were placed there many years ago, and those great hosts known as the Five Civilized Tribes, who now occupy the eastern part of that State, were placed there almost a century ago. The Government gathered them into an assembled multitude, marched them beyond the western frontier, beyond the great Mississippi, showed them this land, and solemnly told them that it should be their land and that of their descendants forever. We guaranteed to them that that spot should be preserved to them "so long as grass grows and water runs." There they should be free to live their own life, worship after the manner of their fathers, govern themselves according to their tribal customs and laws, without hindrance or interference on the part of the white man or this Government. That was the guaranty we gave them. Years passed by. Population spread to the westward; the advancing white man in time came to the land of these Indians and cast covetous eyes upon those fertile prairies. I am one of those who believe—and I think most of those here believe—that it is always to the interest of the Indian to have him mingle side by side with the white man, provided the protecting arm of the Government is about him; and, I think, in the long run it has been to the interest of the Indian in Oklahoma to have been allowed, perhaps compelled in many instances, to mingle and associate with the white man. And yet every detail of this feature has been in contravention of our solemn treaty obligations.

In 1898 we had reached a period in this advance of the white man in the industrial progress of the Nation, such that we determined to disband these tribal governments then existing in that part of what is now Oklahoma, subject these Indians and their property exclusively to Federal control, wind up all tribal affairs, liquidate and distribute that property.

I desire to call to the attention of the Chairman some of the legislation that took place at that time and subsequently in furtherance of this purpose. The first provision that I desire to mention in particular is that by the agreement of 1898—which, mind you, was an agreement, a treaty, between the Indian tribes and the Government—it was provided that during the process of the disintegration of these tribes and the disposition of their property their tribal governments should be continued and retained, the expense incident thereto to be paid by the Secretary of the Interior out of the funds of the tribes. That part of the agreement is as follows:

That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes or Nations are hereby continued in full force and effect for all purposes authorized by law until otherwise provided by law.

I desire to state that the first extension of these tribal governments was to be until 1906, a period of eight years, because it was thought that the tribal affairs would then be wound up and that there would be no longer a necessity, when that time had been reached, for a further continuance of these tribal governments. But in 1906 it was found that we had not progressed as far as we anticipated that we would; that the affairs of these tribes were not anywhere near wound up; so that we reenacted that provision and it stands upon the statute books to-day. That is, we have retained by a distinct law the tribal governments of these Five Civilized Tribes, agreed to pay for their upkeep, and this pending proviso violates that agreement, repeals that law, and breaks the pledged word and honor of the United States.

Now, for a moment, what are some of the tribal organizations that are retained as integral parts of these tribal governments? I mention this with some degree of particularity, Mr. Chairman, because it is important in connection with the question whether or not there is a retrenchment of expenditures involved in this proviso. In the first place, there is a tribal council in each nation. There is a principal chief, or, as he is designated in some instances, a governor. Then there is always a national secretary. There is an auditor and there has usually been a treasurer. All of these officials are extended in their term of office by this specific act of Congress of 1906 and are to-day the creatures of law. They would not be in their present offices if it were not for this piece of legislation, because others would undoubtedly have been elected to succeed them long before this. Their salaries are paid under the same provision of law.

Mr. CARTER. Did I understand the gentleman from Minnesota to say that all these officials were continued and were still in office?

Mr. MILLER. I do not mean every individual without any exception. I mean in general that their tribal governments were continued and that most of the identical officials are still in office.

Mr. CARTER. Does the gentleman mean to say that all the tribal officials were continued; that the same number of tribal officials are in office as were when this law was passed?

Mr. MILLER. Not all of them, absolutely; but the changes have been minor ones. Most of them are in office.

Mr. CARTER. Many of them have been eliminated?

Mr. MILLER. It is not necessary to discuss whether all or part of them are in office. If any of them are in office, the rule applies.

Mr. CARTER. I was discussing the gentleman's statement.

Mr. MILLER. It may be that some exceptions may be made, but the general system remains intact. I think the gentleman will agree with me on that.

Mr. CARTER. There have been some offices created by the tribe since. Others have been dispensed with by the Interior Department without coming to Congress.

Mr. MILLER. Mr. Chairman, let me reemphasize and briefly restate this first proposition. By the original act of 1898 we retained the tribal government and provided for the payment of the expenses connected therewith. That was reenacted eight years later, in 1906, and is to-day the law. Under that law the expenses of conducting the tribal affairs of these nations are paid.

This provision wipes that out and leaves all of these tribal officials perhaps continued in office, but with no provision for paying them their salaries. It is as old as government itself that the power to control compensation is the power to control government. He who has that power can destroy government. When compensation is withdrawn government falls. So will it be with these tribal governments. The existing law authorizes that these salaries be paid, but if this proviso should be passed the payment of these salaries must stop and the whole fabric of tribal government fall to the ground. By indirection we thus strike a mortal blow to an institution we bound our sacred honor to safeguard and preserve. In the moral stupor of its provisions, in the tens of thousands it will affect, this act exceeds in depravity and surpasses in importance any Indian legislation ever passed by Congress.

Let us go a little bit further, Mr. Chairman. In the same act to which I have just called attention there is to be found the following paragraph, which I desire to read for the information of the chairman and the committee:

SEC. 11. That all revenues of whatever character accruing to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, whether before or after the dissolution of the tribal government, shall, after the approval thereof, be collected by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by him, and he shall cause to be paid all lawful claims against said tribes which may have been contracted after July 1, 1902, and for which warrants have been regularly issued, such payments to be made from any funds in the United States Treasury belonging to said tribes.

Pause for a moment and contemplate what this proviso does to that law. Here we find it provided that the receipts belonging to the tribes shall be collected by the Secretary of the Interior or his agent; that the lawful claims against these tribes, lawful because in accordance with law, connected and associated with administering the affairs of the tribe as provided by law, shall be paid by the Secretary of the Interior.

This proviso removes that and leaves no provision whatever for the collection of the tribal revenues, no provision for the payment of the expenses connected with the tribal governments, no method for paying the proper and legal claims against the tribes. In times past governments have been overthrown by bloodshed and rebellion. Here one is to be overthrown by the stroke of a pen. Such conduct on the part of a strong nation toward a weak and dependent one finds no parallel save in the gloomy pages that record the history of man's avarice and depravity.

I wish to speak in particular of another feature that, I think, will appeal to the membership of this House as a reason why the point of order should be sustained. We have heard much about the great wealth of two of these tribes—the Choctaws and the Chickasaws. We have heard it said that they have vast coal fields and lands rich in asphalt. We know that these coal lands amount to about 445,000 acres. We have heard it said that they are possessed of fabulous wealth. We have heard it said that they are worth all the way from $15,000,000 to $4,000,000,000, according to the degree of information and the expansiveness of the imagination of the person making the statement.

I suppose, as a matter of fact, we may conservatively and fairly say they are worth $25,000,000. At all events, under the law passed many years ago, these coal lands have been leased to mining operators in large quantities. Actual mining leases in that region are possessed by a large number of coal operators, and the tribes have received millions of dollars as royalties on coal taken from those lands, and they should receive many millions more. I think the membership of this House will agree that it is vital in the highest degree that the interests of the tribes shall be conserved and looked after in a matter of such importance and magnitude. It is essential in the operation of these mines under these leases that the mines be operated so as to produce the best results to the owners of the fee, who are the Choctaws and the Chickasaws; that the mines be operated in such a way that the largest possible royalties shall be paid and that every dollar of the royalties be honestly and promptly paid. Heretofore there have been coal trustees, one representing each of the tribes, and each paid a salary of $4,000, chosen and selected for a period of four years. These coal trustees are the most important officials of the tribes—the most important officials connected in any way with the administration of the affairs of these Indians; they are authorized by existing law, and yet would be wiped out by this provision. In the presence of such measureless havoc that must follow the enactment of this law the tongue of man is palsied in any effort to paint the picture.

One thing further, Mr. Chairman. The law also provided, both as originally passed and as subsequently reenacted, that expenditures for the tribal governments made by their proper officers must first be authorized by the councils of nations and ratified by the President of the United States. That is wiped out.

Mr. CARTER. Will the gentleman let me ask a question?

Mr. MILLER. I will yield to the gentleman.

Mr. CARTER. If that is so, let me ask the gentleman how the expenses of the Chickasaw officials have been paid? The Chickasaws have not had a meeting of the council for two years.

Mr. MILLER. The gentleman knows that the expenses of the Chickasaw government have been paid out of the tribal fund by the Secretary of the Interior for many years.

Mr. CARTER. But the gentleman says it is necessary to have an appropriation by the council.

Mr. MILLER. The gentleman misunderstood me or I misstated myself. I did not intend to so state. Perhaps his misunderstanding arises from the fact that I had not completed my statement. The law provides that the agents appointed by the Secretary of the Interior shall collect the funds belonging to the tribe and that they shall be paid out of the appropriation for lawful claims against the tribe.

Mr. CARTER. I understand that; but the gentleman said, or I understood him to say, that it was necessary for the tribal council to make an appropriation before this money could be paid, and the point I make is that, if his statement be true, the money has been paid without the authority of law, because the council of the Chickasaw Nation has not met for two years.

Mr. MILLER. I did not intend to state that every appropriation had first to be made by the tribal council. I intended to say that expenditures had been made and could be made in certain cases by tribal officers for tribal expenses, authority first having been granted by the national council, but such action of the national council had no validity until approved by the President. Mr. Chairman, in this connection I desire to state that in 1902 the Choctaw council passed an act, which was later approved by the President of the United States, as it should have been, providing that the tribal revenues should be collected by the Secretary of the Interior's office. That is not only the law passed by Congress, but it is a law requested to be passed by the Choctaw Nation. Subsequently in 1903 a similar act was passed by the Chickasaw council, reaffirming, if it could be done better and stronger than theretofore had been done, that the Indians themselves desired this method of having their revenues collected and their debts paid.

Since then collections have been made in accordance with those provisions, and one feature connected therewith that can be mentioned will be of particular interest. While the surplus of unallotted lands is rapidly being sold, yet there are a large number of tracts, some allotted and some unallotted, that are not being occupied or used. Both tribal lands and allotted lands of this character are leased out by the Secretary of the Interior under proper rules and regulations for grazing purposes, for farming purposes, and in the case of town lots leased out to individuals who occupy them for business or dwelling purposes. Even the Country Club in one of the flourishing cities in the Choctaw Nation is located on tribal land and pays an annual rent therefor.

Mr. Chairman, there was collected in 1910 by the Secretary of the Interior's office, by his agents in Oklahoma, as rentals from these so-called unallotted and surplus lands $110,000. There was collected in 1911 from the same source $111,000, more than enough to pay all the expenses of running the tribal governments of the two nations. It is necessary in carrying that out that there be a number of official agents who act as collectors. This proviso wipes out those agents, wipes out the collection of those rentals, wipes out those revenues.

Mr. SHERLEY. Will the gentleman yield?

Mr. MILLER. I will yield to the gentleman.

Mr. SHERLEY. Do I understand the gentleman to say that all the money collected has been paid out in paying the fees of the men that did the collecting?

Mr. MILLER. No; I did not say that.

Mr. SHERLEY. Is that the fact?

Mr. MILLER. I was going to give the figures. Last year there was collected $111,000, and the total cost of collecting was between $6,000 and $7,000.

Mr. SHERLEY. Does the gentleman mean that the only expense was $7,000?

Mr. MILLER. I mean the only expense.

Mr. SHERLEY. I want to know the total salaries of the men, the total amount collected?

Mr. MILLER. I did not quite catch the gentleman's question.

Mr. SHERLEY. The purpose of my question is to know the total amount of collections and the total amount of the salaries paid.

Mr. MILLER. The gentleman does not want simply the collection from grazing land?

Mr. SHERLEY. No; because in the one case you might pay little and collect a great deal, and in the other case you might pay a great deal and collect very little. The way to arrive at it is to get the total.

Mr. FERRIS. Will the gentleman yield to me for the purpose of answering the gentleman from Kentucky?

Mr. MILLER. I will yield.

Mr. FERRIS. The Five Civilized Tribes, now under consideration, from the very name the gentleman will understand, consists of five distinct tribes. I will give the gentleman the amount collected and expended in each. I take the amounts from the Secretary's annual report for the last fiscal year. There was collected for the Choctaws $318,616.09, and expended $454,622.

Mr. SHERLEY. In that case the actual expenditures were greater than the receipts.

Mr. FERRIS. Yes. In the Chickasaw Nation there was collected $106,249.44, and expended $175,111.08. The Cherokee Nation, there was collected $13,028, and expended $138,128.90. The Creek Nation, collected $42,643.39, and expended $117,002.11. The Seminole Nation, there was collected the magnificent sum of $292.95, and expended $28,240.

Mr. MILLER. Mr. Chairman, that is a most unfair statement, and I can not repress my amazement that the gentleman makes it. Furthermore, it is wide of the mark contemplated by the question asked by the gentleman from Kentucky. All this we shall show later on.

Mr. FERRIS. But is it?

Mr. MILLER. We have not reached that yet.

Mr. FERRIS. It is not wide of the mark of the question put by the gentleman from Kentucky.

Mr. BURKE of South Dakota. Mr. Chairman, I think, as long as the question has been asked, perhaps it would be proper to answer it. The gentleman from Oklahoma did not give the total of moneys collected in 1911, and for the information of the House I will give the gentleman the figures. There was collected in the fiscal year 1911, $2,053,796.96.

Mr. FERRIS. But the gentleman is including the sale of land and the money received belonging to individual Indians.

Mr. BURKE of South Dakota. Just a moment. In addition to that, there was sold $4,212,788, of which there was collected $1,572,966 in addition to the amounts I have given.

Mr. SHERLEY. If the gentleman will permit me, I confess my ignorance, for I have had no occasion to know the facts. How much of these totals running into the millions were collected as a result of these special agents, and how much would have been collected if they had not existed?

Mr. BURKE of South Dakota. The gentleman's question would indicate that he has in mind certain special agents. This has no reference to special agents.

Mr. SHERLEY. I am not using the term "agent" in any special sense. What I have heard here indicates that there are a great many men employed and ready to be employed who are said to be affected by the provision to which the gentleman has made a point of order. On the point of order what I am asking is immaterial, but on the merits it is very material. Some of us would like to know how far there has been an abuse in the appointment of useless officers who draw salaries and do not do work commensurate with the salaries they get. And the way to get at it is to find out how much is received as a result of their endeavors that would not be received otherwise.

Mr. BURKE of South Dakota. I will say in response to the inquiry that the moneys received are received through these different agents. I can not state whether the amount of money was more than would have been received otherwise, but I know what the result is.

Mr. SHERLEY. Has anybody any check on the number who shall be employed?

Mr. FERRIS. I have their names.

Mr. BURKE of South Dakota. Every dollar is audited.

Mr. SHERLEY. I do not mean that. I asked if there is a responsible check on the number of men who shall be appointed to these places.

Mr. BURKE of South Dakota. No check as to the specific number; no.

Mr. SHERLEY. Well, I should say on its face it is a bad system.

Mr. BURKE of South Dakota. We are not discussing that.

Mr. MILLER. We are not discussing the merits to any great extent, but I am trying to point out the changes that this proposes and whether or not the proviso is subject to the point of order. Now, continuing a little further, Mr. Chairman, I have heard it said on several occasions, in speaking of the cost of the administration of the tribal affairs of the Five Civilized Tribes, that the amount expended was so much, naming a large sum. It was a pretty big sum, but nothing was said as to what items were covered in those expenditures and I am coming to one of the largest of them.

Mr. MURDOCK. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MILLER. I do; certainly.

Mr. MURDOCK. This item that the gentleman is about to incorporate includes the sum mentioned in the report of the committee, namely, the $177,000 expended at Muskogee.

Mr. MILLER. Certainly.

Mr. MURDOCK. Is that the one the gentleman was speaking of?

Mr. MILLER. That is one of the items.

Mr. MURDOCK. That is the total of all the items, is it not?

Mr. MILLER. The total is not correct according to the views entertained by some of us. This is one of the items and one that is of such a nature that it comes very properly in the consideration of this point of order. In this act of April 26, 1906, to which I have already called attention, there is found the following provision:

> If any citizen of the Cherokee Tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient.

Now, I trust the full significance and scope of this is grasped by the reading of it. If any individual member of the Cherokee Nation—and there are about 40,000 of them—if any individual allottee, after he has received his allotment, finds he has a deficiency, not his proper quota of land, then the Secretary of the Interior is authorized and directed to pay to that individual out of the tribal funds of the Cherokee Nation a sum of money equal to twice the appraised value of the deficiency in his allotment.

Mr. CARTER. If the gentleman will permit, the gentleman does not mean to say there are 40,000 Cherokees in the State of Oklahoma?

Mr. MILLER. I think there are about 40,000 members of the Cherokee Nation.

Mr. CARTER. Does the gentleman include in that those who have intermarried and about 7,000 freedmen, without a drop of Indian blood?

Mr. MILLER. I am speaking of those on the rolls of the Cherokee Nation.

Mr. CARTER. The gentleman said 40,000 Cherokee Indians.

Mr. MILLER. Well, Mr. Chairman, I will qualify that remark in accordance with the desire of the gentleman. There are 40,000 individuals on the rolls of the Cherokees, each one of whom is entitled to the same relief, and it does not make any difference whether they are white, black, or Indians; they are entitled to the relief given by this law, now 6 years old and still on the statute books. The Secretary of the Interior is authorized and directed to carry out the provisions of that law, and he has been doing so. He has been equalizing the allotments, because that is the technical term applied to that provision among the Cherokees during this period of time, and the work is still in progress. In this work he has paid out a large sum of money to those individuals, and there remains a great deal more to be done. The Cherokee Nation, having a large sum to their credit in the Treasury of the United States, desired this equalization. There recently was passed in addition, Mr. Chairman, authority for the allotment of what was known as "new borns" among the Cherokees. The Cherokee Nation has brought suit against the Government to recover for that, and the amount they claim is about $1,000,000.

Mr. DAVENPORT. Will the gentleman yield for a moment? I want to correct his statement. The nation has not brought suit, but individuals of the Cherokee Nation have brought suit to prevent there being placed upon the rolls what is known as the "new borns."

Mr. MILLER. I thank the gentleman for his statement.

Mr. DAVENPORT. And the tribe, as a body, is advocating their enrollment up to March 4, 1906.

The CHAIRMAN. The Chair will admonish Members not to interrupt a speaker before addressing the Chair.

Mr. FERRIS. Mr. Chairman, will the gentleman yield at that point?

Mr. MILLER. Yes.

Mr. FERRIS. The gentleman has the acute interest of the committee at this time. I desire to ask if the gentleman has any objection to letting me give the figures I have so recently secured from the Commissioner of Indian Affairs, which show the exact amount that actually went to the Indians out of this $177,000——

Mr. MILLER. I have no objection to the gentleman putting it in, but I would rather he wait until I complete what I have to say on this point.

I will say to the gentleman it was not my intention to allude to that in any great particularity at this time, because that subject more properly comes up at a different time. I am omitting all consideration of many questions, and vital ones, that go to the merits of the measure, and confining myself to a consideration of such facts as bear upon the point of order. However, if the gentleman wishes to bring it in at this time I presume he can have an opportunity to be heard on the subject At all events it is claimed that these newborns have a right to enrollment, and if that is true, there remains another million dollars that has to be figured on, all of which is in accordance with existing law, and which is referred to by this proviso. Now, there is still another provision along this line to which I desire to call the attention of the Chairman. The regular appropriation act passed by Congress March 3, 1909, contained the following:

That allottees of the Cherokee, Choctaw, and Chickasaw Nations, having remnant allotments due them not to exceed $50 in value, shall be paid twice the value thereof, in lieu of such allotment by check from the tribal funds of the respective tribes.

What does that mean? Simply that in allotting the members of these three tribes, to some of them, that they might have their full quota, were given remnants of less than 50 acres in area. By this law, in lieu of those remnants, if the allottees so desire they can accept in tribal money twice their value, in which event the remnants will revert back to the tribe. The law requires the Secretary of the Interior to act, and by it he is directed to pay the Indians money in lieu of these remnants. Under this law the Secretary has been acting, and is acting to-day, and a large amount of work has been done.

Rolls were prepared under this act, which contained the names of 72,000 persons, entitled in the aggregate to about $830,000.

Mr. FOWLER. I raise the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state the point of order.

Mr. FOWLER. The point of order is that the gentleman from Minnesota is not discussing a point of order to the paragraph in the bill or his portion of it.

Mr. MILLER. I thought I was trying to point out to the Chair that this would change——

The CHAIRMAN. The Chair thinks the gentleman from Minnesota is in order. The Chair sees no reason why the gentleman from Minnesota [Mr. MILLER], although the gentleman from Illinois [Mr. FOWLER] raises the point to which the gentleman now refers, is not in order, why the gentleman from Illinois, having made a point of order which covered the entire section of the bill, would not enable any speaker, as the Chair sees, who would wish to talk on the entire section of the bill to do so.

Mr. FOWLER. Mr. Chairman, I withdraw my point of order against the paragraph or any part of it.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order against the paragraph.

Mr. MILLER. The point of order raised by me is not out of the way now.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. MILLER] yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. MILLER. The point of order is not out of the way now.

Mr. MANN. The gentleman was just discussing the point of order which he made. He is discussing the point of order against the last proviso, endeavoring to show to the Chair while the law now permits that there may be paid or shall be paid out of money in the tribal funds in certain cases, it is——

Mr. FOWLER. The gentleman from Illinois has made the point of order.

The CHAIRMAN. The gentleman from Illinois has made a point of order against the paragraph.

Mr. FOWLER. Mr. Chairman, the point of order made by the gentleman from Minnesota was as to the first proviso only.

Mr. MANN. O, Mr. Chairman, I beg the gentleman's pardon.

Mr. FOWLER. I appeal to the RECORD as to whether I am correct or not, Mr. Chairman.

Mr. SHERLEY. While it is my own desire that the provision may remain in, it is only fair to say I think that on this side of the House generally it is understood plainly that the point of order was made to the two provisos. The gentleman from Illinois [Mr. FOWLER] said that he desired to make a point of order to the entire paragraph, and that was the only difference.

Mr. MANN. The gentleman from Minnesota [Mr. MILLER] made a point of order, commencing at line 13, down to and including line 24.

The CHAIRMAN. The gentleman from Minnesota made a point of order from line 13 to line 24, and the gentleman from Illinois made a point of order against another section.

Mr. FERRIS. Does the gentleman now desire to press the point of order as to both provisos?

Mr. MILLER. I think so. I have one point of order to both provisos.

Mr. FERRIS. Mr. Chairman, after consulting with some members of the committee, I feel that there can be no doubt about the question of the point of order on the new proviso where we seem to make $25,000 immediately available. The point of order is undoubtedly good. Of course, if the gentleman would let those be voted on separately, it would avoid the proposition of reoffering the paragraph. I have no doubt about the gentleman's point of order being good as to the first paragraph, but I assume the other is within the Holman rule, if the gentleman will let it be considered separately.

Mr. MILLER. You can reoffer as an amendment any part of the paragraph that may go out on a point of order.

Mr. FERRIS. I understand that. I think if the gentleman would make the point of order separately we could dispose of it.

The CHAIRMAN. What situation does that leave the Chair in?

Mr. MILLER. As it was before the interruption started.

The CHAIRMAN. The gentleman will proceed.

Mr. MILLER. I just stated when these interruptions started, Mr. Chairman, that under the direction contained in the act of March 3, 1909, only three years ago, the Secretary was directed to exchange money in lieu of fragmentary allotments possessed by the Indians of three tribes, and in accordance with that he had prepared a roll of 72,000 persons entitled to receive benefits under the law, and whose benefits of this nature aggregated $820,000. There remain now some 20,000 cases to be disposed of, the adjudication of which will require the expenditure of large sums of money. This work will stop, this law will be nullified, and this desire of the Indians thwarted by the adoption of the pending proviso. So it becomes very apparent, Mr. Chairman, how radical is this legislation, how it leaves an important law part executed and part unexecuted—and the law thus affected is one most salutary for the Indians. I submit the law should not be repealed, that the Secretary should be permitted to complete his work, and that human wisdom expressed in such a law should not be wiped out by one fell swoop of the pen. Disguise it as they may, gentlemen must admit that the enactment of the pending proviso will shatter the delicate fabric of a whole code of laws and destroy the rights of many thousand people. There is one other item also, not of great importance but worthy of consideration, namely, that part of the appropriation act approved March 3, 1905, which reads as follows:

That the said clerk or deputy clerk of such court shall receive as compensation as such ex officio recorder for his district all fees received by him for recording instruments provided for in this act, amounting to $1,800 per annum or less; and all fees so received by him as aforesaid amounting to more than the sum of $1,800 per annum shall be accounted to the Department of Justice, to be applied to the permanent school fund of the district in which said court is located.

The same act further provides as follows:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of noncitizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of $150,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations as he may prescribe: *Provided*, That the Attorney General of the United States is hereby authorized and directed to turn over to the Secretary of the Interior all money now in his hands paid over to him by the clerks and deputy clerks of the United States courts in the Indian Territory under the provisions of the act of February 19, 1903, which, under the terms of said act, is to be applied to the permanent school fund of the district, and all money which may hereafter come into his hands from the same source under said act; and the Secretary of the Interior is hereby authorized to use said money in maintaining, strengthening, and enlarging the schools in the Indian Territory as provided for in this paragraph.

I am well aware, Mr. Chairman, that this proviso as drawn excepts schools, but it does not except the collector of these fees, namely, the recorder. It does not except the expenses connected with the collection of these fees, and therefore, Mr. Chairman,

it wipes out the process and the method by which these fees can be secured, fees that constitute an important part of the school revenues of these tribes. This proviso, then, will measurably cripple the school facilities afforded the children of these tribes, and the injury is especially vital in that it strikes the youth of the nations.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Oklahoma?

Mr. MILLER. Certainly.

Mr. DAVENPORT. I desire to say to the gentleman that my recollection is—and I think he will find on investigation that it is true—that since November 16, 1907, there failed to be any clerk of that character in any part of Oklahoma, by reason of statehood; the United States clerk named in that act having died by virtue of the legislation, the fees are not collected any more under that process, the clerk having ceased to exist. I had that question up with Mr. Glover, of the Department of Justice, in 1908, just after statehood, and he told me there was no power to get it out and no power to use it.

Mr. MILLER. That is the school fund.

Mr. DAVENPORT. That is fees of clerks.

Mr. MILLER. I desire to call the attention of the gentleman to the fact that in 1911 $66,875 was collected in these fees, and that that money went into the Treasury and went to pay the expense of running the schools in this Indian country.

Mr. DAVENPORT. Does the gentleman say now that that money was paid to the United States clerk under the provision of the act that he has just read?

Mr. MILLER. I do not know anything about the way it was paid. I know nothing about the details connected with it. But under the law that I read there was paid by this officer, and paid to the Department of Justice, and by it to the Department of the Interior, and used by it to pay the expenses of schools in the Indian country, the sum of $63,875 last year. And if this proviso becomes a law that source of revenue will be cut off unless subsequent legislation is had to provide for the collecting of these fees.

Mr. DAVENPORT. Now, Mr. Chairman, since the gentleman has made the explanation, will he please answer my question? Will he state to the House whether, under the law that he has read, one penny of it was paid to the clerk?

Mr. MILLER. The salaries must have been paid to those clerks.

Mr. DAVENPORT. Is the gentleman's statement borne out by the fact that the money was paid to the clerk under the law that the gentleman has read—paid last year?

Mr. MILLER. I do not know whether it is a fact, as the gentleman assumes, or not. I am willing to grant it as he assumes, but that does not make any difference.

Mr. CARTER. Oh, I think, Mr. Chairman, it makes a very material difference.

Mr. DAVENPORT. Is it material, because it may have been collected by an officer of the department who is drawing his salary under another provision of law?

Mr. MILLER. I wish to conclude this feature, Mr. Chairman, and proceed. The proposed proviso would change the existing law, which provides for the collecting of these fees, and therefore is not only out of order, but far from meritorious.

So much for that. There is also, Mr. Chairman, a provision of law now on the statute books, one that has been there for several years, providing for selling town lots and making proper disposition of such lots and fractions of lots as have not been sold when first offered. There is an existing law of this character that will be repealed by this proviso. Furthermore, the act of May 29, 1908, provides that in the segregated coal lands towns shall be surveyed, platted, and sold, and the expense thereof paid from the proceeds of the sale of the lots. This work under the law is uncompleted; it is still in progress. Pass the pending proviso, though, and you stop the work, discontinue the sale, because no expenses connected therewith can be paid. From the sale of town lots the five tribes have received many, many millions, and further revenues will be enjoyed if the work is not cut off.

Mr. CARTER. O, Mr. Chairman——

Mr. MILLER. The expense of surveying and of selling these lots must be paid by the proper officials.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Oklahoma?

Mr. MILLER. Certainly.

Mr. CARTER. The gentleman does not mean to say that they are still selling town lots in the Five Civilized Tribes, does he?

Mr. MILLER. Most certainly I do. I recall distinctly that the Committee on Indian Affairs, when we were down in Oklahoma two years ago, found there were 3,600 lots still unsold in the Choctaw and Chickasaw Nations alone; lots on which they had received no bids up to the appraised value. The Government is still selling them, I understand.

Mr. CARTER. When the gentleman speaks of selling town lots he includes the expense of surveying and appraising and all those things. Now, the last town site that was surveyed in Oklahoma was surveyed three years ago at the little town of Cottonwood, near Coalgate, that probably did not have more than 300 people, and was, I think, closed out at the first sale.

Mr. MILLER. Was that surveyed and were town lots sold under it?

Mr. CARTER. Yes.

Mr. MILLER. Under law?

Mr. CARTER. Yes.

Mr. MILLER. Has that law ever been repealed?

Mr. CARTER. No.

Mr. MILLER. Then that law is on the statute books.

Mr. CARTER. Nobody denies that.

Mr. MILLER. And this provision will wipe it out.

Mr. CARTER. Nobody denies that the provision is on the statute books, but there is no surveying and no platting being done and no town sites are being sold, unless it be a few odds and ends of lots which can be sold very easily without any appropriation from the tribal funds. And let me call the attention of the gentleman to the fact that the law and treaty plainly provide that the expenses for the sale of town sites must be paid out of the Treasury of the Federal Government.

Mr. MILLER. That is very true as to some town sites and not true as to others. The law I have just cited, that providing for the survey, appraisement, and sale of lots in the segregated coal-land area, an area that contains the large and important city of McAlester, that law requires all expenditures to be made from the proceeds of the sale, and so from tribal funds.

Mr. CARTER. Not the sale of town sites.

Mr. MILLER. Town lots.

Mr. CARTER. Town lots.

Mr. MILLER. The gentleman has emphasized my argument, because he has called attention to the fact that under the law now on the statute books a town site has been put on the market within three years, and this provision seeks to nullify and effectually repeal that law. This act of May 29, 1908, is as follows:

SEC. 7. That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law, the Secretary of the Interior be, and he is hereby, authorized to segregate and survey within that part of the territory of the Choctaw and Chickasaw Nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots, as are now in existence, or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., p. 495), under regulations to be prescribed by him. That the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., p. 137), shall not apply to town lots appraised and sold as provided herein. That all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate.

Mr. CARTER. But the law provides, and the treaty provides, that these expenses must be paid out of the Federal Treasury; and this amendment only goes to the payment of expenses from the tribal funds.

Mr. MILLER. Continuing further, Mr. Chairman, I desire to call attention to another law which this in effect would repeal. I do not pretend that I have been able to ascertain all the laws which it repeals. They are almost as numerous as the sands of the sea. They can be found in almost all of the appropriation acts passed within the last five years, and in many special acts passed by Congress.

Mr. CARTER. The gentleman certainly did not discuss a law that it repealed when he made his last reference.

Mr. MILLER. Maybe I did not discuss it, but the gentleman certainly stated a feature of it, and must have understood what I meant.

Mr. CARTER. The gentleman is speaking here about this amendment repealing certain laws. He now speaks of it repealing laws with regard to town sites. This amendment deals directly with tribal funds, and with tribal funds only, while the treaties and the laws provide that the expenses of the sale of town sites shall be paid from the funds in the Federal Treasury.

Mr. MILLER. I do not accept that at all. In general it is true, but there are certain town sites the expenses connected with which have always been paid out of the tribal funds and some other expenses such as surveying have likewise been paid.

Mr. CARTER. The gentleman is certainly mistaken about that. I will read him the law about it.

Mr. MILLER. If the gentleman wants to quibble, I will yield to him the matter of surveying, but I will say that the expenses of the officials in making the sales, the cost of accounting for the funds, the cost of keeping the books, the cost of putting funds in the bank, all have to be paid by the tribe.

Mr. CARTER. The law of June 28, 1898, plainly states that all expenses connected with the sale of town sites must be paid from the Federal Treasury, and there is no subsequent act repealing that.

Mr. MILLER. I can not quibble longer on this subject. The hour admonishes me that I must pass on to the next item. The act of April 26, 1906, authorizes the Secretary to take possession of all buildings for governmental, school, and other purposes, together with the furniture and the land pertaining to the same, and sell the same under such rules and regulations as he may prescribe, and deposit the same to the credit of the nation, deducting therefrom the expenses incident to the appraisement and the sale. The law is as follows:

SEC. 15. The Secretary of the Interior shall take possesion of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State of Territory of the United States such State or Territory or any county or municipality therein shall be allowed one year from date of establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

That simply means that the carrying out of this law is to be nullified, is to be stopped, is to be absolutely prevented by the provision which is contained in the second proviso.

Certain expenses connected with clerk hire and other assistance in carrying out that work, now provided for by the law, will be impossible to be taken care of if this provision is carried into effect.

There are just one or two more things that I will take the time of the committee to call attention to, assuming that these are the salient points, and the ones I should think must be before the Chairman when he decides this question.

The Indian appropriation bill of last year, March 3, 1911, provided that any receipts from sales of surplus and unallotted lands and other tribal property of the Five Civilized Tribes should be deposited in banks, after deducting the various expenses of advertising and sale, which necessarily include clerical expenses in connection therewith.

Mr. Chairman, think of the work that is being carried on in obedience to that law and earlier laws of like character.

Within two years land running up to a million acres has been sold, in value aggregating many million dollars. Under the law this money is to be distributed to the banks throughout the State. It has been so distributed. The Secretary of the Interior can not put it in any bank that may be handy; he can not see the sign of a bank and run to it, depositing at the place thus labeled the Indians' money, amounting to millions. He is required to select a proper and safe institution and so distribute the money among these institutions that it will be safely taken care of and distributed with some uniformity over that part of the State. He has to-day two and a half million dollars in 94 banks drawing interest at different rates running from 4 to 6 per cent.

Mr. Chairman, it requires a clerical force to carry out a work of this kind. It requires bookkeepers; it requires men who are expert enough to know a good bank; it requires skilled financial accountants competent to ascertain the amount of funds in each bank and the character of securities issued to protect same by the bank. Interest is to be computed. This is a work of magnitude. The proviso put in here, and which we are now asked to keep in by our votes, would wipe out all organization now existing to care for this money. It would leave two and a half million dollars from this one source in 94 banks high and dry, with no one to tell how much it was or where it was. The care of the Government thus relinquished from these trust funds must necessarily result in the loss of many deposits, because banks fail even in Oklahoma; bank officers are not all honest even in Oklahoma. Thus would be written another chapter in the Government's profligacy in handling Indian wealth. Thus would be created another claim to be enforced by the Indians against the Government in future years.

Mr. FERRIS. Will the gentleman yield; I know he does not want to misstate the proposition?

Mr. MILLER. I do not.

Mr. FERRIS. I know the gentleman will agree with me when I say that this bill provides $150,000 to look after these things.

Mr. MILLER. Oh, the gentleman well knows that $150,000, which is cut down by $25,000 to a paltry $125,000, unless the point of order to the first proviso is sustained, is a reduction from $175,000, every dollar of which they need for handling the individual affairs of the Indian. It is a paring down to the quick, so that they can not run the ordinary expenses of the Five Civilized Tribes, those incident to handling the affairs of individuals, let alone the administration of special acts and caring for the tribal property and national affairs.

Mr. MANN. Will the gentleman yield?

Mr. MILLER. I will yield

Mr. MANN. Do I understand that the contention is made now that the necessary expenses in connection with the deposit of this money in the banks of Oklahoma are to be paid out of the National Treasury and not out of the tribal fund?

Mr. MILLER. Not at all; that is what I want to get at.

Mr. MANN. But is that the contention of the gentleman from Oklahoma?

Mr. MILLER. That is his contention.

Mr. MANN. As a result of our kindness in permitting them to deposit the funds in the local banks.

Mr. FERRIS. The gentleman will grow enthusiastic over the fact that the Federal Government is bound to close up the affairs of this tribe and is bound by treaty to do so.

Mr. MANN. But not bound to deposit money in local banks in order to get the larger rate of interest for the Indians and to keep the banks from bursting, and then pay the expenses out of the Federal Treasury.

Mr. FERRIS. The gentleman is not stating my position, and I prefer to state my own position.

Mr. MANN. The gentleman stated his position, I think, by his question.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. MILLER. Yes; for a question.

Mr. McGUIRE of Oklahoma. I do not want the statement of the gentleman from Illinois to go to the RECORD uncontradicted. The gentleman said that the money was deposited in these banks to keep them from bursting. The national banks are the same in Oklahoma as everywhere else in the United States. They have the same inspectors, the same control, the same Federal supervision, and I do not think the gentleman meant exactly what he said. The policy of the Government is to take it out of the Treasury and put it where it will be used, and for that reason it goes to the banks, but not to keep them from bursting.

Mr. MANN. I will withdraw that statement out of regard to the feelings of the gentleman from Oklahoma, although when the bill was passed gentlemen on the floor stated that there would be banks that would break if the money was not deposited there.

Mr. McGUIRE of Oklahoma. Who made that statement?

Mr. MANN. It was not stated in debate.

Mr. MILLER. Mr. Chairman, the President's signature to the last bill passed by Congress, which will be changed by this proviso, was one placed there on February 19, 1912. The ink is hardly dry upon the paper. It was passed, as it were, but yesterday. The pertinent provision of that law is as follows:

The net receipts from the sales of the surplus and unallotted lands or other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expenses of advertising and sale, may be deposited in the national or State banks of the State of Oklahoma, in the discretion of the Secretary of the Interior, such depositary to be designated by him under such rules and regulations governing the rate of interest thereon, time of deposit, withdrawal therefrom, the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the per capita payment of such fund.

This statute is in harmony with that law I have just been discussing. It is of most far-reaching and transcendent importance.

Mr. Chairman, there remains still to be sold of the surplus and unallotted lands of the Choctaws and Chickasaws alone 833,000 acres, and this added to the timber aggregates 1,279,000 acres, all ready to be disposed of by the Secretary of the Interior in accordance with these and other laws we have passed. By one fell swoop of the pen you wipe out every law controlling tremendous property rights, and take from the Secretary every penny that he can use to obey the specific mandates made by Congress. Such a colossal proposition I do not think has been made on the floor of this House in the history of a lifetime.

Much has been said in recent years concerning the attorneys employed by Indians. Frankness compels me to say that there are attorneys and attorneys. I do not know that the attorneys who have been representing Indian claims throughout the country are entitled, as a class, to more opprobrium than might be

extended to other professions, but there have been many of them whom we might call rensonably rapacious. The Indians of the land have been compelled in times past to make almost any contract they could. Driven to enforce their rights against an all-powerful and granite-hearted Government, they have been obliged to engage such lawyers as were willing to undertake the conflict. In many cases the attorneys thus employed dragged from the United States a reluctant compliance with the Indians' demands. I do not believe, Mr. Chairman, there has ever been proposed legislation that would result in giving such a big, complete, and overwhelming quantity of claims by the Indians against the Government as is contained in this provision.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHACKLEFORD. I desire to know what is pending before the House at this time.

The CHAIRMAN. A point of order.

Mr. SHACKLEFORD. Is the gentleman from Minnesota discussing the point of order?

Mr. MILLER. I am calling attention to the various laws which this proviso repeals or renders nugatory.

The CHAIRMAN. The gentleman will proceed.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. MURDOCK. Before the gentleman passes from the subject of attorneys for the Indians I would like to ask him if he is still on it?

Mr. MILLER. Yes.

Mr. MURDOCK. I want to ask the gentleman some questions about it before he leaves the subject.

Mr. MILLER. I assure the gentleman from Kansas I have much more to say on this subject and will be pleased to answer any questions he may later care to ask.

In the act of March 3, 1911—the appropriation bill of last year—there was a provision as follows:

That tribal contracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians may be made by the Secretary of the Interior, provided that contracts for professional legal services of attorneys may be made by the tribes for the stipulated amount and period, in no case exceeding one year in duration and $5,000 per annum in amount, with reasonable and necessary expenses, to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. STEPHENS of Texas. Is it not a fact that one of the nations—the Choctaw Nation—paid $57,000 last year? And is it not a further fact that another paid $750,000 to one firm?

Mr. MILLER. That is going back to the dark ages; let us go to the present. That is all very true in its place. I have not anything to say controverting it, except as to the amount of $57,000 which one nation paid——

Mr. STEPHENS of Texas. That is, I mean the Five Civilized Tribes.

Mr. MILLER. That amount was paid last year by all the Five Nations for attorneys' fees.

Mr. MURDOCK. Does the gentleman define an attorney's fee of $750,000 as being reasonably rapacious.

Mr. MILLER. Well, judging from my own experience as a practicing lawyer, I should say possibly it might be described by gentlemen skilled in the nicety of language as unreasonably rapacious.

Mr. MURDOCK. I think undoubtedly it is, and I would like to ask the gentleman in all seriousness if it is not a fact that from time immemorial attorneys have gone before the Indian tribes and gotten contingent fees?

Mr. MILLER. Yes.

Mr. MURDOCK. I would like to have the gentleman explain to this committee what is the process. Do the attorneys usually go before the Indian council—a body supposedly elected—and make some sort of a contract? Is that contract afterwards approved by the Secretary of the Interior in every instance?

Mr. MILLER. Always it has to be to have any validity. I have just read the law as we have recently framed it respecting two of the Five Civilized Tribes. Heretofore the custom generally has been that if the tribe desired to hire an attorney its national council, or if it had none, then a sort of informal council of all the adult male Indians, would convene and adopt a resolution asking that an attorney be appointed, perhaps make a contract with the attorney or send to the Secretary asking permission to make such a contract. Thereupon the contract would be submitted to the Interior Department and before it had any validity or effect it had to be approved by the Secretary of the Interior, except in case of the Five Civilized Tribes wherein it had to be approved by the President of the United States.

Mr. MURDOCK. Well, now, the gentleman has served upon a special committee which investigated the affairs of the Indian Territory of Oklahoma or since Oklahoma became a State. Did that committee or the gentleman personally ever try to find out how much in the aggregate in the last 20 or 30 years the Five Civilized Tribes have paid out for fees? I suppose it runs into the millions.

Mr. MILLER. We have this incorporated in the report, if the gentleman will read it.

Mr. MURDOCK. Did not it run into the millions?

Mr. MILLER. Yes.

Mr. MURDOCK. Did not the gentleman find during the investigation that some of the fees were so large that they amounted to a scandal, at least in the minds of the people of this country?

Mr. MILLER. Some were exorbitantly large, most assuredly.

Mr. MURDOCK. I wanted the gentleman to elucidate this particular matter of charges of attorneys, and I thank the gentleman for his explanation as to how attorneys got these fees.

Mr. FERRIS. Mr. Chairman, I am interested in the gentleman's forceful presentation of the matter, but the Chair must recognize the fact, and the gentleman must recognize the fact, that there are quite a number of us who desire to be heard upon the matter, coming from a State entirely foreign to that of the gentleman, and the gentleman has now occupied more than an hour, and I wondered if he would not recognize that it would be a courtesy upon his part to get to a conclusion of his remarks. I am not finding fault with the gentleman——

Mr. MILLER. In answer to the gentleman I want to say I think I have consumed more time than I ought to have consumed.

Mr. FERRIS. I do not wish to criticize the gentleman at all.

Mr. MILLER. I did not think that I would consume more than 30 minutes, but I will say to the gentleman that I am on my last point.

Mr. FERRIS. I am not criticizing the gentleman at all.

Mr. MILLER. I should have concluded long before had I not been interrupted so much, and if I can proceed without serious interruption I think I can conclude what I have to say in a very few minutes.

Mr. STEPHENS of Texas. Does not the gentleman think these exorbitant attorneys' fees referred to would have been less had they been compelled to come to Congress to have them approved?

Mr. MILLER. I will state to the gentleman that the fee to which he has especially referred with criticism, and I do not say improperly, was made possible by an act of Congress. With the law as it then stood it was within the power of the Secretary of the Interior to limit that fee, and he did limit it, to $250,000; but parties influential came to Congress, pressed their claims to a larger fee before Congress, and in an appropriation bill secured the enactment of a provision by which the amount of their fee was referred to a tribunal, friendly, I presume, and that fee was made $750,000. Congress alone is responsible for it. Here is a vivid and conspicuous illustration of leaving special items to Congress. Under the general law the attorneys would have received $250,000. Under a special law passed by Congress they received three times that amount. What a marvelous example of economy. What superb nicety in handling the wealth of our wards.

Mr. STEPHENS of Texas. Does not the gentleman know that Congress itself has never approved anything of that kind?

Mr. MILLER. All I know is that Congress passed a law in a certain case changing the law under which an attorney's contract could be approved, and provided other machinery whereby the fees could be and were made three times as great.

Mr. CAMPBELL. Was it not a fact that if carried out it would have to be about $3,000,000?

Mr. MILLER. Yes; if the Secretary approved as originally drawn. I feel very grateful to the chairman and the committee. I thought this was an important matter, and I felt justified in going into detail. I have called attention to the provisions of the last act passed by Congress governing attorney's contracts. These tribes have the right to make certain contracts for legal services. They ought to have that right. I know as well as I know anything that their interests are not adequately looked after when intrusted exclusively to the departments of this Government. I think they have an absolute right to employ counsel to present their claims under treaties; to press against the Government claims for wasting their estates; to represent their interests before committees of Congress. They should have the services of men who are secured

by them, lawyers of good standing, of unquestioned ability, men who will make a special effort in the Indians' behalf and who will labor for the tribes and protect their property interests.

Now, under this law, as it is proposed to be changed, no contract for attorney's fees can be made for the Five Civilized Tribes and carried out. All present attorneys would be wiped out by this. These nations would suddenly find themselves and their property bereft of legal services. For instance, at the present time the Choctaw and Chickasaw Nations have large tribal properties. The other nations have national wealth, but these in particular have large property interests. At this minute there is a bill pending before this Congress—and it is not for me to say whether it should be passed or not—one that is being pressed by some of the best Members of the House, one that would place, if passed, a large number on the tribal rolls of the Chickasaw and Choctaws and carry a claim against these two nations that aggregates more than $40,000,000. Would anyone say those Indian tribes have not the right to have somebody represent them in matters of such colossal magnitude? These tribes have eliminated many attorneys employed in the past, and those they now have are all industrious, clean-minded men, good attorneys, working for the interest of the tribes they represent.

The employment of all these must end June 30, next, because you will have taken away their compensation. You leave the tribes with these great matters pending, without an attorney to protect them and no means of securing one. Besides these items to which I have specifically alluded, there are pending against the Choctaw and Chickasaw Nations alone to-day claims that aggregate between ten million and fifteen million dollars.

Mr. COOPER. What are those claims for?

Mr. MILLER. They are for every conceivable thing against the tribes.

Mr. JACKSON. Will the gentleman yield?

Mr. MILLER. I will.

Mr. JACKSON. Do I understand the gentleman to say that the enactment of these laws will cut off the payment of $5,000 to the Choctaws and Chickasaws for annual attorney?

Mr. MILLER. Absolutely. It will cut off the pay of the principal chief of the Choctaws; it will cut off the pay of the principal recorder of the Choctaws, and the pay of every attorney they have got, of every tribal official, of every individual connected with the running of the affairs of those nations.

Mr. JACKSON. Let me understand further. The gentleman means that on the face of the bill, unless Congress shall appropriate——

Mr. MILLER. But I apprehend that if somebody brings in here a bill that provides to give an attorney for that Indian tribe a specific sum of money such a bill will hang high and dry and never have a ghost of a chance for passage while many Congresses come and go.

Mr. JACKSON. I was not asking that question of the gentleman. I was simply wanting to get his idea of the changes made necessary.

Mr. MILLER. They will have to come in here with a separate bill to pay the expenses of these tribal governments under the law as now enforced.

Mr. JACKSON. As the law is now, there is an annual expenditure of $5,000 for this attorney for this tribe?

Mr. MILLER. The Chickasaws have one at $5,000.

Mr. JACKSON. I was only inquiring about the one tribe. For the other four tribes, the gentleman says, the legal-counsel expense amounts to several thousand dollars more annually?

Mr. MILLER. Yes. They had great property interests.

Mr. JACKSON. I want to ask the gentleman another question as to the point of order. Does the gentleman argue that the point of order will be well taken, and that we do not have the authority to reduce the expenditures that are to be made out of the tribal funds?

Mr. MILLER. Yes. I was going to speak about that right this minute.

Mr. JACKSON. That is what I would like to hear the gentleman upon.

Mr. MILLER. I call the attention of the chairman and members of the committee to two points that I urge with the utmost emphasis and which I think must be controlling in their bearing upon the last proviso. I cited these various laws that were changed by this proviso to show that the proviso changes existing law. Nobody will controvert that. I apprehend that some of our friends across the aisle who believe in this provision will say that, while it changes existing law, it works in the nature of retrenchment.

Now, Mr. Chairman, I want to address myself to that part of it. In the first place, Mr. Chairman, the so-called Holman rule can not apply in this case. Why? The sole excuse for the Holman rule is to guard the Treasury of the United States. The sole basis of the Holman rule is to reduce, if possible, the expenditures from the Treasury of the United States in administering the affairs of the United States. The man who wrote that rule, and every man who has commented upon it since it was written, has had solely in mind the Treasury of the United States.

We are confronted now not with the Treasury of the United States, but with the treasury of a separate and distinct entity—the Five Civilized Tribes. We are not proposing to retrench by this or any other means any of the expenditures of our Government, but we are simply trying, if you please to call it such, to regulate the expenditures of another government. So, Mr. Chairman, I maintain absolutely that the Holman rule, so called, can not apply in a matter of retrenchment here if it is a retrenchment in the expenditure of funds which do not belong to the United States Government. This is the first time anyone has had the temerity to propose that such a provision comes within the Holman rule. A search of the precedents reveals not a single attempt of this character ever having been made before.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield just at that point?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that these Indians were made, in 1906, citizens of the United States? How, then, can the gentleman state that with respect to them, they being citizens of the United States, a different rule should apply than to the ordinary citizen of the United States?

Mr. MILLER. We have got to treat them as an entity. Not as individuals, but as a nation. We are dealing with their nation's treasury, not that of the United States. Citizenship or noncitizenship has nothing to do with it. We are considering their tribal funds, and this provision does not affect one penny in the United States Treasury. It does not affect one penny that ever was in the United States Treasury, and it does not affect one penny that ever will be paid into the United States Treasury belonging to the United States. It affects only the property of a ward of the Government, over which we happen to have a legislative control.

But there is one thing further, Mr. Chairman, about this that must be considered conclusive. The Holman rule can be applied, as I understand the precedents of this House, only in cases where there is a retrenchment or a reduction in the cost of administering the affairs of the Government. This so-called proviso, Mr. Chairman, does not even presume or suggest or intimate any retrenchment or any reduction in expenditures of the United States Government. The vivid imagination of the most imaginative man on this floor can not possibly conceive of a situation where this is a retrenchment. Let me read you what it says:

> That during the fiscal year ending June 30, 1913, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes except for schools without specific appropriation by Congress.

Where is there a word about retrenchment? Where is there anything that even suggests that the expenditures by Congress should be less than the expenditures now authorized by law?

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Oklahoma?

Mr. MILLER. Certainly.

Mr. CARTER. I believe the gentleman said the next presidential election would come around before any attorney fees would be provided for?

Mr. MILLER. Yes. I believe that——

Mr. CARTER. But the gentleman made that statement.

Mr. MILLER. Yes; but I believe that Congress would turn around and extravagantly expend their money and multiply attorney's fees a hundredfold on some other items.

Mr. CARTER. Then, according to the gentleman's contention, all funds should be turned over to the different departments and Congress should have no supervision over them?

Mr. MILLER. Absolutely not; absolutely not. I would not even suggest that. Now, with the utmost earnestness and sincerity, Mr. Chairman, I wish to call the attention of the Chair to the fact whether or not it is a retrenchment of the expenditures under the rules of this House. Retrenchment can not be left to hypothesis; can not be left to speculation; can not be left to imagination. It must be clear. It must be fairly certain. This question is not new. It arose in this House a few weeks ago. The gentleman who then occupied the chair [Mr. SAUNDERS, of Virginia], formerly a member of the Indian Committee, a man who was formerly a judge of high standing in the State of Virginia, a man who has presided over several successive sessions of the legislature of his State, made an ex-

haustive study of this question when a point of order was raised on the Army appropriation bill, and gave a final, authoritative word. I apprehend that final word was uttered by him only after the fullest consultation with the best parliamentarians of this House.

On page 1999 of the RECORD, a point of order having been made to a provision in the military appropriation bill, or an amendment, to reduce the number of Cavalry regiments from 15 to 10, after some discussion the then occupant of the chair, the gentleman from Virginia [Mr. SAUNDERS] made the following decision. I will omit some parts, in order that I may be fairly brief, because it is quite long:

The point of order made against the amendment offered by the gentleman from Virginia is that it changes existing law. This is admitted. But it is urged in support of the amendment, which is admitted to be germane, that it comes within the Holman rule and is in order on the ground that it retrenches expenditure.

The Chair desires to place its ruling upon a foundation of authoritative precedent and to conform to the established and familiar canons of parliamentary construction.

Many rulings have been made under the Holman rule. The Chair has examined these rulings in detail * * *.

In this connection it is proper to state that it has been expressly held by Speaker Kerr, and concurred in by Chairman William L. Wilson, that in determining whether an amendment will operate to reduce expenditures, the Chair can look to the law of the land, so far as it is applicable.

Continuing:

In this connection the Chair will state that it is not necessary, for an amendment to be in order, that it should be specifically directed to a reduction in terms of an amount carried in a bill. Of course, if it is addressed to such an amount and reduces the same in terms, it will be in order. As, for instance, if the sum of $1,000,000 is appropriated for a designated purpose pursuant to the requirements of existing law and an amendment is submitted reducing this amount to $995,000, such an amendment will be in order. But the Holman rule admits of other amendments in order. The language of the rule is to the effect that germane amendments changing existing law are in order provided they retrench expenditures by the reduction of amounts of money covered by the bill.

Mr. Chairman, I beg to call the attention of the Chair particularly to the fact that this proviso has nothing whatever to do with any appropriation carried or covered by the bill. It has to do with appropriations being expended under authority of law already passed and on the statute books and entirely independent of this bill. We are not by this proviso seeking to touch any feature of the bill or seeking to touch any feature of any other bill, and, indeed, the provision is entirely independent of the appropriations in this measure.

Continuing, particularly, further in this line the Chairman then goes on to say:

The Chair will further say that it is not enough for the Chair to think that an amendment may reduce expenses, or that it is likely to reduce expenditures.

The precedents say in this connection that the amendment, being in itself a complete piece of legislation, must operate ex proprio vigore, to effect a reduction of expenditures.

Now, who can say that by simply changing the appropriating power we are going to reduce expenditures? Since when has Congress shown itself so extremely wise that now it can say it was profligate and extravagant in the laws it passed years ago, but hereafter will be more economical; that heretofore it has been a sinner, but henceforth it will be a saint; that while up to this time it has been wasteful and incompetent, from now on it will be economical and all competent? The statement of the proposition condemns it.

The reduction must appear as a necessary result.

Who will suggest as a necessary result any retrenchment or reduction if we let Congress appropriate these sums rather than have them expended under authority of law heretofore passed by Congress?

The reduction must appear as a necessary result; that is, it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction.

This points out clearly that the retrenchment must be certain. It can not be the subject of conjecture, doubt, or experiment. So, Mr. Chairman, in conclusion, I would urge that this is a change of existing law in a hundred ways. It wipes out the capacity to administer the affairs of 100,000 people. It is in reckless disregard of the rights of this Indian multitude, and must result in immeasurable waste of their property. It is not in the nature of a retrenchment of Government funds, because it does not deal with Government funds. It deals with the funds of a distinct entity, separate from the Government, namely, an Indian tribe.

It is not a retrenchment. There is nothing in the provision of itself that reduces expenditures. There is nothing in it to suggest a reduction unless we resort to the sublimest spectacle of speculation. It seems to me that gentlemen can hardly urge that this provision could possibly come within the Holman rule.

So, Mr. Chairman, on the principle of the propriety of the legislation and on the principle of its being within the rules of this House, the point of order should be sustained. [Applause.]

Parcel Post and Good Roads.

SPEECH

OF

HON. C. C. DICKINSON,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 13, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. DICKINSON said:

Mr. CHAIRMAN: I favored the rule brought in by the Committee on Rules giving consideration to the parcel-post and postal-express propositions, as well as the good-roads measure, as provisions on the pending Post Office appropriation bill, else they would have been excluded from consideration on a point of order as new legislation that could not be considered on this appropriation bill. The subjects are too important and of such widespread interest that the rule was more than justified.

The parcel-post provision seeks to change and extend the existing limited parcel-post law, which now provides for sending through the mails parcels not exceeding 4 pounds in weight with a postage rate of 16 cents per pound. The bill now pending provides for increasing the weight of fourth-class matter from 4 to 11 pounds and reducing the postage rate from 16 to 12 cents per pound, and also provides for a rural parcel post; and an additional provision is made in the bill for the appointment of a committee of six persons, three from the Senate and three from the House, for a full inquiry and investigation looking to the establishment of a general parcel post or express post and to report fully to Congress on the first Monday of December this year. I ask to submit herewith section 8 of the bill relating to parcel post as finally presented for passage:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight.

That on each and all rural mail-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on rural routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail-delivery routes only at the following rates: Five cents per pound, and 1 cent per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act, and shall provide for the transportation of farm and factory products as fourth-class matter if not perishable in transportation.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post or express post a joint committee of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post and express post by Senate and House committees and take such other testimony as they deem desirable. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said commission as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress on the first Monday in December, 1912.

I do not believe that the provisions for a parcel post as contained in the bill will satisfy the demands of the country, and I feel that the bill ought to have been further amended, and I favored, among other amendments, the substituting of 8 cents for 12 cents in the second line of section 8.

The just complaint against the express companies for their excessive charges for carrying small parcels is almost universal, and calls for radical and effective legislation. The provisions as now in the bill will fall far short of remedying the evil, and further legislation is necessary; and some comprehensive measure ought to be enacted that is fair to both producers and consumers, to farmers and local merchants; and this can not be done, in my judgment, as long as the express companies transact this business—and the express evil will have to be gotten rid of by the Government performing this service through parcel post or postal express or by compelling the railroads of the country, which do most of the freight and passenger business and operate the trains that carry the express parcels, to also operate the express business of the country, and at reasonable rates, to be controlled by the Interstate Commerce Commission, and thus eliminate entirely the express companies, which

are termed mere parasites, feeding upon the very vitals of the transportation business and exacting illegal and excessive charges that continually challenge the attention and condemnation of those who suffer and complain and find no relief.

The Lewis proposition, which is embodied in the Goeke bill, and which provides for the condemnation and taking over of the express-company contracts and properties, has many advocates in the House, but I take it the majority of this body will be reluctant to condemn and buy the express properties without further information of their real value, and I fear that the Government will be compelled to pay more than they are worth. It looks like a leap in the dark, and besides it is asked what obligation is the Government under to purchase these properties of the express companies, when it can compel the railroads to do this service without the intervention of express companies as now constituted, or it can extend parcel post and handle parcels as it does now the mail. But in handling parcels a serious controversy has arisen as to whether parcels should be handled on a flat-rate basis as provided in the Sulzer bill, or under the zone system as provided in the Anderson bill and other bills.

The proposition is many sided, and the proper settlement of this question has met with many difficulties; and it matters not how settled, for the time being the agitation will continue until settled aright. The proposition of the Post Office Department and that contained in the Post Office appropriation bill is largely experimental, and a more complete bill will probably have to be worked out by a joint committee and reported back to Congress in order to meet the demands of the public, unless fully worked out at this session of Congress, which action will be more responsive to public demand. All classes of people are interested in and should favor cheaper freight and express rates except those reaping the benefits of excessive charges; and merchants and farmers and all producers and consumers should alike desire cheaper rates. I must confess that I am very friendly to the proposition to divorce the express companies from the railroads and annul those contracts between the railroads on the one hand and the express companies on the other, which are in part owned by the same people who own and operate the railroads, who charge the shippers two profits for largely the same service, thereby levying upon the producers and consumers a double burden, and adding thereby to the high cost of living and at the same time reducing the profits of those entitled thereto.

The railroads do not desire to handle small parcels, except by aid of express companies, that contract with the railroads, paying for transportation of small parcels 47.50 per cent of the gross receipts of the express business, leaving to the express companies 52.50 per cent for its part. Out of every dollar collected from the shipper the railroads get 47½ cents and the express companies 52½ cents; and the stockholders of the railways being part owners of the express companies get their share of the 52½ cents retained by the express companies, and are interested in every express shipment and in the excessive charges, and the shipper is at the mercy of the contracting parties.

There is a community of interests between the railroad companies and the express companies. Directors in railroad companies are also directors in express companies. They work together for rates that yield excessive profits. The express company is not a public utility. It enjoys no franchise rights; it owns no transportation lines; its existence depends upon contracts with the railroads. If these contracts are taken over by the Government for the purpose of doing the express business of the country, that will end the express companies and their copartnership with the railways and end extortionate charges, and Government monopoly of this business with reasonable charges at actual cost will naturally result.

Whether or to what extent these express contracts can be abrogated may involve litigation in the courts. The Goeke or Lewis proposition is for the Government to take over these contracts, and thus get rid of the express companies; but these contracts cover weights exceeding 11 pounds, the maximum proposed in most bills, and if the Government goes into the general express business, what about the expediency of buying all the properties used by the express companies, and would it be wise and sane legislation to pass a law to take over these properties without first knowing their reasonable cost? The difficulties involved in every proposition suggests the wisdom of a committee taking all bills and reporting back a proper measure. However, personally I would much prefer a settlement by this Congress of this much vexed question if it could be done. No more vexed question has come before Congress. Every Congressman has been flooded by petitions and letters urging him on the one hand to support parcel-post legislation and on the other hand to defeat all such proposed measures. For myself I do not believe that cheaper transportation of small parcels will hurt either the merchant or the farmer or other class of people interested in cheaper rates.

The interest of the merchant in small towns and his patrons are largely the same, and the prosperity of the one inures to the benefit of the other, and there is no necessary conflict between them. Both ought to be for cheaper rates. More reasonable rates must and will come, whether by reason of parcel post or by operation of postal express or by legislation enforcing cheaper rates or by compelling railroads to carry parcels under 100 pounds weight at reasonable rates without the intervention of express companies.

The right to condemn and take over all express-company contracts and properties involves some nice legal questions that might delay this proposition as well as enhance the price of these properties. I do not doubt but that they can be bought, if the Government should go into the express business, but can they be condemned? Are they common carriers like railroads? They have no franchise rights; own no transportation lines.

However, if the Government should enter the express business it would soon drive the express companies out of business and would soon monopolize the business as against the express companies, as it does now the mail business. Such, apparently, would be the logical result. If not, competition would result and reduced rates naturally follow.

Or if the express companies should be dealt with as intruders in transportation and Congress or the courts should abrogate the express railway contracts and the express companies be excluded from the field and further copartnership with the railroads be forbidden, they would then be eliminated and go out of business, and the railroads, which are common carriers and subject to regulation by the Government, can be required to perform this business. However, it is urged by the advocates of the Lewis or Goeke proposition that the more reasonable and safer proposition is for the Government to take over the express companies, paying a fair price therefor, and take the place of the express companies and contract directly with the railroads for transportation of parcels and end the controversy and secure reasonable rates and fix the charges so as to pay the cost of the service, charging possibly in the first instance sufficient profit to repay the Government for the purchase of the express properties.

It has been stated in behalf of taking over the express companies' contracts with the railroads—

that nearly all of their contracts with the express companies give the latter a contractual monopoly of the service, and these contracts have been approved by the Supreme Court in express cases (117 U. S. Rep., p. 1). While the Government might force a breach of these monopolies in its own favor, yet it might hold that such a proceeding amounted to taking private property for public use, and that the Government would have to pay the express companies perhaps as much as buying them out would cost. Hence the desirability of securing the express railway contracts by fair purchase, even though compulsory. Moreover, the public should not be called on to maintain two package transport systems. One is costly enough, and if either should give the economically desirable rates the existence of the other would be imperiled or destroyed. The present agency is an intrenched monopoly. There is no competition, even at common points. Monopoly by the Government and a real public-service motive are necessary to economical results.

In most foreign countries a general parcel-post law is in operation. In those countries it seems they are without mail-order houses and express companies and have Government ownership of railroads and less extensive territory and a more condensed population. As we have in this country no Government ownership of railroads, it is necessary to contract with the railroads for transportation of all mailable matter—letters or parcels. However, a general parcel-post law in this country seems inevitable. Congress is halting in this matter because of the diversity of opinions as to what is best to be done, based largely upon a want of sufficient data as to the probable effect of the adoption of one plan rather than another.

A sharp controversy has arisen on the question as to whether a flat rate or a zone rate should be adopted. It is argued against the flat rate that it cheats the shipper on the short haul and cheats the Government on the long haul; and it is urged that the Government should not be required to carry packages 3,000 miles for the same rate that it carries packages 50 or 100 miles. But flat rate or zone rate, the country will not stand much longer for the present system.

It is stated that express charges in this country amount to $31.20 for the average ton of parcels, while the freight charge for the average ton is $1.90, making the express charge on the average about 16 times the freight, while in other countries it is only 5 times the freight charge, or about 85 cents for freight and $4.25 for express. It is apparent that legislation is needed to put an end to these excessive charges in the United States. Radical legislation is needed to bring relief. Shall it be a complete system of general parcel post or postal express as advocated in the Goeke bill—the Government taking

over the express companies, or by the railroads being compelled to do business without the aid of the express companies?

On the 25th of April I caused to be printed in the CONGRESSIONAL RECORD a letter of Senator OBADIAH GARDNER on parcel-post and postal-express situation in Congress and addressed to the people of the United States, which letter urges that the express companies be eliminated and the postal-express system substituted in their place.

I desire at this point to quote from said letter and to insert as a part of my remarks the following quotation, contained in said letter, to wit:

In this connection I quote from an article written by Mr. George P. Hampton, secretary of the Farmers' National Committee on Postal Reform. Mr. Hampton says:

"The farmer, the consumer, and the local merchant have a common interest in the cheapest possible service for the short haul. They have little or no interest in the long haul. The retail trade between consumer and merchant, consumer and producer, or producer and local merchant, is essentially a short-distance proposition. The prosperity of all these will be best served by making the lowest possible rates for the short haul.

"The magnitude of the robbery of the majority of the people for the benefit of the few, which is inevitable with a flat rate, will perhaps be more apparent to some—indifferent Members of Congress, for example—if the cost and charges are shown in tons. He would indeed be a small merchant or farmer whose total parcel shipments for a year, under a favorable rate, would not exceed a ton.

The robbery in the short haul.

	25 miles.	50 miles.	200 miles.	500 miles.	1,000 miles.
Average mail pay to the railroads per ton.	$2.25	$4.50	$18.00	$45.00	$90.00
Collect and delivery and general expense.	24.00	24.00	24.00	24.00	24.00
Total cost	26.25	28.50	42.00	69.00	114.00
Rate per ton of the 8-cent flat per pound rate	160.00	160.00	160.00	160.00	160.00
Excess charges	133.75	132.50	118.00	91.00	46.00

"Collect and delivery and general expense" cost is computed at 6 cents per package for an average weight of 6 pounds.

The subsidy in the long haul.

	2,000 miles.	3,000 miles.	3,600 miles.
Average mail pay to the railroads per ton	$180.00	$270.00	$324.00
Collect and delivery and general expense	24.00	24.00	24.00
Total cost	204.00	294.00	348.00
Rate per ton of the 8-cent flat per pound rate	160.00	160.00	160.00
Subsidy to long-distance shipper	44.00	134.00	188.00

"Public welfare demands that the Government in establishing a general parcel post shall impose no burdens upon nor grant special privileges to any class. The people must not be taxed for the benefit of the few.

"The flat rate, by the excessive rate of 500 per cent above cost on the short haul and rates of 50 to 100 per cent below cost on the long haul, tends to force producer and consumer apart, whereas public welfare demands that they be brought as close together as possible.

"The volume of business is powerfully influenced by the rate. It must be low enough to move the traffic. To make the short-haul rate over five times the cost is to prevent the growth of the short-haul business.

"The evils of the flat rate to the short-distance shipper increase with the rate. The 8-cent rate is bad, but the 12-cent rate ($240 per ton) would be infinitely worse.

"If the flat rate could be established without increasing the cost of any short haul beyond a fair, self-sustaining charge, its unfairness might be open to question; but a flat rate which, in order to make the service as a whole self-sustaining, must be based on a mean-distance charge, of necessity must make the charge on the short haul excessive and give the long haul a rate away below cost. It is undemocratic, violates every principle of square dealing, and is against public welfare."

Further quoting from the letter of Hon. OBADIAH GARDNER, it says:

Postal express can be demonstrated to be in the interest of all the people, the farmer, the consumer, and the retail merchant, for whom those opposed to any such systems have shown such solicitude. Let me inquire of the retail merchant if he does not think that it will be of advantage to him to cut in half the present extortionate rates of the express companies? Let me ask him if it would not be to his advantage to enlarge our rural delivery mail service so that he could send out his goods to the purchaser under what would be a mail-order service, reducing much of the expenses under which he is now burdened? A flat-rate service would give him no relief, but puts him at the mercy of the mail-order house, and I am opposed to any such system; but a postal-express service, with the cost of transportation determined by the weight and distance as to article and shipment, would simply require him to pay for the privilege he enjoyed and everybody else according to the privilege they enjoyed.

The foregoing quotations give, in part, the viewpoint of those advocating the postal-express system and the zone system as against the flat rate. I simply embody them herein for the consideration of the House and of the public without seeking to adopt them as my views.

But I will not dwell longer on this intensely interesting subject, that is attracting such general interest, and the proper settlement of which is of vital interest to the people of the United States. It is more important to settle it aright than to have a hasty settlement and settled wrong, but it ought not to be unduly delayed or set aside until settled in the interest of the American public.

Permit me now to speak briefly upon another subject, engrafted by special rule upon the Post Office appropriation bill, largely by the efforts of that tireless worker and public servant, Congressman SHACKLEFORD, of Missouri. I refer to the public-roads proposition. I desire to here insert the provisions of the bill relating to public roads:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star route mail, compensation for such use shall me made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C: *Provided*, That in calculating or otherwise ascertaining the distance that mail is transported over any highway, such distance shall be measured or calculated in only one direction, and only one use of or travel over any such highway, or any part thereof, on any one trip by a carrier using the same, shall be considered. That any question arising as to the proper classification of any road used for transporting rural or star route mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

The last utterance of the Democratic Party in national convention at Denver in its platform declaration of principles used the following language:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Congress heretofore has granted subsidies to railroads, appropriated large sums in aid of the construction of canals and the improvement of rivers and harbors. It is building the Panama Canal in the interest of commerce and cheaper transportation and for better national defense at a cost of nearly $500,000,000. It is spending immense sums of money in building dams for storing water and for irrigation; large sums for the reclamation of desert and swamp lands; has constructed public roads in our island possessions; and appropriated moneys for almost every conceivable purpose; millions for standing armies in time of peace and for great navies for the protection of our foreign commerce, as well as for national defense; hundreds of millions for wars and preparation for wars that may never come, as well as for pensions for soldiers in wars past; millions of dollars for public buildings, and now, while the greatest of all questions is that of transportation and cheaper and more reasonable rates, in which producers and consumers are alike deeply interested, why not Government aid to public roads, so that the products of the farm may more readily reach the markets?

Why not give more attention to the internal development of our own country and less attention to exploiting other countries, inviting trouble thereby and additional expenditures of millions from the Public Treasury by reason thereof? Let the pledges made in our national platform be kept and help to build up our own country by encouraging the building up of public roads that inure to the benefit of all the people. The greatest economic question before the American people is the question of cheaper and better transportation. I would at

least, in a large measure, halt the enormous appropriations for armies and navies maintained for war purposes and make reasonable appropriations to aid in building up our own country, giving national aid to our public highways, thereby enabling the products of the farm to reach the markets more readily and with less expense. Build up the internal affairs of our own country and exploit less foreign countries, cheapen transportation on public roads and railroads, and turn the people from the congested cities back to the farm to aid in production and in the more uniform development of the country, and stop the crowding of the cities with extremes of wealth and poverty.

Postage Rates.

SPEECH

OF

HON. SAMUEL W. SMITH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 13, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SAMUEL W. SMITH said:

Mr. SPEAKER: I ask unanimous consent to insert in the RECORD a very able and interesting article on postage rates, by Mr. Stuart H. Perry, of the Daily Telegram, Adrian, Mich.

Busy as I know Members are, I hope they will find time to read what Mr. Perry has to say, for it is of especial interest just at this time when we are considering the annual Post Office appropriation bill, involving the subject of parcel post and other subjects affecting postage rates.

His address was of so much value that it is published entire, or nearly so, and was as follows:

Two changes in postage rates are proposed which are of vital interest to publishers. One is the proposed doubling of second-class rates, recommended by the administration and now pending in Congress; the other is the proposed reduction of letter postage from 2 cents to 1 cent which is being promoted by a powerful lobby at Washington. The two are a part of the same general plan, they supplement each other, and are to be considered together. Both jointly and severally they constitute at first a burden, and ultimately a peril not only to publishers but to all small cities and the entire rural population of the country.

Inasmuch as the genesis and the effects of this general movement against the second-class publications appear most clearly in the penny-postage scheme, we will consider that first. The first salient fact in the penny-postage proposition is the fact that the Government is now making a nominal profit of $62,000,000 a year on the carriage of first-class mail. From this it necessarily follows that if this profit were wiped out by a reduction in letter postage, this $62,000,000 would have to be collected from other classes of mail matter—or in other words from second-class matter.

Now if all classes, all localities, and all business concerns used the various classes of mail in the same proportion, there would be less room for argument against a change in the relative rates; but the exact opposite is the truth. The farmer is the great patron of the second-class mails, the big business enterprises of the first-class mails. Forty cents a year per capita would be a fair estimate of the amount spent in the average rural community for 2-cent stamps; but, as the penny-postage men declare, $50,000 a year is nothing unusual for a single large business concern in a large city to pay out in a year for this one item.

The average town of 10,000 people will send out much more first-class mail than a like rural population, and the increase is due to a small number of large stamp buyers. In a city of this size it will usually be found that 100 of the largest patrons of the post office will buy more stamps than all the rest of the population. In the great cities the contrast is still more striking, for a single mail-order house or a great insurance company will receive thousands of letters on a single delivery and dispatch a like number, purchasing more stamps than the total purchases of a whole county of farmers and village dwellers.

The latest statement of the number of pieces of mail matter handled by the Post Office Department to which I have access, House Document No. 910, 1908, shows that for the period covered out of a total of 107,727,571 letters mailed from all post offices 68,710,413 letters, or 63 per cent, were mailed from first-class post offices. Taking the six largest cities (New York, Brooklyn, Boston, Chicago, Philadelphia, and St. Louis), we find that these six alone mailed 30,575,592, or 28 per cent, of all letters mailed in the United States. If we add the six next largest cities, we get a total of 37,609,580, or 34 per cent.

In other words, all the other first-class post offices outside of these 12, and, in addition, all the second-class, third-class, and fourth-class post offices—62,000 in all, together with 40,000 rural routes—do not send out so many letters as these 12 leading cities. Is it any wonder that the big cities stand for penny postage?

How about the farmer? The report of the Fourth Assistant Postmaster General for 1909 gives 40,628 routes, which probably served about 20,000,000 people, or 22 per cent of the total population at that time. The estimated number of letters mailed on the rural routes in 1909 was 273,616,060, or 4.8 per cent, of the total number mailed in the United States. The figures for the 50,000 smaller post offices in the country would probably show a ratio not materially higher. To sum up, then, the big men in the big cities use most of the 2-cent stamps; the farmers and the small towns use relatively little. Now, if we cut letter postage in two in unloading $62,000,000 from the cities, where will the burden fall?

For an answer let us look at the second-class mail, to which this burden would almost certainly be transferred. Where does the second-class matter go—to the cities or to the country?

To the country, by an overwhelming proportion. The total number first and second class mail handled in 1908 was 3,805,584,029, of which the farmers on the rural routes received 1,226,515,964. With only 22 per cent of the population the farmers on these routes received nearly 33 per cent of the newspapers and periodicals, though they mailed less than 5 per cent of the letters. Where the farmer mails one letter he received four and a half papers. Where the farmers mail one letter per capita big cities mail seven letters per capita. Again I ask is it any wonder that the cities would like to unload this $62,000,000 from the first to the second class mails?

If this were done the big users of stamps would gain a clean 50 per cent on their stamp bills and lose almost nothing. The mass of the people in the cities would gain little, but they would lose little because few of their newspapers and magazines come to them by mail. The farmers, on the other hand, would share only 4.8 per cent of the gain and would shoulder 33 per cent of the loss. In short, for every dollar the farmer saved he would pay back $6 in higher subscription rates. The position of the small cities and villages would not be materially different from that of the farmer.

But the damage and injustice of this proposed change would not be measured even by these figures. It is not merely a question of money payments, but it involves a question of public policy of profound importance. The growth of the great cities at the expense of the small towns and rural sections already is regarded as a menace by many writers and observers. How could this tendency be aggravated more quickly than by transferring a burden of $62,000,000 from the big interests in the large centers to the shoulders of their customers and competitors in the country? It would not only add to the profits of the one and to the loss of the other, but the ones who suffer would, to a large extent, be competitors of the ones benefited—a fact which more than doubles the weight of the burden.

It is argued that the 2-cent rate is unjust to these large patrons, but where does the injustice come in? They pay the same rate that all others pay. Instead of being discriminated against, the Government discriminates in their favor by enabling them to solicit business from a territory of unlimited extent by mail for the same price that a local business man pays to solicit his local trade. This gives the big city concerns so great an advantage that they find it profitable to use prodigious quantities of 2-cent stamps. Then they cite their large purchases as an argument for cutting the rate in two at the expense of the rural population. Already, by reason of this commercial advantage, the business of the Nation is largely concentrated in the cities. If the penny-postage movement should succeed, this advantage would be greatly increased and this concentration further promoted.

The aim of this powerful lobby is clear. Now, let us look at its personnel and see who are furnishing the sinews of war. Again the penny-postage lobby tells its own story. In a circular letter it says:

"The association (penny postage) now consists of hundreds of members, located in nearly every State in the Union. For the most part they are prominent heads of big manufacturing and mercantile concerns."

Words could not be clearer. It is exactly the sort of backing that we should expect to find, for there is no popular demand for penny postage, although there is a very lively demand from a small number of shrewd men, who know just what they want.

What will their methods be? Once more they enlighten us:

"From the association's headquarters in Cleveland these influential business men will be asked to swing their Representatives and Senators in line for the passage of the 1-cent rate bill. Letters and telegrams will pour into Washington by the hundreds from men whom the legislators can not ignore. Delegations will back them up. In this thoroughly businesslike manner the officials of the association expect to conduct their campaign."

This language is so plain that we need not ask the penny-postage lobbyists for any further elucidation. We are all familiar with those "businesslike methods" in Washington; they have prevailed there for a hundred years or more and have been exceedingly effective.

I am sorry to say that the methods of the penny-postage organization is in some respects as unscrupulous as its object is selfish. For example, we find Mr. Harrison B. Burrows, president of the National One Cent Letter Postage Association, proclaiming a set of figures so misleading that his motives can not be regarded as ingenuous. He states that the attack of his organization will be centered upon the "thousands of insignificant periodicals" and refers to the "deluge of new periodicals—carried so cheaply that there is a deficit of $62,000,000 in a decade." Pursuing this argument further, he states that since 1900 there have been 46,500 new periodicals admitted to the mails, which "choke the mail bags at ruinously low rates."

No falsehood is so insidious and dangerous as a half truth. Whether 46,500 new publications have been admitted, we do not know; but one thing we do know, viz, that the total number of all existing periodicals has increased only 6 per cent in the last 10 years—from 22,272 to 22,603. In the last 5 years the total number of all publications in the United States has increased only 208. I exposed this mischievous piece of sophistry in the Fourth Estate many months ago, and the fact that the penny-postage organization continued to give currency to these misleading figures can be explained only on the grounds of a deliberate intention to deceive. The attempt to fasten the huge postal deficits upon an imaginary flood of 46,500 new publications, of which 45,169 do not exist, would be ridiculous if it were not such a serious piece of deception.

Equally false, and deliberately misleading, is the statement issued by the same organization within the last few days, declaring that "no opposition has arisen to the movement for 1-cent postage." The National Editorial Association last summer passed a strong resolution against it after thorough discussion; practically every newspaper in my State (Michigan) has argued against it; the postmasters of Michigan in convention adopted a resolution against it; hundreds of publications, including Leslie's, the Dry Goods Economist, and others that I can not recall, and many agricultural publications, have opposed it; granges and farmers' clubs without number have taken formal action against it, and Members of Congress have told me that they have received many protests from their constituents.

The fact and the truth is that there is absolutely no popular demand for penny postage. The demand comes from the big business interests of the big cities, as the penny-postage organization frankly admits. The men whose interests run into billions are behind it, and they enjoy all the advantages of unlimited resources and a small compact organization, while the interests that will suffer are small, widely scattered, and mostly unorganized. Not only are they unorganized, but they are not even informed as to where their interests lie and from what direc-

tion danger is impending. The peril to small publications everywhere is self-evident. This peril, moreover, does not lie in the increased postage bills—for that can be and must be shifted to the public—it lies in the new burden to be laid on the rural part of the Nation, and the further aggrandizement of metropolitan business, and urban population, the growth of which already had become ominous if not dangerous.

Though the penny-postage movement at first did not ostensibly seek an increase in second-class rates, yet that was obviously its main purpose, as I pointed out nearly a year ago in a series of articles that were produced extensively in the newspapers. That part of the plan soon became apparent through the statements of the penny-postage lobby, and the attitude of the administration. Now it has taken tangible form in the administration's bill to double second-class rates. Inasmuch as I have pointed out the unjust effects of such an increase, and the burden it will impose on the country for the profit of the cities, I need not discuss that phase of the matter further. While I strongly commend the efforts of the department to weed out illegitimate publications, and to affect all possible economies in the transportation of magazines and periodicals, yet I protest most earnestly against the injustice of disturbing the postage rates, to which both publishers and public are now adjusted.

Ultimately such a change can be of no possible benefit to the public. All the talk that is heard about the "profits" and the "losses" of the Post Office Department are based on a fallacy. The term is borrowed from the language of commerce, where there are two parties to every business transaction and where there are actual profits and actual losses. The Post Office Department is not a commercial enterprise, but a public service. There is only one party, the Nation being both buyer and seller, so the Nation is no richer or poorer no matter how great the apparent nominal profits or losses may be.

The sole purpose of the department is to furnish a service to the people, like the courts, the Department of Agriculture, the Coast Survey, or the Weather Bureau. There is no logical ground for arguing that any particular branch of the service should be self-sustaining. Certain branches, like the marine postal service and the carriage of penalty matter, can not possibly be self-sustaining, and why should they? The sole test of a given form of service is whether it is intrinsically desirable and whether it is just to the people as a whole. Manifestly it is in the highest degree desirable that the people should get their current reading matter as cheaply as possible, and any change in the present cost of delivery will surely be borne by the public. To make any change that would tend to curtail the output of newspapers and periodicals would be a most unwise piece of public policy; to make an unjust change in the form of class legislation to benefit the cities at the expense of the country would be inexcusable.

STUART H. PERRY,
The Daily Telegram, Adrian Mich.

Children's Bureau.

SPEECH

OF

HON. JAMES M. COX,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 2, 1912.

The House having under consideration the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau—

Mr. COX of Ohio said:

Mr. SPEAKER: Despite the statements made and the objections raised by the gentleman from New York, it should in fairness to this House be said that the provisions of this bill are not new to this Congress, and the purpose of the bill is not new to the people of the country. In the second session of the Sixtieth Congress it was favorably reported to the Senate from the Committee on Education and Labor, of which the late Senator Dolliver, of Iowa, was then chairman. It was favorably reported by the same committee in the second session of the Sixty-first Congress. In the third session of that Congress it passed the Senate, and there was not an opposing vote registered. During that session the House committee made a favorable report but the bill was never brought to a vote. We find that it has during this session of Congress received favorable action by the Senate, and that it comes now into this Chamber for the consideration of the membership of the House by the unanimous vote of the Committee on Labor.

The authority given to the proposed bureau is clearly set forth so that there can be no possibility of this department of the Government trespassing upon the work of other bureaus. In reading the bill we find this provision:

> The said bureau shall investigate and report to the Department of Commerce and Labor upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, and legislation affecting children in the several States and Territories.

It is the simple process of conserving the human race. Its hold on the favor of the people indicates that public opinion not only indorses but demands some Federal participation in the great humanitarian work which is now being carried on by various organizations throughout the States. In fact, the notion is pretty well fixed in the minds of our countrymen that the time has come when the Federal Government, recognizing the lack of uniform State action in some matters, sees the absolute necessity of grasping the torch of advanced civilization and carrying it on for the benefit and improvement of the race.

We find that this measure comes to us with the unanimous indorsement of every juvenile court in America. There is not one humane uplift worker in the land but who extends his voice in hearty support. Physicians everywhere contribute their indorsements. Corrective institutions, that should know infinitely more about the shades and shadows of American life than the members of any legislative body, regard the Children's Bureau as an absolute necessity. The women's clubs, with a combined membership of 800,000 intelligent women, send to us their appeal. There might be those who do not regard the work of the women's clubs as a serious or wholesome activity in our American life, but I am one who believes that this splendid body of women, aggregating almost a million souls, animated as they are by a mother's love and a woman's instinct, adds immeasurably to the sum total of human happiness and development. The gentleman from New York who has just preceded me indicates that this movement has been created by a certain class of people in the country whose professional existence is due to the making of sentiment for the child. In proof of my contention that he is mistaken I call his attention to the following well-known people and what they say on this subject.

Jane Addams, of Hull House, Chicago:

> We have recently been startled to find that four-fifths of all the arrests in the criminal courts of Chicago are of boys between the ages of 15 and 25, of whom the large majority are under 19. This is so menacing that we should like to know whether the same condition is met in other American cities or whether Chicago is unique in this excess of criminality among its youth. At present there is no method by which this may be determined. The proposed Children's Bureau could collect and distribute the very sort of information most valuable to those who are struggling with the problem of juvenile delinquency as well as with other grave matters connected with the lives of city children.

Samuel Gompers, president of the American Federation of Labor, to Hon. William H. Taft:

> Executive council of American Federation of Labor respectfully urges, among other important matters affecting labor legislation, that you will recommend to Congress the establishment of a Children's Bureau.

Samuel McCune Lindsay, Ph. D., director of New York School of Philanthropy:

> We want some group of men whose duty it will be to gather up all valuable information that is being brought out now in the scientific investigations of the Government with regard to children, and correlate all of these child problems, so that the solution of one will help in the solution of another.

Thomas F. Walsh, president Colorado Humane Society, Denver:

> Corn, pigs, and other commodities of commerce are wisely watched over with parental care, but no time or money is given to the child crop of our country.

Charles R. Henderson, Ph. D., professor sociology, University of Chicago:

> We want objective tests and one centralized bureau to standardize those tests instead of the chaotic condition in which they are to-day.

John Mitchell, vice president American Federation of Labor:

> I sincerely hope that Congress will see its way clear to establish a children's bureau, through which it will be possible to collect and disseminate such information as will prove helpful in protecting the health, the morals, and the happiness of children.

Mrs. Philip N. Moore, president of the General Federation of Women's Clubs, St. Louis:

> The social and charitable organizations, in view of the immense sums they are spending for the amelioration of the conditions affecting children, feel that they have a right to ask the Government to invest the modest sum desired to secure and publish the facts, especially regarding the unfortunate children of the country.

Bernard Flexner, chairman juvenile court board, Louisville, Ky.:

> While you are telling us how to open our mines and to pursue the best methods with reference to the development of zinc, let us be able to find out the best methods to care for the children.

Ludwig B. Bernstein, Ph. D., superintendent Hebrew Sheltering Guardian Orphan Asylum, New York City:

> We welcome such a bureau, because for the first time in the history of this country it will be possible to get unbiased, accurate information in regard to all the dependent children of this country. All the orphan asylums are heartily in favor of the bill.

Dr. Livingston Farrand, executive secretary of the National Association for the Study and Prevention of Tuberculosis:

> In the crusade against tuberculosis it becomes more evident that one of the great problems is that of tuberculosis in children. We are met at once by a lack of information regarding conditions and the cooperation of a children's bureau would be a great service to our movement.

Thomas Nelson Page, of Virginia:

> The care of the Government for its people is a fundamental thing. The safety of the people is the supreme law. We are hearing much about conservation, talk very wise in the main. There certainly can be no higher form of conservation than that which undertakes to serve the people themselves, and we must begin with the children.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. COX of Ohio. If the gentleman will pardon me, I have not the time. It is singular to state that every time you suggest humanitarian laws the constitutional question is raised. When we tried to frame a nine-hour workday in Ohio for children it was taken to the Supreme Court on the theory that it was unconstitutional. When this bill was up in the Senate it was insisted that it was unconstitutional, and this brings us to the consideration of a phase in our American life to-day of which we can well afford to take notice. There is the greatest unrest in all the history of this land. People are very much dissatisfied with things. Intelligent people, people who are patriotic, are saying things against our courts and against our institutions which were unknown not a great many years ago. Why? I will tell you. Spurred as they are by an advanced intelligence, stimulated as they are by a wider education, they see the changes in our laws and our customs which are naturally suggested by the evolution and processes of our great works of civilization. Laws are passed in harmony with public opinion. They go to the courts, and there, in too many instances, they are declared unconstitutional.

The sense of right in the breast of man, the sense of justice and of equity, the plain common-sense view of the layman and knowledge of what is just as between man and man, tell us that these laws are humane and right, and yet they are held to be unconstitutional. Now, we are told by many people that what we propose doing here does not come within the right given to Congress by the Constitution. You can appropriate a million and a half dollars for the Bureau of Animal Industry and it is constitutional. You can spend two and a half million dollars for plant industry and it is constitutional.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. COX of Ohio. May I have two minutes from the gentleman from Illinois?

Mr. MANN. I yield the gentleman two minutes.

Mr. COX of Ohio. You can appropriate the money of the people for the purpose of investigating the mortality of swine, the mortality of cattle, the mortality of horses, but when it is proposed to appropriate money to investigate into and prevent, if possible, the high mortality of children, we are told again that it is unconstitutional. I insist that this law will do much to abate public discontent in this country. Money has been expended likewise for the purpose of investigating the operations of insects and the cattle tick and the boll weevil——

Mr. SHERLEY. Will the gentleman permit——

Mr. COX of Ohio. I wish I had time to yield to my colleague from Kentucky. I concede him to have an able grasp of constitutional and economic questions, and anything he might say would add light to the subject, but unfortunately my time is short.

Now, let us see whether those who are advancing their constitutional objections find themselves supported even by decisions of the courts. The Constitution gives us the right to procure a census every 10 years for the purpose of apportioning representation and levying taxes. The Constitution does not specifically provide the Census Bureau, but Congress was acting clearly within its rights when it established it. In One hundred and sixth Federal Reporter, Judge Thomas, the district judge for the southern district of New York, now judge of the Supreme Court of the State of New York, decided that the Census Bureau, under the Constitution, had a right to go far beyond the mere enumeration of the inhabitants. He says:

> Respecting the suggestion that the power of Congress is limited to a census of the population, it should be noticed that at stated periods Congress is directed to make an apportionment and to take a census to furnish the necessary information therefor and that certain representation and taxation shall be related to that census. This does not prohibit the gathering of other statistics, if necessary and proper for the intelligent exercise of other powers enumerated in the Constitution, and in such case there should be no objection to acquiring this information through the same machinery by which the population is enumerated, especially as such course would favor economy as well as the convenience of the Government and the citizens. * * *
>
> For the National Government to know something, if not everything, beyond the fact that the population of each State reaches a certain limit is apparent, when it is considered what is the dependence of this population upon the intelligent action of the General Government. Sanitation, immigration, naturalization, etc., for these and similar purposes the Government needs each item of information demanded by the census act, and such information when obtained requires the most careful study, to the end that the fulfillment of the governmental function may be wise and useful.

If the Census Bureau has the right to collect information and statistics beyond the mere enumeration of inhabitants, then there is certainly no constitutional objection to our creating another bureau to carry on the same character of work now being done by the Census Bureau, aside from enumeration. On this point it is proper to quote the testimony of former Director North, of the Census Bureau, who was before one of the committees of the House which reported this bill favorably. He said:

> The Census Office is a purely statistical office. Its function is to collect the cold-blooded facts and analyze and interpret them and leave to the public at large the duty of drawing the ethical or moral industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. Such statistics as the bureau finds it necessary to collect the Census Office would collect for it. We do now collect statistics for a number of the bureaus of the Government, and collect them in the way that they want them collected. That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau. We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency and juvenile courts, and all that class of questions, which are not statistical questions.

If we have no authority to establish a children's bureau for the purpose of gaining information about the welfare of children, then we should be consistent and discontinue appropriations for the Bureau of Education, the Bureau of Mines, the Bureau of Labor, and should wipe out practically all of the Department of Agriculture. Any Member who opposes this bill on the specious theory that it is unconstitutional can not consistently support any appropriation for the Bureau of Animal Industry, the Bureau of Soils, the Bureau of Labor, the Bureau of Entomology, of Biological Survey, the Bureau of Fisheries, and of American Ethnology. At least we should take from those bureaus every function not provided for under the interstate and foreign commerce clause. No one will deny that there have been more enlarged operations under the general-welfare clause than this would be.

President Monroe, in his famous veto message of the act for "the preservation and repair of the Cumberland Road," and I call attention to the fact that we have gone way beyond President Monroe's views on that subject, says:

> A power to lay and collect taxes, duties, imposts, and excises, subjects to the call of Congres every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the States, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the States as to taxes and excises, must necessarily do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States or in any sense in which power can be controverted or become a question between the two Governments.

But Monroe's predecessor, President Madison, in his veto message of a bill "for constructing roads and canals and improving the navigation of watercourses, in order to facilitate, promote, and give security to internal commerce among the several States," is careful to say, in arguing for the strict construction of the general-welfare clause, that—

> A restriction of the power to provide for the common defense and general welfare to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution.

Story sums up the discussion by saying:

> In regard to the practice of the Government, it has been entirely in conformity to the principles here laid down. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in their broad or their narrow sense. And in an especial manner appropriations have been made to aid internal improvements of various sorts in our roads, our navigation, our streams, and other objects of a national character and importance.

In the Legal Tender case the Supreme Court laid down the following principle which would appear to apply with considerable force to the present contention. The court said:

> It is not indispensable to the existence of any power claimed for the Federal Government that it can be found specified in the words of the Constitution or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly defined or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. Congress has often exercised, without question, powers that are not expressly given nor ancillary to any single enumeration power. Powers thus exercised are what are called by Judge Story, in his Commentaries on the Constitution, resulting powers, arising from the aggregate powers of the Government.

One does not have to go very far into the general situation created by merely suggesting this bill before he is thoroughly convinced that there are many dark spots, industrial and otherwise, which will be brought to the notice of the American Nation, by a children's bureau, and the large measure of publicity which will surely follow. Every person is familiar, no doubt, with the statement of good old Nathaniel Morton in his New England memorial, to the effect that the Pilgrim Fathers left the Old World because they were in large degree physically oppressed. Their spirits were free and willing, yet their bodies bowed under the weight of heavy labors became decrepit in

their early youth, and "the vigor of nature was consumed in the very bud."

People in many parts of this country will be slow to believe that conditions in many industrial centers are now sapping up child life to the certain injury of our citizenship. We find that the Bureau of Labor has reported night work which ran from 6.45 p. m. to 6 a. m., with only 45 minutes for meals. Children were reported drowsy and sleepy. They have been seen to fall asleep at their work. One man said he had to sprinkle water to awaken them. In many cotton mills children to-day are working from 6 p. m. to 6 a. m., and inspectors have given it as their positive opinion that children under 12 years of age are subjected to this brutal routine. The census of 1900 showed that the percentage of illiteracy among cotton-mill children was three to four times as great as that of the children of the same ages in these States at large. The conditions of night labor which have been reported in fragmentary way are intolerable. The situation at Lawrence, Mass., is a standing shame to America.

There is nothing in our American life which justifies the intolerable conditions in many industrial lines. Corrective measures will only come about when the eye of the Nation has been cast upon the dark spots. Public opinion is the dominant force in this country, and it is made by publicity. If intolerable labor conditions are discovered and exploited by governmental reports, public opinion will not be long in working out a remedy. Within two decades our institutions and our material resources will be in the hands of the children of to-day, because the child of to-day becomes the man of to-morrow.

Aside from the purely humanitarian phase of this subject there is a very important economic side. A governmental authority on vital statistics and their relation to health has given it as his opinion that every child has a potential economic value to society of no less than seven or eight thousand dollars over and above the cost of maintenance. It is perfectly apparent therefore that every child who dies prematurely, every human unit lost to society before producing any part of his quota of wealth, is thus a dead loss financially. Now, when we consider the tremendous mortality among children, we can understand the economic importance of saving to the life of the Nation the hundreds of thousands of children who die needlessly. By the census of 1900 there were nearly 2,000,000 children in America under 1 year of age. It is estimated that between three hundred or four hundred thousand infants under 1 year of age die annually in the United States. Singularly, there is an imperfect system of birth registration in many parts of the country, so that this very important statistical information is incomplete. More than a million children are lost to their parents and the country in a decade that might have been saved to both. The infant death rate of Fall River, Mass., is higher than in any other city of 100,000 population in the United States. The belief is well settled in the minds of medical authorities that it is due to the fact that women in the cotton mills continue their work almost until the time of childbirth and resume it too soon after childbirth, a situation no doubt compelled by their economic necessities. Congress can very easily remedy the economic situation, but if the Government, through the means of the Children's Bureau, shows the needless waste of human life, the State of Massachusetts will very soon change the laws which make such shop conditions possible.

There is not sufficient information on the subject of afflicted children, and in this connection the little ones who are blind take strong hold of our sympathies. Chairman Sherman, of the New York Association for the Blind, says in detailing the need of the Children's Bureau, that a large percentage of blindness is due to the lack of simple preventative treatment of the eyes of infants, a situation resulting almost entirely from ignorance. This association recently made the positive declaration that "one-quarter of all the blind children of all the blind schools of this country are unnecessarily blind."

Some Members, whose objections, I fear, are more or less specious, contend that we should leave the children to parental authority. Where that care is sufficient there will be no necessity for any interference. But what are we to say of the great army of children who are without father, mother, or guardian? Unfortunately, we have no means of knowing how many dependent children there are in this country. It is estimated that out of every 100,000 people there are 112 dependent children. This, however, does not include the orphans supported by other relatives nor those for whom the State has appointed guardians. Not a great while ago a conference on dependent children was held, and 216 people notable for service rendered in behalf of the unfortunates attended. The conference was harmonious and its labors helpful. One of the questions discussed was:

Should there be established in one of the Federal departments a national children's bureau, one of whose objects shall be the collection and dissemination of accurate information with regard to child-carrying work and with regard to the needs of children throughout the United States?

The conference unanimously recommended the passage of the Children's Bureau bill. If the highest authorities in the land on this purely humanitarian subject are of one mind, then it occurs to me that Congress would be lax in its duty to humanity if it failed to create this bureau and make the meager appropriation which its maintenance calls for.

The study of youthful delinquents is extremely interesting. Every one is familiar with the splendid achievements wrought by Miss Jane Addams, of Chicago, and yet, juvenile courts and other corrective institutions have no means at this time of knowing the results of successful experiments made by Miss Addams and the splendid body of workers in many parts of the country. Miss Addams has discovered, for instance, that there are certain occupations from which a large percentage of the juvenile delinquents come, and if it were reduced to an official bulletin or report, it is apparent to even a skeptical mind, that untold benefits would accrue to forewarned parents.

The whole country should know of the work of Miss Alice Smith, who bears the picturesque title of "angel policeman." She labors with the lost girls brought before the magistrate's court in New York City. She is in constant attendance at the Jefferson Market Court, which is one court in the world where only women offenders are considered and where the sessions are held at night. Every word spoken in connection with every case is heard by her. After the magistrates have predicted a hopeless end for many of these youthful offenders Miss Smith has taken them in charge, and 1,500 happy homes builded under her care show the influence of charity properly applied. It is her opinion that fifty out of every hundred can be saved. Miss Ada Patterson, writing recently in The Continent, says of Miss Smith:

> Miss Smith "doesn't sob with the fallen; she raises them to their feet." She doesn't say, "Poor thing," but smiles and says, "Let us talk it over and find out what can be done." Fifty out of every hundred she believes can be saved. With 1,500 women saved through her agency, Miss Smith has earned the right to the serenely confident spirit that shines in her eyes, soul weather that grows of strength and peace. She visits homes, whose mistresses greet her as a mother or as a most valued friend. No one save the mistress of the happy home, and often the master, to whom his wife has confided the secret, knows that the good wife and mother was once one of this distinguished-looking woman's "charges"; that the woman of so rare distinction, of so quiet manner and lovely face, is the "angel policeman," who bears the torch of hope every night from 8 to 3 o'clock within Jefferson Market's cold, gray walls.

Will anyone deny that a children's bureau, which will bring to every corrective institution and every uplift laborer all over the land the fullest information with reference to the work of Jefferson Court, can help but be a vast potential agency for good? The American people, as a matter of fact, need little encouragement to successfully work out the problem of child life. They are intensely interested. A few years ago Prof. William A. McKeever, of a Kansas college, began to publish, from his own means, a few bulletins concerning the problems of child life, and within a short time he had sent out, on demand, over a million copies.

Scientists are agreed that in the United States conditions naturally conduce to the highest form of human life. This has been demonstrated by practical experiments made by the Immigration Commission. A pamphlet recently published by this department of the Government shows that parents and children undergo marked physical changes after living in this country but a short time. The transplanting of human life from the squalid, restricted, and insanitary conditions of the Old World into this land of ours brings about better specimens physically and a more improved order of mentality. The Immigration Commission conducted its work under the charge of Prof. Boas, of Columbia University.

He shows that the European immigrant changes his type even in the first generation almost entirely. Children born not more than a few years after the arrival of the immigrant parents in America develop in such a way that they differ in type essentially from their foreign-born parents. These differences seem to develop during their earliest childhood and persist throughout life. It seems that every part of the body is influenced in this way, and even the form of the head, which has always been considered as one of the most permanent hereditary features, undergoes similar changes.

We are compelled to assimilate the strong and virile red-blooded races of Europe and bring them here under our political and social conditions and make of them useful American citizens, and I say this afternoon that the Members of this House who, on constitutional or other grounds, oppose this bill will hear the murmurs of discontent from the people who have given them place in this Assembly. [Applause.]

Alaska.

SPEECH

OF

HON. JEFFERSON M. LEVY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 17, 1912,

On the bill (H. R. 13987) to create a legislature in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

Mr. LEVY said:

Mr. SPEAKER: It is never pleasant for an American to admit or state that a country other than his own can, under any circumstances, pursue a wiser policy in any direction than the United States. But there has never been in the memory of any man now living a situation more humiliating to the clear-seeing American, who loves his country, appreciates her principles, and realizes her immense and potential resourses for industrial development, than to compare the method of the Canadian Government in developing the great section lying to the north of us with the policy of our own Government toward the boundless treasure land of Alaska.

The argument most usually advanced in favor of this policy—a policy that is keeping this strong, young giant of ours of the Northwest shackled and helpless to move in the battle for progress—is the argument that the great natural resources of Alaska belong to the people. Unfortunately, while considering it in every different way in which the proposition can be stated, that this great natural wealth belongs to the people, we are also stating emphatically—at least, that is what our policy practically amounts to—"It belongs to you, but you must not touch it."

It is difficult to understand, sometimes, the misconception which many people have of wealth and riches. A ton of coal buried deep in the bowels of mother earth is simply a ton of inert and valueless matter. When the industry and ingenuity of man, by toil and labor, digs this ton of coal from its hiding place and by the wonderful and complex machinery of our own modern industrial life transports it to the place of its destiny, then, and not until then, does it become a source of wealth. Then, when the hidden potentials of this ton of inert and useless mass of carboniferous rock is touched by the magic wand of human science it yields its power and energy for the benefit and enrichment of mankind.

The marvelous development of this country, which in its short history of but a few centuries, has staggered the world with the rapidity in which a wilderness has been transformed into a civilized, populous, and wealthy country was achieved because the natural resources of this country were at all times open to the quest of the miner, the farmer, and worker in every industrial capacity, and I submit that a policy which has been productive of such wonderful results should not be lightly cast aside. I believe as firmly as anyone in the general principles of conservation. I believe that it is the part of a wise nation, the same as it is the part of a wise individual, to conserve the wealth of the present, so that future generations may not come into a barren inheritance. But I do not believe and I will even go further and state that I think the policy absolutely vicious and untenable that in our care for the future we utterly neglect the present. It is wise to care for generations yet unborn, but it is the rankest folly to neglect a generation of living men and women that walk the earth to-day, and we will better conserve the wealth and prosperity of the future by increasing the power of creating and sustaining production and wealth to-day.

It is impossible for us even to more than faintly estimate the splendid future possibilities of the Alaskan wonderland. But this wonderland has been so crippled and hampered in its efforts for progress and industrial development by the restrictions placed upon enterprises by a mistaken policy, that its development will not only be retarded, but absolutely stopped unless our policy is changed. In the meantime, in Canada there has been a progress so marvelous within recent years that a comparison with the methods of our Canadian friends is both timely and valuable. Let us see, for instance, how Canada helps her railroads. Up to March 31, 1911, she had spent on—

Railways	$475,489,401
Canals	130,200,470
Total	605,689,871

The House of Commons of Canada during the past year appropriated $39,000,000 toward the building of railroads.

To further understand what Canada is doing for her railroads, I append the act passed by the House of Commons of Canada on the 28th of March, 1912.

It will be seen by an examination of this bill that the Canadian Government grants aid toward the construction of some railways either by a cash subsidy ranging from $3,200 to $6,400 per mile or a guarantee of bonds with a contribution of 15 per cent of the cost of important bridges. How much this stimulates railroad building can be seen by noting the enormous increase in railways in the various Provinces of Canada. The area of British Columbia is 395,000 square miles, the population is 390,229, and there are 1,841 miles of railroad, making a mile of railway for every 212 people. In Alberta, to an area of 253,540 square miles and a population of 375,434, there is a railway mileage of 1,494 miles, making a mile of railway for every 251 people. In Saskatchewan, with an area of 250,650 square miles and a population of 492,344, the railway mileage is 3,120, making a mile of railway for every 158 people.

So ready is the Canadian Government to aid in the building of railroads that the same American railroad builder, whose railroad enterprises in Alaska have practically been ruined by the activities of the Interstate Commerce Commission and the extreme conservation policies of our Government, has already been given a grant for his line across Canadian territory and would probably add a general subsidy. In British Columbia, which, by the way, is increasing its population by leaps and bounds, they encourage men to do the very thing that we have made a criminal offense. Our Government took over $300,000 from American citizens for coal-land grants and has refused the grants and never given the money back. When several men took adjoining claims with a property large enough to mine economically and practically they were indicted. A grant in British Columbia is 640 acres to 160 in Alaska, and instead of discouraging cooperation, which is assuredly the most obvious way of developing an industry, they encouraged groups to go in together and combine their holdings.

And it is not in a jealous mood that we compare the wonderfully effective methods of Canada, for I believe the citizens of the United States, living as they do on the same continent with Canada, are glad to see her prosperous and progressive, and the Democratic Party in urging the policy of reciprocity was governed simply by the old Democratic doctrine of freer trade relations and against the iniquitous tariff wall built up by the Republican policy of protection. It was not a desire for political associations, but simply a sincere desire for the commercial betterment of both Canada and the United States. We realize the great advantage of having a prosperous country to the north of us, people with a race holding the same ideals of liberty as ours, with the same energy and progressive spirit that we possess, for it is a protection to our Union on the north from the aggressions of any foreign power, and we uphold the principles of the Monroe doctrine, which was first recognized and established by the agreement with Great Britain under the administration of Prime Minister Canning, and which has kept and will keep any power from extending its dominions, pursuing a foreign policy, or interfering in the internal affairs of any country on the Western Hemisphere.

But, once more to compare Canadian methods with ours, while the railroads of Alaska are at an absolute standstill, and even in this country, where every practical railroad man knows there is urgent necessity for the building of thousands of miles of railroads, none are being built. In the Dominion of Canada locomotives by the hundreds and cars by the thousands are being bought and paid for by a traffic a large part of which is diverted from railways of our own, which are hindered and hampered by our own Interstate Commerce Commission.

Under ordinary circumstances I would not go so far as to advocate subsidies to the railroads, as the Canadian Government does, excepting in the case of Alaska, and in this case the Government simply must do something, for the activities of the Interstate Commerce Commission and the extreme conservation policies of our own Government have made it utterly impossible for private enterprise to construct or operate the railroads without which Alaska's further progress will be entirely stopped.

And even in this country, while, as stated before, I do not go so far as to say that we ought to imitate the Canadian policy of subsidizing the railroads, as they are doing, but I know, and every business man knows, that the extreme to which we have gone in interfering with the legitimate business and profits of railway companies in our country is as vicious as it is inexcusable. While Canadian railroads have been helped in every possible way, even to the extent, as I have said, of subsidizing, the men who put $30,000,000 into what seemed a desperate enterprise in developing the railways of Alaska, who paid 5 cents a ton for the freighting of locomotives and a correspondingly high

expense for every mile of railroad that was constructed, with nothing but the future to look to for a return on the money invested, have been subjected to the tender mercies of our Interstate Commerce Commission, which has succeeded in diminishing wealth and hindering the development of even the powerful and long-established railroads of our own country. How many miles of railroad does any man suppose would have been built had the Interstate Commerce Commission commenced its maladministration 50 or 60 years ago? How long would Thomas Jefferson have stood for its maladministration? Anyone who has studied the principles of Democracy as taught and practiced by Jefferson can readily understand how short would have been the shrift, how brief the tenure of office, of a commission so utterly contradictory to the principles of self-government.

Now, Mr. Speaker, to understand more fully the opportunities that we are neglecting, let us examine some of the resources of this wonderland of the north. Let us first see how Alaska's account stands with the United States:

Statement of Government revenues from Alaska under specified heads during years ended June 30, 1869 to 1911, inclusive.[1]

Year.	Internal revenue.	Customs.	Public lands.	Tax on sealskins.	Rent of seal islands.	Alaska fund.[2]	Agricultural experiment station.	Miscellaneous.	Total.
1869		$18,504.30						$316.72	$18,821.02
1870		4,655.22						12,997.82	17,653.04
1871		4,097.47		$101,080.00				1,159.27	106,336.74
1872		1,019.94		322,863.38				1,900.74	325,684.06
1873				252,181.12	$55,000.00			671.53	307,852.65
1874		321.93		272,081.25	55,000.00			37,915.78	365,318.96
1875		405.89		262,494.75	55,000.00			1,037.92	318,938.56
1876				262,584.00	55,000.00			366.48	317,950.48
1877		.54		236,155.50	55,000.00			380.55	291,536.59
1878		4,815.75		198,255.75	55,000.00			1,264.63	259,336.13
1879		437.18		262,447.50	55,000.00			403.38	318,288.06
1880		1,950.50		262,400.25	55,000.00			836.31	320,187.06
1881		2,188.63		262,594.50	55,000.00			514.78	320,297.91
1882		1,046.66		261,585.75	55,000.00			741.89	318,674.30
1883		2,856.52		262,295.25	55,000.00			1,587.03	321,738.80
1884		645.40		196,875.00	55,000.00			919.56	253,439.96
1885		298.09		262,400.25	55,000.00			469.93	318,168.32
1886		1,276.42		262,489.50	55,000.00			[2]2,043.74	320,809.66
1887		3,262.56	$375.00	262,452.75	55,000.00			1,556.73	322,647.04
1888		2,338.44		262,500.00	55,000.00			1,727.50	321,565.94
1889		5,037.36	2,610.00	262,500.00	55,000.00			2,701.29	327,848.65
1890	$1,961.55	6,926.83	750.00	262,500.00				18,862.32	291,000.70
1891	2,917.33	3,256.17	2,661.00	214,673.88	55,000.00			23,863.77	302,372.15
1892	3,576.00	5,831.03	420.00	46,749.23				3,950.59	60,526.85
1893	2,714.53	6,723.33	515.00	23,972.60				7,301.22	41,226.68
1894	2 111.50	16,322.00	2,730.47	96,159.82	500.00			6,435.59	124,259.38
1895	2,788.00	12,480.68	935.00	163,916.97	700.00			8,647.06	189,517.71
1896	3,632.58	8,335.53	550.00	153,375.00	1,100.00			8,948.44	175,991.60
1897	7,261.68	10,858.80	345.00	306,750.00	1,100.00			9,745.52	336,061.00
1898	15,946.21	35,588.60	135.00	212,332.35	700.00			19,338.20	284,038.36
1899	23,900.60	47,979.86	591.00	184,377.20	900.00			44,546.87	302,295.53
1900	13,601.96	57,623.62	2,376.32	224,476.47	1,200.00			195,658.85	494,937.22
1901	19,725.02	86,593.15	1,889.66	229,755.75	2,900.00			182,759.20	523,622.78
1902	23,281.17	62,682.47	5,819.96	231,821.20				150,720.29	474,325.09
1903	17,494.58	70,938.66	2,286.56	286,133.40	100.00			126,956.92	503,910.12
1904	16,656.86	44,996.52	5,739.82	197,260.70	200.00			260,539.55	525,393.45
1905	18,419.84	133,978.25	9,686.37	134,233.80	200.00	$40,172.23	$300.31	122,308.32	459,299.12
1906	18,348.66	77,878.45	13,818.32	146,912.80	100.00	160,660.28	350.70	115,492.64	533,561.85
1907	18,544.16	98,449.46	54,195.21	148,017.10	100.00	164,656.14	4,796.28	91,418.88	580,177.23
1908	15,723.95	70,439.73	17,182.83	153,006.90	100.00	205,773.63	1,446.39	116,032.52	579,705.95
1909	18,217.40	67,025.79	79,116.26	153,375.00	(4)	155,305.26	1,154.84	107,185.81	581,380.36
1910	20,332.93	56,348.23	131,264.05	153,375.00	(4)	260,040.26	866.42	112,374.21	734,601.10
1911	23,035.24	45,016.22	136,657.91	403,946.94		175,490.59	2,536.41	114,561.70	901,166.01
Total	290,241.75	1,081,430.23	472,621.74	8,855,658.61	999,900.00	1,162,098.39	11,451.35	1,919,062.10	14,792,464.17

[1] The Territory of Alaska was attached to the District of Oregon Dec. 27, 1872, and on Sept. 1, 1883, Washington and Oregon were consolidated; again on Sept. 1, 1902, Washington and Alaska were detached from the District of Oregon and made a separate district.
[2] Act of Jan. 27, 1905. [3] Forfeiture for taking seals unlawfully, included, $1,900. [4] Included under "Tax on sealskins."

This is the balance sheet of the United States in account with Alaska from 1867 to 1911:

Balance sheet of United States in account with Alaska, 1867 to 1911, both inclusive.

Production:		Total cash disbursements:	
Minerals—		Original purchase price	$7,200,000.00
Gold	$195,916,520.00	Treasury, 1867–1911	23,158,126.06
Silver	1,500,441.00	Post Office, 1867–1911	5,458,548.19
Copper	8,237,594.00		
Gypsum	547,345.00		
Marble	185,443.00		
Tin	88,062.09		
Coal	338,189.00		
Seal and fur products—			
Fur-seal skins	51,835,143.00		
Aquatic furs, except seals	12,496,063.00		
Furs of land animals	8,350,290.00		
Walrus products	368,053.00		
Whalebone	1,707,410.00		
Fishery products	147,953,077.00		35,816,674.25
Total cash receipts	17,117,354.79	To balance due Alaska	410,824,310.54
	446,640,984.79		446,640,984.79

Seven million two hundred thousand dollars was the cash price paid to Russia by the United States for Alaska—added to all the moneys expended by the Government of the United States from 1867 to 1911, makes the full amount that this country has paid for all items of governmental expense only $35,816,674.25; that leaves a difference between the productions of Alaska and the amount the United States has expended thereon of $410,824,310.54.

On the other side of the ocean a population of 10,000,000 is supported north of the sixtieth degree, where the agricultural area is no greater than that of Alaska and the value of mineral deposits enormously less, while Alaska has but a population of 30,000.

Nine out of ten people imagine that Alaska is nothing but a frozen gold mine. They do not realize that the gold-mining resources of Alaska, enormous as they are, constitute only a small part of its great wealth. It has 599,446 square miles of territory and is one-fifth the size of the entire United States, and, laboring under all of the disadvantages which have hampered her progress, is the greatest bargain in a land transaction that was ever made. Alaska was purchased from Russia for $7,200,000 and has produced in gold and silver alone nearly thirty times what she cost. The fisheries of Alaska, when they are properly developed, will probably for many years to come supply the people of the entire United States with sea food, unless by some process not yet evolved but of the inner minds of modern statesmen(?) another Interstate Commerce Commission, or some other body empowered to make rates on fish, be created to regulate the fishing industry.

In the valleys of southwestern Alaska there are thousands of acres of land where cattle can graze throughout the entire year without any protection from the weather, and with proper encouragement and protection for a return on investment it is easy to see that the development of the cattle industry in Alaska would go a long way toward helping the vexed and vexing question of the high cost of living.

In fact, Alaska is destined to become not only a mining and fishing country, but a country filled with homes of prosperous and happy American citizens. There is hardly a field of human endeavor—commercial, mining, and industrial—which will not be able in the future to find accommodation in Alaska, and a section of the country which has given such a bountiful return in the past and holds such golden promise for the future is entitled to the best treatment that an enlightened Government can give. Not alone the sturdy adventurers, who have planted American sentiment, American energy, and American progress on this imperial domain of the Northwest will thank us, but unborn generations of men in years that are still in the dim and distant future will, when they look back at the history of what will then be the State or States of Alaska and see her silver star in its place in the blue union, have the same cause to bless and cherish the memory of those of us who have helped to make Alaska great, as we in these older States of ours to-day bless and cherish the memories of the fathers of our country who have made these United States the greatest country in the world.

APPENDIX.

THE HOUSE OF COMMONS OF CANADA.

An act (bill 183, as passed by the House of Commons March 28, 1912) to authorize the granting of subsidies in aid of the construction of the railways and bridges therein mentioned.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This act may be cited as the railway subsidies act, 1912.

2. The governor in council may grant a subsidy of $3,200 per mile toward the construction of each of the undermentioned lines of railway (not exceeding in any case the number of miles hereinafter respectively stated) which shall not cost more on the average than $15,000 per mile for the mileage subsidized, and toward the construction of each of the said lines of railway, not exceeding the mileage hereinafter stated, which shall cost more on the average than $15,000 per mile for the mileage subsidized, a further subsidy beyond the sum of $3,200 per mile of 50 per cent on so much of the average cost of the mileage subsidized as is in excess of $15,000 per mile, such subsidy not exceeding in the whole the sum of $6,400 per mile:

1. For a line of railway from Liverpool, via Milton, to Caledonia, Nova Scotia, in lieu of the subsidy granted by chapter 40 of 1907, section 1, item 5, not exceeding 30 miles.

2. For a line of railway from St. John to Grand Falls, New Brunswick, exclusive of a railway bridge across the Kennebecasis River, at or near Perry Point, and two railway bridges across the St. John River, one at or near Mistake and one at or near Andover, in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 12, not exceeding 228 miles.

3. To the L'Avenir & Melbourne Railway Co. for a line of railway from Melbourne to Drummondville, in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 22, not exceeding 28 miles.

4. To the Ha' Ha' Bay Railway Co. for the following lines of railway: (a) From a point on the Quebec & Lake St. John Railway in the township of Jonquieres, at or near St. Mathias, to Ha' Ha' Bay, not exceeding 20 miles; (b) from Labrosse Junction to the Saguenay River, northerly through the town of Chicoutimi, not exceeding 5 miles; (c) from La Terriere Junction, southerly, to Lake Kenogami, via La Terriere village, not exceeding 12 miles; (d) from a point on the Ha' Ha' Bay Railway, at or near Bagotville village, easterly, to the village of St. Alexis, not exceeding 3 miles. The said subsidies subitems (a), (c), and (d) being granted in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 27; and the subsidy subitem (b) being granted in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 19, subitem (g), not exceeding in all 40 miles.

5. For a line of railway at or near Ste. Agathe des Monts Station toward the township of Howard, in the county of Argenteuil, passing near Lake St. Joseph and St. Mary in a southerly direction, in lieu of the subsidy granted by chapter 63 of 1908, section 1, item 26, not exceeding 15 miles.

6. To the Interprovincial & James Bay Railway Co. for a line of railway from a point on the Lake Temiscamingue Colonization Railway at or near Timiskaming to or toward the De Quinze River, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 42, not exceeding 50 miles.

7. To the Canadian Northern Quebec Railway Co. for a line of railway from a point at or near Arundel to a point in the municipality of the united townships of Preston and Hartwell, in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 17, not exceeding 30 miles.

8. To the Quebec & Saguenay Railway Co. for the following lines of railway: (a) From St. Joachim, northeasterly, not exceeding 62.8 miles; (b) from a point 62.8 miles northeasterly from St. Joachim toward Seven Islands, not exceeding 107.2 miles. The said subsidies being granted in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 25, not exceeding in all 170 miles.

9. For a line of railway from a point at or near Montreal to a point at or near mile 837, west of Moncton, on the National Transcontinental Railway, in lieu of subsidy granted by chapter 51 of 1910, section 1, item 45, not exceeding 200 miles.

10. To the Algoma Central & Hudson Bay Railway Co., for the following lines of railway: (a) From Sault Ste. Marie to a point on the Canadian Pacific Railway between White River and Dalton Stations, in the district of Algoma, not exceeding 200 miles; (b) from Michipicoten Harbor, Lake Superior, toward the main line of the Canadian Pacific Railway, not exceeding 25 miles; (c) from a point on the Canadian Pacific Railway, northerly, toward the National Transcontinental Railway, not exceeding 50 miles. The said subsidies being granted in lieu of the subsidies granted by chapter 51 of 1910, section 1, item 30, not exceeding, in all, 275 miles.

11. To the Algoma Eastern Railway Co. (formerly the Manitoulin & North Shore Railway Co.), for the following lines of railway: (a) From a point on the said company's line of railway between Little Current and Sudbury, westerly, toward the Algoma Central & Hudson Bay Railway, not exceeding 76 miles; (b) from a point at or near Sudbury, northerly, not exceeding 30 miles. The said subsidies being granted in lieu of the subsidies granted by chapter 51 of 1910, section 1, item 29, subitems (a) and (c), respectively, not exceeding, in all, 106 miles.

12. To the Tilsonburg, Lake Erie & Pacific Railway Co., for a line of railway from Ingersoll to Stratford, or to a point on the Grand Trunk Railway between Berlin and Stratford, in lieu of the subsidy granted by chapter 40 of 1907, section 1, item 12, not exceeding 35 miles.

13. To the Lac Seul, Rat Portage & Keewatin Railway Co., for a line of railway from a point at or near Kenora to the National Transcontinental Railway, in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 32, not exceeding 22 miles.

14. To the Toronto, Lindsay & Pembroke Railway Co., for a line of railway from Golden Lake to Bancroft, in lieu of the subsidy granted by chapter 51 of 1910, section 1, item 38, not exceeding 51 miles.

15. To the Canadian Pacific Railway Co., for a line of railway from a point at or near Teulon to a point on the Icelandic River, in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 27, not exceeding 35 miles.

16. To the Vancouver, Westminster & Yukon Railway Co., for a line of railway from Vancouver via Second Narrows of Burrard Inlet, northerly, in lieu of the subsidy granted by chapter 63 of 1908, section 1, item 55, not exceeding 100 miles.

17. To the Kootenay Central Railway Co., for the following lines of railway: (a) From Golden via Windermere and Fort Steele to a point on the British Columbia Southern Railway at or near Jukeson, not exceeding 175 miles; (b) from a point on the British Columbia Southern Railway at or near Caithness toward the international boundary, not exceeding 25 miles. The said subsidies being granted in lieu of the sudsidy granted by chapter 51 of 1910, section 1, item 43, not exceeding, in all, 200 miles.

18. To the Kettle Valley Railway Co., for a line of railway from a point at or near Grand Forks to a point 50 miles up the North Fork, and East or West Fork of North Fork, of Kettle River, in lieu of the subsidy granted by chapter 63 of 1908, section 1, item 1, not exceeding 50 miles.

19. To the Esquimalt & Nanaimo Co., for the following lines of railway: (a) From Wellington to Alberni, not exceeding 60 miles; (b) from a point at or near McBride Junction to or toward the village of Sandwich, not exceeding 45 miles; (c) from the village of Sandwich to Campbell River, not exceeding 38 miles. The said subsidies being granted in lieu of the subsidies granted by chapter 40 of 1907, section 1, item 20, and chapter 63 of 1908, section 1, item 35, not exceeding, in all, 143 miles.

20. For a line of railway from a point on the Esquimalt & Nanaimo Railway, near Campbell River, toward Fort George, on the line of the Grand Trunk Pacific Railway, in lieu of the subsidy granted by chapter 63 of 1908, section 1, item 54, not exceeding 100 miles.

21. To the Fredericton & Grand Lake Coal & Railway Co., for a line of railway from a point on the Intercolonial Railway at Gibson to a point at or near Minto, together with a branch line from a point on the above-mentioned line to Marysville, not exceeding 35 miles.

22. To the Great Northern Mining & Railway Co. (Ltd.), for a line of railway from Little River through Belle Marche to Eastern Harbor, not exceeding 3 miles.

23. To the Southampton Railway Co., for a line of railway from a point at or near Millville to a point on the St. John River near the Poklok Bridge, not exceeding 13 miles.

24. To the Northern New Brunswick & Seaboard Railway Co., for a line of railway from the Drummond mines, at Austin Brook, a branch of the Nipisiguit River above Great Falls, in the county of Gloucester, to a point on the Intercolonial Railway, and from such point to Alston Point on the north side, or to Caron Point on the south side of the entrance to Bathurst Harbor, in the said county, not exceeding 26 miles.

25. To the North Shore Railway Co., for the following lines of railway: (a) From a point at or near Adamsville, in the county of Kent, to a point at or near Snowshoe Lake, in the said county, connecting with the Grand Trunk Pacific Railway, not exceeding 20 miles; (b) from Beersville, to the county of Kent, via Roxton, to a point at or near Richibucto Head, in the said county, not exceeding 20 miles; not exceeding in all 40 miles.

26. For a line of railway from a point at or near Rosevale, in the county of Albert, to Stoney Creek, in the said county, and thence to the city of Moncton, not exceeding 22 miles.

27. To the Quebec Central Railway Co., for the following lines of railway: (a) For an extension of its line of railway from a point (30 miles from St. George) in the parish of St. Justine, county of Dorchester, to a point in the parish of St. Sabine, in the county of Bellechasse, not exceeding 1.34 miles; (b) for an extension of its line of railway from a point (31.34 miles from St. George) in the parish of St. Sabine, county of Bellechasse, to a point in the township of Dionne, county of L'Islet, not exceeding 50 miles; not exceeding in all 51.34 miles.

28. To the Canada & Gulf Terminal Railway Co., for a line of railway from Matane easterly to Gaspe Basin, not exceeding 200 miles.

29. To the Grand Lake & Bell River Railway Co., for a line of railway from a point on the National Transcontinental Railway, at or near Bell River, thence following the direction of Bell River to Twenty-one Mile Bay, an arm of Grand Lake, or to Rabbit Lake, on the Ottawa River, in the county of Pontiac, not exceeding 45 miles.

30. To the St. Charles & Huron River Railway Co., for a line of railway from a point on the main line of the Quebec & Lake St. John Railway, at Indian Lorette station, thence up the valley of the St. Charles River in a northerly direction to Stoneham, not exceeding 7.5 miles.

31. For a line of railway from a point on the National Transcontinental Railway, at or near mile 837 west of Moncton, in a northerly and northwesterly direction, to a point at or near the mouth of the Nottaway River, on James Bay, not exceeding 300 miles.

32. To the Simcoe, Grey & Bruce Railway Co., in respect of 50 miles of its proposed railway between the towns of Kincardine and Orillia, the said 50 miles to include that portion of the said line connecting the towns of Owen Sound and Meaford.

33. To the Algoma Central & Hudson Bay Railway Co., for a line of railway from a point 50 miles northerly from the junction of its line of railway with the Canadian Pacific Railway northerly to a junction with the National Transcontinental Railway, not exceeding 65 miles.

34. To the Rainy River Radial Railway Co., for a line of railway from a point on the northern boundary of the State of Minnesota, at or near the town of Fort Frances, to a point on the Lake of the Woods, at or near the mouth of Little Grassy River, not exceeding 50 miles.

35. To the Lake Erie & Northern Railway Co., for the following lines of railway: (a) From the town of Galt to Port Dover, not exceeding 58 miles; (b) from the town of Paris (on the line from the town of Galt to Port Dover) to the village of Ayr, not exceeding 10 miles; not exceeding in all 68 miles.

36. To the Bruce Mines & Algoma Railway Co., for a line of railway from a point on its line of railway, at or near Rock Lake Mine, in a generally northerly and easterly direction to or toward a point on the main line of the Canadian Pacific Railway, near the crossing of the said railway of the Winneboga River, not exceeding 50 miles.

37. To the Manitoba & North Western Railway Co., for a line of railway from a point at or near Hamiota to a point at or near Birtle, not exceeding 30 miles.

38. To the Alberta Pacific Railway Co., for a line of railway from a point at or near the town of Cardston, in a northwesterly direction via Pincher Creek to a point on the Crow's Nest Pass branch of the Canadian Pacific Railway Co., at or near Lundbreck, thence northerly and west of the Porcupine Hills toward Calgary, not exceeding 100 miles.

39. To the Burrard Inlet Tunnel & Bridge Co., for the following lines of railway: (a) From the town of Eburne on the Fraser River to a point at or near the mouth of Seymour Creek on the north shore of the Second Narrows, not exceeding 10 miles; (b) from a point at or near Seymour Creek, on the north shore of the Second Narrows, to Deep Cove, on the north arm of Burrard Inlet, not exceeding 5 miles; (c) from a point at or near Seymour Creek, on the north shore of the Second Narrows, to a poin on Horseshoe Bay, not exceeding 14 miles; (d) from a point at or near Pender Street, in the city of Vancouver, to a point at or near lot 264, North Vancouver, not exceeding 3 miles; not exceeding in all 32 miles.

40. To the Caribou, Barkerville & Willow River Railway Co., for a line of railway from a point on the Grand Trunk Pacific Railway, at or near Eagle Lake, to a point on the Caribou Road at or near the town of Barkerville, not exceeding 107 miles.

41. To the Naas & Skeena Rivers Railway Co., for a line of railway from the Nasoga Gulf or some other point on the waters of the Portland Inlet or Naas River to or toward the anthracite coal deposits on the Skeena River near Ground Hog Mountain, not exceeding 100 miles.

42. To the Kettle Valley Railway Co., for a line of railway from a point at or near Penticton on Okanagan Lake to a point on the international boundary, not exceeding 50 miles.

43. To the Calgary & Fernie Railway Co., for a line of railway from a point at or near the city of Calgary in the Province of Alberta, in a southwesterly direction, via Kananaskis Pass and the headwaters of the Elk River to or toward the city of Fernie, in the Province of British Columbia, not exceeding 100 miles.

44. To the Grand Trunk Pacific Railway Co., for a line of railway from Harte southwesterly into the city of Brandon, not exceeding 25 miles.

3. The governor in council may grant the subsidies hereinafter mentioned toward the construction and completion of the bridges also hereinafter mentioned, that is to say:

1. To the Vancouver, Westminster & Yukon Railway Co., toward the construction and completion of a railway bridge across Burrard Inlet, in lieu of the subsidy granted by chapter 63 of 1908, section 2, item 6, not exceeding $350,000.

2. To the Canadian Pacific Railway Co. (lessees of the Calgary & Edmonton Railway Co.), toward the construction and completion of a bridge over the Saskatchewan River connecting Strathcona and Edmonton, 15 per cent upon the amount expended thereon, in lieu of the subsidy granted by chapter 63 of 1908, section 2, item 2, not exceeding $126,000.

3. To the Canadian Pacific Railway Co., toward the construction and completion of a bridge over the Saskatchewan River at Outlook, Saskatchewan, 15 per cent upon the amount expended thereon, not exceeding $115,000.

4. To the Kettle Valley Railway Co., toward the construction and completion of a railway bridge over the Fraser River near Hope, British Columbia, not exceeding $250,000.

5. To the Caribou, Barkerville & Willow River Railway Co., toward the construction and completion of all its railway bridges (about 20 in number) over the Willow River, 25 per cent upon the total amount expended thereon, not exceeding $95,000.

6. To the Grand Trunk Pacific Railway Co., toward the construction and completion of a railway bridge over the Assiniboine River at the city of Brandon, 25 per cent upon the amount expended thereon; such bridge to be completed without unnecessary delay.

4. In this act, unless the context otherwise requires, the expression "cost" means the actual, necessary, and reasonable cost, and shall include the amount expended upon any bridge up to and not exceeding $25,000, forming part of the line of railway subsidized not otherwise receiving any bonus, but shall not include the cost of equipping the railway, nor the cost of terminals, nor the cost of right of way of the railway in any city or incorporated town; and such actual, necessary, and reasonable cost shall be determined by the governor in council, upon the recommendation of the minister of railways and canals, and upon the report of the chief engineer of the department of railways and canals, certifying that he has made or caused to be made an inspection of the line of railway for which payment of subsidy is asked, and careful inquiry into the cost thereof, and that in his opinion the amount upon which the subsidy is claimed is reasonable, and does not exceed the true, actual, and proper cost of the construction of such railway.

5. The subsidies hereby authorized toward the construction of any railway or bridge shall be payable out of the consolidated revenue fund of Canada, and may, unless otherwise expressly provided in this act, at the option of the governor in council, on the report of the minister of railways and canals, be paid, as follows: (a) Upon the completion of the work subsidized; or (b) by installments, on the completion of each 10-mile section of the railway, in the proportion which the cost of such completed section bears to that of the whole work undertaken; or, (c) Upon the progress estimates on the certificate of the chief engineer of the department of railways and canals that in his opinion, having regard to the whole work undertaken and the aid granted, the progress made justifies the payment of a sum not less than $30,000; or, (d) With respect to (b) and (c), part one way, part the other.

6. The subsidies hereinbefore authorized to be granted to companies named shall, if granted by the governor in council, be granted to such companies respectively; the other subsidies may be granted to such companies as establish to the satisfaction of the governor in council their ability to construct and complete the said railway and bridges respectively; all the lines and the bridges for the construction of which subsidies are granted, unless they are already commenced, shall be commenced within two years from the 1st day of August, 1912, and completed within a reasonable time, not to exceed four years from the said 1st day of August, to be fixed by the governor in council, and shall also be constructed according to descriptions, conditions, and specifications approved by the governor in council on the report of the minister of railways and canals, and specified in each case in a contract between the company and the said minister, which contract the minister, with the approval of the governor in council, is hereby empowered to make. The location also of such subsidized lines and bridges shall be subject to the approval of the governor in council.

7. The granting of such subsidies and the receipt thereof by the respective companies shall be subject to the condition that the board of railway commissioners for Canada may at all times provide and secure to other companies such running powers, traffic arrangements, and other rights as will afford to all railways connecting with the railway and bridges so subsidized reasonable and proper facilities in exercising such running power, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways; and the said board shall have absolute control, at all times, over the rates and tolls to be levied and taken by any of the companies, or upon any of the railways and bridges hereby subsidized: *Provided always*, That any decision of the said board made under this section may be at any time varied, changed, or rescinded by the governor in council, as he deems just and proper.

8. Every company receiving a subsidy under this act, its successors and assigns, and any person or company controlling or operating the railway or portion of railway subsidized under this act, shall each year furnish to the Government of Canada transportation for men, supplies, materials, and mails over the portion of the lines in respect of which it has received such subsidy, and, whenever required, shall furnish mail cars properly equipped for such mail service; and such transportation and service shall be performed at such rates as are agreed upon between the minister of the department of the Government for which such service is being performed and the company performing it, and, in case of disagreement, then at such rates as are approved by the board of railway commissioners for Canada; and in or toward payment for such charges the Government of Canada shall be credited by the company with a sum equal to 3 per cent per annum on the amount of the subsidy received by the company under this act.

9. As respects all railways and bridges for which subsidies are granted by this act, the company at any time owning or operating any of the railways or bridges shall, when required, produce and exhibit to the minister of railways and canals, or any person appointed by him, all books, accounts, and vouchers showing the cost of constructing the railway or bridge, the cost of operating it, and the earnings thereof.

10. The governor in council may make it a condition of the grant of the subsidies herein provided that the company shall lay the railway with new steel rails and fastenings made in Canada, and shall purchase all materials and supplies required for the construction of the railway and bridges, and the rolling stock for the first equipment of the railway, from Canadian producers, if such rails, fastenings, materials, supplies, and equipment are procurable in Canada of suitable quality and upon terms as favorable as elsewhere, of which the minister of railways and canals shall be the judge.

11. Whenever a contract has been duly entered into with a company for the construction of any line of railway hereby subsidized, the minister of railways and canals, at the request of the company, and upon the report of the chief engineer of the department of railways and canals and his certificate that he has made careful examination of the surveys, plans, and profile of the whole line so contracted for, and has duly considered the physical characteristics of the country to be traversed and the means of transport available for construction, naming the reasonable and probable cost of such construction, may, with the authorization of the governor in council, enter into a supplementary agreement, fixing definitely the maximum amount of the subsidy to be paid, based upon the said certificate of the chief engineer and providing that the company shall be entitled to be paid, as the minimum, the ordinary subsidy of $3,200 per mile, together with 60 per cent of the difference between the amount so fixed and the said $3,200 per mile, if any; and the balance, 40 per cent, shall be paid only on completion of the whole work subsidized, and in so far as the actual cost, as finally determined by the governor in council upon the recommendation of the minister of railways and canals, and upon the report and certificate of the said chief engineer, entitles the company thereto: *Provided always*, (a) That the estimated cost, as certified, is not less on the average than $18,000 per mile for the whole mileage subsidized; (b) That no payment shall be made except upon a certificate of the chief engineer that the work done is up to the standard specified in the company's contract; (c) That in no case shall the subsidy exceed the sum of $6,400 per mile.

The Late Representative Madison.

MEMORIAL ADDRESS

OF

HON. GEORGE A. NEELEY,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, April 14, 1912,

On the following resolution:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. EDMOND H. MADISON, late a Member of this House from the State of Kansas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. NEELEY said:

Mr. SPEAKER: It was not my privilege to be well and personally acquainted with the late Mr. MADISON, I having met

him only three or four times, although, from the very nature of things, I knew a great deal of his personal and political history.

The first time I met him was at the old soldiers' reunion at Dodge City, in August, 1910, where I went, upon his invitation, as chairman of the committee on speakers, as his political opponent, to deliver an address to the old soldiers gathered at their annual State reunion. He impressed me then as a good type of the country judge; a man of strong mentality, of deep conviction, and one who had a strong hold upon the affections of the people of his district. Mr. MADISON'S life was a somewhat varied and a very active one. Some 25 years ago he homesteaded a piece of land near the town of Ford, in Ford County, Kans., which was then considered to be far out on the Great American Desert. I am told by men who lived on the plains at that time that one of the most beautiful scenes on the Western Continent in the spring of the year was that almost level, seemingly endless stretch of green sward running up the Arkansas River Valley, flanked on each side by an elevation of hills that marked the line where the earth and sky seemed to meet, and dotted here and there by great herds of cattle and buffalo commingling together. It may have been a scene like this that fascinated the young man from Illinois, causing him to cast his lot with these men who were laying the foundation for an empire.

But in the summer the scene changes. The grasshoppers come, the hot winds blow, and the swarms of insects and the onslaught of nature caused the prospects of a bountiful harvest to rapidly disappear, and the young man forsakes the farm for awhile to take up the occupation of school teaching. It was during this time that he took up the study of law, and soon after his admission was elected prosecuting attorney of Ford County, and at the expiration of his term was reelected. From this time on his rise was rapid. He had taken his place among the lawyers of the district and had earned the reputation of being clear-headed, forceful in expression, and a prodigious worker, so that at the expiration of his second term as prosecuting attorney he was elevated to the position of judge of the district court, later being reelected to this position and serving his people until the time of the division of what was the old seventh congressional district into the seventh and eighth districts, at which time he was nominated and elected to Congress.

The excellent judgment and the power of clear analysis that had been such a strong asset of Mr. MADISON while serving as prosecuting attorney and district judge soon caused him to be recognized as one of his party's leaders in Congress, while his disposition to recognize and endeavor to reconcile the conflicting opinions of his associates upon both sides of the Chamber gave him an independence of thought and action that made him a tower of strength to the cause he represented.

Mr. MADISON'S services in the Ballinger investigation were of inestimable value to the country. His conclusions, being as they were practically the same as those reached by his Democratic colleagues in that investigation, were undoubtedly accepted by the country as being free from the taint of party prejudice, and as the findings of fact of a man capable and qualified and above suspicion of personal interest.

So faithfully did he perform his services in this matter, that when it became necessary to investigate the Sugar Trust he was the unanimous choice of all the factions of his party for that important position, and had just completed his services when the summons came.

It was my privilege to be Mr. MADISON'S opponent in the campaign of 1910, and, although it was perhaps the hardest fought campaign since the days of Jerry Simpson, it is a pleasure to me now to know that it was a campaign of issues and not of personalities, and was conducted without the bitterness that usually attends such contests. And I now look back with a great deal of satisfaction upon the fact that while I often criticized some of his votes and doubted the wisdom of some of his actions, naught but the highest motives and loftiest patriotism could ever be imputed to him.

After the returns had begun to come in, and indicated that Mr. MADISON had been reelected, I sent him a message of congratulation upon his success; and I remember very distinctly the reply he sent, which was characteristic of the man. It was—

> I was very glad indeed to receive your message and to know that you wish me well in the term that is soon to begin, because no one can doubt that it was a genuine battle between real men over live issues in the old, big seventh this year.

Fearless and courageous in life, intensely loyal to those whose privilege it was to enjoy his friendship, battling for the right as he saw the right, his death has robbed his district of a sincere friend and the Nation of an able man.

Regulation of Immigration.

SPEECH

OF

HON. WILLIAM J. STONE,

OF MISSOURI,

IN THE SENATE OF THE UNITED STATES,

Friday, April 19, 1912.

The Senate having under consideration the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States—

Mr. STONE said:

Mr. PRESIDENT: I have the honor of knowing Bishop Rhode, of Chicago, the only Polish-American bishop in this country. Some time ago I saw him and had the pleasure of a conference with him. There is no better type of a high-class, patriotic American to be found than this Polish-American bishop. He is a high-class man in every way, naturally intelligent, a fine scholar, and intensely patriotic. He discussed the bill we are considering with me when I saw him. He was more familiar with it than I was. He had seen the original bill as introduced by the Senator from Vermont [Mr. DILLINGHAM] and was thoroughly familiar with its terms.

There was one feature, and only one feature, of the bill that he protested against, and that was this literacy test. I told him that the committee having this measure in charge had struck out that provision and that I did not believe that any American Congress, or the majority of any party in Congress, would ever consent to that provision; nor did I believe that any President of the United States would ever consent to it, no matter to what party he belonged.

Mr. President, this reverend gentleman protested strongly against this particular feature of this bill in the name and on behalf of the people of his native land, as well as for people born in other lands. Poland has been struggling through darkness by a tortuous and difficult path toward the light of liberty for a long, long time. The blood of the Polish people has been poured out at home and abroad in the cause of liberty. They are a liberty-loving people, and long oppression has taught them the value of liberty. They have fought for it at home, and fought for it in the armies of other peoples. They fought under Washington for American liberty and to establish our free republican institutions. Kosciuszko was one of the heroes of the American Revolution. We are all familiar with that line written in one of the English classics which reads, "And freedom shrieked when Kosciuszko fell."

And who does not recall the pathetic and heroic story of Casimir Pulaski? He served on the staff of Washington, and later, as general in command of the Continental Cavalry, saved the Army from surprise and wreck at Warren Tavern. He fought in numerous battles, North and South. At the siege of Savannah he commanded the American Army, and in the assault on the British was mortally wounded. From the battle field he was taken aboard an American war vessel, where he died, and was buried at sea.

Costly monuments in bronze have been erected to both of these Polish heroes here at Washington by congressional authority and at the national expense, and they stand to-day in conspicuous places as mute testimonials to the valor and services of these great men.

In Missouri there is to-day a lineal descendant of old King John Sobieski, one of the mighty men of Poland, whose arm was the strongest in driving back the Turkish horde from the gates of Christian Europe hundreds of years ago. The father of this Missourian led the revolt against Russian oppression about a century ago. His son, then but a youth, came to the United States more than 60 years ago, identified himself with our country and its institutions, entered the Union Army, and served 4 years during our Civil War. After that war he attached himself to the army of liberation in Mexico, and rose to the rank of colonel. He is to-day a highly esteemed and honorable citizen of Missouri.

Mr. President, I could tell you the names of other sons of Poland and the names of the sons of other European countries who devoted their lives and fortunes and who shed their blood to achieve American independence and to establish a new and better form of nationality here in the Western Hemisphere. It was for such men as these that Bishop Rhode spoke. I told him that I did not believe that any such provision of law as that embodied in this educational test would ever be enacted. But, sir, I am afraid now that I will have to revise that opinion.

Judging by what I have heard said on the floor of the Senate and by what I have heard said in the cloakrooms and other places about the Senate, I am afraid I was mistaken in my estimate as to the temper of the membership of this body, and I am afraid I will have to offer the bishop my apology. It looks now as if this provision would be incorporated as a part of this bill and passed. I am profoundly astonished that this should be so, but I fear it is so.

Mr. President, no man is more in favor than I of adopting such regulations in our immigration laws as will prevent the influx into our country of the world's derelicts, men who are without a good moral character, men who would uproot the foundations of social order and governmental structure, criminals, anarchists, incompetents, and people of that stamp. That is one thing, and I favor that. I am for most of the provisions of this bill. The bill seems to cover the objectionable classes I have referred to as embracing those who should be excluded. Let me read the third section to show how comprehensive it is—

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which is likely to impair the ability of such alien to earn a living; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or who disbelieve in or are opposed to organized government, or all forms of law, or who advocate assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform manual labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for manual laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; Chinese persons or persons of Chinese descent, whether subjects of China or subjects or citizens of any other country foreign to the United States; persons who are not eligible to become citizens of the United States by naturalization, unless otherwise excluded by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into.

And so forth.

Mr. President, it seems to me that these provisions are broad, far-reaching, and sufficiently drastic; but if there is any other qualification affecting the moral or physical fitness of a man or woman to come into the United States, let it be written into the law. I will make no protest against such a provision or requirement. Enlarge on this line if you will. My protest is only against saying that an honest man or a virtuous woman shall not be admitted to our citizenship if he or she can not stand a prescribed educational test—that is to say, can not both read and write. Of course, education, enlightenment is most desirable. Universal education is a part of our national policy. All the States are striving, at great public expense, to educate their children. Ignorance is to be regretted. But, Mr. President, I want to say that I do not believe that the people who are ignorant of book lore—the unlettered people—who come to us from Europe are the agitators who stir up and disturb the social and industrial life of America. Education, even rudimental education, is greatly to be desired. Education better fits a man or woman to fight the battle of life in this remarkably intelligent age in which we are living. But, Mr. President, there are in all countries, America among them, thousands of people—law-abiding, honest, industrious, patriotic people—who can neither read nor write, but who are anxious that their children should enjoy better advantages than have come to them. Such people—good, moral, honest, industrious people—come here from Europe, bringing their little ones with them, seeking to enjoy all the wider and better advantages of this great free Republic of ours. These are not bad people; they are good people. We know, if we know anything, that the evangels of the red flag and the disturbers of public order are composed of a class of men who are smart, who are educated, who speak with glib tongues, and who have the power of arousing the passions of their listeners. A man of this type I would exclude, even though he held a college degree; but I would not exclude an honest, law-abiding man merely because he could neither read nor write. This proposed policy is a reversal of our entire national policy up to this time. The Senator from Massachusetts [Mr. LODGE] in his report accompanying this bill gave this as a reason why the committee struck the illiteracy test out of the bill:

The illiteracy test, which formed part of the bill as introduced, has been dropped by the committee because, in their opinion, it is a change of such importance that it ought to be considered as a separate measure and not as part of this bill, the main purpose of which is the revision and codification of the immigration laws, which are very greatly needed at the present time.

Will the Senator from Massachusetts and his committee stand by that action now? Judged by what I hear, I fear not.

Mr. President, I do not wish to give a partisan aspect to this discussion, but I want to call the attention of my Democratic friends to one or two things which I think they, especially, ought to consider.

In the Fifty-fourth Congress an immigration bill was passed containing an educational test similar to the one we are now considering. It was passed by a viva voce vote in the House and by a vote of 30 Republicans and 22 Democrats in the Senate, with 10 negative votes, all Democrats. In that Congress the House was composed of 244 Republicans, 104 Democrats, 7 Populists, and 1 vacancy, with a Republican majority of 147. In the Senate the Republicans were 36, the Democrats were 44, Independents 5, and 3 vacancies, making a Democratic majority of 3. That bill was passed, as I have said, and went to the President. Grover Cleveland, our last Democratic President and the first we had had for many years, vetoed it; and now hear what he said. He said:

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the jealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

And then this:

I can not believe that we would be protected against these evils by limiting immigration to those who can read and write in any language 25 words of our Constitution. In my opinion, it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work, than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult. Violence and disorder do not originate with illiterate laborers. They are rather the victims of the educated agitator. The ability to read and write as required in this bill, in and of itself, affords, in my opinion, a misleading test of contented industry and supplies unsatisfactory evidence of desirable citizenship or a proper apprehension of the benefits of our institutions. If any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint can not be alleged.

Mr. President, I wish to commend these wise words to all Senators, and especially to Senators on this side of the Chamber. I agree with Mr. Cleveland that our traditional national policy should not be changed in this particular.

Now, Mr. President, much has been said about the illiteracy of immigrants, and some statistical data have been read by Senators to the prejudice of immigrants. I think this phase of this subject has been exaggerated by the advocates of this measure. I examined the censuses of 1850 and 1860 and I found that the total number of our native population in 1850 was 20,912,612, and that the total number of illiterates among that native population, excluding negroes and Indians, was 858,306. The number to the thousand at that time was 41, which represented a per cent of 4.1. Ten years later, in 1860, the total native population was 27,304,624. The total illiterates among these were 871,418. The number to the thousand, 31.8; the per cent, 3.1.

Now, as to our foreign-born people. In 1850 the total foreign-born population was 2,244,602. The total number of illiterates among them was 195,114. The number to the thousand was 86, or about 8 per cent.

In 1860 the total foreign population was 4,138,697. The total illiterates numbered 346,893. The number to the thousand was 86; the per cent was the same as before, about 8 per cent.

Mr. President, I pass over the intervening decades from the First Census containing this information to the Twelfth, taken 10 years ago. This census shows the total of native illiterates to be 4,859,250, or 10.2 per cent. This includes negroes and many Indians, since both negroes and many Indians had become citizens. The number of foreign-born illiterates was 1,320,819, or 13 per cent. Of white illiterates, native born, there were 1,913,611, or 4.6 per cent. The number of foreign-born illiterates was 1,287,135, or 12.9 per cent.

But, Mr. President, the total population at that time, in 1900, was 75,994,575; of these the natives numbered 65,653,299, or 86.4 per cent of the whole; and the foreign-born, 10,341,276, or 13.6 per cent.

It will be seen that while the native illiterates number nearly four times the foreign illiterates, the per cent of foreign illiterates is greater than the per cent of native illiterates. That is due to the difference in the total population of the two classes. The total native population in 1900 was 65,653,299, or 86.4 per cent of the whole, whereas the total foreign-born population was only 10,341,276, or 13.6 per cent of the whole. Therefore, when we deal with per cents we can readily see that while the number of native illiterates was nearly four times as great as that of the foreign born, the total number of native population was nearly six and one-half times as great as the total foreign population; and so when you merely estimate per cents you make a misleading calculation of slight significance. For example, 1,000,000 illiterates represent a larger per cent of 10,000,000 of foreign-born people than four and one-half million of illiterates would represent as a per cent of 65,000,000 of native-born people. So I say this talk about per cents is misleading. I want to give some samples that have been given here of large percentages of illiteracy among foreigners. You heard what my distinguished friend from Vermont [Mr. DILLINGHAM] said about the large percentages of illiteracy among the foreigners coming in, and samples have been given. For instance, of the Bulgarians, Servians, and Montenegrins he gave the per cent of illiteracy as being 41.8 between given periods; that is, during the decade from 1899 to 1909. The Bulgarian, Servian, and Montenegrin immigrants, he said, represented an illiteracy of 41.8 per cent; but during those 10 years only 80,854 from all those countries were admitted, or about 8,000 per year out of all the millions that came from abroad. Of the Dalmatians, Bosnians, and Herzegovinians the rate of illiteracy was given at 41.3 per cent, but only 26,123 were admitted during the whole 10 years, or a little over 2,000 per year. Of Lithuanians the per cent of illiteracy was given at 48.8, but only 140,540 were admitted during the 10 years, a mere drop in the bucket, an infinitesimally small percentage of the total immigration.

Of Portuguese the per cent of illiteracy was put at 68.2 per cent, and much was said about that, but only 49,799 of these people were admitted during the whole 10 years, or less than 5,000 per year. So you see that the number of immigrants from these countries has been small.

The south of Italy furnishes the one exception to this general rule, and presents the most difficult problem. During the 10 years from 1899 to 1909 there were admitted from what is called southern Italy 1,517,768 people, or an average of about 151,000 per year, and the per cent of illiteracy is stated in the official reports to be 54.2 per cent. But even here I insist that the illiteracy test will not exclude those who are most dangerous to our peace and who constitute the real menace to our institutions. Beware of the educated apostle of the red flag!

The total admitted from all countries of the world during the decade cited was 7,199,061. The total number of illiterates was 1,918,825, or a total per cent of illiteracy of 26.7 per cent. Of course the higher per cent of illiteracy found among the smaller number of immigrants who come from the nations indicated raises the general average per cent of illiteracy. This shows again that a mere percentage basis in matters of this kind is not a reliable basis upon which to predicate an opinion.

One thing more. Take the entire population of the United States as shown in the census of 1900. The illiterates that year for every 1,000 of the entire population of the United States was 106.6; among the native whites it was 46.4 per 1,000. This is not a per cent, but the actual number of illiterates to every 1,000 people. They put down the foreign whites at 128.5 and the native negroes at 444.7 per every 1,000 people.

Mr. President I will stop here to make this observation. The negroes were manumitted nearly half a century ago. Most of them lived in the Southern States, but many have since emigrated to the Northern States. They have had the benefit of public schools—North and South—for nearly two generations, and the Southern States that have had to deal especially with this difficult problem have done more to furnish the means of educating the freed slaves of the South and their descendants than the States of the North. Yet with 50 years of this endeavor in education and struggle what do you find? You find that out of every 1,000 of this negro population 444.7 are illiterate, can neither read nor write. And yet these negroes have had the benefit of our public schools for a generation and a half.

Now, by way of contrast, let us inquire a little further about the people who have come here from foreign countries, and especially about the children of immigrants, and I wish to call attention to a most interesting fact. I do not know why it is a fact; I am not bragging about it; I am not proud of it; quite the contrary; I rather regret that it is a fact; but, if census statistics are to be believed, it is a fact that of the children of foreign-born people who have come to this country and identified themselves with our institutions and civilization, the per cent of illiterates among these children is much less than among children who are native born. That is worth thinking about. It is greatly to the credit of the foreign-born child, or the child of foreign-born parents, that he takes advantage of his opportunity. Let me give you some comparative figures. According to the census of 1900 there was a fraction over 106 illiterates out of every 1,000 children 10 years old and over, or 10.6 per cent of the whole. Of these the lowest per cent of illiterates was among the children of foreign parents. The number of illiterates among children descended from foreign-born parents was only a fraction more than 16 to every 1,000, or 1.6 per cent. This is greatly to the credit of the children of our foreign-born citizens.

Mr. President, if all this shows anything, it shows that when poor but aspiring people come from abroad and assimilate themselves with our institutions and civilization they send their children to school; they take quick advantage of the new life opened to them; and the per cent of their children who seek the advantages of our great educational system is even greater than the per cent of the native-born children who reap the benefits of their opportunities.

Mr. President, speaking about children of foreigners, let me read a few lines from a report made by the minority of the House committee when this bill was pending there, signed by Mr. Gustav Küstermann, Mr. ADOLPH J. SABATH, and Mr. HENRY M. GOLDFOGLE, and presented by Mr. Bennet of New York. Here is what they said:

> In every large city—indeed, in every city and almost every large town—men and women of foreign birth are to be found who, when they landed in this country could neither read nor write, have learned to do so in the schools (either the day or night schools) or obtained their knowledge through private instruction or, as is frequently the case, by being taught by their own children. Hundreds of thousands of such persons have become good farmers and mechanics, storekeepers, and tradesmen, and successful and prosperous business men in different lines of industry and have contributed to the general welfare of the communities in which they settled. Myriads of such persons have made desirable acquisitions and became, after they had availed themselves of the opportunities this country affords, desirable citizens.
>
> The children of immigrant parents, whether born here or abroad, quickly acquire an education in our schools. They exhibit eagerness to learn. Statistics demonstrate and experience proves that these children have great aptitude for study and make rapid and, in fact, remarkable educational progress. Very large numbers of them graduate from the schools with honor, many of them go to high schools and colleges. Yet their parents, if illiterate when knocking at the doors of our country for admission, would have been turned away under an educational test such as the bill reported proposes.

Mr. President, I will conclude now with a few brief observations. The educational provision in this bill, against which I am protesting, changes and revolutionizes the historic policy of our Government wth reference to immigration. In line with that thought I wish to read and incorporate into my remarks something I have copied from a great speech delivered July 4, 1828, by Edward Everett, of Massachusetts. Remember this speech was made on the Fourth of July, the anniversary of American Independence. Mr. Everett said:

> The tie of consanguinity must connect the members of every family of Europe with some portion of our happy land, so that in all their trials and disasters they may look safely beyond the ocean for a refuge. The victims of power, of intolerance, of war, of disaster in every other part of the world must feel that they may find a kindred home within our limits. Kings whom the perilous convulsions of the day have shaken from their thrones must find a safe retreat, and the needy immigrant must at least not fail of his bread and water, were it only for the sake of the great discoverer, who himself was obliged to beg them. On this corner stone the temple of freedom was laid from the first—
>
> For here the exile met from every clime,
> And spoke in friendship every distant tongue;
> Men, from the blood of warring Europe sprung,
> Were here divided by the running brook.
>
> This peculiarity of our population, which some have thought a misfortune, is in reality one of the happiest circumstances attending the settlement of the country. It assures the exile from every part of Europe a kind reception from men of his tongue and race. Had we been the unmixed descendants of any one nation of Europe, we should have retained a moral and intellectual dependence on that nation, even after the dissolution of our political connection had taken place. It was sufficient for the great purpose in view that the earliest settlements were made by men who had fought the battles of liberty in England and who brought with them the rudiments of constitutional freedom to a region where no deep-rooted proscription would prevent their development. Instead of marring the symmetry of our social system, it is one of the most attractive and beautiful peculiarities that with the promi-

nent qualities of the Anglo-Saxon character inherited from our English fathers we have an admixture of almost everything that is valuable in the character of most of the other States of Europe.

Mr. President, I could reproduce a hundred extracts of like character from the utterances of our great men of the past. But somehow we seem to be getting away from the ports where we have been anchoring for over a hundred years. In the mad onrush of this age for new things we are falling more and more into the habit of forgetting the old things that have stood as safeguards in the past.

Mr. President, before closing these observations I wish to say that this literacy test in this bill smacks too much of Know-nothingism and A. P. A.ism to command my support. All of you are familiar with the old Know-nothing propaganda, and you are also familiar with the more recent revival of that propaganda under the name of the American Protective Association. Both of these movements were intended to lay drastic and most intolerant proscription upon foreign-born people and upon the membership of the Catholic Church. The era of know-nothingism was before my day, but I know as a matter of history that the Democratic Party fought the movement tooth and nail and destroyed it. When A. P. A.ism was projected and raised a threatening hand against the equality of American citizenship because of the accident of birth and because of religious conviction, I happened at that time to have the honor of being the governor of Missouri. Without a moment of hesitation I put myself in opposition to the movement. At the meeting of the Democratic State convention in 1894 I wrote a resolution denouncing A. P. A.ism and was successful in having it incorporated in the party platform then adopted. The Democratic Party as an organization followed a similar course throughout the country, and A. P. A.ism, like Know-nothingism, disappeared as an active force in public affairs. Still there can be no doubt that the intolerant spirit of these movements remains. It lurks quiescent, but it is still in the minds and hearts of many men. I will not say, for I would be most unwilling to believe, that any Senator supporting this educational test approves the intolerant spirit and un-American doctrines of Know-nothingism or A. P. A.ism; nevertheless this educational test is but one form of giving new life and vigor to that spirit and those doctrines. I can not support a proposition so strongly marked with intolerance as this one. Why should we deny admission to an honest, manly man of good health and strength, and against whose character no word can be spoken, simply because, unfortunately, his environments and opportunities have been such as to deny him the advantages of an education? Why, sir, if it had been the rule in many of our States that no man should exercise the right of suffrage who could not read and write, that rule would have disfranchised thousands of honest and patriotic men who believed in orderly government and who stood ever ready to defend American institutions. It has been said with apparent good authority that the parents of more than one man who became President of the United States were illiterate. This we know; that the descendants of men who could neither read nor write have made great names for themselves and added luster to our history. Mr. President, keep out immoral and wicked people; keep out those likely to become a public charge; keep out those who would foment disorder and make war upon our institutions and civilization; but I invoke you not to turn back honest men or virtuous women—men and women who want to work, improve their conditions in life, educate their children, build happy homes, and make themselves good citizens capable of doing good service to the country, simply and only because they are uneducated.

Post Office Appropriation Bill.

SPEECH
OF
HON. FREDERICK H. GILLETT,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 23, 1912.

The House being in the Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. GILLETT said:

Mr. CHAIRMAN: I suspect my position on these measures is much the same as that of the majority in this House. I am heartily in favor of giving to the people of the country the benefits that would come from a general parcel post, but my time, like that of most of the Members, is largely occupied by the work of my own committee; I have not leisure to investigate all the details of such a complicated and important matter as this, and I have the right to expect that when a matter so momentous as this comes before the House we shall have the thorough investigation and the examination of experts by the committee which has charge of the subject to guide and direct us and give us the information which we need to vote intelligently and wisely on the subject.

I think we have a right at the present juncture to criticize the committees of this House and the majority in this House for the way in which this measure comes before us. No committee of the House has reported on these measures; as I understand, no committee of the House has fairly and thoroughly investigated——

Mr. LEWIS. Will the gentleman submit to an interruption?

Mr. GILLETT. I will if I can have more time.

Mr. MOON of Tennessee. The other side has yielded the gentleman time.

Mr. GILLETT. Yes; but if your side wants to ask me a question I do not want it taken out of our time.

Mr. LEWIS. I could have said all I wanted before this.

Mr. GILLETT. How does this come before us? No committee of the House has made any report on any of these bills.

Mr. LEWIS. Now I ask the gentleman from Massachusetts if he will not yield?

Mr. GILLETT. I will yield if the gentleman will give me more time.

Mr. MOON of Tennessee. In order that the gentleman may answer the question, I will yield him sufficient time. I will say in reply, first, that as far as the chairman and the committee are concerned, we are taking no sides politically on this particular proposition. We propose to vote as we see fit. It is not a political question.

Mr. SAUNDERS. Will the gentleman yield?

Mr. GILLETT. I will yield to the gentleman from Maryland first.

Mr. LEWIS. I want to correct a natural mistake which the gentleman from Massachusetts has made with reference to his statement that no committee of the House had reported on any of these propositions.

Mr. GILLETT. I was speaking particularly of the parcel post.

Mr. LEWIS. But the Committee on Interstate and Foreign Commerce has reported in favor of a postal-express bill.

Mr. GILLETT. When did it report it?

Mr. LEWIS. The report is not yet filed, but that is due to the delay of one member of the committee.

Mr. GILLETT. Now I will yield to the gentleman from Virginia.

Mr. SAUNDERS. As far as the gentleman's statement relating to that portion of the rule providing for Government aid to roads——

Mr. GILLETT. I am well aware of that. I was not referring to the good-roads proposition. I was referring to parcel post. The gentleman from Maryland, who assumed to correct me, says that the committee has not reported and corroborates what I said. Moreover, if the committee is reporting now it has not investigated the case with that thoroughness that it should.

Mr. MOON of Tennessee. The gentleman did not mean to say parcel post?

Mr. GILLETT. The postal express, which is the same subject. As to the report which the gentleman from the Committee on the Post Office and Post Roads reported and which appears in the bill and which this rule allows, it seems to me that it is a thoroughly inadequate report and a thoroughly inadequate measure. It does not provide the test which they seem to think we ought to have before we go into the thorough adoption of the measure. It is inadequate even for that purpose. And yet what does the majority do? When there is no report from the committee, when there has been no investigation by the committee, they suddenly throw into the House without any report or investigation all these measures together under one rule. What can be the object of that; what ought to be the natural result of that?

We know the natural and probable result of it will be confusion, out of which no legislation can come. If there is any principle of good legislation which is thoroughly grounded it is that on general appropriation bills we ought to avoid new legislation, and yet here on a general appropriation bill is thrust legislation of the most momentous importance to the country that we have had for a long time. Gentlemen may say—and I suppose they will pretend—that it is done to insure action by the Senate, but we know perfectly well that its result will be

just the other way. The Senate knows that they have a right to consider this legislation by itself and not be threatened that the appropriation bill will be held up if they do not agree to it. The Senate is not a meek and docile body that is going to take directions from the House. How would we feel if the Senate tried to compel us to adopt legislation by putting it upon an appropriation bill? I believe this legislation of parcel post is important enough to justify consideration by itself.

The Democratic Party for so many years denounced the Committee on Rules and its leadership of the House that in order to be consistent I suppose it has refrained thus far from using the power of that committee to select what bills shall be taken up in the House. As a result, the only important bills which have been considered have been those which were privileged under the rules, and we have wasted day after day in debate over trivial and comparatively insignificant matters, while subjects of real magnitude have been waiting and slumbering because the Committee on Rules would not give them precedence. Suddenly this rule is precipitated upon us and we find the majority party has rushed to the other extreme, and instead of refusing to adopt any rules has adopted one broader and more far-reaching and objectionable than there is any precedent for. It includes so much—it attempts to load down an appropriation bill with such a vast amount of new matters of the greatest importance and interest, but entirely unrelated to each other, and which, according to every maxim of good legislation, have no place in an appropriation bill, that we can not escape the suspicion that the real purpose of this sudden reversal of conduct is quite different from the apparent and ostensible one, and that this sudden breaking down the doors by a rule and throwing everything into the House is expected to bring about such confusion and undigested legislation as to defeat the pretended object, and result in nothing at all. Certainly that would be the natural result. One of the fundamental principles here in which every one agrees is that general appropriation bills should not have attached to them legislative provisions of independent importance.

Both the President and the Senate have the right to consider each independently. Any vital departure from this principle is likely to imperil the bill. And yet here we have several matters of transcendent importance which have not been reported from any committee—which ought to be considered by the House only after they have been reduced by committee action to the most feasible shape—offered as a part of a great appropriation bill. There was no need of bringing forward the subjects in this improper manner. It would have been just as easy to have had the rule make the different subjects in order independently and thus have taken away an honest argument against them.

Take the question of a parcel post. Is not that of enough importance to be considered by itself and not tied up as an appendage to an appropriation bill? I am thoroughly in favor of a general parcel post. But I recognize that it is a question of momentous importance and complexity, of vast influence financially as well as socially and economically, and that no pains should be spared to have it settled right at first. Yet all the Committee on Post Offices, which has been studying the problem for years, would do was to report in the appropriation bill a petty rural carrier service which did not at all touch the vital problem and would be of little value as a test. Why does not the committee report some general bill upon the subject and not a trifling clause upon an appropriation bill which they knew was out of order and had no right there? Or, if they, with all their experience and study, were not prepared to recommend any bill, why did they not confess it and give the reasons and not throw up their hands in ignorance and despair and ask that the whole matter be thrown into the House without any recommendation of a committee as a guide?

If you have a rule to take up an important measure and let it be considered on its merits, then you are legislating intelligently, but if you are going to adopt under one rule half a dozen important matters unconnected with each other and try to append them all to an appropriation bill, gentlemen in the Senate can justly say, if they are opposed to the measure, that it has no right on an appropriation bill, and that very argument will keep it out. I do not believe the question of parcel post——

Mr. MOON of Tennessee. Does the gentleman undertake to say that the Senate will dictate to the House the manner in which it shall proceed in legislation here, or that the House would submit to it for a minute?

Mr. GILLETT. No; but the gentleman is trying to dictate to the Senate.

Mr. MOON of Tennessee. We are not.

Mr. GILLETT. That is the argument and the only argument I have ever heard for attaching it to this bill. The only argument that can be given is that thereby the Senate will be compelled to adopt it or that you will hold up legislation. I do not believe that you mean to do anything of the kind.

Mr. MOON of Tennessee. I think the gentleman is mistaken.

Mr. GILLETT. Then what is the reason, may I ask, for putting it in an appropriation bill?

Mr. MOON of Tennessee. That it will be presented to the Senate for its consideration; otherwise it might not be. What action the Senate will take is not for us to say, but we surely have the right to present questions here in any way we see fit.

Mr. GILLETT. We certainly have the right, but, as I said, it has generally been admitted—and I suspect my friend from Tennessee admits and will admit—that the most improper method of legislation is to attach important independent matters to a general appropriation bill, for the reason that the Senate and the President each has the right to consider the supply bills by themselves and to consider legislation by itself. Therefore this is entirely improper, I think.

Mr. MOON of Tennessee. If the gentleman wants my opinion about it I will say to him that I think when this House made the rule that prohibited the attaching of any legislation that is pertinent to the questions involved in an appropriation bill to that bill (as these questions are), it not only surrendered its dignity to a great extent, but its power as one branch of the legislative body.

Mr. GILLETT. Does not the gentleman think that legislation on an appropriation bill is unwise?

Mr. MOON of Tennessee. I think it is the very place to put it, the best place to put it, if it pertains to the subject matter of the appropriation bill.

Mr. GILLETT. Then the gentleman and I differ absolutely upon that question, and I venture to say the gentleman differs from most Members of the House who have given it consideration.

I noticed the other day in the vote upon the previous question, which was the only vote on which the adoption of this rule depended, that every member of the Committee on Appropriations who had ever served on it, even on the Democratic side, broke away from his party and voted against the rule.

Mr. BARTLETT. Oh, no, may I say to the gentleman: did not break away from his party, but broke away from members of his party.

Mr. GILLETT. I accept the amendment of the gentleman, and that indicates how Members who have given thought and experience to appropriation bills feel about attaching to them legislative provisions. Now, there are other provisions in this bill which have no right here, and yet are here under this rule. Take the provision about the civil-service rules which the gentleman has brought in. I do not think that has any right in this appropriation bill. It does not amount to much. It simply adopts the present presidential order and makes it apply to the postal service, but it is vicious to this extent, that as long as it is a presidential order it applies to all branches of the service and it can be modified by the President, but by making it a law for the postal service you are making that service distinct from all other services. Personally I do not approve of the present rule which the President promulgated on that subject giving persons discharged from the service right to a hearing. I do not approve of the provision which is in this bill, but it seems to me whether I approve it or not, I certainly should disapprove making one law for the postal clerks and making a different law for everybody in the service outside, and I do not see why when that matter is now pending before the proper committee which is dealing with all the branches of the services why the rule should not have been applied to the whole service and not simply been applied to the postal service.

Mr. MOON of Tennessee. I will remind the gentleman that this provision in the postal bill was to repeal an arbitrary and, I insist, an unlawful and unconstitutional order of the President.

Mr. GILLETT. But the gentleman is not referring to the same thing to which I am referring. I am referring to this clause in which you provide that no one shall be discharged from the service without a hearing and without papers being filed, and so forth. Now, that was promulgated by the President long before that. The gentleman refers, I suppose, to the clause as to members of the civil service appealing to Members of Congress.

Mr. MOON of Tennessee. Certainly that is what I had reference to, and I thought the gentleman had reference to it.

Mr. GILLETT. No; I had reference to the first part of that clause.

Mr. POWERS. May I ask the gentleman a question?

Mr. GILLETT. Certainly.

Mr. POWERS. Are not the two main features of this legislation the parcel post and good roads, and does not the gentle-

man think those two things are germane to a Post Office appropriation bill?

Mr. GILLETT. Oh, they are germane to the postal service, of course, but they are not germane to any appropriation bill. If they were, you would not need a rule to bring them before the House.

Mr. POWERS. Does not the gentleman think that items to carry out and extend post-office facilities and the roads over which those things travel are germane to a bill of this character?

Mr. GILLETT. Why, the gentleman can not have listened to me or he would have understood me as saying that I do not think that any such legislation ought to go on an appropriation bill. It sometimes happens to be wise to have legislation on matters of administration connected with a department, but any such far-reaching legislation as this ought to be treated by itself and not on an appropriation bill. Appropriation bills were wisely prevented by the rules of the House from being made a proper subject for general legislation. Now, the gentleman from Tennessee misunderstood me, because what I was speaking about was the clause which compelled certain papers to be filed and hearings, and so forth.

The CHAIRMAN. The time of the gentleman has expired.

Census Bureau Bulletin.

SPEECH

OF

HON. ELMER A. MORSE,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 24, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MORSE of Wisconsin said:

Mr. SPEAKER: I desire to address the House very briefly for the purpose of correcting certain erroneous and misleading statements which appear in a recent bulletin issued by the Census Bureau and sent broadcast over the land, doing great injuries to the part of the State that I have the honor to, in part, represent.

In the 1910 census bulletin on Wisconsin agriculture I find these statements:

From the standpoint of agricultural development it has passed out of the class of States having a large area of land suitable for cultivation and not so utilized.

And, then, to my astonishment, a little further on I read:

In the southern part of the State the land is nearly all suited for farming purposes, while in the northern portion it is rough and in large measure has not thus far been found available for such [agricultural] use.

I think that we have a right to expect that writers on such an important subject as this, writing for the United States census, will be reasonably careful to state the facts with some degree of accuracy. I believe that the people of a sovereign State ought to enter a most vigorous protest against the circulation at Government expense of such false statements as these, when they are certain to result in great injury to that State.

It may be urged that few people read the census bulletins and for this reason very little harm will come from the circulation of these and similar falsehoods. But such is not the case. Many writers of magazine and newspaper articles quote from them. In this way statements made in these bulletins gain wide publicity, and, bearing the stamp of the United States Government, they are given authority. A very good example of this came to hand only yesterday. Emerson Hough, in his article entitled "Stretching the soil," which appears in the Saturday Evening Post of April 13, 1912, makes this statement to more than a million and a quarter of readers:

The easterner who wants cheap lands must go West and must take what he can find. That means arid land, and arid land means dry farming, and dry farming means nothing easier than a continual fight with nature.

Mr. Hough is a most entertaining and able writer and generally very careful and accurate in his statement of fact; and if he were called to account for these misstatements he could say in reply, and probably would say in reply, "I said this on the authority of the United States Government." And he could point to the census reports and prove his case.

In the Tariff Board report on wool we find a similar misleading statement to the effect that upper Wisconsin is not adapted to the production of cheese.

Now, as to the real facts in the case: In the two congressional districts comprising the upper part of the State, represented by my colleague, the Hon. IRVINE LENROOT, and by myself, there are 14,000,000 acres of undeveloped lands not included in farms. Ten million acres of this undeveloped land is suitable for agricultural purposes. This land is unsurpassed in fertility and adaptability to agricultural and horticultural purposes by any anywhere in the United States. The climate is pretty nearly perfect. The rainfall is abundant and crop failures are unknown. Commercial fertilizers are unheard of, because the land contains the accumulated fertility of the ages. Large bodies of hardwood timber have been growing there from time immemorial, and the falling leaves, twigs, and trees have added to the fertility of the soil. The timber has been largely removed, and the land lies there to-day ready to respond in rich harvests to the honest effort of the intelligent husbandman. It has a greater value to-day, from an agricultural standpoint, than it had from a timber standpoint. Not only is this true as to Wisconsin, but in the Middle West. The unoccupied lands of Wisconsin, Minnesota, and Michigan amount to nearly 40,000,000 acres. This large body of undeveloped land is the nearest cheap land to be found to-day close to the great centers of population.

Ten million acres of this rich soil is yet unoccupied and awaiting only the coming of man to blossom into 125,000 eighty-acre farms, supporting 500,000 people.

We in upper Wisconsin are making strenuous efforts to secure settlers, while the Government of the United States, through its various agents, is attempting to turn the stream of immigration away from our State to the arid lands of the West and to the reclamation projects, some of which, at least, are of doubtful success.

Forty acres of upper Wisconsin land will produce more than 160 acres of land under dry farming.

For many years Ex-Gov. Hoard, a nation-wide leader in the dairy field; former Dean Henry, of the Wisconsin College of Agriculture, a man of international reputation on feeds and feeding; Dr. Russell, the present dean of the Wisconsin College of Agriculture; Prof. R. A. Moore, agronomist of the Wisconsin Agricultural College and a man of international fame as a seed breeder; and other authorities, prophesied that upper Wisconsin would become the richest dairy and agricultural section of the whole country. These prophecies are being fulfilled, and the northern part of our State is being transformed from a hardwood wilderness into happy homes, rich gardens, fruitful fields, and blossoming orchards more beautiful than the pictures which were painted in the prophecies of the most optimistic.

I have traveled the northern half of Wisconsin from east to west, over splendid thoroughfares, through a beautiful undulating country; looked into the countenances of the pioneer farmers and visited their homes, and there have seen evidences of comfort and success, which have amply justified their faith in the future and my belief in the wonderful agricultural possibilities of upper Wisconsin.

Many of the facts and figures which I shall give you were compiled by Mr. John P. Hume from official and reliable sources, and they can be depended upon. Mr. Hume is the able manager of the Wisconsin Advancement Association, of Milwaukee, Wis., which association numbers in its membership many of the most substantial and successful business men of the State of Wisconsin.

The crops raised on this land compare most favorably with those raised on the richest prairies of Iowa, Indiana, and Illinois.

Alfalfa: The census figures show that the value per acre of alfalfa raised in Wisconsin is $31.24; in Idaho, $21.43; in Colorado, $19.08. I have been unable to secure statistics for irrigated land for any of the States excepting Idaho, and I find that the value of the alfalfa crop, even on the irrigated land of Idaho, is only $22.47 an acre.

Butter and cheese: We have in Wisconsin, according to the census of 1909, 1,005 creameries, 1,928 cheese factories, 88 skimming stations, and 19 condenseries, and we produce in the State over 100,000,000 pounds of creamery butter, over 145,000,000 pounds of cheese, and our condenseries use over 230,000,000 pounds of milk a year.

Flax: The value of flax per acre for Wisconsin in 1911 was $25.80; of Montana, $17.20; of Iowa, $17.20; of North Dakota, $16.98; and in no other State in the Union was the value as great as in the States mentioned.

Peas: In Wisconsin the value of the pea crop, according to the Thirteenth Census, was $21.38 per acre; in Colorado, $16.41; and in no other State in the Union is the value as great as in Wisconsin.

Grains: In upper Wisconsin the yield of corn to the acre is 35.7 bushels; in central Illinois it is 44.6. The yield of oats is

35.6, and in central Illinois it is 37.8. In Wisconsin the yield of wheat is 20.9, while in central Illinois it is 20.5. The yield of barley is 28.7, while in central Illinois it is 23.3. The yield of potatoes in upper Wisconsin is 136 bushels to the acre, while in Illinois the yield is only 89 bushels to the acre.

These, you understand, are the averages, and I have seen hundreds of acres of potatoes in northern Wisconsin which have produced 250 bushels to the acre.

Fruit: The fruit business is in its infancy, but there are at the present time many large orchards in upper Wisconsin. I personally visited a few days ago a cherry orchard containing 640 acres, and I was told of an orchard in Door County containing 1,000 acres of cherry trees.

The average net yield per acre from these cherry orchards is from $350 to $400, and the yield from our apple orchards is nearly as great. Last year the fruit exchange of Door County, Wis., marketed 46 carloads of strawberries and 21 carloads of cherries, all from one little corner of one county, and the fruit business is only in its infancy.

The census bulletin says that Wisconsin has passed out of the class of States having a large area of lands suitable for cultivation and not so utilized. Once more I call your attention to the fact that we have 10,000,000 acres of unoccupied land in the very heart of the dairy district of the country, and this land is all for sale to actual settlers on easy terms at prices ranging from $10 to $20 per acre. Upper Wisconsin is so well supplied with railroads that none of the land is at a greater distance than 15 miles from a railroad. The passenger rates are only 2 cents a mile, and the freight rates are reasonable in proportion, and the service is excellent.

Upper Wisconsin is very near to the great markets of Chicago, Milwaukee, Minneapolis, St. Paul, Superior, and Duluth, and great trunk lines of railroad lead directly to these cities.

The cost of clearing cut-over or stump land under the old method is from $15 to $40 per acre, and under new methods with up-to-date machinery the cost is only about one-half this amount. While the new settler is clearing his land he can make a living by selling the timber products on it as cordwood or in the form of bolts or logs or back to the paper mills, the shingle mills, the sawmills, the excelsior factories, the woodenware factories, the tanneries, or some of the many other factories which convert the rough timber products into finished articles for the market. These factories also furnish employment near at hand to the settler who is desirous of securing work off from his farm.

Cheap building material is at hand, and the cost of building houses and barns is much less than it is on the prairies or in the cities.

The Crop Reporter and Year Book of the United States Agricultural Department shows during the 10-year period, 1901–1910, inclusive, the following crop conditions:

Flax: Of all States producing flax during the 10-year period ending 1910, Wisconsin stands first.

Barley: Among the nine States producing 1,000,000 bushels or more during the 10-year period ending 1910, without irrigation, Wisconsin stands first.

Oats: Among the 16 States growing 10,000,000 bushels or more during the 10-year period ending 1910, without irrigation, Wisconsin stands first.

Spring wheat: Among the seven States producing more than 1,000,000 bushels of spring wheat, without irrigation, labor, and expense, during the 10-year period ending 1910, Wisconsin stands first.

Potatoes: Among the eight States producing 10,000,000 bushels or more per year during the 10-year period ending 1910, Wisconsin stands second, led only by a State using an enormous amount of commercial fertilizer.

Rye: Among the 13 States producing 500,000 or more bushels of rye in 1909, without irrigation, according to the latest 10-year tables, Wisconsin stands fourth. The three States leading Wisconsin do so by a very slight margin.

Corn: Among the 25 States producing 25,000,000 bushels or more during the 10-year period ending 1910, Wisconsin stands fifth. The leading State, Ohio, leads Wisconsin by only 2.4 bushels, Indiana by 1.5, Illinois by 1.3, and Pennsylvania by 1.1 per acre.

Hay: Of all the States not using irrigation, according to the latest tables for a 10-year period, Wisconsin stands fifth.

Sugar beets: The statistical tables indicate that Wisconsin leads all nonirrigated States and comes within a ton per acre of equaling the average of the irrigated States.

From an industrial viewpoint our State has nothing to fear.

Wisconsin has the largest freight railway yards in the world.

Wisconsin has the largest grain elevator in the world.

Wisconsin has the second largest ore dock in the world.

Wisconsin has the largest zinc-oxide plant in the world.

Wisconsin has on her borders one of the largest steel plants in the world.

Wisconsin has more water powers near enough to the great market centers to be available than any other State in the Union.

Wisconsin has more butter and cheese factories than any other State in the Union.

Wisconsin has the largest manufacturing creamery in the Union.

Wisconsin has the greatest agricultural college in the Union.

Wisconsin has as much health, wealth, and happiness as any equal number of people anywhere on earth.

Wisconsin's woods are full of game; her lakes, rivers, and brooks are full of fish; her openings and marshes are filled with raspberries, blackberries, blueberries, dewberries, strawberries, and cranberries.

Wisconsin's people are full of optimism and good cheer.

The State of Wisconsin has established a forest reserve in upper Wisconsin which now contains about 500,000 acres. This is being increased in size each year and will soon become one of the most beautiful great parks of the Nation. Within the limits of this forest reservation are over 1,200 beautiful little lakes, and in many of the lakes are tiny islands large enough to accommodate cottages for summer residents. These islands are wooded, and to the vision of the tired traveler seeking relief from the heat which prevails in the States farther south, they have the appearance of glistening emeralds standing out of the pearly surface of the wood-embowered lakes. Nature has decreed that this shall be the unparalleled summer playground of the Nation.

There is but one upper Wisconsin. It is destined to be a region of fruitful farms, of loaded orchards, of happy playgrounds, and of a liberty-loving, hopeful, healthy, prosperous people.

Good Roads.

SPEECH

OF

HON. WILLIAM J. CARY,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 23, 1912.

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. CARY said:

Mr. SPEAKER: The establishment and building of good roads is of paramount importance to all the people of the United States, and is a question which should receive the careful attention and consideration of every person interested in the economic issues of the day.

Speaking broadly, I believe in good roads and am heartily in favor of any measure which will bring about better roads, either by State or Federal legislation. I am in hearty accord with every association or movement which has for its sincere and conscientious object the extension and betterment of road conditions in this country.

The vast interest manifested by capital in building railroads during the past 50 years and the cooperation of the States in this work has possibly caused us to neglect the road problem, which now presents itself more strongly than ever before. While the railroads form a fine network the country over, yet good roads to subdivide these sections of communication traversed by the railroads are absolutely essential to carry on consistently the general plan of making commerce and transportation as perfect a thing as possible.

Although it is a fact that the United States has probably poorer roads than the European countries, yet it must be borne in mind that its area is greater, it is younger in years, and considering the fact that we have perhaps one and one-half million miles of roads in this country, we need not feel discouraged at the situation.

It is estimated that the average farmer lives about 12 miles from a railroad. The great difficulty which confronts the American farmer is getting his product to the railroad station or the point of distribution. I believe that the railroad problem will be soon solved by strict Government control, interstate by Congress and intrastate by the States themselves.

It can not be disputed that, considering the amount of taxes the farmer pays the Federal Government each year, he receives less in proportion in return than any other class of citizens. It may seem difficult to imagine that financial aid by the Government toward road building will be successful, but when we look back upon the rural delivery project it will be recalled that until it was actually put into operation very few people had any confidence in the proposed plan.

I had the pleasure of addressing the convention of the Rural Letter Carriers' Association at Milwaukee on September 19, 1911, and in the course of my remarks laid special stress upon the importance of good roads in connection with their problems; that "Good roads and rural free delivery are twin brothers."

The Government is trying to reduce the cost of maintaining the rural free-delivery system. I believe if the Federal Government gives the States its cooperation in the work of good roads, we will soon realize that money spent in this direction would aid in solving the problem of the cost of the rural free-delivery system.

The increasing tendency of the population of the United States is to concentrate in the big cities. This is one of the prime reasons for the high cost of living at the present time. The consumption in the sections concentrated with population as compared with the sparsely settled communities furnishing the product is so out of proportion that the demand exceeds the supply, and prices are consequently boosted.

Good roads certainly would be an inducement for more people to go to the country and interest themselves in farming, because it would, to a considerable degree, solve the problem of hauling.

Good roads will increase the values of land in rural sections. The large cities have the benefit of these increases of value through Government aid with the building of harbors and docks, post offices, and other Government public buildings.

The farmer can afford only to haul his product a certain distance. If by good roads this distance can be doubled or the load doubled, it is obvious that he will be eager to grasp these opportunities and increase the yield of his lands.

When the United States takes hold of the situation and gives the States its cooperation, then we will soon lead in this important enterprise in the same manner as this Government predominates in other economic changes demanded by modern times.

The Dissolution of Trusts.

SPEECH

OF

HON. JAMES R. MANN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 25, 1912,

On the resolution (H. Res. 504) providing for the investigation of banking and currency conditions of the United States.

Mr. MANN said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks an address before the Staten Island Club by Hon. George W. Wickersham, Attorney General of the United States, as follows:

THE DISSOLUTION OF TRUSTS—AN ADDRESS BEFORE THE STATEN ISLAND CLUB BY HON. GEORGE W. WICKERSHAM, ATTORNEY GENERAL OF THE UNITED STATES, THURSDAY, APRIL 25, 1912.

"In the general discussion over the Sherman antitrust law, until a very recent date, but little attention was paid to the precise method which should be adopted in dissolving the so-called 'trusts,' formed for the purpose of controlling industrial business, and great misapprehension even yet seems to exist as to the precise nature of the legislation which Congress has already enacted, the ends sought to be obtained, and the methods by which they are to be reached. The Sherman law, in simple, comprehensive terms, condemns contracts, combinations, and conspiracies which restrain, and attempts to monopolize, interstate trade and commerce. While criminal penalties are imposed by the act upon individuals who violate its provisions, and property in the course of transportation from one State to another under or pursuant to an illegal combination or conspiracy of the character denounced by the act is made liable to seizure, the only provision made to govern the disintegration of unlawful combinations is that in section 4, which invests the circuit (now district) courts of the United States with power, upon petition in equity, 'to prevent and restrain violations of the act.'

"Substantially all of the cases which were brought under the Sherman Act prior to the Northern Securities case were either proceedings by indictment against individuals or suits in equity against combinations formed by agreement between separate and independent individuals or corporations, in which a decree of injunction restraining the further continuance of the agreement was all that was necessary to secure the relief sought.

"The only effort made prior to 1905 to apply the law to one of the great industrial combinations, whose existence was the principal evil which brought about the legislation, was the suit against the American Sugar Refining Co. to prevent it from holding four refineries in the city of Philadelphia, which, added to those already possessed, gave it 98 per cent of the refineries in the United States. This is known as the Knight case. It was decided by the Supreme Court in January, 1895, and is reported in One hundred and fifty-sixth United States Reports. The petition in that case prayed that the contracts of sale and purchase of those four refineries be rescinded and that they be restored to their several vendors, and the American Co. enjoined from acquiring, holding, or operating them. Most unfortunately the majority of the Supreme Court took a narrow view in construing the act, holding that it was ineffectual to reach such purchases, because manufacture was not commerce, and the control of substantially all the manufactories of the United States was not necessarily a monopolization of commerce among the States in the products of their manufacture. As the petition was meager in its allegations and made no substantial charges of restraint on commerce, except those resulting from an interference, natural, to be sure, but not clearly asserted, that one who owned substantially all the manufactories of a given commodity must control the commerce in it; the undoubted principle that national legislation can not control manufacture as such, but only interstate and foreign commerce, was held conclusive on the issues involved; and the effectiveness of the Sherman law to accomplish the main purpose of its enactment was set back 16 years.

"The recognition of the vital possibilities of the law really dates from the decision of the Northern Securities case. The facts concerning that momentous contest are of recent knowledge, and yet it may not be without interest to restate them in connection with the subject we are now considering.

"In the spring of 1901 a contest arose between Mr. Harriman and his associates on the one hand and Mr. Morgan, Mr. Hill, and their associates on the other for control of the Northern Pacific Railroad. The Northern Pacific and the Great Northern had shortly before then acquired jointly the stock of the Chicago, Burlington & Quincy Railroad Co., which action Mr. Harriman regarded as an invasion of the Union Pacific territory. He demanded and was refused an interest in the purchase. Thereupon the Harriman party bought a majority of the stock of the Northern Pacific Railroad Co., but in so doing they overlooked the fact that a majority of all the stock did not control the company, as the preferred stock was subject to retirement at the option of the common-stock holders and the Hill-Morgan interests held a majority of the common stock, which enabled them to compel the retirement of the preferred stock. This situation brought about an agreement between both parties to put the stocks of the Northern Pacific and the Great Northern Railway companies into a holding company formed for that purpose under the name of the Northern Securities Co., which company should control the Great Northern, the Northern Pacific, and the Burlington systems, in which control the Union Pacific, through its enormous holdings in the Northern Securities Co., would have exercised a very powerful, if not a dominating, influence. This combination aroused great public opposition throughout the whole country, and in March, 1902, by direction of President Roosevelt, Attorney General Knox filed a petition under the Sherman law to break up this merger as being a combination in restraint of trade in violation of the Sherman law. The specific relief asked in this petition was that the combination be declared void; that the Northern Securities Co. be enjoined from exercising the rights of ownership over the shares of stock of the Northern Pacific or the Great Northern Railway companies held by it; that it be compelled to surrender the certificates of stock issued by it in exchange for the shares of those companies; and that the various individual and corporate defendants be enjoined from doing anything to continue the control of the Northern Securities Co. over those two lines of railroad. The decree of the circuit court substantially followed the prayer. It enjoined the securities company from voting the stocks in the railway companies held by it or from collecting dividends on them, but provided that nothing in the decree should be construed to prohibit the securities company from returning the stocks of the respective railway companies to the holders and owners of its own stock originally issued in exchange or payment for the stocks of the railway companies.

"That decree was affirmed by the Supreme Court. The securities company, however, instead of attempting to return the stocks of the railway companies held by it to the individuals from whom it had received them in exchange for its own stock, reduced its capital from $400,000,000 to a trifle under $4,000,000 and directed the distribution of the stocks of the railway companies held by it pro rata among all of its stockholders. Mr. Harriman and the Union Pacific objected to this distribution, contending that they should get back what they had put in, and brought suit to compel the securities company to make this return. But the courts denied them that relief, holding that the pro rata distribution was proper.

"Throughout the discussion in all the courts it was fully recognized that no principle of law could prevent the same group of individuals from acquiring and owning stocks in competing corporations in the same proportions; that what the law did condemn was the acquisition and perpetuation of the control of competing corporations by means of vesting their stocks in corporate hands, thereby preventing the distribution and separation of ownership which always result from individual stockholding. Back in 1895, when an earlier effort was made on behalf of the Great Northern Co. to secure control of the Northern Pacific Railway by putting the stock of the latter in the hands of trustees for the benefit of the stockholders of the Great Northern, the Supreme Court had, while condemning that arrangement, expressly recognized that individual stockholders could lawfully acquire by purchase a majority or even the whole of the stock of another and competing company; but it was pointed out that in such case the companies would still remain separate corporations with no interests as such in common, and within a short time by sales of the stock so acquired the control of those corporations might, and in all probability would, become fully dissevered.

"In the Northern Securities case Justice Holmes, in his dissenting opinion, said:

"I do not expect to hear it maintained that Mr. Morgan could be sent to prison for buying as many shares as he liked of the Great Northern and the Northern Pacific, even if he bought them both at the same time and got more than half the stock of each road." (193 U. S., 409.)

"And nothing in the opinions of the other judges, even those concurring in the decree granted, expressed any different view, while the later and unanimous decision of the Supreme Court of the United States in the Harriman case expressly approved the pro rata distribution among the stockholders of the Securities Co. of the stocks of the two competitive railroad companies.

"When, then, President Roosevelt's Attorney General, Mr. (afterwards Justice) Moody, prepared the petition in the Standard Oil case, which constituted the second attempt to enforce the law against one of the great industrial combinations, he, after setting forth the history of the great monopolistic combination, specifically prayed that the ownership and control over the thirty-odd subsidiary corporations whose stocks were held by the Standard Oil Co. of New Jersey, exercised by means of that stockholding, be adjudged unlawful; that the New Jersey company be enjoined from exercising control over those corporations through that stockholding, and from exercising or enjoying any of the rights incident to stock ownership in them, either by way of reception of dividends or voting, and that the defendants, including the New Jersey company, the subsidiary corporations, and the group of individuals alleged to control the New Jersey company, be perpetually enjoined from continuing the combination; and from entering into any other combinations in violation of the act, either by placing the control of the said corporations in the hands of any other corporation or person, or contracting together or with others with respect to the control of such corporations, or in respect to the purchase, shipment, transportation, manufacture, sale, and distribution of petroleum and its products, or by agreements as to the price at which such products should be purchased or sold, or the persons or corporations to whom, or the territory in which they should be sold, or otherwise disposed of, or as to the amount or quantity which should be sold, purchased, shipped, manufactured, or disposed of; or by agreeing with one another with a view to the imposition of any burden or condition upon the production, transportation, manufacture, or sale of such product. It is apparent that this prayer was somewhat of an advance upon that in the Northern Securities case, in that it asked not merely an injunction against the continued holding by the principal company of stocks in various subsidiary companies; but injunctions to prevent the formation of new combinations among the companies whose stocks were so held, and against certain specified agreements which would restrict free competition among the companies. It is also apparent that it asked the utmost that Attorney General Moody and his able assistants thought it possible for the courts to grant.

"The decree of the circuit court substantially followed the prayer of the bill. It especially provided that the defendants were not to be prohibited by the decree from distributing ratably to the stockholders of the New Jersey company the shares to which they were equitably entitled in the stocks of the various subsidiary corporations parties to the combination. It specifically enjoined the carrying into futher effect of the combination adjudged to be illegal, or any like combination, either (1) by the use of liquidating certificates, etc., or the placing of the properties or stocks of the competitive corporations in the hands of trustees, or (2) by making any express or implied agreement or arrangement, together or with one another, like that adjudged illegal, relative to the control or management of any of the corporations, or the price or terms of purchase, or of sale, or the rates of transportation of petroleum or its products in interstate or international commerce, or relative to the quantities thereof purchased, sold, transported, or manufactured by any of the corporations which would have a like effect in restraint of commerce among the States, etc., to that of the combination the operation of which was enjoined.

"This decree was affirmed by the Supreme Court, the Chief Justice in his opinion pointing out that penalties not authorized by law may not be inflicted by judicial authority, and that in applying remedies to dissolve the unlawful combination and to forbid the doing in the future of acts like those which in the past had produced the unlawful results:

"The fact must not be overlooked that injury to the public by the prevention of an undue restraint on or the monopolization of trade or commerce is the foundation upon which the prohibitions of the statute rest, and, moreover, that one of the fundamental purposes of the statute is to protect, not to destroy, rights of property.

"Thus, in this most important decree the Supreme Court expressly authorized and directed the breaking up of this combination by in effect compelling the holding company to distribute among its stockholders pro rata the stocks of the thirty-odd competitive corporations held by it, and sought to prevent a renewal of the unlawful combination by enjoining all of those corporations, as well as the individual defendants who held the dominant interest in them, from in the future doing acts of a character which, in the past, had restrained trade and made for monopoly.

"About a year after the suit against the Standard Oil combination was brought, President Roosevelt's Attorney General, Mr. Bonaparte, caused a suit to be commenced against the American Tobacco Co. and its subsidiary corporations and principal stockholders, in which, after charging them with constituting an unlawful combination and monopoly in tobacco and its products, in violation of the Sherman law, the petition prayed that certain specific agreements described in the petition be declared illegal, and their further performance enjoined; that the American Tobacco Co. and certain other specified corporations be severally adjudged to be combinations in restraint of interstate trade; that the holding of stock by one of the defendant corporations in another, under the circumstances described in the petition, be declared illegal, and such further holding enjoined; and that each of the defendants be enjoined from carrying out the contracts and combinations described in the petition, and from attempting or continuing their attempts to monopolize.

"The decree of the circuit court, which was rendered after the trial of that cause, was not regarded by the Government as granting the entire relief sought and an appeal was taken to the Supreme Court. That court held the combination to be unlawful, and then approached the question of remedy with acknowledged perplexity of mind. The Chief Justice pointed out wherein the decree of the court below was insufficient to grant the relief sought, and said:

"We might at once resort to one or the other of two general remedies: (a) The allowance of a permanent injunction restraining the combination as a universality and all the individuals and corporations which form a part of or cooperate in it in any manner or form from continuing to engage in interstate commerce until the illegal situation be cured * * *; or (b) to direct the appointment of a receiver to take charge of the assets and property in this country of the combination in all its ramifications for the purpose of preventing a continued violation of the law, and thus working out by a sale of the property of the combination, or otherwise, a condition of things which would not be repugnant to the prohibitions of the act. (221 U. S., 186–87.)

"But having regard to the vast interests affected, the court concluded it should adjudge that the combination was in all respects a violation of the law, and then refer it back to the circuit court, as it did—

"to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law. (221 U. S., 187.)

"The court laid emphasis upon the necessity, while giving complete and efficacious effect to the prohibition of the statute, of accomplishing this result with as little injury as possible to the interests of the general public and with a proper regard for the vast interests of private property which might have become vested in many persons as a result of the acquisition, either by way of stock ownership or otherwise, of interests in the combination, without any guilty knowledge or intent in any way to become participants in the wrongs found to have existed in bringing about the result condemned; and the court finally provided that, in case within eight months such a dissolution

and reorganization should not have been brought about, it should be the duty of the circuit court—

"either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver, to give effect to the requirements of the statute. (221 U. S., 188.)

"By this decree the Supreme Court remitted the problem to the circuit court to be solved by means of evidence taken or otherwise, as it should find expedient. It was indeed a novel burden laid upon a circuit court of the United States, and one which called for the exercise by it of great responsibility. The four judges of that court addressed themselves to the task with earnest thought and serious consideration. The combination which was submitted to them for dissolution possessed assets whose book value was more than $280,000,000. It had issued and outstanding in the hands of the public upwards of $104,000,000 of bonds and $78,000,000 of preferred stock. It carried on business in every State of the Union and in foreign countries. Its gross income for the year 1907 amounted to upward of $36,000,000. Only the holders of the common stock—$40,000,000 in par value—had voting power, and the entire combination in all its parts was, therefore, in the control of the holders of a majority of that $40,000,000 of stock. After many months of study and negotiation a plan of disintegration was prepared and was approved by the court. By this plan the American Tobacco Co. and each and every one of the corporations, which the court had held to be in and of itself a combination in restraint of trade, were disintegrated, and the business of the combination was divided up among 14 separate and distinct corporations in such manner that no one corporation was given a proportion of the business in any particular line in excess of 40 per cent of the business of the country in that line, and, save in one or two instances, not in excess of one-third of the business in that line. The business of the tobacco company was largely a business in brands, and the various brands were so distributed among the respective companies that no one company had the advantage in brands over any other; the business was also so distributed that no company was given a dominant position in the purchase of any particular type of leaf tobacco over any other company. The licorice business, tin-foil business, and the snuff business were separated from the tobacco business and transferred to separate corporations, and the companies engaged in foreign business were divorced entirely from the domestic companies. This plan of distribution was submitted to and approved as economically sound by the experts of the Bureau of Corporations of the Department of Commerce and Labor, who had, through a study of years, become thoroughly familiar with the tobacco industry.

"Of the $104,000,000 of bonds outstanding, provision was made to pay off one-half of them in cash and to exchange the remainder for bonds of the different distributee companies bearing an additional 1 per cent per annum of interest to the existing bonds were given. The voting power, which, as I have mentioned, was entirely in the hands of the holders of the common stock, was conferred upon the holders of the preferred stocks, so that in each of the distributee companies (among which the greater part of the tobacco business proper was distributed) instead of the control being in the hands of a majority of 40 it was put in the hands of a majority of 118, and by that method the control was taken entirely out of the hands of the individual defendants who had controlled the combination in the past, and they were enjoined from increasing their holdings. All restrictive covenants, foreign and domestic, were terminated. All agreements between the respective companies were ended. The 14 companies among which the business was distributed were specifically enjoined from conveying property from one to the other, from acquiring stock in one another, from lending financial assistance to each other. They were enjoined from making agreements with each other as to price, terms of purchase or sale of leaf tobacco or other products dealt in by them, or apportioning business among themselves with respect to localities. Every company was enjoined from employing the same business organization as that of any other company, from having the same purchasing or selling agents, and from occupying the same offices. They were enjoined from having common directors or common officers. Every distributee company was enjoined from doing business except in its own name or that of a subsidiary company, and where business was done in the name of a subsidiary it was required that the product must bear the name of the controlling company. They were enjoined from selling any brand of product upon condition that the purchaser should also buy of the vendor some other brand manufactured or sold by it.

"This decree marked a distinct advance over that in the Standard Oil case or, for the matter of that, any previous case. It is safe to say that no such drastic and comprehensive decree has ever been rendered by a court of justice in this or any other country, and, save on the assumption that business men of intelligence are ready to violate the solemn mandate of the courts of the United States, no intelligent person who has examined and understands the subject can honestly say that this decree fails to effectuate a complete and absolute disintegration of the unlawful combination found to exist and to make it impossible to continue or renew the practices which in the past have brought about the monopoly this decree has destroyed.

"The first superficial criticism of the decree which was made was that a distribution of stocks of a number of companies pro rata among the stockholders of one of them was merely perpetuating the same control in a different form. The argument, if sound, would be properly addressed to the legislative branch of the Government as a basis for new legislation; for the perfect legality of the condition resulting from such distribution, as I have shown, has been settled by the Supreme Court. But, economically considered, the criticism is equally unsound. The common experience of mankind is that individual owners of stocks in different corporations who are free to sell do not continue to hold the same interests indefinitely; and the whole effort to secure control of competing companies through stock owning has been based upon the theory that if the stockholders were left to themselves they could not be relied upon to perpetuate a common control. In the very short time that has elapsed since the entry of the decree in the Tobacco case the process of pulling apart has been progressively rapid. One of the principal sources of irritation against this combination grew out of its distributing company—the United Cigar Stores Co.—a company which the courts refused to hold was of and by itself an unlawful combination. Its stock was distributed pro rata to and among the shareholders of the American Tobacco Co. Every share has since been sold and acquired by persons having no interests in the other distributee companies. Short of absolute confiscation of the properties and of the destruction of these property interests which the Supreme Court pointed out as the objects of legitimate solicitude by the Government, no more complete or absolute dissolution of a trust could be accomplished than has been done by this decree.

"The very high prices quoted on the curb market for many of the stocks distributed out of both the oil and the tobacco combinations have been taken as demonstrating that no real change of monopolistic control has been accomplished by these decrees. But these prices are based, first, upon the discovery of the actual amounts of properties which these companies possess, and which—especially in the case of the Standard Oil Co., which had never made full statements of their assets and earnings to the public—are far in excess of what the public knew or believed them to be; and secondly, upon the mistaken belief that these companies in competition will continue to make the same profits which they enjoyed in monopolistic combination.

"Only time will demonstrate the results of the separate activities of these companies; but it is idle to expect that they can earn in competition the same profits they did when held together under a single management.

"The flippant charge made in some quarters that nothing has been accomplished by the Sherman Act, and that by these recent decrees the trusts affected have merely changed their coats, as it were, and renewed their existence in other forms, is based either upon ignorance or upon willful misrepresentation.

"Indeed, the criticism, whether friendly or hostile, ignores the fact that the disintegration of every one of the great combinations presents a different problem. The legislative branch of the Government has left it entirely to the courts to deal with combinations found to exist in violation of law. What shall the courts do? Shall they in every case enjoin the combination from engaging in interstate commerce, thus destroying the industry, or shall they in every case appoint receivers to sell the property? The Supreme Court has answered this by refusing to do any such thing. The Supreme Court has commanded the circuit courts to ascertain, either by taking evidence or otherwise, when a combination adjudged unlawful shall have been so separated that the parts are not separately or in their relation to each other unlawful combinations. The circuit court in the Tobacco case worked out a result the full beneficial results of which will become increasingly apparent, despite the efforts in some quarters to discredit and belittle its work. Congress might have enacted some other means of dealing with such problems, as, for instance, by providing that when a combination has been found by the courts to exist in violation of the law it should be given a certain time to dissolve in conformity

with plans approved by an administrative department, like the Bureau of Corporations in the Department of Commerce and Labor. But Congress has not seen fit to enact any such legislation. Yet in the most difficult problem yet submitted to the court the experts of that bureau have studied and approved the plan as completely destroying the tobacco monopoly and restoring competitive conditions.

"The courts and the law officers of the Government will continue to work out these problems as best they may in the absence of more direct constructive legislation, and it is to be hoped that any legislation which is enacted may be intelligently conceived with a view to facilitating the termination of evils which have been allowed to grow up, without injury to the legitimate concerns of the business world, without destruction to the vast property rights involved, and that such legislation shall not be merely molded by partisan resentment at the administrative branch of the Government, which, with the aid of the courts, has successfully solved, in the difficult instances which have thus far arisen, problems which the legislative branch has not even attempted to solve, and with respect to which it has not yet provided any assistance or furnished any guide. It is comparatively easy to determine when a combination has grown up to monopolistic proportions in violation of law; it is much more difficult to determine to what extent and in what manner it shall be separated to harmonize with law, and what measures shall be taken to prevent a repetition of the same illegal efforts.

"But much may be accomplished by compelling these newly constituted organizations to take a new start, warned for the future by injunction against specific acts, and animated by an honest desire to obey the law, for, in business life, as in other walks of life—

"To live by law, acting the law we live by without fear, and because right is right to follow right, were wisdom in the scorn of consequence."

The Postman, an Older Character than the Sphinx.

SPEECH

OF

HON. STEVEN B. AYRES,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 26, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. AYRES said:

Mr. SPEAKER: There is reason to believe that the postman is an older character than even the time-honored Sphinx. A post office for the service of the king probably came into being almost as soon as the first strong man had extended his rule beyond his immediate vision. The old-time post was eye and ear, hands and feet to the old-time ruler.

Doubtless at the beginning its chief business was correspondence that advertised the monarch of the plans and movements of his subjects and of the character of their substance. But the advertising letter was quickly followed by appropriate samples of the advertised goods, and a little later the same machinery served for the general transport of such of the sampled produce as was wanted for the satisfaction of the palate of the ruler or for the decoration of his person and that of his palaces and his villas. The old-time post also performed the further service of advertising to the subjects the decrees issued by the ruler for the public welfare.

On occasion the old-time post was of some incidental advantage to the subject, as, for instance, when the tears of Queen Esther prevailed upon King Ahashuerus to hasten his postmen to the ends of his empire with the decree reversing Haman's orders for the massacre of the Jews of his realm. Its primary purpose, however, was espionage and taxation service of the king.

This kind of post office arrived at its ultimate perfection in the Cursus Publicus, the letter, freight, and passenger post of imperial Rome, in the end the public curse of Rome, prototype of the modern express company, which the Merchants' Association of New York in 1898 styled an unrestrained monopoly that levies taxes upon business, arbitrary, excessive, exorbitant, prohibitory. "Customers that can not escape them are eaten up by them."

The taxation of this modern Cursus Publicus, like that of old Rome, is taxation without representation in its most dangerous form. It is instinct with discrimination against the weak in favor of the strong.

Save in the case of the University Posts of Paris and Bologna, which for centuries transported not only the correspondence but the baggage and persons of the students as well between their homes and the great medieval schools, save in this single instance, I think, the principles of the Roman Cursus Publicus largely dominated every postal service that came into being from the days of Cæsar Augustus down to the establishment of the English Uniform Penny Letter Post of Rowland Hill.

The old-time post was essentially a private enterprise, run for the private profit, and carefully restricted to the private use of the governing power. The extent of its service is shown by this memoranda as to the curious articles sometimes franked by the old English post office:

Fifteen hounds, going to the King of the Romans, with a free pass.
Two maidservants, going as laundresses to my Lord Ambassador Methuen.
Dr. Crichton, carrying with him a cow and divers other necessaries.

Even the first order issued for the establishment of a post office in the American Colonies directed the postmasters to furnish horses for the transportation of travelers, at a rate of threepence a mile for a horse and fourpence a mile for a guide; parcels up to 80 pounds to be carried on the guide's horse free.

But public convenience, public security, public prosperity received little regard in old-time legislation. In England up to 1839 and in the United States up to 1845 postal rates were almost as bewildering as American express rates are to-day. It was next to impossible to secure accurate information as to the tax that might be exacted from the recipient of a postal packet. The rates were always determined by distance, always on the principle of "what the subject would bear." The high, uncertain charges forbade the use of the mails to the poor, hindered the development of trade and of commerce, checked the growth of postal revenues. The governing classes sent their mail matter free. Franks were sometimes sold, sometimes given to servants in lieu of wages. The American slave government closely followed its English ancestor. For this chaotic private service (stockholding enterprise) Rowland Hill substituted the public-service post office, based on the cost of the service principle, making the very lowest local postal rate the uniform standard rate for all distances, and lo, a new world was born!

The aim of the post office is still the service of the king. To-day, however, it serves the citizen king, advertising to him the plans and movements of his public servants—Congressmen and Senators, advertising to them his orders, while also giving to him the essential news as to where best to satisfy his wants and dispose of his wares. That the machinery employed for this service is equally fitted for the transport of his advertising samples is clearly evident.

This work, indeed, is already well begun. The United States post office is handling publishers' merchandise to-day in parcels, at 1 cent a pound, and this for all distances. It is also handling ordinary merchandise in 4-pound packets at 1 cent an ounce. The continued evolution of this wonderful service is inevitable. Nothing can long check its onward movement.

The modern post office inaugurated in England by Rowland Hill, in 1839, and by Abraham Lincoln in the United States, in 1863, is the citadel of liberty. It is the hope of industry. Its underlying principle is "Cooperation." Its motto is "One for all. All for one."

Its system of uniform rates tends to equalize both commercial and social conditions, at once elevating the most unfortunately located backwoodsman to the condition of the most fortunate townsman, and, on the other hand, elevating the child of the slum to the condition of his most happy country brother. It brings to all equality of opportunity.

That the friends of liberty in the United States quickly realized the possibilities of this wonderful service is proved by the following extract from the report of the postal committee of the National House of Representatives of 1844:

To content the man dwelling more remote from town, with his lonely lot, by giving him regular and frequent means of intercommunication; to assure the emigrant who plants his new home on the skirts of the distant wilderness or prairie that he is not forever severed from the kindred and society that still shares his interest and love; to prevent those whom the swelling tide of population is constantly pressing to the verge of the wilderness from sinking into the hunter or savage state; to render the citizen, howsoever far from the seat of government, worthy by proper knowledge and intelligence of his important privileges as a sovereign constitutent of the Government; to diffuse throughout all parts of the land enlightenment, social improvement, and national affinities, elevating our people in the scale of civilization and binding them together in patriotic affection—this, said the House postal committee of 1844, is the end of the post office.

Five years later Congressman Palfrey, of Massachusetts, in his great speech in behalf of an American uniform 2-cent letter rate, made in the House of Representatives February 21, 1849, echoed the same sentiments: "I think much of colleges; I dearly love common schools; but I shall not at present undertake to say that cheap postage will not turn

out to be an institution for education more efficient than any other. I can not tell how soon it might be a question whether the mariner's compass or the art of printing had changed the condition of man more than a good system of postage. Never was a simpler mechanism devised for working out good and great effects.

The silver-tongued Elihu Burritt followed with the demand for a cheap ocean postage that would bind the nations together with "hooks stronger than steel." In 1856 President Tileston, of the New York Postal League, declared that the adoption of the system of uniform postal rates in England had reduced the cost of the service to one-fourth of the old régime.

On the 10th of June, 1870, the eloquent Sumner congratulated the Senate that slavery being dead one more step might well be taken in behalf of a wider liberty by the establishment of a 1-cent letter rate. And this is his language:

> Not to make money, but to promote the welfare of the people and to increase the happiness of all. Such is the precious object I would propose, and here I ask no such question as "Will it pay?" It may not pay in revenue at once, but it will pay in what is above price. Unhappily the post office, whether at home or abroad, has been from the beginning little more than a taxing machine, a contrivance to make money. In England it was at times farmed out to the speculator, and then it was charged with the support of a royal mistress or favorite. For its profits only was it regarded and not for its agency in the concerns of life. In other respects it was not unlike the government, which was simply a usurpation for the benefit of a few. All this is much changed, at least among us, and government is the creation of the people for their good.
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> Instead of a mere taxing machine, a contrivance for making money, the post office should be an omnipresent minister, reaching out its multitudinous help and comfort into all the homes in our widespread land.
>
> It is because Senators see the post office only in its least elevated, not to say its most vulgar, character that there is this hesitation. Contemplate for one moment, if you please, its great and beautiful office. It is the universal messenger of the people, bearing tidings of all kinds, whether of business, hope, affection, charity, joy, or sorrow, and articulates them throughout the land. There is nothing that man can do, desire, or feel that is not contained in the various and abounding errands. The letters of a single day are the epitome of life, and this service is unceasing. Every day the messenger flies over the land from city to city, from town to town, from village to village, from house to house, leaving everywhere the welcome token. Such a messenger is more than a winged mercury, with sandaled feet and purse in hand, whose special care was commerce. It is an angel in reality as well as name.
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> Of all existing departments, the post office is most entitled to consideration, for it is the most universal in its beneficence. That public welfare which is the declared object of all the departments appears here in its most attractive form. There is nothing which is not helped by the post office. is business in question? The post office is at hand with invaluable aid, quickening and multiplying its activities. Is it charity? The post office is the good Samaritan, omnipresent in all the highways of the land. Is it the precious intercourse of friends? The post office is carrier, interpreter, handmaid. Is it education? The post office is schoolmaster, with school for all and with scholars by the million. Is it the service of the Government? The post office lends itself so completely to this essential work that the national will is carried without noise or effort to the most remote post office, where would be that national unity with irresistible guaranty of equal rights to all which is the glory of the Republic.

In 1874 the German postmaster general, Dr. Stephan, established the World Letter Post Union, projected in 1862 by the American Postmaster General, Montgomery Blair. In 1878 the United States cast one of the 15 votes approving of Dr. Stephan's proposal for an international parcel post. In 1880 the German suggestion became an established fact, but without the cooperation of the United States. In 1885 the convention of Lisbon enlarged the parcel limit of 1880 from 7 to 11 pounds and extended its services to a population of 262,000,000.

An international C. O. D. service, the issue of letters of identity, the transport of letters and boxes of declared value, and postal subscriptions for newspapers and magazines either accompanied or quickly followed the international parcel post. Domestic parcel services were rapidly established in almost every civilized country and in many half-civilized countries, with ever-widening weight limits and ever-diminishing rates.

In 1883 the blind Postmaster General Fawcett presided at the birth of the English parcel post, and in 1890 Sir George Findlay, manager of the London & Northwestern Railroad, said of it:

> The parcel post compared with its elder brother, "the letter post," is yet in its infancy, but it has almost at a bound become one of the great institutions of the country and has fully justified its inception.

In recent years—since 1892—the English private transport tax on parcels under 300 pounds, technically called "smalls," has been increased from 4 per cent on the larger parcels to 500 per cent on the smaller, but not only has the post office protected the 11-pound packet from this increased tax, on parcels over 1 pound the rate has been decreased one-third. To-day the English postal leader, Henniker Heaton, is advocating a 112-pound C. O. D parcel post, with rates of 2 cents a pound, minimum 4 cents, 50 cents on a 112-pound parcel—this to save the small farmers of England from the rapacity of the private transport companies, whose extortionate taxes and inadequate service, he claims, are devastating the country and causing a national loss of $300,000,000 a year.

Experience is proving the British and colonial parcel post, with its rates of 24 cents on a 3-pound parcel, 48 cents on 7 pounds, 72 cents on larger parcels up to 11 pounds, to be a most effective mechanism for the enrichment of both England and her colonies.

The year 1885 saw the United States provided with a uniform 2 cents-an-ounce letter post, a cent-an-ounce 4-pound merchandise post, and, what has proved of inestimable value as the citadel of the liberty and independence of the American press as well as a means of public education, a cent-a-pound—public school, public advertising—post that has fully justified all the claims of Palfrey and of Sumner.

During the 10 years following 1885, however, the expressman held well-nigh supreme sway at Washington. The splendid postal schemes projected by Postmasters General Vilas and Wanamaker were effectually sidetracked.

Mr. Vilas would have solved the question of railway mail pay by the government ownership of postal cars, saving thereby the full value of the cars every year.

Mr. Wanamaker would have reorganized the whole service on a business basis, and would have secured to us a 1-cent letter rate, 10-cent telegrams, 3-cent telephones, house-to-house collection and delivery, a steadily extending parcel post, foreign and domestic, but the four great express companies stood in his path and damned his every movement forward. They cut off the free reforwarding system from everything but first-class matter. In 1896 they reenacted the law restricting the weight limit of merchandise to 4 pounds. The same year Congressman Loud, chairman of the House postal committee, brought forward a most subtle proposition for the absorption of the post office by the railways, proposing as a first step the abolition of that great organ of public intelligence—the cent-a-pound publishers' post.

This purpose was clearly set forth in the following statement of Mr. Loud, thrice repeated in the reports on his various bills attacking the second-class service:

> There is much maudlin sentiment among many of our people about the Post Office Department. Many compare it with the War and Navy Departments, and say it should not be run for profit or even to pay the expense of operation, but should be supported by taxation and run in the interest of and for the people. To our mind, however, there is no comparison; the one is for the defense of the Nation as a whole; no one individual needs their protecting arm more than another, and all are taxed according to their means for their support. The Post Office Department is an accommodation to the great mass of our people, but not an absolute necessity; private means could as well, or better, be adapted to the transmission of our mails, and in the opinion of the writer of this report—and that opinion is formed after many years of practical and theoretical experience in postal affairs—could be so done much more cheaply, with quicker dispatch, and better satisfaction to the people.

Up to 1887 it was unlawful to exchange salable merchandise by mail between the United States and any foreign country. Our parcel-post convention of 1887 with Mexico first infringed upon this express commandment, but no other important parcel-post convention followed until 1899, when President McKinley established the first European parcel-post convention—that with Germany. The special characteristic of this convention was that it allowed each country to determine the tax paid on its export parcels. Previous to this convention our Government had made a few conventions with the West Indies and some South American Governments, but in each case had dictated the conditions of the service in both directions—12 cents a pound each way; $1.32 on 11-pound packets. Under the convention with Germany our Government still continued this tax on American export parcels, while Germany taxed her export parcels to the United States—11 pounds, 58 cents. The scheme was a triumphant success from the start; naturally enough, however, the American-bound packets largely exceeded those from America to Germany, both in weight and in number.

In 1902, American bound, 44,952, average weight over 7½ pounds; Germany bound, 24,694, weighing on an average only 2¾ pounds. The total number of parcels thus interchanged between Germany and the United States in 1902 reached the large amount of 69,646, while the total international service of the United States amounted to only 149,916 parcels, having a weight of 662,502 pounds, a little over 331 tons.

The enormous German business and its bulky packets so frightened the American authorities that they forthwith notified the German Government that although Tunis and Egypt and Spain were able to handle 11-pound packets the United States found such a weight altogether beyond their ability. On the 1st of July, 1903, the weight limit of our parcel service with Germany was therefore cut down to 4 pounds 6 ounces. From that time forward our international parcel service stood practically still until the spring of 1909, when President Taft revived the old 11-pound parcel-post convention with Germany and inaugurated a series of similar conventions with other

European countries, which leave our parcel-post services, international and national, as follows:

Weight limit: Foreign, 11 pounds; domestic, 4 pounds.

Rates: To the United States, about 8 cents per pound; from United States, 12 cents per pound; within United States, 16 cents per pound.

From Norway (2¼ pounds), 16 cents; to Norway, 36 cents; domestic, 36 cents.

From Germany (4½ pounds), 33 cents; to Germany, 60 cents; domestic, 72 cents.

From Italy (7 pounds), 39 cents; to Italy, 84 cents; domestic, $1.12.

From Great Britain (7 pounds), 55 cents; to Great Britain, 84 cents; domestic, $1.12.

From Italy (11 pounds), 79 cents; to Italy, $1.32; domestic, $1.76.

From Great Britain (11 pounds), 79 cents; to Great Britain, $1.32; domestic, $1.76.

From Germany (11 pounds), 81 cents; to Germany, $1.32; domestic, $1.76.

Under these new arrangements the international parcel-post services are growing with leaps and bounds. For the year ending June 30, 1911, the American parcels dispatched numbered 615,260, the average weight being 2.96 pounds. The number of parcels received amounted to 359,219, the average weight being 4.68 pounds. The total weight of the parcels dispatched was 1,824,623 pounds; received, 1,680,724 pounds.

The following figures will give some idea of the parcel exports of the leading commercial countries:

Exports by post, 1909.

	Ordinary parcels.	Parcels of declared value.		International C. O. D. parcels dispatched mail orders.	
	Number.	*Number.*	*Value.*	*Number.*	*Value.*
Germany	15,840,127	509,386	$36,265,000	1,342,960	$9,712,000
Austria	16,321,220	487,220	104,818,000	.....	.....
France	5,456,780	859,000	37,689,000	576,523	4,511,000
Great Britain	2,706,839	250,320	.....	.....	.....
Hungary	3,668,117	318,099	9,764,000	857,371	2,255,000
Switzerland	1,712,535	292,525	18,366,000	167,962	1,100,000
United States, 1911	615,260	.....	.....	.....	.....

As compared with the nations of Europe our foreign parcel post is yet but an infant, but the fact that the weight of our export parcels increased in 1911 by more than 22 per cent over 1910, and the number of the parcels increased by 18 per cent, indicates what might happen if President Taft and Postmaster General Hitchock should cut down our export parcel rate to 8 cents a pound, and thus place us somewhat on a par with our European friends in their exports by post to the United States, and should at the same time arrange with our foreign friends for the insurance of the merchandise exchanged to their full value.

In his report of 1911 Second Assistant Postmaster General Stewart says of the increase of our business with the outside world:

The increase in the number and weight of parcels sent to foreign countries is a clear indication of the advantages which it offers to American exporters, who have no other cheap and convenient means of conveying commodities of small bulk to foreign ports.

The necessity of a cheap and efficient parcel or sample post as a supplement to the American advertisers' cent-a-pound post was well expressed by Mr. Milton Jackson in his address on a parcel post before the International Commercial Congress of Philadelphia in 1899:

However—

Said Mr. Jackson—

men differ in opinion upon subsidies and tariffs, there are some propositions upon which we all agree. To whatever country we belong, we do not object to receiving free samples of products of any other nation on earth, accompanied by description and price quotation. We all prefer to purchase only of what our eyes have beheld. Confidence must be fel' before we can consent to make an investment.

The merchant or producer who can not present a sample of the goods offered is at a great disadvantage in competition with his competitor who has samples on exhibition and who carries them to his prospective market.

Commerce is made up of trade in two important classes of products—staple goods and specialties. What may be staple in one market may be a rare specialty in another.

While staples form the greater volume, specialties educate those who receive them. Specialties are the product of the latest thought. Specialties sell at the greatest per cent profit. It is for the producer of specialties we speak, and not less for the producer than for the consumer. This is a reciprocal matter.

And, again, we speak for the products of the small manufacturer. In the United States we have thousands of these, none of whom can individually afford to bear the expense of sending capable salesmen to the ends of the earth.

All specialties must be advertised, must be sampled by the purchaser before he will buy, and the producer must bear the expense of introducing his specialty and of rendering it a staple in the market.

We claim that the simplest and most effective foreign advertisement is by sample, and that by parcel post these may be most easily distributed. By this means remote nations may discover mutual interests in the products of the other, and friendly and more intimate relations would naturally follow.

Send from Brazil to a hundred selected names taken from the Blue Book of Philadelphia 100 samples of some extra-delicious coffee, duly labeled, and a demand for that brand of coffee would instantly create orders for stocks from our leading grocers.

The matter of import and export duty may be referred to the oversight of the Consular Service, and can be easily adjusted in each individual case according to the law of the land interested.

Let us join in a proposal. Let this Congress declare for a universal parcel post—as universal as the World Letter Post Union.

As for the people of the United States, now that they are about to develop a colonial policy, now that they have in part learned that we may not safely depend upon our home markets to keep the wheels of industry moving and our laborers well paid, shall we not accept the lessons set by England and by Germany and copied (as to parcel post) within the limits of our own country?

Let us adopt every facility, remove every unjust barrier, and cement our friendship by treaties—postal treaties—that shall bind our common interests and enable the people of the nation most remote from these United States to share with us and we with them in all gifts that can be transported that make for human comfort and the progress of the race.

And the congress voted unanimously in favor of Mr. Jackson's proposition, praying the United States and all other countries to join in the International Parcel Post Union. Public-spirited citizens of New York City have ably supported this enlightened policy, Mr. James L. Cowles, of the Postal Progress League, giving much of his valuable time to spreading the gospel of advance.

Under the differentiation of modern industry the world offers none too large a market for the satisfaction of our wants and the disposal of our wares, none too wide opportunities for our enjoyment and our employment.

The demand of the times for the reduction of the cost of living and for the widening of the opportunities for getting a living can only be met, I believe, by the breaking down of the legal barriers that now hinder international intercourse and by a world-wide postal service, covering the whole business of public transportation and transmission—a service managed by a United States of the world, with low, uniform rates steadily diminishing with the improvement of our postal machinery and its more efficient management, until the time shall quickly come when the weakest hand, the most timid voice, shall reach to the ends of the earth and command its richest treasures.

Post Office Appropriation Bill.

SPEECH
OF
HON. GEORGE WHITE,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 24, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WHITE said:

Mr. SPEAKER: When the Post Office appropriation bill was under consideration in the House a few days ago it afforded me much pleasure to vote in favor of the amendment of the gentleman from Kansas [Mr. MURDOCK] to increase the salaries of watchmen, messengers, and laborers $100 a year.

I was also deeply interested in the discussion which took place regarding the appropriation to provide for promotion of 75 per cent, instead of 50 per cent as heretofore, of the clerks and carriers to the highest grades in their respective offices. Judging from the remarks of my colleague from Ohio [Mr. ALLEN] there will be sufficient appropriation to provide for the promotion of every efficient clerk and carrier to the highest grades who will be eligible for promotion, as the normal changes in the service through death, resignations, and transfers will be more than sufficient to make up the remainder of the 25 per cent not provided for in this bill. I sincerely hope and trust that this is so, as these letter carriers and clerks in post offices are the men who perform the real work, and they should receive proper encouragement by way of promotions when deserved. I also favor Mr. ALLEN'S bill for automatic promotions to these highest grades.

The Committee on the Post Office and Post Roads should receive the congratulations of the Members of this House for the recommendations for new legislation which they have covered in the Post Office appropriation bill. That the different items submitted to the House for consideration are ones that the Members desired to vote upon is attested by the vote in support of the special rule that will permit this new legislation to be considered as regular business. I heartily favor section 5, which provides an eight-hour workday for letter carriers and post-office clerks, as I believe that these men are entitled to the benefits of an eight-hour law just as much as are other em-

ployees in the Government service. I was always under the belief that the postal employees worked but eight hours a day, and it was not until I became a Member of this body and have made inquiry in order that I could vote intelligently that I discovered the true conditions. When the general debate is finished and section 5 of the bill comes before the House for a vote it will afford me much pleasure to be recorded in favor of an eight-hour day for these clerks and carriers.

I am also heartily in favor of the section in the bill which will grant the right of petition to the postal employees and permit them to present their grievances to their Member of Congress without fear of losing their positions. Much has been said about the famous "gag rule" since the appropriation bill has been under consideration, much of which I heartily indorse. I believe that the constitutional rights of the civil-service employees have been taken away from them through the Executive order promulgated by President Roosevelt and reissued by President Taft, but which, I am pleased to say, has been modified by the President in an order issued a short time ago.

The postal service is the one branch of the Government that is near and dear to the public. We should endeavor to make the service as perfect as possible and give to the public every benefit in the way of the prompt delivery of the mail.

We should also give fair consideration to the employees in the postal service and accord them, at least, the same treatment as is enjoyed by employees in other branches of the Government service. It is my opinion that a contented and satisfied working force makes a progressive and perfect service.

Post Office Appropriation Bill.

SPEECH

OF

HON. HORACE M. TOWNER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 26, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. TOWNER said:

Mr. SPEAKER: I desire to congratulate the House and the people of the country on the spirit of fairness which has brought before us for consideration the provisions of this bill relating to highway improvement. Many bills have been introduced, and gentlemen who presented them were anxious that their particular proposition should be favorably considered. But the desire for the public good through the attainment speedily of legislation has overcome individual preference and pride, and I believe that all or nearly all the sponsors of those individual bills are now supporting this compromise measure.

The bill reads as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shell, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

This legislation is not impliedly or remotely within the power of Congress, it is directly within the express terms of the grant of power in the Constitution. That instrument confers upon Congress the power "to establish post offices and post roads." Congress has exercised the power thus granted directly by building and maintaining post roads through appropriations from the National Treasury. But for the most part this has been unnecessary, for in the evolution of transportation our principal post roads have become the railroads, which have been built and are maintained by private enterprise. We have exercised the power indirectly by making them our agents and paying them by appropriations for the carriage of the mails. This has been to the advantage of both parties, for the Government has been saved from the immense cost of building and maintaining roads and the roads have certainly been well paid for the service rendered; besides, many of the great trunk lines have been richly subsidized by grants of land from the public domain.

Lately we have taken a further step in the development of the service contemplated and provided for by the Constitution. The General Government has established the rural free-delivery system, by which the agents of the Government use directly for immediate governmental purposes the country highways. These highways were built by the people and have been maintained by the people for the use of the people.

It is not contemplated that the Government will build or improve them, or maintain them, or supervise them. These burdens will be borne by the States, the local municipalities, and the adjoining landowners. But since the Government has become directly interested in the character of the roads and in their maintenance, because its agents and representatives are in constant use of them, it is both wise as a policy and as an act of justice to those upon whom rest the principal burden of building and maintaining them that it should make some contribution to their maintenance.

To do so, as we have seen, is within the power of Congress without any straining of the constitutional warrant. It is exclusively a question of policy for this body to consider and determine. The provision is moderate in its terms, it is fair, it will be capable of easy application, and its benefits will be widely and equitably distributed.

It is unnecessary in this presence to argue the great, the immense, benefit that has followed the establishment of the rural free-delivery system. From every standpoint it has proven a blessing, which is by no means limited to those immediately served. It has brought the city and the country into close commercial relations, and so has benefited them both materially. But its benefits are not to be measured by its financial advantages. In the dissemination of intelligence, as an effective means of education, as an instrument in the moral enlightenment of the people, it has proved of immense value. Gentlemen on this floor during this debate have spoken of the system as not self-sustaining, as being a burden to the carrying of which the cities were generously contributing. But there is not one of them who will propose the abandonment of the system, nor will they contend that it has not justified its establishment, nor will they assert that there is any other appropriation that is more wisely expended. There is not one of them but will list it as one of the greatest of the achievements of our national administration and glory in it as a notable triumph of our modern civilization.

It is most fortunate, Mr. Speaker, when in the exercise of its appropriating power Congress can not only justify an expenditure to its immediate object, but can at the same time by such act stimulate and assist some great and worthy cause, the accomplishment of which is generally desired and of admitted public benefit. Such is the case in the present instance. It is confidently believed that the cause of good roads in the United States will receive from our contemplated action an impulse and encouragement that will go far toward securing the permanent improvement of the principal highways of the country. For this reason it is not alone as payment for the immediate use of the public roads that the appropriations contemplated by this act can be justified. The amounts paid will be small, it is true, but they will serve as a premium for local interest and as a reward for enterprise. It will establish standards that will become recognized and to secure which effort will be directed. To be without the right to claim the Government's aid will imply lack of public spirit. For one community to receive it and another to fail of its receipt will be in the nature of a reproach. With already the great interest in the improvement of

highways which is nation-wide in extent, with the earnest effort of thousands of enthusiasts who are devoting time and money unselfishly to this work, with State and local activities in the same direction, it is confidently believed that this encouragement on the part of the National Government will bring results many times greater than the amount of the mere expenditure would imply.

The gentleman from Massachusetts [Mr. McCALL], who holds the admiration and respect of every Member of this House, says that the passage of this act means that the Government is to take control in the end of the local roads in the country, to build them, to pay for them, and to exercise jurisdiction over them, and adds that "it is the wildest measure of centralization I have ever seen presented to the Congress." With the utmost respect, I must differ from the view thus expressed. To pay for the use of the country roads is no more a measure of centralization than to pay for the use of the railroads. To pay for the use of the country roads will no more lead to the building of them than has the payment to the railroads led to the building or absorption of them. We must expect to see extensions of governmental activities in the future as we have in the past. But for the most part it has brought blessings and not disaster to our people. I am not disposed to go far in the absorption of individual activities or State functions by the General Government, but he must be a poor observer of the trend of government who does not see that as the several needs of men become more exacting and their relations more complex there will be a constantly increasing range of governmental activities. What proportion of individual rights will have to be sacrificed in this inevitable trend it is impossible accurately to determine, but it is doubtful if the real liberty of the citizen, which is not license but which is ordered restraint, is not increased rather than diminished by this process, at least in a reasonable degree. The unrestrained savage in his primeval wood is not the highest type of a freeman, but rather the citizen of a constitutional government who obeys the laws which restrain his wrongful impulse and who obeys those conventions which find the highest exercise of individual powers not in self-indulgence, but in the respect and in the service of his fellow men.

The gentleman from California [Mr. KENT] objects to the bill because it would scatter the appropriations which he thinks should be concentrated in building a few great national highways. I can not agree with the wisdom of this view. To build a few great national highways may be objectionable on at least two grounds. For the Government to build and undertake the supervision and maintenance of a great highway through a State is an entirely unnecessary extension of the national authority into a State's jurisdiction. Under the proposed law the National Government does not undertake to build, maintain, or supervise the roads within a State. That is all left to local authority. It merely provides that if such local authorities bring their roads which are used by the National Government up to a certain standard the Government will assist in the maintenance of that standard, primarily for the benefit of the service. Another objection is that to select a few favored localities for the benefits which will follow the particular improvement by the National Government of selected highways will be a species of favoritism which will be intrinsically unjust and which will meet with the disapproval of the large majority of the people. The proposed law treats all alike. Whenever the specified standard is attained the benefit follows. It may be fairly expected that the proposition will be regarded as reasonable and just by the people generally.

Other gentlemen object to the bill on the ground that it embarks the Government upon a broad scheme of national highway improvement. I do not so understand it; but if it did it would do no more than has been done by every other civilized nation of the world. The countries that stand highest in the accomplishment of good roads are those which have gone farthest in the nationalization of their highway systems. But in truth the present bill does not in the slightest extent commit the Government to any such policy. It does not build the roads; it does not supervise them; it only agrees to pay a fair return for the use of the State's highways by its own officers, in the performance of its own duties, upon certain conditions which it specifies.

It seems impossible for many to understand that it is not alone a question of importance to the farmer whether roads are good or bad. In fact, all are affected thereby. The food supplies for the cities and the deliveries from their merchants are directly influenced by the condition of the roads. If it costs as much, and it is shown that it does, to transport on bad roads the farmers' product to the station as from the station to its final destination, that cost must in some way be paid by a lessened return to the farmer, or a greater cost to the consumer, or both. If the cost of the delivery of a manufactured article is as great from the station to the farm as from the factory to the station, then that enhanced cost must be paid either by a less price to the manufacturer, a greater price to the farmer, or both. All the commercial relations of the business world are affected by transportation, and all are alike interested in the elements that affect it. It has been said that 75 per cent of the world's commerce starts for its destination on country roads. If that be true, the economic importance of this initial and material part of transportation may be understood and appreciated.

In fact it has been entirely ignored in the past. It has been given no consideration as a part of the productive cost of food products. The high cost of living can not be determined unless this important portion of such cost be considered. The cost of the transportation and distribution of many food products exceeds the original cost of production. To materially reduce the transportation cost should bring a better price to the original producer and a lesser price to the ultimate consumer.

But material interests are not alone involved. The moral, intellectual, and social interests of all our people are also more or less affected. It is these considerations which raise the question to one of primary importance. As ex-Gov. Bacheldor has said:

> The greatest drawback to farm life to-day is the condition of the average country road, and the improvement of our roads is of greater importance to the farmers than any other suggested legislative reform. Bad roads make farming both unprofitable and undesirable. There can be no question but that the deplorable condition of our roads is to a large extent responsible for the dissatisfaction with country life, which drives so many of our people into the towns and cities.

Gloomy pictures are being drawn. The decay of country living, the abandonment of farms and farm life, poor schools, poor churches, homes stricken with social poverty, sordid views of life, selfish aims, lowered standards, the hopelessness of unenlightened toil—all these, it is said, are the results of the isolation of farm life. These pictures are manifestly overdrawn, but enough remains of the undesirability of farm life segregated from the activities and interests of our national life to warrant our utmost endeavor to bring about better conditions.

That our rural population is now stationary or diminishing is certainly an ominous fact. Our rural population ought to increase at least as rapidly as our national ratio. It is good to hear that the "back-to-the-farm" movement has been inaugurated. But it would be better to know that the stay-on-the-farm system has been established. The rural population will grow rapidly enough if the boys and girls will stay on the farm. There will be accessions if country life is made desirable, and race suicide has not yet become a country practice. At present we exchange about 99 strong country boys and sweet country girls who go to the cities for one broken-down and decrepit man or woman who moves to the country to recuperate a fagged-out life. The exchange is neither fair nor safe. When the country boy shall find his life work on the farm and prepare for it and rejoice in it, and when the country lass shall cease to sigh for the unreal and fated happiness of city life, then will the conditions of substantial prosperity—and may we not say of national perpetuity—be assured.

For the reasons stated and because I believe that the passage of this bill will materially contribute to the benefit of the farmer and to the welfare and happiness of our rural communities I favor the adoption of the proposed act.

Post Office Appropriation Bill—Good Roads.

SPEECH

OF

HON. RUFUS HARDY,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 23, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. HARDY said:

Mr. SPEAKER: Under leave to print, briefly I wish to give my reasons for voting for what is known as the Shackleford good-roads amendment, as amended. I sympathize very strongly with some of the reasons urged by some of the gentlemen opposed to this measure, especially those urged by my colleague from Texas [Mr. BEALL]. But, Mr. Chairman, I do not agree that no public demand for this legislation or legisla-

tion of this character exists. In fact, in my State there has been and was prior to the Denver convention a considerable agitation and advocacy in favor of some such legislation. There were many letters and publications urging it in the daily press, and, as I recall it, very little voice was given to any opposition to it. When the Denver convention met the people were, or seemed to be, almost unanimously in favor of this or some similar legislation, and so that convention dealt with this question in its platform and adopted this plank:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Now, Mr. Chairman, I do not and have never claimed that a Democratic national convention can never make a mistake, but I do claim that when our convention speaks plainly on a subject we, as representatives here of our party, are bound by its declaration until that declaration is reversed or withdrawn by the next succeeding convention. When our convention meets at Baltimore doubtless the strong reasons urged by gentlemen here to-day will be considered. This measure may be faulty, but unless its opponents can propose some measure less objectionable, that will meet the pledge and promise of our platform, I feel bound in good faith to support it. Some gentlemen declare here that this measure does not comply with our platform. I ask them then why they do not offer a substitute for it that does so comply. The real fact is that they oppose this bill or measure because they have made up their minds that they prefer to violate the platform rather than obey it on this one subject. Otherwise I ask again, Why do not they propose some substitute that is a better measure and does comply with, does meet our pledge to the people?

But, Mr. Chairman, independently of the Denver platform, I am not prepared to oppose all Federal aid to State and local authorities in the construction and maintenance of post roads. I feel sure that a wider discussion and maturer study of the question will bring forth a better measure. There is no more important question for our people than that of good roads. The people are going to have and ought to have good roads. The only question that will be debated by the earnest advocate of good roads will be whether the Federal Government should or shall have any part in building or maintaining them—whether the States and localities should alone bear the whole expense. The main use of public roads is State and local, but not all. I will not enlarge on this, but I must say that Federal money expended on roads will be of far more value dollar for dollar than money expended for many things that we now spend it for. Nor do I believe that this measure will ever prevent the lowering of the tariff, and, notwithstanding my vote for this measure, I shall also vote for every reduction of duty that shall be proposed on all common necessaries; and if it shall happen that tariff duties shall be insufficient to meet the legal expenditures of the Government, we will adopt other means of raising the needed revenue. I believe roads are worth more than the improvement of rivers, or the building of battleships, or the building of numberless public buildings for post offices in our small towns.

Good roads will be worth millions and hundreds of millions of dollars to the people. Every dollar spent in wisely improving public roads is worth many dollars in convenience and saving to all who use them, but we only appreciate blessings when we achieve them or help to achieve them for ourselves. So that I believe that whatever aid we might receive from the General Government or the State governments, the localities specially affected, ought to bear the chief burden and retain the chief control of all our public roads. If the localities do this they will guard against extravagance and graft and make it sure all the money spent is honestly used. Some scheme can be devised whereby all the interests concerned—State, local, and national—may contribute their equitable proportion of the moneys required to construct an adequate system of public roads to meet the requirements of a splendid and growing development of our country, which now has the poorest system of roads perhaps among all the great and progressive nations of the world. Let me repeat, it has been strongly urged that the expenditures under this bill and under measures likely to follow will be very large and that if we embark on the policy of Federal aid to public roads we will be compelled to raise still higher all tariff rates.

These objections are serious, and if I believed the latter proposition true I would vote against this measure; but, Mr. Chairman, I do not so believe. On the contrary, I believe that we have made our tariff generally so high and prohibitive of imports that we will be compelled to lower our tariffs if we would increase our revenue. And further, Mr. Chairman, I do not believe our tariff rates will ever be raised simply to increase revenue. Only the special pleadings of protected interest will in future be able to secure higher tariffs. So far as obtaining revenue is concerned, I believe that the masses of the people and the real representatives of the people have determined that if we need more revenue to pay the expenses of government we must and will find other ways and means to provide it than by increasing our tariff burdens. For one I will never vote to increase or make heavier the tariff burden for any purpose; but, on the contrary, I will vote for any and all constitutional measures to put the burdens of government upon the shoulders of those able to bear them. There is no possible question of the constitutional power of Congress to aid in construction and maintenance of post roads, because the Constitution as expressly authorizes it as it does the building or maintenance of post offices. From all these considerations, Mr. Chairman, because the Constitution authorizes it; because our last national platform demands some measure of this kind; because no better or fairer measure has been proposed by those who oppose it; and because I know its benefits to the people at large will be incalculable, I shall vote for the pending measure.

Post Office Appropriation Bill—Progressive Democracy.

SPEECH

OF

HON. RICHARD E. CONNELL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 25, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. CONNELL said:

Mr. SPEAKER: Speaking to some representatives of Columbia University in New York City the other day, William J. Bryan, thrice the Democratic candidate for President of the United States, said, in substance, that he was afraid to make a Democratic speech these days, because as certain as he made such a speech some one promptly appropriated it as his own and proceeded to sweep Republican primary elections with it.

Listening yesterday in this House to the terrific philippic of the gentleman from Kansas [Mr. CAMPBELL], in which he applied to an ex-Republican President of this Nation denunciations which sounded strangely like echoes from the stump of his own party hurled at a Democratic candidate for President in 1896, memory itself, that "only friend that grief can call its own," sighed at the change which has come over the political horizon.

And, as if to add to what an irreverent politician of my section used to call "hilarity on the back seats," the distinguished Nebraskan added that he would not be surprised if the nomination to be made at Chicago this summer, over which insurgent and standpatter, in grand combination, are opening a broad highway for the on-marching Democracy straight to the door of the White House, would come to him.

When I asked for time in this debate, Mr. Chairman, it was not that I might undertake to add to the sum of knowledge, statistics, or theories in the discussion. I only hoped to point out a few evidences of what I call progressive Democracy, to which I believe the vast majority of the American people will turn for refuge from governmental ills and the bold pretensions of ambition in the next election.

I find these evidences in the pending bill. For instance, it is provided in this bill that steel cars shall be used on railroads for the Railway Mail Service, there being something like eleven hundred wooden cars now in use, each one of which is almost sure to be wrecked beyond hope, should accident occur, and with them the lives of the faithful mail clerks almost certain to be lost.

Not long since, Mr. Chairman, I listened to Andrew Carnegie, that eminent conservator of commercial resources and extreme radical for politically protected business, tell how long since he foresaw that the steel cars had to come. He saw that the time was at hand when steel cars for ore, iron, coal, machinery, marble, and other inanimate essentials to business would supplant the wooden cars. In an age of great business it was natural that the master of the steel industry should foresee the development which was to add so much to his fortunes. For years we have seen the steel car used for almost everything in railroad transportation, yet here we are to-day providing for cars of like safety, in which the brave public servants of the whole people face dangers almost as terrible as those which

lurk in the sea, and we are content to wait for them until 1917 lest existing contracts might be interfered with.

But the evidence of progressive Democracy shines in the fact that steel cars for the Railway Mail Service will surely come as a result of this legislation. This Congress, sir, will live up to the commands of the people, and the people will do the rest. I call this progressive Democracy because of the note of humanity which rings true as it progresses. Through the long years of the domination of privilege in this country we have heard in the House debates aplenty about per cent, no end of fine speeches about profit, dividends, balances of trade, and calamity predictions in case of the success of popular reforms, but never a note of human sympathy, of demand for increased human comfort and human rights; always the dollar, never the man. Now, sir, this bill teems with provisions which provide for increased convenience for the public, additional safeguards for those who toil, and better conditions for men and women everywhere so far as government can properly reach them. This, Mr. Speaker, is what I call progressive Democracy.

This bill provides for better hours of work for postal employees, and while we all admire economy and retrenchment, which in the postal service are given credit for changing a deficit to a surplus, we regard as unfortunate to the statement the complaint of the employees, which even official gag rules can not suppress, that it has been largely brought about by increasing the tasks and making more hopeless the fate of the men and women who do the work in every corner of the Republic. We shall maintain the public service—yes, and extend it, and at the same time make better the lot of the employees. This, sir, is progressive Democracy.

Turn to the political platforms of both big parties and there find how the people have been promised Federal aid in the maintenance of post roads throughout the country to the end that the communities charged with the making and caring for roads over which the mails are carried should be aided after the idea of paying the railroads for carrying the mail. Other views appear now, but this time the promise, so far as this House is concerned, is going to be kept. Yesterday the gentleman from Tennessee [Mr. BYRNS], in his brilliant plea for the farmers under this provision, spoke of the fact that in other times the Government had made large land and other grants to railroads, many of which were abused and used to purposes not commendable. But, Mr. Speaker, the fact remains that the spirit behind those grants, so far as honest public men and heroic business men were concerned, was to open the country, and as a result behold the developed Republic where a few years ago were the wild wood, the savage, and the prairie. This time and this House will see to it that Federal aid be given where it belongs—to the advancement of human happiness—and at the same time shall we make impossible the wrongs of other days under other parties. This, sir, I call progressive Democracy.

Public men and parties have been promising the people the advantages of a genuine parcel post. This bill provides, in its original form at least, a long step in the direction of that great reform. It is too early in the debate to say for a certainty just what measure will result, but from the multiplying evidences of Democratic progressiveness which we see around us I make bold to predict that as a result of our work here the people will surely get an improvement in postal conditions which, while benefiting every citizen, will detract from the business or happiness of none.

What, then, is a progressive Democrat? A progressive Democrat, Mr. Speaker, is an American citizen who, having hoped for reforms from other parties in the past, will this year turn to the Democracy in the knowledge that only with that party can the desired reforms—humanity's hopes—be attained.

Post Office Appropriation Bill.

SPEECH

OF

HON. THERON AKIN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 27, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

Mr. AKIN of New York said:

Mr. SPEAKER: Since my remarks of April 25, I find that in the matter of changing the name of Akin, N. Y., to Fort Johnson, that the railroad companies have followed in the footsteps of the Post Office Department, using the same means to bring about results whereby the name of my deceased father could be further desecrated. You will note that this man Littauer is one of the directors of the Fonda, Johnstown & Gloversville Railroad; he is a delegate to the Chicago convention for nomination of a candidate for President of the United States. On the other hand, he has a close friend, associate, and colleague, known as Ledlie J. Hees, president of the Fonda, Johnstown & Gloversville Railroad, and also a delegate to Chicago. These two desecrators have seen fit to carry on their nefarious work as shown by the following clipping from the Amsterdam Sentinel of April 30, 1912:

[From the Amsterdam Sentinel, Apr. 30, 1912.]

The cars between this city and the western suburb formerly known as Akin now bear the sign "Fort Johnson."

The change in the name of the village of Akin to Fort Johnson has added greatly to the appearance of the signs on the trolley cars of that division—caused them to be newly painted.

It is from the fact that this very identical case is such a flagrant desecration of the dead by a man who owes all he has in the world to this dead man—for him to seek to humiliate the memory of his name—that I wish to expose this ingrate and show him up in his true light that all men may know what a disgusting creature he is. He probably does not remember the numerous times he visited New York, and one particular visit, when he, on his knees, implored this man, my father, to let him have $5,000 to make himself good in the bank of which he was then cashier and to make good the moneys which he had borrowed, if you may so call it, and for which, if it had been known, he would now be paying his just penalty for his acts. Does he further remember that he pledged his life insurance papers for the payment of the same, and does he not further remember that on the death of this same man, Ethan Akin, he paid to myself the balance of the amount which had been loaned to him on that account? I have held in reverence the confidences of my friends who have been loyal and some enemies who have tried to do better; but when I find a man who is so absolutely deficient in his make-up as this man Ledlie J. Hees, president of the Fonda, Johnstown & Gloversville Railroad, is, and because of the fact that these two parties have been so virulent in their conduct toward me, patience has ceased to be a virtue, and I shall not keep the secret any longer.

Furthermore, I wish to say that, whereas there has been a great deal of talk on the floor of the House in regard to the appropriation bill carrying with it a small appropriation for the benefit of country roads, and whereas the gentleman from Pennsylvania [Mr. MOORE] has declaimed on the floor of the House as to the fact that people were astounded in Massachusetts when he told them of the efforts of Members of the House of Representatives to appropriate moneys for good roads, I wonder whether he mentioned the fact of an appropriation of $75,000 for the Sundance post-office building, in the State of Wyoming, the said town of Sundance containing only 271 people? I fear not. Is it not the fact that all people who live in the city and who own automobiles, and the majority of them do, have the use of these roads which would be benefited by this appropriation and wear them out to a greater extent than any rural carrier of mail might ever live to do? Does he take into consideration—although I am not finding fault with the public buildings which have been put up in my district—for instance, the men who have gone back time and time again to their Washington honors and have seen the amount of appropriations for buildings made for the cities in their respective districts?

The gentleman from Illinois [Mr. CANNON], one of the Members of the House, took home to his district half a million dollars' worth of buildings in which to transact less than $100,000 worth of postal business. The gentleman from Illinois, Mr. RODENBERG, and Mr. Lowden, an ex-Member from the same State, who, though younger in service than Mr. CANNON, still rest their continuity in office upon much the same basis as the gentleman, Mr. CANNON, does, and have taken enough building money home to their respective districts to raise the total secured by this trio of gentlemen to nearly a million and a quarter of dollars, although the business to be done in the buildings amounts to only about $300,000.

Referring to the State of New York, did not the gentleman, Mr. PAYNE, and also the Member of Congress, Mr. DWIGHT, the whip of the House, and Durey, ex-Member of this House, who inherited the cumulative benefits of the Littauer service, and J. Sloat Fassett, also an ex-Member, all gather in $900,000 worth of appropriations within recent years with which to make buildings for only $385,000 worth of business? Although these Members have benefited by being near the Poland China or Duroc Jersey pork counter, as well as the Member from Illinois, Mr. MADDEN, they get up and yell themselves hoarse that the Members who are in favor of appropriating a little money for good roads are opening up their pork barrel and are trying to get their paws into the public moneys for that pur-

pose, and "Where will we end?" is the cry of the gentleman from Pennsylvania, Mr. MOORE. If we are to have a political pig, we do not want all the pork to go to the cities and the agricultural people get nothing but the rind with a few sharp bristles attached to it to scrape their epiglottis while going down. I do not think there is any farmer in my district who will ever get fat off a little money spent on good roads, and therefore I am in favor of giving them a little help.

I wish to call your attention to the amount of money paid for sites in such towns as Casper, Douglas, and Rock Springs, Wyo., of whose existence probably many of us have no knowledge, and some of which do not even appear in the last census as having over 2,500 inhabitants; we have obtained $10,000 for sites alone in each instance. Still the old, well-established town of Alton, Ill., with 15,000 inhabitants, obtained the same price, and the architect's list presented such other inequalities in prices as the following:

Town.	Population.	Price of site.
Temple, Tex	7,000	$9,855
Cleburne, Tex	7,500	16,500
Massillon, Ohio	12,000	20,000
Ironton, Ohio	11,900	13,000
Danville, Ky	4,000	10,018
Bowling Green, Ky	8,300	10,023

Post Office Appropriation Bill.

SPEECH

OF

HON. C. BASCOM SLEMP,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 27, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. SLEMP said:

Mr. CHAIRMAN: I shall vote for the provision in the Post Office bill regarding good roads, not because I believe it is the best measure that can be adopted, but because it seems to have been agreed on by those who have introduced good-roads bills in the House as the one most likely at this time to pass Congress. I shall vote for it because I desire to see the Congress of the United States committed definitely and squarely to the proposition of Federal aid in the construction and maintenance of public highways. A great many bills—27, I believe—have been introduced in the present Congress relative to this subject, involving many different propositions, some making provisions for the appointment of a commission to investigate and report subsequently to Congress, others appropriating outright large sums of money for immediate road construction, and others providing for the extension of the work of the Office of Public Roads of the Agricultural Department.

Every bill doubtless has its particular merit, and taken as a whole these measures indicate the widespread interest in the subject by Members of Congress and therefore on the part of the people of the country.

I have, Mr. Chairman, introduced a resolution providing for the appointment of a committee on public highways, and it seems to me that this is the most practical and most direct way in which to deal with the subject. Let us have a committee on public highways that will have some such work to do for the highways of the country as the Rivers and Harbors Committee performs for our rivers and harbors, or the Committee on Public Buildings and Grounds performs for public buildings to be erected. Such a committee could work in harmony with the Office of Public Roads of the Government in a manner similar to the cooperation between the Rivers and Harbors Committee and the War Department.

The Office of Public Roads has already acquired extensive information relative to road construction, material therefor, and the best methods to be adopted in different sections of the country. Such a committee as I have suggested could bring in a bill each year authorizing the surveying and the construction of important highways throughout the country. No work need be begun until an accurate estimate can be had of the cost of construction and the service the construction of a particular piece of road would render in regard to traffic. This plan would have the advantage of having a committee of Congress, which has the control of the expenditure of the people's money, actively in charge of this work and charged only with this responsibility. As the situation now is, any road or highway legislation must be referred either to the Post Office Committee or to the Committee on Agriculture, both of which are now burdened with other and equally important demands upon their time. I favor the appointment of a committee with nothing to do but to attend to good-roads legislation.

Before an appropriation is made for improvement of any water course or harbor the Government engineers make a survey and estimate the cost, as well as the influence such improvement would have on the transportation of commodities. In a similar way the committee on public highways could operate.

I very much doubt if Congress would be justified in appropriating $50,000,000 or other large sums without knowing in advance where the money would be spent or by whom, and without exercising the largest kind of discretion in regard to every feature. This plan I believe would be better than the appointment of a commission. Commissions doubtless serve good purposes, but their main function is delay. Members of any commission likely to be selected would be no better qualified to pass on the merits of the good-roads problems than the members of a carefully selected committee of this House. If such a committee should feel justified in authorizing the expenditure of $50,000,000 or other amount each year for good roads, they could make such conditions relative to State and local cooperation as would seem equitable and proper; they could select such routes as in their judgment would serve the purposes of trade and commerce best; and at all times they could keep in mind a general system applicable in time to all portions of the Union.

There would be competition, of course, between States and localities in regard to thoroughfares to be constructed, and such a committee must necessarily therefore be composed of strong men who would respond only to the demands of the public good. The demands by local interests everywhere to have a road constructed in their immediate locality would have to be met and solved as every other problem of conflicting demands is solved, by acting for the greatest good to the greatest number. At any rate, the appointment of a committee such as my resolution calls for would be the beginning of a definite policy on the part of the Government to assist as a national matter in the construction of public highways in this country. However, at this time we are called upon to vote for or against the proposition to appropriate a certain amount of money each year to the rural free-delivery routes, of which there are about 43,000 in the United States, and apparently we must have this measure or none. I shall vote for the provision, because I believe the Government should share in the maintenance and improvement of the roads on which the rural free-delivery carrier has to make his daily journey, and, as I have said before, because it will be definitely committing the Government to the policy of Government aid to good roads. This bill will cost the Government about $16,000,000 the first year and increasing amounts thereafter, but further appropriation of the people's money will doubtless be made so as to be consistent with a general scheme for road improvement and construction to be applied in the course of time, not only to rural free-delivery routes but to other important thoroughfares in the country. There are 139 rural free-delivery routes in the district I have the honor to represent on the floor of this House having a total mileage of 4,000. This bill would mean a small appropriation to a district that is now spending probably more than $2,500,000 in the construction of good roads. I want the Government to go further than the rural free-delivery routes in the country, and to assist in the actual construction of good roads.

National aid along many lines is already an established policy. A recent writer tabulates in a very interesting way our national appropriations showing how much we have done for improvements of every kind except that of good roads improvement.

The Government has appropriated in land grants to railroads 200,000,000 acres, worth, if now owned by the Government, about $30 per acre.

Appropriations for rivers and harbors since 1875	$592,395,160
Appropriations for Mississippi River levees to June 30, 1902	16,580,614
Appropriations for public buildings to June 30, 1911	188,000,000
Land-grant funds to State agricultural colleges	24,585,997
Appropriations for State colleges of agriculture, 1890–1910	16,786,000
Appropriations for Panama Canal (estimated)	400,000,000
Appropriations for road building in Porto Rico	2,000,000
Appropriations for road building in Philippines	3,000,000
Appropriations for road building in Canal Zone	1,495,000
Appropriations for road building in Alaska	1,925,000
Appropriations for road building in United States during the last 60 years	900,000,000

This writer, in discussing this table, says:

It is evident from the foregoing table that the National Government has extended generous aid by direct appropriations and land grants for the promotion of education, and that it has aided to the utmost degree in the development of transportation facilities, the public alone excepted, and even in the matter of road improvement it has voted millions of dollars for the construction of roads in the Philippines, Porto Rico, Canal Zone, and Alaska. It has encouraged the reclamation of arid lands by providing legislation under which great irrigation projects are completed and their cost defrayed out of the proceeds from the sale of public lands thus reclaimed. Congress now stands ready to advance to the Reclamation Service $20,000,000 for the purpose of carrying on its work whenever it shall seem necessary. The National Government in its beneficent concern for the protection of the dwellers along the Mississippi River has voted many millions of dollars for the building and maintenance of levees. The Rural Delivery Service now carries its annual appropriation of over $40,000,000, and represents one of the few benefits which the farmer received out of the lavish disbursements of billion-dollar Congresses. The Rural Delivery Service is hampered and curtailed by reason of bad roads which add millions of dollars to the cost of its operation. It is evident from a study of the appropriation bills passed by Congress and the general trend of legislation, including the tariff measures and the patent laws, that our Government has been exceedingly active in fostering and developing manufacturing, transportation, education, colonial development; in short, we find in all the records of governmental activities the one glaring evidence of neglect, and that is in the treatment of the public roads. In fact, agriculture has been given less real assistance by our national legislators than any other line of human endeavor.

The time has come when conditions are so serious as to demand remedial action by Congress and it is hard to see how national aid to road improvement can longer be withheld.

If Congress can justify its conscience, as every Congress in recent years has done, in appropriating millions of dollars for rivers and harbors, millions of dollars in constructing and maintaining levees on important watercourses—and do it year after year with the approval of everyone—why not extend the work to good roads?

In the last 60 years Congress has not given a dollar toward the building of a public highway. It has turned a deaf ear to every appeal for any such purpose. Bill after bill has been introduced in this House and in the Senate with a view to a beginning of a consistent policy of public-road construction, but all have died aborning. About 19 years ago Congress authorized the establishment in the Department of Agriculture of the Bureau of Public Road Inquiries, now known as the Office of Public Roads, and the sum total of appropriations for this bureau, including the current fiscal year, has been $867,000. The estimates for the fiscal year ending June 30, 1913, call for $227,000. If this sum is granted, Congress will have given the bureau in the period of 20 years less than eleven hundred thousand dollars, though in the earlier part of our national life millions upon millions of acres of the public domain, millions upon millions of money, and the credit of the United States were freely granted. One great transcontinental railroad would not have been built as quickly had it not been for this generous aid; and the marvelous awakening of that great region between the Rockies and the Pacific would have been deferred for a generation at least. It was money well invested, and every city, every town, every village of our country is benefited by it. But with singular shortsightedness the Government ceased its activity in the matter of public-road building from the moment it undertook to aid the building of railways.

Mr. Chairman, Government aid to national-highways construction will be Government aid to the farmer. The farmer is the most important factor in our economic position. It is he who maintains our trade balance in the world of commerce. It is the product of the farm that constitutes the largest part of the national wealth. It is not only potential in the present, but, with proper support and encouragement in the development of its practically inexhaustible resources, increasingly so in the cycles of the coming years.

The farmers of the country pay more into the National and State Treasuries in the way of taxes, direct and indirect, than the manufacturers or merchants of every kind. I am almost tempted to say more than all these together. They are a modest class withal. They do not knock at the doors of Congress and legislatures for special favors; they ask no special grants nor exemption from burdens which the State imposes.

Of all the burdens the farmer bears none is heavier than that of bad roads. There is no country laying claim to civilization in which the country roads are as bad as in the United States. We are preeminent in many things, especially so in this matter of execrable public roads. We have more than 2,000,000 miles of country roads, and only a little more than 8 per cent of them are improved in the proper sense of the word. In consequence of this, it costs the American farmer from 40 to 70 per cent more for hauling his produce to market than it costs the farmer of any country in Europe, Russia not excepted. For many years there has been a great deal of talk about the heavy freight rates on railroads, and extensive and expensive machinery has been set in motion by the Government with a view of keeping these rates within proper bounds. But railway-freight charges on commodities carried from the station to the market are extremely moderate when compared with the cost of hauling produce from the farm to the station. This first transportation charge is absurdly high.

The Secretary of Agriculture estimates this charge at 23 cents per ton-mile, and the total annual cost of haulage of the 300,000,000 tons of farm products at $600,000,000. If our country roads were in fairly good condition, one-half of this enormous sum could, according to the same authority, be saved to the farmers of the United States; if they were in as good condition as those of France, probably $400,000,000. Think of saving to the farmers of this country such a princely sum. The farmers will sooner or later have legislation to accomplish this, and once begun, all parts of the Union will respond to the assistance of the National Government in the great work which, commencing now, will take from 50 to 100 years to complete, if it can ever be said to be completed.

In France, which country leads the world in the improvement of public highways, the charge for hauling produce from the farm ranges from 7 to 8 cents per ton-mile; in other countries of Europe it runs up as high as 11 to 13 cents. Let us note the difference. It costs an American farmer 23 cents to haul 1 ton 1 mile, while it costs the French farmer only 8 cents to haul the same weight the same distance—a difference which when added up in dollars means a total saving to the American farmer of at least $400,000,000 every year—an amount equal to $5 for every man, woman, and child in the whole country. Is not this enough saving to our hard-working farmers to cause the most earnest effort to be put forth by our national legislators for their relief? What more progressive legislation could we have; what more beneficial; what more in keeping with the spirit of the times and of the age than this great work of road building?

Now, Mr. Chairman, there are over 2,000,000 miles of public highways in the United States now to be improved. It will cost about $12,000,000,000 to do this work thoroughly. We must begin it right. It will take us longer to complete and perfect our road system than it did France, and it took her 100 years. It would be worse than folly to undertake constructive work of such magnitude without being sure of the facts. No business man would dream of appropriating a large sum of money for the expansion of his business without having first ascertained the total cost and mapping out a plan for systematic procedure. The people pay for what they get. Out of their own pockets will come every dollar of money the Government appropriates for good roads, and they have a right to demand that before these expenditures are entered upon they shall be "shown." I do not know—nobody knows—how many millions of dollars have been literally wasted on unsystematic road building.

I know that in my own district large bond issues have been authorized by the people of communities with the expectation that a certain number of miles of road could be built with the proceeds of these bonds, but they found too late that "some one had blundered" and that instead of the mileage hoped for they would get only a modest portion of it. It is expenditure of this kind, without information, that I would guard against, and hence I urge upon this House to provide for the appointment of a committee empowered to take up this whole question of public-highway construction and develop a plan for the work.

In the splendidly progressive county of Wise in my congressional district the people authorized and then sold a bond issue of $750,000 for the construction of macadam roads in the county. There were 110 miles to be constructed, and it was supposed that $6,000 per mile would be sufficient to grade and build a good macadam road for the entire 110 miles. It turns out now after the contracts have been let for grading that the cost of this work will be so great that probably not more than 40 miles will be macadamized. It may be that the contractors were paid too much for their work in grading. I do not know. Doubtless they were; but certain it is that the information on which the county officials acted—and they acted unselfishly and in absolute good faith—was inaccurate and misleading, so far as subsequent results were concerned. Instead of 110 miles of macadam road we get 40 miles, and it will take, I am informed, something like $600,000 more to complete the work. With such a great effort put forth by the people of the county, who have so burdened themselves for many years to come, I think the National Government should aid in the completion of the great work. The results attending our efforts in this great county of Wise seem to impress me with the importance of having an accurate survey and estimate of cost before the expenditure of any large amount of money by either the State or the National Government.

In this manner, and in this manner only, shall we reach a sound basis for action which we shall not have occasion to look back upon with regrets and heartburnings. By methods such as I have outlined we shall secure results worth while. By such means for every dollar spent we shall get a dollar's worth. Going forward in such fashion we shall accomplish much within a generation, and a hundred years hence the people of the United States will be able to say that the road builders of the twentieth century did their work well.

Post Office Appropriation Bill.

The time has arrived for Congress to provide an enlarged parcel post.

SPEECH

OF

HON. JOHN H. SMALL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMALL said:

Mr. SPEAKER: It is obvious that some system of transporting parcels is required, and by some method quicker than by the ordinary means of moving bulky freight. The more dense the population, the greater diversification of industries; and the more general growth in civilization, the more insistent is the demand for the quick and reliable movement of parcels between communities and more distant sections. In our own country, for illustration, there was only a slight necessity in our early history for transportation of parcels. Individuals and communities were more nearly self-supporting and produced within a limited area all those articles which were generally in demand. With the growth of the country individuals and communities began to specialize in production. Corporations came into being and gradually enlarged the limit of production beyond local demands, and thus sought a market for their wares in other and distant communities. The necessity for interdependence broadened. Many of the articles of necessity to-day, and small in weight and value, are purchased by the people of one section from the producers of another section. This economic condition will not only continue, but will become more pronounced with our future growth.

For the movement of more bulky commodities we have recourse to the highways, the water carriers, and the railway cars, which are not only comparatively slow, but do not afford the facilities for the transportation of smaller parcels, and particularly such as are of large intrinsic value.

That such a demand exists is shown by the gradual growth of the business of the express companies. Their business was ingrafted upon that of the railroads and might just as well have been performed by the railroads except for one condition. Just as the railroads in long-distance traffic which has to be carried over a series of roads enter into a prorating contract one with the other in the transportation of freight, likewise they might enter into such an arrangement one with the other for the transportation of parcels. But with the successful prosecution of an express business or the carrying of parcels are required a more complex and, to a cetain extent, an organization different from that employed by the railroads in the carrying of freight. In the early days some of the more ambitious railroads established their own express business, but in substantially every instance this was gradually surrendered to the several express companies. While the public have numerous complaints against the express companies arising out of unreasonable charges and discriminatory rates, yet their business will continue to grow and expand until some more efficient and satisfactory method shall be provided.

An ideal system of transporting parcels should offer facilities as nearly as possible to every section of the country, both urban and rural. Just as the Post Office Department, in providing means of communication and the dissemination of intelligence, attempts to extend the mail service into the most remote and sparsely settled sections, to the same extent should opportunity be offered for the transportation of parcels. The railroads transport the great bulk of our mail, and yet many hundreds of thousands of our people reside and do business removed from the railroads. To the people thus remotely located the mails are carried by steamboats, by star routes, and by rural routes. The present method of carrying parcels by express, even if it was reformed by a reduction and equalization of rates, would not meet the public demand, because the service is confined to the railroads. This is a vital and inherent defect in the present method of carrying parcels by express.

Shall the business of transporting parcels for the people be performed by private agencies or is it a governmental function? My observation and reading still induce me to hold to the opinion that wherever the public can be efficiently served by private agencies that such method of service should not be undertaken either by the Federal, State, or local governments. Usually such service can be performed more economically by individuals or corporations, and where so performed the public can be protected through wise and sound supervision and regulation. However, the business of carrying parcels can not be satisfactorily conducted by private agencies. The mere fact that such service should extend into every section and, at least, reach all the people served in the distribution of mails would demand an organization so complex and vast and prove so difficult of proper supervision that it can only be undertaken by the Federal Government. For these and obvious reasons I believe that the carrying of parcels is not only a proper function of the Government, but that, within reasonable limitations as to size, weight, and contents of parcels, it should be an exclusive function of the Government.

If such a proposition be sound, it only remains to determine which department of the Federal Government should undertake this service. Unquestionably, I think it belongs to the Post Office Department. It could be coordinated with the transportation of letters and other material now distributed by that department and with greater economy and expedition than by any other branch of the Government. There is, in my opinion, no substantial constitutional objection to the addition of this further activity to the mail service.

I will now discuss a few features which must be considered in any enlarged parcel post. Under existing law we have a general parcel post for mail matter of the fourth class, or merchandise, with a limit of 4 pounds in weight, and at a rate of 1 cent an ounce. When the people refer to what many are pleased to call a real parcel post, they simply mean that the limit of weight shall be increased, that the postage shall be reduced, and that the variety of articles which may be carried shall be enlarged. By the terms of the International Postal Convention the people of 23 separate countries, including the United States, may now transmit merchandise to any post office between the several countries at the rate of 12 cents per pound, up to a limit of 11 pounds. Under the terms of this agreement the people of 22 other countries really possess superior facilities under our mail service for the distribution of parcels within the United States than do our own people for the distribution of parcels through our domestic postal service. It is a curious anomaly that one may dispatch a parcel up to a limit of only 4 pounds to the nearest post office in his State at a cost of 64 cents, while the same parcel may be dispatched to London or Berlin at a cost of 48 cents, and that a parcel weighing as much as 11 pounds may also be dispatched to any office in these foreign countries. This means that we may increase the weight of parcels which may be carried in the mails from 4 pounds to 11 pounds, and decrease the rate of postage from 1 cent per ounce to 12 cents per pound. We have sufficient information to justify the assumption that an enlargement of the parcel post by increasing the limit of weight of parcels to 11 pounds, and decreasing the postage from 16 cents to 12 cents per pound, will at least be self-supporting, and will not increase the deficit in the Post Office Department. Therefore there is no reason why this enlargement should not be at once provided for, and such a provision is carried in the pending Post Office appropriation bill.

In the consideration of this subject we are confronted primarily with the proposition that the Federal Government should not undertake such an enlarged service, except upon such limitations and at such a rate as would at least compensate for the actual cost of the service. In so far as the different classes of matter carried in the mails may be clearly differentiated, it is my opinion that neither of such classes of mail matter should be carried at a loss, but that each should pay its way. I do not mean to apply this proposition to the instrumentalities whereby the mails are transported. For instance, it is no argument against a rural route that the amount of mail carried thereon does not meet the expense of the service, and the same condition applies to star routes or any other method of carrying the mails through sparsely settled sections.

By way of illustration, I would say that newspapers and periodicals should be charged a rate sufficient to pay the actual

cost of carriage, and that this class should not impose as at present such a burden upon the department, which must be met by the increased revenues from first-class or letter postage. It is only by such a method of classification and rates that we can make each class of mail matter pay its own cost of service, and thereby make the entire postal service self-supporting. To repeat, it would seem to be perfectly clear that in enlarging the parcel post we should so fix the limit of weight and the contents of parcels and the rate of postage that sufficient revenue will be derived to meet the additional expense of the entire parcel-post system. The limitations and the rate should not be so burdensome as to discourage the use of the service or to create an unnecessary surplus. On the other hand it should not be fixed below the actual cost. It is very easy to reduce rates, but very difficult to increase the same. This is illustrated by the present rate of 1 cent per pound on second-class mail matter, which includes newspapers and periodicals. Everyone knows that this class of mail is carried at a very great annual loss, and it is generally conceded, except by the publishers, that there should be some increase in the rate, but every attempt to do so has met with violent opposition from the publishers, and by the general plea that an increased rate will impose an unnecessary burden upon the dissemination of intelligence.

Individually I am in favor of an enlarged parcel post. I favor a system under which parcels of reasonably heavy weight and size should be carried and at the lowest rate which would meet the cost. I would also permit to be carried any articles which were not easily perishable or inherently dangerous. We are met at the threshold by three conditions: First, what should be the limit of weight; second, what rate should be adopted; and third, whether the rate should be flat rate, uniform throughout the country, or whether a distance rate applicable between certain zones should be adopted.

As to the limit of weight, there should be some line of demarcation between mere parcels and larger packages which should be carried by ordinary freight. Upon this question there are a diversity of opinions, and so far as I am aware no satisfactory conclusion has been reached. It is a problem which requires careful study.

The question of an appropriate rate in order to meet the cost of service is of necessity somewhat complex. This must be considered in connection with weight and size of the parcels and requires a careful computation of the cost. I know of no available data which furnishes satisfactory information upon this phase of the problem.

Shall the rate be uniform throughout the continental United States and our possessions, or should we adopt a zone rate? My first impression was in favor of a uniform rate, such as we have in the transportation of ordinary mail matter. This would tend to make a homogeneous population and extend equal facilities to every section, regardless of distance. But it must be remembered that the distribution of parcels differs from that of ordinary mail matter, and that it is only to be undertaken through the Post Office Department, because it is impracticable to have the service performed through private instrumentalities; and as distance must of necessity increase the rate in the movement of freight and parcels upon railroads and other public conveyances, so it would seem only right that this doctrine should have application to the distribution of parcels by the Government. Again, if we have a uniform rate, the cost of sending a parcel a short distance would probably be higher than the rate by express, and the express companies would attract all the business for short distances, while the Government would assume the burden of carrying parcels for long distances. In other words, the express companies will get the profitable business and the department the unprofitable part. It is said that a zone rate would be complex and would render it difficult for the postmasters to fix the proper rate, but I am advised that this difficulty could be overcome and that a table of rates could be so devised as to be intelligent and easily comprehended. In addition, the zone rate would obviate in large degree one of the objections to a parcel post. Its opponents insistently contend that one of the results of an enlarged parcel post would be the building up of the great department stores in the cities at the expense of retail merchants in the smaller villages and towns. By a graduated increase of the rates according to distance, this alleged evil would be eliminated.

The bill under consideration contains a provision for a parcel post confined to rural routes, with a postage rate of 5 cents per pound for the first pound and 1 cent for each additional pound and fraction thereof up to a limit of 11 pounds. By this the rate on a package of 11 pounds would be 15 cents. Under this provision a parcel may be mailed at the post office from which the route originates, or from any box along the route or loop route, or from any post office served by the rural route, and dispatched to any points served by the rural route or to any point upon any other rural route originating from the same post office. It is believed that this provision will prove a great convenience and become quite popular.

While I am impressed with the necessity of a commission to study the subject of parcel post, particularly with reference to the limit of weight and size of parcels and the appropriate rate, and the respective reasons for and against a uniform rate and a zone rate, as provided in the pending bill, still I would be willing even at this time to vote for a general parcel post upon a zone system if I have an opportunity to do so. This legislation has already been too long delayed, and it is gratifying to know that the people, particularly the farmers, have at last become aroused and are demanding legislation for an enlarged parcel post. In any event, if we do not adopt at this session any amendment to the law, except as provided in the pending bill, and also appoint a commission to study the problem who shall be required to report by December, 1912, I believe that satisfactory legislation may be expected during the coming session.

Just a brief statement in conclusion. I have no fear that an enlarged parcel post will injure the retail merchant or retard community growth and progress. I stand upon the broad proposition that increased facilities of transportation have always made and will always make for progress. These increased facilities will promote particularly the best interests of the men upon the farm. Isolation is said to be the mother of stagnation, and there is no more effectual preventive of isolation than increased facilities of communication and transportation. The only safe criterion for legislation is the resulting benefits to all the people, with special privileges to none. An enlarged parcel post will meet this requirement and will stimulate progress in all lines of industry and in all sections.

Mr. Chairman, I shall insert at the end of my remarks an extract from the report of the committee, which I commend for its intelligent analysis of this question:

PARCEL POST.

[Extract from report of committee.]

Under existing law we have a general parcel post fixing the postal rate at 1 cent an ounce with a limit of 4 pounds for mail matter of the fourth class (merchandise). This is an ounce and not a pound rate.

By the terms of the International Postal Convention the people of 23 foreign countries may now transmit fourth-class matter (merchandise) through our mails at the rate of 12 cents a pound with a limit of 11 pounds. This is not an ounce rate, but a pound rate. This bill provides for a similar pound rate and limit for the use of our people in our mails that is given by us to foreign countries. The section does not provide for the rate on a fraction of a pound, but for a flat pound rate to a limit of 11 pounds at 12 cents a pound, and each fraction of a pound over 1 pound carried under this section would cost 12 cents. The ounce rate law now in force is not repealed by this section and there is no inconsistency or conflict in the two acts that would operate as a repeal of the ounce postal section by implication. So that one desiring to send a package of less weight than a pound through the mails can do so at the rate of 1 cent an ounce. Thus far the parcel-post question seems sufficiently clear to assure us against a loss of revenue and detriment to any business conditions in its application.

One of the most difficult questions connected with proposed postal progress arises with the suggestion to create a general unlimited parcel post for the transportation of merchandise at a flat rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds.

The advocates of this proposition insist that the rate on fourth-class matter (merchandise) was at one time 8 cents a pound with no loss of revenue, but an increase of revenue; that the zone system of transportation charges used by the express companies is unnecessary and cumbersome; that express companies pay wheelage to railroad companies and divide profits and still make annually colossal profits at the expense of the people; that it is the right of the people to use the mails for their own benefit and the right of the consumer to buy wherever he can secure the best bargain, whether it be at home or in another State or city, and that the complaint of this view is from selfish sources; that a largely increased revenue will come to the Government from the system and advantages and blessings to the whole people in its operation.

The opponents of a general unlimited parcel post insist that it will tend to concentrate business in the large cities and be injurious to rural communities and small towns and cities; that it is a step in the wrong direction—paternalistic and dangerous in its tendencies; that it would create an enormous deficit in the Post Office Department; that it would revolutionize the commercial system in the United States; that it would seriously delay the delivery of legitimate mail; that it would deplete or destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people; that it is class legislation in that it discriminates against the country merchant and favors the great retail mail-order houses; that it is in effect a subsidy to the retail mail-order houses—wrong in principle and unfair in practice; and they further insist that a rural parcel post would be an entering wedge for a general parcel post.

The most of people living in the country and engaged in agriculture and other pursuits, so far as we can secure information, and the larger mercantile establishments in the great cities favor an unlimited parcel-post law. The country merchant and nearly all merchants of the smaller cities and towns oppose the law. This seems to be the alignment. Self-interest, the mainspring of most of our actions, seems to be commanding in both factions. We do not think that the advantages claimed for the establishment of this post will be so great as its ultrafriends claim, nor that the disadvantages would be nearly so great as its enemies fear.

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to secure all the advantages possible and avoid all the disadvantages that may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear as nearly as possible equally and justly on all classes under all conditions. We have heard much testimony, very interesting in its details, but for the most part from those who express an opinion from a general view of general conditions. We need specific facts and not merely opinions on which to pass intelligent and satisfactory legislation. It would seem essential that we know how this innovation in our postal system will affect our revenue; what additional burdens we must assume in increased numbers of employees, and the increased railway and carriage pay; whether a flat rate can be established for the whole of the United States or not and at what figure; whether it would be wise to adopt the zone system of transportation and pay for carriage or not; how far this extra service would interfere with the handling of first, second, and third class mail matter; the probable losses and profits under different rates; the effect on the centralization of trade; whether the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government; whether it would first be best to condemn the express companies' contracts with the railroads or not, and use them, or to force the railroad companies to equal rates for the Post Office Department that is granted the express companies, or to pursue either of these courses; to know the tendency of the system to create and sustain monopolies, and its effect on the commercial and farming interests of the country. On these matters there should be some definite information (in the interest of the general public) for use in the enactment of a wise law on the subject, before any law general and unlimited in its character at a low rate of postage and increased number in pounds should be established. This information can best be obtained and applied for good results only after a full consideration by a commission of persons especially equipped and experienced in such investigations and clothed with full power to ascertain the facts. Therefore the embodiment in this bill of a section creating a commission and directing the examination and report, that the true facts and conditions may be known in advance of legislation.

The same conditions do not exist, and therefore the same reasoning does not apply to the strictly rural parcel post confined to matter of the fourth class arising and for delivery on each specific rural free delivery route. These routes are already established. All of their machinery is in full operation. The additional burdens on the carrier are slight, and a slight additional compensation is provided for in this bill. The estimate of the department is that a change in equipment will be necessary as to only about 15 per cent of the routes. We have therefore provided for a limited rural route parcel post with postage rates at 5 cents per pound for the first pound and 1 cent per pound over 1 pound and for fractions of pounds to 11 pounds limit as an experimental proposition. This experiment will last for two years on all of the routes in the United States. If it shall prove to be unwise it can be repealed or expire by limitation. We think that it will be a combined advantage to the farmer and to the country merchant and of no possible injury to anyone. The estimated increase in revenue from this source is from seven to ten millions of dollars in its limited character. We feel that it is the duty of Congress, in response to the almost universal demand from the people residing in the rural and agricultural districts of the United States, to inaugurate this system of limited rural parcel post, experimentally at least. We do not believe that it would be wise to establish a general or unlimited parcel post on the lines suggested until there has been information of such definite and certain character as to justify us in taking a position so important and necessarily affecting the revenues to the extent that it will.

Post Office Appropriation Bill.

SPEECH

OF

HON. CLAUDE U. STONE,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 13, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. STONE said:

Mr. CHAIRMAN: There are several legislative provisions in the bill under consideration which have my hearty approval and for the favorable reporting of which I desire to commend and congratulate the Committee on Post Offices and Post Roads. All of these provisions exemplify the modern spirit in legislation which makes social justice the paramount consideration.

The provision which directs that the Postmaster General shall not approve nor allow to be used nor pay for any railway post-office car not constructed of steel, steel underframe, or equally indestructible material signalizes the fact that with the present Congress the life and interests of the railway mail clerks are not subservient to the profits of unscrupulous railroad companies, who, in the absence of this regulation, with the consent of administrative officers, have permitted the use of wooden cars.

The Railway Mail Service has long been recognized as one of the most hazardous of employments. Almost every week some frightful accident has occurred in this service which has resulted in the telescoping and burning up of the wooden mail car and the death or serious injury of the mail clerks in the car. During the fiscal year ending June 30, 1909, 24 mail clerks and 3 mail weighers were killed, 92 clerks seriously injured, and 617 clerks slightly injured. During the fiscal year ending June 30, 1910, 12 clerks were killed, 78 seriously injured, and 439 slightly injured. During the fiscal year ending June 30, 1911, there were 313 railroad accidents in which postal clerks were either killed or injured. This appalling destruction of life has finally developed a sentiment that makes possible the passage of legislation to promote the safety and prevent the further injury and loss of life of those charged with this important service to the Government.

It is sincerely to be regretted that it can not be required that all the new equipment shall be put into operation at once, but the requirement that not less than 20 per cent shall be put into operation annually after July, 1912, insures the complete elimination of the wooden mail car by July, 1917; and with the passage of the wooden mail car and the installation of all-steel railway post-office cars casualties among these most worthy and faithful public servants will be reduced to a minimum. This provision is just and humane, and it should be enacted into law without opposition.

The provision which fixes for letter carriers in the City Delivery Service and clerks in first and second class post offices an 8-hour workday which shall not extend over a longer period than 10 consecutive hours, with extra compensation for overtime and compensatory time on one of the six days following for time spent by employees who are required and ordered to perform Sunday work, is in conformity with the accepted and established policy of this Government that not more than 8 hours of labor in each day shall be demanded of its employees.

By reason of discrimination, which it is impossible to justify, clerks in post offices of the first and second class have been excepted from the operation of this beneficent policy and have never been protected in any way by legislation to limit their hours of labor. As a consequence they have been compelled to work the number of hours that their superiors have seen fit to exact. Inasmuch as there are 2,351 first and second class post offices in the United States, with an equal number of postmasters in charge possessed of various and varying whims and caprices, there has been great irregularity and inequality in the hours required of employees in this branch of the postal service. In my home town of Peoria the conditions as to hours of labor are not the most burdensome to be found, and yet there the working hours average nine and a half a day.

These clerks have repeatedly appealed to Congress to enact legislation for their relief, but heretofore their appeals have been in vain. The only proper and safe method to regulate the hours of labor of the more than 30,000 clerks in the United States is through legislation. If this power is delegated to the individual postmasters discrimination, favoritism, and general dissatisfaction are sure to result.

It is no longer necessary to present arguments in favor of an eight-hour workday. Even private employers have come to agree that men who labor need this protection from the injurious consequences of prolonged physical and mental effort if they are to be able to render the most efficient service. Eight hours a day are as many as a man of average strength and health can devote to employment that calls for the exertion of both his physical and mental forces without either sacrificing efficiency or shortening the period of activity. Observation and investigation have convinced me that no class of workers is more entitled to the protection of an eight-hour law than the clerks in first and second class post offices. Their work is peculiarly exacting and wearing upon both mind and body. Many times the work is at night under artificial light and in quarters that are crowded and poorly ventilated.

Besides the mental and manual labor that he must perform while on duty, the post-office clerk must be a student. He must study constantly, in order to rapidly and correctly distribute and dispatch the mails. For instance, a dispatching clerk in the Peoria post office must be able to know instantly upon what railroads post offices in all parts of Illinois and the adjoining States are located. He must know the train schedules, to be able to dispatch letters, so as to make the fastest time. If a letter is sent wrong or loses time by reason of the manner in which it is dispatched, the error is checked against the clerk. The distributing clerks must know the streets embraced in the various routes of all the letter carriers of the city, and must know all of the people who get mail on these routes so well that they can throw a letter without street address to the proper carrier without a second's hesitation. Also, they must know the names of the patrons of the lock boxes, so that a letter can be thrown quickly in the case to be distributed to the box. If a dozen or more employees of a particular firm get their mail in the box of that firm, they must know all of these people so well

that the letter will be sent to the proper box even if it does not contain the box number on the address. They must keep familiar with all of the changes of residence and the changes in the delivery of box mail, and for the extra hours of study required to do this they receive no compensation whatever.

Other employees of the Government have the benefit of the eight-hour law, and when off duty they are free to devote their time to their own improvement in ways that they themselves elect. Surely the work of the post offices is sufficiently important to justify the Government in employing enough men to do it properly, without working faithful, tired men hours and hours overtime and without paying them for it. No financial extremity of the Government makes such a course necessary, and no ambition to achieve a record for economy can make such a course anything but shameful.

The proviso that the 8 hours shall be worked within 10 consecutive hours is important and is based upon excellent reasons. If an 8-hour schedule were put in force without this limitation the 8 hours might be spread out over a day of 12 or more hours. At the present time clerks are often compelled to report for duty three or more times a day and to register off duty as many times and from 2 to 4 hours at a time. Unless the home of the clerk is in the immediate vicinity he generally remains in the post-office building, and his time off duty can be devoted to no practical purpose.

This system of compelling the employees to register off duty at different times of the day is peculiar to the postal service. Such a system would not be proposed nor tolerated by any private employer. It can not be defended when resorted to by the Federal Government. The lack of this limitation would defeat the wholesome effect of the 8-hour provision in this bill, just as the lack of a similar limitation has defeated the wholesome effect of the 48-hour law that is now applicable to carriers. The 48-hour law has proven unsatisfactory, even where it has been conscientiously enforced and is rightly to be superseded by the provision requiring 8 hours of work within 10 consecutive hours of time.

The suggestion that additional compensation for overtime will be an inducement for loitering and wasting time does great injustice to the carriers. I have known intimately quite a number of them in my home town, and without exception they have been progressive and reliable men who were devoted to their work and ambitious to excel in it. I am confident that no harmful neglect of duty will follow the enactment of this provision into law. The power of supervision still exists, and even though unnecessary it is likely to be exercised in the future as in the past. Inspectors with stop watches in hand will continue to spy upon carriers from behind boxes and wagons and from doorways and gravely make note of the number of steps taken by a carrier and the number of minutes and seconds utilized in serving each block of his route. This obnoxious practice will be continued until the administrative officers in authority come to realize that more can be accomplished by a system based on confidence than by a system founded on suspicion and distrust. However, if a coercive stimulus is needed to cause carriers to do eight hours' work in eight hours' time, surely the spy system is sufficient for the purpose.

Another provision which it is gratifying to me to have included in this bill is the one to protect employees against oppression and in the right of free speech and the right to consult their Representatives. The present President has seen fit to issue an Executive order, based on a similar order issued by his illustrious predecessor, which denies to Government employees certain fundamental rights guaranteed by the Federal Constitution to every citizen of this Republic. It attempts to stifle free speech and to nullify the right of petition. This order, which is commonly known as the "gag rule," is as follows:

> It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington shall apply to either House of Congress or to any committee of either House of Congress, or to any Member of Congress for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through or as authorized by the head of his department.

This rule effectually suppresses all complaint even against the most outrageous treatment that could be heaped upon them. Grievances can be presented to Congress only through the head of the department under which an employee serves. Even this privilege has been denied in fact because, although employees of the Government have met in convention and adopted resolutions pertaining to improvement in sanitary and other conditions surrounding their employment and have submitted these resolutions to Cabinet officers, the Cabinet officers have ignored these resolutions and have failed to transmit them to Congress for its consideration.

This legislation will permit associations of employees in the postal service to present their proper grievances to Congress direct without danger of the members losing their positions or being reduced in grade or compensation. It will allow their representatives to appear before committees of Congress where their proper appeals for a redress of grievances will receive the attention they deserve. It will insure to all the civil-service employees in the postal service the right to be furnished with a written copy of charges preferred against them, and will give the employees a reasonable time to answer the charges in writing and to submit affidavits in support of their defense. It also requires that a full and complete record of each case shall be filed in the proper department or office to be reported annually to Congress, and a copy of which is to be furnished to the accused employee upon his request, and another copy to the Civil Service Commission on request of that body. This will give the employees assurance of just treatment, and will restore the confidence that is necessary to get the best results in work where cooperation is absolutely necessary.

The fundamental rights restored to postal employees by this bill are rights which no conduct of theirs has forfeited and with which they can safely be intrusted. As a rule they are men of high character and high ideals, and will not abuse the rights which all other citizens have been free to exercise with impunity. Not only has this rule resulted in great injustice to the postal employees, but it has worked to the disadvantage of Members of Congress who are charged with the important duty of legislating for them. Frequently since my election I have been desirous of learning the needs of the postal service, and yet the knowledge of this rule prevented my consulting with the men best able to advise me, because to make a suggestion to me they would have to violate this rule. How can a conscientious Member of Congress vote intelligently and for the best interests of the American people if the most reliable sources of information are closed to him? I am glad that this rule is to be abrogated, not only because of my sympathy for these men, who have been unreasonably restrained in their rights as citizens, but I am glad because hereafter I shall be free to seek and secure information that will enable me the better to discharge my duties as a Representative.

If it had not been for the executive order which restrains railway postal clerks from responding to any request for information from a Member of Congress, I should have sought their opinion of section 7 of this bill, which provides for a reclassification of railway mail clerks. Through other sources I have learned of the desire of the railway mail clerks for a reclassification, and I have accepted as true the statement that the proposed reclassification is satisfactory to them. It is the intention of the plan to substantially improve the conditions of the railway mail clerks, and I believe that it accomplishes this worthy purpose, and yet I would vote for it with more confidence in its merits and in its justness had I been able to consult with the railway mail clerks of my acquaintance and had received their assurance that it satisfies the needs of the service. The proposed promotions are well deserved.

Section 9 of this bill is as follows:

> SEC. 9. That from and after the 1st day of July, 1912, the compensation of rural letter carriers for carrying the mail six days each week on standard routes of 24 miles in length shall be the sum of $1,074 per annum, to be paid monthly; and on routes exceeding 24 miles in length the sum of $44.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length a corresponding reduction of compensation per mile per annum shall be paid; on routes carrying the mail three day of each week of the same length as above the pay shall be one-half the compensation there provided.

The language of this section would have been simplified if it had fixed the compensation of rural letter carriers for carrying mail six days each week at $44.75 per annum for each mile in the established route traveled, and for carrying mail three days of each week at one-half of such compensation.

On April 26, 1911, I introduced a bill which fixed the salary of all rural mail carriers for carrying mail six days each week at $50 per annum for each mile in the established route traveled. I am still of the opinion that the salary provided in my bill is just and reasonable. Rural carriers have to perform their service in all kinds of weather, and often they are compelled to travel over roads that make their daily trip a toilsome one. They must face the snow and sleet and the blinding winds and endure the bitter cold of winter. They are exposed to the prolonged rains of spring and impeded in their progress by the consequent slush and mud. In the summer they can not escape the midday sun nor the clouds of dust that constantly hang over and surround them as they travel. Throughout the year they must suffer every extreme of the weather and still discharge their duties regularly. They are required to maintain

their equipment and repairs. It is usually necessary to keep at least two horses. This, together with the wagon, represents a considerable investment. The cost of feed, of keeping the horses well shod, and the wagon in good condition, subtracts a considerable sum from their yearly earnings. All of this service they must perform, and all of this expense they must assume for a yearly salary of $1,074 for a standard route of 24 miles and carry the mail six days a week. The slight increase in pay which this bill allows to rural carriers is well deserved, but it is still inadequate. No person in the Government service should be required to endure the hardships common to the life of the rural carrier for less than a net salary of $100 a month for a standard route of 24 miles. It is bad enough for a private employer to drive sharp bargains, but it should be beneath the dignity of a great and good Government, such as the United States has proven itself to be whenever humanitarian interests have been at stake or whenever an appeal has been made to the conscience of its people. The almost universal sentiment of the Nation at the present time is to demand and to grant justice in all things. That enlightened sentiment has been manifested in many bills that have passed this House during this session and the preceding extra session, and it is displayed in the wise and just provisions in this bill which I have enumerated and discussed and in none more worthily than in the last provision mentioned by me. It is my hope that more exact justice will be done these men by amending the bill as reported, so as to fix a salary of at least $50 per annum for rural carriers for each mile in the established route carried.

The House will make more splendid its record of achievement by the speedy passage of the provisions that I have discussed. Whatever else is added or rejected the bill in its final form should contain these provisions. The struggle to secure these reforms has been long and sometimes discouraging, but the advocates of them have never faltered in their purpose. Now, their hopes are high, they are eager with anticipation, the day of attainment has come, and the Sixty-second Congress will crown their efforts with victory.

Parcel Express.

SPEECH

OF

HON. E. R. BATHRICK,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BATHRICK said:

Mr. SPEAKER: In the short time allotted me I will touch briefly upon only one or two phases of this question. I was pleased to support the special rule brought into this House by the Rules Committee, temporarily suspending the Holman rule and permitting the consideration of the just demands of postal employees, parcel post, and Federal aid to good roads; but it has almost made a mess of the parcel post. This question is too big to be handled as an amendment.

I am not in favor of the proposal to delay until December, yet I am inclined to stand with the gentleman from Tennessee [Mr. MOON] and many of our most enthusiastic advocates of parcel post and approve the appointment of a committee to work out the details and report at an early period upon the various bills and amendments introduced. They should be required to report not later than June 1 of this session, and I believe that would be ample time for them to arrive at a solution of the question and have it passed upon. Instead of a joint committee a separate resolution should be passed at once authorizing a House committee. Such a plan would expedite matters and give us a real parcel post this session instead of later.

I would like to see as one member of this committee the gentleman from Maryland [Mr. LEWIS], as I believe him the strongest advocate and best student of the parcel-delivery question in the House. Of course, we could decide now, but to select one of these bills without the good features of the others would be a hasty decision without the warrant of immediate necessity. We may want part of the Anderson, the Sulzer, the Moon, or the Goeke bill or others, but I do not believe we want all of any of them. The several bills here presented are a veritable pot pourri of parcel post and parcel express and open to question as to practicability. This presents a peculiar legislative condition. As in all cases of popular demand, gentlemen have introduced many bills, hoping to win thereby the approval of their constituents by a solution of the question. There were over 40 good-roads bills, and I do not know how many parcel-post bills. Members of the House will have their favorites, and while the first one to be voted upon may carry, to the exclusion of all the rest and in spite of handmade, briefly considered amendments, it may not be the best. I am satisfied that many Members of this House will not vote against any bill, fearing it may get a majority and they will be recorded against it. That is not the spirit by which we should deal with this question. We should be more anxious to be right than to get a parcel post this blessed minute.

I should like to take a thoroughbred package delivery home to my constituents before election, and I hope I will, but I do not believe they want me to bring them a mongrel. I know that with more deliberation we can give a package-carrying law to the people that will give them all they ask, and with no injustice to anyone. I shall vote for the Anderson bill or the Goeke bill if these are the best we can get, but if the authors of these parcel-post bills had gotten together, as did the authors of the good-roads bills, if there were no political jockeying to get favor for one or the other party, there would be no reason for delay now, and we would have a good and complete bill to vote for instead of uncertain fragments.

Here we are with amendments, amendments to amendments, and various substitutes and amendments to them that have never been printed. Some of them have taken nearly 20 minutes for the Clerk to read. No one but the author has had opportunity to study them, and most of them have never had the benefit of committee deliberation. Not one man on the floor of this House can remember all the provisions of these amendments. How do we know but some clever enemy of these measures has not offered an amendment designed to defeat their purpose? How do we know what they will cost?

We should not be afraid to take the bull by the horns on this occasion. No one who knows me will accuse me of intentionally delaying parcel express unnecessarily, and I hope no one will accuse me of hurrying it so fast and furiously that it will be a bad job. The people want a change in their system of parcel delivery and they are sure to get it, but they will profit by the delay necessary to getting a good one. None but necessary delay will be tolerated, but our constituents have trusted us and we should be willing to believe they will trust our judgment in this matter.

The provisions of all of these bills should be collated and considered by a special committee, and the best features and the reason incorporated in the report of that committee, and they can do it in two weeks or, at most, a month.

I believe this House is 10 to 1 in favor of some kind of parcel post, but they are divided on the different plans. Any measure that involves the doing of so much and the expenditure of so much money should not be considered in a careless way. Ninety per cent of the people of my district want parcel post, but I want to give them something worth while and not a makeshift whose chief merit is the label.

For my part, I favor the parcel express that will relieve the ills of our transportation problems, to the benefit of laborers, farmers, and merchants alike, but I do not think we should buy the express companies' junk at an enormous price. An equipment necessary to carry 11-pound packages will fall very little short of one equal to taking care of a full express service. This would permit the transportation at greatly reduced cost from farm to city and city to farm with equal facility to that now in operation from city to city, with special advantage and injustice to none, not even to the small merchant.

Some of these parcel-post proposals would increase the cost over the present express rates. Some of them exclude so many classes of parcels that they would fail of their purpose of relief. Every business has its unprofitable burdens. Some of these bills would give the Government all the loss and turn all the profit over to the express companies, who have monopolized and robbed for years. I do not wish to vote to give them any more advantage than they have now. Advantage of transportation rates has been given in private carrying, but it is inconceivable that Government carrying would permit unfair discrimination.

I favor a parcel express performing for city and country all functions of present express, with rates governed by distance, weight, and size, giving no loss or profit to the Government.

An 11-pound parcel post, while it may be better than we now have, is only a bluff at doing the thing that should be done. Because it is done that way in Europe is no reason it should be done so in the United States. We do big things in this country, and we must settle this problem in a big way, and when it

is done see that it is done right. It is natural to pattern after the older countries, but is American to do things better.

Parcel express gets to the core of the transportation problem, which is more intimately related to the high price of necessities than any other factor. It is a sad commentary upon any kind of government which permits food to rot in one locality when people in another locality are starving. Particularly is this an aggravated condition when between these are stretched the steel ribbons of the railroads and only the highwaymen of greed standing in the way. The interposition of a fair cost would never prevent the carrying of the necessities of life from a point where there is a surplus to a point where there is not enough.

Connect our parcel express with the rural delivery and we shall have an ideal system of transportation which will go further toward a solution of the question of the high cost of living and a fair return to the producer than any means yet proposed. In doing this, Federal aid to good roads becomes a correlated question. It will cost the Government more money to haul over bad roads than over good roads, just the same as it does the farmer or anyone else.

The people of this country must know that every avenue of our commercial system leading from one branch of trade to another must be fostered and preserved or the whole will suffer. The natural necessities of the people have built up a system of exchange of products which can not be radically interfered with without danger.

Everything the farmer needs in the way of transportation has its corresponding need in the business of the merchant and the manufacturer. The transportation needed by producers is needed also by consumers, and its benefits should flow impartially to all branches of trade.

Production, distribution, and consumption are the three graces of commerce, and what benefits one must inevitably benefit the other. They are business triplets bound together by indissoluble ties of necessity. Distribution, made up of transportation and wholesale and retail business, stands as a link connecting production with consumption. Every merchant, big or little, is a fiber of this connecting link which can not be weakened without injury to both consumption and production.

The proposed parcel express would be a wise extension of Government-controlled delivery to the country. It is wider application of "parcel post" to embrace adequate transportation for production and consumption in the rural sections. In the full extent of its operation it will be a new convenience added to the country and thereby a new incentive to draw from the cities its thrifty citizens to populate the villages. It will relieve the merchant as well as the consumer from the extortion of a conscienceless express monopoly, and in its application will be good for all and harm to none.

Good Roads.

REMARKS

OF

HON. GORDON LEE,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LEE of Georgia said:

Mr. SPEAKER: I wish to direct my remarks to the amendment offered to the bill reported by the Post Office and Post Roads Committee, which reads as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide, of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted, and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within classes A, B, or C for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States, upon warrants drawn upon him by the Postmaster General, to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

Nothing more strikingly illustrates the growing interest in the subject of good roads and the need of national aid to encourage their construction and maintenance than the yearly increase in the number of bills introduced in the House and Senate looking to the encouragement of road building by the Federal Government. When I entered this body as a Member about eight years ago, the first bill I introduced was of this nature. It was very modest in its requirements, but it carried forcefully the main idea which I then held and still hold that it was time for the Federal Government to take a hand in promoting the building of good roads. It contemplated an appropriation of only $25,000,000 for this purpose, just about the cost of two battleships. But modest as it was, it was practically "laughed out of court."

At this session of Congress there have been introduced no less than 50 bills of the same purpose and intent. There appears to be some doubt in the minds of many Members as to whether or not our organic law authorized a direct appropriation for this purpose. I believe the Government has a right to make direct appropriation for the construction of roads. It was a fixed policy of this Government for more than 100 years. This policy had the indorsement of our first President, George Washington. It met the approval of Thomas Jefferson, James Madison, John C. Calhoun, John Quincy Adams, and other great lawyers and statesmen. I do not think there should be any serious doubt as to the legality of this question.

The Democratic national convention at Denver, in 1908, indorsed this proposition in the following language:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

A way has been sought and found by our committee by which constitutional objection is entirely eliminated. At the same time the provisions of the bill are such as will encourage in the highest degree cooperative action on the part of the several States. For no part of the contemplated expenditure can be shared by any State until that State has complied with the conditions precedent by putting its roads in such condition as to entitle it to pay for their use under the terms of this bill. The Federal Government wisely refuses in this bill to pay rental for bad roads.

The fact that all Members who have introduced bills here on this subject, although their views differ widely in some respects, have consented to merge their bills into this one and all support it is in itself strong evidence of the soundness of the principle upon which the bill is based and of the earnest desire of this body to at least make a beginning at this session to encourage by national aid the improvement of our country roads. And, indeed, it is high time we should. For years we have discussed the subject. We know now as well as we shall ever know the great necessity that exists for these public improvements. We know now from authoritative sources the fearful cost to the country that bad roads impose upon it. Information gathered by our Department of Agriculture leads its honorable Secretary to the conclusion that the extra burden imposed upon this country by bad roads is not less than $2,000,000 for every workday. These figures fairly stagger our credulity, but they probably express less than the whole truth.

If we are here to execute the will of the people, this bill should be passed without delay. All classes and conditions favor and have petitioned for such legislation. No considerable body of organized citizens has failed to express approval of Government aid to road building when the subject was brought before it. If we were told by the heads of any of the other departments of our Government, such as the Post Office or the Treasury, that we were losing $2,000,000 every day, at least half of which might in a few years be saved by the passage of this bill, it would be passed almost without discussion. But we have become so accustomed to these enormous losses by reason of bad roads that they do not shock or alarm us, and we continue

to defer any effort being made by the General Government to lessen them.

The United States is the only one of the great powers of the world that does not take a hand in promoting the building of good roads for the use of its people. We have encouraged the building of railroads by enormous grants of land. Not less than 250,000,000 acres of fertile lands have been given, and these lands are to-day worth $25 per acre. We have promoted river transportation by the expenditures of vast sums in keeping open the channels of our rivers. Public opinion has wisely approved these expenditures for keeping open these great arteries of trade, travel, and commerce. In my judgment, the same intelligent public opinion will indorse and approve even more heartily this proposed expenditure for improving ordinary wagon roads of the country, which must first be traveled by our vast tonnage of freight and passengers before they reach those higher and better forms of transportation. The bill before us is so modest, just, and equable in its provisions that it is difficult to conceive of any reasonable objection to it. It can cause no demand to be made upon our public funds for a year or more, nor can it make any then until it has been shown that useful service has already been rendered the Government therefor. Its provisions carry hope and encouragement and inspiration to every town, village, and neighborhood in the United States. It will shorten the distance of every public highway in the country by lessening the time required to travel it. All farmhouses will be brought within easy reach of each other and of their markets, their schoolhouses, and their churches. All mail service will be more regularly and expeditiously performed.

Under the terms of this bill every county in the State which I have the honor, in part, to represent could quickly put its roads in such condition as to enable it to receive from the Federal Treasury $5,000 or $6,000 per annum for their use by the carriers of mail. But no county could receive a cent unless its roads were of the standard required. This amounts to offering a prize of five or six thousand dollars a year to every county that will keep its roads in good, passable condition. This prize offer will undoubtedly stimulate greatly the tendency to road improvement that has already begun. This money would pay the interest on a loan or bond issue of $150,000 per county. This sum of $150,000, in addition to the regular tax levied for road purposes, would put the roads of every county in the condition required by this act before they would be entitled to receive rental from the Government for their use.

I am profoundly impressed with the conviction that it would be an administrative and economic error little short of criminal for this Congress to adjourn without passing this bill. Seventy per cent of our total revenues are now being expended for military purposes and less than 2 per cent in developing the agricultural wealth of our soil. We have 50,000,000 of people residing upon farms, and we are spending only 2 cents out of each $100 of our revenue to encourage the building of good roads for their use.

I can not better express my views on this subject than I have done on a previous occasion on this floor in discussing a bill to promote the building of good roads which I introduced in 1906. The thoughts I then expressed are just as apt and apposite now as they were then, six years ago. Some 10 years ago the public mind began to quicken on this subject in a few isolated and circumscribed spots over the country. Somebody stopped long enough to glance around and remark that our country roads were not keeping step with this age of progress and improvement. At first these remarks attracted about as much attention as does the usual observation about the weather being unsatisfactory, just as if bad weather and bad roads were necessarily coexisting evils. But as the need for better roads increased at even pace with the increase of population the volume of complaint grew larger and louder, until at last the conclusion was reached that the road question had attained to the proportions of a problem. Then solutions were in order, and are yet, for bad roads, like the poor, we have always with us.

At first there was a pretty general agreement among those engaged in road building to relegate the whole job to the farmer, and he was advised to "hump himself" and build better roads. But the farmer being already saddled with our tariff taxes and ridden by our "infant industries" has had little time and less money to devote to the theory and practice of road building. Still, whatever has been done in that line he has had it to do.

So here we are yet, right in the middle of the road, and the very sorriest kind of a road at that. "A condition confronts us, not a theory." Are not a hundred years of observation long enough to convince us that the roads will not reform themselves?

The great problem of the age—of this age and of all ages—has been and is to bring the producer and the consumer into the easiest and quickest possible communication with each other. To this end we built mighty navies; to this end we girdle the earth with railroads and tangle the air with telegraph wires; to this end we thrust tunnels under vast ranges of mountains and rend asunder continents with interoceanic canals. The millions and billions that are needed for these vast enterprises are flung at them with prodigal hand. Forty millions of dollars were promptly handed out from the Public Treasury to pay for the privilege of spending four hundred millions more to dig a ditch in foreign lands more than a thousand miles from home. One-half the sum it will cost, if intelligently expended upon our public highways during the next 10 years, would give one hundred times as much comfort and pleasure to one thousand times as many of our people. The canals will be a great public utility, no doubt, and I do not wish to appear to disparage the value of this great work, but better roads are a crying need now, every day, and for everybody.

As long as the farmer was the only sufferer from bad roads there was little likelihood of an appeal in their behalf ever reaching the Public Treasury. For armies and navies, for forts and arsenals, for armor and projectiles, and for all the wants and whims of those who fight we hand out unstinted millions; for those who plow and sow and reap we dole out grudging pennies.

But other interests and forces are coming to the aid of the solitary, isolated, the unorganized, and almost unorganizable farmer. His friends in the cities, having grown rich and equipped liberally with self-propelling vehicles, want better roads to roll them over, and they are interested in the problem of the roads. The manufacturer, learning from experience that bad roads interfere materially with his obtaining steady and continuous supplies of raw material, wants the roads improved. The millions of operatives in mines, mills, and shops are learning that bad roads increase the cost and disturb the regular supply of food products from the farms, which they must have, and they want better roads. The merchant has learned that bad roads retard and depress trade, and he wants them mended. Our Post Office Department is greatly hindered and hampered in its efforts to supply to the country regular, prompt, and reliable mail service for lack of better roads. In fact, it would be hard to name an interest, an industry, or an individual who would not be benefited by better roads.

The question of railway rate legislation has commanded the attention of the country for years. It has aroused the deepest interest throughout the country, and I would by no means disparage the importance of this subject. But, sir, I call your attention to the fact that the average charge for railroad transportation of freight throughout the country is three-fourths of 1 cent per mile for the hauling of a ton of freight. Now, mark you, that the average cost of hauling freight over dirt roads is 25 cents per ton, or thirty-three times as much; and, further, bear in mind that the freight that is hauled over the railroads in a large part must first travel the dirt road; in fact, 98 per cent of the freight that is shipped over the railroads must first pass over a dirt road to get to a railroad for transportation. Does not this impress the importance of the improvement of our roads throughout the land?

A distinguished Senator, in the debate on the rate bill some years ago, stated that a reduction of one-eighth of 1 cent per ton per mile in the present rates on all freights would put more than half the railroads in the hands of receivers. If this be true, what must be the appalling cost to the country of a system of public roads that increases the cost of moving its vast agricultural products five to fifteen times as much per ton per mile? A simple calculation would give us the figures, but the mind can scarcely grasp their staggering import.

Mr. Speaker, when we find we are on the wrong road, no matter how long nor how far we have traveled it, it is the part of wisdom to stop and change our course. For a hundred years we have waited for this road problem to be worked out under the old methods, and we are only getting deeper in the mud. To the principle and practice of extending Federal aid to road building we have already been long committed.

But if there were neither law nor precedent for the Federal Government to engage in road building, it is high time we were making both. Congress is wisely encouraging and sustaining the Post Office Department in its efforts to extend the wonderfully vitalizing and educating benefits of free rural-mail delivery. Nothing that has been undertaken by the General Government since the establishment of the Post Office Department has proven so immediately and universally popular as these daily rural mails. To send these mails daily over such roads as we have now must be done at an expenditure of money and labor

and energy and time that would be reduced in many instances by half if the roads were given proper attention. Nothing will contribute more to the rapid extension and improvement of this service than to improve the roads over which it must travel.

If I had the privilege of writing upon our statute books a law that had more of the promise and potency for immediate and lasting good to all the people than any law that has been proposed or discussed in this Hall, it would be a law creating a department of public highways, to act through and in conjunction with State, county, and municipal authorities in redeeming our country from the throes and thraldom of its miserable roads, and I would give the department not less than fifty millions a year until the work had reached a satisfactory stage of advancement. Surely if we can go on spending hundreds of millions of dollars every year in preparation for wars that may never come, we can spare a few millions to defend ourselves from the ravages of bad roads, which are always here. A certain and ever-present evil should certainly command as earnest attention and effort for its removal as the prevention of a possible one.

I do not believe that Congress can make a more useful expenditure of public funds than in the direction I have indicated, nor one that would be more immediately and lastingly beneficial. Then shall every interest be guarded by national legislation and the welfare of that class which affords sustenance to all classes be not neglected. Let us legislate in the interest of the millions of farmers in the United States. These people are not organized; they maintain no lobbies in Washington. They have trusted to our high sense of duty, to our loyalty, to the supreme interest of the Republic. I hope you will not longer disappoint them.

Parcel Post and Postal Express.

SPEECH

OF

HON. MICHAEL E. DRISCOLL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MICHAEL E. DRISCOLL said:

Mr. CHAIRMAN: The consideration of the Post Office appropriation bill is drawing to a close, and the result arrived at and embodied in the bill as it may pass the House will not be likely to meet the hopes and expectations of the masses of the people in the country who are demanding a general parcel post as a relief from what they consider extortionate charges by express companies. However, those who are disappointed should not be overhasty in passing judgment or in drawing conclusions. The difficulties in the question involved and the many divergent opinions as to what should be done and the lack of exact information as to the effect of any comprehensive and radical parcel-post or postal-express measure are sufficient to justify reasonable men in opposing hasty action in this very important and complicated matter.

Congressmen have been receiving for many months past letters and petitions for parcel post and postal express. As a rule the letters have not stated definitely what the writers wished, but in a very general way stated that they wanted parcel post. Some of them wanted a general parcel post; others a real parcel post; and lately a few have stated that they favored the Lewis or Goeke bill. Some people think that because the Congress has not acted promptly and prepared and enacted a general parcel-post law that it is under the influence of the express companies of the country. Many of those letters would lead one to believe that the men who wrote them think that a parcel post is a definite thing; that Congress can enact a parcel-post law with as much ease and readiness as a merchant can furnish a certain brand of goods on the demand of a customer.

The question is difficult, because of the great variety of views with reference to just what a parcel post should be, what provisions it should embrace, what rates should be fixed, and what system should be adopted, whether flat rates or zone rates, and many other questions on which business men of the country differ.

Sometime ago a collection of parcel-post bills introduced in the House was made and printed, including about 21 different bills, no two alike in all respects. Since that time several additional bills have been prepared and introduced in the House, and all are pending. But the fact is that none of them meets with the approval of the majority of the House. The Congress is open to no criticism because of the fact that it is trying to move carefully, and therefore must move slowly with reference to this complex question. It should be borne in mind by everyone who is inclined to criticize because of delay in this very important matter that the Government is only an agency of all the people; that Congress is only a branch of that Government, and that the people pay the expenses of all laws which are enacted by the Congress, and therefore the Congress has no motive or object in delaying or refusing what the country demands.

The Goeke bill, which provides for the purchase of the properties of the express companies and the establishment of postal express by the Government, is the most drastic and comprehensive measure before the Congress. It was referred to the Committee on Interstate and Foreign Commerce, of which I am a member, and was considered before that committee during several days. Mr. LEWIS, of Maryland, who has given the subject more study than any other man in Congress, appeared before the committee and gave his views at considerable length. The representatives of express companies were from time to time invited to appear before that committee and give their views on the bill. We expected that they would appear in opposition to it, and several opportunities were given them and several dates fixed for hearings, to which they were invited. None of them appeared; none of them filed a brief; none of them offered any objection to its enactment into law. They simply ignored the committee and the House.

What conclusion can be drawn from this manifest indifference as to what action the committee or the House would take as to the appropriation of their plants and putting them out of business? It is not their habit to overlook matters of vital importance to them. Whatever one may think of them in other respects, no one can accuse them of being blind to their own interests or that they are not managed by men of ability and sagacity. This apparent indifference as to what action Congress may take in a matter of so much moment to them points directly to one of two conclusions:

First, that they are advised by their counsel that this bill, if enacted into law, will not be worth the paper on which it is written because of its unconstitutionality; or

Second, that they are not only willing but anxious to sell their old horses, vehicles, stores, furniture, trucks, and old junk of every kind to the Government at good prices, and either go out of business or reorganize and continue under new conditions, for no one claims but that these express companies may continue to do business if they find any business to do at a profit. I am personally inclined to the opinion that they would be glad to unload their properties on the Government for a lump sum, based on their earning power and net receipts during the last few years.

About two years ago they were placed under the jurisdiction of the Interstate Commerce Commission, who have been making a thorough investigation of them, their properties, plants, methods of doing business, their investments, profits, rates, charges, and all details of their business, in order that it may be able to fix what are reasonable rates for their services in the transportation of express matter. Such an order by the commission is expected in the near future, and the express companies may consider it good business to unload on the Government for prices predicated on their net profits rather than to have their rates regulated and cut down and their dividends reduced. Besides, their managers and directors are well aware that their harvest time is nearly over; that public opinion is so thoroughly aroused against them that they will soon be cut short in their prosperous careers. They know that every extension of the parcel post by the Post Office Department will cut into their business and reduce their profits, and they also know that a parcel post of some kind will be established in the near future. They know that they are parasites and can be dispensed with and that the business can be done by the railroads and the Post Office Department. Therefore very likely they may have reached the conclusion that the time to sell out is now, before their rates are reduced by the Interstate Commerce Commission and before the Post Office Department enters into competition with them in the transportation of parcels.

But why should the Government buy their properties, real and personal, much of which are not conveniently situated and much of which are old and antiquated. It can extend its parcel-post system, by and through the Post Office Department, without the aid of the express companies and without their properties. It is under no obligations to them. It did not start them in busi-

ness or encourage them to continue in it. They are closely associated with the railroad companies and have been making very large profits on their capital invested. Now, if the future looks squally for them on account of the fact that the Government will soon create a parcel-post system, more or less extensive, which will cut into their business and profits, there is no good reason why it should favor them by buying them out.

The Goeke bill is different in character from most of the others others which have been proposed and would involve the Government in new and very comprehensive and complicated functions and in new and extensive relations with the citizens. No man in the Government or out of it is able to give the Congress the full information and counsel which would justify it in plunging the Government into this new, untried, and very expensive service at this time.

The bill is intended to put into form and legal enactment a theory—an attractive theory, I admit, and perhaps a beguiling one, but yet only a theory—which should be given thorough study and, if practicable, a fair trial in an experimental way before the department is committed to a new service which may prove disastrous financially and unfortunate in other respects.

On account of the new and difficult questions involved in this bill and in the 25 or 30 others which are proposed and urged upon Congress for the solution of a parcel-post problem, the Committee on the Post Office and Post Roads has embodied in its appropriation bill the following provision:

> That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post a commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

Would the successful and experienced business man or corporation engage in a new and very important and very expensive enterprise on the theory and recommendation of any man, because that man has confidence in it and believes it would prove a successful venture? When between 20 and 30 different propositions and methods to accomplish practically the same result are submitted to a careful and prudent man, will he not ask for time to compare and examine them thoroughly before he makes a choice or adopts any one of them? That is practically what the committee recommends.

The Goeke bill is attractive to the farmer, for it holds out to him the prospect that the United States express agent will pass by his house every morning and take from his farm in small packages his apples, pears, potatoes, and other fruits and vegetables and his poultry, pigs, and calves, if they do not exceed 100 pounds in weight, and have them sent directly to New York, Chicago, or New Orleans for a stamp of some denomination which he places on the box or package, and return to him the price without further cost or trouble. He may also be pleased with the opportunity of buying from the great department and catalogue houses, or perhaps directly from the manufacturers and producers, his small agricultural implements, dry goods, fancy groceries, and beverages, and all other necessaries and comforts, and have them laid down at his front door by means of the express agent and the Government stamp.

This mere statement of what the bill proposes to accomplish opens up to the person of ordinary imagination or experience numberless difficulties, chances, and hazards, which may and probably would attend this method of doing business. For instance, before the farmer sends a small package of his farm products away he must find a customer; but let us say he finds one in Philadelphia. He must trust that customer or send the goods collect on delivery. Suppose he trusts the customer and he forgets to pay. He can not hire a lawyer or collecting agent for the price of a bushel of potatoes. After a little experience he will not sell on credit, but will send his goods collect on delivery. Then, suppose the customer has not the ready cash to pay the express agent on the other end of the route, or suppose he decides that the goods are not the variety or quality he desires, or that they are not in good condition, and refuses to take them if he must pay cash. What will the Government do with them? Leave them in a storehouse subject to his order or return them to the farmer? The Government through all its departments necessarily does its business on straight lines and under rigid rules and regulations and with much red tape. That always results in a loss of time and energy, and much would be accomplished if the employees of the Government had the discretion to cut the red tape sometimes or take short cuts to accomplish results and save expense; but that is not, and perhaps never will be, the rule. In this case the express agent in Philadelphia would be required to act in a distinct and definite way, and would not be required or perhaps permitted to use his discretion for the collection of the bill in the same way that the ordinary collecting agent or attorney would, whose fee depended on his success.

Again, suppose a farmer sends highly perishable fruit and tender vegetables and they are rejected by the customer because they are not fresh and in good condition. Suppose his eggs get broken in transit and his butter jar gets smashed; will that not be practically a dead loss to him unless he has his own agent who is looking after his interest? But before he can send anything away he must find a box or substantial package which will stand the pounding and wear and tear of the route, for agents in a hurry will not handle them with special care any more than the baggage or express man does our trunks. If those goods are damaged he has no redress, for the Post Office Department does not guarantee anything.

It is obvious that the proposed methods of moving produce from the farm to the city kitchen by a postal-express system in as small quantities as the ordinary housewife buys, would be attended with great trouble and annoyance, and would cost either the Government or the patron as much or perhaps more than under the present system. The farmer could not afford to properly pack for transportation and careless handling a peck of apples, a couple of quarts of berries, a dozen of eggs, a pound of butter, a pint of cream, a couple of heads of lettuce, a head of cabbage, and so on, which are about the amounts ordinary families buy, for they live from hand to mouth. The expense and trouble of selling by correspondence, properly packing and delivering to the expressman, collecting, and accounting in such small quantities, might amount to more than the cost of growing the produce. Yet the desire and effort to reduce the cost of food to the poor people in large centers of population is the only excuse offered for this radical and untried experiment and departure from ordinary methods.

If the city housewife would take the same pains and practice the same economy and foresight to provide her supplies under the present system, she could materially reduce her living expenses. If she would watch the market, pay cash, and do her own delivering, she could buy much more economically. A grocer in Syracuse who would sell only for cash and deliver at the counter could afford to sell from 20 to 25 per cent cheaper than the one who sells on credit, delivers the goods, and takes his chances on bad accounts.

A customer telephones her grocer for half a dozen eggs, to be delivered at once. The price may not pay for the delivery, and the loss in that transaction is charged to the business. The overhead expenses and cost of running the business are tremendous, which raises the price to all customers and adds to the cost of living.

These are only a few of the embarrassments, annoyances, difficulties, and losses which would attend the postal-express system of delivering the necessaries of life directly from the farm in the country to the kitchen in the great city.

Every man can think of other objections, and perhaps much greater ones, but no one can think of or imagine all the difficulties and losses which might attend this kind of merchandising. Thefts from the United States mail are now rare. The amount is negligible, except in cases where money is abstracted from letters, largely because ordinary mail is of no use to anyone except the people to whom it is sent, and therefore offers no temptation to the employees of the department, or to outsiders, to appropriate it. In the case of delicious apples, peaches, berries, spring chickens, turkeys, and other delicacies of the season the temptation would be greater and opportunity much better. If a box of berries was smashed, they might better be consumed than thrown out, and the destruction of the package would not be a difficult matter. No imagination can, in advance, suggest or prepare against all the ways and means by which losses might occur to the patrons in this kind of service.

The Goeke bill does not provide, either in specific or general terms, what the rates should be, but leaves it to each person to presume that they will be very low and very favorable to his particular line of trade. Nor does it state whether or not the rates shall be the same on the same weight of goods for any distance, as obtains now with respect to all kinds of mail matter. That is all left to the determination of the Postmaster General.

Suppose a flat rate for the same weight of merchandise for any distance in the country, as in the case of mail matter, should be adopted, how would that work out and how would it affect the farmer and farm in central New York? If the Government should undertake to deliver farm products in small parcels at the same rates, whether the haul be long or short,

the Onondaga farmer would have no advantage over the North Dakota farmer in the New York or Syracuse market. If the marketing should be done at public expense or at very low rates, without regard to distance, then the New York farmer would surely get the worst of it, for his farm, which is now convenient to the best markets in this country, which raises the price of his land and the price of his commodities, would be placed on a par with the western farm.

Aside from the Goeke express bill, two general classes of bills have been introduced and are now before the Congress. One class of those bills provides for flat rates—that is, the same rates for parcels of the same weight for any distance, long or short. The other class provides for rates according to what is called the zone system—that is, where the rates increase according to the distance. The latter plan appeals to me as the more just and equitable one.

If the department engages in the transportation and delivery of merchandise for the public, that service should be made to pay expenses, and rates should be fixed to accomplish that end. The cost of this service must be paid one way or the other, either by charges on the business or by a tax on all the people to pay the deficit. In that case the people who patronize it and get its benefits should pay the necessary expenses or cost and not shift the burden on all the people to be paid in the form of a tax.

Again, it would cost the Government more to send a 10-pound package from Syracuse to Seattle than from Syracuse to Utica, and therefore the express rate should be larger. Why not? If all the parcels are made to pay all the expenses of handling and transportation and the charge on the parcel from Syracuse to Utica is the same as on the one from Syracuse to Seattle, while the expense is only one-fifth as much, then the parcel sent to Utica is made to pay all of its own expense and a part of the expense of sending the parcel to Seattle.

There is in Congress, and I believe out of Congress, a decided difference of opinion as to this important question, and it is hoped that the commission above referred to will work out a solution of it which will be just and practicable.

The Goeke bill provides for the appropriation by the United States of the equipment and express railway contracts which are used in the actual express business, and that no property shall be condemned which is not necessary for the conduct of the express business by the Government. Now, if the Government proceeds to condemn and appropriate such parts of the express companies' property as it needs and leaves on their hands odds and ends of properties which are of but little value to them when their express contracts and business are taken from them, will not the Government be required to settle for all damage to the properties left as well as for the value of all properties taken? We are moving pretty rapidly along so-called progressive and socialistic lines, but have not yet arrived at the point where we are ready to approve the confiscation of private property.

It condemns and appropriates the contracts now existing between the express companies and the railway and steamship companies. Assume that the Government can condemn and appropriate the rights of the express companies in those contracts, can it compel the railway and steamship companies to recognize the Government as to those contracts in the place and stead of the express companies? None of those contracts was produced before the Interstate and Foreign Commerce Committee, who reported this bill, and no information was submitted to it as to the terms and conditions in them. The business relations between the express and railway companies are intimate and complex and have been developed by many years of experience and evolution. The stocks in both classes of companies are largely owned by the same people, and their managements naturally look for mutual advantage and profit by having the employees of each assist the others in certain kinds of work and in various ways. It is doubtful if the postal employees, on account of civil-service regulations and fixed and definite hours of work, could or would be permitted to work in with the railway employees to the same mutual advantage of both parties.

The bill provides for the renewal of the express-railway contracts at the termination of those now in existence on terms to be agreed upon by the carrier and Postmaster General; and in case of their failure to agree it gives the Interstate Commerce Commission the power to declare the terms of such contracts. This extends the power of the Interstate Commerce Commission beyond what it is now as between shippers and railway companies. Shippers and railway companies stand equally—in theory, at all events—before the Interstate Commerce Commission, which has power to say what is a reasonable rate. But the members of the Interstate Commerce Commission are employees of the Government, appointed by the President and maintained in existence by the Congress. Is it fair to give them power to make contracts with railway and steamship companies, depriving those companies of any right to say what kind of contracts they shall be bound by? In the same partisan and unfair manner the bill provides that the value of the express companies' properties taken by the Government shall be determined by the Interstate Commerce Commission. I do not say but what that commission would be fair as between the Government and the companies. But in ordinary condemnation proceedings, even in the small way with which we are familiar, the party whose property is to be condemned under the right of eminent domain usually has the damages assessed by men who are not directly or indirectly interested in or under the influence of either party to the proceedings.

I have no interest in any express or railway company, but I believe in giving the devil his due, and I can not look with approval on this one-sided and high-handed method of appropriating property of one party and enforcing contracts upon another.

The bill provides that the President shall, on July 1, 1913, take possession of all the express companies' properties which are condemned and appropriated, and that the Secretary of the Treasury shall pay the awards allowed by the Interstate Commerce Commission for the condemned properties. It does not give the express companies even the right of appeal from the decision of the Interstate Commerce Commission in case they feel aggrieved by the action of that body, and it does not suggest where the money is to come from to pay for those properties. It just says that the Secretary of the Treasury shall pay for them, as though money falls into the Treasury from the clouds. If the express companies should be granted awards according to their earning power the amounts coming to them from the Government might run into hundreds of millions, and it might be necessary to issue bonds to raise the money. But no provision is made for that contingency, nor does it seem to be thought of by the gentleman who framed up this bill.

There are many other defects in this measure which the reader will discover for himself. The man who conceived and drafted it had one definite object in mind, viz, putting the Government into the express business at an early date. Apparently he had but very little comprehension as to how that might be done in an orderly, legal, and economical manner.

There is another phase of this question to which I wish to refer. If this bill should be enacted into law, putting the Government in charge of the express business of the country, then immediately the present employees of the express companies, or those who would take their places, would be put into the civil service, subject to the rules and regulations of the Post Office Department, with the same salaries, hours of labor, vacations, and so forth. Then, if it would require as many hours' labor of Government employees to manage, let us say, the present express business as it now requires of the express companies' employees, and at the same express rates, the Government would suffer many millions of loss every year. It is a conservative statement that work done by the Federal Government costs at least one-half more than it costs private corporations to do the same amount and quality of work.

The express companies now make large dividends on their investments because they do large amounts of business on their invested capital. Last year they made about 7 per cent profit on the total of their business done. If a man paid $1 expressage on a parcel and complained of it as an outrage, and had it cut down to 93 cents, he would not probably have been much better pleased and would have sworn quite as vociferously. Yet, if the rates on all business done all along the line by the express companies were cut down 7 per cent, the companies would have made no profits, and therefore would have earned no dividends on their express business.

Suppose a man should invest $100,000 capital in a business and do $100,000 business in a year at 6 per cent profit on the business. He would realize $6,000 profit, which would be 6 per cent on his capital invested. Again, if he should invest only $6,000 capital and do $100,000 worth of business at 6 per cent profit, he would realize $6,000 profit for the year, which would be 100 per cent on his investment. Relatively that is the way the express companies make large dividends on their investments by doing large amounts of business at not exorbitant profits on the business done, but which amount to big dividends on the capital actually invested. It is claimed that the meat packers of Chicago make only 2 per cent profit on the total business done, but they turn their money over several times a year and therefore make large dividends on their capital invested. If the Government should take over the express business along the lines on which it is now done, it would have to increase the rates or lose heavily on account of the expensive

manner in which it does business. If it should extend the business so as to accommodate the farmers and all classes of people as heretofore suggested, it would have to make the rates so high as to be prohibitive to ordinary business or create an enormous deficit every year to be liquidated by general tax.

One more suggestion in conclusion. This bill provides that if the Government deem it advantageous it may own its own cars. If it should engage in general express business as contemplated by the gentleman who framed up this bill, it would require many cars. If the Government owns 1, why not 2; why not 10; why not the whole train? Then, why not own all the trains, engines, and all railroad properties?

Mr. BERGER, the Socialist Member from Wisconsin, admitted on this floor that this is a long step toward national socialism. Further, that the ownership of all railroads is a very natural and logical consequence of the ownership of the express companies, and also the ownership of all ships and steamboats used in the transportation of commodities, the ownership of all telegraph and telephone lines; and, in fact, all properties used in the transportation of commodities and persons and in communication between different parts of the country. He further said that the ownership of not only coal mines but all mines of every kind would follow naturally and logically, and that the nationalization of all lands would follow as a natural and logical sequence. This is, therefore, admittedly a long step toward national socialism.

Mr. Cowles, the representative of the Postal Express League, who came before the Interstate and Foreign Commerce Committee, objected to this bill because it did not go far enough even for a starter. He insisted that the Government should at once buy up all the railroads and steamboats, and that it should make flat rates for the transportation of all commodities and all people, and said that the rate for the transportation of a carload of coal or a passenger from Boston to Worcester should be exactly the same as from Boston to San Francisco.

In view of what this bill, if enacted into law would mean of itself, and what it would inevitably lead to, is not the Congress justified in appointing a commission to thoroughly examine this and other propositions before it permits the Government to plunge into national socialism at once?

Reckless Postal Riders.

SPEECH

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: If the "riders" attached to the Post Office and post roads appropriation bill were not intended to raid the Treasury, they certainly will not have the effect of producing economy or of equalizing the burdens of taxation. They do, in fact, have a very decided tendency to relieve certain sections of the country of a fair proportion of financial responsibilities and to impose increased charges upon other sections. As between the city and the country, the lines are distinctly drawn in the riders pertaining to dirt roads (the Shackleford amendment) and the parcel-post rates for fourth-class matter. I am as sincerely desirous of promoting the farming interests as any other Member, but the riders to this bill are so evidently intended to "catch the farmer" and are so manifestly unfair to the taxpayers in the city (apart from the Government ownership and other radical features of the measure) that I intend to discuss this phase of the question frankly.

EXCHANGE OF PRODUCTS ESSENTIAL TO PROGRESS.

The farmer knows that the man who earns his wage in the city is his best customer, just as the man who works in the mill knows that his products will find a market in the country. If it were not so farm produce would stay upon the farm and mill products would remain in the mill district. The farmer also knows that without transportation, which is made possible by capital and industry, modern exchange of commodities would be impossible. It is only little more than a hundred years since the grain of western Pennsylvania went to waste because it was impossible to transport it over the mountains to the market in the East. How much more would we be strangers to-day if we had not the modern storage and transportation facilities to bring the commerce of the widely scattered centers of production and consumption together? And how may we distinguish between the centers of production and consumption so that one shall have preference over the other in Government favor?

The remarkable riders attached to this bill—a bill for the conduct of the post offices—attempt to meet this problem. As the general public understands it, a Post Office and post roads appropriation bill is a simple and necessary financial provision for the payment of the salaries of postal employees and to meet the expenses of conducting the postal service.

SOME BIG PROBLEMS HASTILY INJECTED.

How many people are aware that, notwithstanding the postal service is conducted at a loss because of special privileges already granted to those who sell and distribute second and fourth class mail matter, there is to be voted upon here, under a rule brought in hastily and which we can not escape, riders providing for these expensive and hazardous experiments?

A. The condemnation and taking over by the Government of all the express companies of the United States.

B. The payment of large sums for roads used by rural carriers in States and counties.

C. The reduction of rates on fourth-class or parcel and package matter from 16 cents a pound in the cities to 5 cents a pound on rural routes.

D. The exclusion of newspapers and publications from the mails unless the names of publishers and writers and of all stockholders are constantly revealed.

Yet this simple and ordinarily formal appropriation bill provides for these and other features, committing Congress to a policy of paternalism and Government ownership and involving the Government in an expense to both the farmer and the city dweller the end of which no man can tell. Is it to be presumed that the great taxpaying public knows that we are plunging into these vast problems of responsibility and expenditure through the medium of a bill to pay clerks' salaries?

GOVERNMENT INVESTING IN EXPRESS COMPANIES.

Take the matter of express companies. At one fell swoop and with debate limited under a rule, we are to condemn all existing express companies and tack them onto the Government establishment. We are to set the Government up in business, increase our pay roll, and stand all the profits and losses of these vast commercial enterprises. We are to do it in the name of the people in a bill to pay the rural free delivery carriers and the postal employees of the country. Is this rider brought in with the expectation that it will pass or is it a mere sop for vote-getting purposes, in view of the near approach of a presidential election? Indeed, it is difficult to believe the majority intends to go so far with so vast a proposition on such limited information as we now possess. Gentlemen have supposed that the condemnation of the express companies would cost the Government from $30,000,000 to $40,000,000, but this is supposition only. The gentleman from Maryland [Mr. LEWIS], who seems to be the best informed champion of these condemnation proceedings, admits that the taking over of the express companies would mean the taking over of probably 50,000 employees. You are going to add these to the pay roll of the Government. It will not stop there. Every man engaged in the carrying of parcels must be bonded. Losses will occur, and the Court of Claims will doubtless take over the burden which now confronts the claims departments of the express companies. Government ownership is not all it has "been cracked up to be." In Government employ operatives become exacting, and the general tendency now is toward a system of pensions which will still further add to the problems which this bill presents. For one I am not prepared, in this hasty manner, without more definite information, to take over this great business with all its uncertainties and responsibilities.

I believe the public should have the benefit of the lowest possible transportation rates and understand the express company charges are now under investigation by the Interstate Comberce Commission; but even so, I do not think the taxpayers of the country have authorized us, as Members of Congress, to buy up express companies, both good and bad, and to assume all the risk incident to their management. I take it that it is our business to regulate our public utilities and not to speculate in them.

THE DIRT-ROADS SUBSIDY.

And, now, Mr. Chairman, as to the dirt-roads subsidy. Let us call it subsidy, for that is exactly what the Shackleford amendment contemplates.

It is true that the pretense upon which this amendment is based is the alleged use of, or damage to, country roads

by the wagons of the rural free-delivery carriers, but I am unable to see wherein the use of, or damage to, country roads because of the postal service can be any greater in the country than it is on the city streets, which are more expensive and more constantly in use by letter carriers and the drivers of mail wagons. When the House had an opportunity to vote on my amendment extending the proposed good-roads subsidies to the thoroughfares of the cities, it voted it down with a rush, indicating conclusively, as the distinguished chairman of the Committee on Post Office and Post Roads expressed it in his opening address, that "the country fellow" was to be taken care of this time. Clearly it was and is the intention to jolly the farmer and leave "the city fellow" out of this subsidy scheme.

But even if the country interests are to be taken care of this time, what do they get? From $15 to $25 per mile per annum out of a fund which belongs to all of the people of the United States and which is a tax upon all. Is it contended that an appropriation averaging $20 per mile per year will build good roads for the farmers if the States in which they live have not already made provision for them, or is it the intent that certain State or county officials outside of the cities shall be put in position by recovering this "piece of pork" from the Federal Treasury to show how earnestly they fought, bled, and died for the tiller of the soil? I would like to believe that the majority really intended to do something for the advancement of good roads in the United States, but apart from the "hurrah" we have had on the Shackleford amendment there is nothing in sight but an average of $20 per mile for one section of the country and absolutely nothing for the other.

THIS IS SPECIAL LEGISLATION.

The legislation is specialized to the point of unconstitutionality, and the farmer is given a bone over which to contend with his city brother, while a comprehensive and effectual plan of road improvement is totally ignored. That the rider is special legislation and subject to criticism on the ground that it is unfair and unequal is easily demonstrated.

It makes no difference whether the mail wagons of the Federal Government tear holes in the asphalt streets or not, no consideration is given to improvements by the municipalities. Only the country districts are to be considered, and the excuse for this is that the rural delivery carrier makes use of the roads. You can not argue that the taxpayer of the city, who is denied consideration in this matter, does not participate in the expense. He does, and in proportion to population and with respect to area he does it in larger proportion than any other citizen.

TAXING THE WORTHY TWICE.

In defense of the good-roads subsidy it has been contended that States that have already constructed roads will participate in the Federal tolls that are to be paid. The gentleman from Illinois [Mr. CANNON] has advanced this thought. Well, let us see!

Rhode Island has paid for her roads, and they are all done. Texas, comparatively speaking, has only started. The area of Rhode Island is 1,250 square miles; the area of Texas is 265,000 square miles. How will this subsidy business work out? Pennsylvania has just begun the expenditure of $50,000,000 to make her road system an honor to the Commonwealth. The people of Pennsylvania will bear that expense themselves. Why should they be called upon to contribute through the Federal Treasury to the construction of roads in every other State? The population of Pennsylvania is one-eighth the population of the entire country, but when it comes to area Pennsylvania has only 45,000 square miles of the 3,000,000 square miles of the country. Any return to Pennsylvania from Federal tolls, therefore, would be the veriest drop in the bucket compared with the outgo for the unimproved country area.

There are now more than 1,000,000 miles of roads used by the Rural Delivery Service and the cost of these on the plan advanced in the Shackleford amendment would start at $20,000,000 per annum. What it would jump to after the first year can only be surmised, but this can be set down as reasonably certain, that if the plan goes through, Pennsylvania will pay according to her wealth and station among the States in proportion far exceeding any possible benefit she may derive. So will Rhode Island, New Jersey, Connecticut, and every other State of limited area.

If we were considering great national highways, roads of interstate or transcontinental consequence, the situation might be different. We have no comprehensive, coordinated plan of good-roads improvement, but simply a hodgepodge that reduces road building to the level of the pork barrel. It is to be regretted, for the sake of the good-roads movement, that a problem so vital to the interior development of our country should have been brought to Congress as a "rider" to a post-office clerks' appropriation bill without a nod of approval from the Department of Agriculture or from the great associations that have been striving for better roads. The subject was big enough and important enough to have been advanced upon its own merits, but this was not the pleasure nor the method of the majority.

RECIPROCITY AND FAIR PLAY.

We should be fair to all the people in national legislation, and since our Democratic brethren are fond of crying out that there shall "be special privileges to none," neither should we descend to special privilege in legislation. The farmer now has the advantages of a great Department of Agriculture and of a Department of the Interior, and of a Free Rural Delivery Service; and in the matter of rivers and harbors appropriations, reclamation and irrigation projects, and Forestry Service he is far and away ahead of the dweller in the city. I do not know of any such special advantages that may be charged up wholly to the municipalities. Some one may cry out "the tariff." Well, the answer to that is that the tariff in its effects is as broad as the country itself and is applicable to all producers and consumers alike. When it was proposed to enter into a reciprocal arrangement with Canada by which certain tariff duties were to be lowered, I voted "no," notwithstanding the hue and cry in the cities that the high cost of living was attributable to the farmer, who was supposed to be receiving exorbitant prices for his products.

I contended then, as I contend now, that inasmuch as my constituents in the city were the beneficiaries of a protective tariff system, the farmers and all other producers in this country should be protected, and there has been no change in my views. We are equal in our rights before the law and entitled to an equality in the matter of taxation. How, then, can I be expected to look with favor upon a proposition to make my constituents, in addition to the taxes they already pay, suffer a further charge for the improvement of the highways of other constituencies, through the medium of the Federal Treasury, which is the common property of all the people? This is exactly what this Shackleford amendment proposes to do. It says to the man who owns a small property in a city, "It makes no difference whether you have paid for your streets and highways or not, we expect you to contribute to the cost of ours."

COUNTRY RATE LOW, CITY RATE HIGH.

But this is not the only instance in which this unusual bill proposes to make fish of the city and fowl of the country. We have the rider fixing rates for parcels and packages known as fourth-class matter. It is well known that an agitation has been stirring the country with regard to a parcel post. It is a battle between the mail-order house on the one hand and the country storekeeper on the other. The villain in the play is the exacting and overbearing express company, which we have proposed to condemn. How does the bill attack the monster? Answer: By pacifying the country with a special rate for packages delivered on rural routes and holding the city up to the top notch. That is to say, inasmuch as the city business is profitable and the rural business is unprofitable, make up the losses in the country by appropriating the profits in the city. Bear in mind that the working man who lives in a municipality and who has a hard time keeping employed and making both ends meet is also a user of the mails and is presumed to have equal rights in their use with any other man. Why, then, is the rate for a common-carrier service conducted by the Government to be made 5 cents a pound in the country and left at 16 or even 12 cents a pound in the city? The city routes are shorter than those in the country, and the haul apparently is less expensive. Why, then, should the tax be greater upon the poor woman who mails a package to a neighbor in the mill district than it is to a farmer who mails a package from one section of the country to another? The proposition is not equal; it is not just; and, in my judgment, is contrary to the spirit of the laws and calculated to disturb the public confidence. I do not object to the rural route having a parcel-post rate of 5 cents a pound, but I do object to a 16-cent-a-pound rate for similar service in the cities. An amendment offered by me to make the rate uniform for country and city alike was ruled out on a point of order, and even if voted upon, in view of the temper of the majority, would doubtless have been defeated.

CITY POSTAL BUSINESS PAYS.

During the discussion the other day I was asked by the gentleman from Illinois [Mr. MADDEN] to put in the RECORD the statistics with regard to the Philadelphia post office, so that we might know whether the business there was conducted at a profit or a loss. I now have the figures as presented in

the last report of the Philadelphia postmaster, and in order that they may serve as an object lesson in contrast with figures affecting the profit and loss of the Rural Free Delivery Service, I submit them herewith:

Comparative statement of business of Philadelphia post office for fiscal years ending June 30, 1910, and June 30, 1911.

	Year ending June 30, 1910.	Year ending June 30, 1911.	Increase.
Gross receipts	$6,747,279.16	$7,230,998.20	$483,719.04
Total expenses	$3,611,854.40	$3,659,156.09	$47,301.69
Number pieces handled, mailing division	763,596,800	773,967,830	10,371,030
Number pieces handled, delivery division, in deliveries and collections	909,885,379	935,975,858	26,090,479
Number special-delivery letters delivered	586,086	622,439	36,353
Pieces handled by registry division	3,042,888	3,109,827	66,939
Money-order transactions	2,598,565	2,725,135	126,570
Amount money involved	$29,906,444.80	$32,087,191.85	$2,180,747.05
Money-order funds received on deposit	$12,357,951.39	$13,466,683.70	$1,108,732.31

It will be seen from this statement that the receipts of the Philadelphia post office for the year ending June 30, 1911, exceeded the expenses by more than $4,000,000, and this on a total business of $7,230,000. It is a creditable report. It shows what nearly every report shows, that the losses in the postal service are not in the city.

RURAL DELIVERY DEFICIT TREMENDOUS.

Why, therefore, if the city business is profitable and the rural delivery is conducted at a loss, is it fair to still further reduce the rates in the country without reducing them in the city? The figures with regard to second-class matter—newspapers, magazines, and so forth—are sufficiently aggravating, since they show, according to the report of the commission on second-class mail matter (p. 47), a net loss per annum of over $56,000,000. These magazines and newspapers cost the Government enormously, because they are carried on long hauls into the country. But when we come to the Free Rural Delivery Service it is really worth while quoting the figures. The man who gets the benefit of this service ought himself to fully understand the situation, especially in view of the fact that the Free Rural Delivery Service dates only from 1897, since when it has grown from 82 routes, costing $14,240, to 41,656 routes in 1911, costing over $37,000,000. Since the cities, which have done a profitable business for the Government, have contributed to this Free Rural Delivery Service, there is certainly no reason why in the matter of rates and taxes, which are presumed to be uniform, there should be any discrimination against the cities. I append a statement from the 1911 report of the Fourth Assistant Postmaster General, showing the growth—and I would call it a phenomenal growth—of the Free Rural Delivery Service.

THIS WAS DONE FOR THE COUNTRY.

Of the 41,656 routes in operation on June 30, 1911, as shown in the following table, 608 routes were operated triweekly, being an increase of 108 over the previous year.

Statement showing the growth of the rural free delivery from 1897 to 1911.

Fiscal year.	Routes.[1]	Appropriation.	Expenditure.	Increase in expenditure.
1897	82	$40,000	$14,840	
1898	153	50,250	50,241	$35,401
1899	412	150,032	150,012	99,771
1900	1,250	450,000	420,433	270,421
1901	3,701	1,750,796	1,750,321	1,329,888
1902	8,298	4,089,075	4,089,041	2,338,720
1903	15,119	8,580,364	8,051,599	3,962,558
1904	24,566	12,926,905	12,645,275	4,593,676
1905	32,055	21,116,600	20,864,885	[2]8,219,610
1906	35,766	25,828,300	25,011,625	4,146,740
1907	37,728	28,200,000	26,661,555	1,649,930
1908	39,277	34,900,000	34,371,939	[3]7,710,384
1909	40,628	35,673,000	35,661,034	1,289,095
1910	41,079	37,260,000	36,914,769	1,253,735
1911	41,656	38,800,000	37,126,812	212,043

[1] Apparent discrepancies between the figures in this column and in the corresponding column headed "Carriers" in previous annual reports are due to figures having been taken for periods other than fiscal years.
[2] Maximum salary of carriers increased from $600 to $720 per annum.
[3] Maximum salary of carriers increased from $720 to $900 per annum.

AND THE DEFICIT WILL INCREASE.

In view of the fact that we are to advance the salaries of the rural delivery carriers to $1,000 a year, and there are now about 43,000 of them circulating throughout all the congressional districts where rural routes exist, it is well to note the suggestions of the Fourth Assistant Postmaster General with regard to the cost of the Rural Delivery Service and the future prospects. The Fourth Assistant Postmaster General says:

It is estimated that the postage on the matter collected on rural routes amounts to nearly $7,570,000 a year. The expenditure for Rural Delivery Service for the fiscal year 1911 was $37,130,000. It thus appears that last year the cost of the service exceeded the revenue on matter mailed on the routes by more than $29,500,000.

For the current fiscal year the appropriation is $42,790,000, and as no reason exists for supposing that any appreciable increase in the receipts has occurred, it would seem that the apparent loss this year on account of rural delivery, provided the appropriation be wholly expended, will reach the enormous total of more than $35,000,000.

As the expenditures are increasing far more rapidly than the receipts from matter mailed on the routes, it is evident that with the growth of the service this loss will become greater year by year. In view of the magnitude of the discrepancy, the necessity for adopting measures to render the service productive of greater revenue becomes more pressing than ever before.

It is certainly not a great financial success, this free rural delivery service of ours, but if the cities are willing to make up the losses it does seem like "rubbing it in" a little to add to the burden of the municipalities the proportionate cost of country-road construction and the difference in parcel-post rates of from 5 to 16 cents a pound. The discrimination in parcel rates is not disputed; it is too patent for controversy, and the only justification for it seems to be the determination of the majority of this House to have it that way.

PROBLEMS FOR THE TAXPAYERS.

I insist that the taxpayers who support this Government—who "pay the piper," whether he plays for the rural delivery carrier or the hundred and one other political influences that have dictated this haste and these extraordinary riders—are not fully informed upon these matters and will not be satisfied when fully acquainted with the situation. To be sure, the owners and builders of automobiles and the mail-order houses are largely interested in this bill, and the rural-delivery letter carriers have grown to be a political power with which the Congressmen from country districts have to reckon; but, even so, I do not believe the people themselves are quite ready to accept all the responsibility which "the riders" to this bill impose upon them. It does not seem fair that the faithful and industrious postal employees, who usually stand well in the eyes of Congress, should be made the instrument, as they are in this bill, through which the experiments here proposed should be tried out on the taxpayers of the land. It is not the way great measures are usually brought into the House and challenges the sincerity of those who resorted to this caucus-rule method of forcing the issue.

HAMMERING THE NEWSPAPERS.

As I have indicated, one of the riders to this postal employees' salary bill proposes to deny the use of the mails to the newspapers under certain conditions. It makes no effort to reduce the tremendous cost to the people of carrying second-class matter, which means the circulation of newspapers and magazines to the country districts, but it proposes to discipline the newspapers themselves. I discussed this subject at some length the other day and shall not pursue it further now, except to say that when they awaken to the significance of this rider, the newspapers will doubtless fight their own battle better than it can be fought upon this floor. I have no apologies to make for vicious or crooked newspapers. If a newspaper is criminally crooked, of course it ought not to be privileged to use the post office to deceive the people; but the Barnhart amendment (D) is general in its application and will prove a great annoyance to legitimate enterprises, while it may not check, and probably will not, the practices of cunning or designing persons whom the proponent of the amendment intends to reach. Moreover, there are remedies at law in the various States that are doubtless sufficient to check the criminal operations of those who develop such tendencies under the guise of the newspaper.

I do not believe we should harass and punish the multitude of innocent, law-abiding publishers, in an effort to block the operations of the few blacklegs and scallawags who disgrace the journalistic profession. Why hold up every honest man until you catch the thief? It is one of the crying evils of our times, hurtful alike to business and morals, that because of a single crook, whom we can not detect or will not punish when detected, we criticize, suspect, and impugn an entire community. The Barnhart amendment penalizes every publisher who uses the mails. It compels every honest man to give up his time and space to proof of his own rectitude because, perchance, some "speak-easy" publisher, some libelous blackmailer, whose every act is a detriment to honest journalism, is not detected or punished according to law. We do not hold the ordinary business enterprise or even the railroad corporation which uses the mails, to any such accounting.

Post Office Appropriation Bill.

SPEECH

OF

HON. H. D. STEPHENS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. STEPHENS of Mississippi said:

Mr. SPEAKER: There has been so much said on the subject of parcel post that there is really nothing new that can be said; but, as the question is one of such great interest, I feel that I ought to let my position be known.

I favor a general parcel-post system.

The present bill provides for two systems: First, a general system, under which 11 pounds may be carried in the mails at a charge of 12 cents per pound; second, a system limited to rural routes only, at the following rates: One cent for each 2 ounces or less, two cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds.

The bill further provides that for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post a commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in their work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable.

I favor a general system at as low a rate as can be fixed to pay the cost of transportation. No one can say now just what a proper charge would be. There is no way to tell exactly what rate would be fair and just; but a rate can be fixed, and by actual experience we can learn whether it is too high or too low, and later it can be changed as the occasion may require.

The demand for parcel post has grown very largely out of the exorbitant charges of the express companies. This demand comes from every section of the country. It is growing more insistent with the flight of time; and the advocates of the system are unwilling to have the matter delayed.

From the hearings on this bill it appears that the express charges amount to $31.20 for the average ton of parcels, and that the freight charge for the average ton is $1.90. This makes the express charge on the average in this country more than 16 times the freight charge. That this is excessive and exorbitant is shown by the following table, which gives the ratio of express to freight rates in several other countries:

Ratios of average express charges to average freight charges in 10 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express and freight charges.
Argentina	$6.51	$1.95	3.2 to 1
Austria	3.77	.74	5.0 to 1
Belgium	4.92	.53	9.3 to 1
Denmark	5.49	.87	6.3 to 1
France	6.88	.95	7.2 to 1
Germany	3.80	.76	5.0 to 1
Hungary	3.68	.93	3.9 to 1
Netherlands	2.43	.67	3.6 to 1
Norway	1.90	.49	3.8 to 1
Prussia	4.32	.86	5.0 to 1
Average for 10 countries			5.23 to 1

Another fact that indicates that the express rates are too high is the large dividends that are declared by the express companies. In 1898 the Adams Express Co. declared a stock dividend of 100 per cent, and in 1907 they declared another one of 200 per cent. In 1910 Wells, Fargo & Co. paid an extra cash dividend of 30 per cent and a stock dividend of 300 per cent. No one who has paid express charges a few times is surprised at these large dividends.

The opposition to parcel post has grown very largely out of the fact that it is feared that the inauguration of this system will destroy the small merchant, and will give the trade of the country to the mail-order houses. Nearly every country in the world has a system of parcel post at a very low rate, yet it is true that the United States is the only country that has mail-order houses to any extent. This indicates that the mail-order house is not the outgrowth of parcel post.

Senator JONATHAN BOURNE compiled a report of the diplomatic representatives of the United States in countries operating a parcel or package post, and it is interesting to note that in nearly every instance it was stated that the parcel post has not injured the local merchant. There were reports from more than 30 countries. The following is typical of most of the reports on this subject:

The parcel-post service has never given cause for local merchants to complain or protest, but on the contrary they could not do well without it. They find it a quick and economical way to get their goods, and a loss by direct orders to stores in the larger cities is comparatively small.

Mr. Robert Bacon, ambassador of the United States to France, says:

The institution of the parcel-post service has rapidly become popular, owing to its simplicity, and to the facilities it affords to commerce, industry, and agriculture to forward goods in small quantities at reduced rates. The administration has not yet received any complaint from shop people in small towns concerning the advantages which large departmental or city stores would reap from the parcel-post system, and the prejudice which it would cause them. It would seem that they themselves find great facilities in this service for the needs of their retail trade.

If parcel post is not an injury to the local merchant in other countries of the world, it would not seem that it would prove to be an injury in our country.

I desire to call attention to a letter written by Hon. JOHN L. BURNETT, of Alabama, on this subject. He is one of the hardest workers in this House, and gives every important subject careful study, and he is an earnest advocate of parcel post, although largely engaged in the mercantile business. He said:

I am for a general parcel post, rural parcel post, and if I can get nothing better, will vote for the parcel-post rider on the Post Office appropriation bill.

I have an interest in a grocery store in my home city of Gadsden, Ala.; in a general merchandise store in Cedar Bluff, Ala.; and in a wholesale and retail hardware corporation in Gadsden, Ala.

In my opinion it will force the express companies to reduce their exorbitant rates, and in that way benefit both the merchant and his customer. That is the real reason why the express companies are working every agency possible to arouse the merchant against the passage of this bill.

As I have said, the history of the parcel post in other countries is that it does not injure the local merchant. I should think that the reason for this is that people naturally prefer to trade with one whom they know and because they have the opportunity to examine the merchandise.

I judge others by myself. If I want to purchase an article of merchandise, I prefer to examine it before purchasing it; or if I order, I want the opportunity to return it and either exchange it or get my money back. Other people want to do the same thing. If the purchase is made from a mail-order house, these opportunities are not afforded.

If a lady wants to buy a pair of shoes, she would prefer to try them on before paying for them; or if she needed a new dress, she would like to examine the goods, pass judgment as to whether it will fade, whether the cloth is good, see the color, and so forth. If she wants a hat, she would like to get before a mirror and try it on several times. So with shoes; she would prefer to see if they fit. There are a thousand and one articles that no one would like to purchase before seeing them.

If a person could order something by mail from the home merchant, there would be the opportunity of returning it without much trouble if it was not exactly what was wanted. And if, after use, an article should prove not to be as guaranteed, then a refund of the money could be demanded of the home merchant.

There are many other advantages to be had in dealing with the home merchant over dealing with the foreign merchant. The local merchant, being a friend and neighbor, will extend many courtesies that can not be expected of one at a distance. As I have said, he will readily exchange articles where one proves unsatisfactory; he will make good one that proves to be bad; he gives an opportunity to examine goods before the purchase is made, and this is an advantage not to be regarded lightly; he will extend credit where it is not convenient to pay cash.

We ought not to turn against the home man. It is he and not the foreign merchant who credits us when money is scarce and times are hard. It is he and not the foreign merchant who buys the butter, eggs, fruit, meats, and other produce of the farm. It is he and not the foreign merchant who contributes

to our churches, schools, and charities of all kinds. It is he and not the foreign merchant who gives us a cheerful greeting and who rejoices with us in our success and sympathizes with us in our sorrows. And it is he and not the foreign merchant who helps to pay the taxes and lends his aid in advancing our local interests that tend to upbuild our community in every respect.

This subject has been argued at such a great length that I shall not go further into it than to say that, in my judgment, a general parcel post will prove highly beneficial to the people of our country, because it enables a citizen to secure, without much trouble, articles that his local dealer does not carry; it gives the producer means of disposing of his produce in smaller quantities than he is now able to do, because of the expense involved in shipping by express; and it will also tend to reduce the express charges, thereby saving considerable money to the shipper as well as to the consumer.

I shall vote for this bill, even if it is not amended, because I believe it is a start in the right direction; but I prefer to have it amended in several respects, particularly with reference to making it a general parcel post and also in regard to the reduction of the proposed rate, and I shall vote for amendments to that effect.

Mr. Chairman, there is another matter that I desire to refer to in this connection, and that is with regard to the pay of rural-route carriers. If the parcel post is established, it will inevitably follow that the work of the rural carrier will be considerably increased. There is no more important work than that of the rural carrier, who is required six days in the week, regardless of weather conditions, to travel his route. Under the present conditions of the roads this work is sometimes very hard and tedious—hard on the man, on the horse, and on the vehicle. The carrier must furnish his own team, run the risk of the loss or injury of an animal, and must bear the expense of repairs on his vehicle. Taking all these things into consideration, I do not think that he receives enough pay for the work done, and it is my purpose to offer an amendment to increase his salary to $100 per month for a standard route of 24 miles, unless some one offers the amendment first. I believe that the carrier is justly entitled to this compensation.

Post Office Appropriation Bill.

SPEECH

OF

HON. CHARLES A. LINDBERGH,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LINDBERGH said:

Mr. SPEAKER: I present the following statement:

On looking over the RECORD and observing some of the remarks of Members in opposition, as well as also observing the opposition of the Washington press and some of the press of larger cities, to the appropriation of any funds for good roads in the country, I am constrained to take advantage of the "leave to print" and make a statement on the subject.

It is wonderful to observe what a number of persons there are who are able to see but one side of most propositions, and that the side that suits their own individual case. They favor all that is desired by themselves and their special friends and localities. They demand public aid for such, but deny it to all others. Here is the urban press picturing as perfectly ridiculous a Federal appropriation for roads among the farms. Here are the city Members of Congress also opposing it and getting the compliments of the press, with suggestions that they are wise statesmen.

"Consistency, thou art a jewel." Oh, consistency! Who shall be the judge of thy possessor? Shall it be the Washington press which one week ridicules the building of good roads in the country at public expense and at another would have the public building marble palaces and statuary all over Washington? The roads are for all the people, rich and poor; the marble palaces and statuary are principally for those only who can afford to pay the cost of a trip to Washington and for Washingtonians.

The gentleman from Pennsylvania who asks and gets appropriations for the harbor and public buildings in Philadelphia—yes, the same gentleman who spent days of the time of Congress to get it to take the statement of an explorer who claimed to have found the North Pole and get for him more gold braid and make him a public pensioner and parasite for life—this gentleman on the floor now opposes the good-roads appropriation. The roads are used by all the people, rich and poor. The Philadelphia Harbor is used principally by monopolists and the North Pole by no one. Then, too, there are Members who get their appropriations for public buildings in small towns and in the large, and get various other pork-barrel considerations that satisfy individuals and special localities principally, all at public expense, and still some of these are called statesmen because they oppose the appropriation for farmers' roads that rich and poor alike use.

It would amaze the world, I suppose, if Congress should suddenly become consistent. I am tempted, and I yield to the temptation, to add something about the clause in the bill requiring the press to publish in the newspapers a statement—that is, a list—of all stockholders owning over $500 stock in a newspaper. That is said to be to show the influence that is molding public opinion through the press. I voted for that, and I see no objection to it. But I am wondering why the Members of this House are so particular about that statement being required of the newspapers when so many of them scout the idea of passing resolution 484, which I introduced and which is as follows:

Resolved, That within 10 days from the passage of this resolution each Member of the House shall file with the Clerk of the House a statement signed by himself showing the nature of any and all kinds of business he has a property or pecuniary interest in and all corporate stocks that he and all members of his family residing with him own or are interested in of any and all corporations organized for profit, and shall also show if the Member or any corporation in which he or any member of his family as aforesaid holds stock or is connected with is a member of any club, society, or other organization having for its purpose or for one of its purposes the protection or promotion of any particular business in which its members are associated or connected. And Members having no such business, stock interest, or other interest, and whose family, as aforesaid, are not interested in the manner aforesaid, shall file a statement showing such to be the fact.

Resolved further, That the Clerk of the House, on or before 15 days after the passage of this resolution, shall furnish to the printer of the CONGRESSIONAL RECORD a list of all Members who have failed to make and file with the Clerk said statement, and thereafter the CONGRESSIONAL RECORD shall, immediately preceding the record of the proceedings of the House, in type larger than the regular print of the proceedings, print the following statement:

"Statement of the Clerk of the House of Representatives showing the names and their home district addresses of all Members who have failed to comply with the rule of the House requiring Members to file a statement of any and all kinds of businesses with which they are connected and of stocks that they and their families own."

And following said statement shall be printed a list of the names and district addresses of such Members, and the same shall continue to be published in every CONGRESSIONAL RECORD until such Members have complied with the rule and the Clerk of the House has certified to the printer, which he shall do as soon as practicable after any Member files such statement, when the name of such Member shall be taken from said published list.

Again, I would say to my brother colleagues, "Consistency, thou art a jewel." Is it not more important that the public should know what, if any, influence is molding the action of the membership of the House in committees and on the floor and in all their public work than it is to know who owns the individual press on which a newspaper is printed? I am not overawed with the consistency of the press, but I think the press has "one on the House" if my resolution requiring Members to show what special interests Members have does not pass. For example, such a statement would show that the members of the Banking and Currency Committee are principally persons who are bankers and stockholders in banks, and their attorneys, and are members of bankers' associations which have for one of their purposes the molding of legislation in favor of their business. This same committee threatened to disintegrate by resignation of its members if my proposed Money Trust investigation should not referred to them; and the House babied them as a mother does a spoiled child. The Banking and Currency Committee members claimed that that was their subject and that they had jurisdiction and that it should not be taken from them. I denied that they had either the right or the jurisdiction, but the House was intimidated and submitted the question to that committee. A few weeks later the Banking and Currency Committee came back to the House and asked for the power which it claimed at first that it had. It had to beg for what it previously claimed it had.

The Banking and Currency Committee is not the only committee in the House mostly made up in favor of the interests that are especially concerned in the bills that are submitted to them for consideration, and these committees are permitted to monopolize the time on the floor of the House so as to prevent those not personally interested from presenting the interests and rights of the public generally.

Post Office Appropriation Bill—Postal Express.

SPEECH

OF

HON. J. HENRY GOEKE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. GOEKE said:

Mr. SPEAKER: The legislation now under consideration to bring about the acquisition by the Federal Government of the property of the express companies of the United States and thereafter to carry on that important branch of the transportation business exclusively under the direction of the Post Office Department, is perhaps the most important legislation that the House will have to deal with during this session.

The provisions of House bill 23713, which bill was considered by the Interstate and Foreign Commerce Committee, of which committee I have the honor to be a member, contemplates the accomplishment of this object, and that committee has recommended the enactment of the measure into law. The provisions of the bill will at the proper time be offered, with perhaps slight amendments, for disposition in the House.

The agitation all over the country, that has brought about the seeking of the remedy and relief by way of parcel-post or postal-express legislation, has arisen mainly because of the methods of the express companies in the transaction of their business and because they have failed to properly discharge their functions and to render such service at proper rates as the people demand and are entitled to receive.

The universal complaint against the parcel-express service now in vogue in this country is based upon the insufficiency of the service in that the express companies wholly fail to reach the country store and farm; that their rates are so high as to be prohibitive in most of the ordinary instances; and that a system of reckless overcharges and double collection of charges has grown up regardless of the fact that the express companies engaged in the transportation of parcels and packages now have accumulated immense surplus profits many times the capital originally devoted to and invested in the business; and that, lastly, the service as now conducted by the express companies fails to reach the farm, thus preventing the vital necessities to move at first cost directly from the producer to the consumer in the towns and cities, which fact has largely contributed to the substantial increase in the cost of living.

Many other reasons might be enumerated, but these alone are sufficient to account for the widespread and constant complaints of the farming and commercial interests and deep-seated feeling of the general public against their methods of doing business, and in my opinion are of sufficient force and merit to deserve proper attention by way of remedial legislation at our hands.

It may be well to call the attention of the House to the fact that there are about 12 or 13 companies, both incorporated and unincorporated, engaged in the parcel-express business. A few months ago the Interstate Commerce Commission undertook to investigate the business affairs of these companies, and the record of that investigation discloses that the various express companies in this country began with a comparatively small original investment, and that nearly all they now own was contributed by the public, which has been pilfered and robbed by these invaders of the transportation business until there is a cry for relief coming from all directions of our land.

The record of that investigation also discloses that the property and equipment with which these companies operate amount to about 12 per cent of their assets. Ten companies were involved in the investigation, and it was disclosed that they had in the aggregate disbursed in the way of dividends and assets since their creation the fabulous sum of $212,085,392, while their total working property and equipment was found to be less than $26,067,711.

The record of that investigation disclosed that these 10 companies owned stocks in the amount of $50,575,881; that they owned a funded debt of $54,416,468; that they owned other permanent investments of $15,611,311 and had current assets of $36,574,253 and other minor assets of $2,324,842, making a grand total of dividends and assets disbursed to shareholders, property owned, stocks, bonds, and so forth, of $397,653,862.

I give here an abstract of the statistics as shown by the record of the investigation concerning the finances of the five principal companies investigated:

Adams, 1866 to 1911.—Dividends and assets disbursed to shareholders, $75,210,352; property and equipment, $6,568,185; stocks owned, $23,693,338; funded debt owned, $33,382,961; other permanent investments, $1,605,100; cash and current assets, $4,713,668; other assets, $134,699; total of dividends and assets disbursed to shareholders and property owned, stocks, bonds, etc., $145,308,305.

American, 1868 to 1911.—Dividends and assets disbursed to shareholders, $49,410,000; property and equipment, $10,339,853; stocks owned, $21,660,513; funded debt owned, $5,225,972; other permanent investments, $42,085,400; cash and current assets, $17,562,527; other assets, $166,255; total of dividends and assets disbursed to shareholders and property owned, stocks, bonds, etc., $106,449,522.

Southern, 1861 to 1911.—Dividends and assets disbursed to shareholders, $21,359,524; property and equipment, $568,790; stocks owned, $543,795; funded debt owned, $316,565; other permanent investments, $29,400; cash and current assets, $4,015,567; other assets, $124,865; total of dividends and assets disbursed to shareholders and property owned, stocks, bonds, etc., $27,358,509.

United States, 1854 to 1911.—Dividends and assets disbursed to shareholders, $9,160,000; property and equipment, $2,946,667; stocks owned, $387,001; funded debt owned, $4,545,076; other permanent investments, $3,239,801; cash and current assets, $2,623,692; other assets, $144,500; total of dividends and assets disbursed to shareholders and property owned, stocks, bonds, etc., $23,046,740.

Wells-Fargo, 1870 to 1911.—Dividends and assets disbursed to shareholders, $47,930,110; property and equipment, $5,132,589; stocks owned, $4,098,065; funded debt owned, $9,979,044; other permanent investments, $8,251,608; cash and current assets, $4,973,159; other assets, $1,681,421; total of dividends and assets disbursed to shareholders and property owned, stocks, bonds, etc., $82,045,998.

This shows conclusively that their business is very profitable, and the Government would encounter no risk of financial loss.

While the express service in this country may not be altogether in the same hands that the transportation service is, yet it is so closely related therewith that the question of express rates involves the question of transportation rates. The contracts existing between the express companies and the railroad companies usually provide that the express company shall have the exclusive right to operate on lines named in the contract, and for a definite term of years, and that all matter carried on passenger trains, with certain fixed exceptions, shall be turned over to the railroad company by the express company. Some contracts, it has been found, have provisions specifying that all matter carried on passenger trains is to be given to the express company for handling at its rates. These contracts usually contain provisions that the railroad shall transport express to and from all points on its lines, and that it shall provide special express trains when the express company's business is heavy enough to warrant them. Some contracts provide that express companies agree not to operate over a competitive railroad, and in other instances contracts specify that the express company shall not fix rates lower than are fixed between the same points by other express companies over competing lines on railroads, except in cases of emergency or disability.

All contracts between express companies and railroad companies are based upon a percentage basis resulting in this—that the higher the express rate the greater the compensation to the railroad company, regardless of the value of the service rendered by either.

The record of the investigation also disclosed that four companies owned 95 per cent of the total value of the real property owned in the operation of the express companies, as follows: The American Express Co., 49 per cent; Adams Express Co., 25 per cent; United States Express Co., 9 per cent; Wells, Fargo & Co., 12 per cent. The remaining nine companies have small sums invested in the business and in real estate. The Globe Express Co., the National Express Co., and the Northern Express Co. have no such investments.

That there is a community of interest between the railroad companies and express companies can not be doubted. They deal in each other's securities and stocks, and have intercorporate holdings among the railroad companies and express companies amounting to millions of dollars. Many men who are directors in railroad companies are in turn directors in express companies, thus warranting the belief that there is a community of interest between the railroad companies and the large express companies in this country that has stifled and prevented honest competition, which may perhaps have a great deal to do with the unsatisfactory methods employed in the transaction of that important function of the transportation business.

The express company is not a public utility. It enjoys no franchise. Its life depends upon contracts of a private nature with the railroad companies. It does not carry a single package from town to town or from city to city. Its entire function consists in gathering packages and parcels in the towns and cities in this country and transporting them, under contracts with railroad companies, from town to town and city to city, and delivering them at their point of destination by either requiring the owner to call for the same or in such other manner

as it sees fit to employ. It is simply and clearly an unwarranted and unnecessary burden upon the transportation business of the country. That it ought to be reformed and corrected no one denies. But how to deal with this useless transportation agency, which has been permitted by the Government to grow up in this country as a legitimate business institution, is the question of the hour.

Many men sincerely and earnestly believe that the establishment of a so-called parcel-post scheme will afford the relief required. The so-called parcel post and postal express are in truth and in fact but extensions of the present postal service in this country. The parcel post is an imperfect and incomplete remedy. The postal express a simple, complete, and absolute solution of the problem. While we may be obliged, temporarily at least, to accept the so-called limited parcel post, if nothing better can be obtained in order to satisfy the demands of the people, yet it will be found that at best such relief will be wholly inadequate and in a short time will be found to be unsatisfactory to all. Whether right or wrong, nearly every merchant in the country towns is opposed to it. Many people who favor it do not understand the scheme, nor have they ever considered the effect it will have upon the public generally.

Let me inquire of the men who are urging a limited parcel post, confined to say 11-pound packages, if the Government can successfully operate a parcel post limited to 11 pounds in weight for each package, why can it not more successfully take over the entire express business of the country, exclude the express companies from the business, obtain monopoly thereof, and give the benefits of it to the public generally in providing better service at actual cost?

The postal-express proposition incorporated in the measure reported by the Interstate and Foreign Commerce Committee aims to guarantee the greatest good to the greatest number of the American people. Its opponents urge that there is no power in the National Government under existing laws to do that which the bill contemplates, namely, the acquisition of the express companies or their property by the Federal Government, and further it is urged that the scheme is socialistic in its nature, and is purely and simply an attempt upon the part of the Federal Government to enter into private business. That there is ample authority under existing laws to enable the Federal Government to do all that the bill contemplates can not be doubted when one carefully examines the authorities bearing upon the legal questions involved. In this connection it might be of value to know that the courts of this country have held that contracts are property, and as such may be appropriated under the law to the public use; that the United States possesses the power of eminent domain which it has a right to exercise at any time to promote any of its constitutional powers; that among the constitutional powers which the Federal Government may exercise are to regulate commerce and establish post offices and post roads; that the power of appropriating property may be exercised by the legislative branch of the Government; and that just compensation need not be provided for in advance of the taking of the property, and this upon the principle that in these cases the Government being the sovereign the compensation need not be tendered or ascertained in advance of the taking, and that all that is required is that some adequate provision be made to compensate the owner of the property after the taking and for the purpose of fixing the amount of compensation due the owner from whom the Government takes such property for the public good. A jury need not even be provided, but commissioners may be designated to fix the amount. All of these requisites are provided for in the measure under consideration.

It is urged against the measure that when the Government appropriates the contracts existing between the express companies and the railroad companies the railroad companies will not be required to carry out the terms of such contracts. "The true view is that the condemnation proceedings do not impair the contract, do not break its obligations, but appropriate it as they do tangible property of the company to the public uses," in a case reported in volume 166 United States Reports, page 685. Speaking in relation to contracts of the character involved in the measure under consideration, the Supreme Court approved this doctrine:

> Into all contracts, whether made between States and individuals or between individuals only, there enter conditions which arise not out of the literal terms of the contract itself. They are superinduced by the preexisting and higher authority of the laws of nature or nations or of the community to which the parties belong. They are always presumed, and must be presumed, to be known and recognized by all, are binding upon all, and need never therefore be carried into express stipulation, for this could add nothing to their force. Every contract is made in subordination to them and must yield to their control as conditions inherent and paramount wherever a necessity for their execution shall occur. Such a condition is the right of eminent domain. This right does not operate to impair the contract effected by it, but recognizes its obligation in the fullest extent, claiming only the fulfillment of an essential and inseparable condition.

In addition to the above powers Congress can require railway companies to transport parcels and packages as is provided in the measure under consideration. It had been urged that the provisions of the bill are such that much litigation will ensue and that the Government will be met by injunction proceedings when it undertakes to take over the express business. This question was settled by the Supreme Court as early as 1866 in the case of the State of Mississippi v. Johnson, President, in which the court held that—

> The President of the United States can not be restrained by injunction from carrying into effect an act of Congress alleged to be unconstitutional, nor will a bill having such a purpose be allowed to be filed.

The objections that the proposition is socialistic in its character and is an attempt to embark the Federal Government into private business are mere assertions. It might as well be argued that the Government mail service is the ownership of private business and socialistic in its nature, and there is no one in this country to-day who would be willing to have the Government give up the conduct of the mail service and turn it into the hands of private persons. The friends of the measure under consideration are not so much interested in the name that may be applied or given to the relief they seek as they are in the success of the plan suggested and the benefit that will come to the American people therefrom. They contend that the wiping out of the conditions complained of in relation to the transportation of parcels and packages by placing in the hands of the Federal Government the right to control the transportation thereof will do more to reduce the high cost of living in this country than any legislation that has been enacted into law by this or any other Congress.

Some Members urge that the express companies ought not to be paid anything for their property; that the Federal Government ought, without any ceremony, to enter into the express business and become a competitor of the now existing express companies and drive them out of business. Personally, I care nothing about the effect upon the express companies by reason of the legislation under consideration. I realize that they have robbed the American people for all these years and that they really deserve to be punished, and that perhaps the destruction of the value of their property and the driving of them out of the business by unfair competitive methods might be warranted, yet it is a fundamental principle in all governments, or at least ought to be, that a Government will not and can not afford to act violently in dealing with its own citizens, and, therefore, in view of the fact that our Government has permitted the express business to grow up, it not being unlawful and vicious in itself, the Government ought not to destroy the business and property of these companies without paying a reasonable value for the property it may take. However, this is not the only consideration that enters into this feature of the measure. Its friends contend that for the Government to take over the property of the express companies, their business arrangements, their established trade at what it is actually worth will be a benefit to the National Government and will be much cheaper in the end than to establish and build up this vast system of transportation anew, that by taking it over and paying the express companies a reasonable sum therefor, limiting the taking of the property to such as is actually necessary to the conduct of the express business, the Government can take up the business where they find it, bring about the reforms contemplated, allow the men who are now in the employ of the various companies to continue in their work, of which there are 50,000 in number, I believe, rearrange their positions, simplify their duties, and, in the end, give to the American people a perfect system of postal express of parcels and packages at actual cost to the Government, and do it without interfering with the due and necessary transactions of the business of the country and without bringing about chaos, uncertainty, and apprehension in the business world.

The proposed legislation is perhaps the most progressive legislation that has been earnestly considered by this House. It is a practical measure, intended to reform certain existing wrongs and better conditions in the transportation world. It is the kind of progressive legislation that Democrats love to champion, and, being here as a Democrat from the one district in Ohio that has the proud distinction of never having sent a Republican to this House, I naturally delight to further any measure that has incorporated in its provisions sound Democratic doctrine. The people in the district that I have the honor to represent compare favorably in industry, integrity, good citizenship, and progressiveness with the best in the land. They are busily engaged in their various pursuits, earnestly seeking to keep step with the march of events. Farming, manufacturing, and the production of petroleum oil and gas bring them in touch with the commerce of the world. Every section of this great district is dotted with churches and

schoolhouses. A network of steam and electric railroads, telegraphs and telephones, connect a happy and contented people with each other and the country at large. While they differ on political questions, they are a unit in favor of sound progress. They do not believe that our institutions have outlived their usefulness. They are bent on perfecting and strengthening them, but oppose their injury or destruction. They believe that progressive legislation can be effectively worked out under them. They believe in our present form of government, and likewise, with equal sincerity, believe in good government honestly and economically administered; and to obtain that kind of government they contributed mightily in placing the Democratic Party in absolute control of the governmental affairs of Ohio, and it is a great pleasure to every good Democrat in our State to point with pride to the accomplishments of the Democracy of Ohio under the able and courageous leadership of our distinguished executive. I would be remiss in my duties as one of the Democratic Representatives from that great Commonwealth if I did not enumerate and call the attention of the country to the more important progressive legislation that has been written into the laws of Ohio under the guidance, direction, and in many instances at the request of Ohio's champion of good government and constructive legislation, Judson Harmon, who, as governor, had the force, courage, and ability to compel the bosses and grafters in and out of the Democratic Party to keep their dirty hands out of the public treasury and prevented them from using the State's government for private advantage or selfish purposes.

The more important laws for which the people of Ohio are under obligation to Democratic rule are as follows:

The Oregon plan of nominating and electing United States Senators by direct vote of the people.

Placing the judiciary beyond the clutches of party bosses by electing all judges on nonpartisan ballots.

An employers' liability act making provisions for all injured workmen from a fund made up by contributions by employers and employees.

A public-utility commission with authority to regulate issues of stock, rates, mergers, and service.

A corrupt-practices act that will make vote buying in primaries and elections a dangerous undertaking.

A limited initiative and referendum for Ohio cities.

A central board of control for 19 State institutions to take the place of 19 separate boards of trustees with their corps of employees. This bill places subordinate employees in the institutions under civil service.

A shorter ballot by abolishing boards of infirmary directors of three members each in every county of the State and turning their duties over to the county commissioners, making a large saving.

A reform of Ohio election laws to prevent corruption and fraud, also a strict system of registration to prevent floaters voting.

To have delegates to the 1912 Ohio constitutional convention nominated by petition only and elected on nonpartisan ballots.

A back-to-the-farm movement by requiring agriculture to be taught in all Ohio village and county schools.

Ratification of the proposed income-tax amendment to the Federal Constitution.

Memorializing Congress to call a convention to provide for the direct election of United States Senators.

Providing for the construction of a women's reformatory and placing all girls in the State correctional institutions under the control of women.

Insuring the honest handling of all State money by depositing in banks under the competitive bidding plan.

A complete reformation of tax laws that will put tax dodgers out of business and will compel corporations and owners of intangible property that have been dodging taxes to place their holdings on the duplicate the same as small property owners. Included in this is a maximum 1 per cent tax-levy limit bill. As a result of this work the average tax rate in Ohio has been reduced from 3 per cent to about 9 mills; the appraisement of Ohio public-utility corporations for taxation has been increased $1,000,000,000—the railroads alone in 1911 paid nearly $2,000,000 more taxes than they did in 1910 before the Harmon tax reform. The personal-property duplicate of the State was increased from $827,370,943.19 to $2,500,000,000 in 1911, and the most of this are increases to private-corporation properties, stocks, and bonds, so that the man of moderate means is benefited; and, finally, figures given by the State tax commission will show that the taxes of the farmer and home owner have been reduced over $7,000,000 a year.

I believe that I am within the facts when I say that no party in any State of the Union can point to such a record of accomplishments in the short period of three years.

Post Office Appropriation Bill.

SPEECH

OF

HON. EUGENE F. KINKEAD,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. KINKEAD of New Jersey said:

Mr. SPEAKER: I favor the passage of the present Post Office appropriation bill and am glad of this opportunity to state my views on the subject. There are three distinct features in the bill which meet with my hearty approval, and I propose to discuss them in the order of their importance:

First. The antigag rule.

Second. The eight-hour law.

Third. The promotion of clerks and letter carriers in first and second class post offices to the highest grade.

While the gentleman from Missouri [Mr. DYER] has rightly mentioned that there is no politics in this bill, and while I desire to give the full measure of praise to the Republican members on the Post Office and Post Roads Committee for joining with the Democratic members and reporting the bill favorably to the House, still I am both pleased and gratified that it is a Democratic majority which has brought in the bill and has seen fit to include in it the three provisions stated by me, and this in spite of the fact that the clerks and carriers in our Post Office Department had asked in vain for these concessions when the Republican Party was in control of the affairs of this House. When it passes the House, as I hope and confidently believe it will, it will be known as a Democratic measure, and since the Democratic Party is responsible to the country for its legislative acts, and must stand or fall by that record, I am heartily glad that the present beneficent measure will be credited to it.

Now, Mr. Speaker, let me briefly discuss the three provisions named by me in their order.

I say to you, sir, that the rule which prevented the men employed in the Post Office Department from appealing to Congress to right any wrongs which might have been inflicted on them is un-American, undemocratic, despotic, and cruel. Let us return to these men, who so faithfully serve the country, the rights bestowed on them through the Constitution. The provisions of the bill which gives the post-office clerks the right to seek redress at the hands of Congress is unquestionably the most important feature of the bill, for while the other sections mentioned improve their working conditions, this part of the bill restores to them constitutional rights of which they were deprived through an Executive order issued by former President Theodore Roosevelt, which reads as follows:

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service. (Executive order of Jan. 31, 1902, as amended Jan. 25, 1906.)

And this order was supplemented by one even more stringent, issued by President William H. Taft, and states as follows:

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation or for appropriations or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress or any committee of either House of Congress or any Member of Congress, except through or as authorized by the head of his department. (Executive order, Nov. 26, 1909.)

Let us by all means strike the shackles from the hands of our post-office clerks and letter carriers; let us permit these men to present their just grievances to Members of Congress if they can not get redress from their wrongs through the head of the department in which they serve.

Second in importance to the right of petition comes the provision of the act which states that no letter carrier in the City

Delivery Service and clerks in the first and second class post offices shall be required to work more than 8 hours a day, and provides that the 8 hours of service shall not extend over a longer period than 10 consecutive hours. In recognizing the necessity for an eight-hour day this Congress only adopts that which was recognized as both fair and just as far back as 1868. On June 25 of that year Congress enacted the first eight-hour law when it declared that eight hours shall constitute a day's labor for any laborer, workman, or mechanic employed by or on behalf of the Government. It is true that this law was not obeyed by some of the departments of the Government, for on May 19, 1869, President Grant found it necessary to issue a proclamation calling attention to the eight-hour law passed the year before, and directed that no deductions in pay should be made as a result of the reductions in the hours of labor. From 1872 to 1877 the law was enforced by the Navy Department, but in no other branch of the Government service. From 1877 to 1883 it was practically ignored in all the departments. It is particularly pleasing to me, as a Jerseyman, to state to this House that in 1888 Congressman McAdoo, who represented Hudson County, N. J., part of which district I now have the honor to represent, introduced the bill limiting the hours of labor of letter carriers to eight hours per day, and this bill was enacted into law on May 24, 1888, and was known as the letter carriers' eight-hour law. I do not desire to follow the various changes in the law relating to the hours of labor in the Post Office Department. Suffice it for me to say that when a change of administration came, on March 4, 1889, and the Republican Party assumed control of our national affairs, the Post Office Department, through its officers, in defiance of the expressed will of Congress, deliberately set the act aside, and this misconstruction cost the Government more than $3,000,000 in overtime claims subsequently paid by the United States to letter carriers who were forced to work in excess of eight hours a day; and it is worthy of note that all of this overtime for which the Government was compelled to pay was made during the administration of President Harrison. During the administration of Grover Cleveland the eight-hour law was faithfully carried out, and whenever Postmaster General Bissell found postmasters violating it he reprimanded them and stated that further violation of the law would be sufficient grounds for their removal from the service. This had the desired effect, and the letter carriers continued to enjoy the benefits of the eight-hour law until June 30, 1900, when, as a result of an amendment offered by Congressman Loud, then chairman of the Post Office and Post Roads Committee, on April 24, 1900, the old eight-hour law was changed to read as follows:

Provided, That letter carriers may be required to work as nearly as practicable only 8 hours on each working day, but not in any event exceeding 48 hours during the 6 working days of each week and such number of hours on Sunday, not exceeding 8, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day, if less than 8 hours, shall be counted as 8 hours without regard to the time actually employed.

Under this law letter carriers were compelled to work in some cities from 12 to 16 hours per day, and as a result the 48-hour law was unsatisfactory alike to both the letter carriers and to the officials who honestly endeavored to enforce it. On July 1, 1901—the Loud provision having been in force but one year—the McAdoo eight-hour law was again put into operation by the Post Office Department. The beneficent provisions of the McAdoo bill were enforced by the Post Office Department until June 1, 1910, when a return was made to the 48-hour per week rule, owing to a decision by the Court of Claims that the 48-hour law was still in force. The experience with this law for the past two years has been most unsatisfactory to the men. It puts them to many inconveniences which will be avoided by the passage of the present bill. Under the law as it stands now a letter carrier leaving his home to attend to his duties can not tell when he will be able to return. Under this bill, assuming that he reports at the post office at 7 o'clock, he will know to a certainty that he can leave there at 5 o'clock, and thus a better opportunity for mental, physical, and social development will be afforded these men, who labor as hard and as faithfully as any other employees in the Government service. Let us show the country by our votes here to-day that we are in favor of real eight-hour legislation.

I believe it my duty, Mr. Speaker, to compliment the gentleman from Connecticut [Mr. REILLY] upon his consistent and intelligent efforts in behalf of the eight-hour feature of this bill. To him in no small degree is due the credit for that provision in its present form.

Now, let me address myself to that feature of the bill which provides that at least 75 per cent of the postal clerks and letter carriers in post offices of the first and second class shall be promoted each year from the fifth grade, which pays $1,100 per year, to the sixth and highest grade, paying $1,200 per year, and further provides for the same proportion of promotions in second-class post offices from the fourth grade, at a salary of $1,000 per year, to the fifth grade, paying $1,100 per year. I had hoped that we would be able to support a measure giving advancement to the highest grade in both first and second class post offices to all clerks and carriers who were eligible for promotion. I do not, however, want to criticize the committee because my views have not been met with in full, as the present provision regarding promotion relieves the situation greatly, and, in my judgment, will eventually lead to legislation which will automatically promote all those who are eligible to the highest grades.

Provisions were made in the first session of the Sixtieth Congress for the promotion of all the carriers and clerks to the highest grades in their respective offices whose records for efficiency and length of service would warrant such promotion. There was an attempt made at the time to prevent any appropriation whatever for promotion of the employees to the highest grades, and it was freely stated during the debate that if Congress made the appropriation that it would destroy the effect of the law and that every clerk and carrier would be promoted regardless of his efficiency. The fears and contentions of those who took this view of the case were unfounded, as no promotions were made during the fiscal year, nor have any promotions been made during any year since the enactment of the law unless first recommended by the postmaster and later approved by the First Assistant Postmaster General. Congress has seen fit to curtail the appropriation, and have only appropriated for the promotion of 50 per cent of the clerks and carriers to the highest grades in the respective offices in which they were employed ever since the second session of the Sixtieth Congress. Since this policy has been in force much contention and dissatisfaction has existed, and the charge has been repeatedly made that promotions of clerks and carriers to the highest grades have been made more on personal favor than on merit. It has also been stated that postmasters have often been placed in the embarrassing position of being forced to make a selection between two equally efficient employees and had no other alternative unless they refused to recommend either, in which event no promotion whatever would be made in that office. That this has had a tendency to create discord among employees as well as suspicion in their minds regarding the good faith of the postmaster, and has had a tendency to destroy discipline, can be judged by those who have had experience in dealing with large bodies of men. It was no doubt the intention of Congress when the law was passed to have six grades of clerks and carriers, as it provided for these grades, and also provided as to how promotions should be made to each grade. There is no mention in the law of the promotion of any percentage of the men to the highest grades, and why Congress has pursued the policy of only making provisions for the promotion of 50 per cent of those who would be eligible is beyond my comprehension.

The apprenticeship served by substitute letter carriers varies from two to six years, and the service is so exacting that it is only a self-sacrificing man who looks forward to making a life work of the postal service and is willing to put up with all sorts of hardship and inconvenience who will stay in the service unless he receives a regular appointment. How long does it take a man to reach the highest grades? If he serves three years as a substitute it will be eight years from the time that he entered the service before it would be possible for him to be eligible for promotion to the sixth grade. Under these conditions is it right to deprive him of that which the law says should be his simply through the shortsighted policy of not making sufficient appropriations to provide for his promotion?

The recommendation of the committee in the present bill now pending, as I have said, will greatly relieve the present condition, as specific authorization is made for the promotion of 75 per cent of the clerks and carriers to the highest grades, which, added to the normal changes caused by deaths, resignations, and reductions, will, I believe, admit of the promotion of all the employees who earn their promotions and are recommended by their postmasters.

In conclusion, Mr. Speaker, I desire to congratulate heartily the members of the Post Office and Post Roads Committee on the bill which they have reported to the House, and I appeal to the Members here to stand by them and pass this honest and fair measure, which does justice to the department, the post-office employees, and the Nation.

Parcel Post.

SPEECH

OF

HON. IRVIN S. PEPPER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. PEPPER said:

Mr. SPEAKER: This is the first Congress in which there has been a free and full discussion of the subject of "parcel post."

Heretofore it has been throttled in committee and no adequate consideration has ever been given the subject upon the floor of the House. I have read practically everything I could find on the subject—both for and against it—and there have been numerous articles written upon various phases of this great problem of the transportation of small packages.

I recognize in this question one of the real "economic" problems which in a large measure, in my judgment, affects the "high cost of living." We find in the report of the census for last year that the products of the farm brought to the farmers of the United States the sum of $6,000,000,000, but that the consumer paid for these same products the sum of $13,000,000,000, showing that somewhere between the producer and the consumer there has been an exorbitant charge for some of the service rendered. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The report of the Secretary of Agriculture for 1910 gives the following as the percentages of the prices paid by the consumer which the farmer received for the foodstuffs named:

	Per cent.
Poultry	55.1
Eggs, by the dozen	69
Celery, by the bunch	60
Strawberries, by quart	48.9
Oranges, by the dozen	20.3
Melons, by the pound	50
Potatoes, by the bushel	59.3
Watermelons, singly	33.5
Turkeys	63.1
Cabbage, by the head	48.1
Apples, by the bushel	65.1
Apples, by the barrel	66
Onions, by the peck	27.8
Green peas, by the quart	60
Parsnips, by the bunch	60
Turnips, by the bunch	60

It will be seen by the foregoing that the farmer really receives a very inadequate per cent of the value of his crop or else the consumer is compelled to pay an exorbitant price for the same.

The great problem before the country is how to get these and other vital necessaries direct from the producer to the consumer at a price somewhat near the price at which they are produced.

For years we have been convinced by many forceful personal experiences that express charges were too high. Investigation shows that they amount to $31.20 per ton for the average ton of parcels, while the freight charge for the average ton is $1.90. It will be noted that the express charge on the average is about sixteen times the freight charge. All of which means that our express charges are entirely too high. If we are to have relief from this condition by means of a "parcel post" or any other proposition, it must be by getting lower rates. In fact, the main question to be solved in this whole matter is one of securing "lower rates" for the transportation of small packages. If rates are not reduced, the whole thing is a farce and a fraud. There are a number of parcel-post bills pending before Congress. Their authors and others have discussed them here on the floor of the House, and I presume all has been said that need be said in their behalf. No two of these bills are exactly alike in their provisions, but it strikes me that the various bills fall naturally into two classes.

First. Bills proposing to inaugurate a general parcel post with a flat rate of 8 cents per pound and with a weight limit of 11 pounds.

A fair sample of these bills is one known as the Sulzer bill, which has been widely advertised over the country.

Second. Bills which propose to take over or appropriate the express companies by the Government and provide for operating the business of parcel transportation by the Government at variable rates depending upon distance, weight, and so forth. The rates to be adjusted from time to time under the general supervision of the Interstate Commerce Commission.

Each of these propositions have their adherents and supporters. All, no doubt, sincere in their convictions. The object, of course, in each case, is to bring relief to the people from the exorbitant charges of the express companies. And, so far as objects are concerned, I can say that I am in hearty sympathy with them.

Let us take up the first proposition and analyze it, because I believe that is our business as Representatives. We are here to give especial attention to matters of this kind, and the people are depending upon us to investigate carefully proposed laws and to see that their interests are properly protected. Let us compare the rates under the Sulzer bill with the present express charges for a distance of 196 miles, which is the average length of the journey of express packages, and presumably about the average journey which postal shipment would make.

	Parcel post 8-cent flat rate.	Express company present rate.
	Cents.	*Cents.*
1-pound rate	0.03	0.10
2-pound rate	.16	.16
3-pound rate	.24	.24
4-pound rate	.32	.32
5-pound rate	.40	.40
6-pound rate	.48	.45
7-pound rate	.56	.45
8-pound rate	.64	.45
9-pound rate	.72	.45
10-pound rate	.80	.45
11-pound rate	.88	.50

How ridiculous it would be to pass such a law. It would be rank deception and fraud upon the American people. The express companies now make an average charge of $31.20 per ton for carrying packages, and under the "Sulzer general parcel-post bill," the rate would be $160 per ton. In addition to this the rate is a "flat rate," which means that the farmers and small merchants who use the short haul largely, would have to pay a high rate in order to maintain those in the larger cities who would use the long haul. Flat rate such as proposed would cheat the shipper on the short journey and to some extent the Government on the long journey, for the benefit of the distant merchant and no one else.

Right here I want to quote from an article written by Mr. George T. Hampton, secretary of the Farmers' National Committee on Postal Reform. Mr. Hampton says:

The farmer, the consumer, and the local merchant have a common interest in the cheapest possible service for the short haul. They have little or no interest in the long haul. The retail trade between consumer and merchant, consumer and producer, or producer and local merchant, is essentially a "short-distance proposition." The prosperity of all these will be best served by making the lowest possible rate for the short haul. The magnitude of the robbery of the majority of the people for the benefit of the few which is inevitable with a flat rate will perhaps be more apparent to some—indifferent Members of Congress, for example—if the cost and charges are shown in tons. He would indeed be a small merchant or farmer whose total parcels shipment for a year, under a favorable rate, would not exceed a ton.

The robbery in the short haul.

	25 miles.	50 miles.	200 miles.	500 miles.	1,000 miles.
Average mail pay to the railroads per ton	$2.25	$4.50	$18.00	$45.00	$90.00
Collect and delivery and general expense	24.00	24.00	24.00	24.00	24.00
Total cost	26.25	28.50	42.00	69.00	114.00
Rate per ton of the 8-cent flat per pound rate	160.00	160.00	160.00	160.00	160.00
Excess charges	133.75	132.50	118.00	91.00	46.00

Collect and delivery and general-expense cost are computed at 6 cents per package for an average weight of 6 pounds.

The subsidy in long haul.

	2,000 miles.	3,000 miles.	3,600 miles.
Average mail pay to the railroads per ton	$180.00	$270.00	$324.00
Collect and delivery and general expense	24.00	24.00	24.00
Total cost	204.00	294.00	348.00
Rate per ton of the 8-cent flat per pound rate	160.00	160.00	160.00
Subsidy to long-distance shipper	44.00	134.00	188.00

Public welfare demands that the Government, in establishing a general parcel post, shall impose no burdens upon, nor grant special privileges to, any class. The people must not be taxed for the benefit of the few. The flat rate by the excessive rates of 500 per cent above cost on the long haul tends to force producer and consumer apart, whereas public welfare demands that they be brought as closely together as possible. The volume of business is powerfully influenced by the rates. It must be low enough to move the traffic. To make the short-haul rates over five times the cost is to prevent the growth of the short-haul business. If a flat rate could be established without increasing the cost of the short-haul beyond a fair self-sustaining charge, its unfairness might be open to question, but a flat rate which, in order to make the service, as a whole, self-sustaining, must be based on a mean distance charge, and of necessity must make the charge on the short haul excessive and give the long haul a rate way below cost. It is undemocratic, violates every principle of fair dealing, and is against public welfare.

It is plain to me, and I think it is likewise plain to everyone who has had their attention called to it, that such a law would be most unwise and pernicious.

There is another phase to the proposition that may have escaped the attention of some, and this may account for the fact that the railroad companies are apparently quite willing, if not anxious, to have such a bill enacted into law, and that is that the Government would pay the railroad companies under the Sulzer bill about twice as much for the transportation of parcels as they now receive from the express companies.

To illustrate: In 1908 the postal matter, excluding equipment, weighed 602,040 tons, which were carried, on the average, 620 miles, or 373,277,675 ton-miles, for which the railroads were paid by the Government $49,404,763, or at the rate of 13.2 cents per ton-mile. In 1909 the express companies, under their contracts with the railroads, paid the railroads $64,032,126 for hauling 4,556,296 tons an average of 200 miles, or 911,359,200 ton-miles, being at the rate of 7 cents per ton-mile, also excluding equipment. So that one can see that the Government pays now about double the amount to the railroads per ton-mile for the transportation of mail and packages that the express companies do, and if the Government had transported the packages in 1909 which were transported by the express companies, the railroad companies would have received approximately $60,000,000 for their service more than they received from the express companies for the same service.

It will be seen from the foregoing that there is a good deal more to this parcel-post question than merely passing a law providing for parcel post. I am in sympathy with the general proposition of securing relief from exorbitant express charges, and I propose to work and vote for measures which may reasonably be expected to bring this relief, but I do not propose to work or vote for a so-called "remedy" simply because it has a "cure-all" label on the bottle.

Now, as to the second proposition, that of taking over the express companies by the Government. I can say that it at least deserves consideration. The principal objection that I see to it is that I do not believe the express companies have very much to sell. An express company is not a real transportation company anyway. It is what might be termed an "economic parasite." It is founded upon a contract with the railroad companies, a contract which usually provides for a division between the express company and the railroad of the "gross receipts," the railroad company usually getting about 47½ per cent for their service.

There are now 13 express companies doing business in the United States. Last year they operated upon 270,668 miles of railroad. Their gross receipts were $152,555,521, of which they paid the railroad companies $73,829,450, and made a net profit of $10,326,352. The report of the Interstate Commerce Commission shows that their total assets used in operation of their business was $22,313,575.53. It may be that it would be advisable for the Government to take over the property of these companies at a fair valuation rather than to confiscate their property by Government competition. But the real problem is, in my judgment, for the Government to establish some practical means of transporting parcels at variable rates, depending upon distance, weight, and so forth, so that everybody will equally share in the benefits therefrom. I do not care whether you call it "parcel post" or "postal express," or any other name. Results are what we want.

It is evident here from the discussion in the House that there is a wide difference of opinion among the Members, and there is much misapprehension, both here in Congress and among the people. I agree with the chairman of the committee that the wise and sensible thing to do is to refer this matter to a joint commission of both Houses of Congress, made up of men who have given this subject special study, with instructions to carefully consider all of the various bills now before Congress and the hearings had upon them and to report back at the beginning of the next session of Congress a bill representing their conclusions thereon. I am satisfied that this discussion has done a lot of good. It has got the Members to thinking and studying the subject; it has disclosed a great many fallacies heretofore widely exploited. This great problem of cheaper transportation has got to be met fairly face to face. Because it is difficult is no reason why we should evade it. Like every other great problem ever presented to the American people, it calls for the best thought and the most patriotic consideration we can give it. And like every great problem which has been presented to the American people, it will be solved honestly and fairly, and I believe in the interests of the whole people, because whatever is to the interest of the people as a whole is to the interest of every individual, ultimately.

Good Roads.

SPEECH
OF
HON. RICHARD W. AUSTIN,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. AUSTIN said:

Mr. SPEAKER: I am fortunate in being criticized by one of the local papers for having joined and cooperated with 26 of my colleagues in being responsible for the good-roads section of this bill making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1913. I plead guilty, and am proud of my connection with this proposed legislation, and my only regret is that we can not secure at this time a more liberal appropriation for national aid for public highways. However, this is the beginning, or the entering wedge—the inauguration of a great, just, and progressive policy which I trust will at no distant day result in giving our country a much-needed system of national highways, such as is enjoyed by every progressive nation of the Old World. Had our lawmakers of the past continued the early policy advocated by those illustrious statesmen, Daniel Webster, Henry Clay, and John C. Calhoun, and voted annual appropriations for good roads in proportion to amounts voted for the Army, the Navy, rivers and harbors, and public buildings, our country—every State in the Union—would be blessed to-day with the best system of public highways in the world.

The more than 6,000,000 farmers would have cheap and easy access to the markets, farming lands more valuable, and every condition of life in the rural districts highly prosperous and improved. The people who reside in the interior—in the country—will no longer submit to Congress annually voting millions of their taxes for every conceivable purpose and overlooking or neglecting to give favorable consideration to the claims of those who live and toil upon the farms. The Constitution gives Congress authority to aid in the improvement of post roads, and under this authority Congress in the past has voted the railroads in the West 200,000,000 acres of public lands, worth to-day at least $25 per acre. We have spent on good roads in Porto Rico, the Philippines, and the Canal Zone six and a half million dollars, and yet there are Members of this House fighting the proposition to aid the States of the American Union in improving the post roads and giving the farmers what they need and are justly entitled to in the way of improved highways. Not since I have been a Member of this House have we been called upon to support a more meritorious proposition. The last platforms of the two great political parties, Republican and Democratic, favored national legislation in the interest of good roads, and it is the duty of every Member of this House, now that an opportunity to make good presents itself, to aid in carrying out in good faith our party platforms.

This is not a political question. It is one that is above partisan issues or politics. It should appeal to the patriotism of all who love our glorious country and wish to see the rapid growth and development of all sections of the Republic. Tennessee, the State I have the honor to represent in part, in road improvement is ahead of every Southern State except one, and I challenge any southern district to show a better record in road improvement than the second district of Tennessee. According to the last report of the Good Roads Bureau of the Department of Agriculture there were 662 macadamized and 25 gravel roads in that district, and under contract 100 additional miles of macadam roads. Under the provisions of this proposed legislation there would be paid to the respective counties in that

district on macadam and gravel roads, not counting clay or sand roads, the following annual rentals:

Anderson County	$1,830
Blount County	91
Campbell County	1,315
Hamblen County	2,400
Jefferson County	2,575
Knox County	6,220
Roane County	1,285
Scott County	225
Union County	875
Total	16,816

Number of macadamized and gravel roads in the second district of Tennessee.

County.	Macadamized.	Gravel.
Anderson	70	4
Blount	13	.....
Campbell	43	12
Hamblen	96	.....
Jefferson	103	.....
Knox	248	1
Loudon	.....	.....
Roane	45	8
Scott	9	.....
Union	35	.....
Total	662	25

Rural delivery routes and miles, second district of Tennessee.

County.	Number of routes.	Number of miles.
Anderson	10	230
Blount	20	488
Campbell	16	372
Hamblen	11	279
Jefferson	24	583
Knox	42	990
Loudon	20	472
Roane	21	495
Scott	3	70
Union	14	314
Total	181	4,293

If all the rural free delivery roads in the district were improved under class A the annal rental would yield the district $107,325; under class B, $85,860; and under class C, $64,395.

APPENDIX.

GOOD-ROADS SECTION OF POST OFFICE APPROPRIATION BILL ADOPTED BY THE HOUSE.

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star route mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C: *Provided*, That in calculating or otherwise ascertaining the distance that mail is transported over any highway, such distance shall be measured or calculated in only one direction, and only one use of or travel over any such highway, or any part thereof, on any one trip by a carrier using the same, shall be considered. That any question arising as to the proper classification of any road used for transporting rural or star route mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

Railway Mail Clerks and Parcel Post.

SPEECH

OF

HON. THOMAS L. REILLY,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. REILLY said:

Mr. SPEAKER: The other day I gave some views on some of the legislative features of the Post Office appropriation bill, particularly the eight-hour-day provision for letter carriers and clerks in first and second class offices and the proposed antigag law.

I now desire to present briefly some facts in relation to other features of the bill, especially the part that deals with the reclassification of the clerks in the Railway Mail Service and the parcel post.

I regret that the Post Office Committee has been unable to make the proposed reclassification effective after July 1 of this year instead of next year, but it is a long step in the direction of long-needed legislation for these hard-worked employees of the Government to make the new classification part of the law this year, even if there is not money appropriated to make it effective until 1913.

I am informed that it will take considerable time to arrange the reclassification, and that it will be nearly a year before it can be thoroughly completed. I wish, as I say, it might be put into effect before next year, but gladly welcome what has been done.

No employees of the post-office service deserve better treatment than the railway mail clerks. The hazardous nature of their employment alone should demand and receive every fair consideration on the part of the Government, to say nothing of the high order of intelligence and efficiency demanded in their work. Upon their accuracy and knowledge of their duties depend, in great part, the usefulness of the entire postal service.

I wish it were possible to place them on an eight-hour basis of work, but I realize the impossibility of so doing. As their work can not be measured by stated hours and they must remain on the train until the end of their run is reached, no matter how late the train may be, they should be treated in other respects in a manner that will satisfy their just requests.

The reclassification in this bill is, I understand, satisfactory, so far as it goes, to the clerks and meets the approval of the department.

In connection with this legislation and as in part proving the necessity of it and also explaining the existing conditions in the Railway Mail Service, I quote the words of President P. J. Schardt, of the Railway Mail Association, as given to the Post Office Committee at its hearings by Second Assistant Postmaster General Joseph Stewart, in charge of that branch of the service for the Post Office Department:

The present organization of the Railway Mail Service was made many years ago (R. S., 4024) when the number of clerks was small and the system a simple one. As the service was extended changes were made when the need of such changes had become imperative. As a result the present law is not adequate to care for the existing conditions nor to remove the inequalities of the service. It is contended that the difference in the work done by the clerks in the apartment-car lines and the work done by the clerks in the full-car lines is one of quantity and not of quality. In the full and the apartment car lines running between the same points approximately the same States are worked by the same schemes of distribution. In the full-car lines this work is generally divided among several clerks and the work falls less heavily upon each. In the apartment-car lines such a division of the work is not possible because of the fewer number of men in the car and the distribution falls more heavily upon these clerks, or perhaps one clerk. Yet the clerk is not paid for this, but is paid according to the space in which the work happens to be performed. In the full-car lines, under the present organization, two clerks may be working side by side, performing identically the same work, and yet because of the requirements in connection with promotions there may exist a considerable difference in their salaries. In the organization of crews the helper who runs but part of the way over the route is not considered. There may be a number of them, but the crew is organized on the basis of the number of men carried through to the opposite terminal. So that under the present system a helper's pay and perhaps the pay of other members of the crew depends upon the relative distance traveled by him. It would seem that when a clerk has reached a high degree of efficiency and is putting in the full amount of time required by the department for a day's work his pay should not depend upon the distance traveled, the size of the crew in which he runs, or the amount of space in which the work is performed, but should depend upon the importance of the work and his value to his employer. The laborer is worthy of his hire. Give to the employees who have developed their usefulness to the maximum a salary that is commensurate with such service, regardless of car space, vacancy, or other irrelevant conditions over which they have no control.

This is the true basis upon which the railway mail clerks should be paid. When that basis is agreed upon, the rest is comparatively easy and will naturally follow. I sincerely trust this reclassification will be made and put into effect at the earliest possible moment as a matter of simple justice to the clerks and as proof that the Government desires to deal fairly with some of its best servants.

THE PARCEL POST.

There is a widespread demand for a genuine parcel post, not only on rural routes but on all routes. The claim may be advanced that mail-order houses only are back of the demand and that it will ruin the small dealers, but that does not alter the fact of the generalness of the demand. I know no mail-order houses in this project. If they are benefited to some degree, I can not help it. I simply know of the demand by farmers, mechanics, manufacturers, large and small, in fact, by the great majority of all classes, for a real parcel post.

If the present committee bill is the best we can get now, I am in favor of that; if the Sulzer bill is better, I am in favor of that; if there are better bills, I will favor the best; and the better the bill is the better I will like it.

I believe a real parcel post will, instead of being a detriment to the small storekeepers and retail dealers generally, be helpful to them in stimulating trade. I believe business will be so increased that more instead of fewer commercial travelers will be employed to show their wares to dealers the country over.

It is rather remarkable that in countries that have a parcel post the mail-order house does not exist or does not prosper. Its chief field has been this country, where there is no parcel post.

It is a measure calculated to be for the greatest good to the greatest number, and I believe for the good of all. I believe, further, that the best parcel post will not be reached until the carrying of small parcels is made a Government monopoly and no express company or any other company permitted to carry them.

I am not prepared to vote to pay the express companies many millions for a lot of junk for the sake of taking them over. They have some property in the line of stables, horses, and wagons that should be paid for at a fair price for second-hand material. There is no franchise or good will that should be considered.

I am in favor of the Government doing all the mail and parcel business at the earliest opportunity. Until that time comes let us have the best parcel post we can get, not confined to rural routes, but covering all routes, that all the people may have the benefit of this service, in which no one but the Government should be engaged.

Post Office Appropriation Bill.

SPEECH

OF

HON. JOHN A. MAGUIRE,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 2, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MAGUIRE of Nebraska said:

Mr. SPEAKER: While there has already been much debate on the several provisions of this Post Office appropriation bill, still there are a few features of the postal service upon which I would like to make a few observations. This, of course, is one of the most important of the annual supply bills, and it is particularly so because no department comes so intimately in daily touch with every man, woman, and child of our country; and because of its rapidly expanding service never has it been so closely associated with the welfare of the people as at the present time.

In no other department of the Government is the public service so dependent upon the character of service rendered by the employee; it is primarily one of personal service. The operations of this department never cease during the 24 hours in the day and every day in the year. Its machinery must be ever active instead of in reserve only, as in many other lines of governmental activity.

One of the other departments of the Government might cease operations for a day and the public would not generally be disturbed, but if the Post Office Department should suspend operations for a single day the whole social, commercial, and industrial welfare of the people would feel a temporary paralysis. The principal element in its continuous operation is this great force of employees. In no other department are there so many employees and nowhere is the personal equation felt more or the failure of individuality more quickly noticed.

The department brings into possible communication every individual with every other individual of the country. Comprehensive and inclusive as is this great system in its scope and practical operation, still we must all agree that when we examine into its workings we must come to the conclusion that its employees make of it the going business institution it is. From the very moment that a piece of mail leaves the hands of the sender till it reaches the hands of the receiver it is essentially a question of manual service.

I am a firm believer in efficiency of public service. The Government service, above all, should be of the very highest character and quality. That service which affects the welfare of the whole people ought to be of a much higher degree of efficiency and more unselfishly rendered than that of a purely private nature. The very best grade of service, of course, presupposes the selection and retention of the very highest and best class of employees. After such selection we naturally expect from those employed self-sacrifice and devotion to work. Good public service is essentially and ultimately the resultant of high-grade employees, ample compensation, and good treatment of employees.

I wish to touch now briefly upon the work of the railway mail clerks, city and rural carriers, and post-office clerks. I am in favor of protecting Government employees by throwing about them safety conveniences and protection while they are in line of duty.

In line with proper protection for the railway mail clerks steel mail cars ought to be installed and this ought to be done just as soon as it is possible for the railroads to install the cars. This can be done without any element of confiscation of property by providing that a certain portion must be changed each year till the change is complete. There are something like 5,000 mail cars in use, and the gradual change of wood for steel cars could be accomplished without serious inconvenience to the transportation companies.

The railway mail clerks, like the train crew, are in the most dangerous positions on trains and meet with more frequent and serious accidents than others who travel. The mail cars in which men must travel and do their work ought also to be furnished with sanitary conveniences. They have to become virtually living cars for eating, sleeping, and so forth, because of long runs and the very nature of the service. These men receive rather rough usage under the best possible treatment because of lack of meals, sleep, and rest, and the irregular habits of living.

The service is of a strenuous nature, both physical and mental, and this, combined with standing on the feet while working upon moving trains, makes it nerve racking and one which naturally shortens the period of physical usefulness of the men employed. The tendency of the time is toward giving greater protection and assurance of fair treatment to those in private employment, and I know of no reason why the Government should not be among the first to guarantee safety and wholesome surroundings to those in its employment.

Last year a slight increase was made in the allowance of expense money for these clerks when compelled to be away from home in line of duty. This allowance thus far has been very meager, and it should be made sufficient to enable these men to secure wholesome food and clean surroundings while waiting for return at the far end of their run.

No Government employees go through more climatic and weather hardships than the men who carry the daily mail to the rural communities. A couple of years ago I began to investigate the question of the cost and upkeep of the necessary equipment of a rural carrier.

The capital invested and the current expenses must be provided for by the carrier and without any allowance for the same. Horses, wagon, harness, stables are an initial expense and then comes the horse feed, which has more than doubled in cost in the past few years. Horseshoeing, repairs of harness and wagon, and depletion of the whole equipment through use make elements of fixed and current expenses all coming from the salary of the carrier, which, of course, very materially limits the net salary he receives. It can be very readily seen that the carrier would have a very limited amount from which

to support and educate his family. Since my examination into their necessary expenses I am of the belief that their compensation is not ample, and I trust that the increase provided for in this bill will pass.

Perhaps no servants of the Government come more closely in touch with the people of the country than the city letter carriers. Wherever this service is in operation they come in contact with the people on their doorsteps and in their places of business each day. These men have to go over the streets in heat and cold and every kind of weather, always carrying considerable weight in mail.

I have often observed these men going out with loads of mail, frequently with much over 100 pounds, going up steps and climbing stairs. If the service is not the best, the patrons have the advantage of readily locating the blame, and complaint can be made to the postmaster or those higher up in the department.

I have observed for some time that these men do not really receive their full vacation or the advantages of regular vacation. The cities are so subdivided that when a carrier receives his vacation in the summer the work is shifted to the carriers with adjoining routes, and when his vacation is over he will have to take on added work by carrying part of the adjoining route while that carrier takes his vacation.

Another large class of Government employees is the post-office clerks. These men and women in many cases suffer through excess of hours of labor. In many of the post offices they are crowded together in small rooms, with poor light and not the best of sanitary surroundings. Those who throw and route the mail are compelled to be thoroughly posted on train schedules and train connections and the best routes over which to classify and send the mail.

The questions of accuracy, system, and details in handling the work of these offices naturally requires responsibility in these positions. Many of these clerks deal with the money and business parts of the office—not alone the clerical work, but of the business policy and management of the office.

Another very important and essential element of the employment of the many classes of post-office employees is the hours of labor. I am in favor of not to exceed eight hours of labor for each workday, and that time should be confined as nearly as possible to eight consecutive hours. Many of these employees are now compelled to distribute the hours of a working-day over a period of 12 hours or even over the whole 24 hours. I realize that at some points and in some classes of the service regularity of hours can not be followed, but when this is not possible, compensation and equity should be given through lessened hours or combinations of hours at some later time.

The consensus of opinion of the best students of physiological, social, and industrial conditions is that it is not for the welfare of the individual or of society or the race itself that excessive hours of labor should be imposed. Time for rest, recreation, social and intellectual improvement is absolutely necessary, not alone to good public service, but for the protection and welfare of society itself.

I think we are all more or less familiar with the Executive orders prohibiting Government employees from petitioning or making known their wants to Congress or to a Representative in Congress. For the past few years this gag rule has been enforced, practically disfranchising Government employees in their full rights as citizens. This is absolutely wrong in principle and violates fair dealing in practice. A citizen, no matter in what line of activity or how employed, ought not to be prohibited from making his wants known to his Representative. These rights are guaranteed and recognized by every instrument and charter of our nationality and the right of petition is an inalienable right of every American citizen. To interfere with this right of a citizen, it seems to me, is to violate the fundamental principles of the institutions under which we live.

Not alone the employee has his rights denied, but Congress in the interest of the service is entitled to receive the information from these employees without threats of Executive dismissal. I believe that I can better perform my duties as a Representative and legislator if I have all the available information, and these employees ought not to be embarrassed by Executive orders in giving it or in petitioning for their own relief.

I have touched upon only a few of the many provisions of this appropriation bill. The committee which prepared it has offered substantial relief from some of the grievances complained of by those in the service. Upon examination the bill bears the appearance of having been well considered and departmental efficiency kept fully in mind.

The Late Representative Henry C. Loudenslager, of New Jersey.

MEMORIAL ADDRESS
OF
HON. ARTHUR L. BATES,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, May 5, 1912,

On the following resolution (H. Res. 525):

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY C. LOUDENSLAGER, late a Member of the House from the State of New Jersey.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. BATES said:

Mr. SPEAKER: During the 11 years which I have had the honor of serving in the House of Representatives I have known no man who was more generally respected and held in higher esteem than HENRY CLAY LOUDENSLAGER. Having served with him for 7 years on the Committee on Naval Affairs, I have had ample opportunity to judge thoroughly and well his true character. No member of the committee possessed more accurate and minute knowledge of the needs of the Navy or of legislation brought forth by the Naval Committee from time to time than he. In the long, tedious hearings of each winter leading up to the framing and introduction of the naval appropriation bill, carrying its large amounts, no member of the committee followed more closely the statements of those appearing before us from the department than our departed brother. He seemed to feel the responsibility resting upon him as one of the older Members in service of this House.

In his earlier years he had been one of the officers of the courts of New Jersey and had become a student in accuracy and detail, which added to the value of his efforts as a national legislator. Although it was not generally known, I learned within the last few years that he was one of the most laborious, hard-working Members who have ever sat in this Chamber. Any man who attends faithfully to the arduous duties often imposed upon Members of Congress and at the same time carries on with any degree of attention his own business affairs leads a strenuous life indeed. Is it any wonder that mortality in membership of the last few Congresses has been greater in proportion than that of our soldiers in the last war in which we were engaged? I count him one of the martyrs to that spirit of restless energy which has lately possessed the soul of so many Americans, and while splendid achievements have ensued, it has been at a great cost, even at the cost of life itself.

With apparent health and strength, with prosperity and abundance in his pathway, with the highest honors his people could bestow showered upon him, with most happy and affectionate home relations, it seemed as though his honorable and useful career would have extended far beyond middle life; but "Men's ways are not God's ways and His purposes are past finding out."

New Jersey has become conspicuous of late among the States for her steadfastness for retaining tried and trained Representatives in her service, and Mr. LOUDENSLAGER was an example of the carrying out of this policy. Had he lived out his present term he would have served his State and Nation in Congress 20 years. Very few men, even from New Jersey or the East, have served longer than he, and the people at home who knew him best stood by their Representative, notwithstanding attempts were made from time to time to nominate and elect others in his place. It need hardly to be said that continuing a Representative in service for many years must mean that he has the quality of industry; that he devotes his attention to the personal wants of his constituents; that he must have those personal elements of kindness and courtesy which draw men to him and hold their friendship.

HENRY CLAY LOUDENSLAGER in the daily walks of life was generous, kind, affable, affectionate to his friends, and considerate of all. He was endowed with a capacity to grasp and take an active part in the larger matters of legislation which affected the interests of his State as well as the country at large. He has been missed more than almost any man could have been who was a Member of this present Congress, and it is with a melancholy pleasure that I add my tribute to his memory.

The Election of United States Senators by the People.

SPEECH

OF

HON. WILLIAM SULZER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 13, 1912,

On House joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. SULZER said:

Mr. SPEAKER: I am now and always have been in favor of the election of Senators in Congress by the people. I favor this change in the Federal Constitution, as I will every other change that will restore the Government to the people. I want the people, in fact as well as in theory, to rule this great Republic and the Government at all times to be directly responsive to their just demands.

In my opinion, the people can and ought to be trusted. They have demonstrated their ability for self-government. If the people can not be trusted, then our Government is a failure, and the free institutions of the fathers doomed. We must rely on the wisdom and the judgment of the people, and we must legislate in the interests of all the people and not for the benefit of the few.

We witness to-day in the personnel of the United States Senate the supplanting of representative democracy by representative plutocracy. Here is the last bulwark of the predatory few. Here is the citadel of the unscrupulous monopolies. And more and more the special interests of the country, realizing the importance of the Senate, are combining their forces to control the election of Federal Senators through their sinister influence in State legislatures.

To-day 48 United States Senators can prevent the enactment of a good law or the repeal of a bad law. The United States Senate is the most powerful legislative body in the world, and its Members should be elected by the people of the country just the same as the Representatives in Congress are elected.

This is a Government of the people. The people seldom err. The people can be trusted. I am opposed to delegating away the rights of the people, and where they have been delegated away I would restore them to the people. I trust the people, and I believe in the people. I believe that governments derive their just powers from the consent of the governed, and hence I want to restore to the people the right now delegated to the legislatures by the framers of the Constitution, so that the Senate as well as the House will be directly responsible to the people and the Government become more and more a representative democracy, where brains, fitness, honesty, ability, experience, and capacity, and not the influence of wealth, shall be the true qualifications for the upper branch of the Federal Legislature.

The people all over this country favor this reform and demand this much-needed change in the Federal Constitution, so that they can vote directly for Senators in Congress, and they appeal to us to enact this law to give them that right. It is not a partisan question; neither is it a sectional issue. The demand reaches us from all parts of the land and from men in all political parties with a degree of unanimity that is as surprising as it is reassuring. It is our duty to respect the wishes of the people and to give them a uniform law allowing them to vote for Senators in Congress just the same as they now vote for Representatives in Congress.

The right to elect United States Senators by a direct vote of the people is a step in advance and in the interest of the general welfare. It is the right kind of reform, and I hope it will be succeeded by others, until this Government becomes indeed the greatest and the best and the freest Government the world has ever seen, where the will of the people shall be, as it ought to be, the supreme law of the land.

Mr. Speaker, ever since I have been a Member of this House—for nearly 18 years—I have advocated and worked faithfully to bring about the election of Senators in Congress by the direct vote of the people. I am the author of this legislation. In every Congress in which I have served I have introduced a joint resolution to amend the Constitution to enact into law this most desirable reform, and the record will show that I have done everything in my power, in Congress and out of Congress, to secure its accomplishment.

This joint resolution speaks for itself. It needs no apology and no explanation. I believe it is right. I know the people favor it. I want to see it a part of the fundamental law of the land. I want to make the Senate less aristocratic and more democratic; I want to make it more obedient to man and less responsive to mammon. I want to make it pay more heed to the appeals of the people and listen less to the demands of plutocracy. I want the Senate to be the people's Senate, in the interest of the many and for the benefit of all the people, and its accomplishment will keep the Government nearer the masses and herald the dawn of the better day in the onward march of the Republic.

The adoption of this joint resolution providing for the election of Senators in Congress by the people will prevent corruption in State legislatures, stop scandal, and end to a great extent the temptation of political parties to gerrymander legislative districts for partisan purposes. Let me say to this House that this legislative gerrymandering has been carried further by the Republican Party in my own State of New York than perhaps in any other State in the Union. In the State of New York, under the present Republican apportionment, the people can not secure a Democratic legislature unless the Democratic Party carries the State by at least a majority of 100,000 votes. And hence I believe the change in our Federal Constitution sought to be made by this joint resolution will almost entirely prevent these unfair apportionments and at the same time give the worthy man the opportunity under the law to submit his cause and his candidacy to the judgment and the decision of the people for the high and honorable office of a Senator in Congress.

Commerce Court.

SPEECH

OF

HON. WILLIAM L. LA FOLLETTE,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 10, 1912,

On the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LA FOLLETTE said:

Mr. SPEAKER: In the early days of the Sixty-second Congress I introduced a bill for the abolishment of the Commerce Court. I felt that the creation of that court was a mistake that should be corrected at the earliest date possible. I am glad that a provision for dispensing with this court has been incorporated in this bill.

I have listened with interest to the remarks of gentlemen here on both sides of this question, and I must say I have not heard any substantial reason given for its creation or any necessity for its continuance. On the contrary, the preponderance of arguments here are to the effect that it was a court created as a hindrance rather than one to hasten justice or benefit commercially the people at large.

Mr. Speaker, the Interstate Commerce Commission was created in 1888 for a much-needed and useful purpose, but by court decisions was shorn of its power, and for 22 years was nothing but a board of statistics, and even its statistical findings were discredited and its recommendations ignored both by the common carriers and by the Congress of the United States. After many years of agitation and effort on the part of citizens and certain Members of Congress, the laws governing the Interstate Commerce Commission were amended, their functions enlarged until they became a thing of power, capable of rendering service to the people of this country and afford relief from outrageous discriminations and exorbitant rates.

What was the result? As soon as the great transportation companies saw their efforts were vain to make the commission further innocuous, they immediately put all the machinery at their command to work to annul, as far as possible, the findings and orders of the commission, and the result of their efforts was the Commerce Court.

Mr. Speaker, the country was not lacking for court facilities. The Commerce Court was not needed. Gentlemen are making the plea here that it was created to supply a much-needed tribunal, and try to give out the impression that it had long been in demand, but the facts are it had never been demanded or needed. And it is a strange coincidence that its need was only

discovered when the Interstate Commerce Commission has been fitted with teeth that could bite.

It is my opinion, fully warranted, we think, by facts and results, that it was only conceived and created to annul and revoke the findings of the Interstate Commerce Commission, and by the usual means of court chicanery nullify for years the beneficial results to the people of said findings. Gentlemen say here the court was created to expedite matters. I fail to see how. If these findings were final such argument might be tenable, but these findings will never be so accepted, but will be appealed to the higher court, and inevitably consume as much time as it would have taken to arrive at the results had it never been created. There is neither saving of time nor money to anybody through this court, but rather the reverse.

The common carriers of this country, who employ eminent counsel by the year, are at no extra expense to fight these cases before the various courts, but the shippers are always at a great disadvantage, oftentimes being compelled to give up just causes for lack of means to prosecute their cases from court to court, and justice has been frustrated as often in this country by the inability of the people financially to carry their cases along, as from any other cause; and common carriers are well aware of this, and the longer they can draw out litigation the better their chance to win. No doubt there will be hundreds of cases from the Interstate Commerce Commission sustained by the Commerce Court, but that is no argument in its favor. The six injunctions sustained could be and probably were of much greater importance to the people at large than all the hundreds they allowed to pass.

Mr. Speaker, some of the best legal minds in this country have expressed themselves to the effect that jurisdiction should be conferred in case of appeal from the commission to the district court wherein the complainant or complainants, who instituted the proceedings, reside, and I concur fully in that idea. The Commerce Court is, in my judgment, a superfluous piece of judicial machinery, and I sincerely hope it will be be abolished. I congratulate the committee for having incorporated the provision here, and I sincerely hope it may prevail.

Election of United States Senators by the People—Conference Report on the Amendment Known as the "Bristow Amendment."

SPEECH

OF

HON. S. F. PROUTY,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 13, 1912,

On the amendment of the Senate to House joint resolution (H. J. Res. 39) to elect Senators by the people, Mr. BARTLETT having offered a motion to concur in the Senate amendment with the following amendment:

"*Provided*, That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, or returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during said election."

Mr. PROUTY said:

Mr. SPEAKER: I profoundly regret that the discussion of this question has taken on a sectional aspect. The gentleman from Georgia [Mr. BARTLETT] says that he stands here as the representative of the 13 Confederate States, and that they are opposed to submitting an amendment of the Constitution to the legislatures of the States for the election of United States Senators by direct vote of the people, unless there is a further amendment to the Constitution removing all power of the Federal Government to in any manner exercise or maintain jurisdiction over these elections.

I am wholly unable to understand why these States should be so sensitive in this matter. Every power now vested in the Federal Government by the Constitution applies to Iowa as well as to Georgia. Now, let us forget sectionalism for a few moments and discuss this question as lawyers.

Section 4 of Article I of the Constitution provides:

The times, places, and manner of holding elections for Senator and Representative shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulation except as to the place of choosing Senators.

This provision of our Constitution was put there by our forefathers for a wise purpose. They realized that no popular government could preserve itself without having some power to control the election machinery. This power is vital to the Nation's permanency. The very fact that it has been seldom used is no proof that it is not necessary. The presence of ample power is often the best guaranty against its use or abuse. This provision in the Constitution was not put in there as a menace to the South. It was put in there by the founders of this Government, in which representatives from the South participated, and there is no more reason for taking it out now than there was for leaving it out at the time the Government was organized. This inherent power is just as necessary to-day as it was 100 years ago.

Of course, this discussion has clearly revealed the fact that the South fears in some way that this vested power could be used by the Federal Government in determining the franchise of its voters. To be perfectly frank, they seem to be afraid that the Federal Government will force upon them the franchisement of their colored population. But this matter was thoroughly safeguarded by our forefathers when they framed the Constitution. It is expressly provided in section 2, Article I:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This ought to be ample to guarantee to the States the right to determine for themselves the qualifications of persons that would participate in the election of United States Senators.

I am wholly unable to understand the attitude of the gentleman from Georgia and those associated with him. They have been leaders in the popular movement for the election of United States Senators by direct vote of the people. They have on several occasions supported amendments offered by Republicans to so amend the Constitution, without any attempt on their part to couple with it a clause removing Federal jurisdiction over elections. Do they now believe that popular sentiment is demanding this reform so strongly that they can force this side of the House and their own colleagues from the North to surrender this Federal power in order to get this reform?

The gentleman from Georgia has frequently warned this House during his remarks that unless this power of Federal supervision was taken out of the Constitution that the 13 Confederate States would not ratify it; and as it takes three-fourths of the States to adopt the amendment, they had enough votes in the South to prevent its ratification. Let me remind the gentleman of the fact that as much as we desire the election of United Sates Senators by direct vote we are not willing to secure that end by the surrender by the Federal Government of the power that is absolutely necessary for its self-preservation.

I have been just a little bit at a loss to know when and where originated the thought that this supervision by the Federal Government was a dangerous power. In the first place, it was put in there by our fathers, and the very fact that it received the approval of their calm, cool judgment ought to be sufficient to protect it from the charge of sinister purpose or dangerous tendency. But the gentleman from Georgia may not have much respect for the sagacity, wisdom, or patriotism of the framers of the Federal Constitution. But I should think he would have some regard for the wisdom and sagacity of the founders of the Southern Confederacy, composed of that little group of States that he now claims to represent in this discussion. When the representatives of those States met to form a government and promulgate a constitution, they included in it clearly the power of the central government to maintain jurisdiction over the manner of holding elections. It provides:

Article 1, section 5, paragraph 1.

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof, subject to the provisions of this constitution, but the congress may at any time make or alter such regulations, except as to the time and place of choosing senators.

Evidently the founders of the Confederacy did not consider it dangerous to vest the right to supervise elections in the central government. When, where, and how did the Representatives of these States get the idea that this was a dangerous power? It is sure they did not get it from the men that laid the framework of the Southern Confederacy. Something else has given rise to this alarm. To these gentlemen it is undoubtedly real, not fanciful. So determined have they been to strike out that power from the Federal Constitution that they have held this amendment up for 10 months, and on this floor used the covert threat that they will not only prevent its ratification, but will raise their hands against their Democratic brethren of the North if they unite with this side of the House in pressing this chalice to their lips. I first thought they were joking, but this day's discussion has convinced everyone that they are in earnest, that they have some reason not clearly disclosed for this terrific fight.

At the last session of Congress, through their domination of their party, they held a majority of their members in line, but now that many of the Democrats from the North and a few from the South are showing signs of desertion they raise the flag of party disunion. This clearly reveals a reason, a purpose, for this contention. It is a contention their forefathers never thought of. They tell us that since this power in the Federal Government has remained practically unused for more than a century, what is the use of leaving it there? I answer them that if this power has been there so long without seriously hurting anybody, what is the occasion now for striking it out? It is a power that is not often needed, but when it is needed it is needed badly, and it is worth preserving.

I have hanging in my house an old rifle. I do not think it has been discharged in a quarter of a century. I keep it there to defend my house. I have not yet had occasion to use it, and I trust I never will. But if some fellow would come to my house and say he wished I would remove that gun, that its presence offended him, and that he feared that some time I might use it to make an assault upon him, I would cock my eye on that fellow. I would at once become suspicious that he was planning a raid either on my house or my henroost and did not want inconvenient weapons around. I do not know how such suggestions would affect others, but they would have a tendency with me, at least, to make me load up the old gun rather than throw it away. I have not forgotten the time when the preliminary step to stealing horses was to get away with the watchdog.

I think the power now vested in the Federal Government to revise State regulations in the matter of elections a vital power, and I shall vote against the amendment of the gentleman from Georgia.

Levees of the Mississippi.

REMARKS

OF

HON. ROBERT F. BROUSSARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 15, 1912,

Incorporating remarks made by Hon. ROBERT F. BROUSSARD before the Committee on Rules, Friday, May 10, 1912.

Mr. BROUSSARD said:

Mr. SPEAKER: I ask unanimous consent to print in the CONGRESSIONAL RECORD some remarks made by myself before the Committee on Rules of the House on last Friday. The reason I ask for it is that I have numerous requests for these remarks. The Board of Trade of the City of New Orleans have asked me for copies of them, and I am unable to furnish them unless they are printed in the RECORD.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent to print in the CONGRESSIONAL RECORD certain remarks which he made before the Committee on Rules recently. Is there objection?

There was no objection.

Mr. BROUSSARD said: "Mr. Chairman and gentlemen of the Rules Committee, I wish to speak to my resolution, No. 111, of the present Congress, which reads as follows:

"*Resolved, etc.,* That the Mississippi River Commission be, and is hereby, empowered and instructed to investigate and to recommend and report thereon to Congress, the Mississippi River and the country adjacent thereto, with the view of obtaining such reliable and accurate information as to enable Congress to determine whether the Government of the United States shall take charge of the levee system of the Mississippi River, to aid and to improve the navigation of the same and to prevent the overflow of the Mississippi Valley.

"This resolution was first introduced by me on February 2, 1909, and was No. 250; and again on December 6, 1909, and was No. 62.

"When the man on the northeastern frontier of the United States thinks of the Mississippi River Valley he is apt to picture in his mind's eye a river several hundred miles in length passing through several States and presenting certain problems to a number of counties adjacent to its banks. It is doubtful, indeed, if the greater part of the people of the country really have an idea of what the Mississippi River system and the Mississippi River Valley mean. In putting forward, therefore, the proposition that the General Government shall take control of the levee system of the river, aid and improve the navigation of the river, and prevent the overflow of the Mississippi Valley, it is proper first to state what is conveyed by these terms.

"The Mississippi River system means 16,000 miles of waterway, on which is carried an amount of commerce compared with which, in point of tonnage and value, our foreign commerce sinks to almost insignificant importance. Again, the overflow section of the Mississippi River, according to the measurements of the Mississippi River Commission, is 29,700 square miles, or a total acreage of 19,065,600. Another illustration: From Cairo down it is not a river in the ordinary sense of the word, but a series of lakes, winding for 1,100 miles through the alluvial region formed by it from Cairo to Port Eads, while the straight lines from point to point are only 500 miles. It presents a coast line of 2,200 miles, equal to the whole Atlantic seaboard from Quoddy Bay, Me., to Cape Sable, Fla.

"The Delta of the Mississippi River subject to overflow extends from Cape Girardeau, 45 miles above Cairo, to the Gulf of Mexico, nearly 600 miles in an air line, and varying in width from 200 to 300 miles. The river flowing through this delta carries the drainage from 1,240,050 square miles of land—41 per cent of the total area of the United States. The area drained extends from Canada to the Gulf of Mexico and from the Rocky Mountains to the Alleghenies. It drains 10 entire States and part of 22 other States, besides a part of 2 Provinces in Canada—a country equal in area to that of Austria, Germany, France, Holland, Italy, Spain, Portugal, and Great Britain combined. In brief, the river is national in extent, and its control should also be national.

"Within the watershed of the Mississippi are comprised 21 States, either in whole or in greater part. But besides these there are portions of other States, such as the western part of Pennsylvania, which are also tributary. The 21 States are Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming.

"Having said this much in way of introduction, I shall now enter into a discussion of the purpose of my resolution. It is based upon what I conceive to be a national obligation; national from the legislative history of our country; national in its scope; national in its effect.

"May I be pardoned if I quote at considerable length from the splendid address of our present able Secretary of State, Mr. Knox, delivered in New Orleans, April 30, 1912, on the occasion of the centenary celebration of Louisiana's admission into the Union:

"When our forefathers in their wisdom formed 'a more perfect Union,' the domain of the United States was bounded on the west by a vast empire belonging to the sovereignty of Spain, which was transferred by Spain to France in 1800.

"Looking with farsighted vision into the future, and with a keen appreciation of the importance of having an outlet to the sea for the settlers and for the produce of the Mississippi Valley, Jefferson, not without a misgiving as to its constitutionality, seized the opportunity presented by the exigencies of European politics to acquire this immense territory by the treaty of 1803 with France. Thus was consummated the cheapest real estate transaction recorded in history, and one which in its results has fulfilled the prophecy of the French negotiator, that the cession of Louisiana 'interests vast regions that will become by their civilization and power the rivals of Europe before another century passes.' Well might Robert R. Livingston exclaim, after the signature of the treaty, 'We have lived long, but this is the noblest work of our whole lives.' At the time of this cession the population of the United States numbered less than 6,000,000 souls. To-day more than 92,000,000 find their homes within its confines. Out of the wilderness acquired from France have been formed 13 great States, having by our last census an estimated population of 18,000,000, against an estimated population of 50,000 at the time of the cession. Not the least of these States and the first to be admitted into the Union is the present State of Louisiana.

"While giving to Jefferson all of the honor due him in the transaction, and it must be recognized that it required courage to take the patriotic action that he did, still we can hardly suppose that it taxed the wisdom of his statesmanship to foresee the necessity of acquiring the Louisiana Territory for the United States, and assuring to its citizens forever control of the Mississippi River, for events, aside from Europe, were shaping to make the final action inevitable. During more than 20 years the Americans had asserted as an incontestable right the free navigation of the Mississippi River to the sea. It was indispensable to the large immigration that had peopled the region west of the Alleghenies that the settlers there should have an outlet through the mouth of the Mississippi to the markets of the world.

"By the treaty of San Lorenzo el Real of October 27, 1795, the boundary between the United States and the Spanish colony of Louisiana was fixed in the middle of the channel or bed of the Mississippi River, from our then northern boundary to the thirty-first degree of north latitude. The navigation of the Mississippi in its whole breadth from its source to the ocean was made free to citizens of the United States. They were permitted for the space of three years to deposit their merchandise and effects in the port of New Orleans and to export them thence, and Spain promised either to continue this permission or to assign to American citizens an equivalent establishment at another place on the banks of the Mississippi.

"The operation of this grant was not interrupted at the expiration of the three years, but continued in force as if by tacit agreement until, on October 16, 1802, the Spanish intendant by proclamation declared that the right of deposit no longer existed.

"The inhabitants west of the Alleghenies and east of the Mississippi at that time were said to exceed 800,000. Excluded by natural barriers and lack of communication and transportation from the markets of the East, and now, by the intendant's order, deprived of their

only means of exporting their produce, they saw in prospect their products rotting and their own inevitable ruin unless the Federal Government should come to their assistance. The President and the Congress were beset with petitions and statements of grievances. Threats were made that if no aid was received from the Government the people themselves would be obliged by necessity 'to adopt themselves the measures that may appear to them calculated to protect their commerce, even though these measures should produce consequences unfavorable to the harmony of the Confederacy.' 'The Mississippi is ours,' they said (I quote from Marbois, the French negotiator), 'by the law of nature; it belongs to us by our numbers and by the labor which we have bestowed on those spots which, before our arrival, were desert and barren. Our innumerable rivers swell it and flow with it into the Gulf Sea. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right. We do not prevent the Spanish and the French from ascending the river into our towns and villages. We wish in our turn to descend it without any interruption to its mouth, to ascend it again, and to exercise our privilege of trading on it and navigating it at our pleasure. If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital; and when we are once masters of it, we shall know how to maintain ourselves there. If Congress refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other States. No protection, no allegiance.'

"The treaty with France was signed on April 30, 1803, and was approved by the Senate on October 28 of that year. On the following day the ratifications of the two Governments were exchanged and the treaty was publicly proclaimed by the President. Less than two months later the French flag was hauled down from the territory, never to be raised again, and in its place the glorious Stars and Stripes went up, never, let us hope, to be replaced. On March 26, 1804, was approved an act creating the Territory of Orleans, and by the act of February 20, 1811, the people of the Territory of Orleans were authorized to form themselves a constitution and State government.

"Meanwhile, in 1810, Capt. George Depasson and Capt. Thomas, with 120 men, captured the Spanish garrison at Baton Rouge, and a provisional government was established by the people, and on the 29th of September, 1810, an act declaring 'the territory of West Florida to be a free and independent State' was passed by a convention of the people. By direction of Congress, the President took possession of the province, and on December 7 Gov. Claiborne raised the flag of the United States at Francisville. A little later the whole district was by proclamation annexed to the Territory of Orleans and divided into the six parishes of East Baton Rouge, Feliciana, St. Helena, St. Tammany, Pascagoula, and Biloxi. On April 14, 1812, an act of Congress was approved enlarging the limits of the State of Louisiana by the inclusion of the parishes of the district between the Mississippi and Pearl Rivers, thus giving to the State of Louisiana its present limits.

"The people of the Territory having, on January 22, 1812, formed for themselves a constitution and a State government and given to the State the name of the State of Louisiana, Congress, by an act approved April 8, 1812, declared the State of Louisiana to be one of the States of the United States of America and admitted into the Union on an equal footing with the original States. It was not, however, until April 30, 1812, 100 years ago to-day, that by its final provision the act took force, and the State of Louisiana entered into that galaxy of States whose luster has grown with the years and will continue to shine undimmed so long as popular government shall rest on good, wise, and patriotic citizenship.

"This recital of conditions which practically forced action by the Federal Government, resulting in the acquisition of the Territory of Louisiana, certainly marks this rever, then, as national in its scope. Surely, with the advance of civilization in the great valley, the question can scarcely have dwindled and become local. Unquestionably its scope also has enlarged and has kept pace with the development of the country.

"Let us look at this question from an historical standpoint. The conditions so aptly and ably described by Mr. Knox having arisen, our Government undertook the purchase of the mouth of the Mississippi River. Our commissioners found Napoleon willing to sell not only the mouth of the river, but the entire Territory of Louisiana. It was for a trifle that we acquired this splendid empire; and it may not be amiss to say, even though to our shame, that part of the beggarly price, after more than a century has elapsed, remains unpaid to this day. I refer to our retention out of the purchase price of American claims against France known as the French spoliation claims.

"But let us return to our task: When a portion of the acquired territory sought admission into the Union of Statehood, in the enabling act of Congress (U. S. Stats. L., vol. 2, p. 641, et seq.) we find two provisions. One in section 3:

"* * * And the river Mississippi and the navigable rivers and waters leading into the same or into the Gulf of Mexico, shall be common highways and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor imposed by said State.

"Again, in section 5:

"* * * That 5 per cent of the net proceeds of the sales of the land of the United States, after the 1st day of January, shall be applied to laying out and constructing public roads and levees in the said State, as the legislature thereof may direct.

"This was on February 20, 1811. Louisiana was admitted into the Union by act of Congress of April 8, 1812 (U. S. Stats. L., vol. 2, p. 703). In the first section of said act I quote the following language:

"*Provided*, That it shall be taken as a condition upon which the said State is incorporated into the Union, that the river Mississippi, and the navigable rivers and waters leading into the same and into the Gulf of Mexico, shall be common highways, and forever free, as well as to the inhabitants of the said State as to the inhabitants of other States and Territories of the United States, without any tax, duty, impost, or toll therefor imposed by the said State; and that the above condition, and also all other the conditions and terms contained in the third section of the act, the title whereof is hereinbefore recited, shall be considered, deemed, and taken, fundamental conditions and terms, upon which the said State is incorporated into the Union.

"Out of the balance of the purchased territory of Louisiana was carved the Territory of Missouri (act of Congress, June 14, 1812, U. S. Stats. L., vol. 2, p. 743, et seq.).

"And from that act I quote the following:

"The Mississippi and Missouri Rivers and the navigable waters flowing into them and the carrying places between the same, shall be common highways and forever free to the people of the said territory and to the citizens of the United States without any tax, duty, or impost therefor.

"Thus it is seen that the idea resulting in the acquisition of Louisiana Territory, being predicated upon the desire of the people of the original colonies to control the mouth of the Mississippi River found ample, complete, and logical expression in congressional enactment, setting aside and conserving this great river for all the people, then and thereafter, members of our splendid Union.

"It is a Government reservation. It is the only Government reservation not entirely cared and provided for by the Federal Government, just as it is the only Government reservation whose accomplishments, at stated intervals, endanger life, property, and the pursuit of happiness in contravention of the Federal Constitution.

"In view of the foregoing, who contests the just obligation of this Government to assume its just obligation by assuming full charge of the maintenance of this great river?

"Let me state the case concisely:

"The United States acquired Louisiana in order to control the great river for the use of commerce. It reserved the river to the country when it enabled a portion of the territory to form itself into a State. It reserved the river when it admitted this State into the Union of States. It reserved the river when, this State being admitted into the Union, it formed a Territory out of the remaining purchased territory. The Mississippi River is Federal territory. Who can gainsay this? Are there no obligations attached to this ownership? Shall the sovereign endanger the life, the property, and the pursuit of happiness of its own citizens and assume no obligation thereby?

"I claim two obligations are incurred—one to maintain the navigability of the river. That is the reason for the acquisition of the great river. Science teaches that that can only be done by keeping the river waters in the river channel.

"This statement is sufficient to those who understand the river.

"Breaks in the levees disturb the channel. The Mississippi is a silt-bearing stream. The silt goes only to the sea when the current of the river is continuous. A break in the levee diverts the current of the river, and the current, dying, causes the water below the break to stagnate. The sand carried in solution being heavier than the water which takes it onward, precipitation of the sand occurs and the deposit fills the river channel, thus jeopardizing the navigation of the river. In brief, you have the theory.

"Next, the river being the property of all of the people, Congress should not permit its use by all of the people for the dual purpose of transportation and drainage without shielding to security the lives and property of cocitizens. Who will controvert the justice and fairness of this statement? I warrant no fair-minded American will do so.

"The general situation, as indicated by the foregoing statements, present what should be considered an adequate argument in favor of the nationalization of Mississippi River improvements. The river itself being national, the obligation of its maintenance should no less be national. What is national in scope should be national in obligation. For many, many years—in fact, long before the Government of the United States began to lend its aid in improving the river—the people in the country along its banks did what they could do to effect a betterment of natural conditions. To this end the different States, the counties, parishes, and municipalities lying along the banks of the river taxed themselves heavily, and this taxation has continued until the present time.

"The taxation takes all manner of forms to bring as large a revenue as possible. All the levee districts have an ad valorem tax on the assessed value of the property within their boundaries varying from 5 to 16 mills on the dollar. Additionally, they tax themselves from 2½ to 5 cents on each acre of land in the district. They levy also a railroad tax varying from 85 to $100 per mile. Most of the districts tax every bale of cotton

raised within their confines from 25 cents to $1. Every 1,000 pounds of sugar is taxed from 25 to 50 cents. Every sack of rice, barrel of potatoes, or of onions, or oranges is taxed from 3 to 10 cents; in fact, all of the produce is taxed, and even the oysters do not escape it, as they are taxed a certain sum per barrel, on the ground that the exclusion of fresh Mississippi water from their beds is conducive to their health, and therefore to their quality. The exact amount annually levied by these taxes in the different States, levee districts, counties, and municipalities is not readily ascertainable, but the aggregate, it is safe to say, is very largely in excess of the amount contributed by the General Government. When one considers that the dangers for the combating of which the people of the Mississippi Valley, from Cairo to the mouth of the river, have to tax themselves, result from the enormous body of water brought down from a territory comprising, as has been shown, an area nearly half as large as the whole Continental United States, there would seem to be no question that in all equity the people of the United States ought to assume the burden which is now carried by a comparatively small part of them.

"This is no new idea. As far back as 1845 this question was a live question. A convention was held at Memphis that year, presided over by no less a distinguished American than John C. Calhoun. Six hundred delegates gathered at this convention, and the States of Pennsylvania, Virginia, North Carolina, South Carolina, Mississippi, Louisiana, Arkansas, Tennessee, Ohio, Iowa, Kentucky, Missouri, Alabama, and Illinois were represented.

"It is interesting to read the declarations of that convention. Here they are:

"That the safe communication between the Gulf of Mexico and the interior, afforded by the navigation of the Mississippi and Ohio Rivers and their principal tributaries, is indispensable to the defense of the country in time of war and essential also to its commerce.

"That the improvement and preservation of the navigation of those great rivers are objects as strictly national as any other preparation for the defense of the country, and that such improvements are deemed by this convention impracticable by the States or individual enterprise and call for the appropriation of money for the same by the General Government.

"That the deepening of the mouth of the Mississippi so as to pass ships of the largest class, cost what it may, is a work worthy of the Nation and would greatly promote the general prosperity.

"That the project of connecting the Mississippi River with the Lakes of the north by a ship canal, and thus with the Atlantic Ocean, is a measure worthy of the enlightened consideration of Congress.

"That millions of acres of the public domain lying on the Mississippi River and its tributaries, now worthless for purposes of cultivation, might be reclaimed by throwing up embankments so as to prevent overflow, and that this convention recommends such measures as may be deemed expedient to accomplish that object by a grant of said lands or an appropriation of money.

"It is interesting to note these views, reaching back to the one-half period of the history of our Government.

"But let us go back only a little over a generation ago. Arthur was President, and I had better quote him at length:

"EXECUTIVE MANSION, *April 17, 1882.*

"To the Senate and House of Representatives:

"I transmit herewith a letter dated the 29th ultimo from the Secretary of War, inclosing a copy of a communication from the Mississippi River Commission, in which the commission recommends that an appropriation may be made of $1,010,000 for closing 'existing gaps in levees,' in addition to the like sum for which an estimate has already been submitted.

"The subject is one of such importance that I deem it proper to recommend early and favorable consideration of the recommendations of the commission. Having possession of and jurisdiction over the river, Congress, with a view of improving its navigation and protecting the people of the valley from floods, has for many years caused surveys of the river to be made for the purpose of acquiring knowledge of the laws that control it and of its phenomena. By act approved June 28, 1879, the Mississippi River Commission was created, composed of able engineers. Section 4 of the act provides that:

"'It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service.'

"The constitutionality of a law making appropriations in aid of these objects can not be questioned. While the report of the commission submitted and the plans proposed for the river's improvement seem justified as well on scientific principles as by experience and the approval of the people most interested, I desire to leave it to the judgment of Congress to decide upon the best plan for the permanent and complete improvement of the navigation of the river and for the protection of the valley.

"The immense losses and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would, as it progressed, require the appropriation of $20,000,000 or $30,000,000. Even such an expenditure, extending, as it must, over several years, can not be regarded as extravagant in view of the immense interest involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests, needing cheap transportation to the sea, and to the inhabitants of the river valley, whose lives and property depend upon the proper construction of safeguards which protect them from the floods, it is of vital importance that a well-matured and a comprehensive plan of improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the Nation and of great importance to keeping the balances of trade in our favor.

"It may not be inopportune to mention that this Government has imposed and collected some $70,000,000 by a tax on cotton, in the production of which the population of the lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially to the great and rich States of the Northwest and the Mississippi Valley.

"CHESTER A. ARTHUR.

"The foregoing facts and figures would seem to furnish an all-sufficient argument in favor of the contention that the United States should undertake the complete charge of this great river, not only as regards the deepening of its channel, so as to increase its navigability, but also as regards the protection of its valley against overflow. At the time the bill creating the Mississippi River Commission was pending before the House, Mr. Garfield, in the course of a speech, used the following language:

"I believe that one of the grandest of our national interests—one that is national in the largest material sense of that word—is the Mississippi River and its navigable tributaries. It is the most gigantic single natural feature of our continent, far transcending the glory of the ancient Nile or of any river on the earth. The statemenship of America must grapple the problem of this mighty stream. It is too vast for any State to handle; too much for any authority less than the Nation itself to manage. And I believe the time will come when the liberal-minded statesmanship of this country will devise a wise and comprehensive system that will harness the powers of this great river to the material interests of America, so that not only all the people who live on its banks and the banks of its confluents, but all of the citizens of the Republic, whether dwellers in the central valley or on the slope of either ocean, will recognize the importance of preserving and perfecting this great natural bond of national union between the North and South—a bond to be strengthened by commerce and intercourse that it can never be severed.

"In part the prophetic foresight of that lamented President has been justified by the legislation which created the commission and by the work it has thus far accomplished. It remains but for the Congress of the United States to legislate along the lines proposed in this joint resolution to verify the prophecy in its entire fulfillment.

"We have contended against this situation for more than a century. We are willing to continue the struggle; yet what is the use? We are now loaded 'to the hub.' The increase of population means the increase of cultivated area. As regards the immense empire to the north of us, both these conditions have come to pass, and of necessity must increase in the future. Increased population, resulting in increased cultivation and more intense culture, means more cleared lands, better drainage, quicker thawing of the winter snows, and therefore increased drainage and higher river situation. The levee means deeper river, but the development of the north country means higher water. Shall we be made the scapegoat of civilization? Scarcely, unless the doctrine of equity and fair dealing has disappeared from humanity. We should consider that 20,000,000 acres of cotton-producing lands can not be abandoned unless, however, we expect to abandon the one article that gives us the balance of trade as a Nation.

"New England, you are interested more than you realize in this proposition; Grent Republic, this is your fight, just as much as it is ours in the valley. The million bales of cotton produced in the submerged valley can not disappear without damage to humanity everywhere. This is an international—nay, a world question. Lose sight, if you please, of the loss of life, the loss of property, the loss of opportunities, still there remains back of this proposition the overpowering question of humanity. Are you for it?

"It is a mighty truism that only through great calamities do people halt to consider and take stock. For many years we have talked of protecting those who travel over the sea, yet it required a *Titanic* disaster to compel legislation in that direction by the two greatest peoples on earth—the English and the Americans.

"My resolution has lingered in committee, aye, these many months. There it may have rested, aye, many more months had it not been for the appalling calamity visited upon the people of Illinois, Missouri, Arkansas, Kentucky, Mississippi, and Louisiana by this Government reservation.

"Millions have been destroyed, lives have been lost, suffering by man and beast has followed; anguish, misery, destitution, all have come. Shall the Christian civilization be callous to it all? Obligations are these, and of the most exacting kind. Shall we shirk them?

"And who will benefit? Alone, will it be those of us of the valley? No; emphatically no. The whole Nation will benefit."

United Spanish War Veterans.

SPEECH

OF

HON. L. C. DYER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 16, 1912,

On the conference report on the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. DYER said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks an address delivered by Commander in Chief Maurice Simmons at the testimonial dinner tendered to him by the United Spanish War Veterans at Palm Garden, New York City, May 11, 1912.

The address is as follows:

IDEALS OF OUR ORDER.

"My friends and comrades, this gathering is ample reward for the discharge of duty. It makes me the debtor of your kindness. Every chord of my heart is touched by this tribute, wherein mine own personality is intruded by the incident of office, and by which you attest your devotion to the organization which shelters us all in its loving embrace.

"Never again while this brief candle of life flickers will we be vested with a heritage so priceless as membership in the United Spanish War Veterans. Inscribe your name, if you will, on the muster rolls of other societies, be they fraternal, religious, political, or what not. Let their roots be embedded in remote antiquity or the privilege of their admission purpled by heredity. What message does their membership convey? Eligibility to all of them is based on some accident—the accident of birth, the accident of creed, the accident of wealth, or other gratuitous prerequisite. The bulk of the adult population of the land may pass through their portals. What does our button symbolize? Only those good men and true, the flower and the crown of the chivalry of our day and generation, who when the drumbeat of the Republic sounded in 1898, turning their backs on the lure of life and closing their eyes to the roses of the future, stepped forth from the mass of our citizenship and offered themselves in the golden glory of youth on the altar of national need—only these—are eligible to membership in the United Spanish War Veterans. Membership in these other associations is no measure of the man. It is the purchase of an accident. The price that we gave for our membership is the rarest that mortal man can pay—the offer of self for country.

"Was the day's work done when we stacked arms? My comrades, who clung to the firing line or suffered on the fever line, this hour is richer with opportunity for service than when war's alarms shook the Antilles or the Orient. Not only to perpetuate the memories of service days on land or sea, to keep eternally fragrant the deeds of the heroic dead and to give unstintedly of our substance for the relief of our shattered comrades and their destitute dependents, are we consecrated as a brotherhood, but in a larger measure and with higher purpose to give to the Nation in time of peace the best treasure of our heart and the ripest fruit of our brain in the solution of the everyday problems of its civic life.

"The organic law of our order bans religion and politics from our councils. Just as our republican government is founded on the rock of the divorcement of state and church, so, too, it is one of our fundamentals that in our organization works of religion and works of patriotism shall not meet and mingle, but that each shall pursue its own royal highway to achievement. We enlisted not as black men or as white men, not as Catholics or as Protestants, not as Jews or as Gentiles, but we all found our inspiration for sacrificial service as Americans; and recreant is he to the principles of our organization who seeks to engrave on our escutcheon the symbol, formula, or tenet of any religious creed.

"At the very threshold of membership you took upon yourselves a solemn obligation 'to encourage honor and purity in public affairs.' What is the purport of that pledge? Does it merely mean that we shall enlist as citizens to echo party shibboleths? Does it permit partisan rancor to sink like a thorn in the side of our organization? No, my comrades; we are to give the best that is in us, each according to his lights, to make honor the touchstone of our politics and purity the fabric of our public affairs. As patriots, let us stand like a Spartan band against the pollution of the ballot, the defilement of the judiciary, and the corruption of the legislature. The destiny of the Republic is carried in the palm of each man's hand. National administration, national institutions, and national well-being rest on the ballot. Our system of government means nothing except that we each cast a ballot, and in that act is found the fruition of the ideals of triumphant democracy.

"Have our election methods so fossilized that the promise of popular Government has been kept to the ear but broken to the hope? Any electoral system that trammels the people's selection of public servants or limits them only to the making of a choice from the instruments nominated by party despots makes for aristocracy and not for democracy in our public life. It leads to the induction into high office of functionaries pliable by a patronizing boss but irresponsive to the people, makes for a judiciary the decisions of which may be colored by an ermine-vending oligarch and not for a bench rugged in resolution to serve the people, places in the seats of legislation those who make the opportunity of office the open sesame to a fortuitous prosperity and not the channel for constructive statesmanship. I am not sounding a keynote of despondency. The times are big with progress, and America spells optimism. But only by fearless self-analysis can we hope to better civic conditions.

"The talismanic virtue of our organization is the spirit of comradeship. No fraternity is sweeter than that nurtured by war service in camp, field, or on deck. Comradeship is the rarest flower in the garden of brotherhood. Misguided is he who would deny the beneficence of America's brotherhood to any of God's children. Wherever the spirit is bent by oppression, in whatever breast glows the hope of freedom, wherever the human mind strives for opportunity under the twin stars of law and order, there is America. America is not a bare piece of land. It is the shape of humanity's dearest dream. Shall we who have prospered under her ægis bar her gates to our suffering brethren from other climes? You and I, comrades, are either immigrants or the descendants of immigrants. Only a few centuries ago the first of our forbears landed on these shores. It was written by the fathers that the Republic should keep open sanctuary for the generations to come. It is a pseudo-statesmanship that would apply standards other than those of character and health to the solution of our problem of immigration. What is more inequitable than the test of literacy? Had it been applied during the century preceding the adoption of the Articles of Confederation it would have excluded many of the founders of the Nation. During the centuries prior to that illiteracy was the insignia of aristocracy and the pursuit of education was regarded as the occupation of the menial or the clerical. What was the factor of literacy in the equation of immigration during the earlier half of the last century? Had the educational test just adopted by the Senate been then applied it would have excluded the ancestors of some of our foremost latter-day leaders, and the Nation to-day would be deprived of the influence of much of this very innovating senatorial statesmanship. Because a foreign potentate, knowing that education is the solvent of monarchy, denies the opportunity of letters to the masses are we to vitalize the monarchic purpose by shutting our doors to his persecuted subjects? The New World was given to mankind four centuries ago because a superman scorned hoary tradition and shook dice with destiny as he embarked himself and his fortunes in a few fragile caravels amid the nameless terrors of the seas. Who would close to the countrymen of the Genoese navigator the gates of the continent that the immortal Italian opened to all humanity?

"My comrades, we serve as high priests in the temple of the Republic, anointed as were our elders by the oils of sacrifice more than a generation ago. With dutiful hands, filially outstretched we await the legacy of service about to be bequeathed to us by our revered sires of the Grand Army of the Republic. He is best suited for this sacerdotal office whose fiber has been tested in the crucible of the Nation's needs. In this generation ours is the chosen lot. While the enlarging circle of our citizenship moves in the all-absorbing atmosphere of a great commercial and industrial Nation, let us segregate ourselves in cloistral community in order to keep burning the vestal flame of patriotism.

"A few weeks ago the remains of some 64 of our martyred shipmates were taken from the slime of Habana Harbor and tenderly committed to burial in Arlington's historic sod. For 14 years, both ship and crew, unsung and unhonored, lie rotting in alien waters, and lovers of country stood anguished with shame at the proverbial ingratitude of republics. What influence awakened the dormant soul of the Nation? To your eternal honor be it said that the United Spanish War Veterans took Congress by the hand and led it with firm and unfaltering steps

along the pathway of duty. The shattered hulk of the *Maine* was lifted from its watery tomb and reverently sepulchred like a viking of the seas. The bones of her hallowed dead were rescued from the shroud of oblivion and interred by a contrite people in the national God's acre. This yeoman labor of our organization was fittingly recognized when the Government of the United States intrusted to your national headquarters exclusive supervision of the ceremonies at Arlington.

"He is a craven who would seek to tarnish the purity of your service in 1898. When you rallied to the colors the echoes of the explosion in Habana Harbor were still reverberating throughout the land, and over the distant seas hung the red cloud of a whispered alliance between another European power and the cruel Castilian. You volunteered to serve for two years or until the war terminated. Hostilities began in April, 1898, and continued until the close of the Philippine insurrection in July, 1902. Four hundred thousand of your comrades served either in the fever-ridden camps of concentration, the islands of the tropical sea, or the oriental archipelago. Almost 100,000 followed the colors in the Philippines. The conflict was marked by 826 skirmishes and battles. The mortality of all the campaigns was 12,000 lives. For the first time in the annals of our country the American soldier fought in the Tropics and the Orient. Never before was the moral and physical fiber of our citizenship subjected to such a terrible test among alien races and under strange skies. American arms triumphed as they had never triumphed before. 'The celerity and completeness of your work was the marvel of the nations of the world.'

"The son of Johnny Reb and Yankee Doodle locked arms in comradeship, broke bread at the same mess, and grimly stood shoulder to shoulder in the same embattled trench. As if by a magical touch, the war succeeded in accomplishing what a postbellum generation of reconstructive policy had failed to effectuate, and amid the camp fires of Santiago Mason and Dixon's line forever vanished from our national life.

"As the result of your service the United States is no longer tolerated as a fifth-rate provincial power. The shells of Dewey's guns pierced the curtain of world politics and revealed America standing majestically in equity and good conscience at the council board of the nations.

"My comrades, let us hold high the standard of our organization. It typifies the spirit and bounds of our expanding nationality. The Grand Army of the Republic and the United Confederate Veterans, the glory of whose achievements will be honored while mortal lips move, represent, by reason of the very struggle which brought them into being, two sections of our country arrayed in belligerent antagonism. Our organization chants the glory of the Republic reunited. Our camps in New York extend their hands in fraternal greeting to our camps in Texas. Georgia sounds the accents of our ritual in unison with Massachusetts. From Alaska to Panama we march an unbroken legion. Maine speaks our message across the Southern seas, and Manila responds, 'All is well.' Our banners are planted in Cuba, Porto Rico, Panama, British Columbia, Alaska, Hawaii, and the Philippines. A world fraternity, welded together by love of country, we carry the gospel of patriotism to the very frontiers of American civilization."

Direct Election of Senators.

SPEECH
OF
HON. WILLIAM L. LA FOLLETTE,
OF WASHINGTON,
IN THE HOUSE OF REPRESENTATIVES,

Monday, May 13, 1912,

On the amendment of the Senate to House joint resolution (H. J. Res. 39) to elect Senators by the people, Mr. BARTLETT having offered a motion to concur in the Senate amendment with the following amendment:

"*Provided*, That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, or returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during said election."

Mr. LA FOLLETTE said:

Mr. SPEAKER: The question of the election of United States Senators by the direct vote of the people is not a new thought but lately created nor a demand but recently made. I well remember in my boyhood days, almost four decades ago, of hearing men talk of the growing tendency of legislative bodies to elect men to the Senate of the United States who were influencing their elections by methods other than those originally intended by the fathers; and even then they were saying Senators should be elected in the same manner as Representatives were, by the direct vote of the people.

That idea has been continuously growing since. Bill after bill has been introduced and passed by the House only to die in the Senate, and the people of the United States are to be congratulated—and it is a sure harbinger of better conditions in Government to know that the personnel of the Senate has changed in such a degree that it has been possible to get through that body an affirmative vote on a resolution submitting an amendment to the Constitution of the United States to the various State legislatures of the Union for the direct election of United States Senators by the ballot of the entire electorate.

I sincerely hope that no Member here will vote against this measure, which, I think, without exception all the States of the Union have insistently asked for. The issue is abundantly safeguarded, three-fourths of all the States having to ratify the amendment, and in the face of such a majority as that it would not be very consistent for anyone to say the people did not understand or had not weighed the question. It has to be a decisive affirmation, not a simple majority. It is not necessary to go into the various reasons and causes leading up to the demand for this legislation. It is so well understood and has been so thoroughly digested and promulgated for years that it would be an imposition to take time to go into the question in its various phases. It is a great satisfaction to me to have the opportunity to vote for a reform measure like this, and the people of the United States will say to us, "Well done," if we carry this through.

The Late Representative Henry C. Loudenslager, of New Jersey.

MEMORIAL ADDRESS
OF
HON. IRA W. WOOD,
OF NEW JERSEY,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, May 5, 1912,

On the following resolution (H. Res. 525):

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY C. LOUDENSLAGER, late a Member of the House from the State of New Jersey.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. WOOD of New Jersey said:

Mr. SPEAKER: I deem it a great privilege, Mr. Speaker, to add a few words to the many beautiful tributes that have to-day been paid to the memory of our deceased colleague, the late HENRY C. LOUDENSLAGER.

His high personal character, his valued public services, his sunny temperament, the positive character of his convictions, his fidelity to his official duties, his unflagging industry, his deep sense of loyalty to his friends have all been eloquently referred to by those who have already spoken.

For more than seven years I had the pleasure of serving with him as a member of the delegation from New Jersey. The one thing that impressed me most during all that period in connection with Mr. LOUDENSLAGER was the close and unremitting attention that he always gave to his official duties. Few constituencies, I venture to say, have ever been better served than the first congressional district of New Jersey.

To have been elected to 10 successive Congresses from the same district is an honor that has been accorded to but few Members of this body. That is the tribute that the people of his district, those among whom his life was spent, those who knew him best, his neighbors and fellow citizens, who had the opportunity of studying him at close range in the ordinary transactions of everyday life, rendered to the personal worth and public services of the Hon. HENRY C. LOUDENSLAGER.

The first congressional district, that Mr. LOUDENSLAGER represented, is one rich in manufacturing, commercial, and agricultural industries. It has vast and far-reaching interests. It is a great, intelligent, and influential constituency; and to have met the expectations, to have measured up to the requirements of such a district for nearly a score of years is praise indeed.

That Mr. LOUDENSLAGER did, as his successive elections to this House amply testify.

His never-failing affability made him hosts of friends, and his signal devotion to the service of his constituents secured for him their loyalty—their hearty and enthusiastic support.

Although he was a strong party man, intensely interested in his party's success, tireless in his efforts to achieve party victories, and serving as secretary of the Republican congressional committee in three successive campaigns, he never allowed his political affiliations to limit his friendships to this side of the Chamber. To his Republican and Democratic colleagues alike he was the same genial, cheerful, helpful associate and friend, ever ready with a cordial greeting, willing and even anxious to render a kindly office. The high regard in which he was held by his political opponents has been forcefully evidenced here to-day by the touching tributes paid to his memory by the chairman of the Committee on Naval Affairs, Mr. PADGETT; the chairman of the Committee on Pensions, Judge RICHARDSON; and others, to which we have all listened with so much interest.

In his untimely death, at the height of what seemed to be the period of his greatest usefulness, his district has lost an alert, vigilant, faithful Representative, whose zeal for his constituents never tired; the State a faithful public servant, jealous at all times of her interests; and the Nation an able, conscientious, careful, and experienced legislator.

Election of Senators by Direct Vote.

SPEECH

OF

HON. HUBERT D. STEPHENS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 13, 1912,

On the amendment of the Senate to House joint resolution (H. J. Res. 39) to elect Senators by the people, Mr. BARTLETT having offered a motion to concur in the Senate amendment with the following amendment:

"*Provided*, That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, or returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during said election."

Mr. STEPHENS of Mississippi said:

Mr. SPEAKER: Under the permission granted, I shall express myself briefly on the election of Senators by direct vote of the people.

There is a great demand for a change in the method of the election of the Members of the United States Senate. This grows out of the fact, as it is charged, that many of the Senators are not and have not been in sympathy with the interests and needs of the people, and that the remedy for this evil consists in having the electors of the States vote directly for Senators.

I am anxious to have the Constitution amended so that the people shall elect Senators, but I am unwilling to give my support of this measure because of the so-called Bristow amendment.

I am unwilling to have Federal interference or anything that would authorize Federal interference in the election of United States Senators. The original amendment—that is, the joint resolution—so far as it relates to this particular feature, is as follows:

> The time, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

I voted for the original resolution containing that language, but the Bristow amendment proposes that Congress may at any time by law make such regulations as may seem proper with regard to the election of Senators.

No such power exists under the Constitution at present. It is true that the Constitution says that Congress may at any time by law make or alter the regulations made by the States, except as to the place of choosing Senators. While Congress now has the right to prescribe the time and manner of holding elections for Senators—and the language of the present amendment in that regard is the same—yet the effect is very different. As Senators are now elected by the legislatures, the time and manner of elections is not a matter of as much importance as it will be when they are elected by the people. In an election by the people, if the Federal Government shall control or regulate the election, there will be the power to authorize the appointment of supervisors of election, judges of election, returning boards, and to authorize the use of United States marshals and soldiers at the polls.

It was never the intention of the framers of the Constitution or of the States which adopted the Constitution that Congress should interfere in any way with the election of Senators, except where the State failed or refused to elect. In proof of this statement I will quote the utterances of some of the various State conventions on this subject.

In its articles of adoption the State of South Carolina used this language:

> Whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operation of a general government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States, this convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution.

The State of Pennsylvania, in its convention, said:

> That Congress shall not have the power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in cases of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal may continue.

The State of Massachusetts used this language:

> That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases when a State shall neglect or refuse to make the regulations therein mentioned.

The State of Virginia used this language:

> That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

New York, New Hampshire, Rhode Island, and North Carolina gave expression to similar utterances on this subject.

Mr. Madison, in the Virginia convention, said:

> It was found necessary to leave the regulation of these [time, places, and manner] in the first places to the State government, as being best acquainted with the situation of the people, subject to the control of the General Government.

In his writing he used this language in regard to this subject:

> This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

These quotations indicate clearly that it was thought that Congress would have no right to interfere with or regulate elections, except where the State failed or refused to prescribe regulations for the election of Members of the National Legislature.

When this joint resolution came to the Senate at the last session of Congress, after it had passed the House, Senator BACON, of Georgia, proposed an amendment that embodies this very idea, but it was voted down, and the resolution was amended by what is now known as the Bistow amendment.

It is argued by those favoring the Bristow amendment that there is no danger in it to my section of the country or to any State in the Union, and that this power will never be exercised by Congress.

If the amendment amounts to nothing and there will never be an attempt to exercise the authority granted, then why is it that gentlemen are so insistent upon making that language a part of the Constitution? There may be no danger, there may never be any attempt to exercise Federal control over elections in the States, yet I am unwilling that any such power may exist.

> The possession of power is one of the most dangerous gifts which can fall to the lot of humanity. The tendency is always to its abuse. Power grows upon itself. In a perfect state it is not enough that the rulers at any given time should be perfect men. There must be checks so contrived as to resist the encroachment of authority, which are to be apprehended even from the purest and most patriotic rulers.

It has been charged on the floor that we of the South are conjuring up ghosts; that we are unnecessarily exercised over this matter. In my judgment this is not a matter that affects the South alone, but every State in the Union. There may come a time during political excitement or agitation from one source or another when the rights of any State may be invaded. When all is quiet and serene this power will never be exercised, but we should provide against the time of stress and storm, and now is the time to make such provisions.

It is not simply that I come from the South that I oppose this amendment, but because, as I have said, I believe it violates the thought and intention of those who drafted the Con-

stitution; but the fact that I do come from that section would be enough to cause me to oppose the Bristow amendment. The period through which we passed a few years ago, it seems to me, is enough to give any man who has any recollection of the horrors of that time an utter dislike and absolute hatred for anything that authorizes Federal interference in State affairs. The days of reconstruction, when the negro, the northern thief and carpetbagger, and the southern traitor dominated our section, when our governments were debauched, our property taken and squandered, our people maltreated, when laws were passed that were so obnoxious and objectionable, when as good people as ever lived were subjected to negro domination, when the very Constitution itself was lynched by making negroes citizens with equal political rights with the white people, when we had the fourteenth and fifteenth amendments of the Constitution inflicted upon us in direct violation of every law of right and decency, I say that the thought of those days and those things are enough to cause every one of us to oppose any encroachment, or anything that authorizes encroachment, in regard to our elections.

If there is no desire to exercise power of this kind, why should anyone oppose the amendment offered by the gentleman from Georgia [Mr. BARTLETT]? He proposes the following:

That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of elections, judges of elections, or returning boards to certify the result of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during such election.

The sentiment in favor of election of Senators by direct vote of the people is practically unanimous in the South. I believe that every Member from that section would be glad to vote for the bill with the Bartlett amendment added—without it, many are opposed to the resolution.

I regret that a sectional tinge has been given this subject. We are all citizens of the same great country. We of the South love the Union and the flag as much as the people of any other section. We are equally interested in the glorious history of our country's past and just as anxious that her future may be equally as glorious.

To indicate the sentiment of our people, I will quote from Jefferson Davis, ex-president of the Confederacy, who in the last public address made by him said, referring to the Confederate States:

Fate has decreed that they should be unsuccessful in the effort to maintain their claim to resume the grants to the Federal Government. Our people have accepted the decree; it therefore behooves them, as they may, to promote the general welfare of the Union, to show to the world that hereafter, as heretofore, the patriotism of our people is not measured by the lines of latitude and longitude, but is as broad as the obligations they have assumed and embraces the whole of our ocean-bound domain. Let them leave to their children and children's children the grand example of never swerving from the path of duty and preferring to return good for evil rather than to cherish the humanly feeling of revenge.

Mr. Speaker, I believe that not only the Southern States but that many other States, no matter how anxious they may be to have this great reform inaugurated—that is, the election of Senators by a direct vote of the people—will refuse to adopt this amendment, granting, as it does, an enlargement of power of the Federal Government with the possibility of such power being used to the detriment of the States.

The Late Representative Henry C. Loudenslager.

MEMORIAL ADDRESS
OF
HON. WILLIAM E. TUTTLE, JR.,
OF NEW JERSEY,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, May 5, 1912,

On the following resolution (H. Res. 525):

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. HENRY C. LOUDENSLAGER, late a Member of the House from the State of New Jersey.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. TUTTLE said:

Mr. SPEAKER: I can only bring to you the expression of sorrow all Jerseymen feel in the death of a distinguished citizen, an honored and able Representative of our State. To me, as a new Member of this House, the fact that the American Congress has paused to pay its tribute of respect to an associate who has dropped out of its life and association is an inspiration. I knew HENRY C. LOUDENSLAGER only as he had made himself known to the people of New Jersey by his public service, and you who have known him in the intimate association of this Chamber, where men stand upon their own merits, where integrity, loyalty, rectitude of character and purpose alone count in your estimate of men, have paid him a tribute that will echo in the hearts of those who knew him in the closer and more intimate associations of his home and the district he so long represented. I came into these new relations and responsibilities after he had answered the last roll call, and I had not the pleasure of serving with him and knowing the man. I have never heard him spoken of as a brilliant man, but rather as an efficient Representative. Brilliancy is not always essential to the best kind of public service, and the best in our friendships is generally the best in our statesmanship. It is the life that rings true that lingers longest with us. The pollen of that life touches ours and blossoms into the fragrant flowers of memory. It is the memory of HENRY C. LOUDENSLAGER that we have in this eminently proper and sincere way enshrined in our hearts and records to-day.

The Sherwood Pension Bill.

SPEECH
OF
HON. EDWARD T. TAYLOR,
OF COLORDO,
IN THE HOUSE OF REPRESENTATIVES,
Friday, May 10, 1912,

On the report of the conference committee on the bill (H. R. 1) entitled "An act to grant pensions to certain enlisted men, soldiers and sailors, who served in the Civil War and War with Mexico."

Mr. TAYLOR of Colorado said:

Mr. SPEAKER: At the time this bill was originally considered, I addressed the House briefly in support of the measure and was granted leave to extend my remarks in the RECORD. I held out my speech to secure some additional data for insertion, but did not succeed in obtaining the information desired until after the five days expired; and, consequently, I never put the speech in at all.

This bill has been so exhaustively considered that I know of nothing that I could now say that would add to the general information of the House or the country upon the subject. But I do feel that in justice to the great State of Colorado that I have the honor to represent, and to her nearly 9,000 soldier citizens, as well as to myself, I should place on record, at least briefly, a few of the thoughts that I have concerning the passage of this legislation, which the people of this country—more especially the old soldiers—have been promised from year to year. Every national convention of the two great political parties for years has promised to give the old soldiers liberal pensions.

The last Democratic platform contained the provision that—

We favor a generous pension policy, both as a matter of justice to the surviving veterans and their dependents, and because it tends to relieve the country of the necessity of maintaining a large standing Army.

I believe in that plank of our platform. And I believe when we passed this Sherwood bill on the 8th of last December that we were carrying out that plank in good faith. That bill was practically a dollar a day bill. This bill in the form it now returns from the Senate is nearer a 50 cents a day bill. I do not look upon this bill as a full compliance with either the last Democratic or Republican national platforms. But as everyone knows, with the attitude of the Senate and its present membership, this is the best bill that can possibly be passed by this Congress. As it is the best we can get, I am heartily in favor of accepting it. I know that many old soldiers will be sorely disappointed, and I am myself; but as this bill will to a small extent alleviate the urgent needs of tens of thousands of the old veterans, I am exceedingly glad to see it enacted into law.

One reason why I am especially in favor of this bill is that, while we are every day passing private bills extending special relief to a few old soldiers, there are thousands of others who are just as worthy, and perhaps in many instances even more deserving, who do not have the good fortune of having a friend here, or a pull at home to enable them to get relief through private bills. The passage of this general bill will

afford the same general relief and fair treatment to those who are without influential friends as it does to those who are more fortunate.

Had the Senate agreed to the bill as we passed it through the House, it would have afforded a world of benefit and comfort and very largely relieved from want during their remaining years hundreds of thousands of the old boys in blue whose heroism and patriotism made possible this united Nation. The bill would have wiped out much unjust favoritism and been in the line of fair treatment and equality. Fifteen thousand veterans have died while this bill has been pending in the Senate. But there is no use of complaining about what we can not obtain at this time. This bill is a long step in the right direction. We have during the past few days in considering the general appropriation bills voted many hundreds of millions of dollars out of the Treasury to maintain this Government. But I feel that no money which we have ever voted will do as much good as the money carried in this bill. I am aware that there has been much unjust criticism against this pension legislation. I think, however, there is much force in the statement that the large newspapers that are opposing this pension legislation are doing so, not on the patriotic ground of economy, but that they are more desirous of protecting their rich constituents from the possibility of an income and an inheritance tax law. I am in favor of economizing some other way during the next 8 or 10 years rather than by denying appropriate relief to the veterans of the Mexican and Civil Wars.

It has been eloquently stated that in time of peace money may typify power; but in time of war patriotism is much more potent than money. Money without patriotism will never safeguard a republic. I feel that we owe it first to the old soldiers, but also to ourselves and to our country, to see that no man who carried a musket and helped defend the flag and preserve this Union will ever be compelled to spend his declining days in a poorhouse. It was their struggles that made it possible for the same flag to wave over the hills of New England and the rugged peaks of the Rocky Mountains and throughout the North and the sunny Southland as a perpetual inspiration of loyalty and patriotism in the minds of the youth of this Republic.

The veterans of the Civil War have passed the age when men are supposed to be able to make a living for themselves. They are an average age of 70 years. They are passing over the Great Divide at the rate of 40,000 a year, and those remaining in the ranks—only about 400,000—have passed over the crest of the mountain of life and are now well down the western slope, with their faces turned toward the setting sun. In seven years from this time they will be nearly all gone.

The $12 a month allowed under the existing law amounted to more when it was enacted in 1890 than $20 a month does to-day. And their ability to support themselves 20 years ago was more than twice as much as it is to-day. The real criterion of a dollar is what it will buy, and the pension dollar of to-day is only equivalent in purchasing price to about 50 cents of what it was a few years ago.

I believe the patriotic instinct of this country would to-day warrant us in passing a much better bill than this. In my judgment, it is practically the universal desire of the rising generation that an appreciative Republic should never desert its defenders in the hour of their greatest need. I believe that liberal pensions are not only a just recognition of the old soldiers, but that it encourages and makes a solid foundation of patriotism, which is worth more than all of our battleships now afloat upon the ocean. Where the rising generation sees that an appreciative Government will protect its defenders, that action itself inculcates patriotism.

I feel that we ought to amend the law so as to afford a reasonable additional allowance to the widows. I can not resist the feeling that we are not treating them fairly in this bill. If I am a Member of the next Congress, I shall do my utmost to bring about the passage of a general bill for their relief.

I fully appreciate that in the matter of pension legislation our Government has been more liberal than any other government known in history. But our population is now three times as much and our national wealth is ten times as much as it was during the war. We are the richest nation on earth, and we can well afford to not only be just but be generous with the few that are left, and my only regret about this bill is that the Senate has not been actuated by a more patriotic sense of justice and been willing to meet the House at least half way in the enactment of this legislation. Our general pension bill this year carries an appropriation of $152,579,000, and this bill will add possibly $25,000,000 more to that sum. But we should remember that the soldiers of this united country performed a service which in heroism, sacrifice, and achievement has no parallel in the world's history.

The criticism upon this Democratic House of Representatives for extravagant pension legislation does not at all appeal to me. I am confident that when we ourselves come to cross the Great Divide we will have no pangs of conscience for having enacted this or any other pension bill that extends a little more comfort, together with a feeling of just recognition, to the old soldiers during their now very few declining days.

My father enlisted in the Fifty-first Regiment Illinois Volunteer Infantry in 1861, and was not mustered out until October, 1865. His regiment was in the thickest of the fight at Stone River, where three brigade commanders of the division were killed; and also at Chickamauga, where on the first day of the battle nearly one-third of the entire membership of his regiment were killed in less than 30 minutes. In the Atlanta campaign my father's regiment took part in the battles of Rock Face Ridge, Resaca, Dallas, Kenesaw Mountain, Peachtree Creek, Atlanta, and Jonesboro, and afterwards in the battles of Franklin and Nashville. In his eulogy on our late colleague, Gen. Gordon, Gen. SHERWOOD says the battle of Franklin was the fiercest and most terrific in the Civil War. My father, like tens of thousands of others, received wounds which sent him to a premature grave, where he has slept, with the G. A. R. star upon his breast, for a quarter of a century. I am proud to say that I helped organize, at Aspen, in 1886, and was the captain of, the first Sons of Veterans Camp in western Colorado. Blood is thicker than water; and I, like many other Members on the floor of this House to-day, take a special interest and a personal pride in the passage of this bill.

The mountainous regions of the earth have always been the birthplace of liberty and the home of freedom. The inhabitants of the mountains everywhere have always been the most patriotic, liberty-loving, and broad-minded people on the globe, and I am pleased to say that the State of Colorado was broad-gauged and public spirited enough to be the first State in this Union to enact a law permitting the Confederate soldiers to enter our State Soldiers' and Sailors' Home.

On behalf of the grand old soldiers of the Centennial State, I also wish to join in extending to Gen. SHERWOOD their grateful thanks and appreciation for his long and persistent, loyal, and splendid efforts in their behalf.

While the number of veterans in the State of Colorado are small compared with many of the other States, yet the part the Territory of Colorado played during the Civil War in the preservation of the Union is eloquently set forth in a letter which was sent to the Senators and to me some time ago by the president and secretary of the Colorado Veterans' Association, which I ask leave to insert in the RECORD as a part of my remarks.

THE COLORADO VETERAN ASSOCIATION,
Denver, Colo., December 27, 1911.

Hon. EDWARD T. TAYLOR,
Congressman at Large, Colorado, Washington, D. C.

DEAR SIR: Our association respectfully claims a right to your attention for a few minutes while it briefly presents the sentiments of its members regarding the pending pension bill, which has recently passed the House of Representatives. We make this claim for the following reasons:

During the Civil War the Territory of Colorado supplied to the Federal Army a larger per capita of troops than any other Territory, in fact, a larger per capita than any State in the Union. It gave practically 20 per cent of its entire population, and at the same time one-third of that population sympathized with the Southern cause. Every one of these was a volunteer. History records the pertinent fact that these troops were the means of preserving to the Federal Union the entire Pacific seaboard, from Vancouver to San Diego.

That important service was rendered at a time (March and April, 1862), when the loss of that vast territory might very easily have meant the recognition of the Southern Confederacy by the principal nations of Europe. Aside from that consideration, the necessary recovery of that territory (the value of which is to-day beyond computation) would have cost the Federal cause many thousands of lives and many millions of treasure. In addition to that item, it is recorded that these troops performed efficient service against Price and Shelby in Missouri and Arkansas, besides giving material assistance in the protection of the pioneer settlers against hordes of hostile Indians on the frontier. Our association is composed of the surviving individual members of the various military organizations which Colorado furnished, and who faithfully performed the services above referred to. Such, then, are our reasons for claiming a hearing in a matter concerning all Civil War veterans.

In the current number of the Literary Digest, bearing date of December 23, 1911, under the heading "Topics of the day," is a leading article entitled "Pensions and politics." Oh, the shame of it! Think of it! Do you know, sir, what those words signify to a veteran of the Civil War?

Since the close of that unhappy strife nearly half a century has passed. During that time the palpable fact has been universally accepted that to the Civil War veteran and his dead comrades our Nation owes its very life. Yet the article referred to—presuming to portray the general trend of public sentiment, as reflected in the leading journals of the land—contains not a single word of reference to that great debt. The action of the House of Representatives in pass-

ing the bill is editorially characterized as "a spectacular move in the political game." Prominent journalists of both the great political parties are represented as sneering at the chief features of that measure; it is spoken of as "a largess," "a bribe," "a gratuity," "a mere 'hand-out' of unexampled dimensions." The last quotation, from the New York Tribune, reminds us that Horace Greeley is no longer connected with its management. In the whole discussion of the matter, as there given, one may look in vain for the words "justice" or "patriotism." Are they obsolete? In the time of Abraham Lincoln they were considered good English.

For the sake of securing a more thorough comprehension of the matter, let us suppose that you, sir, at the outbreak of the Civil War had been a young man of 20—for the Federal Army was composed of boys—let us assume that you had been taught at the "district school" and at your father's fireside that, while your first duty was to your Creator, your next duty, above all others, was to your country.

Let us suppose, sir, that, in the light of that teaching, you had heard the call of "Father Abraham" for "three hundred thousand more." Take it for granted, then, that with that one high impulse surging in your breast you had taken leave of your dear ones, the memory of which leave-taking makes your heart throb quicker even now—you went straight to the recruiting office and said, "Here I am; I want to enlist."

Do you realize, sir, what that action would have meant to you? Do you realize that it would have meant everything? Standing there on the threshold of life, with uncovered head and uplifted hand, your dear home, your loved friends, your bright prospects, your fond hopes, and your precious life—all, all of these would have been laid on the altar of your country.

Your sacrifice would have been gladly accepted, subject, of course, to the fortunes of war—and "war is hell." At the close of the struggle such portions of your offering as your loved country could not use would have been returned to you. You would have parted forever with three or four years of the choicest part of your life. There would have been very little of the core left in the melon. Probably you would have retained some, perhaps all, of your limbs. You might have retained an impaired constitution and a part of your natural health. You would have brought home a memory of cruel hardships endured, of fearful risks incurred, and of intense mental and physical pain suffered. Such would have been your actual contributions to the cause of your country. Could you place a money valuation upon them to-day? Realizing these things, would you, sir, under like conditions, stand ready to make the same sacrifices to-day that the veterans of the Civil War made who enlisted in the ranks of the Federal Army 50 years ago? Remember, too, that the Boy Scouts of America are now learning what they may expect under similar conditions.

Finally, the cold fact is this: A large majority of the men now living to whom our Nation owes its existence are at this moment in actual need of that dollar a day to provide the most common necessaries of life. They utterly refuse to believe that their country, which so arrogantly boasts of its boundless wealth; their country, which can afford to send its magnificent Navy on a spectacular parade around the globe; their country, which can afford to expend hundreds upon hundreds of millions in the construction of a great canal, is too poor to pay the pittance they ask in compensation for services rendered, in order that they may secure the meager comforts of life in their declining years. If, as charged, there exists a pension machine, which is exploiting their needs for its own benefit, then it is the creature of politicians. The veteran soldier is not to blame; he is, rather, its victim. Crush the machine if you will and the veteran will applaud. If the Sherwood bill is faulty in detail, alter it or provide a better; but pay to the Civil War veteran the lean indemnity so faithfully earned, so long deferred. We are, sir,

Sincerely yours (by order of the executive committee),

MILO H. SLATER, *Chairman.*
WILLIAM R. BEATTY, *Secretary.*

Mr. Speaker, I ask leave to further extend my remarks in the RECORD by inserting a comparative table showing the increases under this bill and the approximate number of soldiers benefited thereby.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days	9,573	$12.00	$13.00	$12.00	$114,876
62	6 months	23,135	12.00	13.50	18.00	416,430
62	1 year	15,043	12.00	14.00	24.00	361,032
62	1½ years	12,764	12.00	14.50	30.00	382,920
62	2 years	7,294	12.00	15.00	36.00	262,584
62	2½ years	17,892	12.00	15.50	42.00	751,464
62	3 years and over	27,921	12.00	16.00	48.00	1,340,208
66	90 days	10,819	12.00	15.00	36.00	389,484
66	6 months	26,146	12.00	15.50	42.00	1,098,132
66	1 year	17,002	12.00	16.00	48.00	816,096
66	1½ years	14,426	12.00	16.50	54.00	779,004
66	2 years	8,243	12.00	17.00	60.00	494,580
66	2½ years	20,222	12.00	18.00	72.00	1,455,984
66	3 years and over	31,556	12.00	19.00	84.00	2,650,704
70	90 days	9,271	15.00	18.00	36.00	333,756
70	6 months	22,405	15.00	19.00	48.00	1,075,440
70	1 year	14,569	15.00	20.00	60.00	874,140
70	1½ years	12,361	15.00	21.50	78.00	964,158
70	2 years	7,064	15.00	23.00	96.00	678,144
70	2½ years	17,328	15.00	24.00	108.00	1,871,424
70	3 years and over	27,041	15.00	25.00	120.00	3,244,920
75	90 days	5,804	20.00	21.00	12.00	69,648
75	6 months	14,027	20.00	22.50	30.00	420,810
75	1 year	9,121	20.00	24.00	48.00	437,808
75	1½ years	7,339	20.00	27.00	84.00	642,876
75	2 years	4,422	20.00	30.00	120.00	530,640
75	2½ years	10,848	20.00	30.00	120.00	1,301,760
75	3 years and over	16,929	20.00	30.00	120.00	2,031,480
	Total	420,965				25,797,502

Section 1 of the act provides:

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

Under that provision of the law it is believed that a large number of soldiers who rendered short service will receive $30 a month.

Mr. Speaker, it will only be a little while until taps will be sounded above a mound in some little churchyard, wherein shall lie the dust of the last man who wore the blue in the most stupendous war of all history. God bless them. The human race as long as time lasts will be proud of the sublime heroism of both the boys who wore the blue and the gray. [Applause.]

Injunctions.

SPEECH

OF

HON. WALTER L. HENSLEY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912,

On the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.

Mr. HENSLEY said:

Mr. SPEAKER: Because of the short time given to this debate many Members were not permitted to speak, and in view of a probable early adjournment of Congress I was prompted not to insist upon an extension of time for debate, but preferred to have the bill pass the House as speedily as possible, so as to hurry it on to the Senate and final enactment. Therefore I desire to avail myself of general leave to print.

I have been insistent for some time upon something being done by Congress in this direction. The Democratic Party as far back as 1896, in convention at Chicago, declared upon this subject in the following language:

We denounce arbitrary interference by Federal authorities in local affairs as a violation of the Constitution of the United States and a crime against free institutions, and we especially object to government by injunction as a new and highly dangerous form of oppression by which Federal judges, in contempt of the laws of the States and rights of citizens, become at once legislators, judges, and executioners; and we approve the bill passed at the last session of the United States Senate, and now pending in the House of Representatives, relative to contempts in Federal courts, and providing for trials by jury in certain cases of contempt.

And in every platform since that time the Democratic national conventions have clearly and explicitly declared in favor of this legislation; and answering those who say that the Democratic majority is going too far and that this legislation is not needed, I would respectfully call their attention to the fact that in 1908 the Republican convention, after seeing the great need of this legislation, and, as is usual, they, following the initiative of the Democrats in blazing the way for remedial legislation, declared in their platform for this relief. And further answering this opposition, it should be stated that in several messages the attention of Congress has been directed by your President to the need of this law. On the 5th of December, 1905, on the 3d of December, 1906, on the 3d of December, 1907, on the 31st of January, 1908, on the 25th of March, 1908, and on the 18th of December, 1908, Congress had its attention called to the need of this law; and the next succeeding President, who was selected by his predecessor to serve one term only, following the lead of his predecessor and carrying out "my policies" literally, on the 27th of December, 1909, and on the 6th of December, 1910, called the attention of Congress to this important subject and the need of legislation upon it, but Congress was not responsive to these recommendations; not a move has been made by Republican Congresses in all these years. In fact, no bill of this character was ever reported out of committee. This should forever silence these critics who contend that the Federal judiciary of the country has not at any time usurped authority and invaded the domain of juries in passing upon propositions of this character. I therefore wish to congratulate the Committee on the Judiciary for bringing forth this piece of legislation, and I desire further

to congratulate the Democratic majority for being true to its platform pledges.

No party should make platform declarations or promises merely to get votes, and then, upon being placed in position to carry out such promises, be recreant to the trust by failing to live up to such obligations. I hope, and I might go further, I believe that by the time this Congress adjourns it will have redeemed every platform pledge made to the American people; and if it were in control of the other branches of Government, so as to enable it to enact legislation that passed the House, great service would thereby be rendered the American people.

One had but to listen to the masterful legal argument made by Mr. DAVIS of West Virginia to be convinced as to the need of some law, such as is here proposed, to positively restrain the courts which have issued blanket injunctions from time to time without due and proper consideration. It has certainly been made clear by the debate upon this floor that the law itself is not so objectionable, but rather it has been the interpretation and administration of this law. As I understand it, it was not intended that the law should be construed so as to enable a Federal judge to issue an injunction without notice and without bond and without naming the parties, yet there is not a lawyer upon the floor of this House who does not know that petitions have been filed and injunctions issued thereon with such a dragnet clause attached thereto that apparently it was intended to cover and control everything from the center of the earth to the dome of heaven as well as every act within that sphere during the life of the writ.

I can not, therefore, see how anyone who has studied the situation carefully could in good faith utter a sentence against this proposed law; the only trouble is, as was said by the gentleman from Pennsylvania, Judge WILSON, that perhaps it does not go quite far enough. I am glad, however, to see the bill pass the House and trust it will finally become a law.

Elect Senators by Direct Vote.

SPEECH

OF

HON. WILLIAM A. CULLOP,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 13, 1912,

On the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, with Senate amendment.

Mr. CULLOP said:

Mr. SPEAKER: The people of this country are demanding, and in my judgment very properly so, the right to elect United States Senators by a direct vote of the people. This subject has had a long and patient hearing at the bar of public opinion and the people are restless over the delay. They are ready to act, and plead for the opportunity. Recent developments concerning the election of Senators have made the people more determined than ever on this subject and have given to them ample reason to believe the present method too frequently defeats their will, deprives them of their choice, and enables selfish interests to dictate the selection of the man who shall represent them in that great lawmaking body. They now see as they never saw before the necessity for the adoption of this measure in order that their choice for this high office shall not be defeated; they now realize as they never realized before that in order to preserve their representation in that great lawmaking body the method of selecting its Members must be changed; they understand now as they never understood before that in order to defeat the machinations of political bosses and the domination of special privilege it is essential that the several States should select their Senators by a direct vote of the people at the ballot box instead of the way they are now chosen. The proceedings which have been employed in some instances in the selection of Senators have shown the people that if the method of selecting them is not changed the result will soon be the overthrow of the rule of the people, the establishment of the rule of the special interests, and the destruction of the influence and usefulness of this great lawmaking body. Such proceedings as have been employed in some cases, as shown by investigations, strike a dangerous blow at our form of government and if permitted to continue would soon cause it to degenerate into a scramble for office, which would be captured by the highest bidder. These examples unjustly reflect on the integrity of the people and our form of government.

For 25 years the people of this country have been appealing to Congress to propose an amendment to the Constitution to elect our Senators by a direct vote at the ballot box and to refer it to the several States for ratification and give them an opportunity to pass on the question. It has been deferred, but now the issue is so universally advocated and so earnestly urged that it can not be longer delayed. Why should it be delayed longer? What reason exists for denying the people the right to determine this question for themselves? If they fail to ratify it, the responsibility is with them; if they ratify it, then they become responsible for the change. If it does not cure the existing evils, then the people can select some other remedy.

It is an indisputable fact that the closer the Government is kept to the people, the more responsive it will be to them; and the converse of the propostion is equally true—the more remote the Government is from the people, the less responsive to them it will be. Evidences of the truth of these propositions are abundant, and the consequences alike are equally as favorable or disastrous as the case may be.

The less complicated the machinery of government is, the more satisfactory to the governed is its operation and the less complaints are made about its administration. The election of Senators by a direct vote enables every citizen who is a qualified voter to express his choice in the selection of the person who is to fill this high office. He has a responsibility in the matter which he personally discharges, and not through another commissioned for that purpose. It makes the official more responsive to his constituents and places him in direct touch with those whom he represents and enables both to feel the responsibility devolving on them. They are placed in touch with each other, and ready to consult for the conservation of the public good and the promotion of the public welfare.

I am free to say, Mr. Speaker, that I preferred the plan as incorporated in the original resolution as it passed this House about a year ago, but the Senate amended that resolution and presented this plan. Since they will not recede, there is no alternative but we must take this or the measure goes down in defeat once more. I shall prefer this in order to avert such a calamity as that. I do not have the fear that some Members have expressed here if this plan is adopted. Its administration would not and could not at this time bring about in any section of the Union a recurrence of the times and abuses of 40 and 50 years ago. That day is past, and we hope forever. The American people would not tolerate it; they are a justice-loving people, patriotic, and believe in fair play. It is their love of justice, of fairness, of honesty, that has made the adoption of this measure necessary to-day. It is their determination to exterminate the conduct which has disgraced our institutions in some States in the election of United States Senators and destroy the evil which is threatening, if permitted to continue, to undermine our republican form of government. One or the other must be eliminated; both can not remain and preserve the integrity of the Republic and the glory of the people.

There is no danger now of military-controlled elections or returning-board selections. Against these methods the wisdom and patriotism of the American people are pledged, and they will rise in their power and proclaim the rule of the people. The will of the sovereign people expressed through that great bulwark of liberty, the ballot box, is supreme, and it must prevail. There is a stronger determination of the people in this country to rule to-day than was ever known in its entire history. They will not tolerate any attempt to divert their wishes, ignore their requests, or defeat their expressed purposes.

Public officials, whether in legislative bodies or administrative capacities, must keep faith with those who commission them for public duty and select them for public services. The people are masters and the public officials are their accredited servants. Any betrayal of public confidence merits rebuke and deserves punishment, and public sentiment is in no condition now upon this great question to be ignored. The people know what they want; their demand is just and reasonable and for the best interests of the country; and this House should grant their petition and comply with their request. It is directed at the purification of our institutions, the improvement of our system of government, the enlargement of individual rights, the elevation of the public morals, and the preservation of public integrity. It extends the responsibility of the people and brings them in closer touch with the Government under which they live, which duty requires them to support and patriotism inspires them to defend. The closer the relationship between the government and the governed the deeper the interest of both in each other; the oftener the people are consulted about the administration of public affairs the closer they will scru-

tinize public questions and the more readily respond to public requirements; as their responsibilities increase the more affectionate will be their regard for our institutions and their ideals of government will be higher.

In this country the people are the rulers, and the public official is their servant selected to administer their will and carry out their instructions, and the public official who fails to recognize this great principle misunderstands the purport of his commission and the function of his office. The adoption of this measure will emphasize the potency of this great principle and produce a closer relationship between the people and their Government.

I shall most cheerfully support the resolution as amended by the Senate, and hope to see it adopted in order that this great reform may be submitted to the people for ratification.

Injunctions.

SPEECH

OF

HON. ANDREW J. PETERS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912,

On the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.

Mr. PETERS said:

Mr. SPEAKER: The subject of the limitation of the use of injunctions in times of strikes, which we are now considering, has been a matter of public discussion for at least 20 years. The platforms of the Democratic Party have repeatedly made declarations on the subject, and frequently it has been taken up in presidential messages. The Democratic Party is to be congratulated that now that it is in the majority it is taking a step to present genuine and constructive legislation on this difficult subject, and that is this, as with the tariff and other reforms, it has the spirit and faithfulness to carry out its party pledges.

The report of the majority of the Judiciary Committee and the learned arguments of the chairman of the committee, Mr. CLAYTON, and of my friend from West Virginia, Mr. DAVIS, present most completely the views in support of the bill. Within the short time at my disposal I can not hope to cover the subject, but I desire to say a few words to aid the members of the committee on this side of the House in their vigorous support of this measure.

In its platforms of 1896, 1900, 1904, and 1908 the Democratic Party promised relief by such a measure as we now have before us, and in 1908 the Republican Party finally followed its lead. The proposal to limit injunctions was called to the attention of a Republican Congress by the President on December 5, 1905, as well as on December 3, 1906, and in 1907 and 1908, yet no affirmative action was taken. It is claimed by those in opposition to this measure that no exigency for such legislation exists, and that in the procedure of the courts at present there are no abuses. This would seem to be answered by the declarations in both party platforms and by messages from two Presidents.

The words "government by injunction" bring a feeling of resentment to every American citizen. The words bring to us the general feeling that the writ of injunction has in the past been carelessly and in some cases wrongfully used, and that its purpose has been extended beyond its proper scope, and that there exists an evil which demands legislation.

THE RIGHT TO STRIKE.

It must be universally admitted that workingmen may lawfully combine to further their material interests without limit or constraint, and may for that purpose adopt any means or method that is lawful. It is the enjoyment and exercise of that right, and none other, that this bill forbids the courts to interfere with. In my own State of Massachusetts, Mr. Speaker, there was delivered an opinion on this subject from Justice Holmes, now of the Supreme Court of the United States, in 167 Massachusetts, 92, in the case of Vegelahn *v.* Gunter, a quotation from which I wish to read to the House, as I believe it particularly appropriate:

> It is plain from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination, and that the organization of the world, now going on so fast, means an ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it is, or detrimental, it is inevitable, unless the fundamental axioms of society and even the fundamental conditions of life are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is potent and powerful. Combination on the other is a fair and equal way. * * * If it be true that the workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has, to support their interest by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control

Originally the right to strike was a criminal conspiracy, and an act of Parliament was necessary to remove this doctrine from the English law. Many of the States of this country specifically forbid the use of force or intimidation in trade disputes, but the right to strike or to persuade others by peaceful means to join in so doing is now firmly established. This bill in recognizing this right goes no further than the present law.

THE RIGHT TO PICKET.

The English trades-disputes acts of 1906 legalize the right to picket, and the words of this act against which an injunction is prohibited are taken directly from the English act. Martin's Modern Law of Labor Unions, in commenting on the English law, says:

> This statute might well be termed a codification of the law relating to peaceful picketing laid down by a majority of the American courts.

Martin's Modern Law of Labor Unions says, further, page 107:

> It is lawful for members of a union acting by agreement among themselves to cease to patronize a person against whom the concert of action is directed, when they regard it for their interest to do so. This is the so-called "primary boycott," and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute, and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men, the union has a right to say that its members will not patronize him.
>
> In a preceding chapter it has been shown that in aid of a lawful strike, it is lawful to use peaceable persuasion and argument to induce other workmen in the employ of the person against whom the strike has been declared, and not bound by contract for a definite term, to quit his service or to induce other workmen not in his employ not to enter his service. There is practically no dissent from this doctrine, and by parity of reasoning it is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands; and the same rule applies where the employer has locked out his employees. These acts may be consummated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injure by threats and coercion the proper rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott.

CONSERVATIVE REQUIREMENTS OF THE BILL.

There is nothing in the bill which should alarm the most timid, and no construction of it could justify force or violence. Through each section of the bill there run requirements of peacefulness. Whether used in trade disputes or elsewhere, there is no approval of violence, intimidation, or coercion.

LABORING MEN LAW-ABIDING.

The laboring men of America do not desire lawlessness or force. They are entitled to and should receive the full use of every legal weapon of offense and defense in trade wars, and should be preserved in all their constitutional rights. To fail to do this and to discriminate against them is unjust in itself and unwise as a policy, and serves only to justify the demagogue or agitator in attacks on our social structure.

If this is class legislation, it is so in no objectionable sense. It seeks only to give to the workingmen legitimate and proper protection. Our children's bureau, our factory laws, our eight-hour day all seek to protect our citizens from various wrongs. There can be no objection as class legislation to any law which is intended to right the wrongs of a class, race, or section of society, where such law gives only equal justice.

JUDICIARY.

We hear to-day from some quarters criticism and complaint of our judiciary. I firmly believe that the best method to meet our present conditions is to study them and to remodel the laws wherever the development of the times shows that such changes are needed, rather than to seek by some upheaval to change our whole judicial structure. This measure has had careful consideration of its terms, and I urge the House to support its Judiciary Committee on the passage of this bill.

Panama Canal.

SPEECH

OF

HON. FREDERICK H. GILLETT,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 21, 1912,

On the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. GILLETT said:

Mr. SPEAKER: If the members of the committee—the men who have given most study to the subject—were united in their opinion upon the questions here at issue I should be diffident about expressing my views, and might defer to the results of their greater investigation, but inasmuch as they are divided each of us is left to form his judgment for himself.

The first question is the meaning of the clause in the Hay-Pauncefote treaty:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Does this apply to the United States itself, so that our vessels must be on an equality and pay the same tolls as other nations, or does it only mean that we shall treat all outside nations alike? Of course we should all prefer to construe it so that we could do as we please. That would be the popular side; that would be the side to which our instinct and inclination would lead us all. But in view of the circumstances under which the treaty was made, the motives which prompted Great Britain and the United States to abrogate the old treaty and substitute this, and the precedents, I have concluded that the language binds the United States as well as all other nations, and that we have not the right to impose on our own vessels lower rates of toll than on foreign vessels. And it seems to me that the majority of the committee who have come to the same conclusion ought not in strictness to have exempted our ships of war from paying tolls. It would be a mere formality. The United States represented by a captain of a man-of-war would be paying the United States represented by the toll collector. It would be transferring from one pocket to another, a mere matter of bookkeeping; but the very fact that it would be so simple ought to be an argument for doing it and strictly complying with the treaty, and not an argument for omitting it. The argument presented by the committee that the United States has the management and defense of the canal and that the war vessels which use it are a part of that expense does not seem to me conclusive. However, Great Britain would have probably no objection to this arrangement, so it is not important.

But while in my opinion we can not under the treaty allow American vessels to pass through without paying the same tolls charged to the vessels of other nations, it is clear that we can pay back the tolls thus collected. It is argued somewhat half-heartedly that this would be accomplishing the same result of inequality, and that if we can not do it directly we can not indirectly, but a little consideration overthrows this claim. Everyone would admit that another nation—Russia, for instance—had the right to subsidize her own vessels at her own pleasure, and that she could return to her own vessels the tolls they paid at the canal. That produces, to be sure, an inequality, but could it be claimed that we have not as much right to subsidize our own commerce as Russia has? Suppose every nation except our own paid to its vessels the amount they paid in tolls, then the only way we could attain equality would be by doing the same. Under the Suez Canal rules, which these avowedly adopt, Russia does now pay to its vessels whatever tolls are exacted of them. So that if we paid back to our vessels whatever they paid in tolls it would be an act of commercial policy which every nation has the sovereign right to adopt and which is not inconsistent with a strict observance of the treaty.

I suppose the reason this method of accomplishing the desired result is so strenuously combated is because it is obviously a form of ship subsidy, and many Members who are eager to accomplish the same end by charging our vessels no tolls are frightened at the idea of an obvious subsidy. I do not share that fear. Whether we charge no tolls or collect them and then pay them back, the effect on the United States Treasury and on the treasury of the ships is exactly the same. It would be simpler to charge no tolls, and if it could be done legally I should prefer that method; but since it can not under the treaty I am not afraid to compass the same end by repaying the money collected, and I shall not let the unpopular word "subsidy" drive me from supporting it.

Most stress has been laid upon vessels engaged in coastwise trade, but to me the appeal of our foreign trade is stronger, and I think those vessels are the ones which have the best claim to a rebate of their tolls. Coastwise vessels have a monopoly. No foreign vessel is allowed by law to compete with them. They will necessarily get all the business there is, and in returning them their tolls we are only helping them to compete with our own people. The tolls we return to them would either increase the profits of the ship at the expense of an American competitor or would reduce the freight rate to the favored community which it served.

But an American vessel engaged in foreign trade is on a very different footing. We know by sad experience that they can not and do not compete with the cheaper built and cheaper run vessels of other nations. Yet it would be of great national advantage if we could have our own ships to convey and foster our own freight, particularly to South America. Whether that end would be accomplished by returning to American ships engaged in foreign commerce their canal tolls I do not know. It might not be a sufficient advantage to enable them to compete with foreigners. If it were not, it would cost us nothing, for American ships would not undertake it at a loss. But if it was enough to establish an American line between us and the west coast countries of South America, it would, in my opinion, be of incalculable advantage to the United States—would increase both our commerce and our friendly relations with the South American States we greatly desire to cultivate, and would let our flag be seen once more in foreign trade. So I shall vote gladly for the proposed measure to return the tolls to American vessels engaged in foreign trade. I recognize that it is a subsidy, and I will not allow an unpopular word to deter me from favoring a useful law.

The proposition to charge no tolls on coastwise trade is in essence just as much a subsidy. Indeed, the operation of the canal will be a subsidy for all vessels using it unless we charge tolls high enough to reimburse us for the operating expenses and the interest on the plant, and no one expects to do that for many years. We have made a contribution to the trade of the whole world, and we do not begrudge it. But I hope we shall turn it to some especial benefit to the United States. There is an inviting opportunity to do so by rebating the tolls on all American vessels engaged in foreign trade and thus benefit both our shipping and our trade relations with South America, and I trust we shall not allow this favorable opportunity to accomplish that result pass unimproved.

Tolls on the Panama Canal and Our Treaty Obligations.

SPEECH

OF

HON. LYNDEN EVANS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 21, 1912,

On the bill (H. R. 21969) to provide for the opening, maintaining, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. EVANS said:

Mr. SPEAKER: The objections made to the report of the committee comes under two heads: First, that the Hay-Pauncefote treaty does not prevent our allowing our ships engaged in coastwise trade to pass through the canal free; and secondly, that freedom from tolls will be an aid to the shipping interest of the country.

In regard to the first question, it may be sufficient to say that the close legal argument of the distinguished gentleman from Minnesota [Mr. STEVENS] would seem to be a complete demonstration of the proposition; that under the treaty in question we have no right to favor our own ships. The language of the treaty is—

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

If, therefore, we are to charge tolls we should charge tolls on the vessels of all nations on terms of entire equality. But if my distinguished colleagues from Illinois [Messrs. CANNON and MANN] are right, and their position, as I understand it,

substantially is that, despite the positive words of the treaty, neither England nor any other country is damaged by our favoring our own coastwise vessels, and if, as my colleagues suggest, the matter should ever be brought before any tribunal for adjudication we would win, we, as a Nation, would nevertheless be held morally to have evaded the obligations of a solemn treaty upon a technicality, upon a plea of what is known in law as "damnum absque injuria." The effect of this upon our export trade would be unfortunate. We are fast becoming one of the greatest exporting nations in the world, and our credit and reputation for keeping our contracts is of the utmost importance for our trade with foreign nations. The effect of any trial at The Hague or elsewhere, or of any submission of the question of our right to break this treaty by congressional action would inform the commercial world of an overreaching characteristic which would not help us in our foreign trade. The act of the Nation would be carried over and laid at the feet of the merchants in this country engaged in selling our goods abroad, and our credit would thereby be seriously impaired. So that, even if we should win our case, we would have damaged our reputation irreparably.

In the second place, this canal, when finished, will have cost us $400,000,000. At 3 per cent, the interest on this sum is $12,000,000 a year, and it will cost $20,000,000 a year, we are told, to run the canal, keep it in repair, and governing the Canal Zone. This money has got to come out of revenues of the United States, and the revenues of the United States come eventually out of the pockets of the people. We will therefore be paying annually $32,000,000 for the benefit of the shipping industry using the canal. We would be taxing the entire people of the United States for the benefit of a comparatively small interest. I can not distinguish such an act as this would be from our taxing the people of the entire United States who wear wool for the benefit of the woolen manufacturers under the guise of protecting the woolen industry. In my humble judgment the principle is exactly the same in both cases. The proposition therefore to give this canal practically to the shipping interests and not even make it pay the cost of its upkeep, which is all that this bill proposes, is a strictly Republican measure, and is strictly undemocratic. It must be borne in mind that the tolls proposed by this bill are believed to be simply enough to pay the running expenses of the canal, and I submit to business men anywhere and everywhere if that is not the rational basis upon which to settle the question of tolls?

Abuse of Injunctions.

SPEECH

OF

HON. WILLIAM L. LA FOLLETTE,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912,

On the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.

Mr. LA FOLLETTE said:

Mr. SPEAKER: I do not allow any man to claim any larger meed of respect for law and order than myself, or greater respect for the courts of our land which we ourselves, the sovereign people, have created to carry out and dispense the provisions of the laws we make. I believe, Mr. Speaker, in a government of the people by law and not a government of the people by injunction. And, Mr. Speaker, I feel deeply the duty of each and every Member of this Congress to weigh well the measure we are here discussing.

Injunction is theoretically the last resort to maintain order and preserve the rights of our citizens only after all lawful methods have been exhausted. The power of injunction should not be conferred by any ambiguous statute, but should be so plain and comprehensive that no court, high or low, can have any excuse to err therein.

Mr. Speaker, the right of injunction has oftentimes been abused in this country. Gentlemen need not deny it, such cases have been so flagrant at times as to call down the indignation of the people and create a contempt for our courts that is more far reaching, for either good or evil, than the ill effects of any of the evils sought to be controlled by such injunctions. After careful consideration of the pending bill I feel that it is a long step in the right direction, and I shall heartily support it.

Three-Year Homestead.

SPEECH

OF

HON. JOHN E. RAKER,

OF CALIFORNIA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 20, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads—

Mr. RAKER said:

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: The general homestead law was enacted on June 21, 1866, and amended March 3, 1877; and again amended on the 3d of March, 1881. That is, section 2291, United States Revised Statutes, was amended on March 3, 1881, and that amendment simply gave an extension—a right of absence—upon applying to the Secretary of the Interior for leave of absence.

The main object and purpose of the measure now pending before the House is to reduce the time from five years' residence to three years' residence. The two years thereafter after the time of making final proof, or in which to make final proof after the three years' residence, is the same under the proposed bill as it is under the present law, and the same applies to section 2297 of the Revised Statutes as it relates to the amendment.

The purpose of the present proposed amendment is to give the homesteader an opportunity to leave his home for four months, as provided by the bill, or five months, as was discussed by the committee. It was cut down one month, making it five instead of six, as was provided by the original bill. The members of the committee, feeling and knowing that the sentiment of the East has not appreciated the real conditions of the West upon this matter, it was cut down for that reason alone.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Oregon?

Mr. RAKER. I yield to my distinguished colleague from Oregon.

Mr. LAFFERTY. I desire to ask if it was the belief of the committee that it should be left at six months?

Mr. RAKER. Yes; that is the idea of the committee.

Mr. LAFFERTY. What excuse has the committee got for proposing to us a bill that makes a greater hardship on the settlers than the present law?

Mr. RAKER. We thought one month's difference would help us in passing the bill.

Mr. LAFFERTY. You propose, then, to put it back to what it was?

Mr. RAKER. Yes.

Mr. Chairman, the present situation in the West is vastly different from what it was 15 or 20 years ago. All the valuable tracts of land that are well watered have been taken up. Lands with springs and streams where water could be had and were part meadow lands which were then obtainable are no more. We find that a great deal of this was taken by scrip, by original homestead and preemption and other land entries and claims, and by timber and lieu-land scrip. The land to-day remaining in the possession of the Government is land that requires irrigation, land that requires a great deal of work and a great deal of labor. It costs the homesteader to get water for his land and the necessary material for its improvement. I do not agree with my distinguished friend from Ohio in his statement about sending to these lands and settling them with the crippled and weak people from the East, giving them an opportunity to go on these lands and use them. I want to say to you that it takes the strongest physical manhood and womanhood to go and locate and then stay upon and improve these lands so as to make a home. These hardy people are what the country wants. They make good citizens, good neighbors, and splendid builders of the Republic. I have seen a number of newly married couples coming from the East and coming from the central and southern parts of the United States into some of this new country to take these lands upon which to make their future homes. I have seen them when they first went out, and then I have seen them again in a year, and then I have seen them again in two years and three years, and I want to tell you that a change had come over them, and they realized what it meant to file upon, to live upon, and to improve and cultivate 160 acres of land in the West. [Applause.]

We want to build up the public domain. It should be occupied by our own citizens for homes. More homes in the country is what this Nation needs. The sooner the public domain is held in private ownership by American citizens as homes the better. It will build up each section of the public-land States, make more schoolhouses, give us better roads, and relieve many poor aching hearts that are now hungry for their own home. It will improve the health and morals of our citizenship. There will be added many millions of dollars of taxable property to the tax roll, more taxes collected, and consequently more and better public improvements and better conditions generally. All the Government should ask is that the homesteader show his good faith by residence and improvement. The more advantages you can give our homestead citizens without injury to the Government should be done. This bill will be a relief to him. It will not injure the Government; and these two propositions settled in the affirmative, it leaves the question undisputed that this bill will give relief in the right direction, and should therefore receive the approval of this House. I can not too strongly urge upon this House, Mr. Chairman, the wisdom and necessity of this proposed legislation. [Applause.]

Equal Suffrage in Colorado.

A woman's vote is always a patriotic vote.
The men of the West have added justice to chivalry.
Eastward the woman's star of empire takes its way.
Woman suffrage is an utter failure with some kinds of people.
The laws of a State are a true index of its degree of civilization.
The greatest problem before humanity to-day is the conservation of the human race.
The continued disfranchisement of women is a relic of antiquity that belongs to other days.
Women never have maintained, and never will maintain, either their moral, natural, or legal rights save by the possession of political rights.
An ounce of fact is worth a ton of theory, and one actual result of equal suffrage is worth more than all the theoretical antisuffrage speeches since the dawn of history.
Within from 10 to 15 years the women of this country, from the Pacific to the Atlantic, will be given the just and equal rights of American citizenship.
The seven million working women of this country are that many reasons for the enfranchisement of women.

SPEECH

OF

HON. EDWARD T. TAYLOR,

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 24, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes—

Mr. TAYLOR of Colorado said:

Mr. CHAIRMAN: I would not be performing my full duty to the State of Colorado, or to her 135,000 women voters whom I am supremely proud to represent, if I permitted this occasion to pass without expressing their sentiments upon the pending amendment to this bill. This amendment simply grants to the people of Alaska the authority to extend to the women of that Territory the right of equal suffrage. While I would prefer to have a provision in this bill expressly granting the elective franchise to the women and thereby making the grant come directly from Congress itself instead of waiting upon the legislature of Alaska to determine the question, nevertheless, I believe in local self-government, and there is not the slightest doubt in my mind but that the hardy pioneers of the Northwest—the splendid American citizens who are reclaiming that wilderness and making it one of the richest portions of the globe—will be fair enough and broad-minded and chivalrous enough to pass a law at the first session of their legislature granting to the women of that Territory the rights of American citizenship.

This amendment will give the Alaskans the opportunity, of which Congress is now failing to take advantage, of directly extending this act of enlightened twentieth-century square dealing to the women who are enduring the hardships and privations incident to pioneer life in that country. I regret exceedingly that I am not the author of this amendment. I intended to and would have been delighted to offer this amendment myself as a greeting to the good women of Alaska; but my attention was diverted for only a moment, and my exceptionally efficient and ever alert friend from Wyoming [Mr. MONDELL] got ahead of me. However, I am proud of the fact that this amendment is presented by the Representative of the original equal-suffrage State, and I congratulate this House and the people of Alaska upon the passage of this bill granting to them a Territorial form of Government, and specifically authorizing them to permit the women to join with the men in electing the officials and making the laws that will shape the destiny of that rich and splendid Territory. [Applause.]

EQUAL SUFFRAGE IN COLORADO.

Mr. Chairman, I am going to avail myself of this opportunity to do an act of simple justice to the women of my State and at the same time extend a favor to the millions of good women of this country and render a service to this Nation.

I want to recite in a plain conversational way some of my personal experiences and individual observations extending over a period of 30 years of public life in Colorado, during nearly 19 years of which time we have had equal suffrage in our State. I may say at the outset that I am not going to enter into a joint debate, for three reasons: First, because I have not the time; secondly, because every man who lives in an equal-suffrage State will agree with substantially everything I say—there is only one side to it, and nothing to argue with any man who personally knows the practical operations of woman suffrage; and, thirdly, because men who have never lived in a woman-suffrage State and have no personal experience or actual knowledge on the subject necessarily form their opinions largely upon prejudice and the rest upon hearsay, and there is little use of arguing the question or disputing with a man who does not individually know what he is talking about.

I am always glad, indeed, to tell people who want to learn or discuss the subject with anyone who is willing to form an opinion from existing facts. But it is an utter waste of time and energy to argue with people who resolutely shut their eyes to present-day conditions and whose opinions are based wholly upon the ideas of former generations.

The mountain regions of the earth have ever been the birthplace of liberty and the home of freedom. I have from my boyhood days lived in the Centennial State, where we recognize our mothers and wives and our sisters and daughters as American citizens and treat them as our equals, where the men of our mountain homes have added justice to chivalry and have long since learned and have the candor and manhood to acknowledge that our women's influence in the civic housekeeping of our cities, our counties, and the State itself is as beneficial and necessary as it is in every well-regulated home.

When I came to Congress I never realized, and I have not yet been able to fully understand, the deep-seated prejudice, bias, and even vindictiveness against, and the astounding amount of misinformation there is everywhere back here in the East concerning, the practical operation of equal suffrage. I have been equally amazed and indignant at the many brazen assertions that I have seen in the papers and heard, that are perfectly absurd and without the slightest foundation in fact; and I have had many heated discussions on the subject during the past three years. But when I hear men and women who have never spent a week, and most them not an hour, in an equal-suffrage State, attempt to discuss the subject from the standpoint of their own preconceived prejudices and idle impressions, I feel like saying, "May the Lord forgive them, for they know not what they say." Let me say to them and to my colleagues in the House that it will not be more than 10 years before the women of this country, from the Pacific to the Atlantic, will be given the just and equal rights of American citizenship.

It is an old and true saying that an ounce of fact is worth a ton of theory, and it is equally true that the simple statement of one actual result of woman suffrage is worth more than all the dilettante, theoretical, antisuffrage speeches since the dawn of history.

Since coming to Congress I have been frequently asked by friends what we think of woman suffrage in Colorado and if the women actually vote and if we are satisfied with it and how it works. And when I tell them that it is an unqualified success and that I doubt if even 5 per cent of the people of the State would to-day vote to repeal it they ask me what it has accomplished, what the specific benefits are and what difference it makes, and many other questions concerning the practical operation and results of equal suffrage in our State.

I will first take up one of the most beneficial results that could ever come to any State and at the same time one that is so conclusive that it is indisputable. I believe that it is generally conceded by enlightened people that the laws of a State are a true index of its degree of civilization. I will,

therefore, commence by giving a brief catalogue of some of the legislative measures that have been either introduced by the women or at the request of the various women's organizations and enacted into law as a direct result of the work of Colorado's most representative women citizens during the past 18 years since their enfranchisement.

The first general election after the adoption of equal suffrage in November, 1893, was in the fall of 1894, and the legislature elected at that time convened in January, 1895. I will take up seriatim each session of our legislature since, and very briefly mention only what appears to me the more important of the 150 laws enacted primarily through the influence of women in Colorado from 1895 to 1912, inclusive:

SESSION LAWS OF 1895.

The first women's bill introduced, senate bill 1, was an act establishing a State home for dependent and neglected children.

Nearly the first bill in the house was Mrs. Holly's bill raising the age of consent to 18 years, the best law in the United States to-day for the protection of girls.

The next was an act making married women the joint guardians of their own children, with equal powers and duties.

Then followed acts—

Providing for placing of children out in good homes.

Protection of the property of infants and insane persons.

Prohibiting importation or sale of adulterated liquors.

Important amendments to school law for the deaf and blind.

Important amendments regulating practice of pharmacy and sale of harmful drugs and medicines.

Requiring record to be kept of all county poor.

Regulating examinations and grades of certificates of school-teachers.

Regulating the handling of the funds belonging to the State university.

Regulating the issuance of liquor licenses.

Providing for the "Keeley cure" at county expense for habitual drunkards.

Preventing the display of anarchistic flags.

Providing penalty for officers violating their oath of office or neglecting their official duties.

There were three women members elected to this house. They were the first, and they, as well as all their successors, have served with credit to themselves and to the women of the State.

SESSION LAWS OF 1897.

An act establishing a State industrial school for girls. (Mrs. Klock.)

Important amendments to school laws.

Liberal appropriations for industrial school for boys.

Regulating the practice of dentistry.

Prohibiting the sale of cocaine.

Abolishing capital punishment. (Capital punishment was four years afterwards restored, but only allowed in a very few extreme cases.)

There were three women members of the house during that eleventh session of the general assembly. There has never yet been a woman elected to the State senate.

SESSION LAWS OF 1899.

A splendid indeterminate-sentence and parole law.

Compulsory-education law for all children between 8 and 14 years.

Kindergartens are provided for in the schools.

Creation of county high schools.

Creation of library commission.

Board of lunacy commissioners established to supervise asylums and inmates.

Making the white and lavender columbine the official State flower.

An exemption law, exempting sewing machines, bicycles, and other articles of poor people from attachments or execution.

A good mechanic's lien law, protecting rights of laborers.

There were three women in the house during that session.

SESSION LAWS OF 1901.

A law for the care of the feeble-minded.

Colorado Humane Society constituted a State bureau of child and animal protection, to prevent wrongs to children and animals. (This law has been followed in many States.)

School-teachers are required once a week to give a lesson in the humane treatment of animals.

Prohibiting desecration of the flag in the way of advertisements or otherwise.

Mrs. Heartz was the only woman member in the house that session.

SESSION LAWS OF 1903.

An act making father and mother the joint and equal heirs of their children. The best and nearly the first law of that kind in the United States.

An act protecting the household goods and the homestead and requiring the signatures of both husband and wife to either mortgage or sale.

Providing severe penalty for parents or anyone else for causing or contributing to the delinquency of children.

Making Lincoln's birthday a legal holiday—one of the first States to do so.

Making wages a preferred claim in case of suspension of business or receivership.

Regulating the sale of convict-made goods.

Exempting from garnishment or attachment 60 per cent of the wages due at any time to the head of a family.

Prohibiting the employment of any child 16 years of age or less in any unhealthy or dangerous occupation.

Prohibiting furnishing to a child under 16 any tobacco or cigarettes.

Act prescribing and regulating hours of employment of women and children and preventing any girl or woman over 15 years of age from working more than eight hours a day in any position requiring her to stand or be on her feet. Every employer of females is compelled by law to provide suitable seats and permit employees to use them whenever they are not necessarily engaged in active duties.

Family maintenance act, compelling a man to support his wife and children; also compelling children, if able to do so, to support their destitute and infirm parents.

Authorizing the joining of school districts and the creation of union high schools.

An elaborate codification of the law of wills and estates, making an up-to-date, complete, and exemplary probate law. A married woman can make a will and handle her property the same as her husband. Her property rights are fully protected.

Providing for free traveling libraries—160 of them. (Mrs. A. M. Welles.)

Mrs. Ruble was the only woman member of the house that session.

SESSION LAWS OF 1905.

An act amending laws and providing punishment for persons responsible for dependent neglected children.

Prohibiting the fighting of dumb animals or the injury of them in any kind of sports.

Preventing sale or use of dangerous explosives and regulating use of fireworks.

An eight-hour law for miners in underground mines and smelters.

Creation of State Board of Nurse Examiners for registering and regulating the practice of nursing.

Law against blacklisting and boycotting.

Providing for the State Historical and Natural History Society to secure collections, especially of the cliff dwellers.

There was no woman elected to that fifteenth session of our general assembly.

SESSION LAWS OF 1907.

A splendid pure food and drug law. A former member of the legislature, and a noble woman, Mrs. Martha A. B. Conine, now deceased, is primarily entitled to the credit for the enactment of that law.

Requiring State board of charities and corrections to care for indigent aliens.

Creation of State commission on prison labor.

Severe law against all kinds of cheats, swindlers, deceptions, frauds, and bunkoing of the public.

Providing for the registration of births and deaths and vital statistics.

Prohibiting the insurance of children under 15 years of age, under penalty of fine, imprisonment, and forfeiture of license to do business.

There is no other place in the world that has that law.

A splendid civil-service law. (Very complete.)

An exceptionally good divorce law, containing many provisions for the protection of women and children in their personal and property rights, and authorizing poor women to prosecute without cost, and compelling the husband to provide for care of children and pay alimony and counsel fees for wife during pendency of suit.

Establishment of free employment offices in cities.

Common carriers' liability act.

Coal-mine inspection law.

Providing for suitable burial places in every city and town for all veterans of the Civil and Spanish Wars.

Establishment of a State banner.

Providing for care and protection of abandoned animals.

Prohibiting the wearing of unauthorized emblems, badges, or medals.

Establishment of juvenile courts. (A very elaborate law, that has been copied in many other States and commended by the President of the United States and followed in foreign countries.)

A revision and reenactment of a complete law upon the subject of rape and indecent relations.

Providing for care and education of dependent and neglected children.

Establishing detention houses and parental or truant schools for juvenile delinquents and providing for their care and education.

Preventing hazing.

Making August 1 Colorado Day, in commemoration of the admission of the State into the Union.

A local-option law providing for the creation of "antisaloon territory," under which some 50 cities and towns and 12 counties and the principal residence portions of large cities have abolished saloons.

Act providing for employment of prisoners 8 hours a day and payment to wives or minor children of from 50 cents to $1 a day, if wife or children would otherwise become a public charge.

Providing for the construction of public highways by convict labor, with 8 hours a day work and "good time" allowance.

Act defining who is the head of the family.

A modern inheritance-tax law.

Important amendments of county high-school law.

Amendments of State board nurse examiners law, providing for registration and qualifications of the occupation of nursing.

Amendments to State industrial school for girls.

Prohibiting quack doctors from advertising.

Requiring signature of wife to make valid assignment of wages, either due or future unearned wages.

Regulating wage brokers and loan sharks and prohibiting loans to minors.

Important amendment to laws of wills and estates, providing for economical administration of small estate and fixing widows and orphans' allowances.

Establishment of industrial workshops for the blind.

There were no women members of that sixteenth general assembly, but the legislative committees of the women's clubs throughout the State were there early and often, and with the votes of the women of the State behind them they largely got what they asked for.

SESSION LAWS OF 1909.

An act creating a bureau of labor statistics.

Establishing a State home and training school for mental defectives.

Establishing a State board of immigration.

Creating the Colorado State Museum and appropriating $100,000 therefor.

Further protecting delinquent children and punishment for persons responsible, and defining duties of courts. (Mrs. Lafferty.)

A school-teachers' pension bill.

Authorizing State board of examiners to act in conjunction with State board of education to examine applicants for State diplomas.

Creation of department of factory inspection, requiring three inspectors, one of whom must be a woman, with full authority to compel installation of safety appliances, and for proper ventilation and fire escapes, and sanitary appliances generally.

Validating the wills of married women.

Licensing and regulating hospitals and dispensaries of all kinds.

Preventing oppression of persons held in custody and making it felony to resort to "third-degree" or "sweat-box" methods.

Providing "good-time" allowance for trusty prisoners.

Making it a felony to live on the earnings of a lewd woman.

Providing for physical examination at public expense of all school children as to eyes, ears, teeth, nose, throat, breathing capacity, and general health condition. (Mrs. Alma V. Lafferty, the only woman member of this legislature, and a woman physician, Dr. Mary E. Bates, the president of the Humane Education Society, are principally entitled to the credit of this splendid law.)

Appropriation of $5,000 for purchase and free distribution of antitoxin.

Authorizing consolidation of school districts for better schools, requiring school boards to furnish free transportation to pupils.

Additional stringent regulation of wage brokers and loans to laborers.

Giving a paroled convict money and clothing the same as a discharged man.

Making additional provisions for road building by convicts.

Donating some State lands for certain charitable and philanthropic institutions.

Defining "taxpayer" and preventing frauds in franchise elections.

SESSION LAWS OF 1910 (EXTRA SESSION).

Adoption of constitutional amendment providing for the initiative and referendum.

Adoption of the direct primary election law. The passage of these two bills was the consummation of a persistent fight that has been carried on in the State for this reform for 20 years.

The constitutional amendment was adopted by overwhelming vote at general election in fall of 1910, and is now in active operation.

SESSION LAWS OF 1911.

A codification of and complete law for the adoption of children.

Authorizing the placing of poor orphan children in charitable educational institutions and binding them out under proper supervision.

Child-labor law. The most wise and complete law in this country, fully regulating employment of and protection of children and prescribing hours and character of work they may do. Mrs. Louise U. Jones, a member of the house, introduced this bill, and she and Mrs. Harriet G. R. Wright, a former member, are entitled to great credit for securing its passage.

Creating truancy and probation officers and defining duties.

Act providing that all laws concerning delinquency shall, for the protection of girls, be held to include all girls under 18 years.

Anticoercion act, making it a misdemeanor for any employer to try to compel employees to resign or refrain from joining any organization or society.

Creating the department of factory inspection, greatly extending powers and benefits for protection of all workmen, male and female.

Amendment to "head-of-family" law, designating the wife as head of family if she "provided chief support for family."

Authorizing the wife, without knowledge or consent of husband, to go and make entry on record homesteading the property where they live, so it can not be sold or encumbered without her consent.

Additional employers' liability law.

Miners' eight-hour law providing hours of labor and defining various kinds of occupations as injurious to health.

Providing that in labor disputes it shall be unlawful to issue false advertising to engage workmen under false statements to come in to take place of workmen on strikes.

Providing for supervision of lying-in hospitals and maternity homes and to prevent improper disposition of children.

Providing for teaching the adult blind.

Further regulations compelling a man to support his wife and children; making nonsupport an extraditable offense.

Drastic antiwhite-slave law, one to five years in penitentiary.

Providing for "good-time" allowance for prisoners in county jails.

Creating the office of State forester.

Authorizing all cities to acquire and maintain public parks outside of city limits. (Mrs. Lafferty.)

A law exempting growing timber from taxes, unless of commercial value.

Act establishing teachers' summer normal schools throughout the State.

Further regulating manner of holding school elections and preventing frauds. (Mrs. Kerwin.)

We think our schools are the best in the world, considering our State's resources and income; our appropriations to the schools are lavish compared with older and richer States.

Act raising the qualifications of school-teachers.

The first State law in the United States admitting to the State soldiers and sailors' homes Confederate soldiers and sailors who are residents of Colorado.

Act creating and designing a State flag.

In this session, which was our last, and is the present eighteenth general assembly, there are four women—Mrs. Alma V. Lafferty, Mrs. Louise U. Jones, Mrs. Louise M. Kerwin, and Mrs. Agnes L. Riddle; the first is the chairman of the committee on education.

In addition to the above laws, there are many others not specifically mentioned, and there are a great many beneficial provisions in those laws that I can not take the time or space to give in detail. In reality, it would require fully one-third of

the last 10 volumes of our Colorado session laws to fully describe the laws that have been enacted as a direct result of the influence and energy of the women of the State generally and the splendid and indefatigable efforts of the various women's organizations, especially the legislative committee of the Colorado Federation of Women's Clubs and the same committee of the Women's Club of Denver. Anyone can check up or verify my reference to these laws by examining the Colorado statutes or session laws in any large library.

I might mention many other general provisions like the establishment of a county visiting board in each county, composed of three men and three women, to examine all county institutions and supervise their sanitary and other conditions; requiring a woman physician in the insane asylum; requiring inspection of private eleemosynary institutions by a State board.

The women's influence makes it much easier to secure liberal appropriations for educational and humanitarian purposes.

Most of the visiting boards of the various institutions where people are involuntarily confined are composed partially of women, and they make those boards very efficient and prevent them from becoming political boards.

Women have been largely instrumental in bringing about the adoption of the commission form of government in Colorado Springs, Grand Junction, and other cities, and in requiring hundreds of splendid ordinances to be adopted by the various cities and towns and especially in compelling the enforcement of humane laws, sanitation, and general decency.

Women always take an active interest in the enactment and strict enforcement of good public health laws, and laws for the moral welfare of society. Whenever they have a chance to express their sentiments there is never any doubt as to the result. Every politician knows in advance what it will be, and that is the reason some of them loudly proclaim that woman suffrage is a failure. Equal suffrage is a failure with some kinds of people. A married woman's heart is always in her children and her home—the foundation of the Republic—and any measure affecting either is not a political question with her for a minute. There is only one side to it and that is the right side. A woman's vote is always a patriotic vote.

In fact, the most wise, scientific, and progressive laws of any State in the Union for the care and protection of children and women in their personal and property rights, for the humane treatment of the delinquent, dependent, and unfortunate classes, and for the enforcement of the laws and betterment of society are on the statute books of Colorado to-day.

I do not claim that the women are entitled to all of the credit for the enactment of all of these 150 laws. The newspapers, our governors, Judge Lindsey, and other patriotic sons have devoted many years of their lives to the enactment of these laws and the betterment of our beloved Commonwealth. Mr. E. K. Whitehead, the secretary of the State bureau of child and animal protection, is entitled, I think, to more credit for the preparation, passage, and enforcement of our humane laws than any other one individual in the State. But the mothers and daughters of Colorado have, in my judgment, been the controlling influence that has brought about the enactment of most and have greatly assisted toward all of them. In fact, they have indirectly assisted in the passage of a great many other good laws, and those 150 are 150 good reasons for the women having had a voice in their enactment. I have simply mentioned those as I recollect it, that the women took the most active interest in and for the passage of which I think they are entitled to the main credit. The women are also entitled to the credit of bringing forward, through their various clubs and organizations, many other beneficial measures at every session of the legislature, but many of which have thus far failed to pass. They will, however, not stop until they pass them. It should be remembered that we in Colorado have all of the powerful influences that always work against all reform legislation that they have in all other States, and no reasonable person expects the women to be able to overcome all of those influences and accomplish everything in 18 years.

There may be some minor inaccuracies in reference to these laws, as I have been compelled to prepare this list rather hastily. I have relied upon my own judgment and personal recollection in making these selections. Possibly no two persons would select the same list, and the titles used are partially abbreviations of my own. But I was a member of the Colorado State Senate during 6 of those 10 sessions of our legislature, besides 3 extra sessions, and was president pro tempore of the senate one term; I was a member of the judiciary committee for 12 years and chairman of the committee for 4 years, and personally helped to pass two-thirds of those laws, and besides twice as many more, so that I ought to be as well qualified as any man in the State to speak on the subject of the women's moral, intellectual, and political influence in causing good legislation; and I candidly believe that I am not putting it too strong or giving them more than their just due when I say that they are fairly entitled to much more commendation than the men for placing on our statute books the greatest number of the most humane and advanced laws that have been enacted by any State in this Union during the past 20 years.

I have made some examination of the laws of other States, and I challenge the entire array of antisuffragists in this country to compare the lawmaking record of Colorado with any male-suffrage State; and I defiantly assert, without the slightest fear of successful contradiction, that unless it be an equal-suffrage State, there is not another State in this Union that has during the past 10 sessions of her general assembly enacted one-half as much beneficial legislation for the protection and moral uplift of the human race.

The splendid record that the women of Colorado have made during the past 18 years is a credit to themselves, an honor to womanhood, and an inspiration to the cause of good government throughout the civilized world.

It is the feminine interest, in motherhood, in the child and in the welfare of the home that has compelled the passage of these laws. Any 1 of 50 of those laws would be a vindication of equal suffrage. Moreover, the Colorado women are entitled to very great credit which does not appear anywhere, for the vigilant exertion of their influence toward the prevention of bad legislation. A very large number of bad or unnecessary bills have been killed by the votes and suffrage influence of women, and the introduction of many more have been prevented by reason of the fear of that same influence.

The women members have all been exceptionally conscientious, industrious, and capable legislators. They devote their energies mostly to moral questions and matters affecting the home and the children, and the betterment of health and social conditions, including humane measures for the unfortunate of all classes.

The delegates of the Inter-Parliamentary Union, who some time ago visited the different parts of the United States for the purpose of studying American institutions, declared concerning our group of laws relating to child life in its various aspects of education, home, and labor, that "they are the sanest, most humane, most progressive, most scientific laws relating to the child to be found on any statute books in the world."

Woman suffrage in Colorado is and has been an unqualified benefit and universally recognized success. There is no thought or suggestion of its abandonment, the only possible difference of opinion among our citizens on the subject being as to the extent to which it has influenced legislation and the general administration of our public affairs. In the protection of the home and the family relations, of childhood and womanhood, in the guardianship of individual rights, in the protection of labor, in the matter of education, in the safeguarding of public health and morals, in the prevention of fraud, in the equal distribution of the burdens of government, in the discouragement and punishment of crime, and in the enforcement of humane laws, Colorado stands abreast with the most enlightened and progressive States of the Union.

Mr. Chairman, one of the best traits of human nature is the desire to advise others of the benefits we enjoy in this world and urge them to acquire the same valuable possessions. Scores of patriotic Coloradans, both men and women, have at various times for years traveled over this country from ocean to ocean and from the Lakes to the Gulf, at their own expense, without the slightest hope of reward, telling the people the value of political equality. Colorado being the most prominent and representative equal-suffrage State, has for 19 years been called the principal experimental station for woman suffrage, and the storm center of attack on the part of advocates and opponents. All the shafts of the antisuffragists on earth have been constantly hurled with fiendish desperation at our State. Hundreds of our public-spirited men and women have spent an incalculable amount of time, thought, energy, and money in answering the inquiries from all over the world and in disproving the many vicious libels of the muck-raking magazines, yellow journals, and wanton slanders of mercenary sensational critics.

While all the old stereotyped stock of objections and obsolete arguments that have been doing valiant service for three generations have long since been exploded and ridiculed out of existence by the women themselves and by the actual experiences of every one of our six equal-suffrage States and by every country in the world where it has been tried—and while I do not at all assume that I can add anything new to what everyone who has studied the question already knows—nevertheless the subject at this time is being more generally discussed throughout the United States than ever before in our history; and as active campaigns for the adoption of equal-rights constitutional amend-

ments are now in progress in the States of Oregon, Kansas, Wisconsin, Ohio, and Michigan, and as I am receiving hundreds of letters and inquiries from those States and some of the others, I will, even at the risk of merely reiterating some of the conclusive answers that have been more eloquently given many a time before, give some of my personal observations and judgment upon a number of phases of the question. One of the first questions most often asked of me is:

DO THE WOMEN OF COLORADO VOTE?

Anyone can answer that question by simply looking at the election records and the census. Any claim that good women do not vote is squarely and conclusively contradicted by the election returns from all the equal-suffrage States of the Union. If you will compare the total population by this last census, or any census of the States that have equal suffrage, and then take the total vote of those States for President or governor, and compare that vote with the total vote of other States, you will see that the increased vote in the suffrage States is exactly in proportion to the total female population in those States, showing clearly that the women do vote in practically as large proportion according to their numbers as the men.

In Colorado there are from 35,000 to 40,000 more men than women. At the general fall election once every two years about 85 per cent of all the men and women vote. But owing to there being so many more men than women in the State, by actual count, the vote of the women in the State is on an average about 45 per cent of the entire vote. In some precincts it runs over 50 per cent. For the office which I hold, of Congressman at Large, at the presidential election in 1908 I received 127,000 votes and my principal opponent received 121,000, while the Socialist had 8,000 and the Prohibitionist 6,000 votes, and there were some scattering votes, making a total of about 265,000 votes. There is no State in the Union with the same population as Colorado that had within 125,000 as many votes as Colorado had, showing that there were at least that many women voted in our State, and we had relatively the same proportionate number in the last general State election in 1910 and will have more than that at the election this fall.

Every election, everywhere, there are some men who fail to vote because they have not registered, or have not time, or do not care, or are sick, or the weather is bad, or have not informed themselves about the issues or candidates. The same reasons apply to a few women every election. By the last census there are 800,000 people in Colorado. There will be 300,000 votes polled in the State this fall. That is twice as many proportionately as will be cast in any male-suffrage State in the Union this fall, and we now have a good registration law and there is no illegal voting.

The Colorado Legislature, during the time I was a member, declared, by a memorial to Congress, by a practically unanimous vote of both the Senate and the House, that from the time their right to vote was recognized the women of Colorado have exercised the privilege of voting as generally as men. It is an undisputed fact that in every State in the country where the franchise has been extended to women the vote of the men has steadily risen. The vote of the men is much larger proportionately in all the equal-suffrage States of the Union than in those in which women are unenfranchised.

I am often asked if the best women in Colorado vote. As a matter of fact, it is the good women who vote in the largest numbers, proportionately; that is, in the better residence sections of every city and town and throughout the country the women vote is much larger, in proportion to the female population, than it is in the less prosperous and less desirable localities. There is no class of women in Colorado, no matter what their station in life may be, who do not vote. In the little city of Glenwood Springs, where I live, I do not know of there being a woman in the city or surrounding country who does not vote. The records of nearly every voting precinct in the State will substantiate what I say, and any person who makes the assertion that any appreciable per cent of the good women do not vote is unqualifiedly misrepresenting the facts. There are 125,000 as good and intelligent women as ever lived on this planet who vote at every general election in Colorado, and I am supremely proud to say that more than one-half of them have voted for me twice, and I am almost equally as proud in the belief that I retain the respect of all of those who voted against me. I represent in the House nearly five times as many voters as the other Members do, and I ought to be, and am, the proudest man in Congress of my constituency, especially the women.

DO THE BAD WOMEN OF COLORADO VOTE?

It has been repeatedly stated by numerous governors of our State and many other public officials and prominent politicians that there was only from one-third to one-half of 1 per cent of the women of the State who are immoral or disreputable. From my observations of public affairs and experiences in politics in our State, extending over 30 years, and from my knowledge as district attorney, extending over the northwestern quarter of the State, and services as county attorney and city attorney for many years, and my experience in the State senate and official consideration of all classes of our people, I am confident that less than one-half of 1 per cent of the women of the State are bad. In other words, there is not more than 1 immoral woman to every 200 good women. So that if all the immoral women voted, which they do not, and if only one-half of the good women voted, the preponderance of the good-women votes would be at least 100 to every immoral vote. Therefore the utterly thoughtless, and in some cases willful, assertion about disreputable women outweighing the number of good women is not only a ridiculous bugaboo, but is a slander upon the women of the country. Not only in Colorado, but in nearly every other State the good women outnumber the bad women fully 200 to 1. Moreover, the women of the half-world do not willingly vote at all. They are constantly changing their names and residences. They are a migratory class.

They do not register unless they are compelled to. They do not like to give any data concerning themselves or as to their real name or address. They shrink from publicity and prefer to remain unidentified. The policemen in charge of those parts of every city know substantially the number of them all the time. They are very largely under the power of the police and sheriff's office, and unless they compel them to vote they generally stay away. And even where they are forced to vote, not over one-fifth of them are qualified voters. So that their influence is negligible; in fact, it is actually infinitesimal. They are no menace whatever. In fact, if it was known that they were voting for any particular ticket or candidate it would do that ticket or candidate ten times more harm than good. Of all classes of women, prostitutes are the ones who least wish to be registered and vote.

Some people seem to have the queer impression that everybody in a city or town votes in the same place, and that the men and women have a general scramble to vote, and all kinds of unseemly conduct on election day. We of the West can not comprehend how any sensible people can get such ideas. No large crowds of people vote in one place. Every city and town and the country is divided into small election precincts, usually not over 300 voters in a precinct. Everyone must vote in his or her own precinct. There are no lewd women in the country or in the small towns, and in the large towns and all cities they are strictly confined to certain districts. They are not allowed in the residence portions of the city. In the city of Denver, with its population of 225,000, there are 221 election precincts, and all the scarlet women are confined to 3 or 4 precincts. So that 99 per cent of the women of the city never come in contact with or ever see them. The same applies generally over the State. In fully 19 out of every 20 precincts in the State there are no immoral women whatever. Unless she lives in one of those precincts, including the "red-light" district, no respectable woman ever sees an immoral woman at an election in Colorado.

The assertion is made by some antisuffragists that by granting the right to vote to women there will be added to the vote of every criminal man the vote of a criminal woman is utterly without foundation. The vicious and criminal class among women is comparatively very small indeed. In the prisons of the United States, including all kinds of offenders, only 5 per cent of the prisoners are women. In other words, there are 20 criminal men to every criminal woman. In the Colorado State Penitentiary and Reformatory there are to-day nearly 900 men, and only about 20 women. Equal suffrage would increase the moral and law-abiding vote at least 200 to every immoral or criminal vote. This is a matter not of conjecture but of statistics.

In the State of Idaho prostitutes are disfranchised entirely, and if they at any time should become a disturbing element or in the slightest affect the result of elections, that action would undoubtedly be promptly taken in the other States. One reason it has not, I apprehend, is because a great many bad men vote, and many so-called good men do not. Moreover, there is a kind of a humane sentiment that so long as they never take any part in elections and so few of them vote no one should wish to deny this most unfortunate class of human beings whatever protection a vote can give them; at least, so long as men of the same class are voters.

DO HUSBANDS AND WIVES VOTE ALIKE?

Among the various far-fetched and so-called grounds of opposition to woman suffrage that I have heard, and which is utterly without foundation, is the assertion that women would become as partisan or more so than men, and thereby merely

double the party vote and accomplish no real good. Nothing could be further from the actual facts. Women, when they are enfranchised, in every State are, practically speaking, nonpartisan. They have not, like the men, inherited their politics from their fathers; and in States where the people are nearly evenly divided between the parties, practically half of the girls marry men of different politics from that of their fathers. So that in reality they start in very independent, and the great majority of them remain comparatively so. While possibly from 75 to 90 per cent of the married women vote mainly the general party ticket the same way that their husbands do because their interests are the same, nevertheless a small per cent of them always vote independently; and all of them are perfectly free to scratch their ticket, and a very, very large per cent of them do so. It is very seldom that either party elects a straight ticket. We nearly always have a mixture of office-holders. In other words, the women are nothing like as partisan as the men. They are very intelligent voters. They know the art of scratching thoroughly; they are exceedingly proficient in picking out fellows who are no good.

While they vote the head of the ticket quite largely as their husbands or brothers do, nevertheless they always feel perfectly at liberty, and they exercise the freedom of selecting good men on the opposite ticket and almost invariably vote against bad men on what may be called their own party ticket. And that freedom of action never causes any friction whatever in the home. I have never in my life heard of a Colorado man having a quarrel or even assuming to complain or criticize his wife for exercising her choice and best judgment. In fact, some strong party men who feel that for party regularity they should not vote against anyone on their own ticket, at the same time they have not the slightest objections to their wives exercising an intelligent independence which they know is for the general good and which they feel it is not policy for them to exercise. In fact, every politician in the State has occasion to know that women can and will scratch their tickets. And when women have mastered, as they quickly do, the art of scratching, they have learned the most difficult feature of voting.

Women are not natural-born politicians like men are. They are not as crafty or ambitious politically as the men are. The natural result is that the men practically control politics, i. e., the party machinery of the State. At the same time the women read the papers. They talk among themselves. They learn quite fully about all the candidates and what they stand for. They discuss political issues and the candidates with the male members of the family, and they are thoroughly advised as to who's who. Women's interests can not, generally speaking, be roused very much by mere partisan strife. Women never become hysterical and very seldom show much enthusiasm over a mere party nominee. Their interests center around questions affecting education, public cleanliness, public morals, civic beauty, charity and corrections, and public health, public libraries, the care of the children and the home, and the enforcement of humane laws, and such subjects and matters as affect the welfare of the home and family. Men look after the business interests and financial questions, while the moral and humane questions appeal more to the women. In other words, men and women are different in their character and thoughts, and the influence and judgment of both is beneficial in civic and governmental affairs just the same as they are in well-regulated and orderly family relations. The husband is hustling for the almighty dollar and thinking about business matters, while the wife and mother is more directly concerned about the welfare of the children and the preservation of the home, the moral surroundings of the family, and his and her public actions are largely a reflection of the same man and woman sentiments that appear in an orderly conducted home.

A just man ought to, and every loyal son of Colorado does, accord to every other human being, even to his own wife, the same political rights which he demands for himself.

ARE WOMEN OFFICE SEEKERS?

No one need have any fear of the women monopolizing all the offices. There has never been any rush of women for offices. Giving a woman the right to vote does not change her feminine characteristics or her womanly nature in the slightest. The women as a class are never chronic or inveterate office seekers. In fact, there is not one out of five hundred who ever thinks of being a candidate for office. They are not ambitious for office. They are never avaricious for power and influence like men are. Men are shrewder politicians and much more unscrupulous than women. In nine cases out of ten when a woman does seek the nomination for an office she is earnestly solicited to do so by many of her friends and acquaintances who recognize her exceptional qualifications for the position. Moreover, women scarcely ever strive for or want the more important positions that the men want. The men want the positions that pay the large salaries and require executive ability and other responsibilities, and that involve control of party machinery, patronage, and large affairs. As a rule women are never candidates for positions of that kind. They do not care to be political bosses, and nine hundred and ninety-nine out of one thousand instinctively shrink from allowing themselves to be made candidates for the highest or best positions.

There is no reason why a fair share of important offices should not be given to women, and they undoubtedly will be as time goes on and women become more qualified to fill them. But in the meantime the women are contented with the educational and clerical positions and minor offices that require energy and much painstaking diligence and conscientious work, and which are compensated by smaller salaries. Furthermore, it should be remembered that all of the offices in any State or county or city is only an infinitesimal amount in number as compared with the entire population, and there is not one-tenth as much reason for the claim that if women vote all of them would want to hold office as there is regarding the men. Neither of them can be elected without receiving the majority of all the votes, both male and female, and that vote will not be given to either unless the candidate is well fitted for the position.

There are many public-spirited and well-to-do women who have more leisure than their husbands, and who take an active interest in charitable work and the welfare of the unfortunate; and they often serve on those official boards and do a world of good without any compensation whatever. But they are clothed with the authority that compels the officials in charge to carry out their recommendations, which they would not do if the women were not backed up by the ballot.

The voting age of women is 21 years, the same as men, and in Colorado there are only a comparatively small per cent of the women over 21 years of age who are not married, and most of those who are not married are school-teachers, or stenographers, or deputies in offices, or occupying some clerical position, or clerking in stores. All of the women of Colorado are exceptionally intelligent and well informed on public affairs. The great majority of the married women have their family affairs to look after, and they do not care to hold offices. But all of them are interested in who are elected to offices and the way the public officials administer their offices.

OFFICES NOW HELD BY WOMEN IN COLORADO.

State superintendent of public instruction: Mrs. Helen M. Wixon.

Regent of State university: Miss Anna L. Wolcott, a sister of former United States Senator Edward O. Wolcott.

State penitentiary commissioner: Mrs. Helen L. Grenfel (formerly for six years State superintendent of public instruction).

President elections commission in city and county of Denver: Miss Ellis Meredith, an authoress of national reputation.

Four members of the legislature: Mrs. Alma V. Lafferty, Mrs. Agnes L. Riddle, Mrs. Louise U. Jones, and Mrs. Louise M. Kerwin (the first named being chairman of the committee on education).

Judge of the county court of Eagle County: Mrs. Lydia B. Tague (probably the first instance in the history of the world where a woman has been the judge of an important court of record).

Recorder of the city of Denver: Mrs. Lucy I. Harrington.

Mrs. Honora R. MacPherson is the superintendent of schools of the city and county of Denver.

Dr. Rose Kidd Beere is superintendent of the Denver city and county hospital.

Auditor of city of Pueblo: Mrs. Carrie E. Truman.

Two members of the State board of charities and corrections: Mrs. Ella S. Williams and Dr. Elizabeth Cassidy.

Vice president State civil-service commission: Mrs. Sarah Platt Decker (formerly president of the General Federation of Women's Clubs).

Trustee State normal school: Mrs. Thalia A. Rhoads.

Trustee of State school for deaf and blind: Mrs. M. S. McDonald.

Factory inspector: Mrs. Katherine Williamson.

Four of the five members of both the boards of trustees of the State home for dependent and neglected children and industrial school for girls.

Mrs. Mary C. C. Bradford, the former superintendent of public instruction in the city and county of Denver, was a delegate to the last national Democratic convention.

Mrs. Anna H. Pitzer, of Colorado Springs, the sister-in-law of Speaker Champ Clark, has just been elected a delegate to the National Democratic Convention that meets in Baltimore in June, 1912.

County superintendents of public instruction in 45 out of the 62 counties in the State.

In 5 or 6 counties the offices of either a county commissioner or the county clerk or county treasurer is held by a woman.

There are over 600 women members of school boards throughout the State.

The positions of postmaster are held by women in, I think, about 40 towns in the State.

The positions of clerk or treasurer in some 50 or 60 cities and towns are held by women, and a great many deputyships are held by women.

Mrs. Ida Gregory has been the clerk of the juvenile court of Denver ever since the court was organized, and several other courts in the State have women clerks.

The official stenographers of the supreme court and several other courts are women.

There are quite a number of exceptionally capable women lawyers and physicians in Colorado. They naturally gravitate into the specialties for which they are best qualified.

Miss Mary Lathrop is one of the most noted probate lawyers in the State, and Miss Ellen Witter is one of the most prominent land-office lawyers in the West.

Women stenographers are generally notaries public.

Women have held office more extensively in Colorado than in any of the other suffrage States so far. Most of them have been married women or widows with grown or half-grown children.

The right of suffrage has quite largely increased the number of women chosen to such offices as were already open to them before. In Colorado women were eligible to the position of county superintendent of schools before their enfranchisement, but when they obtained the ballot the number of women elected to these positions showed an immediate and very large increase.

The duties of the offices which the women hold are performed in an efficient manner and above all things they are absolutely honest.

DOES EQUAL SUFFRAGE CAUSE DIVORCES?

There is not a single instance on record anywhere in any court in the State, and there never in 20 years has been a case in Colorado, where a divorce has been granted on account of political difference, or where the trouble between husband and wife arose from politics, or where either one ever even claimed that politics had anything to do with it. So that the charge made against our State as to divorces being in any manner connected with equal suffrage is as false as anything can be. Differences in religion between husbands and wives produce a thousand times more quarrels than differences in politics do, and yet no one would nowadays ever think of trying to compel a woman to choose her religion to suit her husband.

DO WOMEN LOSE ANY OF THEIR INFLUENCE OR CEASE TO BE AS MUCH RESPECTED?

The brazen claim that women will become unsexed or lose any of the respect of men is not only entirely without foundation, but utterly absurd. In the olden times men had the right to chastise their wives. They could take them out in the smokehouse and whip them. Have the men nowadays got any less respect for their wives because they can not lick them any more? Respect for woman is based upon her moral character, her intelligence, and her own self-respect. Women are not becoming less respected because they have been admitted to colleges and universities. Women are just as feminine in Colorado as any place on earth, and they are better wives because they are better informed and more companionable to their husbands. The enfranchisement of the wife has given another common interest to the household. It has had no tendency to create discord in the home. On the contrary, it has brought a comradeship in politics, something similar to that of religion, that used to be found in many families in the East.

There is nothing whatever degrading to a woman to quietly go down to the polls on election day once or twice a year and cast her vote along with her husband or brother or with women friends. There is not the slightest tendency whatever in Colorado among the men to omit the ordinary politeness due the women. In fact, I believe our women by their superior general intelligence and companionable charms command and receive more courteous attention than in any other State. Under equal suffrage there is a much more chivalrous devotion and respect on the part of the men, who look upon their sisters not as playthings nor as property, but as equal and full citizens. We are proud of our Colorado women. Nine hundred and ninety-nine out of a thousand of them conduct themselves in a ladylike and exemplary manner and we know that the highest consideration of justice and good government justifies and demands equal suffrage for women. I have little regard for a son who swells up and says that he is better than his mother. To-day a boy in his teens in a country or a State where women are given the right to vote does not look upon his mother or his sister as belonging to the sex that must be kept within a prescribed sphere, but as a human being, clothed with the dignity of all those rights and powers which he hopes to enjoy within a few years.

The differences between men and women are natural; they are not the result of disfranchisement. The fact that all men have equal rights before the law does not wipe out the natural differences of character and temperament between man and man. Why should it wipe out the natural differences between men and women? Both men and women of the various different countries where woman suffrage is granted are much different in their looks and manners from each other; and yet it has had no perceptible effect toward unsexing or making women less womanly than they have always been.

To us people of the West it is utterly stupid for anyone to assume that the vote will lessen the present influence of women. The influence of any class of men, or any individual man, has never in the world been lessened because he had the power to vote. Such absurd and ancient falsehoods should no longer be tolerated or listened to as serious arguments.

DO WOMEN BECOME PARTISAN?

Women will vote for the right as they see it. They vote for men rather than party principles. That is one of the reasons that they are feared by certain politicians. I have heard it said great reformers never vote straight tickets, and women very seldom do. They are conservative reformers. Woman's adherence to party does not generally prevail as against her judgment on policies or candidates. They take the motto as a slogan, "Within the party if we can, without it if we must."

There has never been a purely party measure that has been espoused by women in the Colorado Legislature. The women of all parties want the same things and have always worked for them together in perfect harmony. Men thoroughly understand that, in legislative matters, when they oppose the women they are opposing practically all of the women and the great independent vote of the State.

Men are stronger politically than women, and men dominate the politics of the State and cities. But man's domination is always influenced and often controlled by woman's natural and instinctive desire for honesty and better moral conditions in politics as in everything else. There is no such thing as a distinct woman's vote in the sense that there is in most cities an Italian vote or a Swede vote or a German vote.

Men lose sight of these important considerations in the scramble for partisan warfare for office, but women will not permit them to be obscured by anything.

HAVE COLORADO WOMEN LOST THEIR WOMANLINESS OR DETERIORATED MORALLY?

The objection that "it is unwomanly" has been made to every change in the status of woman from the time she ceased to be a beast of burden and we men decided to give her a soul and a seat at our dinner table to the present time. The days when ridicule and contempt were the reception accorded any attempt of the woman to enlarge her activities or broaden and enrich her life belong to another century. We have to-day urgent need for better fathers and wiser mothers. The feminist leaders of Europe and the United States are changing the attitude of the race toward one-half of its members.

To-day girls form 56 per cent of the pupils enrolled in our secondary schools and a large majority of those in all our high schools. The old days when women were compelled to keep silent are past. To-day in every field of human endeavor her voice is heard. By the legal establishment and recognizing of women citizenship, the intellect and character and reciprocal estimation of both sexes has been raised. The possession of the ballot has given women an interest in general as well as political affairs, and this has naturally stimulated the men.

There is no real ground of fear for American marriages and the home. Nothing can break the bond between the sexes. Our own higher development will bring better conditions. We will have higher and happier marriages than ever before.

It is an absolute fallacy—the assertion that the activity of women in politics is in any sense whatever a movement of the sexes against each other; in reality it is the making of the sexes more companionable to each other and nearer on an equality.

Ex-Gov. Alva Adams, of Colorado, said before the House Judiciary Committee:

I have known personally at least 10,000 women voters of Colorado, and I have never known one to be less a woman, or less a mother, or less a housekeeper, or less a heart keeper from the fact that she voted—not one. I have studied this question for 30 years. I did not go out there as this correspondent (the author of an article in the Outlook) went out there, with a lunch basket and a return ticket, and simply expect in 10 days to pass judgment upon this great experiment.

There is no place on this planet where women are more womanly, more modest, more charming, or more attentive to their home duties or better wives or mothers than they are in Colorado. In fact, we know that the broadened influence which the ballot has given them has very largely tended to enhance the very virtues and charms which distinguish true womanhood.

DO WOMEN NEGLECT THEIR HOMES AND CHILDREN?

We have from childhood constantly heard the solemn assertion that the place for women is the home. I have never heard of anyone denying that platitude, and certainly the women of Colorado do not deny it. If there is anything in this world that a woman naturally wants it is a home. That is her natural place, and her main task in this world is home making. In fact, every married woman in this country is a self-appointed and ex officio member of the Mothers' Home Protective League. But nowadays home is not contained within the four walls of an individual house. Home is merely the center of her sphere from which her influence should radiate. The home is largely the community, and the city or town full of people is the larger family of womankind. A woman can not merely stay in the home. Even to have a clean house it is necessary to have clean streets. To have clean streets it is necessary to elect a clean mayor. The same may be applied to all municipal officers and to school boards and health boards. In fact, all government to-day is in a certain sense merely housekeeping on a large scale. For some parts of this housekeeping the men may always remain better qualified than women. In other parts of it women will always be better qualified than men. But it takes both men and women to make a home. Mothers need the ballot to regulate the moral conditions under which their children must be brought up. The men's time is consumed in looking after industrial and commercial interests, but they need the cooperation and help of women in things governing home life. The community and the welfare of men themselves need the increased influence of women more than even the women need the ballot. Woman is largely responsible, not only for the cleanliness of her house and the wholesomeness of the food, but for the health and morals of the children and the conditions under which her children live; and if she is primarily held responsible for those conditions she should have something to say in the election of the officials and the making of the laws and ordinances by which those conditions are governed.

Equal suffrage in Colorado has made a new and powerful community of interests in the home, and it is a good thing for all members of the home and for the home itself. The responsibility of voting does not for a moment divert feminine attention from home duties. In fact, it accentuates woman's place in the home by giving her an important place in its protection.

But there is another serious and important consideration. There are upward of 7,000,000 women in the United States to-day who in reality have no home. Economic conditions have driven them into the factory, the mill, the shop, and the store. They have not left their homes of their own volition; they are not earning a livelihood in competition with the men of their own election. No one will ever assert that women voluntarily leave their homes to become wage earners. If some of them think the ballot would help them to better their conditions and enable them to have homes, are they to be blamed and ridiculed for entertaining that hope?

Ninety-nine per cent of the women of Colorado take no more time in politics than to attend probably two or three political meetings every two years and go to the polls on election day to cast their vote. The women of Colorado, generally speaking, do not spend 1 per cent of their time in political matters that they spend in social duties. It only takes a Colorado woman 10 or 15 minutes away from her home to cast a vote. But during those few minutes she is wielding the most tremendous power any woman ever had on this earth for the protection of her home and the homes of all others.

DOES IT INCREASE OR DIMINISH CORRUPTION IN POLITICS?

There is no man worthy of the name who will deny the statement that the influence of his mother and his wife and his sister and his daughter is good. Her influence is beneficial from her childhood to her grave. Is there a man who would have the hardihood to say that he feels his mother, his wife, his sister, or daughter would be more corrupt than he is or less honest than he is in exercising the elective franchise? When you grant equal suffrage to women, it is our mothers and wives and sisters and daughters who are going to vote. And if you assume that the influence of the ignorant or disreputable women is going to outweigh that of the good and the moral women of the country, you are either assuming that a majority of the women are ignorant or disreputable or that the good women will not vote. I most emphatically deny both of those assumptions. The records conclusively show that good women do vote, and every decent citizen knows that the overwhelming majority of women are moral, are intelligent, and are thoughtful and reputable; and they are as solicitous about the moral welfare of the community and society as the men are; and, in fact, more so. I have never heard of a woman being prosecuted or even seriously charged with the commission of a crime in regard to an election. I have heard it repeatedly stated—and I believe it is true—that the men are guilty of 99 per cent of all political corruption in Colorado.

There may possibly be a few very rare cases where a woman has been implicated in some political crookedness, but if there are any such cases that I have never heard of you will find that she was put up to it by some men who were trying to shield themselves behind her, and there will be 99 men more guilty than she. And when it comes to the exercising of the elective franchise, I am absolutely certain that for every woman who may have been justly chargeable with any wrongdoing there will be 99 men who are more guilty. We have sent a good many men to jail and some to the penitentiary; and, of course, some of them may sometimes attempt to hide behind the skirt of some woman of whom they have tried to make a stool pigeon. But it is not true that women in any appreciable number whatever voluntarily enter into any kind of political fraud. They are intensely in favor of clean politics and honest elections. In fact, the good moral influence of women is splendidly demonstrated in politics. Generally speaking, throughout the entire State there has been a wonderful change in the places and manner of holding elections in Colorado. The meetings for the caucuses and the polling places are all in respectable places, and there is no rowdyism or disturbances whatever about the polls; and our political conventions, while they are intensely exciting and the interest runs high, because Coloradoans are wide awake and ambitious people, at the same time all public meetings are conducted in an orderly manner and no woman need hesitate to attend them either as a delegate or as a spectator.

No one claims that all women are honorable, and political power may occasionally uncover some moral weakness. But women are by far the most virtuous, most moral, and equally intelligent half of our population. A people will have a government just as good as, and no better than, they are.

One sure way of answering the question as to whether or not equal suffrage increases corruption in politics is to inquire who are the opponents of equal suffrage. Some of our opponents seem to get great satisfaction over the assertion that a majority of the socialists in Los Angeles voted for equal suffrage. They do not mention that Emma Goldman, the most notorious anarchist in this country, is going about the country lecturing on "Why I am not a woman suffragist."

Everyone who knows anything about woman suffrage or about human nature, or who has had anything to do with public affairs or politics, knows that the vicious and criminal vote is always cast solidly against equal rights for women. All those who thrive upon the violation of the law in any way or upon corruption in politics are the bitterest enemies of woman suffrage. Every gambler, every ballot-box stuffer, every political thug, every dive keeper, every depraved denizen of the red-light districts and all of their associates, everyone who is opposed to public decency, every professional debaucher of the public morals, and every conceivable variety of crook in the world is viciously and desperately opposed to women being enfranchised, and they never cease exhausting their vocabulary cursing woman suffrage.

DOES IT DOUBLE THE IGNORANT OR FOREIGN OR CRIMINAL VOTE?

As there are one-third more girls than boys attending the high schools of this country, the women are very rapidly becoming the more educated class. According to the last census, the illiterate men of this country very greatly outnumber the illiterate women. Therefore, extending the franchise to women will actually increase the proportion of intelligent voters. Moreover, extending the franchise to women will very largely increase the number of native-born voters, because there are in the United States over 12 times as many native-born women as foreign born. It is also a matter of record that a less proportion of the foreign born than the native born vote, and as there are much fewer women than men immigrants the enfranchisement of women will therefore doubly tend to minimize the influence of the foreign vote.

Another important feature is that the foreign women are usually much better in morals and intelligence than the foreign men, to whom the ballot is already given.

According to the census of 1910, there are in the United States 7,500,000 foreign males and 5,800,000 foreign females—

that is, 129 foreign males to every 100 females of the same class. A foreign vote is objectionable only so far as it is an ignorant vote. Intelligent foreigners, both men and women, are usually very acceptable citizens. We also notice another interesting feature in this connection in Colorado, and that is that, owing to their Old World ideas which the foreigners bring with them, the foreign women vote but very little indeed until they become quite thoroughly Americanized.

While on ordinary questions the foreign-woman vote would be very much like the native-woman vote, and would, to quite a large degree, duplicate the men's vote, that would not be true of special questions affecting women and children or the home or matters of morality or questions of decency. This is one of the main points of the equal-suffrage question. And if women take the moral and humane side on questions affecting the welfare of the home and the good of society, it is of comparatively little importance whether or not on other questions their votes are duplicates. The taxes paid by women will very much more than meet the cost of printing and counting the extra ballots. Moreover, in a democracy like ours it is of the greatest importance and benefit to the whole people, both men and women, that all of the population interest themselves in all public questions. It has been repeatedly stated that a republic is sound at heart only when all of its adult members take an ardent interest in its affairs. Too many votes can not possibly be cast in a right cause in a democracy which lives and breathes by the public opinion of the men and women who compose it.

There is in this country no lack in our politics of business ability, executive talent, or shrewdness of any kind. But there is much danger of lack of conscience, character, and humanity. The business interests, which appeal more specially to men, are well looked after; but the moral and humanitarian interests, which appeal more specially to women, are too apt to be neglected.

DO WOMEN READILY UNDERSTAND POLITICS?

The ludicrous assertion that women should not be allowed to vote because they do not know enough is only equaled in antiquity and absurdity by the little, old, familiar verse:

Mother, dear, may I go swim?
Yes, my darling daughter;
Go hang your clothes on a hickory limb,
But don't go near the water.

The women of Seattle knew enough to fire a crooked mayor in about 15 minutes after they were given the ballot; and they knew enough again, a few days ago, to defeat him for reelection.

Women learn how to vote mighty quickly. They do not have to serve any apprenticeship to know the difference between decency and corruption or between an honest man and a crook. She always knows the difference between good and bad government and everything pertaining to educational matters or matters affecting the home, and all politicians will very soon learn that she is exceedingly alert and well informed upon all moral questions and questions affecting society and good government and clean candidates. She comprehends intuitively and instinctively. In fact, on questions of that kind she is much more interested than men, and the advice of every married woman is of great assistance to her husband. In reality, on all questions of that kind, instead of a husband voting his wife there is a great deal more likelihood of the wife voting the husband.

It is utterly absurd and idiotic to assert that women are not sufficiently intelligent to vote. And even if they had no more intelligence than the ignorant portions of the male population that vote, they have a great deal more honesty than the men have, and honesty is needed in politics of the present day even more than intelligence. They certainly have sufficient intelligence to decide whether they are properly governed and who they will be governed by.

THE DEVELOPING POWER OF RESPONSIBILITY.

Responsibility is one of the greatest instruments of education, both morally and intellectually, and woman never will become thoroughly versed in matters of politics until she is given the opportunity of studying them under the stimulus and check of responsibility.

When we consider her handicaps—not merely her natural handicaps but the unnatural hardships imposed upon her by civilization and sentiment—when we consider that for ages she has been discouraged from trying to do anything outside of the home, it is no wonder that she can not do all things as well as men. Lack of ambition always limits efficiency. The wonder is that she does so many things as well as she does. Politically speaking, women are somewhat like uneducated children. They need to be given the aid and stimulus of sufficient imagination to know what the lack of education or of responsible citizenship means.

The great economic questions of to-day affect the women just as much as they do the men. Their interests are mutual and equal, and her enfranchisement has conclusively proven in the six Western States that the result is a more enlightened and better balanced citizenship and a truer democracy. It has been said that the more civilization advances the more the interests of men and women coincide and the more the suppression of their proper sphere has decreased.

One-fifth of all the women of this country have been compelled to go into the field of business and take positions formerly held by men and are actively earning their own support. The ballot is just as imperatively necessary to them as it is to the men. It is not only contrary to the principles of fair dealing to deny the women the right to vote, but this country needs the influence of her ballot, as will be conclusively shown by the result of her vote wherever it has been given to her. It seems to me infamous that women should be longer classed as political nonentities, the same as lunatics, Chinamen, criminals, and children. While there is a good reason for excluding all of those political nonentities excepting women, there is no good reason under heaven for excluding an intelligent woman from trying to better the conditions which affect her by the use of the ballot.

There is no argument or objection ever made against woman suffrage that has not been conclusively disproved by the facts in the States where it has been tried. She has improved and adorned the offices she has held and the laws she has helped to make and made better the politics of our State, as she does everything else she touches.

A woman who is self-centered and satisfied with the gratification of her appetite and vanities is not the highest ideal of our race and is not performing her highest duty to society or to humanity.

Back here in the East at the present time and in the discussion of the subject before the committee we hear some of the same old arguments that we heard in Colorado 20 years ago, when the campaign was on for woman suffrage in our State, and it is in the light of all these subsequent years that we look back at the absurd and ridiculous claims that were made at that time. Those objections have been demonstrated beyond question to have all been based upon prejudice, bias, and fictitious assumption.

There were in our State a number of women who, before they were enfranchised, did not want to vote. Since then nearly all of them have been faithfully performing their duty.

In all of the States in the Union where men have been compelled to yield up some of their so-called inalienable rights and divide some of their assumed natural sphere with women it has been discovered that women can really cast an intelligent ballot; that equality in a material sphere works out to the betterment of both and to the welfare of society; and that equal political right in those States is not any more listed as one of the absurdities.

EQUAL SUFFRAGE IS EDUCATING AND BROADENING.

I have heard it said that the greatest school of life is the ballot box. The present world movement for the enfranchisement of women shows that under the influence of advanced civilization the nations of the earth are becoming ready for universal suffrage and the conception of society which it implies. Feminism is a world movement. It is a part of the eternal forward march of the human race toward a genuine democracy. The whole history of the development of civilization is merely the story of broadening the channel of human liberty and opportunity. All over the world woman is doing and thinking more effectively than ever before.

An eminent author has stated that the most impressive and portentous development of our twentieth century social order is the woman problem. What is the race going to do with the woman? And what is the woman going to do with the race?

When you consider that women started at the zero point in this country a hundred years ago, with customs and her own sentiment against her, and that her admission to the colleges designed for men was contested more stubbornly than her original admission to the primary school had been, we must admit that her rise in the educational world is a brilliant feat. It certainly has forever disposed of the argument that she is unable.

Women's clubs are a wonderfully educational movement. It is within the memory of most of us when the American women first began to form themselves into clubs. At first they were merely little local literary organizations. Afterwards the matters affecting the welfare of the community were taken up for consideration; and then the women commenced forming State federations and afterwards national federations; and to-day the General Federation of Women's Clubs, working in conjunc-

tion with the International Council of Women, are doing a wonderfully beneficial and humane work for the amelioration of the conditions of women all over the world.

The women's organizations thoroughly realize that their cause for the betterment of humanity can be best advanced by giving the women the ballot. It is rapidly coming to a condition where the intelligent women of the world are making this appeal for equal rights on the ground of natural justice, on the ground of the highest expediency, and on the ground of the abstract right of all women to all possible means of education, and all civil rights and privileges which the men enjoy.

The change in the status of women has been so enormous during the past 50 years that to-day the opinion of educated women can no longer be ignored by educated men. Some one has said that the demands of woman suffrage is only one of the outward symbols of the stupendous evolution which has taken place during the last 50 years.

The women of Colorado are quite largely members of various clubs, and they wield an influence that is hardly conceivable by people who do not live in the State. They do not only have all the clubs there are in other States, but they also have political clubs; and there is a great deal of family discussion of public questions, which all has an unquestionable tendency to educate and broaden not only the mind of the wife, but the members of the family. Increased responsibility causes increased development and improvement, and increased development means intelligent action and patriotism.

I have often heard it said that one of the largest book stores in Denver sold more books on political economy, sociology, and kindred subjects within six months after women were enfranchised than during the entire previous 20 years. There is no question but what the possession of the right to vote creates an incentive to broader thoughts and greater interest in mankind and womankind for their mutual development.

THE SCHOOLS OF COLORADO.

In proportion to our American, white, female population the birth rate and the increase in our school population in Colorado is larger than in any male-suffrage State in the Union; and the women county superintendents and the nearly 700 women members of our school boards are a perpetual guaranty that, in proportion to our financial resources, our schools are certainly as good, and I believe they are by far the best of any State in the Union.

I was the principal of the Leadville High School in 1881–82, and in 1884–1886 was the county superintendent of that county, and I have ever since taken an active interest in the schools and colleges of our State.

The life of a nation depends on the welfare of its children. Colorado spends more money per capita on her schools than any other State in the Union. There is no difference made in the salaries of teachers on account of sex. The children have a right to legal protection, and their mothers, who are their natural and best guardians, have a right to be given every means necessary for their protection.

There is not a child in Colorado but what has a seat in a school and is guarded by law compelling its parents to allow it to go to school. Does anyone believe for a moment that if the women had the power to make themselves felt in the administration of public affairs that there would be to-day 100,000 children on half-time in the schools of New York City and 25,000 without seats in schools in the city of Philadelphia and an equal proportion in Chicago and many other large cities in this country? Does any sane person believe that if the women of this country had a vote it would have taken 50 years to have passed the bill that just passed Congress creating a Federal bureau for the protection of children? The statistics will show that, practically speaking, there are no illiterate voters in the State of Colorado. A very large part of our population is American born. The foreign-born voters must be fully naturalized citizens and must have resided at least one year in our State; therefore neither men nor women are allowed to vote until they are fully identified and acquainted with our affairs and conditions.

Women have equal suffrage in school elections, I believe, in 30 States of the Union. Has anyone ever had the effrontery to assert that their influence has contaminated or had any evil effect upon school elections or made less effective the teaching or moral instruction in those States? There never was a moral law started anywhere in any State in this Republic but what it has had the approval of a great majority of the women and most of them would support it if they were given the power to do so. Everyone knows that there is a much stronger propensity in women than in men toward the discharge of duties relating to child life. Their moral, educational, and health conditions depend largely upon woman for development, and she can not efficiently discharge these obligations without concerning herself as to the laws regulating such affairs. If she is given the ballot she then has the power to safeguard the children by giving to them the protection of important laws. It is said that in many States where women have a right to vote upon school elections that the women pay comparatively little attention to them. That may be true where there is no special interest or moral question involved and where the candidates are equally worthy. But where one candidate represents the moral and another the immoral side of questions affecting the welfare of children the women invariably take an active interest, and it is needless to say that they are always on the side of decency.

In the State of Colorado women have always had the right to vote in school elections; and it is true that they formerly paid comparatively little attention to it, excepting, as I have stated, when some moral issue was at stake. But since they have been given the full right and responsibility of voting, tens of thousands of women vote at every election who never in former days thought of voting at a school election.

Another helpful and healthful feature is that prominent women—wives of men in well-to-do circumstances—who have no children, or whose children have grown up, are beginning more and more to recognize the obligations which they owe to others not so fortunate in personal protection; and large numbers of them spend a great deal of time and money in their efforts and successful determination of bettering the laws and conditions surrounding the children of the poor and helpless. A glance at the laws, which I have given, will convince anyone that the enfranchisement of women has exercised a beneficent influence upon the public schools, and toward bettering all school conditions, and for the general protection and welfare of the youth of our Commonwealth.

It has been stated that "Women the world over are reformers." That is unquestionably true, and it is equally true that women are progressive. But they are sanely and conservatively progressive. They are never fanatical or revolutionary. They are wisely discriminating and shrewd in their public actions. They interest themselves primarily in things of the home, things that make for purity, decency, and humanity; movements that are more social than political; matters that pertain to education, morals, civic beauty, charities and corrections, sanitation of schoolhouses, charitable and reformatory institutions, and specially and above all, everything relating to children.

ELECTION-DAY CUSTOMS IN COLORADO.

One of the greatest outrages that has ever been perpetrated upon any class of public-spirited and splendid citizens is the infamous misrepresentations sent out by tourists, critics, and anonymous liars about election-day customs in Colorado; and to us the amazing part of it is, why the eastern press will swallow and publish such stuff without ever making the slightest effort to verify it, and, in fact, positively refuse to publish the truth about the actual facts in the suffrage States. The result is the general public have imbibed a large per cent of the lurid, slanderous, and mercenary libels concerning woman suffrage. An election day in Colorado is in no way different from election day in States where only male suffrage obtains, excepting that there is an entire lack of drunkenness and disorder of every kind. Mrs. Helen L. Grenfell, in a public address, recently said that in 17 years of her actual experience she had never yet seen an intoxicated man or heard an oath or seen a discourteous action toward any woman at the polling places.

My wife goes to the polls with me, and she, like all other women, always votes absolutely as she wills, and she never wills to vote for a bad man, even if he is on my ticket. The slanders which we hear about woman suffrage not only debase the people who utter them, but they are an impeachment of the decency and honesty of womanhood everywhere.

In residence sections the polling place is usually at a private house. There is never the least disorder at the polls, no discourtesy or offense of any kind. It is not as trying and does not require as long as it does to go to a dry-goods or grocery store. Women often sit beside the men as judges of elections, and nearly always two women act as clerks of election. Women attend political meetings quite generally, and their presence always insures order and decorous procedure.

I have never seen any serious disturbance at any political meeting in my State nor witnessed the slightest disorder at any polling place during the past 18 years. The women often take their babies to the polls in a gocart.

A man must give his exact age, while a woman only swears she is over 21 years old.

Husband and wife, father and daughter, brothers and sisters, or women in pairs or little groups go to the polls together as to any other meeting. No political party nor the

officials of any party would think of locating a polling place anywhere where a woman would hesitate to go. The polls are as much protected as the post office or any other respectable place. Every man shows the utmost respect to every woman at the polls. There is no electioneering within 100 feet of the polls. Everything about the polling booth is courteous and orderly. Immoral women do not disturb or trouble good women any more at the polls than they do at a store or at a theater. Generally speaking, there are no saloons in the residence portions of any city or town, and I would say ninety-five precincts out of every hundred in the State have no saloons in them, and in ninety-nine out of every hundred precincts in the State there are no immoral women. Women are nothing like as venal as men naturally, and, in fact, there is never any attempt made to corrupt them. In fact, women give an atmosphere of decency and respectability to the voting places. In the elections they are treated with all due respect and make election day one of pleasure instead of one of riot and drunkenness.

Polling places are not only in proper and convenient buildings, but they are always orderly and clean. There is no smoking or swearing or unseemly conduct of any kind. The individual dignity of women is strengthened by the ballot. I never knew of a woman being even embarrassed at the polls or at any public meeting. While the women take as much interest in voting as do the men, they do not neglect their home duties by standing on the streets talking politics.

The difference between "influence" and "power" can readily be seen by comparing the results in Colorado and in other States where women do not vote. The women of our State have lost none of their influence, but they have in addition the power of the constituency, and the men of our mountain republic who are chivalrous enough to do the women justice are chivalrous enough still to keep them enthroned by their sides.

RESULT OF EQUAL SUFFRAGE IN COLORADO.

I have lived in Colorado for 31 years and have taken an active part in public affairs during practically all of that time. I personally know the condition of politics before and since woman suffrage was granted; and while my judgment may not coincide with some others, I certainly have no reason for making any erroneous statements or expressing other than my candid judgment, and I can honestly and conscientiously say that I do not know of any bad effects whatever that woman suffrage has had in the State of Colorado, and I do know of enough good that they have accomplished to fill many volumes.

At the time it was adopted in Colorado people both feared and expected too much as a result of woman suffrage. In fact, the enthusiasts for every reform hope for more than they realize, while the opponents always fear the worst possible results. Woman suffrage has not brought about the millennium. It has not entirely changed human nature nor abolished dishonesty or crime. But, in the language of Colorado's grand old man, Senator Henry M. Teller—

Woman suffrage has resulted in nothing that is objectionable and in much that is advantageous.

I believe I could prepare a list of at least a thousand beneficial results of equal suffrage in Colorado and an equal number of reasons why women should vote. I will not at all attempt to enumerate them, but in addition to those I have already mentioned will merely give in a very general and possibly somewhat disconnected way some of the results as I see them.

Equal suffrage has unquestionably compelled a very great improvement in the standing and moral character of the candidates nominated for office by all political parties.

It has equally improved the political conventions, assemblies, and public meetings and the management of all the different political campaigns previous to elections.

It has made much more orderly and better polling places and election-day customs have wonderfully improved.

It has greatly improved the interest of both men and women in the public affairs of the State and the municipalities.

It educates and broadens a woman's sphere of information, and makes her take a more intelligent interest in public affairs. It makes her more companionable, and consequently increases her intellectual standing, dignity, and influence.

It is a family bond and tie that binds the husband and wife together.

In ninety-nine cases out of one hundred the best and often the only political adviser a Colorado politician has is his wife. Any reasonable fair-minded person who has ever lived in Colorado six months knows that our women count for a great deal more, there is more attention paid to their wishes, and much greater weight given to their opinions and judgment than there is or ever was in any State where they are denied the power that equal suffrage gives them.

Some one has said that in our political conventions a few women are as good as a whole squad of police. Our women are well advised; their judgment is good. Their opinions are entitled to and nearly always receive due respect. It is true that more or less political chicanery always has, and probably always will, exist among some politicians in the State, not because of, but in spite of woman suffrage. Just the same as crime exists, not because of criminal laws, but in spite of them.

At this fall's election there will be nearly a million women who will vote for the next President of the United States, and their influence will determine which way will be cast the 37 electoral votes in the States of Colorado, California, Washington, Idaho, Utah, and Wyoming.

IT HAS TAKEN OUR SCHOOLS OUT OF POLITICS.

Equal suffrage has almost entirely taken our schools out of politics. One of our prominent educators recently said that there is more politics in school matters in any one block of any large city in this country than there is in the entire 104,000 square miles of Colorado soil.

The ballot is the woman's peaceable, orderly, and dignified assertion and effective execution of her judgment and will. All the old shopworn arguments against woman suffrage that I used to hear from my grandparents when I was a boy seem so ridiculous nowadays that they are a ludicrous curiosity to us people in Colorado. But those relics of feudalism seem to be still current back here in the East, in keeping up the ancient bugaboo against the best, the most intelligent, and most patriotic women on this planet asserting the God-given right of every human being of self-protection. And when the undisputable facts of many years of actual practical tests conclusively and overwhelmingly demonstrates the unqualified falsity of all those antiquated absurdities—demonstrate that they have become deliberate slanders on the women of this country—our opponents are now in desperation resorting to all kinds of misrepresentation as to the facts in our Western States. And what provokes us is that these slanderers very often, to use a slang expression, "get away" with their outrageous assertions because, at a distance of from two to three thousand miles away, with no one to contradict them, their positive statements are partially accepted.

While the 150 good laws enacted through the efforts of our women speak many volumes of public records in their behalf, yet it is in the local city, town, and county politics that women exert the most direct influence. The nearer the home the greater the good; such is apparently the philosophy of her interest. Municipal government and school government at home are her special fort, and it would take many more volumes to enumerate the beneficial results of her moral and humane influence in municipal and educational affairs throughout the State.

The composite judgment of all the governors of the six equal-suffrage States is that women are more conscientious about the right of suffrage than men are. Women are much more careful about advising themselves concerning the personnel of the ticket than the men are; and she is fully capable of so marking her ticket as to express her individual choice, and that choice is always for the uplift of politics. No one need ever fear to trust to the women the welfare and good of the community, because their influence invariably tends toward the betterment of our moral, political, and civic environments. Equal suffrage has accomplished all that anyone could reasonably expect, and much more.

Women everywhere being confessedly the most moral, the most sober portion of the American people, it is inconceivable to us how anyone can dread their influence in public life.

I believe the securing of universal franchise for the women of this country would be the greatest step in advancement that civilization has made in centuries. There never has been a good law enacted in the State of Colorado in the past 19 years that the women have not actively worked for.

The women of Colorado are more in favor of law and order and social morality than the men. The women on the various boards have brought about many beneficial reforms in our State institutions. No honest man need ever have any fear of the results of woman suffrage. Every crook may well fear it, because self-preservation is the first law of nature. With us, woman suffrage has long since ceased to be an experiment in any sense. It is well tried, thoroughly approved, and a permanent principle of our Government. The woman vote is a great and never-failing foundation or background of moral support. Some one has said it is in their dynamic vital force for good that woman suffrage has made its greatest contribution to the public welfare. The good effect of the infranchisement and the intelligent and public spirit of the women of Colorado is

one of the greatest gains to the State and to themselves. Citizens, both men and women, with intelligence, public spirit, and morality that can withstand public temptations are what are most needed for the welfare of a community. Women are much more interested in public affairs than they used to be before they obtained the franchise, and our politicians now deal more earnestly with home and social questions. There is no place in the world where the women vote where they have suffered the slightest loss, either of dignity or domesticity.

Equal suffrage safeguards the home by scientific laws. But woman's influence has not only been felt in passing good laws, but very forcibly in the prevention of the passage of bad laws and in preventing the repeal or injurious amendment of many good laws. All women do not join in this work; in fact, a majority do not; but a large number do, and no large number of men, either organized or not, do join in such work. Individually, many men help.

Woman suffrage simply applies to the political sphere that principle of government that secures the best results in the domestic sphere, the mutual cooperation of men and women for the individual and general welfare. It is in the line of the general elevation of the race; it represents a higher civilization; it increases the power of those things that make for righteousness.

The proof of the pudding is in the eating. Women by the hundreds of thousands are voting in Colorado, Wyoming, Utah, Idaho, Washington, California, New Zealand, Australia, Finland, and Norway. Women have municipal suffrage throughout England, Scotland, Ireland, and many of the English colonies, and I believe she now has practically full equal rights in Sweden, Iceland, and Denmark. In some of these countries the women have been voting for generations; and in all of those countries and States put together the opponents of woman suffrage have never thus far been able to find anything detrimental to the cause of woman suffrage, or even find a corporal's guard of reputable men who would publicly say that it had produced any bad results. On the other hand, thousands of the most prominent and best men in all of those States and countries have repeatedly testified unqualifiedly to the good results of woman suffrage.

I will attempt, without giving the literal quotations, to give a synopsis of what hundreds of men and women have said in public speeches or put on record in addresses or articles in various magazines. They assert, in substance, that as a result of equal suffrage fewer politicians and more good citizens are elected to office; that women are the best citizens and can not be corrupted; that there is no bribery, and no corruption of women's votes at any election; that no campaign orator in a stump speech ever dares to tell a story that is not clean; that no candidate dares cater to the immoral-woman vote; that no party dares nominate a candidate of known bad morals; and that every party in determining and selecting its candidates is compelled to, and does, select men against the character of whom the women can say nothing. They unite in saying that woman suffrage purifies the body politic; that the moral, educational, and humane legislation desired by women can be secured more easily if the women vote; that the ballot leads to fair treatment of women in public service; that it is the quickest, easiest, and most dignified and least conspicuous way of influencing public affairs; that the ballot is a great educator, and that the women become more practical and more wise by using it; that instead of women's influence being lessened by the ballot, it is greatly increased; that in States where women vote there is far better enforcement of the laws which protect working girls; that they have never known an instance where the use of the ballot has caused a woman to lose her womanliness or neglect her home or her family; that there is no just cause or basis for political inequality between men and women; and that, tested by actual experience, equal suffrage means better laws, better candidates, better government, and consequently a better society.

Gov. John F. Shafroth, of Colorado, says:

Women's presence in politics has introduced an independent element which compels better nominations. It has been a great success in Colorado. Women will always be found upon the moral side of every question. It can not be that our mothers, sisters, and wives would have anything but an elevating influence on government.

Gov. Joseph M. Carey, of Wyoming, has issued a public statement within the last 30 days, in which he says:

Woman [in Wyoming] exercises her right to vote and hold office as a matter of course. I am satisfied that women's influence in political matters has been good. I know it has been a great advantage to women, as girls in schools and in young womanhood make preparations to hold positions of responsibility in civil as well as in official life. Not 2 per cent of the voters would deprive woman of her rights in this State. Within the last few years I have been more strongly impressed that it is right that women should vote and hold office because of the fact that many women have come into very important and responsible positions.

Ex-Gov. Hunt, of Idaho, says:

The woman vote has compelled not only State conventions, but, more particularly, county conventions of both parties to select the cleanest and best material for public office.

Judge Ben Lindsey, of Denver, says:

One of the greatest advantages of woman suffrage is the fear on the part of the machine politician to name men of immoral character. While many bad men have been elected in spite of woman suffrage, they have not been elected because of woman suffrage. If the women alone had a vote, it would result in a class of men in public office whose character for morality, honesty, and courage would be of a much higher order.

He further says:

We have in Colorado the most advanced laws of any State in the Union for the care and protection of the home and the children. These laws, in my opinion, would not exist at this time if it were not for the powerful influence of woman suffrage.

He also states that the juvenile court in the city of Denver would not be in existence, and that even if it was, he would not be its judge if it had not been for the woman vote. Both party organizations have been against him for years and he has been nominated upon independent or citizens' tickets and elected by the women by overwhelming majorities.

It is universally conceded among all those who are in position to know that equal suffrage has raised new standards of public service, of political morality, and of official honesty.

Before the franchise was granted, women's property rights in Colorado had all been fairly well secured, and since that time the last discrimination has been removed; so that with respect to property women are on a basis of perfect equality with men.

The splendid record of equal suffrage in Colorado for nearly 20 years is not only utterly ignored by the antisuffragists, but is brazenly denied. Defiantly disregarding all facts and figures, prejudiced scribblers have rushed roughshod over honor, honesty, and decency in a desperate effort to secure something for their muckraking magazines that could be distorted into a showing or pretense that equal suffrage has proven a failure in Colorado. Only the people of the State can fully appreciate the infamous extremes to which irresponsible falsity and scurrility have been carried by venal writers and speakers. The facts from which the true value of equal suffrage can be argued with mathematical certainty are easily obtainable. The ordinary honest man is not vicious in his opposition to equal suffrage. Some writer has said that with him it is more a matter of sex antagonism, or a survival of the feudal instinct. While there are undoubtedly many reputable men in Colorado and also quite a number of good women who are still opposed to woman suffrage, certainly no man or woman would ever dare advance the so-called arguments that are in vogue in the East. Everyone in our State knows that the Colorado women have grown in strength and efficiency without the loss of the essential womanliness or sacrifice of any valuable traits.

SAMPLE "ARGUMENTS" AGAINST EQUAL SUFFRAGE.

An opponent quotes a newspaper interview with a former United States district judge in Colorado, published a good many years ago, in which he is reported as saying, "If it were to be done over again, the people of Colorado would defeat woman suffrage by an overwhelming majority." Woman suffrage was originally granted in Colorado merely by an act of the legislature, and ratified by a referendum vote, in the fall of 1893. This was done under a peculiar clause of the State constitution, which allowed the ballot to be extended to women in that way. For eight years woman suffrage existed only as a statute, not as a part of the constitution. Since that judge expressed the opinion that the people of Colorado would repeal it if they could, Colorado has, in 1901, amended the part of her constitution relating to the qualifications of electors, and formally struck out the word "male" and incorporated woman suffrage into the constitution itself by a majority three times as large as it received when first submitted and adopted in 1893. There have been a few ladies in the State who on certain occasions have expressed their disapproval of woman suffrage. Everyone has a perfect right to express his or her opinions, and I am not going to criticize them.

I make no reference to them, but will call attention to a trait of human nature. We have all noticed small children, especially some of them who are raised with a silver spoon, humored too much, and are badly spoiled and headstrong, who, if they can not always have things all their own way, will not play. Everybody can not be elected or even nominated to office, and everybody can not dictate who shall be nominated or what officials shall do after they are elected.

Women, especially during the past few years, since they have become thoroughly well qualified, use their judgment very discriminately and wisely in the selection of candidates. The result is that the women's vote has been the means of defeating

a great many men and some women who had political aspirations in our State; and while many defeated candidates and thwarted politicians have been good losers, some of them have not. And after every convention and every campaign there are a few people who are thoroughly convinced that woman suffrage is an ignominious failure, and the way they conclusively prove it is by admitting it in the eastern papers. Of course, that may be convincing to some people, but it hardly is to thinking people. And yet any disgruntled politician or disappointed candidate or woman whose pride has been piqued can give out a statement and it will be eagerly seized upon by the opposition press of the whole United States and heralded from one end of the country to the other. The only surprising thing to me about it is that in 19 years the antisuffragists never seem to have but twice been able to get any statements of that kind, which was done a few years ago and published in a rabid antisuffragist periodical and are being repeated ever since and put in the hearings again, here, now.

Some thoughtless or malicious individuals have asserted that the ballot has had a bad moral effect on women. If this were true, the ministers would certainly be likely to have found it out. In 1910 Mrs. Julia Ward Howe addressed a circular letter of inquiry to all the Episcopal clergymen and to all the Methodist, Baptist, Congregational, and Presbyterian ministers in Colorado, Wyoming, Utah, and Idaho; also to Sunday school superintendents and to editors. She asked whether the effects of equal suffrage were good or bad. The results of her investigation were tabulated and published in the Woman's Journal of October 15, 1910. The replies of the Episcopal clergymen were in favor more than 2 to 1; of Baptist ministers, 7 to 1; of the Congregational ministers, about 8 to 1; of the Methodist ministers, more than 10 to 1; and of the Presbyterian ministers, more than 11 to 1. The answers from the editors were in favor 8 to 1. In all, 624 replies were received, of which 62 were opposed, 46 in doubt, and 516 in favor. These figures speak for themselves.

It is a maxim in war and politics, and we sometimes follow it in the House of Representatives, namely, learn what your adversary wants and then do the other thing. Every vicious interest in the country would a thousand times rather continue to contend with women's "indirect influence" than try to cope with women's votes.

A fellow that is no good can usually inveigle some good girl into marrying him, but he can not fool the entire female population, and when he runs for office they will quickly size him up and, in the language of the street, hand him what is coming to him.

PRODUCES BETTER NOMINATIONS.

Women always inquire about the character of candidates. Everyone knows that neither party loyalty nor any other influence can prevent the great majority of women from scratching their tickets for good nominees as against bad ones. The result is, there is not a State in the Union where the moral character of all the nominees of all leading parties and their standing as good citizens in the community is any higher, if it is as high, as it is in Colorado. It makes no difference how much electioneering there may be done in behalf of the party nominees, when a woman goes into the booth and pulls the curtain behind her and is left alone with the ballot containing 50 to 75 names, she remembers having gone over a sample of that ballot before she went in there, and she knows the men she is going to scratch and those she is going to vote for. And while she usually begins by writing the party name at the top of the ballot, the same as her husband would do, she does not stop there. She goes down the line with her pen, and when she stops she has voted what she believes is a good, clean ticket. I think one of the greatest benefits that has come to Colorado, and will unquestionably come to any State, as the result of woman suffrage is the fact that is universally recognized, and which no honest man who knows what he is talking about will deny, that woman suffrage has brought about a better class of nominations for all offices. They are always specially concerned about local offices. They always know, or know of, the candidates and vote with the greatest discrimination on county and city offices. The two parties being so nearly evenly divided in Colorado, it makes it imperatively necessary for both parties to nominate the best men they can possibly select in order to secure their election.

During a campaign in Colorado the women always quietly try to learn the character of the nominees on each ticket. The questions uppermost in their minds about a candidate are, Is he a good man? Is he good to his family? What are the influences behind him, and what are his business associates and moral surroundings? What kind of an official will he make?

Political meetings in Colorado are nearly as largely attended by women as by men. Considering their opportunity to go to meetings, the attendance of women is larger in proportion than the men. My wife is not only the best but in fact the only political adviser I ever had; and every successful public official in Colorado, if he told the truth, would make this same confession.

Ex-Mayor Robert W. Speer, of Denver, says:

Woman suffrage has been an important factor for morality and better government in this State.

One hundred mayors of the cities and towns of Colorado and the governor and nearly all the State officials issued a public statement some time ago in which they officially asserted most positively that woman suffrage has placed better men in office than under the old masculine rule; that a man must now possess a good moral character to gain a position within the gift of the people; that anyone who wants good government ought to be in favor of woman suffrage; and that our women take as much interest in elections as the men and exercise their right of citizenship with equal if not better intelligence than the men. As a good mother purifies the home, so her influence purifies society and politics.

Women are instinctively and invariably opposed to all evils that threaten the home or the Nation. Women's public life is under a microscope. The occasional faults or foibles of some of them are eagerly seized upon and exaggerated by adverse critics as fair examples of the character and conduct of the entire sex. A few feather-headed and erratic individuals may be found everywhere and in both sexes. But common sense will ultimately prevail and these biased and wanton criticisms will pass and the place thereof will know them no more forever.

COLORADO IS SATISFIED WITH EQUAL SUFFRAGE.

Light usually comes from the east, but in this case it is coming from the west. The logic of a progressive civilization leads inevitably to equal suffrage. Any assertion that equal suffrage does not work well where it has been tried is either based upon inexcusable ignorance or actual dishonesty. A proposition to revoke the right of equal suffrage in our State would be overwhelmingly defeated by the men themselves. I believe at least 85 or 90 per cent of the men and fully 95 per cent of the women would vote against it. In fact, there is no talk of repealing it. There is no discussion about the matter in that way, except from other States. We accept universal suffrage in Colorado as final. We think no more about women voting than we do about bald-headed men voting. They are both intelligent human beings and good citizens. We would no more think of attempting to deprive the women of the right to vote than we would of surrendering our State charter and reverting to Territorial days. The principle of the equal rights of women is irrevocably determined. Woman suffrage will not make a human paradise of society in a day, or in 20 years. But it will and has helped marvelously to make human society more human and make of this country a true democracy, which is neither a class government nor a sex government, but a government of all the people, for all the people, and by all the people.

EQUAL SUFFRAGE IS SOON COMING IN EVERY CIVILIZED NATION.

It is the great question of the age. The world is loath to accept new ideas. Custom has always been a tyrant on the minds of men. Reforms have always been viewed with suspicion. A stubborn attitude of resistance to change may be classed almost with the instincts of the race. Some one has said that there has never been a new doctrine promulgated in all history that has not met with bitter resistance, and that it is a safe general proposition that any conduct widely at variance with an established custom will first be regarded as immoral, immodest, or at least unbecoming. These characteristics of the race constitute one of the basic reasons for the hostile attitude of society on the question of woman suffrage. It is custom and not reason that women have always had to face in their fight for the ballot. Sneers and misrepresentation will temporarily even overcome the command, "Do unto others as you would have others do unto you." But the greatest intellects of the human race have from the beginning of civilization to the present time acknowledged that naturally women are intellectually our equal and morally our superior, and that they are entitled to all the rights that men enjoy. It has been the partisan, the prejudice, the bias, and smaller minds that have always desperately opposed any advance of womanhood. I sometimes wonder if some of these individuals do not harbor a shrinking consciousness of not being equal to compete with or willing to face the result of fair treatment to women. I can not resist having a lingering suspicion that the actions of some men are a tacit confession of fear of the risk to which it would subject their imagined superiority. Practically every

broad-gauged statesman of the world has denied that any portion of the human species has a right to prescribe to any other portion its sphere, its education, or its rights. The sphere of every man and woman is that sphere which he or she can properly fill. The enfranchisement of women is a constructive measure. It is the next logical step in the political evolution of this country. No opportunity should ever in our country be closed to any human being who has the capacity to work therein. It is a disgrace to this country and to this enlightened century to longer disfranchise the patriotic and intelligent womanhood of this Republic. There never was a time in the history of the world when the mass of women was so intelligent, so right living and public spirited. Jane Addams and Mrs. Harriet Taylor Upton and thousands of other noble women, who have for nearly a lifetime been working in this splendid fight for womanhood and humanity, are entitled to the encouragement of our commendation and active support. I glory in the fact that they have enough zeal and patriotism to trample under foot the sneers of some of the members of both sexes and to carry on their magnificent work to victory. The world has never enfranchised as patriotic a class of people as the American women are to-day. Patriotism is not confined to the male sex. Let us be big enough, broad-minded enough, humane enough, and honest enough to treat the women of our country as fairly as they are being treated in China. Let us be men enough to give the women a square deal. Let us show to the world that we believe in the Declaration of Independence. Let us evolve our male oligarchy into a twentieth-century democracy.

ANTIQUATED OBJECTIONS.

In referring to the arguments of the opposition to equal rights in this country, an eloquent Senator once said:

> We find only the same ancient footprints, the same things that satisfied men thousands of years ago and which never did satisfy any woman that we know of.

Wendell Phillips, in October, 1851, in his eloquent and celebrated lecture, answered all of the arguments against woman suffrage that I have ever heard of, and time has conclusively corroborated the correctness of what he said.

All the old objections have been swept into oblivion by modern experiences, and people who repeat them are mostly inexcusably ignorant or merely obstinate. Specious objections, slurs, and coarse laughter are no longer arguments. But unfortunately in no society has life ever been completely controlled by reason, but mainly by instinct, habits, and customs growing out of it. The race has suffered much through the tyranny of prejudice. The human family has been burdened during all the ages by common prejudice and much ignorance. Many people do not keep pace with the movement of the world about them.

St. Paul's command that women be in subjection, keep silent, and learn wisdom from their husbands has long since lost its authority. The old assertion that women should not vote because they have not as much brains as the men was accepted as a conclusive argument for some time after the stone age, but people do not waste much time considering it now. In fact, the human race has developed too much at the present time to countenance dilettante speculation and nice theories about women's sphere and the female intellect and the duties of wife and mother, which are contrary to everyday common sense.

It is probably a waste of time to argue against prejudices that are unreasonable and can not be reasoned down. Some people will harbor their biased and prejudiced notions until they cross the great divide. The woman's success in all the fields in which she has been allowed to enter constitute a solid phalanx of thousands of indisputable facts, which demonstrate her capacity and merit, and we must appeal to the reasoning and thinking people to determine this question.

Some one has said in substance that theories are thin and unsubstantial air against the solid facts of women mingling with honor and profit in the various professions and industrial pursuits of life.

When I think of the 7,000,000 wage-earning women and girls in this country, I often wish I had the time to write a volume on equal suffrage. I would entitle it "Seven million reasons for the enfranchisement of women." In view of my actual experience and personal knowledge of the effect of woman suffrage, I have never yet seen or heard an argument against woman suffrage that had in it what seemed to me any justice or common sense. To us men of Colorado, people's prejudice against the woman's vote is incomprehensible. But when we think of it, we realize that it is due partially to lack of information of the evolution, the actual scheme of civilized life, and to the changed conditions of the present day, and also to a more or less inherited masculine repugnance to women having any public capacity or recognition whatever. While in one sense that sentiment of men may be called chivalrous, yet, in another sense it is extremely selfish. It is not chivalrous nor even honest to be willing to permit a woman forever to do exactly the same labor as a man and only receive from one-third to one-half of the pay for it.

Did you ever stop to think that none of the antisuffragists have ever come out to the States where we have equal suffrage and endeavored to show our women and men the error of their way? There is a very good reason why they never do. The archæan objections and medieval arguments that they are still using in other parts of the country have been so conclusively discredited and shown by our actual experience to be ridiculous, that no one in our country would listen to them for a moment. We do not mean to be discourteous to anyone.

Everyone has a right to his or her own opinion, but when objections are diametrically opposed to what we know are the facts and are everyday common experiences we can not resist looking upon people who shut their eyes to these conditions as either lacking candor or as being mental relics of former generations. In future years we will look back and marvel at the supreme effrontery of the male population arrogating to themselves all the wisdom, honesty, and patriotism for so many generations after generations. Posterity will be amazed when it reads the history of the many centuries that women were disfranchised.

THE POWER OF THE BALLOT.

Samuel Gompers, president of the American Federation of Labor, says:

> I am for unqualified woman suffrage as a matter of human justice.

Jane Addams says that her strongest reason for wishing women to vote is because she has seen and deplored the unfortunate effect upon the character of women of the indirect method of persuasion and cajolery which their present voteless condition compels them to use in their rarely successful endeavor to secure the legislation of which they and their children are so sorely in need. For their own sake women must vote.

Ex-United States Senator Thomas M. Patterson, proprietor of the Rocky Mountain News, has for over 40 years been a champion of human rights and a defender of equal suffrage.

Ex-Gov. Charles S. Thomas, of Colorado, says:

> To the bread-winning portion of the female sex the ballot is a boon. She is a factor whose power must be respected. Like her brother, she must be reckoned with at the polls. Hence it is her buckler against industrial wrongs, her protection against the constant tendency to reduce her wages because of helplessness. If no other reason existed for conferring this right upon womankind, this, to the man of justice, should be all sufficient. Whoever accepts the doctrine of the Declaration of Independence must believe in the right of woman to vote.

Without quoting further extracts I will give a brief symposium of a collection of articles by various writers and a synopsis of many speeches that accord with my judgment and experience upon this subject.

Our Government is controlled by politicians and politicians are controlled by the ballot. While indirect influence has accomplished a great deal, nevertheless we know that it is a wholly inadequate substitute for the actual power of the ballot. Legislators and public officials everywhere give very little heed to any demands that are not backed by the ballot. When the women are enfranchised they not only have a voice in the making of the laws, but they are in a position to enforce them. They can make or unmake the officials who refuse to perform their duty. We in Colorado know that it is simply absurd to assert that women who vote can not get what they wish much more easily and in a far more dignified way than the women who do not vote. We know that "virtual representation" is a delusion—it does not exist. We know that the ballot is the right protective of all rights.

We all remember that about a year ago an Italian woman, Angelino Napoletino, was sentenced to be hung in Canada for having killed her husband after much brutal treatment from him, including an attempt to compel her to become a white slave. Owing to the aroused public sentiment throughout the United States and Canada her sentence was finally commuted to imprisonment for life.

In Leadville, Colo., within the past year, a woman was arrested for identically the same crime and under almost exactly the same circumstances. She was poor, ignorant, and friendless. In her cell she wondered to herself whether the authorities would hang her then or wait until her babe was born. When her case was called in court the district attorney arose and said: "The public sentiment of Colorado will not condone me in prosecuting a woman under such circumstances"; and she went free. We have capital punishment in Colorado, only applicable, however, to the most heinous cases. But the con-

science of the State would not permit the hanging or even the imprisonment of a woman for killing her husband in defending her own life and honor.

The first right the first woman on this earth started to secure was the right to know, and she has been working for thousands of years for the right to learn and work, and she is now seeking the right to control her own property, her own mind, and her own welfare. Her long years of struggle for equal rights is now culminating in a world-wide demand for equal suffrage for women, because there are no rights, either natural, social, or individual, that can be permanently maintained either politically or in the courts at law save by the possession of political rights.

The good women of Massachusetts, in 1902, after earnestly working for 55 years, succeeded in getting a law making mothers equally with the fathers the guardians of their minor children. The women of Colorado passed that bill in less than 55 days after the convening of the first legislature after they were given the right of franchise. After a half century of earnest effort by "indirect influence," only 15 out of the 48 States have granted that right to the mothers. In 33 States a father is the sole legal guardian and can to-day give away his children—in some States even an unborn babe—and the mother is helpless.

The good women of Illinois appealed to their legislature for nine successive years before they succeeded in securing a State industrial school for girls. Senate bill No. 1 in the first legislature that met in Colorado after the enfranchisement of women provided for the establishment of a home for dependent children. The women shot that bill through the legislature, the home was built, and in less than six months the State was mothering her motherless children.

Women are not only learning what their natural legal rights are, but they are learning that the only way to secure them is by the proper, frank, and direct way, not by trying to influence somebody else.

They are learning that citizenship is a pearl of great price, and, like other pearls, it must be worn and come in contact with human lives if it retains its luster.

COLORADO IS THE TOP OF THE WORLD.

Colorado is the bright jewel set in the crest of this continent, where she shines as the Kohinoor of all the gems of this Union.

The Centennial State is a beacon light to all her sisters. We are supremely proud of the advancement that we have made, and we are frank in according to our women their just and full share in its accomplishment.

The voting women of the Mountain States have with splendid patriotism to the country and with a loyalty to their sex that is worthy of the highest commendation throughout this land pledged themselves to never cease working for the adoption of woman suffrage until every woman from sea to sea and from the Gulf to Canada enjoys the blessings of political equality in the same degree that they do. They refuse to be content with their own freedom so long as their sisters are in bondage. They look forward confidently to the day when all women "shall be enthroned upon justice and equal opportunity and shall taste the fruits of that genuine fraternity which gives to all humanity the power of self-expression."

There is no foundation, in fact, whatever for the assertion that women can not compel the enforcement of the laws. No trouble of this kind has resulted from equal suffrage in practice. The laws are fully as well enforced in the enfranchised States as in adjoining States where women have no vote. Where women have the full ballot they have often defeated bad candidates for higher offices, but no riotous uprising has ever followed. In fact, the suggestion that a law which was supported by a majority of the women and duly enacted would not be enforced is a libel on American manhood.

The International Congress on Child Welfare and the National Congress of Mothers meet here every year. Those noble women are doing a splendid philanthropic and humanitarian work for the proper care and civic uplift of our youth. But just think what a power for good to our race all those good ladies would be if they had the right of citizenship. Their work would be 100 times as efficient. If they and their sisters could vote, you can stake your life on the proposition that the politicians from Maine to California would sit up and take notice. We would have at least one woman juvenile court judge in every large city. They would have a mothers' compensation law, and thousands of other reforms that would be for the betterment of the race. They would get their laws enacted by Congress and by every State in this Union, and they would get them now, not after most of these noble women have gone with a discouraged heart to their final reward.

In spite of politicians and political machines, organized bodies of women are constantly securing measures for the alleviation of wrongs and for the bettering of social conditions. Women have just as much at stake in the Government as men have, and they share equally in the benefits of a good and suffer equally the evil consequence of bad government. They feel as never before their responsibility concerning sanitation of cities, conditions of streets, schools, labor, wages, charities, reforms, and every question which relates to the welfare of the people; and they realize as never before how powerless they are without the ballot.

The right to vote commands recognition from all political parties and representatives, which nonvoters never receive.

We will never obtain our highest ideals of citizenship until free men and free women work together for the establishment of the highest human justice.

EQUAL SUFFRAGE PROTECTS LABORING WOMEN.

The status of women in this country has been and is now passing through a marvelous transformation. It is only a few years since it would have been looked upon as almost disreputable for a woman to work in a store or as a clerk in an office. That situation has entirely changed. If our social conditions could be perfectly ideal; if every girl when she reaches the age of discretion could be happily married to some man who would support her as he should and properly care for the family, the question of woman suffrage would be of much less concern. But to-day one-fifth of all the women of this country are compelled to earn their own living by their daily labor. Nearly 7,000,000 women are wage earners to-day, and the number is constantly increasing. Woman suffrage is not responsible for bringing about that condition. It is the economic change that is going on in the life of this Republic. If the right to vote was taken away from the laboring men of this country to-morrow, they would within one year, and in many places within one week, be reduced to a condition of practical slavery; and it is little less than inhuman to compel the 7,000,000 women to work in this country under conditions that would be absolutely intolerable for men. I look upon this as a matter of common humanity. No class of human beings can compel or will ever secure fair treatment either in the courts or any other place unless that class is given the power of the ballot. If the right of franchise is as important almost as life and death to men, why is it not equally important to women? If the laboring man's vote can enforce fair treatment, labor legislation, and decent rules, at least comparatively so, why would not it produce the same effect in the hands of women? It certainly appears to me that every fair-minded man in this country, every man who is in favor of a square deal and of fair treatment to his fellow man, and especially to the womanhood of the country, ought to heartily join in giving the women this right. If any of them do not want to exercise it, they need not do so. They are like children who do not want to go to school. They usually grow up to appreciate the importance of it, and these good ladies will reach that stage some day. There will be enough of them who do need the ballot and will honestly exercise it to creditably represent all of them.

Every adult who is not an idiot or a criminal is entitled to representation in his own government affairs.

Woman suffrage is a necessity, both from a political and economical standpoint. A nation can not long exist that tolerates conditions that discourage marriage and prevent the possibility of motherhood.

The low pay and hard conditions of working women are largely due to their disfranchisement. With the ballot the women who do exactly the same work as the men will enforce the same pay. She can not possibly protect her interests as a wage earner without the ballot. I appeal for the 7,000,000 working women of this country. I can not resist feeling that it is a crime against humanity to deprive them of the right to protect themselves, which they can only do by the ballot. She is forced to compete in the labor market with those who have full political rights, while she herself is a political nonentity. Extend the horizon of her life and the protection of her purity and the conservation of her virtue and her motherhood. All that the ballot is to man it is and will be that and even more to women. Work should be paid for not according to the sex of the worker, but on the merits of the work. Where a woman is equally well equipped to do a certain kind of work, and does do it equally as well, she is entitled to the same rate of pay as a man. But she does not get it, because she can not compel it.

Women claim the ballot as their inherent right, and they use it in the line of their duty as good citizens for the enforcement of the laws and the protection of society. Frances Wil-

lard once said that the best thing in the nineteenth century was woman's discovery of herself. One of the best things thus far in the twentieth century is woman's discovery of her duty to help others.

It is not a logical or any reason to refuse the franchise to all women because some women do not recognize the duty of voting. The women who so much need the right to vote do not desire to compel their sisters to vote. If the good ladies who oppose woman suffrage do not desire to perform the duty they owe to society of expressing their opinion by marking a ballot, they need not do so. But I deny that they have any right to try to prevent their sisters from securing the right to protect themselves and perform their obligations to humanity.

The most important subject, in fact, the greatest problem, before humanity to-day is—

THE CONSERVATION OF THE HUMAN RACE.

The conservation of motherhood and childhood. Where married women are forced to work in factories the birth rate decreases and the death rate of children increases alarmingly. Many kinds of work as now performed by women is injurious, and the demand for more protective legislation for women workers is constantly increasing. The handicap against woman is too great for her to bear. Woman is now compelled to work under conditions that ruin her nervous system, undermine her strength, and unfit her for the duties of marriage and motherhood. The result is it discourages marriage, which is unquestionably an alarming evil. Women are compelled to undercut wages.

No man is free unless he has the fullest rights of citizenship, independent of all limitations. The right to vote is the highest test of liberty.

If men were superhuman, the interests of women might be sufficiently represented by men, and the horrors of the sweatshops would be largely if not entirely removed.

The late Hon. Carroll D. Wright, while still National Commissioner of Labor, said:

The lack of direct political influence constitutes a powerful reason why women's wages have been kept at a minimum.

Thousands of women are to-day working at starvation wages, and the conditions of women's work are getting steadily worse instead of better as the number of women workers increases. Anyone who will study the recent investigations of women's work and wages will painfully realize that working women, even in the United States, where there are fewer women and more favorable conditions for women workers than anywhere else in the world, except Australia, need all the help the ballot will give them. In fact, women, even more than men, need the ballot to protect their special interests and right to earn a living.

The experience of all history goes to prove that a disfranchised class can not protect its liberty. It is not a theory, but a condition that confronts us. These millions of women must be permitted to earn their living in an honorable way. To my mind one of the strongest reasons for granting women the right of suffrage is the imperative necessity of her having that power to protect herself in the conditions under which she must work. The need of work is so great and the number of women that must be self-supporting is so large that the employers have been at liberty to dictate their own terms to the workers without regard to whether the wage offered is a living wage. If it is right that we should regulate child labor, it is equally right that we should regulate the conditions surrounding women in industry.

While I have never given the subject any extended study, yet my impression is that there ought to be established in this country a minimum wage commission to consider this subject. They have provisions of that kind in other countries, and they have apparently worked with great success. It would seem as though the soul of any fair-minded person would be moved to see the virtue of unhappy women exposed to the terrible kind of modern commercial life and subjected by hopeless poverty to the heartless demands of vice. With the ballot the economic condition of women will advance and the chance to live clean and happy lives will be greatly improved. The granting of the ballot to women is along the line of higher development of our humanity. To-day women are engaged in 300 different kinds of industries. To me that is—

300 GOOD REASONS FOR EQUAL SUFFRAGE.

I am not willing to longer sacrifice the virtue and health of the girlhood of this country upon the altar of a groundless prejudice. Women are ground down by the competition of their sisters to the very point of starvation. To my mind, the political enfranchisement of women is absolutely essential to the economic independence of the working classes, and it has become the world-wide issue of immediate and vital importance to the very existence of democracy.

The wage-earning woman or girl to-day has absolutely no chance beside her brother, simply because she is not a recognized citizen by virtue of the ballot. I coincide with the humane belief that it is brutal and inhuman to force a woman to compete with those who have full political rights while she herself is a political nonentity. All workingmen and all men of every class regard the ballot as their greatest protection against the oppression and injustice of other men. It is only necessary to ask ourselves what would be the fate of any political party whose platform contained a plank depriving laboring men of the right to vote. No woman on this earth can be engaged in a higher or nobler or more humane work than in making an earnest and persistent fight for the right of her weaker and less fortunate sisters, who, through poverty and oppression and incessant toil, have no power to fight for themselves. It has always seemed to me to be a strange trait of human nature that anyone should strive so hard to prevent others from acquiring rights which they so much need, because, forsooth, he does not need them. Because I am well fed and well clothed is no reason why I should try to prevent others from enjoying the same.

ADDITIONAL "ARGUMENTS" AGAINST EQUAL SUFFRAGE.

I observe that one of the ladies who acts as the official representative of an organization opposed to woman suffrage has just presented an argument to the Judiciary Committee against my pending constitutional amendment for equal suffrage. I will only refer as a sample to one of the grounds of objections which she presents, viz:

Because the suffrage is not a question of a right or of justice, but of policy and expediency; and if there is no question of right or justice, there is no cause for woman suffrage.

I had supposed that people had ceased to dispute—

THE ABSTRACT RIGHT OF EQUAL SUFFRAGE.

Natural justice is all on the side of women. If all people should take part in government; if women are people; if mankind are and of right ought to be free and equal, in the sense that they are equally "entitled to life, liberty, and the pursuit of happiness"; if all human beings are equally entitled to protection before the law; if, as Lincoln said, "No man is good enough to govern another without that other man's consent"; if "taxation without representation is tyranny"; if our Government is founded upon the doctrine of "equal rights to all and special privileges to none"; in other words, if we believe in the principles enunciated in the Declaration of Independence, surely we can not admit that any class of human beings has a right to the exclusive usurpation of these powers and rights, or that these universal principles of eternal right can be justly denied to any intelligent human being merely on account of sex.

President Lincoln also said that "This Nation can not exist half slave and half free." In a republic the ballot is the citizen's right, and in the United States women are arbitrarily deprived of this right. I look upon the recognition of women as citizens as being an act of simple justice; and I can not appreciate either the logic, common sense, or honesty of refusing to grant an act of simple justice to women merely because they are women. The present civilization will not much longer permit the physically stronger half of the human race to ignore the plain rights of the physically weaker half. The reasons why women should vote are the same as why men should vote, the same as the reasons for having a republic rather than a monarchy. A noted speaker has eloquently said that we can not play fast and loose with the eternal principles of justice without being sooner or later caught in the net of our own weaving. Women are one-half of the human race. Why should they be born, educated, married, divorced, and buried under laws made exclusively by men? Why should laws regulating women's labor, women's taxation, women's guardianship of their own children, women's power of will, be enacted without the consultation of women? Why should women and their children eat impure food, drink poisoned water, catch diseases, and live under immoral and degrading conditions over which they have no control?

The natural right of a woman to vote is just as clear as that of a man and rests upon exactly the same ground. The woman's-rights movement is a feminist evolution. Women should vote because they are women. To have a voice in choosing those by whom one is governed is a means of self-protection due to everyone. Democracy is not a matter of sex any more than it is a matter of race. The disfranchisement of women is a brutal usurpation of power, a relic of primitive barbarity

when might made right, which has become unworthy of a chivalrous modern manhood.

Another assertion made by the opponents is a denial that—

WOMEN WANT EQUAL SUFFRAGE.

At the time we submitted the question of equal suffrage in Colorado there were a great many women—in fact, a large per cent of the women—who were indifferent. The large number of newspapers and men and women who have been engaged for a half century in ridiculing, cartooning, and slurring the advocates of woman suffrage has necessarily had an important effect upon opinions of many women. But, notwithstanding the terrific power of ridicule and the effect of a great many so-called arguments and objections that we in Colorado know are absolutely ridiculous, the cause of woman suffrage is making the most marvelous progress of any reform movement in this Nation. It has made more progress throughout this country during the past 5 years than it made in the 50 years preceding that, in the general awakening of the country to the justice, and in fact, the necessity of giving the women of this country the right to participate in the making and enforcing of our laws, and in determining who their public officials shall be. As intelligent and thinking human beings, as an equal half of this human race, with the same patriotic desires for good government, with really more at stake and a greater interest in the welfare of society than the male half of humanity has, it is inconceivable to me and utterly illogical and contrary to nature to assume that the women are unwilling to be granted the permission, if they desire to exercise it, of having a voice in the civic affairs of our common country.

The best and most conclusive answer is that in every State where women have been given the ballot they actually do vote at every general election in as large a proportion to their numbers as the men. That ought to be sufficient answer, no matter what they may have thought before the right was acknowledged. Equal suffrage can no more be prevented from extending to every State in this Union than you can stop the progress of humanity or prevent the ultimate survival of the principles of right and justice.

Ordinarily the light comes from the East, but in the matter of the enfranchisement of the best half of humanity, I am proud to say, the light is coming from the West. Eastward the woman's star of empire takes its way!

There is no more possibility of the right of equal suffrage being taken from the women of Colorado or any other State that has tried it than there is of returning to Negro slavery in this country. One is just exactly as likely as the other. The human race is not going backward. No member of our legislature could ever even get a bill printed, much less considered, that would attempt to take this right away from women, and any assertions to the contrary are utterly and totally without foundation.

MORMON INFLUENCE IN COLORADO.

About the most infamous misrepresentation that I have seen in the press and heard, and which is being heralded broadcast and reiterated all over three-fourths of the United States as an argument against equal suffrage, is the statement that the Mormons hold the balance of power and control the politics of Colorado.

I venture the assertion that there is not one individual out of the 800,000 population of Colorado who is old enough to know anything but what will brand that statement as a malicious falsehood.

I have understood that there is one small settlement in southwestern Colorado that is composed principally of Mormons. They are good citizens and do not take any interest whatever that I ever heard of in the politics of the State, or even in that county. Of course there may be a few Mormons scattered over the State, but actually I am not aware that I am personally acquainted with a Mormon in the State, and my home county joins the State of Utah, and I have known the people of western Colorado for 30 years, and as well probably as any other man. I have never in my life heard, until I came east, that there was any such thing as a Mormon vote in Colorado, or that they cut any figure whatever in politics. I only mention it to show the absurdity and utterly unwarranted viciousness of this attack against woman suffrage by appealing to the public resentment and hostility against polygamy. In the State of Utah the Mormons are and always have been in an overwhelming majority. They control the politics, not by reason of equal suffrage—that has nothing to do with it—but because they are in the majority. The chances are that if an overwhelming majority of the people of any State were Methodists, or Christian Scientists, or Catholic, or Baptist, or any other particular denomination or nationality that that denomination or nationality having an undisputed majority of all the votes would naturally control the politics and the offices.

But it is outrageous to try to invoke the public enmity against polygamy as an argument against equal suffrage. If there is anything under heaven that would prevent polygamy from spreading, it would be the granting of equal suffrage. No denomination or nationality or individual class ever has or ever will dominate the politics of Colorado.

WOMEN AND PROHIBITION.

It seems to me that the opponents of equal suffrage are anything but fair in their statements concerning the relation of women voting to the liquor question. In the cities where there are large liquor interests our opponents warn the moderate drinkers, and incidentally the people interested in the liquor business, that woman suffrage means prohibition. On the other hand, wherever the prohibition sentiment is strong, they loudly proclaim that none of the equal-suffrage States have adopted prohibition or abolished the saloons, and that the liquor interests flourish in those States the same as before the adoption of woman suffrage. Half truths are always the worst kind of deceptions.

In considering the condition of any people or State or city, one must look to their surrounding circumstances and local conditions. Colorado is popularly known as "the summer playground of the Nation." It is one of the greatest resort places in the world and is becoming more and more of a tourist-resort State every year. Owing to the cool nights and delightful summer climate, hundreds of thousands of people from all over the world come there every year, and especially in the summer time. A very large per cent of them are people who are in the habit of using liquor in moderate quantities, and while the liquor trade is only a comparatively small item, yet the revenue derived from the tourists' business every year is an enormous sum. In fact, Colorado's scenery and climate is one of our chief assets and will be worth billions of dollars to her in the future. Those tourists expect to be able to use liquor in a moderate way, the same as they do in every resort place throughout the world. I think that is one reason why the public sentiment of the State does not favor absolute prohibition in Colorado, and possibly it may not do so for many years to come. But when we consider the conditions in Colorado now and what they were before equal suffrage was adopted we have an opportunity of seeing the very great beneficial effect of the ballot in the hands of the women. At the time woman suffrage was adopted, as I recall it, there were only three towns in the State that prohibited the sale of liquor, and there was practically no other dry territory in the State. Saloons generally were open all night and Sundays, and gambling of every kind was wide open, not in every place, but quite generally throughout the State, and there was comparatively little restriction upon the sporting fraternity.

Colorado's population has always been liberal in their views, and the result was that the public sentiment and the conditions that the women had to cope with were a great deal different from what they are in the older States. But they have secured the passage of a good local option law, and the public sentiment of the State to-day approves of it. Under the operation of that law 75 per cent of the agricultural districts is now dry; over 100 of the cities and towns are dry, and practically all the residence portions of all the cities and towns throughout the State are dry. There is no open and very little private gambling. The saloons are closed on Sunday and at 12 o'clock at night. We have high license and strict legislation, and the conduct and management of the saloons are orderly. In fact, the great majority of the saloon people themselves are earnest in their efforts to comply with the law.

Of course there is more or less contention between the saloon and antisaloon sentiments. But no one can justly criticize woman suffrage because it has not made Colorado a prohibition State. The women are entitled to most of the credit for bringing about this moral and businesslike regulation and reduction of the liquor traffic in our State. They have been greatly assisted by a large number of good men and also by the Anti-Saloon League of Colorado.

While I have no definite statistics on the subject, I believe the saloon-license records will show that in proportion to the population there are not one-fourth as many saloons in the State to-day as there were 20 years ago.

So that whether they have satisfied the antisuffragists and eastern prohibitionists or not, the women of Colorado have, under the conditions existing in our State, made a magnificent record in the cause of temperance and orderly conduct during the time they have had the ballot.

Women will not tolerate disorderly dives or disreputable joints that debauch minors or women; nevertheless, they mean to be just and are disposed to heed the general public sentiment and treat all law-abiding citizens fairly.

The antisuffrage people criticize Colorado for not passing laws to cover conditions that never obtained in our State.

There are some other reckless statements made and published broadcast concerning Colorado that I would like to answer, if time and space permitted. There are also some wanton slanders that are unworthy of consideration. While I would like to characterize them as they deserve, the fact is that the people who make these derogatory statements about Colorado, or about the effect of equal suffrage, are nine hundred and ninety-nine out of a thousand people who never spent a week in the State and know nothing about it. And I simply ask everyone to inquire of people who make statements contrary to what I have said as to their length of residence in our State and their occupation, and I am willing to submit to all fair-minded people whether the statements of 95 per cent of the inhabitants of our State and an equally large per cent of all those who have ever spent any time in Colorado are to be brushed aside by the assertions of a few slanderers whose opinions are based upon hearsay and prejudice.

THE WOMAN'S MOTTO IS "ONWARD."

The women of Colorado will continue to vote. The women of the world will continue to advance. The man or woman who tries to stop them will be justly relegated to oblivion. You politicians had better remember those three statements, because you will have occasion to reflect upon them. This is an age of individual liberty, and the male sex is not humanity, but only half of it.

There will be no backward movement in the fight for equal rights. Not one foot of ground that has been gained will ever be surrendered. And the people who try to make a little temporary notoriety by an attack on the sex are doomed in the end to disappointment, defeat, and ignominious humiliation. The continued disfranchisement of women is a relic of antiquity that belongs to other days. Purblind politicians and people who cling to prejudice in spite of facts as plain as the noonday sun may keep on fighting and misrepresenting the good women of the suffrage States, but they are coming to be as absurd as old Canute when he placed his throne on the beach and commanded the waves to recede.

The women of this Nation have little by little been taking more interest in public affairs, been reading more and becoming more intelligent and better posted, and each day is assisting a little more than the day before in solving the great problems that are to-day affecting the world. To say that she is going to take a backward step is to brand one's self as an imbecile. The 150 good laws that have been placed upon the statute books of Colorado during the past 18 years are a living proof which no one can question that some mighty moral force has held the pen that has written those laws into the history of our State, and that hand is the woman's hand. To attempt to deny that would be the same as denying that Colorado has progressed since her admission into the Union.

In every civilized country on the globe the women are fighting for their rights. They are gradually winning everywhere. The day is soon coming when they will take the place belonging to them—squarely beside the men in the settlement of all public matters. It is a great moral reform.

There will never be any surrender of any of the rights she has secured. There will be no retreat sounded. Their slogan is "Forward, march." And the whole world will rejoice and be benefited when they achieve their ultimate victory.

Just as sure as the night follows the day, this enlightened Republic will extend the right of franchise to women in the very near future, for three basic reasons, namely: First, because it is absolutely right; second, because wherever tried it has proved an unqualified success; and, third, because it is not only expedient, but the industrial, political, and social conditions of this country are rapidly making it imperatively necessary for the preservaton of humanity.

It will be adopted first throughout the West within 5 years; in the North within 10 years; in the East within 15 years; and lastly in the South within 20 years.

There will be a few progressive States that will get ahead of my schedule and a few reactionary ones that will fall behind. But, generally speaking, that is the order in which equal suffrage is inevitably coming throughout this country.

For the purpose of accurately showing the progress that the principles of equal rights is making all over the civilized world I will extend my remarks by inserting a statement which has been carefully prepared by that indefatigable defender of equal rights, Alice Stone Blackwell:

GAINS IN EQUAL SUFFRAGE.

Eighty years ago women could not vote anywhere, except to a very limited extent in Sweden, and in few other places in the Old World.

Time.	Place.	Kind of suffrage.
1838	Kentucky	School suffrage to widows with children of school age.
1850	Ontario	School suffrage, women married and single.
1861	Kansas	School suffrage.
1867	New South Wales	Municipal suffrage.
1869	England	Municipal suffrage, single women and widows.
	Victoria	Municipal suffrage, married and single women.
	Wyoming	Full suffrage.
1871	West Australia	Municipal suffrage.
1875	Michigan	School suffrage.
	Minnesota	Do.
1876	Colorado	Do.
1877	New Zealand	Do.
1878	New Hampshire	Do.
	Oregon	Do.
1879	Massachusetts	Do.
1880	New York	Do.
	Vermont	Do.
	South Australia	Municipal suffrage.
1881	Scotland	Municipal suffrage to single women and widows.
	Isle of Man	Parliamentary suffrage.
1883	Nebraska	School suffrage.
1884	Ontario	Municipal suffrage.
	Tasmania	Do.
1886	New Zealand	Do.
	New Brunswick	Do.
1887	Kansas	Do.
	Nova Scotia	Do.
	Manitoba	Do.
	North Dakota	School suffrage.
	South Dakota	Do.
	Montana	Do.
	Arizona	Do.
	New Jersey	Do.
	Montana	Tax-paying suffrage.
1888	England	County suffrage.
	British Columbia	Municipal suffrage.
	Northwest Territory	Do.
1889	Scotland	County suffrage.
	Province of Quebec	Municipal suffrage, single women and widows.
1891	Illinois	School suffrage.
1893	Connecticut	Do.
	Colorado	Full suffrage.
	New Zealand	Do.
1894	Ohio	School suffrage.
	Iowa	Bond suffrage.
	England	Parish and district suffrage, married and single women.
1895	South Australia	Full State suffrage.
1896	Utah	Full suffrage
	Idaho	Do.
1898	Ireland	All offices except members of Parliament.
	Minnesota	Library trustees.
	Delaware	School suffrage to tax-paying women.
	France	Women engaged in commerce can vote for judges of the tribunal of commerce.
	Louisiana	Tax-paying suffrage.
1900	Wisconsin	School suffrage.
	West Australia	Full State suffrage.
1901	New York	Tax-paying suffrage; local taxation in all towns and villages of the State.
	Norway	Municipal suffrage.
1902	Australia	Full suffrage.
	New South Wales	Full State suffrage.
1903	Kansas	Bond suffrage.
	Tasmania	Full State suffrage.
1905	Queensland	Do.
1906	Finland	Full suffrage; eligible to all offices.
1907	Norway	Full Parliamentary suffrage to the 200,000 women who already had municipal suffrage.
	Sweden	Eligible to municipal offices.
	Denmark	Can vote for members of boards of public charities, and serve on such boards.
	England	Eligible as mayors, aldermen, and county and town councilors.
	Oklahoma	New State continued school suffrage for women.
1908	Michigan	Taxpayers to vote on questions of local taxation and granting of franchises.
	Denmark	Women who are taxpayers, or wives of taxpayers a vote for all officers except members of Parliament.
	Victoria	Full State suffrage.
1909	Belgium	Can vote for members of the counsells des prud-hommes, and also eligible.
	Province of Voralberg (Austrian Tyrol).	Single women and widows paying taxes were given a vote.
	Ginter Park, Va	Tax-paying women, a vote on all municipal questions.
1910	Washington	Full suffrage.
	New Mexico	School suffrage.
	Norway	Municipal suffrage made universal. (Three-fifths of the women had it before.)
	Bosnia...?	Parliamentary vote to women owning a certain amount of real estate.
	Diet of the Crown Prince of Krain (Austria).	Suffrage to the women of its capital city, Laibach.
	India (Gaekwar of Baroda).	Women of his dominions vote in municipal elections.
	Wurtemberg, Kingdom of.	Women engaged in agriculture vote for members of the chamber of agriculture; also eligible.
	New York	Women in all towns, villages, and third-class cities vote on bonding propositions.
1911	California	Full suffrage.
	Honduras	Municipal suffrage in capital city, Belize.
	Iceland	Parliamentary suffrage for women over 25 years.

Post Office Appropriation Bill.

SPEECH

OF

HON. EZEKIEL S. CANDLER, JR.,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. CANDLER said:

Mr. CHAIRMAN: I am glad to vote for this measure, which provides for aid and encouragement in the construction of good roads. [Loud applause.] I always appreciate these great outbursts of applause when I take the floor to speak. I appreciate it because my friends always know when I do talk I advocate those things which are on the side of the people when addressing the House. [Applause.]

Mr. HEFLIN. That is certainly true.

Mr. CANDLER. This bill, Mr. Chairman, while it seems to have been misunderstood by some, is very plain and very simple. As it is short I beg the indulgence of the House while I read it. It is as follows:

A bill providing that the United States in certain cases shall make compensation for the use of highways for carrying rural mail.

Be it enacted, etc., That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair.

Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface.

Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture.

SEC. 4. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 5. That this act shall go into effect on the 1st day of July, 1913.

As is stated in the report:

The basic principle of this bill is compensation by the Federal Government for the use of the roads traveled by the mail carriers in the star route and Rural Delivery Service. The constitutional power of the Federal Government to construct or promote works of internal improvement has been debated from the foundation of the Republic. The chief obstacle thus far in the path of appropriations in aid of road making or of road maintenance within the several States has been the indisposition, at least, on the part of some of the States to agree to any measure of Federal control or authority over their roads.

The danger of Federal interference with State or local affairs has been eliminated in this bill by the form in which compensation will be made, and therefore that proposition can no longer deter anybody from voting for this bill.

The charge has been made that the bill has not received sufficient consideration. This is absolutely unfounded in fact. I assert that no bill has ever been presented to this House which has received more thorough and full consideration than the present measure. In the first place, a conference was called of all the Members practically who had introduced bills of any and every kind on the subject of good roads. Having introduced a bill myself, I had the pleasure of participating in that conference. After an examination of all the bills, and full and free discussion, this bill was framed, and met the indorsement and approval of all those participating in that conference. The people had long demanded some legislation of this kind, and our object and purpose was to all get together and see if we could not agree on some measure which would meet the unanimous approval of all those who had shown an interest in the subject by the introduction of bills. We were very happy in being able to reach a conclusion which removed the objections of all interested, and secured united action in order to accomplish results. After this bill was framed, Mr. SHACKLEFORD was requested by this conference to introduce it in the House, and the various Members interested signed the following communication, addressed to the Committee on Agriculture:

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred with a view to agreeing upon a bill. After careful consideration we have prepared and agreed upon the subjoined bill and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

Ezekiel S. Candler, jr., Mississippi; J. Thomas Heflin, Alabama; Thos. L. Rubey, Missouri; John J. Whitacre, Ohio; Joseph Taggart, Kansas; Joseph Howell, Utah; James F. Byrns, South Carolina; Kenneth D. McKellar, Tennessee; E. W. Saunders, Virginia; William B. Francis, Ohio; Richard W. Austin, Tennessee; Scott Ferris, Oklahoma; D. R. Anthony, jr., Kansas; George White, Ohio; Walter L. Hensley, Missouri; James M. Cox, Ohio; George A. Neeley, Kansas; J. J. Russell, Missouri; J. H. Goeke, Ohio; H. D. Flood, Virginia; Burton L. French, Idaho; T. T. Ansberry, Ohio; C. C. Anderson, Ohio; P. P. Campbell, Kansas; S. F. Prouty, Iowa; W. C. Adamson, Georgia; Bird McGuire, Oklahoma; D. W. Shackleford, Missouri.

Mr. SHACKLEFORD introduced the bill and then presented it to the Committee on Agriculture, together with this communication. The bill was then referred to a subcommittee of the Committee on Agriculture, who gave it thorough consideration, and reported it back to the full committee, and the full committee then reported it to the House. After it was reported to the House it received the consideration of the Rules Committee, who reported a rule to the House authorizing its consideration as an amendment to the Post Office appropriation bill now pending. In view of these facts, nobody can truthfully assert that this bill has not received the greatest measure of consideration.

It has been further asserted on this floor that there is no demand for legislation on this subject in the country. This is equally unfounded, for every well-informed man knows that the truth is that from one end of the country to the other there has been a demand for legislation in the interest of good roads for many years. We who have served in the House for years have seen time and again demands come here, session after session and term after term, asking for legislation for the improvement of the roads of this country. The Republican Party turned a deaf ear to this demand, and now that the Democratic Party, the party of the people, is in control of the House, it is high time that we should respond to this demand and give to the people this legislation.

The people interested largely in good roads are not financially able and have not the time to come to Washington to press their demands. The great business interests of this country possess the money and have the time, and they do come here, and oftentimes, yea, I fear sometimes too often, get what they want. The great mass of the American people is interested in this subject, and as they are not able to come here themselves they must depend upon their Representatives here on the floor of this House to speak for them and voice their sentiments, and vote for thir interest. The question to-day is, Will you do it? [Applause.]

It has been said further that this bill is wrong in principle. When did it become wrong in principle? It is desired by the people of the country, who are the source of all power, and it is to them we, as their representatives, must look for guidance, for wisdom, and for commendation. [Applause.] If it is wrong in principle, why did the two great parties of this country, representing all the people—because I think the people belong to one or the other—why did they in solemn convention each one declare for good roads? Did these two great parties intend by these declarations to deceive the people, or were they really in earnest? I do not believe that they intended to practice a deception upon the American people, because if they did they would be unworthy of the confidence of the people. I believe they were in earnest in their declarations, and that we who represent the people and these two great parties upon this floor must carry out these party pledges and thus be honest with the people and faithful to their interest. [Applause.]

But it has been said that the party platforms do not declare in favor of this proposition. Well, let us see. In the Democratic platform of 1908 we find the following:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

This bill provides for payment for the use of the roads over which rural routes and star routes are operated. These are certainly post roads, because over them is carried the mail of the United States.

The Republican platform of 1908 declares:

We recognize the social and economic advantages of good roads maintained more and more largely at public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of State aid, and we approve the efforts of the National Agricultural Department by experiment and otherwise to make clear to the people the best methods of road construction.

In view of this declaration in the Republican platform and the declaration above mentioned in the Democratic platform, I feel absolutely safe in asserting, without fear of successful contradiction, that the platforms of the two great parties do declare in favor of Government aid for good roads, and I can not see how anybody can deny for a moment, after reading these two declarations, that the two great parties have declared in favor of this proposition. To deny it is to deny the plain meaning of simple English words, for in these two platforms the approval of these two great parties is written as plainly as the English language can express it. [Applause.]

Therefore I come, and I appeal to gentlemen upon the floor of this House on the Republican side to stand by your platform and vote for this measure, and I appeal to my colleagues on this, the Democratic side of this House, to do as they have always done in the past, stand by the people; redeem the pledges of the platform; be honest and faithful to every trust; and give to this measure a unanimous Democratic vote. [Applause.]

I introduced one of the first bills introduced at this session of Congress on the subject of good roads, and I made the first speech that was made during this session in the advocacy of the proposition, and I feel honored upon this occasion that I have had the pleasure of closing the debate in favor of this bill. I am greatly and sincerely interested in its success, and I hope to see it become a law.

While I have the floor in this connection, permit me to refer for a few moments to some other propositions in which I think the people are vitally interested. In this Post Office appropriation bill which is now under consideration there is a provision in reference to the parcel post. I do not believe that the provision in the bill would be satisfactory to any of the parties interested in that great question. Therefore I hope that an opportunity will be given for amendment of that proposition so as to meet what to me seems to be a demand by at least a great majority of the American people. I am a Democrat, and therefore I believe in majority rule, and I believe above everything else in this great Government of ours, in the sovereign power as well as the right of the people themselves to rule. We are their servants and as their Representatives should obey their will. I do not want to see the people of this country longer dominated and oppressed by the express companies which have a practical monopoly of the carrying of packages throughout this great Republic, and it looks to me like the only way to take away from this great corporation the power which they have so long exercised to fleece the American people in the carrying of packages is the establishment of a parcel post by the Government; and therefore when it comes to that issue, as between the welfare of the great American people and the benefit of a soulless corporation, I do not hesitate or falter to decide where I shall and where it is my duty as a Representative to take my stand. I shall stand upon this question, as I have with reference to every other question where a similar proposition was presented—I shall stand for the rights and the best interest of the American people, and the interest of the great masses of the people I have the honor to represent. [Applause.]

Another question is the restriction of foreign immigration. For a number of years there has been pouring into this country a horde of foreigners who have no conception of our form of Government or any idea of the sacredness of our institutions. I shall not at this time, because it is not contained in the bill under consideration, take the time of the House to go into any full or detailed discussion of this subject. I just desire to say that I believe that the time has come when proper and efficient legislation should be enacted that will correct this great evil and save our beloved country from the blight of being overrun, at least to some extent, with an undesirable foreign element.

There is another vital matter which we ought to consider. There is a bill which was reported by a subcommittee of the Agricultural Committee, of which I was a member, and which has been reported to the House by the full Agricultural Committee, which I believe should be considered and passed before this session of Congress adjourns. It is the bill preventing gambling in farm products. The farmers throughout the country are demanding this legislation. They are the bone and sinew of the land, and the producers of the wealth which has made this country the wealthiest country in all the world, and has added glory and honor to the flag which floats above the citizenship of this great Republic. They have come to the Congress of the United States and are asking their Representatives to give them legislation which they believe is in their interest, and it seems to me that their voice should be heard and that this legislation, which I dare say is approved by a very large majority, if not all, of the farmers throughout this beautiful land of ours, should be enacted into law.

I sincerely hope that the bill under consideration in reference to good roads will be passed, and that these other subjects to which I have referred will receive the very best consideration at the hands of this Congress and become law before adjournment is taken; and I sincerely hope the legislation which will be for the benefit of the great mass of the American people shall be enacted into law. If this is done the Democratic Party, which is now for the first time in 16 years in control of this House, will prove itself to be the party of the people and will receive from them that welcome plaudit: "Well done, thou good and faithful servant." [Great applause.]

Memorial to Dr. Crawford W. Long.

EXTENSION OF REMARKS

OF

HON. SAMUEL J. TRIBBLE,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 23, 1912.

Mr. TRIBBLE said:

Mr. CHAIRMAN: Under the leave granted to me to extend my remarks in the RECORD I will print the article in relation to the unveiling of the tablet as a memorial to Dr. Crawford W. Long, the discoverer of ether, at the University of Pennsylvania.

The article is as follows:

THE CEREMONIES AT THE UNVEILING OF THE TABLET.

"Dr. Crawford Williamson Long, who first made use of ether as an anesthetic for surgical purposes, on March 30, 1842, was memorialized on Saturday afternoon, March 30, 1912, when a handsome gilt bronze medallion was unveiled in his honor. The exercises were held in the Medical Building of the University of Pennsylvania. Addresses were made by Dr. J. William White, of the university, and Dr. J. Chalmers Da Costa, of Jefferson Medical College. The medallion was modeled by Dr. R. Tait McKenzie, of the university, and represents Dr. Long as a young man administering ether for the first time to a patient about to be operated upon.

"Provost Edgar F. Smith presided and introduced the speakers, after a brief invocation of Deity offered by Rev. Robert Johnston, of the Church of the Saviour, of this city. The tablet was unveiled by Mrs. Florence L. Bartow, a daughter of Dr. Long, after the address of Dr. J. William White. Dr. J. Chalmers Da Costa followed and the ceremonies closed with a brief reply by Hon. SAMUEL J. TRIBBLE, who thanked the university on behalf of the family and the State of Georgia, for the honor the university had conferred upon its illustrious graduate. The presence of three distinguished Southern ladies, Mrs. Frances Long Taylor, Mrs. Alexander O. Harper, and Mrs. Florence L. Bartow, the daughters of Dr. Long, added great interest and dignity to the occasion. They came from Athens, Ga., for the express purpose of attending the ceremonies, and during their stay in Philadelphia were the guests of the university.

"The addresses follow:

THE RELATION OF THE UNIVERSITY OF PENNSYLVANIA TO THE EMPLOYMENT OF ANESTHESIA IN SURGERY.

(By J. William White, M. D., LL. D.)

"We have come here to-day to do honor to the memory of a son of Pennsylvania who was the pioneer—who actually led the world—in what was, perhaps, the most momentous attack upon pain and suffering—and, indirectly, upon disease itself—ever made in the history of mankind. That specific subject I shall not undertake to deal with in detail. But, as a preface to it, I should like to call attention to the way in which the labors of others, and especially of other sons of Pennsylvania, helped first

to prepare the field for the introduction of anesthesia, and later to profit by it and by the discoveries that followed and largely resulted from it. The interdependence of the sciences has long been recognized, as has the often surprising way in which what is called "pure" science has led to practical results as beneficent as they were unexpected. It seems a far cry from the experiments of our founder, Benjamin Franklin, with his celebrated kite, to the time, nearly 100 years later, when mankind—

"Mid deepening stillness watched one eager brain,
With Godlike will, decree the death of pain.

"And yet these two occurrences, of such tremendous importance to humanity, are connected—and not remotely—by a chain of scientific events; and some of the most important links of that chain were forged by our teachers and alumni.

"If we study the history of the great scientific achievements of the past we shall be struck with the fact that their true origin is almost always to be found in efforts usually distant in time and place, and often made in some other field of human endeavor.

"The only addition of the nineteenth century to medical science that can be compared with anesthesia as a boon to humanity is the recognition of asepsis as a surgical principle. It is easy to show that Lister's grand conception of the relation of bacteria to the diseases of wounds can be traced directly to the attempts of a provincial French chemist (Pasteur by name) to determine why a certain fungus affected the two varieties of tartaric acid differently. In fact, to that piece of chemical work and the further researches to which it gave rise may also be traced not only the magnificent development of aseptic surgery, but likewise our present positive knowledge of the microbic character of infections and our modern treatment of those diseases by vaccines, serums, and antitoxins.

"Examples might be multiplied. The X rays, now absolutely essential to both surgeon and physician, were found by Roentgen while investigating the effect of electricity upon gases, with not the slightest idea of discovering anything of use in the diagnosis or treatment of disease. Bacteriology, itself the foundation of medicine and surgery, is largely based on the reaction of bacteria to certain aniline dyes which were originally isolated merely to establish their chemical properties and commercial uses. The compound miscroscope, without which medicine would be where it was in the middle ages, came from experiments by physicists on the refraction of light, with no adequate thought of the new world it has revealed to us. Some entomologists who, for purposes of classification, were studying the wings and the skin covering and appendages of mosquitoes, accumulated facts that, applied by others, brought the death rate from yellow fever in Habana from 36,000 in a single epidemic (1878) to zero in the years 1902, 1903, and 1904. M. and Mme. Curie, in searching for radium, had no thought that it, like the X rays, might cure superficial cancers. Metchnikoff, a biologist, when he studied the swallowing and destruction of microbes by the living cells of a small crab, did not foresee the manifold applications of the principle of phagocytosis to the cure of disease, and never dreamed of the opsonin treatment and tests of to-day. When (in 1846) Joseph Leidy, afterwards for many years our professor of anatomy, and until his death the greatest American naturalist, found in a slice of boiled ham, from which he had partly made his dinner, the little immature worm, the trichina spiralis, he did not for a moment suspect the significance of the discovery, or that it would ultimately involve hundreds of millions of money and even the peace of nations.

"And so it might be illustrated, almost indefinitely, that the piling up of facts by those born with the impulse to delve into the unknown, or by those with the instinct to bring order out of confusion, and to group, arrange, and classify physical truths and living beings, has always gone on, as it is going on now, and that the great 'discoveries' that constitute the milestones of medical and scientific progress are always the result of the gradual accumulation of material usually made with no reference to its beneficent employment.

"But there is something else than 'facts' needed before the discovery comes. Ether may stand—as it did stand—for 300 years on the chemists' shelves while the tortures and agonies of injury, of disease, even of physiological processes like parturition, go on unalleviated. Men there may be during those centuries with minds as keen and abilities as great as those of any who follow them, but the two—the physical substance and the minds cognizant of its existence—remain as relatively alien and unproductive as flint and steel in the absence of contact, or as the two poles of a battery without a uniting medium. That medium is difficult of precise definition. For want of a better term, it may, for my present purpose, be spoken of as a favoring intellectual—in this case a scientific—atmosphere. This is always of slow formation. The facts are there; the men are there. But the currents of thought, the connecting medium, are absent. By the time the 'atmosphere' has formed, when the world is, as it were, ready for a discovery, there have been almost invariably (perhaps under unconscious telepathic influences of which we as yet know nothing), several minds turning or groping in the same direction.

"One single example must suffice. The crowning intellectual achievement of the nineteenth century was the enunciation—with convincing proofs—of the doctrine of evolution by Charles Darwin. The way had been blazed for him by Goethe and Erasmus Darwin and Lamarck, but their somewhat vague ideas had been allowed to fade into forgetfulness. When, however (in 1858), after spending 14 years in collecting evidence, he was almost ready for publication, he received from a friend, Alfred Wallace, living at the antipodes, who had no knowledge of Darwin's work, a manuscript that contained observations, reasonings, and conclusions that precisely paralleled his own. In November, 1859, he gave his immortal work on 'The Origin of Species' to the world. On October 11 of the same year, a month previous, Prof. Joseph Leidy, in his introductory lectures to the medical class of this university, said: 'We are accumulating facts from which our successors may, perhaps, derive positive opinions in relation to the earliest history of organized beings, whether their species or various forms had a unique or plural origin, and whether or not the race of one age is the descendant of that which preceded it.'

"As we look back, with these ideas in mind, we find that our predecessors at Pennsylvania certainly had their share in the accumulation of the facts and in the formation of the atmosphere that jointly led to the use of ether in surgery.

"In justifying this statement, I must begin (as we always begin here) with Benjamin Franklin, the greatest American of all time. That he founded the university (1740), advanced in every way the cause of general education, built and started the first American hospital (1755), and did all the work as a statesman, a scientist, and an experimentalist with which the world is now so familiar, may not seem to have much direct relation to our subject, except that it was all undoubtedly effective in fostering every sort of intellectual advancement. His most valuable work, however, in preparing the field for the introduction of anesthesia, was in the vigorous and successful fight he waged against the bigotry, fanaticism, and ignorance which then, as now, were opposed to inoculation for smallpox, the greatest scourge of that and of many preceding centuries. Although inoculation had been introduced into this country in 1721, it was still bitterly inveighed against, partly, to our shame be it said, by the reactionaries, the 'standpatters,' in our own profession, and largely by the clergy, who preached against it—as they did a century and more afterwards against the abolition of pain—as 'subverting the decrees of Providence and resisting the punishments of God.'

"In 1732 a Rev. Mr. Massey preached from the text of Job ii, 7: 'So went Satan forth from the presence of the Lord and smote Job with sore boils from the sole of his foot unto his crown,' concluding that 'the cutaneous disease of Job was produced by inoculation from the hands of the devil, and the whole art was of infernal invention.'

"One hundred and more years later a clergyman wrote to Sir James Simpson, who was employing anesthesia in childbirth, and characterized it as 'a decoy of Satan, apparently offering itself to bless women, but in the end destined to harden society and rob God of the deep, earnest cries which arise in time of trouble for help.'

"In breaking down by precept, example, and widespread proclamation of his views this biased and besotted antagonism to a great public benefaction, Franklin was as surely aiding in the discovery of anesthesia and its use as if he had foreseen it.

"The 'most notable American medical assay of the eighteenth century,' according to an unprejudiced Bostonian, was the discourse at the commencement of this university in 1765, given by Dr. John Morgan, which led to the immediate establishment of this medical school, the first in America. The same historian calls Morgan the 'grandfather,' as Benjamin Rush was the 'father' of American medicine.

"No single agency contributed more to the preparation for anesthesia than Morgan's teachings as to medical education with its fundamental relation to the natural sciences, chemistry, anatomy, and physiology. It was begun on that basis in this country and in this school in the same year (1765) and has been carried on through all the intervening years on the same broad principles, through the period of Dr. Long's attendance here and down to the present day. Its influence has been Nation wide—often world-wide—and as a factor in bringing about the condition of medical science to-day it can never be ignored.

"In 1768 Benjamin Rush was elected a professor in this university. He was not only, as Mumford has called him, the 'father of medicine' in this country; he was the father of experimental medicine, the founder of scientific medicine, almost the first distinguished practitioner to evince, in the midst of the fog which then enshrouded our profession, the desire to discover the underlying principles of disease and treatment. He was the most brilliant teacher of the day, and it can be readily understood that the man who, during the great epidemic of yellow fever in 1793, when thousands were fleeing from this stricken city, could write to a friend: 'I have resolved to stick to my principles, my practice, and my patients to the last extremity,' was not without influence on those who surrounded and on those who followed him. He wrote in 1812 that he had reached the conclusion that 'pain does not accompany childbearing by an immutable decree of Heaven,' and that he hoped 'that a medicine would be discovered that should suspend sensibility and leave irritability or the power of motion unimpaired, and thereby destroy labor pains altogether.'

"It may well be that the echoes of such teaching reached and directly inspired Crawford Long, who began the study of medicine only 25 years after the expression of this prophetic hope. Contemporaneous with or following Rush came Woodhouse (1792), who helped to break down the old phlogistic theory which stood in the way of all chemical advance, and who demonstrated that oxygen was given off by living plants—a fact of immense importance in the later studies of animal heat and respiration, and therefore in all our present views of the processes of both health and disease. We can not claim Joseph Priestley, the discoverer of oxygen, as a 'son of Pennsylvania,' but as he was offered the chair of chemistry in 1794, and declined only on account of advancing years, and as he was in frequent correspondence with the professors and alumni of that period, he may, perhaps, with propriety be associated with the men I have described. Robert Hare (1818) added the voltaic pile and the oxyhydrogen blowpipe to the equipment, first of the physicists and then of the manufacturers of the world. Young, in his graduation thesis, in 1803, determined the presence of a digestive acid and the ferment action of the gastric juice 30 years before the classical experiments of Beaumont upon St. Martin. John Redman Coxe (1809), though a medical man, was the first of all Americans after Franklin to propose a plan for electrical telegraphic communication; while Philip Syng Physick (1805) was the first surgeon in the world to use absorbable animal ligatures. George B. Wood (1835) built a still existing monument to his memory by putting forth the dispensatory of the United States; Chapman (1816), Gibson (1819), Barton (1789), and others made the school still more famous by their work and their teachings. In 1838, when Dr. Long came to us, the reputation of the school had so extended that our alumni—the pupils of the men I have named—were filling the most important chairs in the chief medical colleges of the country—two at Harvard, two in New York, two in Winchester, Va., two in Lexington, Ky., four in Baltimore, six in Charleston, and, as has always been the case, some of our very best with our younger sister, the Jefferson Medical College. There were then 18 medical journals in America, and 10 of them were originated and edited by our graduates. With almost no exception the systematic treatises then in use in medicine, surgery, obstetrics, materia medica, and therapeutics, had been written by our professors. In 1838 there had been put forth from this school textbooks on anatomy, 11 (the last, published that very year, having been 'Practical Lessons in Anatomy,' by D. Hayes Agnew); on surgery, 11; on medicine, 15; on midwifery, 12; on materia medica and therapeutics, 18, including the dispensatory. In addition may be named one of the first American medical dictionaries, one of the first compendiums, and 31 important American editions of European authors, with notes and comments intended to make them more useful to American students.

"It may certainly fairly be said that when Crawford Long came here at the age of 23 he found, as he could have found nowhere else in America, the scientific traditions, the intellectual stimulus to original thoughts and deeds, the 'atmosphere,' in other words, that was favorable, probably essential, to his later achievement.

"It is tempting to continue and to try to show by our records that, while Crawford Long's name, and therefore the name of this school, are identified with the greatest contribution to medical science yet made by America, there has been done here during the 70 years that have elasped since that memorable March 30 of 1842 much work that has already notably increased the sum of useful knowledge, and much more that will doubtless prove to be the foundation of some now unforeseen and unimagined addition to medical science.

"Gerhard, who first clearly differentiated typhus and typhoid fevers; Pepper, with his fundamental examination of the pathology of pernicious anemia; H. C. Wood, who first led the profession of the country to the intelligent study of the physiological action of drugs; Wormley, with his classical work on the microchemistry of poisons; Mills, with his researches into cerebral localization; Flexner, with his fruitful investigation of the cause of bacillary dysentery; Osler, with his study of the hematozoon of malarial fever; Guiteras, with his description of filariasis; Allen Smith, with his discovery of the hookworm disease; Leo Loeb, with his experiments in tumor transplantation; these are but a few—not one in twenty—of the names and achievements that jostle one another for recognition, some of them belonging to the generation just reaching scientific maturity. The list would, however, be inexcusably incomplete without mention of that great contribution to general science made by Reichert and Brown, and recently published by the Carnegie Institution—a work which extends the doctrine of evolution to the physical construction of the protoplasmic molecules of animals and plants and opens an endless field of application to the difficult problems of specific growth, cellular and sex differentiation, and to the explanation of metabolism, immunity, tumor growth, and the most intricate phases of physiology and pathology. The great teachers, the distinguished practitioners, the writers of textbooks that have been the guides and consultants of thousands of medical men extend in an unbroken line from Rush, Wistar, Horner, Barton, Chapman, through Stillé, Carson, Agnew, Pepper, Leidy, Penrose, Wood, Goodell, to the present day.

"It is a gratification to think that we are participating in exercises destined to add beyond cavil or future question the name of Crawford Long to that list of distinguished Pennsylvanians who have well and faithfully served their profession and their country. There it rightfully belongs, and we may feel that his never-to-be-forgotten act will be more than ever an example and a source of pride to successive generations of our students and alumni. So great a feat may never be duplicated. It is not given to many to take the first step in wiping out immeasurable agony and suffering. And yet, who knows? Lord Lister told me that in his very earliest days in Edinburgh, when he was still uncertain whether to remain there or begin his work elsewhere, he consulted Mr. Syme, who was then the leading surgeon of Great Britain. The latter told him that he would probably do well to stay there, but remarked that it really seemed as though there were not much left to do in the way of advancing surgical science, little thinking at the time that the young man he was talking to, his future son-in-law, would almost, alone and unaided, effect the greatest revolution in surgery and bring about the greatest step in advance which has been made since Harvey discovered the circulation of the blood.

"It would be presumptuous folly to assert that we are as yet beyond the threshold of our science. With each addition to human knowledge comes the possibility of some new, perhaps some overwhelming revelation of usefulness to humanity. The keenest foresight, the most daring imagination can not penetrate the first and nearest of the endless vistas that stretch before us. Some day anesthesia and asepsis—immeasurably the greatest advances of this age—may have only historic interest. But it is well to think that in looking back the names of Crawford Long and of the University of Pennsylvania will always be associated with the first of these, and that if we look forward there is every reason to hope and believe that those names will be an inspiration to the thinkers, the investigators, and the discoverers of the future."

CRAWFORD W. LONG.

(By John Chalmers Da Costa, M. D., LL. D., Gross Professor of Surgery in Jefferson Medical College.)

[In the preparation of this address I have quoted freely from many sources, especially the following: "Crawford W. Long, Discoverer of Anesthesia," by Rosa Pendleton Chiles (Munsey, Aug. 1911); "Long and his Discovery," by Isham H. Goss (Journal-Record of Medicine, Nov., 1908); "Long, the Discoverer of Anesthesia," by Hugh H. Young (Johns-Hopkins Historical Bulletin, Aug.–Sept., 1897); "Crawford Williamson Long: the Pioneer of Anesthesia," by Dudley W. Buxton (Proceedings of the Royal Society of Medicine, Jan., 1912). I am greatly indebted to Mrs. Frances Long Taylor, Dr. Long's daughter, for several interesting and important communications.—John Chalmers Da Costa.]

"Now and then a real leader, an original force, a truly great man comes into the world and moves us as one inspired. He dares to lift the veil which hangs before the mysteries, the veil which lesser men are too ignorant to observe, too indifferent to regard, or too cowardly or incapable to displace. Such a man seeks truth and scorns wealth, courts labor and forgets

ease, fights dragons and slays giants; is the slave to duty, is contemptuous of popularity, and finally wrings

"The secret of deliverance forth
Whether it lurk in hells or hide in heavens.

"He originates. 'Every institution,' says Emerson, 'was once the act of a single man.'

"All such men have earned the reverent love and the eternal gratitude of humanity. Love and gratitude are the debts men owe to the memories of the heroes of progress because of their labors, pains, perils, and sacrifices. What would have become of the world without such men?

"Men
Perished in winter winds till one smote fire
From flint stones coldly hiding what they held,
The red spark treasured from the kindling sun.
They gorged on flesh like wolves, till one sowed corn,
Which grew a weed, yet makes the life of man:
They mowed and babbled till some tongue struck speech,
And patient fingers framed the lettered sound.
What good gift have my brothers, but it came
From search and strife and loving sacrifice?

"The world is often ignorant of its greatest men. Men, to us nameless, made some of the grandest discoveries and perfected some of the most remarkable inventions.

"Who found the seeds of fire and made them shoot,
Fed by his breath, in buds and flowers of flame?
Who forged in roaring flames the ponderous stone,
And shaped the molded metal to his need?
Who gave the dragging car its rolling wheel,
And tamed the steed that whirls its circling round?
All these have left their work and not their names.

"When a man has found a radiant truth, has done some gleaming deed, but has received no tribute of praise or glory, it is a peculiarly grateful thing to see the conscience of the world awaken and to find men place the name of their long-neglected benefactor

"On Fame's eternal beadroll.

"Seventy years ago to-day, on the 30th of March, 1842, and in the little village of Jefferson, Jackson County, Ga., anesthesia was first intentionally produced to permit of the painless performance of a surgical operation. This discovery was one of the greatest in the history of science and ranks in importance with the discovery by Harvey of the circulation of the blood, by Franklin of phenomena of electricity, by Jenner of vaccination, by Pasteur of bacteriology, and by Lister of antiseptic surgery. The giving of ether as a surgical anesthetic was not a haphazard accident, but was reasoned out from observations.

"The man who first gave ether for surgical purposes was Crawford W. Long, a native and resident of the State of Georgia and a graduate of the University of Pennsylvania in the class of 1839. There seems a peculiar adjustment to the eternal fitness of things in the fact that a son of the university founded by the great practical philosopher, Benjamin Franklin, should have made one of the greatest practical discoveries of all time.

"Long's great discovery was not made in a splendidly equipped institution of world-wide fame, nor by a professor whose lecture room was packed with eager students, but by a modest unassuming country doctor dwelling in an isolated village. Truly, greater things for mankind have come from the hut than from the palace, from the peaceful country than from the roaring town.

"We meet to-day in commemoration and celebration. In commemoration of the seventieth anniversary of the discovery of ether anesthesia, and in celebration of the noble achievement of a great son of this grand old school.

"We will strive to—

"Part the mists which almost hide
A man of former days,
And spin upon the wheel of truth
Some golden threads of praise.

"No one disputes that Long gave ether for surgical purposes over four years before Morton did, and at least two years before Horace Wells pulled the tooth of a patient who was under the influence of nitrous oxide gas. There is no claim that Morton knew anything of Long's observations. It is freely admitted by all that Warren, in the operating room of the Massachusetts General Hospital, gave to Morton the opportunity to dramatically impress the world with his views. Morton and Warren made the world hear; Long made the discovery, and would also have made the world hear had he had a great city hospital as a forum from which to speak and a celebrated surgeon as a spokesman and advocate. Long has been criticized for not publishing his discovery at once. Jenner waited 20 years to publish his and after 20 years had only made 23 observations. Suppose some one had published about vaccination after Jenner had worked 19 years, would Jenner any the less have been the discoverer?

"Long made no official claim to the discovery until 1849, when he told his story to the Medical Society of Georgia. He did so then only because his friends thought he would be doing himself injustice to keep silent. His intention had been to collect enough cases to thoroughly test the method. This was slow work in a country district in which surgical operations were few and far between. He used ether seven or eight times in four years. In December, 1846, he read of Morton's success. Soon after Morton, Jackson, and Wells became involved in a bitter controversy, and Long shrunk from such things and abhorred the patenting of ether.

"In the statement to the Georgia Medical Society, Long presented an affidavit of James M. Venable, then living, stating that ether had been given to him by Long on two occasions in the spring of 1842; an affidavit of Andrew J. Thrumond, stating that he saw Long do one of the operations on Venable; affidavits of E. S. Rawls and William H. Thrumond, declaring that they witnessed one or both operations; and other conclusive evidence. The original affidavits still exist.

"Morton patented ether in 1846 under the name of 'letheon.' Wells opposed Morton's patent, went insane, and committed suicide in 1848. The Government never enforced the patent right, and Army surgeons used ether freely in the Mexican War, Morton getting no return for it. In 1849 Morton applied to Congress for a grant of $100,000 as compensation for his losses and reward for his alleged discovery. Jackson opposed Morton's claim. Jackson claimed that he had suggested ether to Morton.

"The controversy was acrimonious and protracted. In 1852 the French Academy of Sciences granted a prize to Jackson as the discoverer of ether, and a like amount to Morton as the first to apply it.

"In 1854 Dr. Long was persuaded to write a letter to Senator Dawson, of Georgia, telling the story of the discovery in 1842. Jackson had a conference with Long and finally withdrew his own claim in Long's favor. In the Boston Medical and Surgical Journal, April 11, 1861, will be found a letter from Jackson giving Long the credit. No money was ever granted by the Government.

"Jackson, like Wells, went insane, and died in 1880. Morton died in 1868, getting an apoplexy while enraged at learning of attempts to deprive him of the glory of the discovery. Long, free from such heartburnings, pursued the calm ways of a country doctor, and made no further attempt to establish his claim. He led a useful and happy life, and died in 1878. Morton, probably because men thought that the Government had treated him shabbily, came to be regarded as the real discoverer, and until 1877 there was no one to say nay. In that year Dr. J. Marion Simms published an article in the May number of the Virginia Medical Monthly, claiming that Long had made the discovery. There is one serious mistake in the article of Dr. Simms. He stated that S. C. Wilhite, a student of Long, suggested to his preceptor the use of ether.

"Wilhite was not with Long in 1842; in fact, did not go to him until 1844. Wilhite corrected this error in a letter to Dr. Long, dated June 27, 1877. Prof. Gross, in commenting on Simms's paper—System of Surgery—says: 'Although he (Long) may have been, and probably was, the first to use this drug as a means of preventing pain, he failed to interest the profession in it, and has thus lost all just claim to the honor of one of the greatest discoveries ever achieved by human genius.' Prof. Agnew must have felt as Gross did, for in his book—Principles and Practice of Surgery—he gives Morton the credit for the discovery, and does not even mention the name of Crawford Long. The claims of Long have since found able champions in Sir James Paget; Dr. George Foy, of Dublin; Dr. Hugh H. Young, of Baltimore; Dr. Isham H. Goss, of Athens, Ga.; Dr. Luther Grandy; and Rose Pendleton Chiles. Dr. Frances R. Packard tells the story very impartially in his admirable History of Medicine in the United States, which was published in 1901.

"Frederick W. Hewitt, in his work on 'Anesthetics' (1901), says: 'There seems to be no reasonable doubt that in 1842 Dr. Crawford W. Long, a country practitioner of Jefferson, Jackson County, Ga., United States of America, administered ether vapor with the distinct object and fortunate result of producing insensibility to pain during a surgical operation which he performed, and that he subsequently employed the same means with equal success.' Henry M. Lyman, in Ashhurst's International Encyclopedia of Surgery (1889), says that Long gave ether in 1842, but as he 'resided in a remote and isolated portion of the country, and as he published no statement of his experience, his discovery remained unknown.'

"Of late years Long's claims have been more and more regarded until justice at length prevails.

"The Medical Society of Georgia has erected a monument to Long in Jefferson, where ether was first used as an anesthetic. The Legislature of Georgia has resolved to place his statue, with that of Alexander H. Stephens, in the Statuary Hall of the National Capitol.

"On December 1, 1911, Dr. Dudley W. Buxton, the distinguished English anesthetist, presented to the Section of Anesthetics of the Royal Society of Medicine an article which seems final and conclusive. It is written with that literary grace and painstaking accuracy which characterize all of Dr. Buxton's productions. In this article will be found a résumé of Long's life—the story of the discovery and reproductions of various convincing documents; among them are: A letter from Dr. Long to R. H. Goodman (dated February 1, 1842) ordering the ether for the first operation, and a covering letter from Goodman—affidavits of James M. Venable and others, previously referred to—Long's bill to Venable charging 25 cents for the ether used, and $2 for the operation—extract from Long's record book of the operation done on Venable, and charge for the operation and ether used. It is dated March 30, 1842. Certificate of Mary Vincent and her husband, declaring that Long gave Mrs. Vincent ether in 1843. There are also copies of other important and interesting papers. Buxton's complete and masterly study may be read in the published Proceedings of the Royal Society of Medicine, January, 1912. It gains greater emphasis by coming to us across the sea from a gentleman free of any possible prejudice or partiality. It is the unvarnished truth, and the world now regards Long as the real discoverer. Hence I do not stand here courting controversy. I am not obliged to search dusty records in order to clear up controverted points. I do not need to delve deep in obscure mines after the nugget of truth. Simms, Young, Buxton, and others have found that nugget, and the gleaming metal may be seen and can be tested by all men.

"Crawford Williamson Long was born in Danielsville, Madison County, Ga., November 1, 1815. His family was prominent socially and in public affairs.

"Crawford's grandfather was Capt. Samuel Long, an Irishman by birth, and an adopted son of Pennsylvania, who resided in Carlisle. He married Miss Williamson, of Ulster, Ireland; served in the Army of Washington and at the Yorktown surrender, was a captain in the command of the Marquis de Lafayette. At the termination of the war with the Mother Country he became a citizen of Georgia. His son James Long was a planter, and was for years clerk of the supreme court. He sat in the State senate for two terms, and was the intimate and trusted friend of the celebrated statesman, William H. Crawford, a man who was successively United States Senator, President pro tempore of the Senate, minister to France, Secretary of the Treasury, and candidate for President of the United States in 1824 against John Quincy Adams, Andrew Jackson, and Henry Clay. The subject of this address was named Crawford after the great statesman, and Williamson after Capt. Long's wife. Dr. Long's mother, Eliza Ware, was a Virginian and an energetic, warm-hearted, ambitious, sympathetic woman of refined taste and much literary ability.

"As a boy Crawford was educated in the academy of his native town. He was bright, interesting, studious, and lovable. He was an entirely normal boy and loved dogs, horses, fishing, shooting, and outdoor sports. He entered Franklin College (now the department of liberal arts of the University of Georgia) and graduated when only 19 years of age, taking the second honor. At college he formed a friendship which was to last a lifetime with Alexander H. Stephens, a man destined to become vice president of the Southern Confederacy.

"After graduation he studied for a time under a preceptor and then took a course of medical lectures in Transylvania University. This school was in Lexington, Ky. Long rode on horseback from Georgia to Kentucky, crossing rugged mountains and passing through regions not yet free from treacherous Indians. In the fall of 1837 he went to Philadelphia and entered as a medical student in the University of Pennsylvania, from which institution he graduated in 1839. Agnew graduated in 1838. The two boys must have known each other and have often ridden out together from the university to Blockley Hospital. While Long was in Philadelphia he resided in a Quaker household at the corner of Nineteenth and Market Streets. When Long went up to college 75 years ago the United States was a small country compared with the mighty Nation which now reaches into the very portals of the distant sunset. There were 26 States and 2 Territories (Florida and Wisconsin). Most of the vast region beyond the Mississippi, out of which 20 imperial Commonwealths have been made, was a wilderness haunted by wild Indians and infested by savage beasts. Much of it belonged to Mexico. Texas was a republic, and Samuel Houston was its president. The population of the country numbered about 15,000,000 people, and approximately one-sixth of them were slaves. Martin Van Buren was President of the United States, and Richard M. Johnson was Vice President. The Navy list still held the names of those old heroes, Rogers, Barron, Stewart, and Hull. Winfield Scott was a brigadier general in charge of the Department of the East.

"Roger B. Taney was Chief Justice of the Supreme Court and Joseph Story sat by his side. There was no national debt, and the Government was preparing to distribute a surplus of $37,000,000 among the States. There were 1,600 miles of railroad in operation in the country and 120 miles in Pennsylvania.

"In the United States Senate sat Franklin Pierce, Daniel Webster, Silas Wright, James Buchanan, Thomas Clayton, William C. Rives, John C. Calhoun, William R. King, Robert J. Walker, John J. Crittenden, Henry Clay, and Thomas H. Benton.

"In the House of Representatives were John Quincy Adams, Caleb Cushing, Millard Fillmore, John Sergant, Henry A. Wise, John Bell, James K. Polk, and Thomas Corwin.

"To send a one-sheet letter for over 400 miles cost 25 cents—from Philadelphia to New York 10 cents—not over 30 miles 6 cents.

"Truly, it is a far cry from the United States of the time of Van Buren to the United States of the time of Taft.

"The University of Pennsylvania was first in renown among the 28 medical schools of the country and possessed the ablest faculty in the United States. The buildings were at Ninth and Chestnut Streets, where the post office now stands. On the rolls of the university were 400 medical students, over one-seventh of the entire number in the land.

"Philip Syng Physick, the pupil of John Hunter and the father of American surgery, died during Long's first course. At the time of his death he was emeritus professor of surgery and anatomy. He was the first to use catgut as a ligature material, devised the stomach tube and many useful instruments, and advised the treatment of ununited fracture by the seton. A specimen of a fractured humerus successfully treated by Physick is to be seen to-day in the museum. For months after his death and by his direction his grave was guarded to keep away resurrection men, as he had a great horror of being dissected.

"William Gibson, the pupil of Sir Charles Bell, was the professor of surgery. He had served under Wellington in Belgium and was wounded at Waterloo. He was the friend and correspondent of Lord Byron. In 1819 he was called from the University of Maryland to succeed Physick in Pennsylvania. He was the first man to tie the common iliac artery (1812). He twice did a successful Cæsarean section on the same patient, and saved the mother and both children. Nathaniel Chapman, the wit, critic, booklover, social light, jovial companion, and scientist, was professor of practice of physic and clinical medicine. He stood without a peer as a practitioner, and in spite of a congenital speech defect was one of the greatest teachers in America.

"Chapman's book on therapeutics was widely celebrated.

"George B. Wood, the profound scholar, the keen observer, the original thinker, taught materia medica. With Franklin Bache he edited the United States Dispensatory. For many years he practically determined the views of the whole profession on ethics and practice. His lectures were the pride and glory of the university and had immense influence in molding the minds of the students. No man who has held a chair in the university brought to it greater reputation than did George B. Wood. His condemnation of the premature reporting of cases and drug actions may well have decided Long a few years later to delay in publishing a report of the actions of ether. Wood spoke of immature views and premature judgments as ignes fatui. He insisted that observers must never be content with a single experiment. (See introductory lecture, 1840.)

"William E. Horner, he of the feeble frame, melancholy temperament, scholarly faculty, and original bent, was professor of anatomy. He is particularly remembered as the founder of St. Joseph's Hospital and the discoverer of the tensor tarsi, which is still called Horner's muscle. Samuel Jackson, who did so much to introduce the principles of Laennec and Louis to the American profession, was professor of institutes of medicine.

"Hugh L. Hodge, who had been forced to abandon a surgical career because of impaired sight, was professor of midwifery, having defeated Charles D. Meigs for the chair. Hodge's forceps and pessaries were known all over the world.

"Robert Hare was the celebrated professor of chemistry. He had been a fellow student of Silliman, and when only 20 years of age had invented the oxyhydrogen blowpipe. He was

called to the university from William and Mary College. He was one of the ablest chemists and electricians then living, was a most impressive lecturer and a highly successful experimenter.

"Such were the men of the faculty of 1838 and 1839, the men to whom the young Georgia student listened, the men who helped to guide and direct his mind. The session began November 1, according to the catalogue; it ended 'about the 1st day of March ensuing.' Commencement was evidently a movable feast, for the catalogue states that it is 'held generally about the 1st of April.' No text books were recommended in the catalogue, but we know that students used the Syllabus of Wood's Lectures, Chapman's Therapeutics, Gibson's Surgery, Horner's Anatomy, and Hare's Chemistry.

"Blockley stood where it does now, and some of the buildings are very little changed externally. Agnew says that at this period Blockley was 'the great clinical school of the country.' Every Saturday morning many buses gathered at Ninth and Chestnut and crowds of students rode out to clinical lessons within those grim walls. Lectures were given by Samuel Jackson, Robley Dunglison, Joseph Pancoast, and William Gerhard. J. M. Da Costa speaks of Gerhard as 'the greatest observer and clinician America has produced.'

"In those days William Norris, George B. Wood, John Rhea Barton, and John K. Mitchell were at the Pennsylvania Hospital.

"Samuel D. Gross had not yet gone to Louisville from Cincinnati, and George McClellan was serving his last year as professor of surgery in Jefferson. Students of those days were far more turbulent than now, and fierce combats were common between the students of the rival schools.

"During Long's student days Dickens's Pickwick Papers, Oliver Twist, and Nicholas Nickleby were published. Thackeray, whose very name was unknown, was a contributor to Frazer's Magazine. Oliver Wendell Homes, who later suggested the term 'anesthesia,' was trying for practice in Boston. Washington Irving was engaged in active literary work at his home, Sunnyside, in Tarrytown. Nathaniel Hawthorne was in Salem writing Twice Told Tales. Motley was writing his first book—Morton's Hope. The weird tales of the somber genius, Edgar Allan Poe, were taking hold of the public imagination.

"Longfellow was teaching modern languages in Harvard and writing Hyperion. James Russell Lowell was a student at Harvard. Andrew Jackson was at the Hermitage, in serene retirement after stressful and turbulent years.

"The world, now recovered from the great conservative reaction which followed the French Revolution, was full of ferment, investigation, speculation, and novel ideas.

"Railroads were reaching out their tentacles on all sides, and the whistle of the locomotive had become the proclamation of civilization.

"The steamboat *Great Western* had crossed the ocean from Bristol to New York in 13 days and 8 hours. Itinerant lecturers were showing to amused audiences the curious antics of persons who inhaled nitrous oxide gas, or, as it came to be called, laughing gas. Such exhibitions were called nitrous-oxide frolics. Men were on the tiptoe of expectation as to the supposed beneficent powers of hypnotism. It was learned with amazement that a hypnotized subject could feel no pain and that Ward, in London, and Cloquet and Lysel, in France, had performed painless operations upon people sleeping the 'magnetic sleep.' Everybody felt that we were on the threshold of great events and that the first few hesitating words of truth had as yet but scarce been lisped by the baby lips of science.

"Medical students must, of course, have heard of these things, discussed them with each other, asked questions of their professors, and speculated as to the possibility of painless surgery. Every visit to the surgical clinic must have impressed on their minds the tortures inflicted by operations, and what a beneficent change it would be could a victim sleep under the knife. Neither Gibson, Wood, or Chapman had a word to say in favor of 'animal magnetism,' or Braidism, as it came to be called. Gibson's book says nothing at all about preventing pain in surgical operations. He certainly followed the usual custom—drugged the patient heavily with opium, and had him forcibly held or firmly strapped during the dread tragedy of the operation.

"Nitrous oxide was a well-known drug and was lectured on by teachers of chemistry and therapeutics. Sir Humphrey Davy, in the year 1799, found out that, if inhaled, nitrous oxide would subdue pain, and suggested its use in surgical operations. In 1800 he published his experience and suggestion. Davy's recommendation was never acted on until Horace Wells used the gas as an anesthetic in 1844. Hare taught that when nitrous oxide is inhaled it produces 'a transient, peculiar, various, and generally vivacious ebriety.'

"Pareira, in his Materia Medica (1839), states that he had given nitrous oxide to about 100 persons, that it produces temporary and usually pleasing delirium, which subsides in three or four minutes—that the delirium takes different forms, causing some to dance and some to fight. In some few cases stupor is produced. He recommended it for spasmodic asthma.

"Ether had been known for several centuries. Hare, in his chemistry, speaks of the internal administration of ether, but says nothing of the effects of inhalations. Wood does speak of ether inhalations. I find a reference to it in the syllabus of his lectures. He says it may be inhaled, tells what inhalations are advised for, and explains how they are given. It was used in very small doses for spasmodic conditions. Dr. Wood states in his Therapeutics, written at a much later date than this, that—

"Ether has been long used by this method (inhalation). The late Dr. P. S. Physick was much in the habit of employing it in pulmonary affections, and invented a small, extemporaneous inhaler for the purpose.

"Dr. Physick died in 1838. (Over 40 years before Long came up to college Beddols used inhalations of small quantities of ether to relieve pain. Soon after Beddols's practice began, Pierson used ether inhalations for consumption, and so did Warren, of Boston. Several years before 1837, Dr. J. D. Mitchell, of Philadelphia, wrote (quoted from Anæsthetics: Ancient and Modern, by George Foy): 'Some years ago a practice obtained among the lads of Philadelphia of inhaling the vapor of sulphuric ether by way of sport. * * * In some instances the experiment excited mere playfulness and sprightly movement, but in several cases delirium and even phrenitis was induced, which ended fatally.')

"Pareira discusses the stomach administration of ether, and says that large doses cause intoxication and excessive doses stupefaction. He also speaks of ether drinkers, and refers to a chemist suffering from cancer of the colon, who drank a pint of ether a day to relieve his pain. Pareira speaks of inhalations as follows:

"When the vapor of ether, sufficiently diluted with atmospheric air, is inhaled, it causes irritation of the epiglottis, a sensation of fullness in the head, and a succession of effects analogous to those caused by the protoxide of nitrogen, ———. If the air be too strongly impregnated with ether, stupefaction ensues. In one case this state continued, with occasional periods of intermission, for more than 30 hours; for many days the pulse was so much lowered that considerable fears were entertained for the safety of the patient. In another case an apoplectic condition, which continued for 9 hours, was produced.

"The case of lethargy for 30 hours, spoken of by Pareira, was originally referred to in an article published in 1818 in the English Quarterly Journal of Science and Arts, and supposed to have been written by Faraday. (Foy states that Faraday 'acknowledged the authorship of the article' (Anæsthetics: Ancient and Modern).) Pareira was evidently fearful of the effects of ether by inhalation. (Foy quotes the Edinburgh Medical and Surgical Journal as saying that, beyond question, 'the inhalation of air much loaded "with ether" will prove highly dangerous' (Anæsthetics: Ancient and Modern).) He used it by dropping some of the drug on a lump of sugar and holding the sugar in the mouth, or by dropping ether in hot water and inhaling the vapor mixed with steam. It was recommended for chronic catarrh and dyspnea, whooping cough, spasmodic asthma, and to relieve the effects produced by the accidental inhalation of chlorine.

"We may conclude that when Long left this school he understood the agony caused by surgery, and realized what a great thing it would be to be able to operate without causing pain; that he had no belief in the value of 'animal magnetism' as a surgical anesthetic; that he knew that nitrous oxide when inhaled would produce delirium; that he knew that ether inhalations were given therapeutically and sometimes taken for sport, and that large doses would produce unconsciousness. He had been taught, and probably at that time believed, that only small doses were admissible, and that doses large enough to produce unconsciousness would bring deadly peril to the patient. He likewise took with him the counsel of Wood regarding the necessity of being ever cautious in reputing results.

"After graduation he went to New York City and 'walked the hospitals.' In that city he had the opportunity to hear Valentine Mott, J. Kearny Rogers, and Willard Parker. He wished to enter the Medical Corps of the United States Navy, but his father vetoed the plan, so he returned to Georgia in 1841, and began general practice in Jefferson, a village in Jackson County.

"The year 1841 was the very year that Esdaile, in India, performed so many operations upon hypnotized subjects that Braid, of Manchester, began to set forth his views on induced trance, and that Elliotson began to warmly advocate hypnotism as a surgical anesthetic.

"Here is the story of Long's discovery, and in his own words (quoted from Buxton's article on Long in the Proceedings of the Royal Society of Medicine, January, 1912):

"In the month of December, 1841, or in January, 1842, the subject of inhalation of nitrous oxide gas was introduced in a company of young men in this village; several persons present desired me to produce some for their use. I informed them that I had no apparatus for preparing or preserving the gas, but that I had a medicine (sulphuric ether) which would produce equally exhilarating effects; that I had inhaled it myself, and considered it as safe as the nitrous oxide gas. One of the company stated that he had inhaled ether while at school, and was then willing to inhale it. The company were all anxious to witness its effects. The ether was introduced. I gave it first to the gentleman who had previously inhaled it, then inhaled it myself, and afterwards gave it to all persons present. They were so much pleased with the exhilarating effects of ether that they afterwards inhaled it frequently and induced others to do so, and its inhalation now became fashionable in this country, and, in fact, extended from this place through several counties in this part of Georgia.

"We may note that R. H. Goodman, one of the persons who participated in an ether frolic in Jefferson, made an affidavit in 1853, stating this fact, and also that he removed to Athens, January 20, 1842, and introduced ether frolics in that community. It is interesting to observe that Long had inhaled ether before the first ether frolic, and that, repudiating the teaching he had received as a student, he regarded it as being as safe as nitrous oxide. To continue Dr. Long's narrative:

"On numerous occasions I have inhaled ether for its exhilarating properties, and would frequently, at some short time subsequent to its inhalation, discover bruises or painful spots on my person which I had received while under the influence of ether. I noticed my friends, while etherized, received falls and bangs, which I believed were sufficient to produce pain on a person not in a state of anesthesia, and on questioning them they uniformly assured me that they did not feel the least pain from these accidents. These facts are mentioned that the reasons may be apparent why I was induced to make an experiment in etherization.

"The first patient to whom I administered ether in a surgical operation was Mr. James M. Venable, who then resided within 2 miles of Jefferson and at present (1849) lives in Cobb County, Ga. Mr. Venable consulted me on several occasions in regard to the propriety of removing two small tumors situated on the back of his neck, but would postpone, from time to time, having the operations performed from dread of pain. At length I mentioned to him the fact of my receiving bruises while under the influence of the vapor of ether without suffering, and as I knew him to be fond of and accustomed to inhale ether, I suggested to him the probability that the operations might be performed without pain, and proposed operating on him while under its influence. He consented to have one tumor removed, and the operation was performed the same evening. The ether was given to Mr. Venable on a towel, and when fully under its influence I extirpated the tumor. It was encysted and about one-half inch in diameter. The patient continued to inhale ether during the time of operation, and when informed it was over seemed incredulous until the tumor was shown him. He gave no evidence of suffering during the operation, and assured me after it was over that he did not experience the slightest degree of pain from its performance. This operation was performed on March 30, 1842.

"When Long finished that operation he must have felt a sense of combined wonder, exultation, and responsibility. It was a brave thing to operate under the full influence of a drug when all professional teaching was that it required large amounts of the vapor to produce unconsciousness, and that large amounts were dangerous. Had the patient died, the doctor would have had a lifelong self-reproach and would possibly have been sued or prosecuted for manslaughter. (Many of Long's friends begged him not to administer ether again, telling him that if anything happened to a person under ether the doctor responsible would be mobbed. But Long did give it again.) It was brave of Venable to take the chance. Wonder would naturally arise in Long's mind as he thought of the agonies inflicted by the surgery he had seen in Philadelphia and New York, as compared with the perfect tranquillity of the patient just operated upon. Exultation would be inseparable from the accomplishment of what the masters of surgery regarded as impossible. A sense of grave responsibility would be in a man who believed he had done a mighty thing, but felt the necessity of proving it thoroughly in order that he might not mislead others and do harm.

"He saw the beneficent light break into the dark dungeons of pain. He must have felt as did Sinbad the Sailor when, from the living tomb in which he was immured, he saw the glad rays of the sun. He and his companions might well have exclaimed with the Ancient Mariner:

"We were the first that ever burst into that silent sea.

"That is the story of the first use of ether inhalation to still the pains of surgery.

"What of the personality, the character, of the man who discovered anesthesia? In August, 1842, he married Mary C. Swain. It was a peculiarly happy union. His wife was an intellectual woman and a thoroughly congenial helpmate. She was the inspiration of his life. She fitted herself to understand and sympathize with all his wants and needs. They were real lovers when they married and remained lovers until death parted them. He remained a resident of Jefferson until 1851, when he removed to Athens, Ga. He lived in Athens until his death, in 1878, and practiced there continuously except during his service in the Confederate Army.

"For nearly 30 years he was in very active practice, was in the habit of riding miles through the country, and endured all the hardships of a busy country practitioner. No man was ever loved more. All his patients were his devoted admirers. His personality impressed itself upon them. He was counselor and friend as well as physician. He always placed the welfare of his fellows before his own.

"He was more than a great man—he was a good man. He was one of those rare individuals who really practice their religion. The words of his faith were not mere empty formulas, as with so many, but were mandates to fine deeds. He carried with him through life no ignoble rancor. Disappointment there must have been, but there was never hatred of his fellows. He had been excluded from honors that were justly his, but he never kept the thought of it as "something bitter to chew on when feeling Byronic." He in no sense became that desolating human calamity, an embodied grievance. A grievance wearies out sympathies and tires out our appreciation. There was nothing morbid in his temperament. He never scoffed at Destiny or denounced Fate. He never claimed to be an unappreciated spirit or a misunderstood soul. He calmly went his useful way, tending the sick, aiding the needy, caring for his own, sure of himself, confident of the future, never boasting, never brooding, kindly and fair to all, generous ever to opponents, courteous even to critics, and making no struggle for stained wreaths or for tarnished rewards. He was a complete man, a rounded character, a true physician, and when we honor him we find no apologies necessary. He never tried to patent and thus coin into dollars a discovery which has brought and will bring comfort unspeakable to countless thousands of the race. He thoroughly loved his profession. He said:

"I am as much called to practice medicine as a minister is to preach the gospel.

"He accepted all medical tasks as commands which he was glad to be thought worthy to receive and fit to execute.

"He had that splendid combination, strength and tenderness. He inspired trust. Surely he must have done so, else Venable would never have taken ether to unconsciousness. He was wise and self-confident, else he would never have given Venable ether to unconsciousness when all the leaders of medicine taught that such doses were highly dangerous.

"He was full of sympathy for suffering and cared for the lowliest as for the richest. He was gentle, forbearing, faithful to every duty and every instinct. He was always dignified and usually reserved, relaxing at times into gaiety in his family circle among those who knew him well. He had a vein of humor, was given to jests when by his own fireside, and now and then sent humorous sketches to the local newspapers. He was simple of heart and pure in word and act.

"He was a close observer; a hard worker; was honest in thought, word, and deed—hated all lies and anything that even savored of deception. His life was lived in the light of day, without any stratagems or pretenses. He was straightforward and unsuspicious, hated to hold ill opinions of anyone, and only a native ability to judge character saved him from frequent impositions. His family adored him. He liked to read aloud to his children and brought them up on the works of Scott, Dickens, Shakespeare, and other master minds. He was particularly fond of Hamlet. At bedtime he followed the old-time custom of reading the Bible to the assembled family. He was fond of whist, and was one of the best of players. He was devoted to farming, was a good business man, and an excellent executive.

"In slavery days he was, as were most Southern gentlemen, a kind master to his slaves. He believed that slavery was a plan of Providence to civilize the negroes. He thought that to own slaves was a great and terrible personal responsibility, a responsibility which he ranked close after the one owed to his wife and children. In an old journal he writes:

"God grant that I may be a tenderer husband and father and a better master.

"When his slaves had become free he still watched over their welfare, cared for them when sick, relieved their necessities, and gave them useful counsel. The blacks loved and trusted him as much as did the whites.

"He had a great reverence for womanhood. He would carry a basket for the lowliest woman with the courtly air others might show to a princess. A veritable termagant used to haul wood into town to sell. Again and again when he met her he bought the load and took it to his own house. On one occasion Mrs. Long said to him: 'We have plenty of wood. Why do you always buy that woman's?' and he said, 'Because I hate people to see a woman doing man's work.' He would go any distance

and attend the poorest negress in labor because of his sympathy for those in the pains of childbirth and his reverence for maternity.

"At the unveiling of the monument in Jefferson Dr. Woods Hutchinson said that Long was in many respects in advance of his day; that he treated and cured consumption by food, fresh air, and tonics; that he treated typhoid fever practically as we do now; that he treated that very dangerous disease, bilious fever, by quinine when few did so; and that he operated many times very successfully for cancer of the breast, always clearing the ribs and removing the axillary glands. (Munsey, August, 1911.)

"It is interesting to note that he never charged more than $100 for a 'breast operation,' even if the patient was very well off.

"He was a Whig in politics and strongly opposed to secession. When Georgia resolved to go out of the Union, Long said, 'This is the saddest day of my life.'

"Naturally he stood with his own people and went with his State. He entered the Confederate Army and served through the war. Like all his friends, he lost everything by the war, and he suffered along with them the horrors of reconstruction and the infamous tyrannies of carpetbag rule. Soon after the war Long was offered the position of United States contract surgeon to help care for the many sick and wounded soldiers in Georgia. He was not even asked to take the oath of allegiance. The $50 a month paid him for his work came as a blessing in those dark days of poverty. After some years he again became prosperous.

"Once when his health was impaired by overwork his friends and family urged him to take a holiday, but he said, 'My sick need me.'

"In his sixty-third year he was stricken with apoplexy when at a sick woman's bedside. The moment he recovered consciousness he asked how she was. Before he passed into the unconsciousness which was to end in the long sleep and the silent house he gave directions for the sick woman's care. He was faithful to duty to the last. He died June 16, 1878.

"Such was Crawford W. Long. The University of Pennsylvania this day hangs his likeness in the Hall of Fame with her noblest sons. He was an honor to his alma mater, an ornament to his profession, a glory to his country, and a benefactor of the human race."

REPLY BY HON. SAMUEL J. TRIBBLE.

At the conclusion of the ceremonies, Hon. SAMUEL J. TRIBBLE, Congressman from Georgia, spoke as follows:

"In behalf of the family of Dr. Long and the State of Georgia, I thank you, Mr. Provost, for the honor conferred by the University of Pennsylvania on the distinguished son of my State. This tribute to a great man with no military or political renown is a high testimonial of the progressive thought of this university. History loves to honor the hero. The boy, the man, yea, the woman, all are hero worshipers. 'Alexander the Great led his armies into all known countries, and humanity will never tire of reading of his achievements as the conqueror of the world. Napoleon scaled the Alps and laid waste the plains of Italy, and we read with charm volume after volume in history and in fiction of the greatest military genius the world has ever known. These and other military heroes left devastated fields, desolation and want, widows and orphans, pain, sorrow, and death written on the pages of history. To-day you erect a Long medallion and commemorate the memory of a man who carried no military trophies to his grave, made no widows and devastated no fields, but, sir, he alleviated the pains of humanity throughout the earth. The Great Teacher—our Master—taught that the greatness of men should be measured by the good they do. Applying this mold to Dr. Long, he becomes one of the greatest men of modern or ancient times.

"In his native village in Georgia there has been erected a marble shaft to his memory; to the foot of that shaft our children for generations will go and point to the name of this great Georgia humanitarian; to the University of Pennsylvania your children's children will come and point to the name on this tablet erected by you as one of the greatest men of the Nation; to the Capitol of the country at Washington, where his statue will be placed in the Hall of Fame, citizens of foreign countries will come and point to his name on the statue in that hall as one of the greatest men the world ever knew. Georgia, his home, and Pennsylvania, his alma mater State, strike hands to-day to do him honor, and when his statue is erected at the National Capitol the whole Nation will join us in the memorial, and his greatness will be glory enough for all.

"Dr. Long comes from a section of statesmen. In the radius of a few miles, if time permitted, I could point you to William H. Crawford, who ranked with Calhoun, Clay, and Webster, and needed only one more vote to give Georgia a President; I could point you Alexander H. Stephens, the greatest statesman the South ever produced; I could point you Robert Toombs, one of the greatest minds and orators of the Union; I could point you to the Cobbs, statesmen of the Webster and Clay type; I could point you to Benjamin H. Hill, who stood, in the breach of reconstruction days, on the floor of Congress, eyes flaming with defiance, and yet rising above his sectional animosity, and uttering such speeches as 'We felt your heavy arms in the carnage of battle, and above the roar of the cannon we heard your voice calling, "Brothers, come back"'; I could point you to Henry W. Grady, bearing an olive branch and with his matchless eloquence wiping out sectional animosity in every section of the country. These and many others; but, Mr. Provost, last but not least of this array of greatness, I point you to Crawford W. Long, not a statesman, not a war hero, but the alleviator of human pain the world over."

The Late Representative Henry C. Loudenslager.

MEMORIAL ADDRESS
OF
CHAMP CLARK,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, May 5, 1912,

On the following resolutions (H. Res. 525):

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. HENRY C. LOUDENSLAGER, late a Member of the House from the State of New Jersey.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CLARK of Missouri said:

Mr. SPEAKER: It is interesting to observe how Members of Congress come to be good personal friends, warm personal friends, especially those belonging to different political parties. It is largely a matter of propinquity and association. Of course, similarity of tastes has a great deal to do with it.

I shall always be proud of the fact that I have as many friends among the Republican Members as among the Democratic Members of the House. There were two things which brought me very early in my service into close relation with HENRY CLAY LOUDENSLAGER. In the first place, my father was born in New Jersey, close to where Atlantic City now stands. Naturally I felt an inclination to cultivate an acquaintance with the New Jersey Members on my father's account. In the second place, in the first Congress in which Mr. LOUDENSLAGER and I served we were both assigned to the Committee on Pensions, on which he remained and of which he finally became chairman.

Service on the same committee naturally and inevitably brings men into close communication with each other, and they come to know each other more intimately, perhaps, in that relation than in any other congressional relation. Our work on that committee was pleasant and our relations became very close and remained so until the day of his death, although I left that committee after my first Congress.

Mr. LOUDENSLAGER was neither a frequent nor a prolix speaker on the floor of the House. When he had anything to say, he stated it tersely, clearly, and with force. When he was through, he quit. One of the great secrets of speech making is to know when to quit. He did not bore the House, and he usually secured what he wanted.

He was a man of great common sense, of great industry, and was one of the most genial men in his manner of all those with whom I have served. He was on good terms, I believe, with every Member of the House, certainly with every Member with whom he had served long enough to become well acquainted. He was wise in counsel and was one of those upon whom Speaker CANNON leaned for support.

He was an exceedingly useful Member of the House, and he grew in the estimation of his congressional fellows every day of his service. His death was a loss, not only to his own State, New Jersey, but to the country at large.

The Late Gen. George W. Gordon.

MEMORIAL ADDRESS

OF

HON. KENNETH D. McKELLAR,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, May 12, 1912,

On the following resolutions (H. Res. 535):

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE WASHINGTON GORDON, late a Member of this House from the State of Tennessee.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. McKELLAR said:

Mr. SPEAKER: On May 12 the House held memorial exercises in honor of my predecessor from Memphis, the late Gen. GEORGE W. GORDON. Only a few days before, Judge L. B. McFarland, a distinguished and eloquent lawyer of Memphis and ex-Confederate soldier, and a lifelong friend of Gen. GORDON, delivered an able and beautiful address upon the life and character of Gen. GORDON before the annual reunion of ex-Confederate veterans at Macon, Ga., and it is so beautiful and fitting a tribute that I ask unanimous consent that it may be printed in the RECORD as a part of my remarks and included as one of the memorial addresses of this House upon the life and character of my distinguished predecessor. It is especially fitting that this address should have a place in the record, because it contains an unfinished and hitherto unpublished farewell address of Gen. GORDON to his old comrades in arms.

The address is as follows:

ADDRESS OF L. B. M'FARLAND, OF MEMPHIS, AT REUNION OF UNITED CONFEDERATE VETERANS, MACON, GA., MAY 8, 1912.

"Beloved Commander and Comrades:

"When delegated by our commander in chief to deliver on this occasion a memorial of the life and character of your late commander in chief, Gen. GEORGE W. GORDON, I hesitated to attempt compliance, fearing that my great admiration for the subject, born from years of intimate association, would tempt to adulation, and, on the other hand, my incapacity to speak fittingly of a character so noble, and a life so full of usefulness, self-sacrifice, and noble deeds, gave me pause. I felt the deeds of such a man should not be feebly uttered, but I took the delegation to be a command and an honor; and the opportunity to perpetuate in the records of this association a tribute to a dead friend and brother could not be disregarded.

"GEORGE W. GORDON was born on the 5th day of October, 1836, in Giles County, Tenn. He was the son of Andrew Gordon, a native of Tennessee, and Eliza K. Gordon, Virginian born. This county—one of the blue-grass region of Tennessee—was one of the most fertile and fairest of the land, its people educated, refined, and prosperous to a high degree. He was reared there and in Mississippi and also Texas, he having spent part of his youth in each. He graduated at the Western Military Institute at Nashville, then the West Point of the South, and was thus fitted for the performance of arms. He first made civil engineering his occupation, and served in that field from 1859 to 1861, and until Tennessee seceded from the Union and called her sons to arms. He enlisted at once and was made drillmaster of the afterwards famous Eleventh Tennessee Infantry, whose first colonel was Col. J. E. Raines, afterwards Gen. Raines, who fell in a desperate conflict at Murfreesboro. Gordon was soon made captain of his company, and then lieutenant colonel and then colonel of his regiment, and in 1864 was made brigadier general.

"At the close of the war he studied law and was early elected attorney general of one of the criminal courts of Shelby County, Tenn., and served the State ably and well. He was then appointed a railroad commissioner for the State, and served until 1885, when, upon the election of Mr. Cleveland, he received an appointment in the Department of the Interior, and was assigned to duty in charge of an Indian agency amid the mountains of Arizona and Nevada. He was eminently fitted for this particular post, feeding, educating, and controlling these children of nature and wards of the Government, and these duties and opportunities were congenial to the habits of his then lonely life and his intense love of nature.

"It required that he take, alone and unattended, long trips amid the solitudes and vastnesses of the mountains, now wandering through beautiful meadows where the dun deer fed and the grizzly roamed, and then high above the clouds, threading the narrow path that wound around seemingly bottomless precipices; often overtaken by storm, he reveled in the grandeur of nature's supremest effort—saw the lightning flash and heard the thunders roll, when—

"Far along—
From peak to peak, the rattling crags
Among, leaps the live thunder.

"And then at night, his horse tethered near, he made his lonely bivouac under the clear heavens and near the clear stars, and felt himself as did Moses, communing with the God of all these wondrous works. To him this was not solitude—

"'Twas but to hold converse with nature's charms and view her stores unrolled.

"His term of office expired, he returned to Memphis and was soon elected superintendent of the Memphis city schools, which he held until March, 1907, when he was elected to Congress. The growth and efficiency of the public-school system of Memphis during these years became a monument to his zeal, intelligence, and devotion to his work, and the spread of general education and intelligence signaled his beneficent influence upon the youthful thousands under his superintendence, while the gratitude and devotion of teachers and scholars was afterwards demonstrated by their activity and influence in his several candidacies for Congress. He had raised an army of constituents for any office in the gift of his people. He was twice elected to Congress—in 1908 and reelected in 1910—by overwhelming majorities given by an appreciative constituency, where he served with the same zeal, fidelity, and devotion he gave any duty of life.

"Gen. GORDON was married twice: While Attorney General of Shelby County, in 1876, he married Miss Ora Paine. Their bridal trip was to Niagara Falls. I met them there. She a lovely young woman in all the bloom and beauty of youth. He noble in manly bearing—his brow bound with the oak of his many battles; and with them love was dear and life was sweet; and their future horizon seemed spanned with the golden bow of promise. They went to New York. In a few weeks she was dead. Bridal carols turned to funeral dolors; the orange wreath decked her bier, and instead of the joyous wedding march was heard the sad words of the ritual, 'He cometh up and is cut down like a flower. Earth to earth—dust to dust.' He was alone and desolate.

"In 1899 he was fortunate in finding a companion of congenial culture and taste in Miss Minnie Hannah, of Memphis, with whom he was married, who thence shared the honors showered upon him by a grateful constituency, and graced his every station. She survives him to remember with pride that she was the wife of a soldier, a gentleman, and your commander in chief.

"The limits of this occasion will permit only a suggestion of his services as a soldier, his adventures, and his distinguished gallantry on every field. Captured early in 1862, he was a prisoner for 10 days and then exchanged. Desperately wounded at Murfreesboro in one of the bloodiest struggles of that field, he was left on the retreat and again became a prisoner, and on recovery, after long suffering, was held in prison at Camp Chase and then Fort Delaware, suffering the horrors of those hells until May, 1863, when he was again exchanged and returned to the command of his regiment, then in Pres Smith's brigade, Cheatham's division. Then followed Chickamauga, Missionary Ridge; then the campaign from Dalton to Jonesboro, 121 days under fire, including the conflicts of Resaca, Calhoun, New Hope Church, and Kennesaw Mountain. With his regiment he held part of the celebrated Dead Angle. He was made brigadier general at that time, and then the youngest of brigadier generals he first led his brigade at Peach Tree Creek, then, on the 22d day of July, at Jonesboro. After came the disastrous campaign into Tennessee, and, perhaps, the most useless battle and bloodiest slaughter of the war—Franklin.

"Gen. GORDON led his brigade in the desperate charge up to and over the breastworks 'into the very jaws of hell' when he was captured.

"There is an interesting incident connected with this charge and capture of GORDON. Earlier in the war GORDON had permitted his hair to grow longer than military rules sanctioned, and Gen. Cheatham, in sending him an order one day, added jocularly to his adjutant: 'Ingram, tell GORDON to cut off that hair.' Ingram delivered his orders, adding, as directed, the supplement. GORDON replied: 'Tell Gen. Cheatham I will carry

out his military order, but tell him it is none of his business how I wear my hair.'

"It became somewhat a matter of jest with Cheatham, who was devoted to GORDON, and of pride with GORDON, who was equally devoted to Cheatham, to wear his hair long. When Cheatham ordered the charge at Franklin, he sent word to GORDON to go over the works if he had to be pulled over by his hair. After his capture, when leaving with his captors, he left word with a citizen to tell Gen. Cheatham 'GORDON had gone over the works, and was not pulled over by his hair, either.'

"During the terrible epidemic of yellow fever in Memphis in 1873 he was one of a heroic band that remained, and for many dark days of suffering and death preserved order, ministered to the sick, and buried the dead, displaying self-sacrifice and heroism greater than all the boasted mastery of arms.

"He was, after the war, a Confederate in heart and soul and purse. No appeal for help coming from the aged or crippled Confederates, though often pretended nobility was made a plea of pity, was ever disregarded. Gen. GORDON was closely affiliated with Confederate organizations, and successively made commander of his camp and bivouac at Memphis, president of the Confederate Historical Association, Memphis (oldest of the Confederate organs), and of which Mr. Davis himself was a member; president of the State Association of Confederate Bivouacs; major general commander Tennessee Division, United Confederate Veterans; commander of the Department of the Army of Tennessee, United Confederate Veterans; and, crowning all, commander in chief of United Confederate Veterans.

"His devotion to his comrades in arms and his duties in this high office at your last reunion at Little Rock hastened his death, and at Memphis, Tenn., he died on the 9th of August, 1911.

"His funeral cortege was a weeping city; his dirge the farewell shot by his beloved comrades, Company A, United Confederate Veterans, over the grave of the hero we buried—and our commander in chief departed to return nevermore.

"These are in brief the prominent facts of his life, but they naturally suggest inquiry from whence sprung such nobleness of character, such high ideals of duty, and such ability of performance.

"The power of heredity, and the influence of climate, food, and soils upon the character of men is an essential thesis of science. These, with the impress of an age's morality, the advantages of education and fortune, the civilization of a particular era, shape and mold men to physical and intellectual worth and greatness. It is also equally well established that the tendency is to harmony of human types along east and west isothermal lines. That, unless marked topographical and race differentiation intervene, the same characteristics will mark the men of Carolina that appear in the men of Texas. These elements, then, of heredity, climate, soil, and social economy had united in the growth of a race of young men in the South, from Maryland to Florida, and westward to the Rio Grande, immediately preceding the Civil War, whose superior, physically, intellectually, and morally, the world had never seen. I know that some foreign and northern writers, political economists, and pseudophilosophers assert that religious freedom was the motive of the northern settlement, while greed of gold was that which populated Virginia and the Carolinas, and from this argue a nobler race of men for the North.

"Mr. Draper says:

"The settlement of the South was inspired by material interests; that of the North by ideas. * * * Aristocratic influence was the motive power of southern immigration; it sought material profit in tobacco and land speculation.

"It is not appropriate here and now to attempt comparison of sections, nor depreciate the worth and greatness of any portion of our people. We only assert that the early settlers of the South, the ancestors of our southern youth, brought with them the physical, mental, and moral characteristics of a high order of humanity and civilization. They brought with them lofty ideas of the rights of man and man's relation to God. In the face of obstacles that would have deterred a less hardy race, they subdued a wilderness, conquered the warlike inhabitants, and assisted in the establishment of an empire. They rebelled against the parental tyranny of England, and the sons of Hampden and Sydney successfully fought the first revolution. Their sons and daughters then addressed themselves to the extension of this territory, the perfection of constitutional government, and the upbuilding of their private and family fortunes. The South 'blossomed one day and bore fruit the next.' That they had succeeded beyond the dreams of Raleigh or the ambition of Baltimore, the population, the wealth, and the culture of the South in 1861 attest.

"I wish the time and the occasion would permit me to sketch the condition of the South at this period; its material wealth, its political economy, its social organization, the influence of slavery upon this people, and particularly the habits of its young men. Whatever may have been the influence of slavery upon the material growth of the South, and whatever may have been its evils, there was certainly a compensating effect in the production of a society the highest and most delightful.

"Mr. Burke in his celebrated oration on Conciliation with America, one of the English classics, in speaking of the love of liberty in America, says:

"In Virginia and the Carolinas they had a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment but a kind of rank and privilege.

"The well-to-do, including slave-owning, society of the South had no superior. It was an aristocracy that fostered and cultivated the noblest sentiments of humanity—culture, independence, courage, and knightly courtesy among men; grace, beauty, and virtue among its women. Its hospitality was unbounded. The stately homes of the James, the homes and the plantations of the whole South, were scenes of elegant hospitality. Roman riches and the Roman villas and gardens of the days of Cicero, Atticus, and Lucullus were not more famed for elegant hospitality. The lives of the young men were but a training in all manly arts, all noble endeavor. All outdoor sports and manly exercise were theirs. They delighted in horses and rode like centaurs. The ear and eye, accustomed to hunt and chase, could detect the rustle of a leaf and spy ptarmigan in snow. They fished with skill, and swam like Leander. These manly exercises, with generous food and genial but hardy climate, resulted in fine physical perfection. They were, as a class, a handsome race of men. They were graduates of the best schools, and many of them foreign alumni. The first American to graduate in a foreign university was a Virginian. While born and trained as masters, the parental authority of the race taught them obedience and restraint. Their belief in the rights of man did not teach them socialism, nor independence of thought and worship in religion, nor skepticism of the great truths of Christianity. They were taught that 'valor was the chiefest virtue, and most dignified the haver.' They were near enough to the frontier life of their fathers and to the Revolution to catch, at the fireside, stories of the endurance, the skill, and the bravery of those who fought Indians—of how Washington commanded and Marion rode. King's Mountain and Yorktown were to them places of pilgrimage—the graves of the heroes of the Revolution were around them. They had themselves declaimed in every schoolhouse from Richmond to Austin the fiery and patriotic words of Patrick Henry.

"It was not wonderful, then, that when the South was to be invaded—by whom they did not care, for what they did not stop to ask—her youth poured out from every schoolhouse, college, and university at the first call.

"The log schoolhouses and colleges of the South—Lebanon, La Grange, Chapel Hill, Lexington, Nashville, and hundreds of others—each gave their all of youth. It was a goodly sight to see these handsome boys and young men, full of courage, ardor, and ambition, come and offer themselves, their lives, and their fortunes to their beloved land.

"How well they redeemed the offer can not be told. Their endurance in the cold and weary marches with Jackson in the valley, with Bragg in Kentucky; their courage at Manassas, Richmond, and Chickamauga, all attest that this heredity, climate, and other influences had made a race of heroes. The story of Mars Chan is a true epic of these days.

"In this outline we have but suggested the genius and pictured the character, the prowess and the performances of Gen. GORDON.

"But it is of him as a man that I would fain dwell longest and most lovingly.

"In his early manhood he was a picture of manly grace and bearing. Some 5 feet 8½ inches in height, weighing some 140 pounds, erect and lithe—a face symmetrical in features, but without a trace of effeminacy, with firmness and decision written in every line. His eyes were dark, quickly melting to tenderness at another's woes, but on occasions flashing with the suppressed lightning of passion. His brown hair, while a soldier, unwittingly neglected, would sometimes hang in golden brown to his shoulders, suggesting the cavalier of the Charles the First age.

"A gallant and distinguished officer writes of him as he then appeared at the head of his brigade as—

"The long, curly-haired, young brigadier from Tennessee, of dashing field qualities, and handsome personal appearance.

"He was a splendid horseman, witching the world with noble horsemanship. Mounted and leading his men to battle he was a picture for troubadour song. It was thus he rode in many a conflict. The romance and the history and song of

Southern literature are justly full of the pictures of Stuart and Ashby and Forrest, as they rode in battle, but had GORDON been a cavalryman, with their opportunities for single combat and individual display, his name would have linked with theirs.

"He was an earnest man. To whatever he was called he devoted himself earnestly and seriously. To him life was earnest—life was real. He knew little of society—was too much of a monologist, with hobbies, to be entertaining in a drawing-room, talked only occasionally and always with force. He was fond of books and loved the beautiful in everything; devoted to music, and in his early years, like our Bob, played the violin well.

"One of the chief characteristics of his life was his sense of and devotion to duty. Whatever he thought it was his duty to do he did, like Luther 'though devils blocked his way.'

"Another characteristic was his high sense of honor, or rather his sensitiveness to honor. Other men might do things and feel no wrong, but from the same acts he would instinctively and intuitively shrink.

"His was a soul—

> "To whom dishonor's shadow is a substance
> More terrible than death here and hereafter,
> And who though proof against all blandishments
> Of pleasure and all pangs of pain, are feeble,
> When the proud name on which they pinnacled,
> Their fame is breathed on.

"And woe to the man or men who breathed upon the bright escutcheon of his honor.

"His attainments were scholarly, and as a public speaker he was animated, forceful, and classic. He was much in demand, and was ready on all Confederate occasions and delighted at every opportunity for commemorating the virtues and gallantry of Confederates. His eulogy on the life and services of the great commander, Joseph E. Johnston, delivered to an immense audience in Memphis, was a masterpiece of power and pathos, and a classic oration.

"Another of his chiefest virtues was his earnest and constant devotion to his friends, whose adoption he had tried. To those virtues of valor and gentleness, of sense of duty and practice of virtue, add truth and honesty, and we have said it all. No wonder that living he was loved by all, and dying his obsequies were an affectionate outpouring of a whole people. All felt that this earth that bears him dead bears not alive so true a gentleman.

"With him, as is often the case, death brought a retrospect of the dearest aims and strongest emotions of his life, and as the fluttering pulse presaged the coming end he was upon the battle field among his men again. The serried rank, the charging squadron, the waving banners, the rattle of musketry, the roar of cannon, and all the pride, pomp, and circumstance of the big war were his again, and his last words were: 'Send other couriers; those may be killed.'

"But, comrades, I wish to add in conclusion that his chiefest aim in life was to vindicate the justness of the Confederate cause and to assist in the perpetuation of the honor and glory of the Confederate soldier. His chiefest ambition was to be your commander, and his love and devotion to you his intensest emotion. The chief purpose of my coming before you to-day was to bring you a message from him. His last thoughts were of you.

"While gradually sinking to the Great Beyond his thoughts were with you, and he wrote you a last farewell, and that I will read to you from his own pencil:

"*To the Federation of United Confederate Veterans, comrades and countrymen:*

"About to die I salute you, and in bidding you a final farewell I desire once more to make my profoundest acknowledgments and to express my heartfelt gratitude to you for the many manifestations of your partiality and devotion, evidenced by the many honors that you have conferred upon me, and more especially for the last profound and exalted distinction with which you have crowned me—that of making me your commander in chief. I esteem this last expression of your regard and consideration a grander and more glorious distinction than all of the combined public plaudits, achievements, decorations, and honors of my entire life, and for which I would express my thanks and appreciation from the grave. What patriotic glory can equal that of being the commander in chief of the surviving and venerable fragments of those brave and heroic Confederate armies who for four trying and perilous years maintained their cause against odds of more than four to one, and who fought battles and won victories when barefooted, ragged, and hungry, and who at last were overpowered more by the preponderance of numbers and resources than by courage and prowess—more by famine than by fighting * * *.

"This last farewell to you was never finished.

"Here, my comrades, the pulse of life throbbed low; his feeble hand could write no more, and in a few days his noble spirit winged its flight to join again, we hope, his comrades gone before, all to await our speedy coming in the great reunion hereafter."

Anti-injunction.

SPEECH

OF

HON. ROBERT Y. THOMAS, JR.,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912.

The House having under consideration the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.—

Mr. THOMAS said:

Mr. SPEAKER: The pending bill to regulate the power of the Federal courts to issue the writ of injunction is the culmination of a demand made by the people of this country, and especially the laboring people, for some sort of legislation to correct the injunctive abuse.

This demand has, in a way, been recognized by both the great political parties of this country. The Democratic Party in its last national platform promised the country remedial legislation along this line, and in December, 1909, Mr. Taft, recognizing the justice of such legislation, sent a message to Congress recommending the passage of some sort of law to correct the abuses that have grown up under the present unlimited power of the Federal courts in the issuance of the writ of injunction.

But, Mr. Speaker, President Taft sent this message to a Republican Congress, and for even a Republican President to send a message to a Republican Congress recommending remedial legislation in the interest of labor was like casting pearls before swine. [Applause on the Democratic side.]

Mr. Speaker, the distinguished gentleman from Pennsylvania [Mr. MOON] is an able lawyer and elegant gentleman. I serve on the Judiciary Committee with him and I consider him one of the greatest lawyers in this House. He stated on the floor of this House in the course of an argument against this bill that it is unconstitutional. He did not advance a single idea, give a single reason, or quote a single authority in support of that contention. Most people who believe in a square deal before the courts are for this bill. Every trust, every crooked corporation, and every oppressor of labor is against this bill, and whenever these forces are hard pressed for reasons for the faith that is in them they resort to the old time-worn argument of unconstitutionality. Alleged unconstitutionality is the last bulwark and fortification behind which the forces of plutocracy entrench themselves in desperate effort to resist the encroachments of just and salutary legislation enacted for the benefit of the entire people. [Applause.]

Mr. Speaker, the gentleman from Pennsylvania [Mr. MOON] speaks of the inherent power of the courts. In my opinion there is not any court in this country that possesses any inherent power in the manner meant to be conveyed by the gentleman from Pennsylvania [Mr. MOON]. His idea seems to be that when created the courts are invested at once with certain so-called inherent power that no statute can alter and no constitutional amendment abolish. Such inherent power if ever invested in any court at all is possessed only by courts of prescription and courts that exist under the common law. In this country we have neither courts of prescription nor under the common law, and therefore our courts do not possess any so-called inherent powers that can not be controlled, regulated, and even abrogated by legislative enactment and constitutional amendment. All our Federal courts, including the Supreme Court of the United States, are created either by constitutional provision or legislative enactment. They derive all their powers either from the Constitution or by act of Congress, the supreme legislative power. All our courts are the creatures of law specifically enacted by the people through constitutional or legislative procedure, and as courts of such procedure the same power that called them into existence can alter or abolish them.

The Supreme Court of the United States is a court of limited jurisdiction that derives its existence from the Constitution. All other Federal courts as provided in the Constitution are established by Congress. They derive their jurisdiction, their powers, and their very existence by act of Congress.

The third article of the Constitution of the United States provides that—

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time establish.

The Constitution further provides that the judicial power shall extend to all cases of law or equity arising under the Constitution, the laws of the United States, or treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and a citizen of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or citizens thereof and foreign States, citizens, or subjects.

The second section of Article III of the Constitution provides that—

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party the Supreme Court shall have original jurisdiction.
> In all other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

It is plain to be seen that the constitutional provision creating the Supreme Court goes only to the jurisdiction and not to the procedure of the court, as the Constitution specifically provides that in all matters in which the Supreme Court is given jurisdiction except those affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, that jurisdiction shall be appellate only, and under such rules and regulations as the Congress shall make. I call the attention of this House to the specific language of the Constitution. It provides that the Supreme Court shall exercise its appellate jurisdiction under such rules and regulations as the Congress shall make.

This language of the Constitution is mandatory. It is not even optional with the Congress as to whether it shall enact proper rules and regulations for the procedure of the Supreme Court. It is a plain duty imposed by the Constitution. Congress, under the Constitution, has the right and the power to regulate the procedure of all the courts.

If the issuance of a writ of injunction is an inherent power of courts of equity that can not be altered, as the gentleman from Pennsylvania [Mr. MOON], if I understand him correctly, seems to contend, then it is a power that no law can regulate and no statute abolish. If a thing is inherent, it is a part of another thing. It belongs to it and can not be taken from it. Our courts under the Constitution possess no such power. Who will contend that the people of the United States have not the power by constitutional amendment to abolish the Supreme Court of the United States? Who will contend that the Congress has not the power by legislative enactment to abolish all the courts except the Supreme Court?

Congress, under the Constitution, has the power to make all needful regulations concerning the procedure of the courts. As to when and in what manner and for what purpose the writ of injunction may be issued by courts of equity is clearly within the power of Congress to determine. There is nothing in the Constitution that forbids such regulation, but, on the other hand, the Congress is given the specific power to make such regulations as it sees fit to control the procedure in all our courts.

In the case of Sharon *v.* Terry, appealed from California, the Supreme Court of the United States held that the statute taking away the power to issue an injunction in a certain case wherein the jurisdiction was previously held and exercised was recognized as of binding force. This case can be found in 36 Federal Reporter, page 265. In this case the Supreme Court positively recognizes the right of Congress to take away by legislative enactment from a court that previously had that power the right to issue an injunction. The Supreme Court of the United States has definitely decided in case of all courts, except the Supreme Court, that the power to punish for contempt has been limited and defined by Congress. It expresses doubt as to whether Congress has the right to so limit the Supreme Court, but is clear as to that right so far as any inferior courts are concerned. In the case of Cary *v.* Curtis (44 U. S. Repts., 236) the Supreme Court says:

> The courts of the United States are all limited in their nature and Constitution and have not the power inherent in courts existing by prescription or by the common law.

And the court further says:

> The moment the courts of the United States were called into existence and vested with jurisdiction over any subject they became possessed with this power—that is, to punish for contempt—but the power has been limited and defined by act of Congress and that act by terms applies to all courts.
> Whether it can be held to limit the authority of the Supreme Court, which derives its existence from the Constitution, may perhaps be a matter of doubt, but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. (Bassette *v.* Conkey Co., 194 U. S., 326.)

As decided in the above cases by the Supreme Court, Congress has the right and power to limit by legislative enactment the power and jurisdiction of all inferior courts. Therefore Congress has the right and power to make such rules and regulations as it sees fit for the guidance of all courts inferior to the Supreme Court of the United States.

The Supreme Court does not decide in terms that Congress has not also the right to limit the authority of the Supreme Court. It only expresses doubt on that subject because, it declares, the Supreme Court derives its existence and powers from the Constitution.

But the Supreme Court, while it derives its existence from the Constitution, does not of necessity derive all its powers from the Constitution. It is a court of limited jurisdiction in most matters that come before it, its chief jurisdiction being appellate only. There is nothing in the Constitution to prevent Congress from regulating the procedure of the Supreme Court, and that power is expressly given to Congress by the Constitution, as I have heretofore shown.

The manner and form of and the purposes for which a writ of injunction may be issued is nothing but court procedure and may be regulated as to all the courts by act of Congress. The writ of injunction is nothing but a provisional remedy and a judicial process operating against the person and requiring him to whom directed to do or to refrain from doing some particular act, and is a court procedure that can always be regulated by legislative enactment.

The constitutional objections sought to be raised against this bill by the gentleman from Pennsylvania [Mr. MOON] are without foundation in law or reason and, I believe, will not be seriously considered by any Member of this House. There is not a word or line in the pending bill that is not just and fair and constitutional, and it ought to be enacted into law, and ought to have been long years ago.

Mr. Speaker, the fact is, as everyone conversant with the subject knows, many Federal courts have been issuing what are known as blanket injunctions, especially against the laboring classes, and these blanket injunctions have in many cases been limited only by the middle of the earth below and the blue sky above. It is against this sort of thing that this bill seeks to provide. It seeks to provide that no injunction shall be issued unless good cause first be shown. This bill provides that no injunction shall be issued without notice, unless the parties seeking the injunction shall first show to the court that irreparable injury would result from delay. Who can contend that there is any wrong about that provision? No one.

No one can give any reason why an injunction should be issued without notice unless it first be shown by the party applying that irreparable injury would result from delay. This bill further provides that the date and hour upon which an injunction is issued shall be made a matter of record. Is there any wrong about that? Why seek to suppress the true date of court records?

In a State court, where an execution is issued and put into the hands of a sheriff, that officer must indorse on the execution the time it came into his hands and the time and manner of its service. That is the law, and some similar law should be required in the matter of injunctions.

This bill further provides that every order of injunction or restraining order shall set forth the reasons for the issuance in specific terms. Why should it not do so? Should that matter be left to the judgment or caprice of a Federal judge? If so, why not leave all our laws to the discretion of the Federal bench? If Federal judges are to be the sole and supreme law in the matter of injunctions, why should they not be the sole and supreme law in all matters? Why not at once abolish Congress and the legislatures and turn over the making and construction of all laws to the Federal courts?

A writ of injunction is nothing more than a cause of action against the party sought to be restrained. If a petition is filed in court against a party that petition must on its face show a cause of action or else go out on demurrer. [Applause.] And the party sued must be duly served with process. Why, then, in the issual of an injunction, should parties be restrained from exercising what are perhaps their constitutional rights, without notice, unless irreparable injury be shown by reason of delay? And why should not the order of court show why such injury would result?

There are other features of this bill I would like to discuss if I had the time. The bill is a great improvement on existing law as practiced by the Federal courts. It does not go as far as I wanted it, but, in my opinion, is a great advance in the right direction.

Labor has, in my opinion, been a great sufferer, because of the unjust and unwarranted issuance of injunctions in many cases by Federal courts, and the time has come, I believe, when

the legislative power should assert itself and correct this abuse. This injunctive process is the result of an encroachment on the jurisdiction of common-law courts by courts of equity, long ago denounced by Lord Coke as courts of criminal equity. The divine right of kings and the doctrine that kings can do no wrong is the foundation pillar of monarchy, and this doctrine has been transplanted in some measure to this country in the belief prevalent among some classes that the Federal courts can do no wrong.

Jefferson warned us against the insidious encroachment of the Federal judiciary and declared, in effect, that if ever the star of our liberties went down in the black night of despotism the Federal judiciary would be the most potential cause. I hope and believe that this bill will pass, as it is just and fair, I think, at least in a measure, to both capital and labor.

Capital should have its proper safeguards and the laborer is worthy of his hire and should be given at least an equal chance before the courts of this land.

There is nothing unfair, at least, to capital in this bill, though it does not go as far as it should in the interest of labor. Alleged unconstitutionality, so far as this bill is concerned, is a sophistry born of the desire, a chimera without foundation in law or in fact, and the shadowy nothingness of a hoped for but absent substance; and the bill ought to pass without a dissenting voice. [Applause.]

The Schuylkill River.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 29, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Because a community is prosperous it ought not to be unduly taxed; neither should a river be denied Federal aid simply because it produces commerce. The Rivers and Harbors Committee some years ago adopted a policy which was intended to prevent appropriations by the Government for the improvement of rivers bisecting municipalities. The Cuyahoga River, at Cleveland, is usually pointed out as an object lesson to those who ask for appropriations for streams bordered on either side by prosperous cities, and the information is vouchsafed that Cleveland pays for the improvement of the Cuyahoga. The port of Cleveland receives liberal consideration at the hands of the Government, and very properly so, because the port is a revenue producer. It is generous of the city to make provision for the Cuyahoga River; but this is voluntary and ought not to be counted against other navigable streams over which the Government exercises authority. Running through a portion of Philadelphia we have Frankford Creek, a stream which does a coastwise trade and along which is located a Federal arsenal, in addition to factories and lumber yards which take and discharge the products of other States than Pennsylvania. This stream is one of those which has been negatively reported by the Board of Engineers, because it is contended, notwithstanding Government control and the interstate character of the business done upon the creek, that its improvement and maintenance should be charged solely against the city of Philadelphia.

SCHUYLKILL IMPROVEMENT NEEDED.

I do not intend now to discuss Frankford Creek, except to say that it does more business than dozens of "rivers" which are provided for by annual appropriations in the rivers and harbors bill, which rivers are wholly within the borders of States and some of them within the borders of cities, which States and cities make no appropriation or provision whatever for their upkeep. I do intend, however, to call attention to the Schuylkill River, which rises in the interior of Pennsylvania, traverses the richest anthracite coal fields and agricultural territory, and empties into the Delaware River at Philadelphia. It is a stream which, if duly improved, would carry coal to the consumer at perhaps a dollar a ton less than is now paid for it, and would otherwise serve a productive country that has added vastly to the wealth of the Nation.

Beginning in July, 1870, the Federal Government made provision for the improvement of this stream from below Philadelphia for its length of several miles up to the city. Provision was regularly made for its dredging and maintenance until June, 1896, when a total of $525,000 had been expended. Appropriations ceased, partly because of the rule above referred to and partly because, in his anxiety to obtain provision for the more important stream, the Delaware, a former mayor of the city undertook to agree to relieve the Government from further aid to the Schuylkill. Of course, any such arrangement could not hold beyond the term of the mayor referred to, and certainly could not be binding upon the vast commercial interests that have since come to be concerned in the improvement of the Schuylkill. As a representative of the present generation, I certainly do not subscribe to any such unfair agreement, nor do I believe the rule of the committee, which influences the action of the engineers, should be effective, except where a community is willing to penalize itself to obtain Government favor.

The Schuylkill River, because of its importance to the Nation and because the Federal Government exercises jurisdiction and control over its navigability, should be treated just as fairly and as liberally as any other river of the country is treated, and should not be penalized by the Federal Government because it produces business.

A BIG BUSINESS RIVER.

What are the facts with regard to the Schuylkill? First of all it affords a channel to the back entrance to the Philadelphia Navy Yard, in which at this moment are stored a large number of the battleships of the Navy. The Government uses this stream and requires of it a depth of water which the city of Philadelphia has been providing since 1896. The Government uses this stream for other purposes, and it ought not to shirk its responsibility with respect to maintenance. The built-up portion of the city does not extend to the mouth of the Schuylkill. Several miles of the stream course through open land before the city's wharves and piers are attained. The business which is attracted to this river is not solely business of Philadelphia or of Pennsylvania; it originates in the Gulf of Mexico, along the ports of the Atlantic, and in Europe and other foreign countries. I have asked that the Schuylkill River be surveyed for a depth to correspond with that of the Delaware for a distance of approximately 3 miles; that request has been refused both in the House and the Senate bills. The only reason, so far as I am able to learn, is that the Schuylkill River is "a Philadelphia river," and that Philadelphia should take care of it. Just here it should be understood that there are numerous other rivers throughout the country which are "State rivers" and "city rivers," whose proponents have no compunctions of conscience about seeking Government aid and getting it. I do not now care to name any of them, because I am presenting the cause of the Schuylkill River and do not wish to be invidious; but there are plenty of precedents, if it be necessary to cite them.

LACK OF DEPTH A DRAWBACK.

The agitation for an improved Schuylkill is urgent, and it is likely to continue until that busy river is put upon a basis of equality with streams of equal or even less importance to the Nation. We have great oil refineries and extensive manufacturing plants on the Schuylkill River, and some of the largest establishments export from that point. It is a matter of very great humiliation that lately we have been losing business because of a lack of depth of water in the river. Both the Texas Oil Co. and the J. M. Guffey Co. have been obliged to lighter their largest steamers and barges in the Delaware River beyond the mouth of the Schuylkill. The Standard Oil Co. has five large steamers which can not go into the Schuylkill River at all. We ought to have there now a mean low depth of 30 feet to correspond with the existing depth of the Delaware, both for naval purposes and for the purposes of the merchant marine. Ultimately we should have a depth of 35 feet. At present a vessel going up the Schuylkill to Point Breeze can not be loaded to a depth of more than 27 feet 6 inches. I do not desire to burden the RECORD with statistics, but in order that the international nature of the business of the Schuylkill River, which now has no Government aid, and can not even obtain a survey, may be understood, I submit the following figures, prepared by the board of commissioners of navigation, showing the volume of business on the Schuylkill River for the year 1911. The vessels enumerated in this list come from various nations and from all Atlantic and Gulf ports. The cargoes vary and include the products of nearly all the States of the Union. I trust a perusal of this interesting group of Schuylkill River statistics will be of service when the next effort is made to obtain some consideration for this

important river, which has been denied consideration by the Government since 1896:

Statistics as to volume of business on Schuylkill River, 1911.

[Prepared by Board of Commissioners of Navigation.]

POINT BREEZE—ARRIVALS.

Date.	Rig.	Vessel.	Cargo.	Tonnage.		Draft.
				Gross.	Net.	
		OIL.				
1911.						*Ft. in.*
Jan. 29	Steamer...	Lackawanna ..gallons..	185,000	4,125	2,412	18 0
May 4	Barge.....	S. O. Co. No. 76..do...	650,000	797	797	15 6
31	...do.....	S. O. Co. No. 94..do....	2,100,000	4,167	3,934	25 0
31	Steamer...	Paraguay.....barrels..	25,387	2,627	1,583	22 0
June 5	...do.....	Toledo.....do....	21,000	2,277	1,868	21 0
6	Barge.....	S.O.Co. No.94.gallons..	2,100,000	4,167	3,934	25 0
24	Steamer...	City of Everett..do....	1,000,000	2,595	1,939	21 0
25	Barge.....	S. O. Co. No..94..do....	2,000,000	4,167	3,934	25 0
28	Steamer...	City of Everett..do....	1,000,000	2,595	1,939	21 0
July 2	Barge.....	S. O. Co. No. 94..do....	2,000,000	4,167	3,934	25 0
2	Steamer...	City of Everett..do....	1,000,000	2,595	1,939	21 0
5	...do.....	Paraguay.....barrels..	26,200	2,627	1,583	20 0
7	...do.....	City of Everett gallons.....	1,000,000	2,595	1,939	22 0
11	Barge.....	S.O.Co. No.94.gallons..	2,000,000	4,167	3,934	25 0
Aug. 28	...do.....	.....do.....	2,000,000	4,167	3,934	25 0
Sept. 5	Steamer...	City of Everett, gallons.....	1,200,000	2,595	1,939	21 0
5	Barge.....	S.O.Co. No.94.gallons..	2,500,000	4,167	3,934	26 0
16	Steamer...	City of Everett..do....	1,200,000	2,595	1,939	21 0
24	Barge.....	S. O. Co. No. 94..do....	2,100,000	4,167	3,934	26 0
25	Steamer...	City of Everett..do....	1,250,000	2,595	1,939	21 0
30	...do.....	.....do.....	1,250,000	2,595	1,939	21 0
	Barge.....	S.O.Co. No.94.gallons..	2,100,000	4,167	3,934	26 0
Oct 16	Steamer...	City of Everett..do....	1,250,000	2,595	1,939	21 0
21	...do.....	.....do.....	1,500,000	2,595	1,939	21 0
Nov. 5	...do.....	City of Everett, barrels.....	25,000	2,595	1,939	22 0
	Barge.....	S.O.Co. No.94.barrels..	40,000	4,167	3,934	24 0
19	Steamer...	Potomac.....gallons..	1,199,520	3,868	2,472	22 0
		Total oil...{..do.... / barrels..	32,584,520 / 137,587	86,536	71,384	.....
		ACID.				
Aug. 9	Barge.....	Natrona.....tons..	600	423	423	8 6
Sept. 6	...do.....	No. 33.....do...	500	382	372	8 0
		Total acid...do....	1,100	805	795	.....

POINT BREEZE—CLEARANCES.

		OIL.				
Jan. 5	Steamer...	Deutschland..gallons..	1,638,470	3,710	2,353	21 10
9	...do.....	Ottawa.....do....	1,216,997	2,742	2,074	24 8
11	...do.....	Caucasian.....do....	1,982,928	4,656	2,965	25 0
11	...do.....	City of Delhi....do....	1,417,737	4,443	2,823	26 3
13	...do.....	Geestemunde...do....	1,306,573	2,773	1,958	26 0
18	...do.....	Tonawanda.....do....	1,350,711	3,416	2,183	26 0
23	...do.....	Lackawanna.....do....	1,491,824	4,215	2,412	26 3
23	...do.....	La Hesbaye.....do....	1,149,919	2,556	1,976	24 0
26	...do.....	Knight of the Thistle, gallons.....	2,255,857	6,675	4,286	27 6
28	...do.....	Energie.....gallons..	1,233,116	2,762	1,726	25 4
28	...do.....	Lincluden.....do....	1,496,380	3,818	2,450	23 6
31	...do.....	Helios.....do....	1,446,102	3,477	2,211	27 6
31	...do.....	Gut Heil.....do....	1,223,159	2,691	1,715	25 6
Feb. 3	...do.....	Hermione.....do....	2,431,050	5,200	3,201	26 6
3	...do.....	Oilfield.....do....	1,800,540	4,005	2,504	26 0
3	Barge.....	S. O. Co. No. 92.do....	1,500,000	3,248	3,044	24 0
7	Steamer...	Gena.....do....	946,000	2,784	1,795	21 7
8	...do.....	Genessee.....do....	1,195,646	2,830	1,833	25 6
9	Bark.....	France Marie....do....	863,353	1,994	1,673	20 4
10	Steamer...	Conrad Mohr....do....	1,933,479	4,008	2,055	25 4
10	...do.....	Indiani.....do....	1,681,647	4,994	3,226	27 4
11	...do.....	Saranac.....do....	2,092,203	5,316	3,354	26 6
14	...do.....	La Campine.....do....	1,067,454	2,557	1,982	23 3
16	...do.....	Paula.....do....	1,237,882	2,750	1,735	25 2
16	Barge.....	S. O. Co. No. 92.do....	1,400,000	3,248	3,044	22 0
16	Steamer...	La Flandre.....do....	862,878	2,018	1,278	22 8
17	...do.....	Burgemeister Petersen .....gallons..	1,274,145	2,788	1,780	26 6
17	...do.....	Earl of Elgin ...do....	1,741,410	4,448	2,811	24 5
17	...do.....	Cheyenne.....do....	2,245,766	4,987	3,015	26 6
18	...do.....	Brilliant.....do....	1,470,151	3,189	2,011	26 0
20	...do.....	Rock Light.....do....	1,273,521	3,284	2,133	26 0
Mar. 1	...do.....	Dalhanna.....do....	1,840,110	4,662	2,992	24 0
3	...do.....	Hudson.....do....	1,358,000	3,679	2,376	25 2
6	...do.....	Ocean.....do....	1,182,122	2,560	1,636	25 10
9	...do.....	Lackawanna....do....	1,487,301	4,125	2,412	26 8
10	...do.....	Ben Vrackie....do....	1,454,640	3,908	2,535	24 6
16	...do.....	Helios.....do....	1,396,375	3,477	2,211	26 10
18	...do.....	Mannheim.....do....	1,577,178	3,578	2,287	26 11
20	...do.....	Delaware.....do....	1,583,899	3,855	2,469	27 0
21	...do.....	Gut Heil.....do....	1,274,937	2,691	1,715	25 6
21	...do.....	Caldergrove.....do....	1,605,190	4,327	2,809	22 11
24	...do.....	Caucasian.....do....	2,022,697	4,656	2,965	25 9
25	...do.....	Luciline.....do....	1,824,056	3,765	2,424	26 0
29	...do.....	Excelsior.....do....	1,667,305	3,710	2,361	27 0
30	...do.....	Oriflamme.....do....	1,710,887	3,763	2,423	25 0
30	...do.....	Ardanmhor.....do....	1,752,150	4,454	2,829	25 3
30	...do.....	La Campine.....do....	1,064,729	2,557	1,982	23 0
Apr. 1	...do.....	Appalachee.....do....	1,553,158	3,767	2,426	26 6

Statistics as to volume of business on Schuylkill River, 1911—Continued.

POINT BREEZE—CLEARANCES—continued.

Date.	Rig.	Vessel.	Cargo.	Tonnage.		Draft.
				Gross.	Net.	
		OIL—continued.				
1911.						*Ft. in.*
Apr. 3	Steamer...	Tonawanda ..gallons..	1,349,411	2,416	2,183	26 6
4	...do.....	Tuscarora.....do....	2,456,446	6,117	3,925	28 0
4	...do.....	Burgermeister Peterson.....tons..	1,340,726	2,788	1,780	26 0
7	...do.....	Willkommen....do....	1,360,914	3,140	1,999	25 7
8	...do.....	Falls of Moness..do....	1,880,000	5,315	3,457	24 4
11	...do.....	Axminster.....do....	1,500,000	1,915	1,231	14 6
15	...do.....	Conrad Mohr....do....	1,950,546	4,008	2,055	25 0
17	...do.....	Warrior.....do....	1,420,300	3,674	2,394	25 2
19	...do.....	Lackawanna....do....	1,518,703	4,125	2,412	26 9
22	...do.....	Geestemunde...do....	1,322,444	2,773	1,758	26 0
24	...do.....	Goodwin.....do....	1,570,450	4,421	1,877	25 8
25	...do.....	Aureole.....do....	1,727,032	3,975	2,553	26 6
25	...do.....	Helios.....do....	1,239,816	2,477	2,211	26 10
29	...do.....	Capt. A. F. Lucas..do....	1,300,000	4,188	3,252	21 0
May 1	...do.....	Energie.....do....	1,270,845	2,762	1,726	24 10
2	Bark.....	Brilliant.....do....	1,727,866	3,765	3,609	25 4
3	Ship.....	Hainaut.....do....	838,515	1,783	1,734	17 7
5	Steamer...	Brantford.....do....	1,606,660	4,113	2,656	23 4
6	...do.....	La Hesbaye.....do....	1,147,699	2,556	1,976	23 6
8	...do.....	Gut Heil.....do....	1,278,992	2,691	1,715	25 4
9	...do.....	Mannheim.....do....	1,545,864	3,558	2,282	27 4
11	...do.....	La Campine.....do....	1,092,432	2,557	1,982	23 4
12	Barkentine.	Mabel I. Meyers..do....	667,200	750	668	15 0
13	Ship.....	Radiant.....do....	724,450	1,974	1,845	21 5
13	Steamer...	Appalachee.....do....	1,521,849	3,767	2,426	26 6
19	...do.....	Bayonne.....do....	1,432,196	3,294	2,154	27 0
23	...do.....	City of Colombo..do....	2,190,000	5,988	3,901	27 6
29	...do.....	Mancunia.....do....	1,309,290	3,533	2,287	24 6
29	...do.....	Charlois.....do....	1,176,448	2,677	1,919	25 0
29	...do.....	Conrad Mohr....do....	1,922,083	4,008	2,055	25 0
29	...do.....	Lackawanna....do....	1,538,562	4,125	2,412	27 0
31	...do.....	France Marie....do....	848,646	1,994	1,673	21 6
June 1	...do.....	Washington.....do....	1,640,092	4,171	2,659	27 2
5	...do.....	Helios.....do....	1,414,840	3,477	2,211	27 5
5	...do.....	Ellen Rickmers..do....	1,522,775	4,117	2,652	24 3
7	...do.....	Sirius.....do....	1,594,573	3,809	2,370	28 0
9	Barge.....	S. O. Co. No. 94.do....	2,000,000	4,167	3,934	25 0
10	Steamer...	Lucigen.....do....	2,287,391	4,954	3,044	27 6
12	...do.....	Alm.....do....	1,000,000	1,617	1,025	17 0
13	...do.....	Energie.....do....	1,270,679	2,762	1,726	25 5
13	...do.....	Kalibia.....do....	1,831,790	4,930	3,149	26 0
15	...do.....	Elise Marie.....do....	1,431,966	3,193	2,041	25 6
16	...do.....	Diamant.....do....	1,560,789	3,445	2,205	26 6
17	...do.....	Capt. A. F. Lucas..do....	869,896	4,188	3,252	19 6
19	...do.....	Appalachee.....do....	1,559,356	3,767	2,426	26 3
20	...do.....	Standard.....do....	1,345,285	2,730	1,748	26 0
21	...do.....	Gut Heil.....do....	1,280,975	2,691	1,715	25 4
22	...do.....	Walhalla.....do....	1,563,499	3,913	2,501	25 0
23	...do.....	La Campine.....do....	1,062,306	2,557	1,982	23 10
27	...do.....	La Flandre.....do....	881,860	2,018	1,728	23 5
28	...do.....	Lilly Rickmers..do....	1,491,540	4,117	2,652	25 6
28	...do.....	Brilliant.....do....	1,444,283	3,189	2,011	27 0
29	...do.....	Capt. A. F. Lucas..do....	750,000	4,188	3,252	25 0
July 1	...do.....	Geestemunde...do....	1,340,432	2,773	1,758	26 6
3	...do.....	Camilio.....do....	2,340,541	5,135	3,140	27 4
3	...do.....	Burg. Petersen..do....	1,334,324	2,788	1,780	25 8
6	...do.....	Lackawanna....do....	1,559,045	4,125	2,412	26 10
6	...do.....	Verona.....do....	1,657,470	4,697	2,999	25 0
6	...do.....	Paula.....do....	1,225,473	2,750	1,735	25 2
6	...do.....	Hylcania.....do....	2,379,707	5,227	3,210	27 0
7	...do.....	Suwanee.....do....	1,215,036	2,736	2,075	25 0
8	...do.....	Ocean.....do....	1,165,265	2,560	1,636	25 0
8	...do.....	Capt. A. F. Lucas..do....	1,000,000	4,188	3,252	24 0
10	...do.....	Charlois.....do....	1,178,382	2,677	1,919	25 0
12	...do.....	Deutschland....do....	1,653,020	3,710	2,353	27 8
14	...do.....	Deike Rickmers..do....	1,503,770	4,176	2,657	24 8
14	...do.....	Kura.....do....	1,090,089	2,382	1,521	23 0
15	...do.....	Capt. A. F. Lucas..do....	1,400,000	4,188	3,252	25 0
17	...do.....	Conrad Mohr....do....	1,946,093	4,008	2,055	18 0
19	...do.....	Helios.....do....	1,491,372	3,477	2,211	27 2
19	...do.....	Audree Rickmers, tons.....	1,459,028	4,173	2,673	24 10
24	...do.....	Appalachee.....tons..	1,550,394	3,767	2,426	26 6
25	...do.....	La Hesbaye.....do....	1,141,999	2,556	1,976	23 6
26	...do.....	Etha Rickmers..do....	1,481,309	4,101	2,564	25 0
27	...do.....	Elise Marie.....do....	1,432,027	3,188	2,041	25 7
28	Barge.....	S. O. Co. No. 92..do....	1,750,000	3,248	3,044	24 0
28	Steamer...	Dorothy Rickmers, tons.....	1,506,980	4,177	2,665	24 8
29	...do.....	Kennebec (merchandise).....tons..	.....	5,077	3,301	17 6
Aug. 1	...do.....	Energie.....do....	1,269,578	2,762	1,726	25 6
4	...do.....	Lumen.....do....	1,117,011	2,402	1,555	23 0
5	...do.....	Oriflamme.....do....	1,600,000	3,763	2,423	27 0
8	...do.....	Calliope.....do....	1,503,360	3,829	2,483	25 0
12	...do.....	Cadillac.....do....	2,171,120	5,251	3,302	27 1
12	Barge.....	S. O. Co. No. 92.do....	1,200,000	3,248	3,044	25 0
15	Steamer...	Sabine Rickmers do....	1,445,660	4,105	2,562	24 7
15	...do.....	Clearfield.....do....	1,968,418	4,211	2,656	27 0
17	...do.....	Paula.....do....	1,236,968	2,748	1,715	25 5
19	...do.....	Geestemunde...do....	1,341,778	2,773	1,758	26 0
23	...do.....	Sirius.....do....	1,605,113	3,809	2,370	28 0
25	...do.....	Charlois.....do....	1,167,714	2,677	1,919	25 0
25	...do.....	Capt. A. F. Lucas..do....	1,000,000	4,188	3,252	24 0
25	...do.....	Hebredale.....do....	175,658	3,657	2,253	23 4
25	Barge.....	S. O. Co. No. 92..do....	1,500,000	3,248	3,044	26 0
Sept. 1	Steamer...	Lucigen.....do....	2,200,252	4,954	3,044	27 0
1	...do.....	Knight Templar do....	2,780,000	7,175	4,602	28 0
2	...do.....	Elise Marie.....do....	1,428,909	3,193	2,043	25 6

Statistics as to volume of business on Schuylkill River, 1911—Continued.

POINT BREEZE—CLEARANCES—continued.

Date.	Rig.	Vessel.	Cargo.	Tonnage. Gross.	Tonnage. Net.	Draft.
		OIL—continued.				Ft. in.
1911.						
Sept. 2	Steamer...	Capt. A. F. Lucas. tons..	1,500,000	4,188	3,252	24 0
7	...do.....	Willkommen....do....	1,367,737	3,140	1,999	25 7
7	...do.....	Helios.....do....	1,448,028	3,477	2,211	26 8
8	...do.....	Margaretha.....do....	905,270	2,092	1,247	22 6
8	Bark.....	E. C. Mowatt...do....	211,000	1,123	1,026	18 0
8	Barge.....	S. O. Co. No. 92.do....	1,500,000	3,248	3,044	22 0
9	...do.....	S. O. Co. No. 94.do....	2,000,000	4,167	3,934	24 0
9	...do.....	S. O. Co. No. 81.do....	1,000,000	1,774	1,402	20 0
12	Steamer...	Petroleine.....do....	1,960,785	4,205	2,654	26 8
13	...do.....	Lutetian.....do....	2,229,644	4,858	3,035	25 3
14	...do.....	Potomac.....do....	1,550,791	3,868	2,472	26 6
14	...do.....	Vedia.....do....	1,771,189	4,056	2,622	24 7
16	...do.....	La Campine.....do....	1,153,697	2,357	1,982	23 3
19	...do.....	Touraine.....do....	704,470	1,989	1,778	20 0
21	...do.....	Eddie.....do....	850,000	2,652	1,686	19 10
22	...do.....	Oriflamme.....do....	1,699,543	3,763	2,432	26 0
22	...do.....	La Flandre.....do....	875,419	2,018	1,278	23 11
23	Barge.....	S. O. Co. No. 92.do....	1,500,000	3,248	3,044	24 0
25	Steamer...	Suwanee.....do....	1,213,127	2,736	2,075	25 6
26	...do.....	Chester.....do....	1,151,082	2,568	1,637	25 11
26	...do.....	Geestemunde...do....	1,337,146	2,773	1,758	25 9
27	...do.....	Burg. Petersen..do....	1,333,422	2,788	1,880	25 7
29	...do.....	Lackawanna....do....	1,558,966	4,125	2,412	26 1
30	...do.....	Sirius.....do....	1,599,940	3,809	2,370	27 6
Oct. 2	...do.....	San Antonio....do....	2,393,567	5,251	3,236	28 7
4	...do.....	Capt. A. F. Lucas, tons.....	1,250,000	4,188	3,252	26 0
4	...do.....	City of Everett..tons..	1,200,000	2,595	1,939	25 0
4	...do.....	Elizabeth Rickmers, tons.....	1,495,925	4,174	2,673	25 5
4	Barge.....	S. O. Co. No. 94.tons..	1,500,000	4,167	3,934	21 6
4	...do.....	S. O. Co. No. 92.do....	1,500,000	3,248	3,044	20 0
6	Steamer...	Ecclesia.....do....	1,450,000	3,714	2,385	21 0
6	...do.....	Ocean.....do....	1,182,301	2,560	1,636	25 7
10	...do.....	Excelsior.....do....	1,667,659	3,710	2,361	28 4
16	...do.....	Auchendale.....do....	1,581,400	3,952	2,568	24 3
17	...do.....	Conrad Mohr....do....	1,946,044	4,008	2,055	25 6
20	...do.....	Diamant.....do....	1,512,262	3,445	2,205	26 5
23	...do.....	La Hesbaye.....do....	1,119,597	2,556	1,976	23 5
24	...do.....	Margaretha.....do....	898,615	2,092	1,247	23 0
25	...do.....	Willkommen....do....	1,374,525	3,140	1,999	25 0
27	...do.....	Baker Standard.do....	1,563,287	3,708	2,375	25 8
31	...do.....	Vedra.....do....	1,815,514	4,056	2,622	24 6
Nov. 1	...do.....	Lovat.....do....	2,033,914	5,329	3,376	26 4
2	...do.....	Oilfield.....do....	1,786,838	4,005	2,564	26 10
10	...do.....	Perfection.....do....	850,000	2,209	1,151	23 0
11	...do.....	Brilliant.....do....	1,463,519	3,189	2,011	26 6
13	...do.....	Chester.....do....	1,170,584	2,568	1,637	26 6
13	...do.....	La Flandre.....do....	863,588	2,018	1,278	23 4
13	...do.....	Sirius.....do....	1,524,854	3,800	2,370	27 10
16	...do.....	Rock Light.....do....	1,246,025	3,284	2,133	25 0
16	Barge.....	A. O. Co. 58.....do....	800,000	1,644	1,600	15 6
17	Steamer...	Paula.....do....	1,242,485	2,748	1,715	25 6
20	...do.....	Capt. A. F. Lucas. do....	1,250,000	4,188	3,252	26 0
20	Barge.....	S. O. Co. No. 57...do....	750,000	1,381	1,310	15 6
25	Steamer...	Perfection.....do....	800,000	2,209	1,151	20 6
25	...do.....	City of Everett..do....	1,000,000	2,595	1,939	21 6
25	...do.....	Mannheim.....do....	1,517,106	3,578	2,287	27 2
25	Barge.....	S. O. Co. No. 81...do....	750,000	1,774	1,402	19 0
25	...do.....	S. O. Co. No. 92...do....	1,200,000	3,248	3,044	25 0
27	Bark.....	Daylight.....do....	1,702,871	3,756	3,599	25 6
28	Steamer...	Potomac.....do....	1,493,430	3,868	2,472	26 6
29	...do.....	Elise Marie.....do....	1,447,898	3,193	2,041	25 5
Dec. 1	...do.....	Capt. A. F. Lucas. do....	1,250,000	4,188	3,252	21 0
1	Barge.....	S. O. Co. No. 57...do....	750,000	1,181	1,310	15 6
2	Steamer...	Eocene.....do....	850,000	2,209	1,151	20 0
2	Barge.....	S. O. Co. No. 58...do....	800,000	1,644	1,600	15 6
2	...do.....	S. O. Co. No. 94...do....	1,500,000	4,167	3,934	25 0
4	Steamer...	Putelight.....do....	1,949,009	4,489	2,723	26 0
5	...do.....	City of Everett...do....	1,200,000	2,595	1,939	25 0
6	...do.....	Bayonne.....do....	1,409,510	3,294	2,154	26 2
6	...do.....	Lackawanna....do....	1,477,626	4,125	2,412	26 4
7	...do.....	La Hesbaye.....do....	1,135,029	2,556	1,976	23 11
7	...do.....	Salfordia.....do....	1,400,129	3,666	2,365	24 0
15	...do.....	Cowrie.....do....	2,014,922	4,893	3,155	28 0
15	...do.....	La Campine.....do....	1,094,905	2,557	1,982	22 8
15	Barge.....	S. O. Co. No. 81...do....	891,342	1,774	1,402	19 0
16	Steamer...	Vedra.....do....	1,795,839	4,056	2,622	24 6
16	...do.....	Perfection.....do....	850,000	2,209	1,151	20 0
16	Barge.....	S. O. Co. No. 92...do....	1,200,000	3,248	3,044	24 0
21	Steamer...	Knight Companion, tons.....	2,793,019	7,433	4,715	28 8
22	...do.....	Oilfield..... tons..	1,786,799	4,005	2,564	27 0
23	Barge.....	S. O. Co. No. 94...do....	1,500,000	4,167	3,934	25 0
		Total oil.....	321,568,400	785,865	531,622	.....
		ACID.				
Jan. 17	Barge.....	No. 33.....tons..	600	382	372	8 6
23	...do.....	.....do.....do....	500	382	372	8 0
27	...do.....	.....do.....do....	500	382	372	8 0
Feb. 2	...do.....	.....do.....do....	500	382	372	8 0
15	...do.....	.....do.....do....	600	382	372	8 6
18	...do.....	.....do.....do....	600	382	372	8 6
23	...do.....	.....do.....do....	600	382	372	8 6
25	...do.....	.....do.....do....	600	382	372	8 6
Mar. 4	...do.....	.....do.....do....	600	382	372	8 6
9	...do.....	.....do.....do....	600	382	372	8 6
13	...do.....	.....do.....do....	600	382	372	8 6
16	...do.....	.....do.....do....	600	382	372	8 6

Statistics as to volume of business on Schuylkill River, 1911—Continued.

POINT BREEZE—CLEARANCES—continued.

Date.	Rig.	Vessel.	Cargo.	Tonnage. Gross.	Tonnage. Net.	Draft.
		ACID—continued.				Ft. in.
1911.						
Mar. 21	Barge.....	No. 33.....tons..	600	382	372	8 6
25	...do.....	.....do.....do....	600	382	372	8 6
Apr. 1	...do.....	.....do.....do....	600	382	372	8 6
8	...do.....	.....do.....do....	600	382	372	8 6
22	...do.....	.....do.....do....	600	382	372	8 6
27	...do.....	.....do.....do....	600	382	372	8 6
May 1	...do.....	.....do.....do....	600	382	372	8 6
12	...do.....	.....do.....do....	600	382	372	8 6
23	...do.....	.....do.....do....	600	382	372	8 6
31	...do.....	.....do.....do....	600	382	372	8 6
June 10	...do.....	.....do.....do....	600	382	372	8 6
17	...do.....	.....do.....do....	600	382	372	8 6
19	...do.....	.....do.....do....	600	382	372	8 6
27	...do.....	.....do.....do....	600	382	372	8 6
July 5	...do.....	.....do.....do....	600	382	372	8 6
11	...do.....	.....do.....do....	600	382	372	8 6
15	...do.....	.....do.....do....	600	382	372	8 6
21	...do.....	.....do.....do....	600	382	372	8 6
26	...do.....	.....do.....do....	600	382	372	8 6
29	...do.....	.....do.....do....	600	382	372	8 6
Aug. 1	...do.....	.....do.....do....	600	382	372	8 6
25	...do.....	.....do.....do....	600	382	372	8 6
28	...do.....	.....do.....do....	600	382	372	8 6
Sept. 1	...do.....	.....do.....do....	500	382	372	8 0
4	...do.....	.....do.....do....	500	382	372	8 0
9	...do.....	.....do.....do....	500	382	372	8 0
21	...do.....	.....do.....do....	500	382	372	8 0
27	...do.....	.....do.....do....	500	382	372	8 0
Oct. 3	...do.....	.....do.....do....	500	382	372	8 0
7	...do.....	.....do.....do....	500	382	372	8 0
11	...do.....	.....do.....do....	500	382	372	8 0
16	...do.....	.....do.....do....	500	382	372	8 0
20	...do.....	.....do.....do....	500	382	372	8 0
23	...do.....	.....do.....do....	500	382	372	8 0
28	...do.....	.....do.....do....	500	382	372	8 0
Nov. 3	...do.....	.....do.....do....	500	382	372	8 0
10	...do.....	.....do.....do....	500	382	372	8 0
14	...do.....	.....do.....do....	500	382	372	8 0
17	...do.....	.....do.....do....	500	382	372	8 0
24	...do.....	.....do.....do....	500	382	372	8 0
27	...do.....	.....do.....do....	500	382	372	8 0
Dec. 1	...do.....	.....do.....do....	500	382	372	8 0
15	...do.....	.....do.....do....	500	382	372	8 0
19	...do.....	.....do.....do....	500	382	372	8 0
		Total acid.....	31,200	21,392	20,832	.....

BELOW POINT BREEZE—ARRIVALS.

		BAUXITE.				
Jan. 18	Steamer...	Singapore.....tons..	5,000	4,230	2,736	23 1
Apr. 18	...do.....	.....do.....do....	5,500	4,230	2,736	22 9
July 9	...do.....	Remembrance..do....	5,600	3,660	2,286	21 10
Sept. 1	...do.....	Finn.....do....	5,900	3,906	2,473	23 3
Nov. 30	...do.....	.....do.....do....	5,200	3,606	2,473	23 5
Dec. 4	...do.....	Singapore.....do....	5,300	4,230	2,736	22 6
		Total bauxite, tons.....	32,500	23,762	15,440	.....
		BOWLDER FLINTS.				
July 3	Steamer...	Antigua.....tons..	4,196	2,876	1,857	21 0
		IRON ORE.				
Jan. 16	Steamer...	Earl of Elgin....tons..	6,300	4,448	2,811	23 10
May 30	...do.....	Adventure.....do....	2,100	1,761	826	19 4
July 9	...do.....	Gladstone.....do....	7,740	4,927	3,825	24 6
30	...do.....	Furtor.....do....	4,447	2,991	1,954	20 6
Aug. 22	...do.....	Harold.....do....	4,600	2,987	1,921	20 9
Sept. 14	...do.....	Urkiola Mendi..do....	5,542	3,552	2,289	23 6
	...do.....	Tiger.....do....	4,500	3,273	2,116	21 0
		Total iron ore, tons.....	35,229	23,939	15,742	.....
		ASPHALT.				
June 30	Steamer...	Thordisa.....tons..	3,200	2,317	1,483	21 0
Sept. 7	...do.....	Jacob Bright....do....	3,950	2,718	1,734	20 3
Nov. 12	...do.....	Ashmore.....do....	4,500	2,519	1,574	20 11
Dec. 16	...do.....	Nora.....do....	1,530	1,131	699	15 10
29	...do.....	Vinland.....do....	1,510	1,143	661	15 7
		Total asphalt..do....	14,690	9,828	6,151	.....
		KRYOLITE.				
Sept. 13	Steamer...	Thelma.....tons..	1,724	1,350	810	15 8
		MANGANESE ORE.				
Feb. 3	Steamer...	Visigoth.....tons..	4,130	4,095	2,613	18 4
11	...do.....	Ocean Prince....do....	7,200	5,101	3,288	25 6
Mar. 16	...do.....	Tuscarora.....do....	6,440	6,117	3,925	25 0
Apr. 19	Ship.....	Radiant.....do....	2,800	1,974	1,845	20 4
May 6	Steamer...	Grangewood....do....	1,300	3,422	2,193	15 6

Statistics as to volume of business on Schuylkill River, 1911—Continued.

BELOW POINT BREEZE—ARRIVALS—continued.

Date.	Rig.	Vessel.	Cargo.	Tonnage. Gross.	Tonnage. Net.	Draft.
		MANGANESE ORE—con.				
1911.						*Ft. in.*
May 26	Steamer ..	Comeric.....tons..	1,700	3,980	2,594	16 10
June 7	...do.....	.....do.....do....	1,700	3,980	2,594	16 10
18	...do.....	Corunna.....do....	1,600	3,810	2,482	19 9
July 23	...do.....	Bramley.....do....	2,500	4,290	2,789	19 10
29	...do.....	Himeria.....do....	5,500	3,606	2,351	23 9
Sept. 4	...do.....	Kristiana.....do....	1,600	2,693	1,673	13 8
30	...do.....	Elleric.....do....	2,000	3,570	2,322	18 7
Oct. 3	...do.....	Tubia.....do....	5,500	3,586	2,343	23 0
17	...do.....	Meridian.....do....	5,450	3,438	2,248	23 0
30	...do.....	Hartlepool.....do....	6,400	4,409	2,729	24 6
Nov. 4	...do.....	Foreric.....do....	2,800	3,974	2,557	17 6
		Total manganese ore, tons.	61,920	61,432	40,111	.....
		MYRABLOOMS.				
July 23	Steamer...	Bramley.....bags..	19,633	.....	.....	.....
Sept. 4	...do.....	Kristiania.....do....	4,324	.....	.....	.....
30	...do.....	Elleric.....do....	12,382	.....	.....	.....
Nov. 4	...do.....	Foreric (565 bags wood)	2,824	.....	.....	.....
		Total (565 bags wood).	39,163	.....	.....	.....
		IRON PYRITES.				
Mar. 20	Steamer...	Newstead.....tons..	2,048	2,836	1,827	20 6
21	...do.....	Mariner.....do....	1,813	2,378	1,523	19 7
Apr. 30	...do.....	Wavelet.....do....	2,143	2,992	1,918	20 0
July 8	...do.....	Harlseywood....do....	4,148	2,701	1,694	19 10
Dec. 22	...do.....	Lord Iveagle....do....	4,374	3,316	2,137	22 7
		Total iron pyrites, tons.	14,526	14,223	9,099	.....
		OXIDE ORE.				
May 28	Steamer...	Yangistan.....tons..	2,500	3,738	2,393	22 0
		CORKWOOD.				
July 8	Steamer...	Harlseywood...bales..	1,545	.....	.....	.....
9	...do.....	Remembrance..do....	1,646	.....	.....	.....
		Total corkwood, bales.	3,191	.....	.....	.....
		CORK SHAVINGS.				
Dec. 22	Steamer...	Lord Oveagle...bales..	{ 2,907 [1] 1,567	.....	.....	.....
		GENERAL CARGO.				
Jan. 16	Steamer...	Venango.....	.....	2,936	1,910	22 11
Feb. 9	...do.....	Daltonhall.....	.....	3,538	2,265	21 4
Apr. 22	...do.....	Teresa.....	.....	3,769	2,381	22 10
May 16	...do.....	Florence.....	.....	2,492	1,609	22 0
July 3	...do.....	Gerty.....	.....	4,212	2,715	24 5
		Total.....	.....	16,947	10,880	.....
		CHINA CLAY.				
Jan. 8	Steamer...	Grampian Range.....	.....	3,148	2,017	22 4
25	...do.....	Ripon.....	.....	2,965	1,885	20 6
Feb. 12	...do.....	Amana.....	.....	3,412	2,161	21 6
16	...do.....	Adtraca.....	.....	2,123	1,299	20 6
Mar. 13	...do.....	Florence.....	.....	2,492	1,609	22 2
Apr. 8	...do.....	Brantford.....	.....	4,113	2,656	23 10
15	...do.....	Ripon.....	.....	2,965	1,885	20 6
May 19	...do.....	Powhatan.....	.....	4,264	2,789	25 0
June 4	...do.....	Pythia.....	.....	4,239	2,722	21 3
19	...do.....	Montauk Point.....	.....	4,822	3,026	25 7
July 2	...do.....	Ripon.....	.....	2,965	1,885	20 9
Aug. 6	...do.....	Jungshoved.....	.....	3,835	2,466	20 6
12	...do.....	Grampion Range.....	.....	3,148	2,017	22 11
28	...do.....	Rosebank.....	.....	3,837	2,470	23 6
Sept. 15	...do.....	Alleghany.....	.....	4,262	2,789	22 0
27	...do.....	Asama.....	.....	4,217	2,706	22 6
Oct. 25	...do.....	Indiana.....	.....	3,869	2,509	20 10
Nov. 11	...do.....	Pennine Range.....	.....	3,397	2,214	23 4
Dec. 4	...do.....	Grampion Range.....	.....	3,148	2,017	23 6
16	...do.....	Ripon.....	.....	2,965	1,885	20 8
		Total.....	.....	70,184	45,007	.....
		CHROME ORE.				
Jan. 24	Steamer...	York Castle.....tons..	3,400	5,310	3,467	20 10
Mar. 5	...do.....	Aros Castle.....do....	3,000	4,460	2,869	20 9
July 31	...do.....	Aros Castle.....do....	4,900	4,460	2,869	22 0
Nov. 12	...do.....	Daleby.....do....	4,000	3,628	2,353	21 6
		Total chrome ore, tons.....	15,300	17,858	11,558	.....
		EMERY STONE.				
Nov. 12	Steamer...	Daleby.....tons..	850	.....	.....	.....

[1] Bags chestnuts.

Statistics as to volume of business on Schuylkill River, 1911—Continued.

BELOW POINT BREEZE—CLEARANCES.

Date.	Rig.	Vessel.	Cargo.	Tonnage. Gross.	Tonnage. Net.	Draft.
		WHEAT.				
1911.						*Ft. in.*
Feb. 14	Steamer...	Benedick (merchandise), bushels.....	.....	2,714	1,758	23 1
17	...do.....	Mariner.....bushels..	{ 58,305 [2] 42,857 }	2,742	1,760	23 6
Mar. 11	Barge.....	Chowan (ore, 600 tons), ...bushels..	.....	375	375	8 6
13	Steamer...	Fjordheim.....do....	122,705	2,337	1,464	19 3
May 24	...do.....	Lovstakken.....do....	78,226	3,105	2,002	17 0
Nov. 11	...do.....	Hartlepool.....do....	230,663	4,409	2,729	25 2
17	...do.....	Millpool.....do....	115,723	4,218	2,707	23 8½
21	...do.....	Pikepool.....do....	208,070	3,638	2,271	21 10
28	...do.....	Daleby.....do....	189,007	3,629	2,353	22 11
Dec. 26	...do.....	Lady Carrington..do....	221,347	3,920	2,490	23 0
30	...do.....	Ripon.....do....	165,294	2,965	1,885	21 7
		Total (merchandise, 600 tons ore).....	1,387,340	34,051	21,794	.....
		ABOVE POINT BREEZE—ARRIVALS.				
		LATHS.				
Jan. 17	Schooner..	Moama.....	2,369,500	404	384	13 3
Apr. 26	...do.....	Conrad S.....	1,599,000	344	299	12 0
May 27	...do.....	Harold B. Cousins.....	1,946,300	379	360	13 0
July 5	...do.....	Moama.....	2,258,100	404	384	14 6
20	...do.....	Roger Drurg.....	1,904,300	360	307	12 0
Aug. 28	...do.....	Lord of Avon.....	1,900,000	367	325	14 0
Sept. 13	...do.....	Caroline Grey.....	1,320,000	327	277	12 0
		Total laths.....	13,297,200	2,585	2,336	.....
		TANKAGE.				
Jan. 6	Barge.....	Florence O'Brien,tons.	600	345	345	9 6
		ASPHALT.				
Oct. 11	Steamer...	Fairmead.....tons..	3,250	2,245	1,432	21 0
		OIL.				
Jan. 3	Barge.....	Conemaugh...barrels..	17,500	1,774	1,714	22 6
16	Steamer...	Oklahoma.....do....	60,000	5,853	3,795	25 0
25	Barge.....	Conemaugh.....do....	17,500	1,774	1,714	22 0
Feb. 19	Steamer...	Ligonier.....do....	31,000	3,737	2,396	22 6
Mar. 25	...do.....	Oklahoma.....do....	60,000	5,853	3,795	24 6
Apr. 4	...do.....	Ligonier.....do....	32,000	3,737	2,396	23 0
4	Barge.....	Shenango.....do....	31,000	2,365	1,824	18 0
June 3	Steamer...	J. M. Guffey....do....	21,000	2,250	1,593	22 0
5	...do.....	Oklahoma.....do....	60,000	5,853	3,795	25 0
July 1	...do.....	Winifred.....do....	21,000	2,551	1,520	21 3
21	...do.....	J. M. Guffey....do....	21,000	2,250	1,593	23 0
Aug. 1	Barge.....	Shenango.....do....	28,000	2,365	1,824	18 0
5	Steamer...	Oklahoma.....do....	60,000	5,853	3,795	25 0
10	...do.....	J. M. Guffey....do....	10,500	2,250	1,593	21 0
24	Barge.....	Shenango.....do....	27,000	2,365	1,824	18 0
Sept. 2	Steamer...	J. M. Guffey....do....	10,500	2,250	1,593	22 0
16	Barge.....	Shenango.....do....	28,000	2,365	1,824	18 0
25	Steamer...	J. M. Guffey....do....	21,000	2,250	1,593	23 0
Oct. 7	...do.....	Oklahoma.....do....	61,000	5,853	3,795	25 6
29	...do.....	Winifred.....do....	20,500	2,551	1,520	20 0
31	Barge.....	Shenango.....do....	27,000	2,365	1,824	18 0
Nov. 10	Steamer...	J. M. Guffey....do....	20,500	2,250	1,593	22 6
Dec. 4	...do.....	Larimer.....do....	33,000	3,737	2,396	23 0
17	...do.....	Oklahoma.....do....	60,000	5,853	3,795	25 0
17	Barge.....	Shenango.....do....	28,000	2,365	1,824	18 0
		Total oil..do....	807,000	82,669	56,928	.....
		COAL TAR.				
Jan. 27	Barge.....	I. D. Fletcher..barrels..	6,000	1,034	1,034	12 0
Feb. 22	...do.....	.....do.....do....	6,000	1,034	1,034	12 6
Apr. 24	...do.....	.....do.....do....	6,000	1,034	1,034	13 0
June 24	...do.....	.....do.....do....	1,000	1,034	1,034	10 0
July 13	...do.....	.....do.....do....	6,000	1,034	1,034	12 6
Aug. 9	...do.....	.....do.....do....	1,000	1,034	1,034	10 0
Oct. 7	...do.....	.....do.....do....	2,000	1,034	1,034	10 6
Nov. 9	...do.....	.....do.....do....	6,000	1,034	1,034	13 0
Dec. 4	...do.....	.....do.....do....	225	1,034	1,034	8 0
20	...do.....	.....do.....do....	6,000	1,034	1,034	12 0
		Total coal tar....	40,225	10,340	10,340	.....
		IRON PYRITES.				
Mar. 20	Steamer...	Newstead.....tons..	2,048	.....	.....	.....
21	...do.....	Mariner.....do....	1,813	.....	.....	.....
Apr. 30	...do.....	Wavelet.....do....	2,143	.....	.....	.....
Aug. 26	...do.....	Mariner.....do....	3,610	2,378	1,523	20 0
		Total iron pyrites	9,614	.....	.....	.....

[2] Corn.

Statistics as to volume of business on Schuylkill River, 1911—Continued.

ABOVE POINT BREEZE—ARRIVALS—continued.

Date.	Rig.	Vessel.	Cargo.	Tonnage. Gross.	Tonnage. Net.	Draft.
		STONE.				Ft. in.
1911						
Jan. 11	Schooner..	Bessie C. Beach..tons..	500	341	284	12 0
Apr. 11	...do.....	Frank Brainerd..do....	325	254	198	10 0
May 8	...do.....	.....do.....do....	300	254	198	10 0
15	...do.....	Sam'l S. Thorp..do....	750	528	434	12 0
June 17	...do.....	Frank Brainerd..do....	300	254	198	10 0
July 12	...do.....	Annie B. Mitchell, tons.....	725	463	397	14 0
19	...do.....	Jeremiah Smith..tons..	600	409	336	12 0
22	...do.....	Frank Brainerd..do....	315	254	198	10 0
Aug. 14	...do.....	.....do.....do....	300	254	198	10 0
Sept. 10	...do.....	J. Howell Leeds..do....	600	414	393	12 0
14	...do.....	Frank Brainerd..do....	325	254	198	12 0
18	...do.....	Jeremiah Smith..do....	600	409	336	12 6
Oct. 3	...do.....	Thomas H. Lawrence, tons.....	500	374	322	13 0
9	...do.....	Alice J. Crabtree..tons..	500	378	325	12 0
16	...do.....	Frank Brainerd..do....	325	254	198	12 0
17	...do.....	Herbert May....do....	600	384	318	12 0
16	...do.....	Geo. E. Klinck..do....	750	580	460	13 6
Nov. 7	...do.....	Margaret M. Ford, tons.....	300	365	291	13 0
Dec. 25	...do.....	Helvetia.....tons..	750	499	425	14 6
		Total stone, tons.....	9,365	6,902	5,707	.....
		LUMBER.				
Jan. 15	Schooner..	Joel F. Sheppard..feet..	467,000	567	485	16 0
28	Barge.....	E. R. Clinton...do....	225,000	420	420	8 6
29	Schooner..	Warren Adams..do....	475,000	667	587	15 6
Mar. 12	...do.....	Humarock.....do....	369,000	455	399	16 6
22	...do.....	Jas. H. Hargraves, feet.....	190,000	184	138	8 6
27	...do.....	Wm. Donnelly...feet..	100,000	98	93	6 0
Apr. 1	Barge.....	Nansemond.....do....	360,000	361	361	8 6
20	Schooner..	Fannie Insley...do....	60,000	59	56	8 0
May 2	...do.....	Richard Tall....do....	55,000	49	47	7 0
2	...do.....	Anna Camp.....do....	90,000	83	78	8 0
6	Barge.....	Experiment.....do....	400,000	393	393	8 6
8	Schooner..	Margaret A. May, feet.....	409,000	536	458	16 6
9	...do.....	Maine.....feet..	175,000	190	181	11 0
17	...do.....	Laura Haldt....do....	501,000	522	452	15 0
21	Barge.....	John W. Davidson, feet.....	239,500	434	434	8 6
22	Schooner..	Thos. B. Taylor..feet..	96,000	93	88	9 0
25	...do.....	Anna Ellen.....do....	68,000	49	47	8 0
27	...do.....	Lizzie M. Parsons, feet.....	500,000	655	571	16 0
29	...do.....	S. Sawyer.....feet..	110,000	69	66	8 6
June 3	...do.....	Madison.....do....	230,000	229	182	11 0
4	...do.....	Wm. Donnelly..do....	81,000	98	93	5 6
11	...do.....	Warren Adams..do....	500,000	667	587	15 6
20	...do.....	Three Sons.....do....	75,000	58	56	8 6
23	...do.....	Maud H. Dudley, feet.....	350,000	392	327	12 0
29	...do.....	Thos. B. Taylor..feet..	100,000	93	88	8 6
July 7	...do.....	Fannie Prescott..do....	300,000	404	316	15 0
11	Barge.....	Maryland.....do....	715,000	625	625	8 6
13	...do.....	Florence E. McNaughton.....feet..	375,000	357	357	8 6
13	Schooner..	E. S. Adkins....do....	97,000	58	51	8 0
24	...do.....	Mary Lee.....do....	150,000	130	104	9 0
24	...do.....	L. B. Platt.....do....	25,600	39	27	8 6
26	...do.....	Wm. Donnelly..do....	110,000	98	93	8 6
27	...do.....	S. Sawyer.....do....	110,000	69	66	8 6
Aug. 3	...do.....	Carrie S. Morse..do....	65,000	56	42	7 6
15	...do.....	L. B. Platt.....do....	25,600	39	27	8 0
19	...do.....	Wm. Donnelly..do....	112,000	98	93	6 6
25	...do.....	Mary Lee.....do....	150,000	130	104	9 0
	...do.....	Alert.....do....	85,000	66	63	8 6
Sept. 10	...do.....	L. B. Platt.....do....	25,600	39	27	8 0
13	...do.....	J. W. Knowles..do....	60,000	57	52	8 0
21	...do.....	Wm. Schmink..do....	58,000	63	58	8 6
23	Barge.....	Mildred McNally, feet.....	550,000	494	494	9 0
25	Schooner..	Lawrence Clayton, feet.....	75,700	79	75	8 0
Oct. 1	...do.....	E. S. Adkins.....feet..	124,000	58	51	9 0
7	...do.....	Clara Brooks.....do....	450,000	472	452	9 0
8	...do.....	Humarock.....do....	400,000	455	399	16 0
9	...do.....	North Carolina..do....	91,000	90	78	9 0
20	...do.....	E. S. Adkins.....do....	96,000	58	51	8 0
28	...do.....	Engie.....do....	103,000	82	64	9 0
Nov. 1	Barge.....	Clara.....do....	410,000	430	43	9 0
10	Schooner..	E. S. Adkins.....do....	132,000	58	51	9 0
23	...do.....	S. Sawyer.....do....	75,000	69	66	8 0
Dec. 1	...do.....	Thomas B. Cator, feet.....	35,000	46	34	8 6
13	...do.....	Alice Hodges.....feet..	80,000	69	66	8 6
24	Barge.....	Joseph W. Janney, feet.....	302,000	417	417	9 0
26	...do.....	Triton.....feet..	335,000	281	281	8 6
29	Schooner..	Laura Haldt....do....	239,000	522	452	16 6
		Total lumber....	12,487,000	13,435	12,263	.....

Statistics as to volume of business on Schuylkill River, 1911—Continued.

ABOVE POINT BREEZE—CLEARANCES.

Date.	Rig.	Vessel.	Cargo.	Tonnage. Gross.	Tonnage. Net.	Draft.
		GENERAL.				Ft. in.
1911						
Jan. 19	Steamer...	Oklahoma.....tons..	100	5,853	3,795	17 0
Mar. 29	...do.....	.....do .....do....	100	5,853	3,795	17 0
July 3	...do.....	Winifred.....do....	200	2,551	1,520	18 10
24	...do.....	J. M. Guffey....do....	100	2,250	1,593	19 0
Aug. 4	Barge.....	Shenango.....do....	100	2,365	1,824	13 0
8	Steamer...	Oklahoma.....do....	100	5,853	3,795	18 0
14	...do.....	J. M. Guffey....do....	150	2,250	1,593	18 0
26	Barge.....	Shenango.....do....	100	2,365	1,824	13 0
Sept. 5	Steamer...	J. M. Guffey....do....	150	2,250	1,593	18 0
27	...do.....	.....do.....do....	300	2,250	1,593	20 0
Oct. 9	...do.....	Oklahoma.....do....	400	5,853	3,795	20 0
Nov. 1	...do.....	Winifred.....do....	300	2,551	1,520	17 0
2	Barge.....	Shenango.....do....	100	2,365	1,824	13 0
13	Steamer...	J. M. Guffey....do....	200	2,250	1,593	17 0
Dec. 5	...do.....	Larimer.....do....	200	3,737	2,396	16 0
21	...do.....	Oklahoma.....do....	100	5,853	3,795	18 0
		Total general	2,700	56,449	37,848	.....
		OIL.				
Dec. 21	Barge.....	Shenango.....barrels..	500	2,365	1,824	12 0
		CREOSOTE.				
Jan. 30	Barge.....	I. D. Fletcher..barrels..	6,000	1,034	1,034	15 0
May 6	...do.....	.....do.....do....	6,000	1,034	1,034	15 0
Dec. 23	...do.....	.....do.....do....	6,000	1,034	1,034	15 0
		Total creosote...	18,000	3,102	3,102	.....
		COAL TAR.				
Mar. 23	Barge.....	I. D. Fletcher..barrels..	5,000	1,034	1,034	12 0
June 24	...do.....	.....do.....do....	3,000	1,034	1,034	11 0
		Total coal tar....	8,000	2,068	2,068	.....

Children's Bureau.

SPEECH

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 2, 1912.

The House having under consideration the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau—

Mr. RAKER said:

Mr. SPEAKER: This bill has for its purpose the conservation of human life—the boys and the girls of this Nation. To my mind there is no more important legislation pending before this House to-day than the present bill. It simply gives the Government power to obtain statistics as to the present conditions and past conditions in relation to children and the relation of the juvenile courts; and no more power has been given in this bill than should be given, as the power in regard to juvenile courts is already lodged in the States. The States desire to obtain information in regard to this important matter.

The total population of the United States in the 1900 census was 75,994,575 people, and of these 43.3 per cent, or 33,681,074, were under 20 years of age, and their care should be aided by the researches of the bureau provided for by this bill. Seven million two hundred and fifty-three thousand seven hundred and thirty-six were from 1 to 4 years of age; 8,874,123 were from 5 to 9 years of age; 8,080,234 were from 10 to 14 years of age; and 7,553,089 were from 15 to 19 years of age.

The most precious thing which a nation has is its children. After our years of struggle we founded a Government which is based on universal suffrage, and if we are going to preserve the benefits of universal suffrage we must have the children well brought up, healthy, strong, and able to understand the duties of citizenship. Care for the children is one thing which always meets with public approval. No class of expenditure in the country is so generally accepted by the public as the appropriations for schools and for the health and welfare of children. There has been a tremendous difficulty, however, in finding out

the best way of meeting the children's problems. One community may meet them one way, such as by carrying on experiments with the purpose of caring for delinquent children, or taking up some other phase of the child problem. Some other community in the country will be trying the same problems, yet each will be unable to benefit by the experience of the other. The purpose of this bill is that the Government shall collect and have in shape for ready reference all the information which bears on the subject of the welfare of children. From numerous petitions from all kinds of civic organizations, and by thousands of others who are interested in this work, it is plainly apparent that the interest in the creation of this bureau is very widespread and the demand for it earnest and sincere. There are many bureaus of the Government now securing information upon varied subjects, namely, Bureau of Manufactures, Bureau of Mines, Bureau of Animal Industry, Bureau of Plant Industry, Bureau of Chemistry, Bureau of Soils, the Bureau of Education, and many others, none of which are more important, or even so important, as the one provided by the present contemplated legislation. Many and varied charitable and humane organizations are interested in the welfare of children, and are spending many thousands upon thousands of dollars annually for the care and protection of the child, and why should not the Government collect the facts and standardize the information concerning these children in order that the work may be more wisely and effectively carried on? There is practically no objection. In fact, no one has had the hardihood to raise his voice against creating a bureau for such a salutary and humane and important subject. It will be made the duty of the bureau to investigate and report upon questions of infant mortality, orphanages, juvenile courts, diseases of children, and the employment of children, together with the questions of legislation affecting children in the several States and in the District of Columbia.

The problems of childhood, which are many and which are to be mainly considered by this bureau are: The problem of afflicted children, of dependent children, of delinquent children, and of children at work. It would be the duty of the bureau to investigate the problem of infant mortality. It has been conservatively estimated that more than 300,000 children die every year in the United States, and at least one-half of these deaths could be prevented, if those in charge of the children could be made acquainted with the proper preventative measures. While it is not to be claimed that all of these children would have been saved to their parents and to the country by the establishment of such a bureau, it is nevertheless claimed that the ascertainment of the facts concerning the high-rate of mortality throughout the country, and the communication of these vital facts to the authorities as well as to parents and to doctors, would tend materially to the preservation of the lives of innumerable thousands in the years to come. Much relief would be at hand to prevent blindness, deafness, and many other permanent afflictions. There can be no doubt, from the experience of past years, that a large percentage of blindness and deafness, as well as all forms of deformity, are due to the lack of simple preventative medical treatment during the tender years of infancy. Much of this neglect is due to ignorance. What this bill seeks to do is to collect the proper data and information and to have it thoroughly and systematically distributed by some known authority to the people generally. By the gathering of the statistics and condition of dependent children, their surroundings and conditions, as well as the information and data as to those who are responsible therefor, much good will be accomplished.

The cost of maintaining and supporting dependent children in institutions in the United States is something over $20,000,000 annually, and there are over 160,000 dependent children in institutions and under other care. This of itself, shows the magnitude of the work in hand and the necessity for the Government to make every effort it can within its power, within the provisions provided by the proposed legislation, to assist in this most vital and important question—our children's welfare and their betterment.

The information concerning the best method for their care and training for life is most important and one that this Government can not consistently overlook. While we are talking in platitudes of the conservation of our natural resources, what more important, what more vital question of conservation is before the American people to-day than that of conserving the lives, health, and condition of our children, so that they may grow up to be sturdy men and women and able to meet successfully the battles of life. There is no greater question that demands wiser statesmanship than that of its citizenship, at the present as well as the future.

The questions of when the child should and should not be required to labor, its conditions, its environment, are likewise important. The various corporations in which the children are employed and how such corporations should be regulated, if not altogether prohibited, requires much important care and consideration. This bureau will assist in collecting information and help in its solution. The question of dangerous occupations for children, how the occupations of children subject them to different diseases, and the best laws for the regulation of children, not only in this country but in other nations, is vitally important. This bureau will be in a position to collect these important facts and to materially assist in molding the proper legislation for our various States.

As I understand the provisions of this bill, the bureau will be an authoritative source of information concerning all of these questions to the end that human life and health may be preserved and human misery be decreased.

It certainly can not be more consistent with the principles of this Government that we should be able to discover information concerning the problems of childhood than that we should distribute bulletins concerning the care of our domestic animals or the preservation of our forests or the best methods of tilling our soils.

The work done in the various States by the juvenile courts and probation officers within the last few years has been most marvelous, and the good accomplished incalculable. This bureau will be able to gather together and systematize the method of procedure, the best way to treat delinquent and dependent children, and child mortality and the child's employment. When thus gathered, we will have an authoritative source that may distribute this valuable information broadcast over the land to the end that the proper parties obtain it, and thereby much good will be accomplished.

And without a voice of protest, but with a practical unanimity of sentiment in its favor by the people, this bill should receive the unanimous approval of the House. It is much better that we spend a reasonable amount in upbuilding and improving conditions for our children, than to spend it after evil results have been accomplished, for, in most instances, the evil is permanent. I am therefore from every conceivable standpoint and reason, in favor of the enactment of this bill into law.

Regulation of Injunctions.

SPEECH

OF

HON. ELMER A. MORSE,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912,

On the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.

Mr. MORSE of Wisconsin said:

Mr. SPEAKER: I believe that the time is most auspicious for the consideration of this legislation vitally affecting the relations of labor and capital. It is timely because of the fact that there are at this time no great strikes or labor disputes, the public mind is not inflamed, prejudices are not aroused, and men can give this great question calm and deliberate consideration.

When it comes to the question of changing the jurisdiction of our equity courts and taking away from them some of the powers that they have exercised for hundreds of years, and curtailing the activities of these courts, which have in centuries gone by stood as the very bulwark of our liberties, you come to the consideration of grave problems.

There has been a great deal of agitation for this legislation. I feel that this agitation has come largely from the fact that some State and Federal judges have abused their powers. This law prescribes what has been the procedure in the courts presided over by many of our best judges, but it also goes very much further.

It seems to me that in these mighty conflicts that have arisen between organized labor on the one hand and organized capital on the other, that many Federal judges have approached the subject from a prejudiced viewpoint. I believe that the facts will bear out the conclusion that property and property rights have been held more sacred than personal rights. The laborer when he gives his labor gives his all. He gives himself—his very life—to society. The welfare, happiness, education, the very life of his wife and children, are dependent on his labor. Everything that he holds near and dear are dependent ofttimes

on the result of a great labor dispute. He has a right to feel that the strong arm of the equity courts shall be extended in his direction to help him in the unequal struggle for existence.

Of course, I shall vote for the bill.

I believe in the right of labor to organize. I believe that the wonderful strides that have been made in the last 25 years toward the amelioration of the condition of laboring men and women, the legislative accomplishments, the social betterment, the shortening of the hours of labor, the increase of the wage, safety-appliance laws, factory-inspection laws, and the whole movement in these directions, could not have come had it not been for labor unions.

I am personally acquainted with the officers and members of the various railway orders in my own district. They are asking for this legislation. They are as fine a body of men as you can find in any community in the world. They are educated, industrious, patriotic American citizens. They bear their share of the burdens of taxation and assume their share of the duties of citizenship.

The work requires men of courage or steady nerve or iron muscle, of bulldog tenacity and clear brain. There are no cowards, drones, or sluggards in these organizations. They are loyal to themselves and loyal to their employers. They are not asking special favors at the hands of this Congress or at the hands of anyone. Give them a square deal and equality of opportunity and they will do the rest.

Let us see what this bill does. In the first place, it does away with what is popularly known as "Government by injunction."

It does away with at least five glaring abuses which have gradually crept into our administration of this remedy. These abuses are as follows:

The issuance of injunctions without notice.
The issuance of injunctions without bond.
The issuance of injunctions without detail.
The issuance of injunctions without parties.
The issuance of injunctions against certain well-established and indisputable rights.

An injunction should not be issued without notice. The mere issuance of an injunction often achieves the purpose of the suit.

When such an injunction has fallen like a bolt from a clear sky upon the unhappy litigant, punishing him beyond recovery before a hearing can be had, it is no wonder that under such circumstances he feels himself the victim of a rank injustice and that his sense of wrong sometimes blazes into fierce criticism of the courts and deep resentment against all forms of law.

It is that sort of thing that is breeding disrespect for the courts, disrespect for the law, and undermining the very foundations of our liberties.

The bill further provides that no restraining order shall issue unless the party demanding the order shall give security conditioned upon the payment of such costs and damages as may be suffered by any party wrongfully enjoined. Can any man object to this provision? Ought not the man who seeks to enjoin another from doing an act pay to the man enjoined all damages which may accrue if it is shown that the injunction ought not to have been issued?

The next section of the bill seeks to remedy the abuse which has grown up in our system, namely, of issuing injunctive orders to persons not properly before the court and against acts which are not sufficiently described in detail. Certainly no man can object to such a provision of law. Certainly no omnibus or basket clause should be attached to any injunctive order which may be construed to prohibit all kinds of things not specifically described.

Another clause of the bill provides that in trade disputes no injunction shall issue unless necessary to prevent irreparable injury to the property or property rights of the party making the application, for which there is no adequate remedy at law. President Roosevelt has again and again insisted on the enactment of this legislation. The platforms of both political parties have declared for it. The Congress of the United States should enact it into law.

The right to strike is now recognized by everyone. In the earliest reported cases it was held that a combination to raise wages by quitting work simultaneously was a criminal conspiracy and indictable accordingly. In every civilized nation of the world at the present time the right to strike and to persuade others by peaceful means to join in doing so is now recognized as one of the inalienable rights of the man who labors with his hands.

The right to picket is also now well established, and this bill prohibits the courts from issuing injunctions against—

attending at or near a house or place where any person resides or works or carries on business or happens to be, for the purpose of peaceably obtaining or communicating information, or of peaceably persuading any person to work or abstain from working.

Is there any danger in this? The Federal courts have recognized this right in many notable cases. Let us enact it into law in order that it may be a guide to judges who might through prejudice or error do otherwise.

In the case of Atchison, Topeka & Santa Fe Railway Co. *v.* Gee (139 Fed., 584) the judge said:

There is and can be no such thing as peaceful picketing any more than there can be chaste vulgarity or peaceful mobbing or lawful lynching.

Such an intemperate judge as this certainly requires watching, and the enactment of this law may be necessary to properly guide this class of judges.

I do not believe that this bill legalizes what is known as secondary boycott. The secondary boycott is to be defined as coercion in some form directed against a person who is not a party to the trades dispute in order to force him to join in injuring one of the parties of the dispute. This bill does not legalize force, violence, intimidation, fraud, or coercion in labor disputes, and no patriotic laboring man desires to see any of these things legalized.

The great body of workingmen organized and unorganized are not lawless or criminally inclined. They are no less patriotic or less devoted to our free institutions or less unfriendly to established order or more ready to violate the law than are the Members of this House. Organized labor should be accorded in statute and in practice every legitimate weapon of offense and defense that organized capital enjoys. Organized labor is not asking for class legislation; it is not asking for special privileges before the law; but it does ask and has a right to demand a square deal and equality of opportunity.

In conclusion, I desire to say that in my opinion this kind of legislation will tend to inspire respect for the courts, respect for the law, and strengthen rather than weaken our judicial system.

Social and Economic Progress.

EXTENSION OF REMARKS

OF

HON. THETUS W. SIMS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 24, 1912.

Mr. SIMS said:

Mr. CHAIRMAN: Under the leave granted to me to extend my remarks in the RECORD I will print an address by Mayor Gaynor, of New York City.

The address referred to is as follows:

[From the Commoner.]

DO OUR COURTS STAND IN THE WAY OF SOCIAL AND ECONOMIC PROGRESS?

William J. Gaynor, mayor of the city of New York, and frequently mentioned by Progressive Democrats in connection with the Democratic nomination for President, recently wrote for Bench and Bar an instructive address on the subject, "Do our courts stand in the way of social and economic progress?" Commoner readers who are not acquainted with Mayor Gaynor's good record will get an insight into his fine character by reading this address which the Commoner prints in full. Mayor Gaynor wrote as follows:

"Do the courts in this country stand in the way of social and economic progress? You ask me to give my views on this. I have only time to try to condense what I frequently said publicly thereon while I was a justice of the supreme court and since.

"Yes, they do, and have done so for a long time. But this is nothing new. In all ages, and pretty much everywhere, the courts have tried to apply their legal rules of thumb to social, commercial, and economic matters, always with signal failure, and generally with injury to industry, commerce, and the social good.

"Nothing is more distressing than to see a bench of judges, old men as a rule, set themselves against the manifest and enlightened will of the community in matters of social, economic, or commercial progress. The same is true in matters of morals and religious growth also. Jesus, Socrates, and many who came after them, age after age, fell victims to judicial narrowmindedness. But the adverse decisions of courts have not been able to stop human progress. Sometimes they baffle it for the time being. Sometimes, by creating exasperation in the intelligent mind, they accelerate it. Not to

quote other instances, the decision of the United States Supreme Court remanding the negro boy, Dred Scott, back into human slavery only hastened the coming liberation of the slave.

"But let me come close to what you ask of me. Let me cite some of the recent judicial decisions which were planted right in the path of economic and social progress.

"The tenement-house tobacco case was decided by the court of appeals of this State in 1885 (Matter of Jacobs, 98 N. Y. Repts., p. 98). Good men and women who went around alleviating suffering and distress in poor tenements of the overcrowded districts of this city found tobacco being manufactured into its various products in these tenements. They found little children born and brought up there in the unwholesome fumes and smells of tobacco. They applied to the legislature, and had a law passed forbidding the manufacture of tobacco in such tenements for the future. The court held that it was 'unconstitutional'—that is to say, that the constitution of this State permitted the manufacture of tobacco in poor tenements, and that therefore the legislature could not forbid it. They professed to find this constitutional permission latent in the general provision in our State constitution that no one shall 'be deprived of life, liberty, or property without due process of law.' The court waxed eloquent on the subject. It said that the tenant had the right under this provision of the constitution to do what he liked in the way of lawful business in his tenement. It said that the statute 'arbitrarily deprives him of his property and some portion of his personal liberty,' by preventing him from using his property, i. e., his tenement leasehold, as he saw fit. The claim that the manufacture of tobacco in such places was detrimental to health, especially to the health of children, and might therefore be prohibited by the legislature, received short shrift from the venerable and learned judges. They set themselves up as better judges of the question of health than the legislature. They gave to this constitutional guaranty a meaning never dreamed of in England from which we took it. The foundation of it is in Magna Charta. But no one in England, up to this hour has ever imagined that it had reference to anything but the direct taking of a man's property—i. e., of his chair, of his cow, of his lot—or the direct restraining of his physical liberty. Nor did it occur to our forefathers when they took it from England and incorporated it into those fundamental instruments of government in this country, State and national, which we call constitutions, that any meaning would ever be given to it except that which it then had. It had then only a direct meaning in respect of the taking of a man's property of the depriving him of his liberty. Moreover, it was a check on the executive branch of government only, in England, and not on the legislative, and it was put into our constitutions in that sense. No one anticipated that it would ever be interpreted as a check on legislative power also, although that interpretation has naturally followed from our system of government; but the carrying of it to extremes by casuistry is another thing. This tobacco case, in which the court showed so much sensitiveness for the rights of property and liberty and so little for physical, mental, and moral health, was the final and full outcome of a course of constitutional exegesis which had set in in this country not many years before, and had for its object to embrace in the said constitutional guaranty every legislative enactment which by its operation might indirectly or remotely restrict the use of property or liberty in its widest sense. Its development was rapid, and finally reached that point which has enabled the courts to stand in the way of measures for the public happiness, welfare, morals, and progress, which are grown common all over the world, and finally become expressed in statute law here.

"Some years later similar good and intelligent influences brought about the enactment of a statute in the legislature of this State for the sanitary regulation of underground bakeries, for the sake of the health of those employed in them and of the community generally. The statute recognized the hot and uncomfortable conditions of these bakeries and how easy it was for them to become insanitary and result in insanitary bread. It therefore prescribed a list of sanitary safeguards, such as drainage, plumbing, furniture, utensils, washrooms, closets, and the like, and also that employees therein should not work more than 10 hours a day, the work being principally done in the nighttime. The Supreme Court of the United States declared this 10-hour requirement to be unconstitutional, as depriving workmen, without due process of law, of the "liberty" to work as long hours as they saw fit in underground bakeries. (Lochner v. New York, 198 U. S. Repts., p. 45.) The learned court stood 5 to 4. That division certainly showed that the matter was one of great doubt. And yet, notwithstanding a rule which is often repeated by the courts, that they will declare a statute unconstitutional only in a case free from doubt, they declared this statute unconstitutional. The same court has often done the like by a vote of 5 to 4. What is 5 to 4 but a state of doubt in the court? The reasoning in this decision is substantially the same as that in the Tenement-house tobacco case.

"In 1893 the legislature of this State passed a statute that women should not work in factories between the hours of 9 at night and 6 in the morning. This statute was intended to protect the health of women, and hence of their offspring. Surely, said the great majority of intelligent people, it is enough that women work in factories between the hours of 6 in the morning and 9 at night. They therefore had the statute passed that they should not work in factories between 9 at night and 6 in the morning. It is almost inconceivable that the gentlemen then composing the court of appeals of this State found in this humane and benevolent statute an infringement of the "liberty" of women, guaranteed, as they said, by the Constitution to work in factories all night and as many hours as they saw fit. But they waxed eloquent over the iniquity of the statute in its attempt to interfere with the property and liberty of women without due process of law—their property in their work and wages, and their liberty to work all night if they saw fit.

"It is not at all to be wondered at that such decisions should provoke a widespread dissatisfaction with the courts. The just feeling pervading the community is that a bench of judges is no more competent than the legislature to decide as to the wisdom or necessity of such laws for the health, safety, and progress and the material and moral welfare of the community. That is a matter of enlightened opinion which the courts have no right to arrogate unto themselves. The courts of England do not do it, nor do the courts of any other country except ours. And ours base the right to do so on fundamental or constitutional provisions for the safety of liberty and property, which are not peculiar to this country at all, but are to be found in all systems of government and jurisprudence. No such meaning was ever given to these safeguards of property and liberty until by the judges in this country. It is judge-made law, pure and simple.

"I have given instances enough to express my meaning. I might also refer to the decisions of our court of appeals declaring statutes void which provided that employees on State or municipal works under contracts should not be paid less than the prevailing rate of wages, nor required to work more than a certain number of hours a day. These decisions went to such lengths that finally that court itself was unable to reconcile or even explain them, and the learned judges fell to ridiculing and bantering one another for the extremes their utterances had reached. (See People ex rel. Cossey v. Grout, 179 N. Y. Repts., at p. 417.) I do not need to go into these decisions further, for they so exasperated the people of this State that they swept them all out of existence—'recalled' them, if you will—by a constitutional amendment in 1905. (See sec. 1 of art. 12 of our State constitution.) Some aspirants for the office of President are just now talking about the 'recall' of judicial decisions as though it were a new idea. It is not new at all. We have been doing it for a long time, and we shall have to do a good deal more of it before we get through. We do it very easy in this State, because our constitution itself requires that we have a new constitutional convention every 20 years, and meantime we frequently pass constitutional amendments. It were well if the Constitution of the United States were amended by the addition of a provision requiring it to be reconsidered by a constitutional convention every 20 years the same as in this State and in many, if not most, of our States. A constitution must grow and change like everything else, but the more gradual the better. As Macaulay says of the British constitution, 'Although the changes have been great, there never was an instant of time in which the major part of it was not old.' That is the way to amend constitutions and laws—gradually and prudently. But the class of decisions which I have mentioned never had any justification under the constitution, and it is annoying to have to keep on amending the constitution to nullify them.

"And now let me mention the decision of the court of appeals of this State last year, which overthrew the employers' liability statute passed by our legislature the year before. The rule of the common law is that the law casts upon all employees the necessary or inherent risks of the work or business in which they are employed. Some opinions of judges clumsily say that the employee 'assumes' these risks. He does no such thing. He is not consulted about it at all. The common law casts such risks upon him. This statute changed the common-law rule in eight enumerated 'especially dangerous' employments, to use the words of the statute, namely, it enacted that the said risks should be taken off the employee and put upon the employer. The legislature thought it had a perfect right

to do this, and was so advised by the ablest advisers. Indeed, did we not all think that the legislature had the right to do away with or change any common-law rule as it might see fit? The courts, including the highest court in the land, have often decided that no one has any property right in any rule of the common law, and that such rule may be taken or changed at the will of the legislature. But our court of appeals declared this statute 'unconstitutional'—the same old word. (Ives *v.* South Buffalo Railway Co., 201 N. Y. Repts., p. 271.) Again it planted itself on the constitutional prohibition against taking the property or liberty of the individual without due process of law. The statute required that employers should pay for deaths or injuries received from such necessary or inherent risks, unless such injuries should be received through the 'serious and willful misconduct of the workman.' The learned judges, with great professions of reluctance, said that to thus shift the necessary and inherent risks from the workman to the employer and make the employer pay the damages caused thereby, unless the employee was guilty of 'serious and willful misconduct,' was clearly within the constitutional prohibition against the taking of a man's property without due process of law. Nevertheless, many, if not most, of us did not see then, nor are we able to see yet, after due reflection, that there was any taking by the statute of the employer's property at all, even indirectly. Did not the legislature have the power to shift the necessary and inherent risks from workman to employer? And did it not have the power to modify or do away with the common-law rule of contributory negligence, and also the like rule of negligence of a fellow servant? Such a statute does no more than add the expense of such accidents to the employer's cost of production, and it is elementary that the cost of production is included in the value or sale price of the finished article, and that therefore the expense of such accidents would fall on the community or those who buy the product. The employer would meet with no loss in the end. And yet they said his 'property' was being taken by the addition of this new expense of production.

"We are soon to have a new constitutional convention in this State, and I trust that it will make short work of this decision—that it will 'recall' it without scruple or hesitation. It is pitiful to see such decisions in this country. Thirty-two different governments of the world, in fact every civilized government in the world outside of this country, has an employers' liability act, also embracing provisions for the taxation of business in which workmen are employed, to raise a fund for the payment of such damages for deaths and injuries by accidents. Russia has a model employers' liability and compensation statute. Three or four years ago England amended its meager employers' liability statute by following the Russian and other European statutes. Prussia had such a statute as early as 1847. We are only beginning to think of passing such statutes in this country. In this, as in other modern social and economic progress, we lag behind the world. And the first attempt we make at it is met by these court decisions. If the courts persist in such decisions, it will be necessary to amend every constitution we have in this country, although the people in enacting them never meant that they should stand in the way of such legislation.

"But some of the decisions, like those I have enumerated, are already becoming obsolete. Everyone is beginning to see that they are far-fetched and unsound, not to say, in more plain speech, a usurpation of legislative power. If we do not pass any constitutional amendments to do away with them, it is inevitable that we shall shed them as a snake sheds its skin; we will in the course of time just shuffle them off and go along without them.

"Anyone who wants to realize how futile decisions of the courts, and even statutes, are to frustrate economic and commercial progress in the long run, has only to read the former statutes and court decisions of England against 'forestallers,' 'regraters,' and 'engrossers.' A 'forestaller' was one who bought goods while they were on their way to market. He forestalled the market. It was made a criminal offense. The 'regrater' was one who sold goods in the same market in which he had bought them. That was a criminal offense. An 'engrosser' was one who purchased food products and stored them up in gross—'engrossed' them, as it was called—and held them to sell at his own time at a higher price if he could. He was the arch monopolist and severely punished by statute also. If such laws had existed in the time of Joseph in Egypt, he could not have laid up during the years of plenty for the coming period of famine. But they knew no such folly in those days.

"Instead of doing good, these and like laws worked nothing but mischief and injury in England and in the other countries of Europe in which they were enacted. They could not change the natural course of trade. By hampering it, however, and subjecting merchants to constant penal danger and extraordinary expense, they did the exact opposite of what was intended—they lessened production, caused an imperfect distribution, made prices unstable, and even brought on famine. The legislature might as well try to regulate the seasons. In the words of Macaulay, 'In spite of the legislature the snow would fall when the sun was in Capricorn and the flowers would bloom when it was in Cancer.' And the same may be just as well said of judicial decisions. These laws were finally repealed in the latter part of the eighteenth century, a few years before Adam Smith published his great economic work, 'The Wealth of Nations.' I never read a chapter of this incomparable man without mentally saying of him what our Emerson has so finely said of Shakespeare: 'He was a wonder; he struck 12 every time.' But when Parliament repealed these laws the courts of law forthwith placed themselves obstinately in the way of the reform. The judges said that the common law had from the beginning been the same as the repealed statutes and that the repeal revived the common law. This left the law unchanged, and they continued to try and convict offenders the same as under the statutes. You have only to read the trial of poor Rusby before Lord Kenyon, in the last year of the eighteenth century, for 'regrating' 30 quarters of oats, as it is given in Peake's Reports. 'Though in an evil hour all the statutes which had been existing for a century were at one blow repealed, I thank God the provisions of the common law were not destroyed,' exclaimed Lord Kenyon in charging the jury. Adam Smith, who had recently died, was denounced by the judge. He had written that fear of the things made criminal offenses by these statutes regulating trade was ridiculous; that they were no more to be feared than witchcraft. Lord Kenyon exclaimed, 'I wish Dr. Adam Smith had lived to hear the evidence in this court to-day, and then he would have seen whether such an offense exists and whether it is to be feared.' Poor Adam Smith. How little he appeared that day in that court compared with the 'great' Judge Kenyon, who spoke out so dogmatically and self-confidently. But how is it now? And let me ask, will the decisions of our courts interfering with and regulating the course of business, trade, and commerce at the present time appear any less absurd in the next generation than the like decisions of Lord Kenyon and his associates appeared to the generation which followed them?

"The courts themselves came to see after awhile that the indirect and extreme construction they were putting on this 'liberty' and 'property' provision of the Constitution instead of keeping to the plain and ordinary sense in which these words had always been used and understood in England and here in constitutional provisions and statutes was untenable and mischievous. It stood in the way of legislation necessary for the general welfare, and that would not be tolerated by enlightened public sentiment in this country any more than it is or ever has been anywhere else in the world. It was opposed to the long-settled maxim in human as well as in natural law, that the use of private property was subordinate to the general welfare and could be restricted to conform thereto, although made less valuable thereby. They therefore began to slide by or climb over their decisions by declaring that notwithstanding this constitutional provision, i. e., the indirect and far-fetched construction they had put upon it, legislation tending to the health, comfort, safety, and general welfare of society would be excepted and upheld. This they assumed to do under what they called the general police power of government—an elastic, undefinable, and even misleading phrase, as they freely admit in their decisions. But who was to be the judge of such legislation, i. e., as to whether it tended to the general health, comfort, safety, and welfare? The legislature representing the community? No; the judges took that unto themselves. They judge thereof over the head of the legislature, and declare legislation unconstitutional which exceeds their opinion of what is economically or socially wise or beneficial. No such power was ever given to the courts. They have simply taken it away from the legislative department of government. They have set themselves up as the 'protectors' of society against the law-making power, safeguarded, as it is, by the consent of two Houses and the Executive veto. They do not seem to consider who is to protect us against them in their judicial legislation. In the cases of the underground bakeries, the manufacture of tobacco in tenements, the working of women in factories at night, and so on, was not the legislature, representing the community, as fit, at least, as any judge, or a bench of a few judges, mere mortals like the rest of us, to judge of the wisdom or advisability of the laws passed, from the standpoint of the moral, economic, and social welfare and progress of society?"

River and Harbor Bill.

SPEECH

OF

HON. FRANCIS G. NEWLANDS,

OF NEVADA,

IN THE SENATE OF THE UNITED STATES,

Thursday, May 9, 1912.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. NEWLANDS said:

Mr. PRESIDENT: I unite with the Senator from Idaho [Mr. HEYBURN] in the view that we ought to consider upon this bill a general system of development, such as that to which he refers, a system of development that was considered both by the National Waterways Commission, to which the Senator from Ohio [Mr. BURTON] has referred, and also by the Inland Waterways Commission four or five years ago. I offered to this bill an amendment covering that entire question, which the Senator will find upon his desk, but, yielding to the solicitation of my associates upon the committee, I concluded not to press that amendment, upon the assurance that a general bill which I have introduced, covering that entire subject and entitled, "A bill for the regulation of river flow," would receive early consideration by the Committee on Commerce. I am as dissatisfied as the Senator from Idaho must be with the methods that have prevailed in the past and which, somewhat improved, continue with reference to river and harbor appropriations.

The Senator from Ohio has been in a critical vein this afternoon, and I attempted to draw him away from his attitude of criticism to one of construction, for I know the Senator from Ohio has positive ideas as to the constructive policy which should prevail. The Senator from Ohio served with me upon the Inland Waterways Commission, which was appointed some years ago by President Roosevelt, and we made a report which covers everything that I have been contending for both in this discussion and in the bill which I have presented. That report is unanimously signed by the Senator from Ohio as the chairman of the commission and by the other members. I will ask to insert other parts of the report in my remarks, but I will content myself with reading a few paragraphs:

G. We recommend that hereafter any plans for the use of inland waterways in connection with interstate commerce shall regard the streams of the country as an asset of the people, shall take full account of the conservation of all resources connected with running waters, and shall look to the protection of these resources from monopoly and to their administration in the interests of the people.

H. We recommend that the Congress be asked to make suitable provision for improving the inland waterways of the United States at a rate commensurate with the needs of the people as determined by competent authority; and we suggest that such provision meet these requisites, viz, expert framing of a definite policy; certainty of continuity and coordination of plan and work; expert initiative in the choice of projects and the succession of works; freedom in selection of projects in accordance with terms of cooperation; and the widest opportunity for applying modern business methods.

I. We recommend that the Congress be asked to authorize the coordination and proper development of existing public services connected with waterways; and we suggest that such enactment might provide that the President of the United States be authorized, with the advice and consent of the Senate, to appoint and organize a National Waterways Commission to bring into coordination the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service in so far as their work relates to inland waterways, and that he be authorized to make such details and require such duties from these branches of the public service in connection with navigable and source streams as are not inconsistent with law; the said commission to continue the investigation of all questions relating to the development and improvement and utilization of the inland waterways of the country and the conservation of its natural resources related thereto, and to consider and coordinate therewith all matters of irrigation, swamp and overflow land reclamation, clarification and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation of flow and control of floods, transfer facilities and sites and the regulation and control thereof, and the relations between waterways and railways; and that the commission be empowered to frame and recommend plans for developing the waterways and utilizing the waters, and as authorized by Congress to carry out the same, through established agencies when such are available, in cooperation with States, municipalities, communities, corporations, and individuals, in such manner as to secure an equitable distribution of costs and benefits.

Later on, whilst the work of that commission was pending, I introduced a bill for the development of the inland waterways substantially upon these lines.

The Inland Waterways Commission made a report to the Senate Committee on Commerce, recommending that that bill be passed substantially as framed, but making no recommendation upon the amount of the appropriation. That bill called for $50,000,000 annually for 10 years, as does my present bill. That bill also received the favorable report of the then Secretary of War, Mr. Taft, and I had hoped for favorable action then. This matter has been pending for three or four years, but it has been very difficult to get the attention of Congress to the subject, and it has only recently become a live subject because of this extraordinary flood upon the Mississippi River.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I do.

Mr. HEYBURN. Unless the Senator objects to interruption—and I shall not interrupt him if he does——

Mr. NEWLANDS. I do not object.

Mr. HEYBURN. I make the suggestion that the most effective remedy that has been found has been in the use of the surplus waters by individuals, and not by the Government. On our slope of the Rocky Mountains we take the surplus water and spread it over the country and thus relieve the congested condition of the streams. Reservoirs will not accomplish it; a full reservoir will not afford any remedy whatever. If we had a large number of empty reservoirs that would divide a certain amount of water, we perhaps would be up to the standard of the old lady who was going to control the sea with a broom or a tin cup; but the only practical solution for the distribution of surplus water on the western slope is that of spreading it over the land. Long ago, in Egypt, the powers that controlled those things spread the water over the Valley of the Nile. That accomplished two purposes: First, it relieved the flow of the stream, and, in the second place, it fertilized the land. There would have been no prairies or Mississippi Valley of fertile land except for those surplus waters that have been coming down for centuries from our portion of the country. The richness of the soil is augmented by the overflows. Would it not be well for the people to accommodate themselves and their residence and their occupation of the land to fixed conditions over which they can exercise but slight control? Is there not some remedy to be found in a readjustment of the population that is to use these lands in regard to their place of residence? You do not want to stop the overflow of the Mississippi Valley. If you do, you do it at the expense of its fertility. The erosion of the banks is a small item; it represents to the great system of the distribution of waters about what the plaster spattered about the foot of the scaffold represents to that which is put into the wall by the builder. The slight erosion of the banks of any river is of small consequence compared with the fertilization that goes to the land over which the water spreads, without doing any other damage than in discommoding, perhaps, a population that has injudiciously settled where the water came and where they knew it would come.

Mr. NEWLANDS. Mr. President, I wish to state to the Senator that the report of the Inland Waterways Commission has in view the joint efforts of individuals, communities, the States, and the Nation in this great work of river development. It does not look at all to a Government monopolization of all these works, but is simply so planned and so arranged that the Government can do its part, the States can do their part, communities can do their part, and individuals can do their part in so dovetailing their plans as to result in making the rivers useful for every purpose, including the promotion of commerce, which is the national ground upon which our power of intervention is claimed. The Senator from Minnesota, I know, is impatient to go on with the bill, and I wish simply to say another word regarding the speech of the Senator from Ohio.

Mr. HEYBURN. Well, Mr. President, I have due consideration for any Senator who desires to speak, but if we are to benefit from an interchange of ideas we had better do it when the ideas are being produced, rather than wait until they are—I would not say forgotten, but at least somewhat dimmed in memory.

The Senator well remembers, as do many of us, when the great Snake River—which is as great a river as any in the United States, which is comparable in volume and general useful purposes with any of the rivers which we see along this coast—used to flow in silence from its source to its mouth without performing a good act on the way; but that river has been taken possession of by settlers, where they have been allowed to settle, and the evil of overflow has been entirely overcome. The river now flows on in conjunction with the building up of the industries of the country, and it has resulted in creating a vast, thickly settled, and largely productive country out of a wilderness.

Mr. NEWLANDS. Mr. President, I should like to make the Snake River an example for the rest of the country, for I agree with the Senator from Idaho that it is a complete illustration

of the manner in which a river can be diverted from destructive purposes to beneficial purposes by control from its source to its mouth; and the limit of beneficence which that river is to accomplish has not yet been reached. The Senator recognizes, as I do, the fact that that river will be used in irrigating largely increased areas of land and that its water power will be developed to an extraordinary extent——

Mr. HEYBURN. Mr. President, the water power——

Mr. NEWLANDS (continuing). And that in accomplishing those two things we will better save the region from the destructive floods which have hitherto prevailed.

Mr. HEYBURN. That which has been accomplished on the Snake River has largely been accomplished by individual enterprise under the laws of the State, vastly outweighing the puny efforts of the Government through its elaborate arrangements to make use of it, and where the Government has made it available it has been at a greater expense than where the individual has made it available. We have about 700 miles of that river in our State, and I should like to see every foot of it contribute to the development, the growth, and the maintenance of the country; and it will if you will keep the Government's hands off of it and allow the individuals to take advantage of the natural rights that are a part of the right to occupy the soil.

Mr. NEWLANDS. Well, Mr. President, I have no doubt if the State of Idaho absolutely controlled the entire Snake River, and it was entirely within its boundaries, that it would handle it with great judgment and enterprise; but, as a matter of fact, that river flows through three or four States, and, so far as the Nation is concerned, it can act upon it only as a navigable river or as the source of a navigable river; and my understanding is that the States are always desirous that the Nation should do something for developing the rivers under its power relating to navigation. Take the great Sacramento Basin, composed of the Sacramento, the San Joaquin, and the Feather Rivers. In the first place, the Government very injudiciously granted to the State of California the swamp lands there upon the expectation that the State itself would enter upon the work of reclamation. The State was not strong enough to do so. The result is that large tracts of those swamp lands drifted into private ownership and very little that is substantial has been done toward their reclamation. The people of those great valleys are now moving for a cooperative effort between the Nation and the State. To show how far they are willing to go in that cooperative work, they have already framed a plan, in cooperation with the Corps of Engineers of the Army, under which $33,000,000 is to be expended on those rivers in a combined improvement of navigation and the reclamation of the swamp lands, which are as rich as any of those in the Mississippi River Basin.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield further to the Senator from Idaho?

Mr. NEWLANDS. Let me conclude this matter, and then I will yield.

Mr. HEYBURN. Very well.

Mr. NEWLANDS. That plan involves the expenditure of $33,000,000. How is it to be apportioned? They have all agreed, after fully considering the matter, that the National Government shall contribute $11,000,000 and the State $22,000,000. Of that $22,000,000 one-half is to be contributed by the State itself and one-half by the property owners. Then, by this cooperative effort upon the part of the State, the individuals, and the Nation an enterprise will be conducted there in the near future that will be of incalculable benefit to that entire coast. The Mississippi River is in the same situation. Its system is not half perfected. It has gone along under this lame and halting system, not always receiving the proportion of assistance that it ought to have had.

Mr. HEYBURN. Will the Senator yield for just one interruption?

Mr. NEWLANDS. The Senator would not interrupt this flow, would he?

Mr. HEYBURN. The Senator in passing rapidly spoke of the development of the water power on the Snake River. Does the Senator know whether or not the Government has made available to any single person one particle of water power on the Snake River? Does the Senator know whether it has ever done anything in connection with the water power except to withdraw it from those who would otherwise have developed and used it?

Mr. NEWLANDS. I hope that a system of cooperation will be developed that will——

Mr. HEYBURN. We do not need any cooperation.

Mr. NEWLANDS. That will enable private individuals to develop the water power of that State under conditions that will protect the people of that State and the adjoining States from monopoly. I trust that that will be accomplished, and that it will be accomplished, I hope, under the bill which I have been urging. This bill does not intend at all to diminish individual initiative, individual enterprise, or individual effort; but it does seek to clear the way for individual enterprise and effort upon these great rivers and in the regions tributary to them.

Mr. HEYBURN. The way was clear——

Mr. NEWLANDS. And inasmuch as the National Government now has the control over these rivers, in a measure, through its power over navigation, nothing can be done in the way of an obstruction of any kind without the consent of the National Government.

Mr. HEYBURN. The way was clear——

Mr. NEWLANDS. Now, if the consent of the National Government is necessary, it seems to me that that consent ought to be an intelligent consent and united with an intelligent cooperation.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield further?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. I only want to say the way was clear, but obstacles were interposed between the American citizen who would do, and was ready to do, this development, by withdrawing the land from the opportunity.

Mr. NEWLANDS. Well, Mr. President, if there are any obstacles—and I am sure there are, arising from the deadlock—it is the expectation of those who support this bill that those obstacles will be cleared away.

Now, with reference to the Senator from Ohio, I wish to say that I was desirous of arousing the constructive qualities of his mind, instead of the critical qualities of his mind. I do not object at all, of course, to the Senator's criticism of this bill; in fact, in many respects I share with him in that criticism; but I did hope that when he got through the critical part of his speech he would give us something constructive in quality, something that would give us hope with reference to national development. Therefore I am supplementing the Senator's speech by referring to the Senator's utterances upon other occasions. It is an utterance contained in the report of the Inland Waterways Commission, of which he was chairman, in which he unqualifiedly supports the policy I am now urging, and also referring to the report upon the bill which I offered years ago, and which was pending in the Commerce Committee of the Senate, the report of the Inland Waterways Commission indorsing that bill in all its coordinating and cooperating features.

Mr. President, the Senator from Ohio says that we must halt this work—he practically says that—until we can shape the laws of the country in such a way as to compel cooperation between the railways and the waterways.

Mr. President, I propose as a part of this legislation to compel that cooperation. One of the very purposes of this bill and of the amendment which I offered to the river and harbor bill is to compel that cooperation. It does seem to me that the two can go hand in hand, and that we should not stand idle with reference to that constructive work that the country needs. We should not simply wait until this legislation securing cooperation between the railways and the waterways can be adopted.

The Senator refers to the system which prevails in Germany, and he speaks of the difference between the conditions there and here. He admits that they have a great system there of transportation under which the natural rivers, the artificial canals, the railways, and the great ocean transportation lines are brought into substantial harmony, dovetailing in with each other, so as to make a complete system of transportation for the purpose of promoting her domestic and foreign commerce. Why can not that be accomplished here? We have the most magnificent system of waterways in the Mississippi Basin that exists anywhere in the world, and can anyone insist that the American people, with their great constructive qualities, can not accomplish what Germany has accomplished with much inferior instrumentalities?

It is true that the commerce on the waterways has declined. But why has it declined? It is because we have permitted one public servant to sandbag another public servant.

Now, let us address ourselves to all this legislation corrective of existing conditions and constructive in quality, so that we can take hold of this great Mississippi Basin, take hold of every one of the watersheds of the country, and treat them in a comprehensive and scientific manner, one that will involve the development of these waterways for every useful purpose, including navigation.

I will ask leave, Mr. President, to insert in my remarks quotations from the platforms of the two chief political parties,

indorsements of my bill by various organizations, and certain clippings from the press regarding the bill which I have offered for the creation of a river regulation board.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The quotations referred to are as follows:

Extracts from the letter of the Inland Waterways Commission, signed by Senator BURTON, chairman, relative to Senate bill No. 500, introduced by Mr. NEWLANDS in the Sixtieth Congress.

1. Several of the leading provisions of the bill are in accord with the recommendations of the commission in a report submitted on February 3 last and transmitted to the Congress by the President on February 26. Among these are (a) the provision for coordination of navigation with related uses of the waters; (b) the provision for cooperation between the Federal Government, States, municipalities, communities, corporations, and individuals; (c) the provision for correlating existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor in such manner as to secure effective administration; and (d) the provisions looking toward the control of running waters in such manner as to protect and promote navigation. In so far as these provisions are concerned, the bill has the unqualified approbation of the commission.

* * * * * * *

3. The general purpose of the bill is in harmony with the comprehensive plan for improving and developing the waterways of the country framed by the commission and approved by the President in his message of February 26 last.

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Extracts from the letter of Secretary of War William H. Taft to the Senate Committee on Commerce, dated April 17, 1908, on the same subject.

(c) The bill provides for correlating the existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor through certain powers vested in the President. The need for some such plan is sufficiently shown by the fact that while this country is better endowed with waterways than any other our streams are less used for navigation and other public purposes than those of other countries. Since this provision touches duties placed on the War Department by law, it has received careful consideration. It does not appear that the measure would interfere with the functions of the War Department or with the continuation and extension of the engineering work now performed there, but it is believed that the provision for administration would tend to promote the general welfare. Accordingly this feature meets the approbation of the War Department.

* * * * * * *

(e) The bill provides also for the initiation of projects by a board of experts. These provisions affect the work of the War Department and have had careful consideration. Suitable provisions for expert initiation and prompt execution are essential to the proper development of any system of river improvement. The chief defect in the methods hitherto pursued lies in the absence of executive authority for originating comprehensive plans covering the country or natural divisions thereof. The creation of an Inland Waterways Commission for the purpose of initiating plans for the improvement of waterways seems to me a more effective way of a general plan for the improvement of all the waterways in the country than under the present provisions of law. This would not dispense with the admirable machinery furnished by the War Department for the improvement of waterways when the plan has been determined upon and is to be executed. But it supplies what does not exist in the law now—a tribunal other than Congress charged with the duty of originating and developing a satisfactory plan.

Secretary Taft adds:

"3. In its present form the bill might be construed to curtail indirectly certain functions of the War Department, which is now charged with large discretion in waterway affairs. Possible ambiguity on this point should be removed."

Mr. Taft goes on and gives the history of the Engineer Corps of the Army and shows how it drifted into the control of our waterways.

"Under the same long-standing arrangement," Mr. Taft says, "it is the policy of the War Department to maintain a trained body of military engineers with a view to the national defense, and to keep these engineers in training in time of peace by detail to civil duty allied to their professional duty in time of war or military preparation; and it was carrying out this policy that the functions of the War Department pertaining to waterways have been more and more largely intrusted to the engineers of the Army during the 110 years since the Army and Navy were separated in distinct departments. This policy has long been sustained by the Congress, although the military engineers have been prohibited from initiating projects or originating plans for meeting the growing needs of commerce. It is desirable to continue the policy of keeping the military engineers in training and at the same time rendering their skilled service available in work on waterways, although it is not necessary to vest them with the power of initiative, which they have not exercised in the past and which is, perhaps, inconsistent with their primary duty in connection with the military establishment, of which they form a part. A provision that the Chief of Engineers of the Army shall be a member of the commission proposed to be created, and a further provision specifically covering the detail of military engineers to the service of the commission whenever such detail shall be consistent with their military duties, would remove any possible ambiguity and would be in accord with the custom and policy of the War Department."

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DECLARATIONS OF THE PLATFORMS OF THE REPUBLICAN AND DEMOCRATIC PARTIES IN 1908 RELATIVE TO THE IMPROVEMENT OF THE WATERWAYS.

The Republican platform contains the following words:

"We indorse the movement inaugurated by the administration for the conservation of the natural resources * * *. In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan just to all portions of the country of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence."

The Democratic Party platform declared:

"We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party, and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain of home seekers, the protection of the national resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power, and the preservation of electric power generated by this natural force from the control of monopoly; and to such end we urge the exercise of all powers, national, State, and municipal, both separately and in cooperation."

Then, with reference to waterways, the Democratic platform says:

"Water furnishes the cheaper means of transportation, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every watercourse in the Union which is justified by the needs of commerce; and to secure that end we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River and the navigable rivers with each other by artificial canals, with a view to perfecting a system of inland waterways to be navigated by vessels of standard draft.

"We favor the coordination of the various services of the Government connected with waterways in one service, for the purpose of aiding in the completion of such a system of inland waterways; and we favor the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts to be authorized by law."

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LIST OF SOME OF THE ORGANIZATIONS WHICH HAVE INDORSED THE NEWLANDS RIVER REGULATION BILL, SPECIFICALLY OR IN PRINCIPLE, WITH COPIES OF A FEW OF THE RESOLUTIONS.

The bill has been indorsed, among others, by the Pittsburgh Chamber of Commerce, the Nineteenth National Irrigation Congress, the National Rivers and Harbors Congress (in principle), the National Drainage Congress, the New Orleans Progressive Union, the Louisiana Reclamation Club, the Louisiana Bankers' Association, the Illinois Association of Drainage and Levee Districts, and by the following organizations in California:

California section of the National Irrigation Association; boards of supervisors of the counties of Madera, Merced, and San Joaquin; the chambers of commerce of the cities of San Francisco, Madera, Merced, Ceres, Modesto, Lodi, and Fresno, and of Stanislaus County; the La Grande Board of Trade; the Los Angeles Clearing House Association; the cities of Madera, Turlock, and Modesto; the Women's Improvement Clubs of Madera, Merced, Modesto, Livingston, Escalon, Salida, and Raymond; and the River Regulation Commission of Stockton.

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LOS ANGELES CLEARING HOUSE ASSOCIATION.

Resolutions indorsing and advocating the enactment by the Congress of the Newlands river regulation bill (Senate bill 122, introduced Apr. 6, 1911, by Senator FRANCIS G. NEWLANDS) entitled "A bill to create a board of river regulation, and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other, and with States, municipalities, and other local agencies":

"Whereas reports made by Maj. J. W. Powell, first Director of the United States Geological Survey; Gen. Hiram M. Chittenden, of the Engineer Corps of the United States War Department, United States Engineer Ullert, and others; also through surveys and investigations made by the Pittsburgh Flood Commission, have shown the practicability of the storage of the flood waters of the rivers of the whole country to the end that destructive floods may be controlled and the waters heretofore wasted may be conserved for the use of navigation and irrigation where required; also the necessity of the drainage of the swamp and overflowed lands; and

"Whereas a condition which now causes wide devastation it is shown may be controlled and transformed into a great natural resource, reclaiming millions of acres of land now uncultivable, thus benefiting and enriching every section of the country from the Atlantic to the Pacific; and

"Whereas the Newlands river regulation bill embodies the provisions requisite for the carrying into effective operation of the beneficial objects desired to be accomplished: Now, therefore, be it

"*Resolved*, That the Los Angeles Clearing House Association hereby indorses said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by the Congress."

I certify that the foregoing is a true and correct copy of a resolution passed at a special meeting of the Los Angeles Clearing House Association held yesterday afternoon.

JAMES B. GIST, *Secretary*.

—

CHAMBER OF COMMERCE OF PITTSBURGH.

(Resolution adopted Apr. 13, 1911.)

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purpose; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the Chamber of Commerce of Pittsburgh hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress; and

Resolved further, That the secretary be instructed to send a copy of this resolution to all boards of trade and chambers of commerce in cities on the Ohio, Missouri, and Mississippi Rivers, and urge their active support for this measure.

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The Nineteenth National Irrigation Congress on December 9, 1911, at Chicago, adopted the following as one of its resolutions:

"We indorse and recommend the Newlands bill (S. 122) to create a board of river regulation, and urge every delegate to this congress to cooperate in all possible ways to aid in securing its enactment by the Federal Congress during the present session."

The National Rivers and Harbors Congress at Washington, D. C., on December 8, 1911, adopted the following as its first declaration:

"We urge the adoption by the Government of a broad, liberal, comprehensive, systematic, and continuous policy of waterway development, a policy which has heretofore been unanimously pledged by the great political parties of the country in convention assembled, which pledges have not as yet been redeemed."

National Drainage Congress, Chicago, Ill., December 9, 1911:

"*Resolved*, That * * * we do especially recommend the creation of a national commission to make the necessary surveys and estimates of cost and to work out a comprehensive plan of national reclamation in connection with the several States, designed to coordinate the mutual interests of the various States in a practical State and Federal system of consistent and progressive drainage, reclamation, and development; and that sufficient funds be appropriated by the National Government to carry on the work of the commission."

—

SAN FRANCISCO CHAMBER OF COMMERCE.

(Resolution adopted at meeting of board of directors, Jan. 5, 1912.)

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and, as a means to that end, to provide for flood prevention and protection, and for the beneficial use of flood waters, and for water storage, and for the protection of watersheds from denudation and erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief, not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods, and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the San Francisco Chamber of Commerce hereby indorses said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress.

SAN FRANCISCO CHAMBER OF COMMERCE,
M. H. ROBBINS, JR., *President*.
A. B. C. DOHRMANN, *Secretary*.

—

WASHINGTON, D. C., *January 15, 1912*.

Hon. JOSEPH E. RANSDELL,
President National Rivers and Harbors Congress,
Colorado Building, Washington, D. C.

DEAR SIR: At a meeting of the directors of the National Rivers and Harbors Congress immediately following the last annual meeting of the congress it was suggested that this organization should advocate a policy not only having for its purpose the improvement of waterways for navigation but for all the beneficial uses to which the water could be put. The suggestion was advanced:

First. Because the proponents believed that in no other way could an orderly and continuous development of waterway improvements be possible.

Second. Improvement and development of other beneficial uses would be in aid of and not in conflict with improvement for navigation.

Third. An enormous saving in public funds and direct and lasting benefits to the public would ensue.

Fourth. It would unite in a common cause a large number of people and organizations interested in various phases of water use and control who are now advocating and exploiting the particular use only in which they are more directly concerned.

Fifth. The result would be that an irresistible public sentiment would be created to which Congress would be compelled to respond and which would be in harmony with the declarations of the platforms of the great political parties demanding the carrying out of a policy having for its purpose the conservation and utilization of the waterway for all beneficial purposes from its source to its mouth.

No direct action was taken, but a committee was appointed charged with the duty of reporting to the directors upon the question, with the object of giving full opportunity and time for its consideration before the next annual meeting of the organization. The undersigned were appointed as such committee and beg leave to report as follows:

I. There are a number of governmental scientific agencies having in charge and under their control various national public resources. Generally speaking, these agencies are fairly equipped to carry on their work and are in charge of competent men. The Engineer Corps of the Army, the Reclamation Service, the Geological Survey, the Forest Service, and other branches of the Agricultural and Interior Departments are illustrative. These agencies in the public interest should be in the closest cooperation and coordination, but such is not the case.

II. The various departments are frequently dealing with the same agency or public resource in its application to some particular service, giving but little, if any, consideration to coordination with other available services or uses to which such agency or public resource might be put. This is not the fault of the departments, but the failure of Congress to make provisions therefor. It is the opinion of the committee that the best results can only be secured and the public interest promoted through cooperation and unity of purpose and action.

III. There is scarcely a river worthy of improvement for navigation but what has other beneficial uses to which it could be put and other conditions which require treatment and consideration, all of which bear directly upon the navigability of such river or add to the productiveness of adjacent territory or further development of such territory. We refer to forest protection, prevention of damage from flood, soil erosion, drainage, irrigation, and water-power development. It would therefore seem in the public interest that the improvement of a waterway for navigation could well contemplate the conservation and utilization of such manifestly beneficial uses at the same time.

IV. It is generally conceded that the improvement of rivers for navigation is a necessity and that this improvement should be based on a comprehensive scheme under some general plan of related projects, the work to be carried on continuously until completed.

V. At the present time there are a large number of organizations and vast numbers of people interested in various phases of water use and development which, it would seem, could be united in common purpose for a common use. Transportation is a tax that touches all, and producer and consumer alike are interested in securing cheap and efficient means of transportation. Therefore those who create tonnage are directly interested in its reaching the markets at the lowest possible cost, and those who propose to engage in water transportation are certainly interested in the development of tonnage tributary to the waterways.

The foregoing facts are well known. The committee do not feel it incumbent upon them to enter into an extended argument to show that coordination of service and cooperation of effort between the various governmental agencies and the sovereignties, national and State, are not only desirable, but necessary, if real efficiency and the best results are to be secured. On the contrary, we feel that those who oppose such a seemingly natural, logical, and businesslike policy should show wherein the cause of the improvement of rivers for navigation would be detrimentally affected by its adoption.

In time both organizations and individuals are likely to become too conservative. In other words, the tendency is to follow rather than to lead, and we believe this organization should lead public opinion, not follow it.

We would hesitate to suggest for adoption anything of a novel character, but we are convinced that this organization must take advanced ground upon all questions respecting the improvement of our waterways and should cooperate with every individual and organization willing to work to this end.

We therefore recommend that this organization should advocate a comprehensive scheme of waterway development of related projects;

That this scheme should involve and consider all the beneficial uses which the waterway may serve or to which it may be put;

That the work of the various scientific services of the Government should be coordinated;

That the several States and the Nation should cooperate and act in harmony in all matters of common interest; and

That funds should be provided so that work on all approved projects can be carried continuously to completion.

The committee submits the foregoing suggestions for your consideration.

JOSEPH N. TEAL,
JAMES E. SMITH,
FRANCIS G. NEWLANDS,
Committee.

—

River regulation, in the words of George H. Maxwell, must become the campaign cry of the people of the Mississippi Valley, no matter what their party politics, if their fertile fields are to be made safe from overflow and their country is to be freed from the adverse opinion of the remainder of the world.

"The flood waters of the Mississippi River and its tributaries can be regulated, and such regulation, in conjunction with a good levee system, will forever safeguard the valleys from overflows," said Mr. Maxwell, who is an ardent supporter of the Newlands river-regulation bill, to-day. "The entire country will back up the demand of the people of the Mississippi, the Ohio, and the Missouri Valleys for constructive legislation of this character."

In proof of his assertion he exhibited the following telegram from the far West:

STOCKTON, CAL., *April 8–9, 1912*.

Mr. GEORGE H. MAXWELL,
Executive Chairman Board of Control,
National Drainage Congress, St. Charles Hotel, New Orleans.

DEAR SIR: We extend our heartfelt sympathy to the sufferers from the present floods in the East and the South. Our sympathy is tinctured with shame, as we know that the appalling loss of life and property could and ought to have been prevented. As a people we have the intelligence and the money to do the required work that will control forever the flood area of our country, whether in the East, the South, or the West. We know how to change the awful destructive flood forces into constructive and beneficial powers. With these forces we can improve and make permanently navigable our inland waterways, generate enormous quantities of electric power, make safe the investments and increase the improvements in our great valleys, and while doing so shall remove the danger of drought or fear of it. The time is opportune for an immediate start on this great work. The Panama Canal is now nearly finished. Even now the services of a part of the splendid working army is being dispensed with and part of the equipment is being sold. These trained men should be kept together, and the equipment that can be used in the South and East or in the West should be at once put in order for the work that must be done to save the lives and property of our people by properly conserving the natural forces and resources of our country. There can be no excuse for another hour's delay. The sinking of the *Maine* with so large a part of her gallant crew in Habana aroused our people to war. What can we say to a watching world if we refuse to act as promptly and as energetically when the lives of our people are being taken by floods that we can control or droughts that we can prevent? To the loss of life we must add the destruction of property so vast that its value, if wisely used, would prevent forever such losses. Under such conditions can we still say that we have a government of the people, by the people, and for the people, to enable us, a people, to claim without shame that we so govern ourselves. We pray that you will take such action at New Orleans and immediately thereafter at Washington that the Newlands bill may be enacted into law and the good work of conservation and control be started without further delay.

Yours, truly,

THE RIVER REGULATION COMMISSION OF STOCKTON, CAL.,
By J. L. CRAIG, *Chairman*.

RESOLUTIONS OF SOUTHERN COMMERCIAL CONGRESS.

NASHVILLE, TENN., *April 9, 1912.*

We urge the immediate adoption by Congress of a broader, more aggressive, comprehensive, systematic, and continuous policy of waterway improvement, thereby carrying out the wish of people of the country as expressed in the platforms of both the great political parties in the national conventions of 1908, to the fulfillment of which both parties pledged themselves, but which pledges have not been redeemed.

We favor the adoption of a law by Congress granting the use of the Panama Canal to American ships engaged in coasting commerce free of tolls, and the prevention of the use of the canal by any steamship line owned or controlled by a railroad or any monopolistic interest.

We favor such legislation as is necessary to induce the construction of a merchant marine for the United States and the carrying of American commerce in American ships made under the American flag.

EXTENSION OF POWERS.

We recommend that the powers of the Interstate Commerce Commission be extended over shipment by water, so as to oblige proper division of rates by railroads and connections, and fix minimum as well as maximum rates for water-borne traffic.

Properly equipped terminals being as essential as channels to the successful use of waterways, we urge that such terminals be provided under public ownership or control, so that they may be open to all comers on equal and reasonable terms.

We favor liberal annual appropriations for the improvement of rivers and harbors, and disapprove the policy of delay and interruption in work begun and of practicing economy at the expense of the construction work of the Government.

We urge upon Congress the adoption of such laws as will compel coordination and cooperation between railways and waterways in the interchange of traffic, and that will remove destructive competition of railways against waterways.

—

[From the Fresno Republican, Apr. 10, 1912.]

CHAMBER INDORSES NEWLANDS BILL FOR RIVERS.

The board of directors of the Fresno Chamber of Commerce yesterday passed a resolution, presented by John Fairweather, vice president of the National Irrigation Congress, in which it indorsed the Newlands river regulation bill, now before Congress. Copies of the resolution will be forwarded to the California Representatives at Washington. The resolution is as follows:

"Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled, 'A bill to create a board of river regulation and to provide a fund for regulation and control of the flow of navigable rivers, in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters, protection of water sheds from denudation and erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; and

"Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

"Whereas the passage of said bill by Congress would result in the relief, not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, Mississippi, Sacramento, San Joaquin, and Kings Rivers from destructive floods, and increase the flow of the rivers in the low-water season for navigation and irrigation: Therefore, be it

"*Resolved*, That the Fresno County Chamber of Commerce hereby indorses said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress."

The supervisors followed yesterday the example of the directors of the chamber of commerce, and on the showing made by John Fairweather, vice president of the National Irrigation Congress, indorsed the Newlands river regulation bill in Congress as a measure of relief against destructive floods, while also one for increasing the flow of rivers in low-water season for navigation and irrigation.

—

[From the Madera (Cal.) Tribune, Apr. 15, 1912.]

RESOLUTIONS FAVORING FLOOD-WATER CANAL.

The following resolutions were adopted at the District Federation of Women's Clubs in Fresno at their recent session:

Resolutions indorsing the Newlands bill and the resolutions of the California Legislature requesting the Federal Government to construct a flood-water canal and reservoir from the San Joaquin River, near Pollasky.

Be it resolved, That the California Federation of Women's Clubs for the San Joaquin district, in convention assembled in the city of Fresno, indorse the Newlands bill in Congress (S. 122) and the resolutions of the California Legislature requesting the Federal Government to construct a flood-water canal and reservoir from the San Joaquin River; and be it further

Resolved, That our Senators, Hon. GEORGE C. PERKINS and Hon. JOHN D. WORKS, and our Representatives, Hon. J. C. NEEDHAM, Hon. JOHN E. RAKER, Hon. WILLIAM D. STEPHENS, Hon. S. C. SMITH, Hon. E. A. HAYES, Hon. JULIUS KAHN, Hon. JOSEPH R. KNOWLAND, and Hon. WILLIAM KENT, be, and they are, requested to use all honorable means at the present session of Congress to secure the legislation requested in said resolutions; and be it further

Resolved, That the secretary of this convention be, and she is hereby, directed to mail forthwith to each of our said Senators and Representatives a copy of these resolutions.

—

LOUISIANA BANKERS' ASSOCIATION.

(Resolution adopted at annual meeting, Covington, La., Apr. 27, 1912.)

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled: "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provide a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the Louisiana Bankers' Association hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress.

LOUISIANA BANKERS' ASSOCIATION.

—

STOCKTON, CAL., *April —, 1912.*

Mr. GEO. H. MAXWELL,
Executive Chairman Board of Control,
National Drainage Congress,
St. Charles Hotel, New Orleans, La.

DEAR SIR: We extend our heartfelt sympathy to the sufferers from the present floods in the East and the South. Our sympathy is tinctured with shame, as we know that the appalling loss of life and property could and ought to have been prevented. As a people we have the intelligence and the money to do the required work that will control forever the flood area of our country, whether in the East, the South, or the West. We know how to change the awful destructive flood forces into constructive and beneficial powers. With these forces we can improve and make permanently navigable our inland waterways, generate enormous quantities of electric power, make safe the investments, and increase the improvements in our great valleys, and while doing so we shall remove the danger of drought, or fear of it. The time is opportune for an immediate start on this great work. The Panama Canal is nearly finished. Even now the services of a part of the splendid working army is being dispensed with and part of the equipment is being sold. These trained men should be kept together, and the equipment that can be used in the South and East or in the West should be at once put in order for the work that must be done to save the lives and property of our people by properly conserving the natural forces and resources of our country. There can be no excuse for another hour's delay. The sinking of the *Maine* with so large a part of her gallant crew in Habana aroused our people to war. What can we say to a watching world if we refuse to act as promptly and as energetically when the lives of our people are being taken by floods that we can control or droughts that we can prevent? To the loss of life we must add the destruction of property so vast that its value if wisely used would prevent forever such losses. Under such conditions can we still say that we have a government of the people, by the people, and for the people? To enable us, a people, to claim without shame that we so govern ourselves we pray that you will take such action at New Orleans and immediately thereafter at Washington that the Newlands bill may be enacted into law and the good work of conservation and control be started without further delay.

Yours, truly,

THE RIVER REGULATION COMMISSION OF STOCKTON, CAL.,
By J. L. CRAIG.

—

NEW ORLEANS PROGRESSIVE UNION.

(Resolution adopted at meeting of board of directors May 2, 1912.)

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulations and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the New Orleans Progressive Union hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress.

NEW ORLEANS PROGRESSIVE UNION.
JAMES W. PORCH, *President.*
M. B. TREZEVANT,
Secretary-Manager.

—

LOUISIANA RECLAMATION CLUB.

(Resolution adopted at meeting held Tuesday, May 14, 1912.)

Whereas throughout a wide extent of country that is comprised within the trade territory of New Orleans the great flood of 1912 in the Mississippi Valley has made thousands homeless, ruined crops, drowned live stock, destroyed buildings and improvements, and will seriously retard the advancement and development of that territory; and

Whereas every business man and property owner in New Orleans will feel the loss from this great disaster in a decreased volume of business, deferred collections, reduced property values, stagnation of trade, and lessened demand for real estate; and

Whereas the danger of a recurrence of such disasters is a menace to the prosperity, growth, and development of New Orleans, and such danger can only be permanently removed through the adoption by the Congress of the United States of a broad national policy under which the Federal Government will in future guarantee protection against overflow by taking over and maintaining the levee systems as national fortifications against invasion by the destroying forces of nature, just as it now maintains military and naval forces and builds fortifications as defenses against foreign invasion; and

Whereas the construction of the great engineering works and reservoirs that would store the floods of the Ohio River and thereby aid in affording protection from overflow in the lower Mississippi Valley is warranted by the benefits therefrom to the Ohio Valley alone on flood prevention, incidental power development, and navigation, and a similar policy is likewise justified in the Missouri Valley for the same reasons, and also because the water there may be used for the irrigation of millions of acres of arid lands; and

Whereas in no possible way can the construction of such works for headwater control of the floods in the territory of their origin do otherwise than benefit the lower Mississippi Valley by regulating the flow of the river, and thereby improving it for navigation and giving additional security and protection against floods; and

Whereas the steadily increasing volume and rising flood plane of the flood in the lower Mississippi Valley have been largely caused by the changed conditions of the watershed in the States comprising the drainage basin of the Ohio, upper Mississippi, and Missouri Rivers, and those conditions and causes are beyond the control of the States bordering the Mississippi River from Cairo to the Gulf, and can only be controlled by the Federal Government: Now therefore be it

Resolved, That the Federal Government should immediately extend such temporary relief as may be necessary to repair the broken levees and to maintain them in future, and to control the river in its channel by revetments and bank protective works which will safeguard against the destruction of levees by caving banks and shifting channels; and

Resolved further, That in working out plans for flood prevention and the protection of the lowlands of the Mississippi Valley from overflow the Mississippi River and all its tributaries and source streams should be treated as a unit, and a comprehensive and adequate levee system to be permanently maintained by the National Government should be supplemented by a system of reservoirs on the headwaters of the Ohio and its tributaries, and also on the upper Mississippi, and by a system of flood-water canals and storage reservoirs in the Missouri River Valley, by means of which the flood plane at Cairo would be at all times so reduced that no combination of high water in the three upper rivers would ever create a great flood in the lower Mississippi Valley, and at the same time prevent overflow and damage by floods in the valleys of the Ohio, the upper Mississippi, and the Missouri Rivers; and

Resolved further, That the Nation can not longer afford to permit its resources of soil, of power, of water, and of navigation to be carried as a wasteful and destructive flood to the sea, and that since the States themselves can not, in the general interest, prevent this waste, the Federal Government should conserve such floods at their sources and subject the now wasted waters to beneficial use; and

Resolved further, That the Louisiana Reclamation Club hereby indorses and approves the resolution of the Pittsburgh Chamber of Commerce adopted on April 13, 1911, indorsing the Newlands river-regulation bill, and urging its passage by Congress; and

Resolved further, That the business men and property owners of New Orleans be, and they are hereby, urged to extend their hearty personal cooperation and financial support to the Louisiana Reclamation Club in its work for the organization of a national campaign, through the National Reclamation Association, to accomplish the early passage of the Newlands river-regulation bill by Congress.

NEWSPAPER COMMENTS ON WATERWAYS AND SENATOR NEWLANDS RIVER REGULATION BILL.

[From the Philadelphia Evening Item.]

RIVER NAVIGATION AND FLOODS.

PHILADELPHIA, PA., *March 13, 1911.*

Senator FRANCIS G. NEWLANDS, of Nevada, is one of the best-informed men on the subject of river navigation in the United States. In his recent speech in the Senate on this subject he gave the Nation an amount of practical information, which, so far as we know, is unmatched in the same space to be found anywhere. We can touch on a few points only here.

He said we must realize that the country needs and demands legislation from Congress that will include regulation, improvement, and development of all the waterways of the United States under broad and comprehensive plans.

Regarding irrigation works, with only eight years' work we have to-day 23 projects, some completed, and all well along toward completion.

So far these newly irrigated lands have become the most valuable, or as valuable, per acre of any producing lands in the United States, lands which a decade ago could not even be given away, so worthless in their desert aspects did they appear to the farmer.

Methods can and will be devised for the Nation to cooperate with the States to provide a proper apportionment of costs and benefits, so instead of wasting time on question of jurisdiction we could unite all powers and create a common benefit for all the people.

The development of our waterways as efficient machines for transportation requires primarily the regulation of river flow. For if the flow of the rivers be regulated in such a way as to avoid the extreme of floods and the opposite extreme of low water, we will always have in the rivers a navigable stage of water to transport boats for passengers and freight.

We must first prevent floods. We can make use of the natural reservoirs which nature has provided for the absorption of the rains, and we can create artificial reservoirs for the storage of flood waters, as we are now doing on the Panama Canal.

The natural reservoirs are the forests and the agricultural lands, which absorb the rainfall and the melting snows. Our aim should be to everywhere increase the porosity and absorbent properties of the soil and thus prevent the run-offs which swell our streams into great floods, which now aggregate a damage upon property of the stupendous sum of nearly two hundred millions a year in the United States.

Aside from the question of whether or not the denudation of our forests will diminish rainfall, there can be no doubt whatever that the destruction of forest growth will diminish the absorption of falling waters on the soil.

The reports of the Geological Survey show clearly that wherever there has been a destruction of forest growth there follows immediately a hardening of the surface, the erosion of the soil, and the rapid run-off which carries the soil and silt and the material from the mountains and hillsides down into the channels of the rivers, choking navigation. Therefore the preservation of the forests upon these great watersheds, which are the sources of water supply, is an essential element in the control of floods which affect the channels of navigable rivers.

The next thing to consider is the increase of the absorbent properties of the soil itself wherever it is farmed or cultivated. Plowing and cultivation, and of terraced and irrigated fields systematically practiced, facilitate the absorption of moisutre. By such and like scientific means the soil is prevented from being washed into the creeks and streams and finally into the navigable rivers; they arrest this constant flow of vast areas of alluvial soil down into the Ohio, the Missouri, and the Mississippi Rivers, and also from the Appalachian Mountains, and the White Mountains, and the Allegheny Mountains down the rivers that flow into all the channels emptying into the bays and sounds on the Atlantic seaboard.

In that manner, adds Mr. NEWLANDS, we will not only perform the work of facilitating the storage of water in the soil by intelligent methods of cultivation and thereby aid in regulating the river flow, but we will also prevent the enormous waste of soil of the country, which is robbing the cultivated areas of vast amounts of fertile, cultivable soil and depositing it in rivers, bays, sounds, and gulfs, where it is not wanted.

The next thing to be considered is artificial reservoirs. The people of Pittsburgh have recently caused to be made a survey of the watersheds of the Allegheny and Monongahela Rivers, and they have found there many large sites that can be utilized for storage purposes. They are seriously studying the question of constructing these reservoirs with a view to avoiding the destructive floods which at present inflict an annual injury upon Pittsburgh, and the year of the great flood of 1907 caused damage in that city alone amounting to from $5,000,000 to $10,000,000.

So it is everywhere. Localities are considering the question of flood destruction and are working at the problem, not only in its local aspects but in its national aspects. The States at the lower ends of rivers are calling upon the Nation to see to it that they are not damaged by the run-offs from States above them.

[From the Pittsburgh (Pa.) Post, Mar. 16, 1911.]

FOR FLOOD PROTECTION.

The declaration by George H. Maxwell that the enactment of the Newlands bill by Congress will add fifty to a hundred millions to the value of property in the Pittsburgh industrial district has aroused an increased interest on the subject of flood protection. The Newlands bill was introduced in the United States Senate by Senator NEWLANDS, of Nevada, and it provides for an annual appropriation of $50,000,000 for 10 years to regulate and control the flow of navigable rivers in aid of interstate commerce and as a means to provide for flood protection.

This act, Mr. Maxwell declares, will afford Pittsburgh the protection desired, and by proving a guarantee of safety would result in a tremendous enhancement of values. Mr. Maxwell, as the executive director of the flood commission, has made a thorough study of conditions, and his statement must be accepted as wholly devoid of extravagance. It serves to show what the flood menace inflicts in the way of business losses and depreciation in the value of affected real estate.

The flood commission has made commendable progress in the preparation of plans, but it is stated both State and national aid will be required. The Newlands bill, owing to the broadness of its scope, is recognized as the best legislation that has been advanced. It covers every State in the Union. A bill is also pending in the legislature which authorizes county commissioners to expend moneys for flood protection.

Naturally, the citizens of Pittsburgh will await with keen interest for the development of this all-important matter. It means much to them both as to business and comfort. With the positive claims that the danger can be overcome there will be an increased demand for a condition that would be of such incalculable benefit to the city and all its business interests.

[From the Lockport (N. Y.) Sun, Dec. 12, 1911.]

ONE MILLION ACRES IN NEW YORK.

The immediate drainage of the 80,000,000 acres of swamp and overflow land in the United States, the immediate regulation and control of the flood waters of every river in the country, the immediate development of a national policy for the control of the entire drainage water question as a unit, are the aims of the National Drainage Reclamation Association, just formed in Chicago of men from the South, Southeast, East, Southwest, Middle West, and far West.

To this end the new association will get behind the bill introduced in the Senate by Senator NEWLANDS providing for the regulation and control of all rivers and streams, storing their flood waters, and distributing them in times of low water.

James R. Garfield, former Secretary of the Interior, and Gifford Pinchot, former Chief Forester and at present the president of the National Conservation Association, were present at the organization meeting. Each spoke at length upon the magnitude of the work the association was about to undertake, and each spoke of the necessity for a strong organization built upon the policy of national patriotism.

As the name of the association indicates, its primary work will be to compel the Federal Government to take immediate steps to reclaim the 80,000,000 acres of swamp and overflow lands that are scattered all over the country. At the same time it will give its aid and support to every other conservative movement—to forestry, irrigation, river regulation. The word "reclamation" in the name indicates the comprehensiveness of the aims of the association.

"We want to reclaim these 80,000,000 acres of swamp lands," said Edmund T. Perkins, of Chicago, who called the meeting. "We want to add to the permanent wealth of the country five or eight billion dollars worth of land and hundreds of millions of dollars to the value of the annual crops from our lands. We want Uncle Sam to do this for the sake of all this people—to provide more homes for his nephews and nieces, to increase the prosperity of the land, to decrease the high cost of living.

"Because every section of the land has swamp acres this is not and can not be a sectional movement. There are nearly 14,000,000 swamp acres in the States immediately surrounding Chicago—in Illinois, Iowa, Minnesota, Wisconsin, and Michigan. There are more than a million such acres in New York and New Jersey; there are nearly 3,000,000 such acres in California and Oregon; there are 25,000,000, approximately, along the Atlantic coast; and there are more than 30,000,000 in the Mississippi and Ohio and Missouri Valleys."

[From the Lincoln (Nebr.) Journal, Jan. 19, 1912.]

The Newlands reclamation bill is one of the most comprehensive conservation measures ever placed before Congress. It contemplates devoting $50,000,000 a year for a period of 10 years to the general subject of water control in the United States. It is proposed to unite all of the hydrographic activities of the Government into one harmonious plan. The idea is to impound and store the flood waters of the upper reaches of the rivers for irrigation; to provide channels as the rivers near the sea large enough to carry away floods without damage, and at the same time serve as waterways for commerce. With the plan goes the reclamation of the swamps and the reforestation of the mountains to prevent erosion and check sudden freshets. It is

easy to figure a return on this investment running up into the billions of dollars. In general, the plan is workable. Of the financial benefits to be derived from it there can be but little question. The main point to guard against is the enhancement of the value of private lands at the expense of all the people. The national irrigation act provided for the return of all the money expended to the Treasury as a result of the enhancement in the value of the lands served by the Government ditches. It would be only just to arrange for the same policy with reference to vast areas of property directly benefited by the Newlands program.

[From the Pueblo (Colo.) Journal, Jan. 19, 1911.]

WATERWAY IMPROVEMENT.

The proposal of Senator NEWLANDS to make a thorough investigation of the inland waterways of the country has merit which ought to insure its passage by Congress. Under his plan every use to which water can be put will be considered; the rivers will be examined as to their possibilities for freight carrying and power purposes; practical plans will be formed for improvements and estimates of the cost made. It is a big undertaking, which will require the expenditure of considerable money for the preliminary work, but the expense will be small in comparison to the good to be accomplished. Accurate facts will be secured and the Government enabled to go about the work of waterway improvement in a systematic manner, and not in the haphazard way which is of so frequent occurrence. Under the "pork-barrel" methods which have existed immense sums have been voted in the past for "improvements" which were of no account, the only good thing about them being that employment was furnished.

A feature about the Newlands measure which can be objected to is that for the appointment of a special board to consider the matter of improvements. A salary is provided for the members, and as their task will take a number of years, the expenditure on this item alone would be considerable. There must be some supervising board to direct the work, but one could be secured without any additional salary expense. The Government has plenty of engineers and experts in its employ, and these could be detailed to make the investigation. The Army engineers and the experts connected with the Interior Department are well fitted for the task, and with substituting a board composed of such the Newlands bill would be the ideal method for getting at a business-like handling of the waterway problem.

[From the Woman's National Daily, St. Louis, Mo., Jan. 27, 1911.]

ESCHEWING PORK.

Senator NEWLANDS has offered an amendment to the river and harbor bill providing for the appointment of a board to consider all questions of inland waterways, irrigation, swamp-land drainage, and forest preservation in its relation to the streams. This is not a general conservation commission, but one charged with the consideration of all the phases of inland navigation. It would be the province of this board to study all the projects, harmonize, and coordinate them and make recommendations to Congress for specific action. This is something the friends of waterways have long demanded. It is the proper way to cut the "pork barrel" from appropriation bills, and therefore should receive the approval of the President. It is the way to harmonize the various projects and get all their friends to pulling together for such of them as the board considers desirable and practicable.

Having expended half a billion on the Panama Canal, as we shall have done by the time it is put into operation, particularly if we erect elaborate fortifications, and then add largely to the Navy to protect the fortifications, as we should be compelled to do, we could well afford to expend a like sum upon a properly devised system of waterways for the development of internal transportation. We have expended hundreds of millions in the past with comparatively little to show for it. We shall continue to waste money in the same way, pork or no pork, unless we systematize the work as Senator NEWLANDS provides for in this bill, or in some other way involving the same general principle. This amendment will probably not carry in the brief time Congress has yet to consider it. Indeed, it may be the means, by delay caused by its discussion, of preventing the bill itself from passing, and thus adding one more to the calls for a special session. But, soon or later, it will be passed, because it appeals to the business sense of the people.

[From the Gulf States Farmer, New Orleans, March, 1912.]

COOPERATION IS THE WATCHWORD OF THE NATIONAL DRAINAGE CONGRESS.

The object of the Second National Drainage Congress, to be held in New Orleans on April 10–13, 1912, will be to work out a national policy for river regulation and control, for protection from overflow, for flood prevention, and for land reclamation by the irrigation of arid lands and the drainage of swamp and overflow lands, that will harmonize and unite every section of the United States in a great campaign for its adoption by the National Government.

This national policy must be one that will bring into complete cooperation and harmony the National Government, the States, and all local districts and municipalities in actual constructive work.

It must be a policy that will clearly recognize the constitutional limitations of the National Government, and require of the National Government that it shall do only such things as are clearly within those constitutional limitations and for which precedents already exist in legislation heretofore enacted.

It must be a policy which will unite in its support the Ohio River Valley, which requires flood prevention, as well as navigation; the upper Mississippi River Valley, which requires a sufficient enlargement of the reservoir system on the headwaters of the Mississippi River to regulate the river flow for navigation and for water-power development; and the Missouri River Valley, which requires storage reservoirs and flood-water canals for irrigation, navigation, protection from overflow, flood prevention, and water-power development.

The precedents already exist for the doing of all these things by the National Government, but its work through the different bureaus, services, and departments lacks cooperation, and is for that reason inadequate and wasteful.

In the lower Mississippi Valley, if the National Government will protect the banks, prevent caving and the destruction in that way of existing levees, preserve and maintain the navigable channels, construct adequate outlets and controlling works, and build the large canals necessary for navigation and as part of a comprehensive drainage system, the rest of the work of the reclamation of the swamp and overflow lands will be accomplished through State, district, and local action.

In the State of Louisiana the recent decision of the State supreme court sustaining the constitutionality and validity of drainage bonds issued under State statutes provides the way for securing the capital necessary for the local drainage work, and it is neither desirable nor necessary that this work should be undertaken by the National Government, even though it were within its constitutional power.

It will thus be seen that the object of the National Drainage Congress will not be to strike out any new and radical national policy, but its slogan will be "Cooperation and harmony." It will aim to bring into cooperation, coordination, and harmonious and united constructive work all the agencies which are now at work in an inadequate and disconnected way.

It is in this work of bringing order out of chaos, eliminating controversy, and perfecting a broad working plan which will unite territorially the entire Mississippi Valley from Canada to the Gulf of Mexico, with the Ohio River Valley on the east and the Missouri River Valley on the west—a vast region embracing more than one-third of the entire area of the United States—that the National Drainage Congress so much needs the cooperation by attendance as a delegate at its meeting in New Orleans on April 10–13 of every one who would be benefited by the development of the Mississippi Valley.

Those who contribute to the success of this great movement for uniting so many heretofore divergent ideas and plans in one great workable whole that will solve the problem of navigation, drainage, protection from overflow, and flood prevention in the lower Mississippi Valley, and at the same time apply to similar conditions anywhere in the United States, will help to do the country a service as great as any which can be rendered to it in any way in this generation. The problem is so vast and far-reaching in its importance and magnitude that it overshadows every other public question. It dwarfs into comparative unimportance even the Panama Canal.

In the State of Louisiana alone there are 10,000,000 acres of land that can be reclaimed for agriculture by drainage, protection from overflow, and flood prevention. Louisiana is larger by 10,000 square miles than the combined area of Belgium, Holland, and Denmark, has greater latent agricultural resources, and will sustain a larger population than those countries. Their combined population is now 16,000,000, while that of Louisiana is only 1,600,000. The annual agricultural production of Louisiana to-day is $85,000,000. If its 10,000,000 acres of reclaimable land were drained and cultivated, it would increase the agricultural production of the State over a billion dollars—more than twice the entire gold production of the world. And these stupendous figures show the possibility of development by river regulation and land reclamation in only one State.

If the western boundary line of Mississippi were extended south to the Gulf of Mexico, that part of Louisiana lying to the east of that line would embrace an area as large as Belgium. If the unreclaimed lands in that territory which are now an uninhabited waste, were drained and intensively cultivated, as are the lands of Belgium, by a densely settled rural people, there would be within a radius of 100 miles of New Orleans a population as large as that of Belgium. The population of Belgium is 7,200,000. What would that mean to New Orleans? It would mean that it would rival Antwerp, the third great seaport of the world, in its commercial prestige and world trade; while Baton Rouge would grow to be as great and beautiful a city as Brussels.

Every smaller city, town, village, and hamlet in the whole Mississippi Valley and Gulf States would grow and develop proportionately in population. Every merchant, wholesale or retail—every manufacturer—every professional man, engineer, lawyer, doctor, or dentist—every real estate owner—every planter, farmer, fruit grower, or truck gardener, would be correspondingly benefited. All would share in the enormous prosperity that would be created by this stupendous development of wealth from natural resources.

[From the Gulf States Farmer, April, 1912.]

THE NATION-WIDE NEWLANDS PLAN—SENATOR NEWLANDS'S BILL BEFORE CONGRESS TO AID DRAINAGE—ITS WIDE SCOPE.

[From our Washington correspondent.]

Four billion dollars more in farm products each year; this sum added annually to the wealth in the United States for the prosperity of its farmers, merchants, manufacturers, railroads, and bankers and their employees; this is the result of a national business investment under consideration in this Congress. It is proposed in the bill for river regulation drawn by Senator NEWLANDS and known as the Newlands bill.

Four billion dollars per annum in perpetuity from the investment by Uncle Sam of $50,000,000 a year for 10 years—$500,000,000.

The Newlands bill has a scope big enough to perform as a harmonious whole the big tasks to which the Government has set its hand.

The bill is considered one of the broadest and most comprehensive conservation measures ever drafted. By coupling all the work proposed by it with the idea of promoting interstate commerce by means of navigable rivers it brings within the constitutional limitations of the Federal Government such tasks as the drainage and reclamation of swamp lands, the irrigation of arid and semiarid lands, the protection of forests, the elimination of dangers from floods, etc.

The Newlands bill has received the enthusiastic indorsement of many public men and associations. It was indorsed unqualifiedly at the nineteenth meeting of the National Irrigation Congress held recently in Chicago. It is being earnestly supported by the Pittsburgh flood commission. It has just been indorsed by Edmund Perkins, president, and Isham Randolph, vice president, of the American Reclamation Federation, at the annual meeting in Chicago. It has the support of most of the members of the National Drainage Congress, organized in Chicago last month, and probably will be officially indorsed by that organization at its second meeting in New Orleans, April 10 to 13.

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DECLARED CONSTITUTIONAL.

Many expert constitutional lawyers have pronounced the bill constitutional. They say this is about the only way in which the National Government can undertake such work as drainage and reclamation of swamp lands, irrigation works, forest preservation.

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Edmund T. Perkins, of Chicago, vice president and acting president of the National Drainage Congress, who was the engineer of the Reclamation Service for several years, is an ardent supporter of the Newlands bill. "It is such a splendid constructive measure, and with such far-reaching beneficial effects to the entire country, that it ought to be passed immediately," he said. "It is all that the irrigation advocates could want, all that the drainage enthusiasts could wish for, all that the forest men could desire; it provides for the conservation of the water, forest, and soil resources of the whole country."

George H. Maxwell, director of the Pittsburgh flood commission, is more enthusiastic even than Mr. Perkins. Mr. Maxwell is a member of the executive committee from Pennsylvania of the National Drainage Congress. "The Newlands bill," says Mr. Maxwell, "unites every aspect of conservation in a comprehensive plan that can be carried out

by the Federal Government, for the benefit of the whole Nation; and does it in what I consider the only constitutional way such a work can be done—under the policy of aiding interstate navigation and controlling, regulating, and standardizing the flow of navigable rivers."

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[From the Spectator, Pittsburgh, Friday, Apr. 7, 1911.]

FLOOD COMMISSION'S GREAT WORK.

Mr. George H. Maxwell, executive director of the flood commission of Pittsburgh, writes as follows to the Spectator:

"Is not $100,000,000 added to the value of property in the Pittsburgh industrial district a proposition large enough to merit the active and vigorous cooperation of every business man in the district? The figure I give is the conservative estimate of the benefits that would immediately result if the Pittsburgh industrial district were safeguarded against floods. That would be done beyond all question or peradventure of doubt if the Newlands river-regulation bill were enacted into a law by Congress."

The bill which Senator NEWLANDS has before the Senate at Washington has attracted a great deal of favorable attention, and provides for the construction by the Federal Government of storage reservoirs and irrigation works wherever necessary to furnish water, not only for irrigation purposes but for the prevention of devastating floods.

It is this latter purpose that is specially applicable to the Pittsburgh district, for with the Newlands bill made a law the work of constructing great reservoirs at the headwaters of the Allegheny and Monongahela Rivers could be carried on, with the splendid and profitable result of ending the costly ravages to Pittsburgh and suburbs by great floods.

Such a proposition should receive the prompt, hearty, and generous support of business men and all other citizens of Pittsburgh. Certainly the adding of $100,000,000 to the value of property in our industrial district is a grand thing, and yet to attain it nothing is really needed but the support of the people.

In this great work the Pittsburgh Chamber of Commerce is taking an active, aggressive, and splendidly efficient part. Let its work be backed up by the influence and the financial support of business men and all people of the Pittsburgh district. The chamber of commerce flood commission was originally organized with 34 business and professional men, and is now being enlarged to include representation of the various industrial, commercial, and manufacturing interests.

[From the Fresno Morning Republican, Sunday, Apr. 7, 1912.]

CONTROL OF FLOOD WATERS.

EDITOR REPUBLICAN: We have noticed very recently accounts of the old and often-repeated story that Pittsburgh is flooded again; and this week the old, old story comes again that the Missouri, La Platte, and the Mississippi Rivers are raging torrents and doing millions of dollars of damage to the people in their vicinity. We may not this year have such reports of the Kings, San Joaquin, and Sacramento Rivers, but under usual conditions we shall hear of such things in future years; we had it last year and will again. Because of these ever-recurring floods Pittsburgh some time ago raised $100,000 to make surveys and estimates to store the flood waters that do so much damage (we might say annually to their city), and out of a large number of sites for reservoirs we understand they have selected 17 of the most favored ones, and that if these are built the flooding of Pittsburgh will be a thing of the past, and the flood waters that do so much damage will be made a useful servant of the people. And Pittsburgh is preparing, if in the event they can not get the Government to aid them in this work, to go on and do it alone. As Pittsburgh in the past has been one of the most favored cities in the country to receive benefits through the Government's protective policy, they have good grounds to continue to plead for aid from their point of view on this matter. One of their Congressmen has a bill now before Congress for a large appropriation to help in this work. Of course, if it became a law it would be a local matter, yet of great benefit to a large section of country. But if Congress would pass Senator NEWLAND'S river-regulation bill, known as S. 122, which appropriates $50,000,000 a year for 10 years, it would become a national affair, and as this bill provides for cooperation with States, counties, and even small districts, for the benefit of the people all over, wherever they take enough interest in such work to do something to help themselves. This great constructive measure should become a law at the earliest possible moment.

Some people say it is all well enough to appropriate the money, but where is it to come from without more taxation of the people? We answer, let the Government stop building battleships costing about $15,000,000 each before they are ready to leave our shores on a peaceful mission, for we have no wars on our lands and not the slightest prospect of one; yet some of the "chair warmers" at Washington want to-day to spend $20,000,000 on a single battleship, and they want one or two of this kind every year. These "chair warmers" are men on duty keeping their seats warm and imagining all kinds of disasters are going to come upon us as a nation if we do not keep building these engines of destruction. Congress now being in session we hear from these infant industrial "chair warmers" that we are in danger again of the Japanese invading us, which is all "bosh and rot" to many of our great and notable men. It is time the people waked up to the enormous expenditure that our Government is spending every year preparing to kill people and only giving a paltry few dollars in helping the "mainstay" of the Government, to wit, agriculture. It is well to remember that 70 cents out of every dollar collected by the Government every year is spent in paying for past wars and preparing for future ones that will never come. This leaves 30 cents for all the rest of the work. We constantly hear of the high cost of living, and if the same policy is carried on as in the past we will hear more of it.

We need more land under cultivation, and we have it here at home if the Government only turns its attention to it. We have 80,000,000 acres of swamp and overflow land made so by these ever-recurring floods, and nearly every acre of these lands could be made a garden spot for our people to live on in peace and plenty. It must be reclaimed and it will be as soon as our people wake up to its advantages and its great possibilities.

The great national drainage congress that will be held in New Orleans the coming week will be one of the largest congresses ever held in this country, and we have no doubt it will speak in no uncertain words a demand that our Government does take notice that in this great work a substantial start shall be made and that at once in the work to reclaim these vast areas of the richest lands on the face of the globe. In a short space of time our Government will have an abundance of material and machinery on hand when the Panama Canal is completed, and this could be brought home and put to good use in this reclamation work in preparing these lands for homes, and it must be done.

We are glad that Mr. Frank Short is going to that drainage congress, sent by the Panama fair commission; by this we know that our State will be heard from. The writer of this communication holds credentials from the head officers of the drainage congress, but it takes more than credentials to go so far to attend, no matter what the great object of the gathering may be. We are positive, knowing some of the leading men of this congress, that Senator NEWLAND'S bill, S. 122, will be strongly indorsed by that congress, and this we know every county board of supervisors and every chamber of commerce, board of trade—in fact, every organization of every description in this State and other States—should pass strong resolutions indorsing the Newlands river-regulation bill, and every resolution should be sent to every Congressman and every Senator at Washington and a private note that this measure must be passed and become a law this session of the Congress. If this were done we could be in line for assistance, not only of drainage but of irrigation—what our west side so much needs.

JOHN FAIRWEATHER.

[From the Courier Journal, Louisville, Ky., Apr. 7, 1912.]

CONTROL OF FLOODS.

It is evident that the levee system along the Mississippi River, while a great protection in the case of ordinary high water, is a source of no small danger in times of extraordinary floods.

Many years ago, when an engineer of some note suggested a system of storage reservoirs for controlling floods and also for increasing river stages at seasons of low water, he was almost laughed out of court. His plan was regarded as visionary and impractical, and nobody gave it very serious attention. The engineer long ago passed to his last account, but the idea has survived, and there is pending in the United States Senate a bill, offered by Senator NEWLANDS, which bears the following title:

"A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies."

A few years ago the Chamber of Commerce of Pittsburgh organized a flood commission to investigate the question of flood control and make a report thereon. The commission delved deeply into the subject, and finally recommended storage reservoirs as a means of flood prevention. As reasons for indorsing the reservoir plan it cited the following:

"The flood relief would be extended over hundreds of miles of tributaries and of the main rivers, including the Ohio for many miles below Pittsburgh.

"The impounded flood water, with proper manipulation of the reservoir system, would considerably increase the low-water flow of the tributaries and of the main rivers.

"This increased low-water flow would greatly aid navigation and interstate commerce.

"The increased low-water flow would notably improve the quality of the water for domestic and industrial purposes.

"The sewerage problem of Pittsburgh and of many other communities along the rivers would be simplified.

"The public health would be protected against the dangers arising from the insanitary conditions caused by overflow and by extreme low water.

"A considerable amount of water power would be incidentally developed."

The commission found that there were many available sites for reservoirs in the vicinity of Pittsburgh. In fact, it selected 43 such sites, and had most of them surveyed. The opinion was expressed that adequate flood reduction at Pittsburgh could be obtained with 17 reservoirs, and the estimate was made that these reservoirs could be constructed at a cost of $20,000,000. In 10 years the flood damage at Pittsburgh has aggregated more than half this amount. The area affected by floods in the city includes real estate of the assessed valuation of $160,000,000. If relieved from the flood menace, it is believed this property would be increased in value at least $50,000,000, or more than twice the cost of a system of reservoirs. The commission believes it would be the part of wisdom for the city to build the reservoirs.

The National Drainage Congress is to meet in New Orleans April 10 to 13. Considering present conditions along the Mississippi River, the Congress is likely to devote considerable attention to the question of flood prevention. A discussion of the reservoir plan which seems to be so strongly favored by Senator NEWLANDS and the Pittsburgh flood commission would add much to the interest of the convention.

[From the Chronicle Telegraph, Pittsburgh, Pa., Apr. 8, 1912.]

FLOOD PREVENTION.

Senator NEWLANDS, of Nevada, in taking up the cudgels in behalf of the Pittsburgh Flood Commission's plan of flood prevention, directs attention to the inadequacy of unrelated improvement projects, such as channel dredging and levee protection. If we are to prevent disastrous floods and make the rivers serve their proper function of waterway navigation, he contends, each river must be treated as a unit from source to mouth and treated in a scientific and orderly manner. This is the view enunciated by President Taft in his speeches and recommendations relative to river improvement, and it is in accordance with this view that the President has advised the taking up of the improvement of the Ohio as a starter and the prosecution of this work in a logical way until the problem of securing all-the-year-round navigation has been solved. To the idea so advanced in its general aspect no serious objection is raised in any quarter. The vital difficulty is to interest Congress in operations requiring so large an expenditure as the proposed improvement entails. While the present economy spasm lasts, the prospects are not encouraging. Sooner or later, however, Congress must concede the public necessity that exists and provide the means of meeting it, in so far as Federal obligation goes.

[From the Terre Haute (Ind.) Tribune, Apr. 8, 1912.]

ANNUAL WASTE.

Annual and semiannual repetitions of floods such as are devastating the Mississippi, Ohio, and Missouri Valleys, causing the loss of many lives and damage to property that will probably total more than $50,000,000, would be prevented by the passage of Senator NEWLANDS'S "river-regulation" bill now pending in Congress. This is the statement of Frank B. Knight, member for Illinois of the executive committee of the National Drainage Congress.

The Newlands bill would place the task of regulating the navigable waters—treating them all as parts of a unified, comprehensive system—in the hands of a commission. It provides for the storage of the flood waters in natural and artificial reservoirs, to hold them back until times of drought, when they can be let loose and maintain the navigable rivers at a proper depth. The reforestation of the watersheds is only one of the methods contemplated by the bill for checking the floods. Others are the construction of artificial reservoirs where these are possible and practicable, and the full utilization of natural reservoirs. It provides for carrying the surplus waters out over the arid and semiarid districts, in irrigating operations, to let it seep back gradually through the soil. It provides for the digging of drainage channels to carry off the surplus waters from the lower reaches of the river, to help keep the navigable channels at a standard depth and prevent them from being shifting; also to utilize these drainage channels as additional waterways.

It provides also for the construction of dikes and levees. The levee system is a good thing and has accomplished a great deal to protect people and property and to reclaim overflowed lands. But this work has been done by piecemeal; the various sections are unrelated. In times of unusual conditions, as at present, the entire levee system is endangered because the work of controlling the rivers has not been started at the headwaters and among the tributaries.

[From the Pittsburgh (Pa.) Post, Apr. 9, 1912.]

THE MISSISSIPPI FLOOD.

The flood in the Mississippi River must be regarded as a national calamity. More than 30,000 persons have been driven from their homes, a number not yet fully calculated drowned, while the monetary loss will exceed $10,000,000. Inasmuch as the end is not yet, these figures will probably be greatly exceeded, as many communities heretofore prosperous are in danger of being wiped out of existence.

These floods, with their attendant disasters, will continue just as long as scientific means are not adopted for keeping them under control. The present disaster proves the inadequacy of the levee system.

Senator NEWLANDS, who is to address the Pittsburgh flood commission next week, favors a system of river government that will not be piecemeal. He believes that each river must be treated as a unit from source to mouth in order to guarantee the perfection of the precautions taken for the safety of the people. It is evident, however, that if the Mississippi Valley is to be spared repetitions of these disasters a form of levee must be developed that will not break. This would involve a tremendous cost, but it would be warranted when we take into consideration the millions that are swept away by the floods, the loss to business, and the suffering imposed on the people. It is a problem that calls for the most careful scientific research.

[From the Nashville (Tenn.) Banner, Apr. 9, 1912.]

DEEP WATERWAYS.

Senator NEWLANDS, one of the distinguished men the Commercial Congress has brought to Nashville, is interested in the improvement of waterways and points out that the present floods emphasize the necessity for that great work. He was quoted in the Banner's news columns yesterday as saying:

"In order to accomplish anything in this direction, we must undertake the work in a big way—just as we did the Panama Canal and the irrigation works. We must appropriate at least $50,000,000 annually for 10 years and tell our engineers and constructors to 'plan big.'"

Senator NEWLANDS, though now representing one of the States in the far West, is a native of Mississippi. He therefore knows something of the great river, whose unruly waters are now devastating the adjacent lands, and of the possibilities that would come of its control.

Senator NEWLANDS is right in placing waterway improvement on a parity of importance with such great public works undertaken by the Government as the Panama Canal and the irrigation of arid lands. The work should be undertaken on a big scale with a view to great accomplishment.

The improvement of the Mississippi River and its tributaries will be made the more pressing by the completion of the Panama Canal. All the vast valley will need the deep waterway to send its exports to the nearest port of shipment.

Deep waterway is a matter in which the South—that portion west of the Blue Ridge Mountains at least—has a vital interest. Senator NEWLANDS should have the strong support of this region in what he proposes. And it is not a matter for the South alone, but for the whole Mississippi Valley, and that is a very considerable portion of the country.

[From the Lynchburg (Va.) News, Apr. 10, 1912.]

THE RIVER PROBLEM.

The great flood in the Mississippi and its affluents is attracting public attention to one of the greatest problems confronting the American people. The Mississippi drains the central part of the United States, a region of wonderful fertility, already densely inhabited and destined to support a much larger population in the near future. The recurring floods bring danger to life and destruction to property throughout the great Mississippi Valley. It is estimated that the present overflow has cost the lives of 30 persons and destroyed property to the value of $10,000,000. How can such disasters be averted? How can the mighty river be controlled? That is the problem that the people of this country must endeavor to solve. It is a problem of greater magnitude than the construction of the Panama Canal, and its solution may involve a greater outlay. The people of Holland have protected their country against the North Sea by the construction of dikes. The original cost was enormous and many thousands of dollars are expended every year in protecting and repairing the dikes on which the salvation of the country depends. The floods of the Mississippi are even more unmanageable than the waves of the North Sea. The best engineering skill of the age will be taxed to the utmost to devise means for restraining the angry waters. The sediment brought down by the floods has already raised the bed of the river above the level of the adjacent land. Whenever a break occurs in the levee the waters rush through and cover an immense area of fertile land. The Egyptians thousands of years ago attempted to control the Nile by constructing great reservoirs or lakes to hold back a part of the flood. The British are doing something of the same kind now by building the Aswan Dam. These examples may give a hint to our engineers. This subject came under discussion on Monday in the Southern Commercial Congress. Senator NEWLANDS made some very wise suggestions, which were published in this paper on yesterday, but their importance justifies their reproduction here.

Senator NEWLANDS advocated the appropriation of at least $50,000,000 a year for 10 years by the General Government to dam the great rivers and store their flood waters in such a manner as to prevent freshets and afford a constant flow of water throughout the year.

"The Mississippi flood," he said, "accentuates the agitation for big action regarding our waterways. The full regulation of our rivers can never be secured by mere channel dredging and levee protection. The whole river must be treated from source to mouth, including all its tributaries, by preventing swift run-off of the storm waters through storage and diversion of flood waters, both natural and artificial.

"We must undertake the work in a big way—just as we did the Panama Canal and the irrigation works."

Senator NEWLANDS is on the right road. Of course, his plan means the outlay of an enormous amount of money, but the object to be attained justifies the outlay. No nation was ever before called on to undertake a work of such magnitude. But this Republic is to-day the richest country in the world and it can afford the outlay. Then, too, it must be remembered that the benefits of the work, if properly done, will not be confined to the present generation, but will continue to bless those who come after us indefinitely, and it must not be forgotten that the saving of the loss of $10,000,000 a year, to say nothing of the loss of life as a human sacrifice, will furnish a motive for Government liberality in this matter, which must command the general approval of the American people.

[From the Evening Star, Newark, N. J., Apr. 11, 1912.]

A NATIONAL PLAN OF FLOOD PREVENTION.

There is an object lesson for the National Drainage Congress at New Orleans on the need of an intelligent national waterways policy in this week's tremendous flood in the Mississippi Valley. Local devices to confine the mighty torrents have proven their feebleness. Senator NEWLANDS, of Nevada, shows that each river, with its sources and tributaries, must be treated as a unit, so that the surplus water can be held back in storage and used to irrigate arid lands and furnish power. Thus we shall harness one of the mighty forces of nature and make it man's profitable servant instead of his destructive foe. Senator NEWLANDS goes so far as to place this problem above the construction of the Panama Canal, and he argues that if it costs the Nation $50,000,000 a year for the next decade the money will be wisely and profitably spent. He urges that the scientific skill of the Nation and the States be enlisted in comprehensive plans of storage, irrigation, drainage, and flood prevention, embracing the 15 arid and the 15 swamp-land States.

[From the Trenton (N. J.) True American, Apr. 11, 1912.]

TO PREVENT FLOODS.

Flood devastation along the Mississippi, Missouri, and Ohio Valleys has been greater in some localities than ever before, but when it is known that the damage annually from floods throughout the country totals $100,000,000 the news of the present rampages will not create surprise. While Senator NEWLANDS's river-regulation bill, now pending in Congress, aims to prevent this great damage annually, the cost of the reform would reach sums that would appear almost prohibitive. Senator NEWLANDS would put a commission in charge of the rivers, construct reservoirs for the storing of the water, establish a system of reforestation, build levees, dig drainage canals, and in other ways endeavor to prevent the great overflows that bring distress and death. Expense should not be a deterrent when it provides a remedy for an evil as great as this. Taking into consideration the loss of life, the damage to property, the deprivations of those who inhabit the valleys, and the soil erosion, the proposition of Senator NEWLANDS might in the end prove an economy.

[From the Columbus (Ohio) Dispatch, Apr. 11, 1912.]

TO CONTROL THE FLOODS.

Senator NEWLANDS believes in checking the floods of spring, and, besides having a practical plan, has the courage to advocate for this purpose the expenditure of $500,000,000—$50,000,000 bonds a year for a decade. It has been amply demonstrated, he declares, that channel improvement alone is a failure, that dikes can not be built high enough or strong enough to confine the waters to their natural channel. It is time to turn to something else, and that is, he believes, the construction of reservoirs into which the surplus water may be turned and from which it may be taken for the purpose of irrigating the dry lands and for making power, a universal need in the industry of the country.

Anticipating the objection that there is not money for this enterprise, the Senator holds up to ridicule the nation that has not money enough for its necessary constructive work, and suggests the taxation of wealth by inheritance, corporation, employment, and other similar taxes. Whatever the result of this propaganda, it is timely, for there is even now before the country the spectacle of the destruction of property and life by the floods in the great rivers. That it is not only a tremendous loss of property and business activity, but also an enormous waste of energy, needs no demonstration. The only possible argument is as to the course to be adopted to prevent the loss and to conserve and employ the energy. The Senator's estimate that the control of the floods overshadows in importance the construction of the Panama Canal invites credence.

[From the Nashville (Tenn.) Banner, Apr. 12, 1912.]

RIVER IMPROVEMENT.

Senator NEWLANDS'S idea that appropriations for river improvement should be a lump sum and the work directed in systematic manner in lieu of the present "pork-barrel" process, with local specifications, is one that deserves attention.

A great deal of money has been spent in river improvements that is of only partial benefit, because other parts of the river are left unimproved. According to the Newlands idea the Government should complete the improvement of all rivers throughout their navigable length. That is a commendable idea and suggests a plan that would be a great improvement on the piecemeal, patchwork plan of river improvement that has been so long ineffectively pursued.

The waterways of the country are of great value to internal commerce, and ought to be improved to the highest possible point, making unobstructed navigation possible. Under the present system of river improvement everything is left to the enterprise of interested localities in securing special appropriations. The work is done in spots and without any connected system. Years are spent before anything substantial is accomplished, and then the lack of continuous improvement throughout the whole length of the stream renders local improvements of little avail. Some sort of reform in the method of river improvement is sorely needed, and the Newlands idea seems to be a good one.

[From the Shreveport (La.) Times, Apr. 12, 1912.]

PLEDGES NOT FULFILLED.

Senator NEWLANDS hails from the arid West and therefore is not immediately concerned about the floods in the Mississippi Valley or about waterways and how they should be treated in order to make them serve the country's welfare. Nevertheless Senator NEWLANDS has ideas on the subject, and he has not been slow to express them. He makes the charge that both political parties have failed to keep their pledges with respect to waterway improvement.

Senator NEWLANDS left Washington last Sunday on a speech-making trip to agitate the adoption of a constructive policy for the development of waterways. He spoke before the Southern Commercial Congress at Nashville Monday and was scheduled to address the National Drainage Congress yesterday in New Orleans. From New Orleans he will go to Pittsburgh to speak at a dinner given by the Pittsburgh Flood Commission

"The present floods demonstrate forcibly the substantial foundation for the agitation for large action as to our waterways," said Senator NEWLANDS before leaving Washington. "Our rivers can never be regulated properly by unrelated projects for their improvement, such as by channel dredging and levee protection. If we are ever to prevent these disastrous floods and make the rivers serve their proper function of waterway navigation, each river must be treated as a unit from source to mouth and developed in a scientific manner. I shall urge the different associations which I address to appear immediately at Washington and demand from both political parties the performance of their platform pledges with respect to waterways. These platforms called for the cooperation of the scientific services of the Government, for cooperation between the Nation and the States, and for big continuing appropriations for the development of our waterways under comprehensive plans."

This idea has been indorsed in its essential principles by President Taft, when Secretary of War, and it is under legislation of this character that the Panama Canal and the national irrigation works have been so successfully prosecuted.

[From the Goldfield (Nev.) Tribune, Apr. 12, 1912.]

NEWLAND'S PLAN APPROVED.

Out in this arid country reports from the flooded districts of the South have scarcely more than passing interest. Nevertheless a Nevada man is at the head of the waterways commission which has had under advisement for years plans for ameliorating conditions along the Mississippi, Missouri, and Ohio Rivers and their tributaries during the annually recurring floods.

Senator FRANCIS NEWLANDS has a bill pending in Congress which has been approved by the National Drainage Congress now in session at New Orleans. It is estimated that the damage from these floods during normal seasons amounts to at least $100,000,000 annually. This year the loss will be infinitely greater and the destruction of life and property will mark an epoch in national history. The Newlands proposed legislation bill provides for an outlay of $50,000,000 a year for a period of 10 years. This would be employed in the construction of levees, retaining walls, and reservoirs to impound surplus flood waters for use later in the year when the waterways are almost useless for want of a supply to keep their sluggish channels clear of obstructions. The Chicago Post, in treating the subject, outlines the plan as follows: It is proposed to treat the navigable streams as units from their sources to their mouths. Under the constitutional clause giving the United States Government exclusive jurisdiction over navigable waters Congress has the right to control, regulate, and standardize the streams. Under the public-health clause the Government is compelled to protect its citizens from floods and disease resulting from floods. The Newlands bill provides for carrying the surplus waters out over the arid and semiarid districts, in irrigation projects, to let it seep back gradually through the soil. It provides also for a uniform system of levees which has heretofore been done piecemeal without any corelation of effort or design. At present the entire levee system is endangered, because the work of controlling the rivers has not been started at the headwaters and among the tributaries. The Newlands bill has been indorsed all over the country, including the Irrigation Congress, the Pittsburgh Flood Commission, and numerous boards of trade and chambers of commerce.

[From the Providence Tribune, Apr. 13, 1912.]

THE RIVER FLOOD PROBLEM.

At the meeting of the National Drainage Congress in New Orleans the other day Senator NEWLANDS very truly said that the most vital function of that body is to bring order out of chaos, reconcile differences, eliminate controversies, and perfect a working plan broad enough to unite the entire Mississippi Valley. It has been demonstrated that the attempt to regulate rivers by channel improvement alone is a mistake; the proper way is to decrease the flood and raise the ebb and thus secure a stable flow of water. To do this it is necessary to treat each river as a unit, including its source and tributaries, with a view to storing and holding back the floods and utilizing the flood waters in the irrigation of arid lands and the development of water power, coupled with the construction of canals for drainage.

This work is not incomparable in importance with the construction of the Panama Canal. It would be tremendously expensive, but if it were done under comprehensive plans and with cooperation between the Federal and the State Governments the development of each use for the surface water would lessen the cost of maintaining a channel for navigation and would help to make practicable improvements the cost of which would otherwise be prohibitory. In the State of Louisiana alone it is said that there are 10,000,000 acres of rich agricultural land that can be reclaimed by drainage, protection from overflow, and flood prevention.

Every section of the Mississippi Valley is interested in some feature of the problem, and the object desired is to combine all elements into harmonious, concerted effort for the common good. To that end the skill of the various scientific services of the Nation and States should be united. Comprehensive plans should be prepared under their direction, embracing the 15 arid States and the 15 swamp-land States. The work might be organized under the supervision of the Engineer Corps of the Army in much the same way as the Panama Canal service.

"Let us candidly admit," said Senator NEWLANDS, "that during the next 10 years the work will cost $500,000,000, and provide a continuous appropriation of $50,000,000 annually in the firm faith that the money will be well invested. Once we unite in the support of such a policy the Ohio River Valley, with its need of flood protection; the upper Mississippi Valley, which requires the construction of reservoirs for the storage of water for navigation and for the control of floods; the Missouri River Valley, with similar needs; and the lower Mississippi Valley, with its need of drainage and flood protection; then it will be found that the National Congress will respond to the demand as it never has and never will respond to the demand for fitful and ineffective work by projects."

The pledges of both parties in 1908 as to waterway development have not been fulfilled, and the disastrous occurrences of the last two weeks should induce the people to express to Congress their emphatic opinion that it is time for both parties to redeem these pledges, instead of merely renewing them two months hence for campaign purposes. The excuse that the revenues do not warrant the expenditure can no longer be accepted. If the Government has not enough money to provide for this great construction work, then there must be created more revenue by additional taxes levied on the wealth of the country in the form of inheritance taxes, corporation taxes, or occupation taxes, based on income. It would be an outrage, of course, to increase the taxes on consumption, from which nearly the entire revenue of the Federal Government is now derived; but there is no reason why the wealth of the country should not respond in some form to the obligation of the Government to exercise fully the power conferred upon it in the interest of the whole people.

[From the Reno (Nev.) Journal, Apr. 15, 1912.]

PROGRESSING.

It is one of the inexplicable things of nature that while one section of the country is flooded and damaged in the millions by too much water another is suffering to the same extent for lack of water. Possibly it is not entirely a natural phenomenon so far as floods are concerned, for these seem to have a pretty close relation to the cutting off of the timber resources of this country; but whether it is natural or artificial it is apparent that the conditions may be greatly mitigated and ameliorated by both public and private action.

Senator NEWLANDS'S address in Nashville is peculiarly timely in the present flood emergency. His remarks appear to have a value and application not before so clearly seen. His theories are not mere academic ones, but have a practical import that can be readily brought down to that great measure of dollars and cents.

The Nevada Senator has persisted in the ideas of irrigation and reclamation for many years. He has had little encouragement from parties engaged in the perpetual bickering and puttering of partisan politics, but it is some comfort to know that the time is approaching when the country may expect to realize the practical results of his work.

[From the Santa Ana (Cal.) Blade, Apr. 16, 1912.]

TO PREVENT FLOODS.

Annual and semiannual repetitions of floods such as are devastating the Mississippi, Ohio, and Missouri Valleys, causing the loss of many lives and damage to property that will probably total more than $50,000,000, would be prevented by the passage of Senator FRANCIS NEWLANDS'S river regulation bill, now pending in Congress. This is the statement of Frank B. Knight, consulting engineer, of Chicago, member for Illinois of the executive committee of the National Drainage Congress. Before leaving for New Orleans to attend the second meeting of that organization, April 10 to 13, Mr. Knight declared that the United States Government will be in the position of neglecting a plain duty until it protects its citizens from such destructive internal foes as floods and the disease that results from them.

"The damage to property from floods amounts to at least $100,000,000 a year," he said. "The Newlands river regulation bill provides a method of preventing floods at a cost of but $50,000,000 a year for 10 years. An editorial in the Chicago Post on the present situation says: 'Aside from the old question of saving the trees on the watershed so that the spring floods will be slower in running off, the only thing to be done is to keep on in the present course. More levees and higher levees will have to be built until the Mississippi is thoroughly harnessed.'

"The Newlands bill provides for an additional method. It proposes to treat the navigable streams of the country as units from their sources to their mouths. Under the constitutional clause giving the United States Government exclusive jurisdiction over navigable waters, Congress has the right to control, regulate, and standardize the streams. Under the public-health clause of the Constitution it is the duty of the Government to protect its citizens from these internal foes, floods, and diseases resulting from floods.

"The Newlands bill would place the task of regulating the navigable waters—treating them all as parts of a unified, comprehensive system—in the hands of a commission. It provides for the storage of the flood waters in natural and artificial reservoirs, to hold them back until times of drought, when they can be let loose and maintain the navigable rivers at a proper depth. The reforestation of the watersheds is only one of the methods contemplated by the bill for checking the floods. Others are the construction of artificial reservoirs where these are possible and practicable, and the full utilization of natural reservoirs. It provides for carrying the surplus waters out over the arid and semi-arid districts, in irrigation operation, to let it seep back gradually through the soil. It provides for the digging of drainage channels to carry off the surplus waters from the lower reaches of the river, to help keep the navigable channels at a standard depth and prevent them from being shifting, also to utilize these drainage channels as additional waterways.

"It provides, also, for the construction of dikes and levees. The levee system is a good thing and has accomplished a great deal to protect people and property and to reclaim overflowed lands. But this work has been done by piecemeal; the various sections are unrelated. In time of unusual conditions, as at present, the entire levee system is endangered, because the work of controlling the rivers has not been started at the headwaters and among the tributaries.

"These floods occur and recur year after year. We can expect them to continue. We have the means, the ability, and the power to stop them. And it would be economy to do so. It would be economy even without considering the enormous waste of soil fertility caused by each flood.

"The people of Illinois, as well as those of the other Central States, are awake to the necessity of controlling the rivers. The existence of some 600 drainage and levee districts in Illinois shows that. But all flood prevention and drainage work needs to be brought under one comprehensive system."

The Newlands bill has been indorsed by a number of organizations all over the country, including the National Irrigation Congress, the Illinois Association of Drainage and Levee Districts, the Pittsburgh Flood Commission, and many boards of trade and chambers of commerce.

It will probably be indorsed by the National Drainage Congress at New Orleans.

[From the Ithaca (N. Y.) Journal, Apr. 16, 1912.]

CHECK THE FLOODS.

Day after day the public has been reading of the destructive floods in the Mississippi Valley until to nearly everyone has occurred the question whether something could not be done to prevent their recurrence year after year as has been the experience in the past.

Reforestation, of course, is the first suggestion for checking the enormous damage that is done by the high water. There is no denying that planting trees in the headwaters of the Mississippi would do a great deal to hold back the water.

Deepening the channel of the river is another suggestion that would help some, but the relief that it affords is only temporary as the stream gradually carries back as much as is taken out. Dredging if kept up, of course, will materially help to improve the situation. But neither of these methods would be sufficient.

What is needed is a series of dams in connection with an improved system of levees together with the two foregoing suggestions. That would solve the problem and put an end to the frightful annual loss of life and property.

Storage dams would not only hold back the water in times of flood, but they could be used in connection with a system of irrigation that would make them a profitable investment. In the rivers that flow into the Mississippi no doubt they could be made to develop light and power.

Senator NEWLANDS, in an address before the National Drainage Congress at New Orleans last week, declared that the problem of preventing the floods in the Mississippi Valley overshadowed in importance the construction of the Panama Canal; and so it does.

It would be tremendously expensive, yet if there were cooperation between the Federal Government and the various States affected the work could be carried to a successful completion. In the State of Louisiana alone there are 10,000,000 acres of rich agricultural land that could be reclaimed in connection with a proper system of handling the Mississippi's waters.

[From the Pittsburgh (Pa.) Chronicle Telegraph, Apr. 17, 1912.]

WATERWAY LEGISLATION.

Speaking at the banquet of the chamber of commerce and the flood commission last night Senator NEWLANDS, of Nevada, extended assurances of ultimate cooperation by Congress in the work of flood prevention which are full of encouragement. Mr. NEWLANDS admits that as it is Congress lags behind in this respect, public opinion in regard to the need of a logical system of flood prevention and river improvement being far in advance of congressional action. He holds, however, that it rests only with the public bodies interested in the solution of the problems in question to inspire adequate action at Washington. This, in his judgment, may be brought about by uniting upon some cooperative measure, full and comprehensive in its nature, as a substitute for the piecemeal system at present prevailing. Should a measure of this character be prepared and urged with due earnestness, Congress would be certain to respond. There is sound sense in the counsel thus given, and it is to be commended accordingly to the notice of the various river and harbor associations, waterway associations, and flood-prevention associations that are working, each on its own lines, in the various regions affected.

[From the Christian Science Monitor, Boston, Mass., Thursday, Apr. 18, 1912.]

LEVEES AND THE FLOODS.

As one of the Representatives in Congress of the State of Louisiana JOSEPH E. RANSDELL has for years been among the foremost and ablest advocates of waterway improvements in the Mississippi Valley. As United States Senator elect from the same State it may reasonably be expected that after March 4 next his devotion to the cause for which he has so long and so faithfully contended will be continued and his usefulness to it increased. The other day in the National Drainage Congress at New Orleans he made an eloquent plea in behalf of the levee system of the lower Mississippi. According to one of the local newspapers he directed attention to the vast benefit the levee system had been to the protection of fertile lands from overflow, and urged that the congress should insist upon stronger and higher levees and the greatest possible energy in improving and protecting those embankments.

Nobody even in the most superficial way acquainted with conditions along the lower Mississippi and its immediate tributaries will undertake to controvert Mr. RANSDELL'S testimonial to the service rendered by the levees in the past, but in the light of conditions that are even now present throughout a large section of the low country and in the Delta is it not opportune to question the value of these barriers? Have they not failed repeatedly in times of emergency? Are they not failing now as safeguards of the plantation and reclaimed areas?

Owing to the topography of the country through which they flow the lower Mississippi and its immediate tributaries must always be held within levees or artificial banks. This goes without saying. But would it not be a much wiser plan for the States subject to river floods and inundations to give hereafter less attention to effect and more to cause?

The levees would not need to be so strong or so high; they would not need to be constructed with regard to so much power of resistance if the strain upon them were diminished. Under ordinary pressure the levees should and would stand for years with little repair. Subject, as they are now, to the full force of the flood tide crevasses are common and the losses resulting from levee destruction alone, to say nothing of consequential damages, are enormous.

It is to be sincerely hoped that Senator-elect RANSDELL and his southern colleagues will unite with the middle western and northwestern delegations in Congress in a comprehensive movement for the storage of flood waters and the prevention of floods. Floods can be prevented at the headwaters and along the courses of the Mississippi and its tributaries by diversion of the surplus flow of the spring freshets into reservoirs much more effectually than by attempting to confine the vast cumulative volume after it has entered the main artery. How futile are the levee embankments has been all too apparent during the last two weeks. Has not the time come when men like Senator-elect RANSDELL should look to remedying the trouble at the root rather than in the branch?

[From the Courier Journal, Louisville, Ky., Apr. 19, 1912.]

THE FLOW OF THE OHIO.

Senator NEWLANDS'S bill to create a board of river regulation, with a view to flood prevention, has as one of its objects the building of storage reservoirs. The Newlands bill is a measure which provides for the cooperation of the National Government with States, municipalities, counties, and districts in flood protection, drainage, reclamation, forest preservation, and a multitude of other things. It would appropriate $50,000,000 a year for 10 years for these purposes. As it is receiving some indorsements from influential sources the opinion of the Geological Survey as to the feasibility of reservoirs along the Ohio is worthy of note.

[From the Ogden (Utah) Examiner, Apr. 19, 1912.]

PEACE AND THE TREASURY.

In a recent address delivered by Senator NEWLANDS before the National Drainage Congress at New Orleans the frank statement was made that the one solution of the problem of big rivers was to appropriate $500,000,000 at once, and then a continuing provision of fifty millions a year indefinitely.

It looks like a tremendous amount of money. Possibly the Nation would gasp at such a mighty appropriation.

But the United States is less startled at a like expenditure for war. Of course, it is wise to be prepared against the possible attack of a foreign power. But out of the resources provided by the people there certainly should be an expenditure sufficient to prevent a recurrence of such flood horrors as this year has known.

The Treasury ought to be regarded as available for the uses of peace quite as much as for the demands of war. It is a bad commentary on the wisdom of the lawmakers if a preventable flood can waste millions of dollars in property and scores of lives. It is an equally bad commentary when the desert waits to bloom because there is no money left after providing for the Army and Navy—and that for a cultivated nation and in a time of peace.

[From the Salt Lake City (Utah) Tribune, Apr. 22, 1912.]

TO CURB THE FLOODS.

In view of the destructive floods in the Mississippi River and its great tributaries, the present is considered by Senator NEWLANDS, of Nevada, as an opportune time to inquire into the feasibility of controlling the surplus waters of the Mississippi Valley by way of storing them at their height, and releasing them later on when the water is low, in order to help navigation. Accordingly he has introduced a bill to provide a board and a fund "for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters, and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies."

He has also introduced another bill making an appropriation of $8,000,000 for the relief of the present sufferers by the floods along the Mississippi and its tributaries.

Referring to the matter of controlling the flood waters of the Mississippi Valley, the task is generally referred to in the eastern papers as one not impossible, but impracticable by reason of its assumed great cost. And yet the losses every year by the floods amount to millions of dollars. How many years would it take to have these losses aggregate as much as the cost of the work of flood prevention? We do not believe that it would be necessary to take very many years in order to make the accounts balance.

Taking the Ohio River to begin with, the floods are heavy and destructive every year. Occasionally, the destruction amounts to very large figures, and the computation of those who have studied this question is that the losses of one generation would fully provide means for protecting all coming generations from destruction by floods in that river. The valleys of the tributary streams of the Ohio are long, usually quite narrow, but in all of them are good sites for dams and space for large reservoirs. It would cost a good deal of money to do the work, nor should the task of controlling all of the river floods of the Mississippi Valley be begun at once, for so little would be done in any one place that it would hardly count for anything. But if the work should be begun on the headwaters of the Ohio River, and extended to the main tributaries of that river, there can be little doubt but that the whole flood situation there could be controlled at an expense that would not be extraordinary when compared with the annual losses that the floods inflict. Senator NEWLANDS'S bill to set on foot the preliminaries by way of inquiring into the feasibility of such control is a good one, and now is a good time to pass it.

[From the Cincinnati (Ohio) Enquirer, Apr. 26, 1912.]

CONSTRUCTIVE LEGISLATION.

When a broad, well-considered, far-reaching, constructive measure is brought forward it is entitled to careful notice and consideration. It is well known that the methods of dealing with the great Mississippi floods have been spasmodic without sufficient general plan of continuity and wholly inadequate to control the constantly recurring disasters which they cause.

In order to meet the problem and at the same time to provide economically and scientifically for universal control and utilization of flood waters, Senator NEWLANDS introduced a bill for river regulation which has as yet received no consideration, but the principles of which have been approved in the platforms of both parties. Speaking to an amendment to the river and harbor bill, Senator NEWLANDS said:

"This question has been taken up in great detail by the Irrigation Congress, whose problems relate to the mountain regions above, tributary to the Mississippi River, and by the Drainage Congress, whose problems relate to the reclamation of swamp lands in the Mississippi Valley below; and they, in connection with the other waterway associations of the country interested in waterway development as a matter of navigation, have substantially agreed that the best way, the full and comprehensive way, of taking hold of the question of river development for purposes of navigation, to which the Federal jurisdiction attaches, is by regarding the river with all its tributaries as a unit; regarding the Mississippi River, with its tributaries of the Ohio, the Tennessee, and the Cumberland on the east, and with its tributaries of the Missouri, the Platte, and the Arkansas on the west, as a unit; requiring cooperative treatment upon the part of both the Nation and the State, the Nation being interested in developing these rivers for transportation, the States and the Nation both being interested in the development of the waste land of the country, whether it be the arid land above or the swamp land below, and also in the development of that great natural resource, the water power of the country, for the purpose of hydroelectric expansion.

"Suggestion is made that through a system of cooperation of the great scientific services of the country full and comprehensive plans can be made covering all these various forms of development, and also covering such an apportionment of costs and of benefits as will assign to the different sovereignties certain proportions of the cost, just as they receive certain proportions of the benefit."

That would be genuinely constructive legislation, with no politics in it, and of very great benefit to the whole country, and Congress, even though it be a campaign year, ought to spare the time to take it up and pass it. The country would appreciate attention to the real wants and interests of the people along such lines.

[From the Salt Lake City Tribune, May 3, 1912.]

Senator NEWLANDS of Nevada has taken a comprehensive view of the destructive floods in the Mississippi River which have impelled the Government to send large measures of relief and to spend great sums of money in feeding the homeless and distressed. He has brought forward in the Senate a proposition to provide what is called "a river regulation fund" of $50,000,000 anually for a period of 10 years after the completion of the Panama Canal, and an annual expenditure of $5,000,000 in the intermediate years. This he proposes as an amendment to the river and harbor bill offered by himself. The plan contemplates the control at the headwaters as well as at the lower branches of the troubled rivers of the Mississippi Valley system. The Senator claims that his measure not only would prevent destructive floods in all of the great watersheds of the country, but would provide for the use of flood waters on arid lands, for swamp-land reclamation, and for the development of water power. One-fifth of the money appropriated is to be spent on the lower Mississippi and one-tenth each on Atlantic coast rivers, Gulf rivers, exclusive of the Mississippi, the upper Mississippi, the Ohio, the Missouri, the Sacramento and San Joaquin, and the Columbia and Snake Rivers, and the remaining tenth in connecting the Great Lakes with the Ohio and Mississippi. The cooperation of the great hydraulic engineers of the country with the Engineer Corps of the Army is invoked, they to work under the supervision of the river regulation board, which is provided by the measure, and the cooperation of this board with States and municipalities is provided for.

The scheme is as broad as the country, and its great merit is that it will bring to bear upon the mighty question of handling the surplus waters of the United States the best scientific and practical knowledge in the country, as well as the unlimited resources of the National Treasury in the solution of the question. It is a vast proposition, comprehensive as to all the river systems, and as beneficial as it is inclusive.

There is no question about the practicability of the operations proposed by Senator NEWLANDS. The great deterrent is the vastness of the labor required; but since the engineering skill of the country is equal to the task, and since the resources of the National Treasury, applied as they would be generally throughout the country, are sufficient to meet the cost of solving the problem, there seems to be no reason to doubt the practicability of the Newlands program. The idea has been suggested by many heretofore, but there has been no concrete proposal in Congress to move for the solution of the great question in a practical way until now. Mr. NEWLANDS now comes forward with this practical proposition, involving a cost altogether of $500,000,000. We believe that this cost would go very far to settling the whole question; perhaps it would be ample for all the work.

The problem is to control the flood waters, store them at favorable locations in the valleys of the tributaries of the great streams, and release these stored waters later on when they would be beneficial to navigation. On the lower Mississippi River the great problem is to strengthen the banks and to prevent their being washed away. This can be done by proper piling and riprapping work which the hydraulic engineers fully understand, and work which they have already said will be ample for the purpose.

The proposition of Senator NEWLANDS is both statesmanlike and eminently practical. It is, perhaps, too much to expect that the average Member of Congress will rise to the full comprehension and necessity of meeting the difficulties as Senator NEWLANDS proposes to meet them, but we can not doubt that eventually this matter will be taken up substantially on the lines marked out by him, and that the country will show that it is able to handle its river systems as well as the ancients in Egypt, Chaldea, and Assyria were able to handle the great rivers of their countries. To allow such vast destruction by floods and such impediments to navigation as annually intervene is a reproach to the skill and practical ability of the American people and it can not be supposed that this reproach will be allowed to lie upon us forever.

[From the New Orleans (La.) Item, May 3, 1912.]

SOUTHERN VOTES WILL DO IT.

The Newlands bill provides the only radical and permanent remedy for such floods as now threaten so great an area of the Mississippi Valley and its tributaries or have already wreaked loss upon thousands of helpless people.

We are told, upon what we believe to be reliable authority, that the success of the Newlands bill in Congress now depends upon the southern vote. The West will support it. The Pittsburgh flood commission, representing important and influential interests near the headwaters of the Ohio, has indorsed it, and has already outlined for its own section a comprehensive plan for checking flood at its source. The southern vote is needed, and the southern vote, so we are told, will put this great measure through Congress.

New Orleans approves the Newlands bill. The Progressive Union indorsed it on Thursday. It is of vital importance, not only to Louisiana, not only to the Mississippi Valley, but to every State whose rivers flow into the Mississippi, and to every State which has any large area in need of drainage or any large area in need of irrigation; for the bill provides for a general plan of Federal river protection, conservation, drainage, and irrigation, which should serve to check floods at their source, to hold the surplus water in great reservoirs to relieve the rivers and always offer a supply of water for dry lands, to deepen rivers for navigation, and to drain millions of acres of wet lands.

The present flood has demonstrated two things conclusively: First, that the river problem is a national problem; second, that the building of levees alone is not enough for real protection.

The Mississippi Valley is the drain vent of half the United States, and lower Louisiana is the outlet for the rest of the Mississippi Valley as well.

Other parts of the country, however, also suffer from flood, and the selfish interest of other States dictates a policy of cooperation with us in preventing floods.

But a higher duty calls them. They owe to us, who bear the brunt of the burden, their vigorous help in our demand that the Federal Government tackle the problem at its source, stop the deforestation which yearly permits greater floods to gather in mass, and hold back the swollen spring freshets until the lower rivers have worked off their own surplus and offer a safe channel to the sea.

To a great extent, however, our relief from the danger which annually threatens us lies in our own hands.

The Newlands bill offers the best plan thus far suggested, and southern votes can pass it.

Now is the time for the South to unite in solid support of it. The whole country is awake to the importance of the work, and the sympathy of all the people is with us.

Now is the time to mold a new national policy of river protection while public sentiment is softened to receive the impression.

[From the Taunton (Mass.) News and Bay City (Mich.) Tribune, May 8, 1912.]

REGULATION OF THE BIG RIVER.

The needs of 200,000 persons, made homeless and destitute by floods, will be urged as ample reason for the preventive measure of Senator NEWLANDS in his recent amendment to the rivers and harbors bill, appropriating $5,000,000 a year for the control and regulation of the Mississippi River and its tributaries, and $50,000,000 a year after the completion of the Panama Canal. It is the contention of the advocates of this measure that if it is passed and put into effect the Mississippi and tributaries can be controlled, and the Government may not again be called upon to feed and care for thousands of victims of the action of the rivers as in the present case. This amendment is substantially the resolution adopted by the National Drainage Congress at New Orleans, April 12. First Vice President Edmund T. Perkins, of Chicago, is cooperating with President David R. Francis, of St. Louis, of the congress; Vice President E. J. Watson, of Columbia, S. C.; Vice President Barnard Baker, of Maryland; and Vice President Edward Wisner, of New Orleans, in the work of getting a large and strong delegation from all parts of the country to urge the passage of this or similar legislation in the interests of humanity and to prevent the repetition of the appalling flood destruction of life and property of the last two months.

[From the New York Press, May 12, 1912.]

URGES RIVER REGULATION—LOUISIANA MAN SAYS FLOOD WATERS FROM OTHER STATES CAUSE TROUBLE.

That it is "the duty of the National Government, by a broad and sane system of conservation at the headwaters, such as is contemplated in the Newlands river-regulation bill," to protect Louisiana from the flood waters of 30 other States is contended in a telegram sent yesterday to the New York Chamber of Commerce by M. B. Trezevant, secretary of the New Orleans Flood Relief Committee and the New Orleans Progressive Union.

The message points out that the floods at present sweeping parts of Louisiana come from almost two-thirds of the States of the Union, and asks why Louisiana should spend millions of dollars annually to guard herself from such trouble. Speaking for the citizens of New Orleans, the message says:

"We earnestly urge the citizens of the United States, and particularly the newspapers, to give us the only outside aid we ask—that is, discredence of false and alarming stories and support of the Newlands river-regulation bill, which will harness the floods and force them to serve instead of to destroy."

Louisiana, Trezevant says, has spent $50,000,000 out of the public treasury, and private individuals and railroads millions more, for levee protection since the Civil War. The city of New Orleans has been unaffected by the Mississippi Valley floods, and resentment is shown by the residents at reports that the city has been in danger. No levees in 100 miles of the city have broken, and engineers of the city, State and national, agree New Orleans is not menaced by the torrents.

[From the New York Sun, May 12, 1912.]

NO FEAR FOR NEW ORLEANS—BUT THE CITY WOULD LIKE AID IN PASSING THE NEWLANDS BILL.

The following dispatch from M. B. Trezevant, secretary of the New Orleans flood-relief committee and the New Orleans Progressive Union, was received yesterday by the chamber of commerce:

"The city of New Orleans is absolutely unaffected by the floods in the Mississippi Valley, though a number of parishes of the State of Louisiana have been inundated and the floods have therefore wrought great damage outside of the city. New Orleans is herself alleviating distress with contributions of money, clothing, and bedding, and the Government with rations, and the State militia aiding in rescue work. No levees within a hundred miles of New Orleans have been broken, and all stories that the city is under water are the wildest sort of irresponsible canards.

"The United States, the State, and city engineers agree that New Orleans will safely pass through the crisis and that the worst is now over. The greatest damage is the farmers' loss of opportunity to make crops, and we are now working out a plan to begin the reconstruction of our agricultural districts affected as soon as the waters recede.

"New Orleans, because of its peculiar defensive strength, is the safest city in the Mississippi, Ohio, or Missouri Valleys, despite the fact that Louisiana must protect herself from the flood waters of some 30 other States. This should be the duty of the National Government by a broad and sane system of conservation at the headwaters, such as is contemplated in the Newlands river-regulation bill.

"Why should Louisiana spend millions of dollars annually to protect herself from the waters which come from nearly two-thirds of the Union? Louisiana has spent $50,000,000 out of the public treasury and private individuals and railroads millions more for levee protection since the Civil War. We earnestly urge the citizens of the United States, and particularly the newspapers, to give us the only outside aid we ask; that is, discredence of false and alarmist stories and support of the Newlands river-regulation bill, which will harness the floods and force them to serve instead of to destroy."

[From the New Orleans (La.) Picayune, May 17, 1912.]

CYPRESS MEN FAVOR GOVERNMENT LEVEE BUILDING, INDORSING NEWLANDS BILL.

The Southern Cypress Manufacturers' Association adopted the following resolutions:

"*Resolved*, That the Federal Government should immediately extend such temporary relief as may be necessary to repair the broken levees; and, further, should absolutely take over the work of constructing future levees, including revetments, and otherwise protecting the lower Mississippi Valley from overflow.

"*Resolved further*, That the Southern Cypress Manufacturers' Association hereby indorses and approves the resolution of the Pittsburgh Chamber of Commerce, adopted April 13, 1911, indorsing Senator NEWLANDS's river regulation bill, and urges its passage by Congress."

[From the News-Scimitar, Memphis, May 18, 1912.]

URGES SUPPORT OF NEWLANDS BILL.

George H. Maxwell, leading national authority on drainage and regulation work, addressed the City Club Saturday. He urged the club to support the Newlands bill, now pending in Congress, providing for a board of river regulation to control the flow of navigable rivers and to provide flood prevention and protection. Mr. Maxwell declared that he had no fight to make on the levee system, but insisted that the levees must be supplemented by headwater control of the Ohio, Missouri, and Mississippi Rivers by storage reservoir. He said no amount of levee building in itself will afford a guarantee against floods should the waters of the three great streams descend at once from Cairo to the Gulf.

The club, by resolution, went on record as favoring the Newlands bill, and a committee of five will be named to give publicity to the measure.

[From the Racine (Wis.) Times, May 18, 1912.]

MAKING WATERWAYS VALUABLE.

Senator FRANCIS G. NEWLANDS is earnestly advocating the organization of a national board of river regulation, in which shall be coordinated the Engineer Corps, Reclamation Service, Weather Bureau, and Forestry Service, for the purpose of formulating a sensible policy in regard to domestic commerce and the conservation of the national water supply.

The recent Mississippi floods have demonstrated the idiocy of permitting billions of gallons of water to run riot over the fertile lands of the Central West, ruining property and taking lives, and then dumping into the ocean. Three months later these same lands will need water to save the crops, and river steamboats will be lying on sand bars because of the shallowness of the channels.

If the Army engineers could take hold of this problem as they have taken hold of the Panama Canal construction it would not take them long to evolve a plan for utilizing the tremendous water supply which goes to waste every spring in the United States. The river problem would seem to be open to solution. The rainfall for the year, if distributed fairly, would result in a standard flow of the river and its tributaries which would be safe for navigation and attended with no destructive results. But the melting of snows in the Rocky, Allegheny, and Appalachian Mountain systems, together with spring rains, all coming about the same time, create an enormous run-off from an area comprising nearly two-thirds of the United States, and this run-off is emptied into the Gulf through a very narrow space.

The Government must not only increase the annual appropriations for bank revetment and levee projection below, but must arrest the run-off by storage for irrigation and water power.

[From the Houston Chronicle, May 19, 1912.]

A SANE RIVER PLAN AT LAST.

Elsewhere in this day's Chronicle we publish portions of a debate that took place in the United States Senate on May 9, the subject being the need for a larger, more comprehensive, and more intelligent treatment of river control in this country.

Senator NEWLANDS, of Nevada, outlined the problem and urged action on his bill to create a river-control board, enlisting the cooperative efforts of all the national services which are directly or indirectly engaged in this or collateral work, but are not working together and to a common end, as they should be.

It is proposed in Senator NEWLANDS'S bill to appropriate $500,000,000, to be expended at the rate of $50,000,000 a year for 10 years, in building a system of reservoirs, dams, power plants, channel improvements, etc., which will put an end forever to this country's $250,000,000 annual loss by flood and will transform the cause of this vast loss into a permanent source of great profit.

His bill embodies a plan which has received the indorsement of the National Waterways Congress and of both the Republican and Democratic Parties in national convention. It is a sane plan. It is the first plan ever offered big enough to cover the needs of the situation.

As Senator WILLIAMS declared, the doing of this work at a cost of $500,000,000 would be worth ten times as much to the people of the United States as the construction of the Panama Canal at a cost of $400,000,000 will ever be.

All that stands in the way of the adoption of this plan by Congress, as Senator NEWLANDS stated very plainly, is the secret and subtle opposition of the railroads, which dread the competition of an effective system of navigable inland waterways, and the disposition of Members of Congress to scramble for the largest obtainable shares of the "pork" provided by the annual rivers and harbors bill.

The spoils system and the opposition of the private owners of the steam railroads of the country prevent action by Congress on sane lines and condemn the country to the continuance of a policy which wastes millions every year by spending relatively small sums piecemeal, instead of doing the whole job and doing it right in the shortest time required for the completion of the work.

The Chronicle assures the Texas Members of Congress that the people of this State will support them loyally, enthusiastically, in every bit of support that they may give to this great plan. Our sister States, Louisiana and Mississippi, are the chief losers through inaction. It is the Nation's problem and the South's sorrow. Surely it is the duty of every southern representative in either branch of Congress to line up in support of this measure.

Mr. NEWLANDS. I asked the Senator from Ohio how much he thought we ought to expend upon our rivers during the next 10 years, assuming that we would shape the legislation right and assuming that we would shape legislation that would bring about the cooperation of the Nation with the States and communities.

The Senator indicated as much should be spent as was required; but how can we find out what is required unless we bring these great scientific services into one great cooperative body and get their plans and estimates of cost? And how can we tell them the lines of planning that we expect of them unless we inform them as to the amount we are willing to expend during the next 10 years for work of this kind? If we tell them we are willing to expend during the next 10 years only $10,000,000 a year, they will plan with reference to it. If we tell them we are willing to expend $500,000,000 during that period, $50,000,000 annually, they will plan accordingly; and I assume that this Nation wishes to expend in a big way in that direction.

That seems to be the public opinion. You can not read a newspaper in this country which does not indorse the waterway movement. You have the sentiment of the country in the resolutions of chambers of commerce, boards of trade, waterway associations throughout the country; and you have the highest possible expression of public opinion on this question in the platforms of both parties, both of which are absolutely committed to a full and comprehensive plan, to large funds, and to cooperative work; the Republican platform dealing in general terms, the Democratic platform covering every detail of the development of these rivers for every useful purpose; and as yet we have not responded to the public opinion by our action, though that opinion was asserted by the platforms of both parties nearly four years ago.

Now, Mr. President, the Senator from Ohio indicates a general sympathy with the views I have expressed. He is the chairman of a subcommittee of the Committee on Commerce, and to that subcommittee was intrusted three months ago the river regulation bill, of which I have spoken, and we have been able to have but one meeting of that subcommittee during that period. If the Senator harmonizes with the views I have expressed, I would suggest to him that one method of expressing it would be to report that bill immediately to the Committee on Commerce, for that bill substantially complies with the recommendation which he himself signed in the report of the Inland Waterways Commission; and I would urge upon the Committee on Commerce to respond to the expression of the other day, when they urged me not to present this amendment upon this bill, because I was anxious to get the opinion of the Senate itself, that if I did not press it they would take up seriously the immediate consideration of the river regulation bill. There is time yet to put this measure upon the statute books before Congress adjourns.

Panama Canal.

Free tolls to vessels engaged in the coastwise trade of the United States. The relations between railways and water carriers. There must be cooperation if we expect to establish water transportation on a permanent basis. There must be physical connection between railways and water terminals. Rail carriers and water carriers must prorate one with the other in long-distance traffic.

SPEECH

OF

HON. JOHN H. SMALL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 21, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone—

Mr. SMALL said:

Mr. CHAIRMAN: I wish to discuss two phases of the pending bill, and first the question of tolls to be charged upon the canal. I shall vote for an amendment to this bill providing for free tolls to vessels engaged in the coastwise trade of the United States. It is well understood that coastwise trade embraces transportation by water between any two points in the United States, even if the vessel in sailing from one domestic port to the other goes upon the high seas or through any other water. At the present time, when vessels engaged in water transportation between Atlantic and Pacific ports must sail around South America and through the Straits of Magellan, it is still coastwise trade. It is very well known that only vessels of American construction and registry may engage in coastwise trade.

Now, I admit that the question of revenue from the operation of the Panama Canal is an important one. When this great work shall have been completed the United States will have spent about $400,000,000, to which must be added annually the cost of operation, and there are sound, economic reasons for charging tolls and securing some revenue from this very large investment. Such revenue, however, should not be derived by placing a burden upon vessels engaged in trade between the Atlantic and Pacific coasts. There are many reasons supporting this contention, of which I will only mention a few.

The States upon the two coasts are separated by the distance across a continent. Between the two are high mountain ranges, vast plains, and gigantic rivers. Not only is there a wide range of topography, but the physical and climatic conditions are varying. These differences affect the economic and industrial development and the physical characteristics of our people. In so far as it may be accomplished, the people of the different sections of our country should be made homogeneous. No condition tends more strongly to draw together people widely separated than an exchange of commodities and the establishment of commerce. There is scarcely any tie stronger than the bond of mutual trade. Reasonable traffic rates will constitute the strongest factor in promoting this commerce.

It is a matter of common knowledge that one of the strongest inducements operating for the construction of a canal across the Isthmus was the demand for cheaper traffic rates across the continent. It is useless at this time to discuss the question of whether the rates by our transcontinental railroads are too high. They may or may not be reasonable. In any event, however, the railroads can not duplicate with profit the water rates between the Atlantic and Pacific ports, and it is a serious proposition to contemplate putting any burden upon the water transportation between the two coasts. Let them be free, through competition among themselves, to establish and maintain the very lowest rates practicable. Any tolls charged vessels in our coastwise trade would simply be added to the freight rate, and to that extent defeat a primary purpose in the construction of this canal.

Again, the people of the United States have constructed the canal through the money and credit of the Federal Government. While we would not discriminate as between foreign countries, and while we propose to maintain perfect equality between them, yet they can not be heard to complain if we operate our own canal in such a way as to promote in the most liberal manner our domestic trade. It is our canal and it is our commerce, to do with as we please and in such a way as will promote our own prosperity. In extending free tolls to vessels in the coastwise trade we do not, in my opinion, violate any treaty obligation, and if there is any doubt upon this point the sooner we resolve it in our own favor and assert our sovereignty over our own property the sooner will the controversy be adjusted.

Another phase of the bill which I wish to discuss are the propositions contained in section 11. I regard this section as of very great importance, and I shall append a copy of the same to my remarks. Permit me first to submit a brief analysis of the provisions of section 11.

First, it is made unlawful for any railroad company after the 1st day of July, 1914, to own any common carrier by water with which said railroad may or does compete for traffic, and jurisdiction is conferred upon the Interstate Commerce Commission to investigate any violations thereof and enforce the law.

Second, when property is transported between any two points in the United States by rail and water jointly, through the Panama Canal or otherwise, the Interstate Commerce Commission shall have jurisdiction of such transportation and of both the carriers by rail and water in the following particulars.

(a) To establish physical connection between the lines of the railroad and the dock or terminal of the water carrier by directing the railroad and the water carrier to construct a track or tracks to connect the lines of the railroad with the water terminal. Authority is given to the commission to determine when the same shall be constructed, the terms and conditions of same, and the amounts to be paid by each carrier.

(b) To establish through routes and maximum joint rates between and over such railroad and water carriers, and to determine the terms and conditions of such joint operation.

(c) To establish maximum proportional rates by rail to and from the ports to which traffic is brought, or from which it is taken by the water carrier, and to determine what traffic and upon what terms and conditions such rates shall apply, the purpose being to afford to interior points which can only be reached by rail a proportionate benefit of the cheap water rates enjoyed by the ports.

(d) This provides that if any interstate railroad enters into any arrangements with any water carrier operating from a port in the United States to a foreign country, for the handling of through business between interior points of the United States and such foreign country, then the Interstate Commerce Commission may require such interstate railroad or railroads to enter into similar arrangements with all other lines of steamships operating from the same port to the same foreign country.

Having now analyzed the provisions of this section, any student of transportation will appreciate not only the necessity but the far-reaching importance of this proposed legislation.

Let us examine for a moment the status of transportation in the United States. We have unquestionably built up a magnificent system of railway transportation. In its stable tracks, rolling stock, fine equipment, and service this system may well arouse the pride and evoke the gratification of every American. It is true there have been complaints in the past about discriminatory acts by the railroads both as between sections and individuals, and that dissatisfaction has arisen from time to time regarding the unjustness of rates, yet through the enactment of the interstate-commerce law and the creation of the Interstate Commerce Commission by Congress, and the creation of public-service commissions in the several States much improvement has been effected in the relation between the public and the railroads. I am one of those who believe that not only sufficient power exists, but that through regulation we may remove all just causes for complaint, to the end that the railroads shall render equal and satisfactory service to all the people, and that this may be wrought without impairing or destroying any legitimate property rights of those who own the railroads and without unnecessarily affecting their earning capacity.

But to return to the proposition, I may ask, How has this magnificent system of transportation by rail been established? I recall that it has been made possible in large degree by combining short lines of road into trunk lines and by a cooperation of the different railroads between each other. They have made possible long-distance traffic by a prorating arrangement with each other, under which products may be shipped from the most remote railroad point to any other point in the United States located upon a railroad under a through bill of lading and at a rate much lower than the sum of the several local rates. There has been in the United States during the past two decades a distinct renaissance in the improvement of our harbors and interior waterways with the purpose of building up a system of water transportation. Up to this time we have proceeded upon the theory that water carriers would be established as a matter of course upon improved waterways. Until recent years we regarded water carriers simply as the competitors of the railroads, affording a cheaper traffic rate and the establishment of lower rates by rail between water-competitive points. I would not minimize the importance of either one or both of these factors in transportation, and yet together they will not justify the large expenditures for the improvement of our interior waterways.

We have now reached a point where we realize that there must be cooperation between the railroads and the water carriers. Without this cooperation we can not build up a system of water transportation, nor can we expect to utilize our waterways to their natural capacity in the development of our commerce.

May I interject just a thought here in connection with our waterways? Up to this time they have been simply segregated lines of communication. Too frequently there is no feasible connection between these different lines of waterways nor are they equipped for efficient service. We are learning that a mere channel does not insure water transportation. One of the most conspicuous defects of our waterways is the lack of efficient terminals. Transportation can not even be developed on a waterway itself without modern terminals equipped for the economical and expeditious transfer of freight between the water carrier and the warehouse, nor can water carriers profitably engage in joint traffic with the railroads without such terminals.

Returning to the provisions of this section, it provides for a physical connection by rail between the water terminal and the lines of the railroad and confers upon the commission power to enforce the same. This connection is absolutely necessary for interchange of traffic.

Again, provision is made for the establishment of through routes and joint rates between and over rail lines and water carriers. While railroads at the present time in long-distance traffic prorate with each other, yet as a rule they decline to enter into prorating arrangements with independent water carriers. Much of the most important traffic, in order to take advantage of cheap water rates, must be carried partly by rail in order to reach its destination. Unless the shipper can obtain a through bill of lading he is deprived of the advantages of the cheap water rate and is compelled to utilize the all-rail route. This provision would remove this discrimination and place water carriers upon a parity in long-distance traffic with the railroads in their arrangements with each other.

One of the criticisms offered by interior sections against expenditures for the improvement of waterways, and one ground for skepticism regarding the benefits to follow the completion of the canal, have been based upon the suggestion that ports and other points upon navigable waterways would derive benefit,

but that the railroads would recoup by advanced rates to interior points, so that the latter would not share in the decreased rates enjoyed by the cities and sections lying upon navigable waters. Unfortunately, there has been some substantial basis for this criticism, and until some remedy for this condition shall be afforded we need not expect the cordial support of interior sections in the development of our waterways, nor will they be the sharers in the benefits arising from the completion of this great interoceanic canal. The provision in paragraph (c) is intended to remove this inequality and extend to interior sections their proportional benefits. To illustrate, if a shipment is made by vessel from New York through the canal to Seattle which is destined to Spokane and the local rate by rail is charged from Seattle to Spokane, the consignee in the latter city will have a just ground of complaint. Under this paragraph the Commerce Commission are authorized to fix a proportional rate by rail from Seattle to Spokane upon traffic which has been brought by water to Seattle.

We have heard much during these latter years of a combination existing between the transcontinental railroads and other trunk lines and certain favored steamship lines operating from our Atlantic ports to foreign countries. Through bills of lading have been issued from interior points to foreign countries to be carried by these favored steamship lines, while similar through-carriage contracts were denied to other steamship lines. The purpose of paragraph (d) is to compel such transcontinental railroads or other railroad lines to enter into similar arrangements with all other steamship lines operating from the same port to the same foreign country. It is the equitable policy of equality applied to our foreign trade.

I submit that these provisions are not radical but are based upon well recognized principles of traffic.

There is one other provision of section 11 which I will discuss. It is contained in the first paragraph, which makes it unlawful for any railroad company to own or control, directly or indirectly, any common carrier by water with which said railroad does or may compete for traffic. I concede that this is a fundamental change in existing law. Gradually the railroads have been acquiring ownership or control of water lines, either as an extension of their own traffic lines or for the purpose of controlling water carriers between competitive points. Apparently there would be little objection to such ownership of a water carrier from a railroad terminus to a point farther extended and which does not compete with any railroad, provided the water rates were fixed upon a natural basis, and provided further that the railroad entered into a prorating arrangement with any independent water lines operating from its terminus. Perhaps, however, it would be too much to expect that the rail lines would voluntarily comply with these conditions. However, ownership of water lines which compete with the railroad presents an entirely different proposition.

The essential features of transportation by water and rail are so different that joint ownership of competitive lines is anomalous and inconsistent, and this is made the more acute by reason of the discrimination against independent water lines. It is generally understood that transportation in New England, not only by rail but by water, is monopolized by one railroad company. The New York, New Haven & Hartford Railroad has not only purchased all the railroad lines and many of the electric trolley lines, but has also attempted to monopolize the water traffic by purchasing substantially all of the established steamboat lines.

Either one of two policies must be enacted into law. Either authority must be conferred upon the Interstate Commerce Commission and the several State commissions to regulate rates and joint traffic between the railroads and the water carriers, or else joint ownership must be divorced and the water carriers be restored to independent ownership. It seems to me from such study as I have given the subject that rail lines and water lines should be held under different ownership, and that the interstate traffic of the water lines and also the joint traffic between the water lines and the rail lines should be placed under the jurisdiction of the Interstate Commerce Commission.

For these reasons, Mr. Chairman, I favor the revision of section 11, which has been offered by the committee as a substitute for section 11 in the pending bill:

SECTION 11 (H. R. 21969).

That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

Panama Canal Tolls and Our Treaty.

SPEECH

OF

HON. ADOLPH J. SABATH,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 21, 1912,

On the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. SABATH said:

Mr. SPEAKER: Those who are not acquainted with the benefits that the coast States and the steamship companies will derive from the canal route might easily be misled by the eloquence and the pleadings of the gentlemen from California, Washington, Louisiana, and New York; that the reduction of nearly 70 per cent from present freight rates, as well as materially reduced passenger rates will work hardships upon the traffic going by the canal route. Every effort is being made to

mislead people into believing that it is necessary for the maintenance of our coastwise shipping trade to grant free tolls.

Mr. Speaker, I am opposed to any subsidy, and I am therefore obliged to be opposed to free tolls, which means, and is, notwithstanding the denial on the part of the gentlemen on the other side of the isle, a subsidy.

Before the completion of the Panama Canal our Government will have expended $400,000,000 in building this great project. It will cost nearly $20,000,000 annually for operation and maintenance and military protection. And this is without taking into consideration the great sums of money that will be required from year to year for repairs, excavating, strengthening of dams, and removal of slides. Personally, I have always doubted, and doubt now, whether or not our country at large will be benefited or rewarded by this stupendous expenditure of money. But I do admit, and must confess, that the coast States, especially California, Washington, and New York, and the steamship companies will derive great benefit from this project, as it will shorten the distance between our Atlantic and Pacific ports by about 8,000 miles, thereby reducing the time and cost of transportation at least two-thirds.

At present, the average rate of freight transportation between San Francisco and New York is about $20 per ton. It has been testified by experts that this cost will be reduced about 65 per cent, which means to about $7 per ton, a net saving on each and every ton of nearly $13, and notwithstanding this great reduction there are those who are opposed to a toll of 50 cents per ton, out of which toll the Government could partially pay the operating expenses of the canal.

The only argument they advance in entertaining free tolls is that we must build up our merchant marine. If they are honest and really desire to build up our merchant marine, why did they vote against the Sims and other amendments, which provided that all vessels flying the American flag and engaged in foreign trade should be granted free tolls? Their refusal to entertain these amendments satisfies me that they are not as anxious to see the American flag upon the seas as they would make us believe, and they must have other reasons for their insistence upon giving the steamship combine free access to the Panama Canal route.

This steamship combination is to-day, and has been for years, enjoying an absolute monopoly of all coastwise trade, and it is for this steamship-railroad-owned combination that these gentlemen from California, Washington, and New York are pleading when they urge free tolls.

I am of the opinion that it should be our solemn duty to legislate in the interests of the entire people of this country, and not for any certain district, section, or special interest. This is something that the gentlemen from the States I have mentioned seem to have forgotten. Invariably the majority of those who advocate free tolls are heard upon this floor pleading for special legislation, for special districts, special sections of the country, and frequently for special interests; therefore, I am not at all surprised at their present attitude. Personally, I do not believe in taxing the people of the entire country for the interests of a small section, and especially when even that small section will derive only one-third of the benefit from the desired legislation, as the greater portion will surely remain with the steamship combination.

Some of these gentlemen desire to know who demands that tolls be charged, proclaiming loudly that they have not heard from a single city, a single organization, or a single person, asking that tolls be charged. That may be true, but they did not inform us of the names of the gentlemen, companies, and corporations that have made demands for free tolls, nor have they given the names of the large number of lobbyists who have been working night and day for free tolls.

The people of the United States, who elected us, have a right to believe that without any special requests, appeals, or demands, that we will do our duty toward them, and it should, therefore, be unnecessary for them to hold special meetings, appoint special committees, and delegate special lobbyists to show us how to vote on questions of justice and righteousness.

Mr. Speaker, section 11 of this bill provides that no railroad-owned vessels shall be permitted the use of the canal, and, inasmuch as nearly all of the vessels engaged in our coastwise trade are owned or controlled by the railroads, it will therefore be necessary for the railroads to part with this ownership and control in order that the canal may be opened to such vessels. We can easily perceive the reason for the anxiety from certain quarters to give free tolls. With this special privilege the railroads can easily demonstrate greater earning power for all such vessels, and they accordingly can demand, and will receive, a much more advantageous price for these vessels from purchasers than they would if the bill provided for tolls.

No one on this floor has been bold enough to claim that vessels engaged in our coastwise trade need any additional governmental aid. I feel confident that there can be no one so bold as to maintain that all these coastwise vessels are not operating at the present time at a fair profit, because the contrary is true.

Evidence produced before our committee on this subject showed clearly that all of the companies in coastwise trade are prosperous and have been paying fair dividends and have increased and built more ships annually. They have been buying out new companies and new vessels as soon as they started to operate. But even if this were not so, should our other industries be called on to maintain and aid an industry that can not maintain itself? I say, and every honest American will say, "No." We have had our sad and costly experience in aiding and assisting our so-called infant industries, that are in reality leviathans, now grasping the greater part of the wealth of our country, like the tentacles of an octopus. If I thought that our country was in danger, or even in need, I would not hesitate a moment to vote for any measure to build up or purchase an auxiliary to our Navy that the united powers of the world could not successfully combat. But, Mr. Chairman, we have to-day, notwithstanding the views and cries of certain gentlemen and the fears expressed by others, enough vessels flying the American flag that can be converted into auxiliaries to our Navy to transport all the men, all the coal, and all the provisions necessary if our Army were enlarged fourfold over its present strength.

The evidence of one gentleman, who represented two companies, showed that they alone owned more than 75 vessels, each one over 3,000 tons capacity, flying our flag, that could be turned into colliers and Army transports in no time. Personally I hope and trust that it will never be necessary for this Nation to have need for an enlarged Army or an auxiliary thereto.

I maintain and am of the firm opinion that our country has done enough for navigation and commerce when we have expended the stupendous sum of $400,000,000, more than $1,000,000 for each and every congressional district in the United States, in building this great canal. It comes with might poor grace for the gentlemen who represent those that will receive the greatest benefit from this great project to insist that the people of each congressional district shall be taxed over $90,000 annually to maintain and operate the canal for the benefit of a few, who will be the actual beneficiaries. I have been and am now and I shall continue to be against that proposition, believing that the least the beneficiaries of this project can do is pay the small toll of 50 cents per ton, which will not be enough to pay even the actual operating expense in taking vessels through the canal, to say nothing of the cost of maintenance and the interest on the vast sum that we will expend in completing this great undertaking.

Up to now I have said nothing about the treaty under which the canal is being constructed, and I will not at this time say whether or not this country has the right under this treaty to discriminate against foreign vessels. I believe that every Member of this House is capable of construing the treaty without any aid and assistance from me, but I do desire to refresh the minds of some of the Members, and I will, therefore, read article 3 of the Hay-Pauncefote treaty:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and such charges of traffic shall be just and equitable.

I direct your attention to this provision of the treaty for the reason that I believe that it is the duty of each and every nation to honestly and fairly live up to any agreement entered into by it, and that we are not in a position to create still further resentment against this nation than already exists within our neighboring countries. I deem it the duty of this Democratic Congress to bring about better and friendlier feelings with other nations that at present exists, and demonstrate to the foreign nations that we believe in keeping our faith and at all times to deal honorably and fairly with them.

Only through the following out of such a course can we ever expect to again attain the reputation that was ours for more than 100 years, which reputation, however, has suffered a great deal at the hands of the last two Republican administrations. Our country is great enough to be magnanimous, and give the benefit of the doubt, if any exists, to those whose commerce, trade, and friendship, I am sure, we desire.

The Metal Schedule.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 26, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"—

Mr. BARTLETT said:

Mr. CHAIRMAN: I can not hope to add anything to the elucidation of this question or the details of this bill, which have been so ably presented by the gentleman from Pennsylvania [Mr. PALMER]. I have not the time, if I should undertake to do so, but I desire here and now, even though I do not have the opportunity to complete the argument that I propose to make, to say something in reply to what has been suggested by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. MANN. I hope the gentleman will feel at liberty to take all of the time that he needs.

Mr. BARTLETT. I have only 20 minutes given to me.

Mr. MANN. Well, we will get the gentleman more time.

Mr. BARTLETT. Very well. Mr. Chairman, I do not agree that the manufacturers of this country have any vested right in the protective tariff. I do not agree with the proposition that the Congress of the United States, if it has the constitutional power, has the moral right or the privilege to invest manufacturers or people engaged in business with the right to have that business succeed by taxing the consumers of the country. The gentleman from Pennsylvania [Mr. DALZELL] said that no man on this side will be permitted to vote his honest conviction upon any paragraph in this bill. I do not know where he gets authority to make such a suggestion as that. I am not authorized to speak for anyone but myself, but in the long years which I have served in Congress as a member of his party I have never before seen such unanimity, such concord between the members of the Democratic Party in this House, as that shown when this bill was presented to the caucus of that party the other evening.

We have here a schedule known as the metal schedule—the steel and iron schedule—on the basis of which rests in a great measure the prosperity of the country, and we are dealing with a subject the product and sale of which have made those engaged in it the most prosperous people in the country. They are the people of all others who do not need, who are not entitled by reason of such need, to one particle of protection. I do not say this at mere random. I do not say that we have gone beyond the principle of enacting a tariff which will provide for the difference in the cost of production at home and abroad.

I do not, as a Democrat, concede the right of the American manufacturer to have any such thing in his favor. I stand here as a Democrat in favor of a tariff in preference to direct taxation, but when that tariff is levied, I want to see it levied for the purposes of revenue, and I never shall vote for a tariff that is levied for the protection of an industry beyond the point where it will raise the necessary revenue of this Government when economically administered. That has been the faith in which I was born, the faith in which I was reared, the faith in which I have lived in public life, and it is the faith in which I propose to conduct myself as a Member of Congress.

It is said we are to bring into competition with American labor the cheap product of European labor in this particular branch of industry. The United States Steel Corporation is the most gigantic industrial giant on the face of the globe to-day. The evidence before the Ways and Means Committee, the publications in the magazines, and the evidence before a committee authorized by this House to investigate its affairs show that it claims to have a capital of nearly $2,000,000,000. The very first president of that corporation, in giving evidence before that committee, stated to that committee that at the present time that corporation did not need the tariff to protect it from European manufacturers. He stated that even taking into consideration the lower scale of wages paid in Germany and England and other countries, that corporation, nevertheless, could manufacture iron and steel and their products more cheaply than could any country on the face of the globe. I shall put into my remarks the evidence of Mr. Schwab, the first president of this corporation, for whose capacity and knowledge of the business in every detail the present president of this corporation, Mr. Farrell, on last Wednesday vouched. Mr. Schwab appeared before that committee on August 4, 1911, and I will quote a statement which is to be found on page 1303 of the hearings before that committee to investigate the steel corporation. Mr. Schwab had previously stated that they could manufacture iron and steel products more cheaply than any country in the world, a statement that rather startled the Republican members of that committee. Mr. DANFORTH asked him:

Even with the added load of labor?

He replied:

Yes; I think the reason for that is because we manufacture in such large quantities; we manufacture under the economic conditions that I speak of, and our tonnage is so great.

Though pressed and pressed again by the Republican members of that committee to retract that statement, he insisted that what he said was true, but that they needed a tariff not for the purpose of presently protecting either their labor or themselves in the manufacture of the products of this great industry, but for the future. If, perchance, the manufacturers in Germany and England and other foreign countries should become so efficient in producing the products of iron and steel as we are now, he stated that corporation would then need the protective tariff, but for the present time, in order to produce the products more cheaply than they are produced abroad, it was not necessary to have the tariff. So that we have here an industry represented by this great industrial giant, and this officer telling the country and the Congress that it does not need a protective tariff in order to manufacture more cheaply at home than they can abroad.

What, then, becomes of that great proposition that the Democratic Party by this bill have brought in a bill which is to carry ruin to the American laborer and to destroy industries? Ah, says my friend from Indiana, we by this bill give to the steel corporation, which has grown to be the great giant of which I have spoken, advantage over the independents. Well, independent manufacturers sounds very sweet, but the other day, in the inquiry before the same committee to which I have referred to investigate the steel corporation, Mr. Farrell, president, said the only difference between the steel corporation and the independents was that the independents were not stockholders in the steel corporation, but they pursued the same policy and the same methods. That is, they had an understanding, written at times, pools, independents and the steel corporation alike, by which they fixed the price of the products manufactured by both, and when it became a little dangerous to have those in evidence they burned up the books and they carried them along under gentlemen's agreements, and when the gentlemen's agreements became dangerous they then resorted to the famous Gary dinners by which to have an understanding. Those are the men engaged in this business so vital to the welfare and interest of our people, who charge that we, the party in power in this House, who have been endeavoring to bring some relief to the people in regard to this most important schedule, which affects the smallest implement of agriculture and household affairs up to the greatest, they charge that we are to bring ruin and destruction upon the labor of the country, these men who by reason of an unnecessary, unwholesome, and vicious protective system have been able to enlarge their business until its proportions startle not only the American people, but attract the attention of the world. For myself, I think that these men who have grown rich and powerful and strong in the commercial world, who thus declare publicly that they do not need the protective tariff to enable them to pay the present prices for labor and to compete in the markets at home and in the markets of the world should at least have a fair proportion of these taxes and burdens which have hitherto been borne by the people taken away and that the people should for once be considered by the House of Representatives.

But it is said, Mr. Chairman, that we are hasty, that we are proceeding without information, that we have not waited for the fulminations of the Tariff Board. There is always some reason presented why the burden of taxes upon the backs of the people should not be removed, especially by those who are benefited by them. I do not mean any reflection upon any of them; not at all; but they were appointed, and not until they began to serve, neither in business nor in professional life did they ever attain the position of being experts upon the tariff. But we are to wait; we, the constitutional body of Congress, upon whom, by our oaths and obligations, are imposed the duty of revising the tariff; we are to transfer it to a tariff board most of whose members are unknown, at least to fame or tariff fame, until recently. For myself I do not believe that these men have been or will be able to give any better reasons than have been given by Members of Congress heretofore or by our own Members of Congress why the tariff schedules should not be revised. I am

unwilling to surrender my obligation and my duty as a Member of this House and as a representative of my constituents who are so vitally interested in the reduction of this schedule to the views, convictions, or the suggestions of five men composing this Tariff Board, nor am I willing to say I will wait supinely on my back when I can hear from all over the country, from the mountains to the seaboard, everywhere, the people clamoring for the reduction of the tariff rates in the existing law. Now, Mr. Chairman, one other thing: The proofs before the Ways and Means Committee, the proof accumulated everywhere, the proof before the committee to investigate the steel corporation, shows that with this protection now existing under the law, with these special privileges and taxes given to them by Congress, that the foreigner receives more benefit in the shape of prices than does the home consumer.

In the matter of steel rails, the evidence of last Wednesday was that at the mills of the steel corporation the price of standard steel rails to be shipped abroad was $24.72, while the men who buy them to be used in the United States had to pay $28, and that has been the price for nearly 15 years. So, that we have by this system of taxation, by what you call the "protective system," built up these great trusts and combinations and given them the power to exact from the American consumer a price that does not simply represent the difference in the cost of labor abroad and here, but which enables them to so reduce the price of production, even with the high-paid labor, as they claim, to less than the cost of producing it abroad. And when they have done all these things, when they have throttled competition, when they have contracted the production of the article, when they have had agreements both between the independents and the trusts—if I may call it so, not wishing to designate it in that way in any criminal sense—when they have done all that, when they have exploited the American market and kept out the foreign dealers, this protective tariff, alleged to protect the American workingman and American manufacturer, is used to sell to the hated foreigner our products at a price far below that at which they are sold to the American consumer. If that be the protective policy of the Republican Party of the United States, it does not meet my approval.

Every tariff is a tax, and should be so called whenever it is referred to by citizens of our Republic. Were it always called by its right name, the people would the more quickly respond to the iniquitous favoritisms of the tariff and the more quickly determine upon more effective and more righteous methods of equalizing the taxes levied by Government. Congress was granted the power to tax by the Constitution, and under the guise of the word "tariff" the power has been most seriously abused. Congress was given the right to levy and collect taxes under certain limitations, and the tariff is one of the forms of taxation reserved to Congress and is levied upon imports.

Chief Justice Marshall has truly said that the power to tax involves the power to destroy, and this dictum was afterwards approved by Chief Justice Fuller.

Congress has the constitutional right to tax imports to raise revenue for the support of government, but it has no constitutional warrant to tax in order to protect certain industries or to guarantee profits to any industry. The power to tax is limited to the revenue demands of a government economically administered, and excludes every tariff for protection and every tariff to equalize profits. What is a tariff for protection? The title to the Dingley tariff law read: "An act to provide revenue for the Government and to encourage the industries of the United States." The title to the Payne law read: "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." What do these words mean? The tax is levied (1) for revenue, and (2) to encourage or protect industries. How are industries to be encouraged or protected? The Republican Party answers by imposing higher rates upon foreign goods than a pure revenue demands, with the avowed purpose of keeping all foreign goods out that come in competition with domestic goods. The effect of such laws is, and always has been, to enable domestic manufacturers to raise prices upon home consumers. At first this advantage was given them on the plea that they were weak—infants in the industrial world—then when they grew stronger and needed no help whatever they would not be weaned, but demanded a rate high enough to equalize the difference between home and foreign production, and, later, the monstrous demand of a guaranty of profits. In other words, Congress has for 50 years exercised the right to tax on the ground of helping private individuals to a competence, a right denied by every court of the land and obnoxious to every right-thinking individual. It is wrong to tax the whole people to help a few individuals to a foothold in the commerce of the world. It is absolutely wicked to tax all the people in order to give a class of people profits not earned, and which the recipients would not have but for the operation of law.

Congress has no right to tax all the people to help a few—to encourage a few or to protect a few; neither has it a right to tax all to guarantee the profits of a favored set of men. Who guarantees the profits of the farmer? God and the farmer's mind and brawn. Who guarantees the merchant's profits, the laborer's, the doctor's, the clerk's, the teacher's, and so on to the end? These must all attend to their own affairs, secure what they can by their own efforts, and stand or fall as the current moves. No tariff law is written for them, and no tariff law should be written to aid, encourage, or protect any industry. I am in favor of a tariff for revenue and a tariff for revenue alone, but am unalterably opposed to the Republican scheme of taxation which takes private property, daily and hourly, not for public uses, but for private uses, without any compensation of any kind. I am opposed to the plan of plundering the people to enrich the manufacturing class. A tariff for anything else than revenue is outside the traditions and principles of the Democratic Party and at war with its pledges and history. It is foreign to our platform. We have pledged ourselves to the people who elected us to revise the tariff to a strict revenue basis, and I for one shall vote to redeem the pledge.

UNCONSTITUTIONALITY OF PROTECTIVE TAXATION.

I do not believe that either openly or in disguise we have any power whatever under the taxing and revenue clauses of the Constitution to place a prohibitive duty upon importations to protect the industries and manufactories of this country. This is the faith that I was born in and this is the faith that I hope to die in if the Constitution shall still survive at the period of my demise, and in order to show that this is the genuine creed of our institutions, I now read a few lines from authorities as great as any that exist upon the subject. These are the words. I read first from Tucker on the Constitution:

> The power granted as a means of revenue can not be diverted from this legitimate purpose by the indirect use of it to do what Congress has no power to do by direct taxation. The end is not legitimate, and therefore the law is not constitutional. It is true that where the law merely imposes the tax without disclosing the indirect purpose of its imposition the courts may have no right to declare the law unconstitutional, though if the purpose were disclosed on the face of the act the courts would do so.

And now, again quoting from Judge Cooley, I read the following extract:

> Constitutionally a tax can have no other basis than the raising of revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful. A tax on imports, therefore, the purpose of which is not to raise revenue but to discourage and indirectly to prohibit some particular import for the benefit of some home manufacture may well be questioned as being merely colorable and therefore not warranted by constitutional principles. As it is a duty from which revenue may be derived, the judicial power, where the motive of laying does not appear on the face of the act, can not condemn it as being unconstitutional; but it is none the less a violation of the Constitution by the legislator who knows its object and levies the duty from a motive not justified by the Constitution.

WHAT HAVE WE DONE?

At the last session we passed a free-list bill, to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles. I spoke and voted for the bill. We as Democrats passed it, but the President of the United States, planting himself squarely in the camp of intrenched interests, vetoed the bill. We passed a bill reducing the tariff on wool and woolen goods. I spoke for it and voted for it.

We passed a bill lowering the rates of the cotton schedule, which, in turn, was vetoed by the President. We gave the people relief, as we had promised to do, but the President denied the people the relief they demanded and is accountable solely and alone for the failure of the legislation.

OUR PRESENT PURPOSE.

We are here to-day to carry out our pledges to the people, and we will be here until every bill we have offered shall be enacted into law. The people have demanded these laws, and if the present President can not sign the bills we offer him the people will elect another man more in accord with themselves and whose heart and soul will respond to the popular will rather than to the demands of trusts and the tariff-fed barons of the country. The bill before the House at the present time is one to revise downward certainly and unequivocally the iron and steel schedule. For a moment let us look at the growth of the industry.

EVOLUTION OF THE LAST DECADE.

The Statistical Abstract for 1910 gives the pig-iron production of the United States for the 10 years 1901 to 1910 at more than 211,314,000 long tons, or an output for this decade greater than the output of iron ore for the previous 100 years, or, in other words, since iron making was first started in America. The

same rate of growth is given for the semifinished and the finished products of iron and steel; the same condition of affairs exists in copper and spelter and in almost every other metal. This is a tremendous evolution, or revolution, in the iron and steel business, the stimulus being almost exclusively due to causes either outside the tariff, so far as the needs of business demands protection, or largely due to the tariff, if enormous and exorbitant profits to trusts be considered as the logical outgrowth of the protective wall.

Had there been no tariff, or, better still, a tariff for revenue only, the different and better processes of mining and manufacturing would have gone on just the same; new fields of deposit would have been exploited and mined just the same; new methods of handling and marketing would have come into play just as they have done, and the tremendous evolution would have been the same, or nearly so.

PROFITS.

Profits to trusts would have been less, but still great enough to employ the same capital and labor as is now employed, with a larger prosperity for the consumer and the country at large. The United States Steel Corporation, according to its own reports, has earned from 1901 to 1910, both inclusive, the enormous sum of $1,206,159,765, or more than the estimated true value of all the real property and improvements in the State of Georgia in 1900, plus the value of all its live stock, farm implements and machinery, manufacturing machinery, tools and implements, all its gold and silver bullion, all its railroads and equipments, all its street railways, shipping, waterworks, and so forth, and all its other property of all and every kind whatsoever. In 10 years one trust, backed by the favoritism of an unjust law, has earned more than all the people of Georgia, 2,600,000 strong, have been able to amass as property in 179 years. This of itself is a valid indictment against the tariff tax and of the gigantic monopoly created by that tax; but when we consider the enormous profits of this concern—the unrighteous, illicit, and damnable distribution of its gains—the indictment becomes blacker and the system that produces it all the more wicked and wrong.

The total assets of the Steel Trust are in the neighborhood of $1,800,000,000. The undivided surplus on December 31, 1908, accumulated in seven years, was $133,415,214, or enough to pay 33 per cent dividend on the preferred stock. The surplus has accrued after a regular dividend payment of 7 per cent each year on the preferred stock, a smaller dividend on the common, the payment of a salary to one man of about 10 times the salary of the President of the United States, other salaries beyond the merits of any man, the payments of betterments of a royal kind, and the purchase of other plants that stand in the way of this greatest of all trusts in its march to a complete stifling of competition and the absorption of all iron and coal properties in the land. Its capital stock is largely watered, and its dividends, though nominally small, are really excessive. Its net income in 1906 was $160,000,000; in 1907, $170,000,000; and in 1908, $95,000,000. Judge Gary, when before the committee to investigate the Steel Trust, June 8, 1911, gave the capital of the trust, as follows:

On December 31, 1910, the total amount of outstanding stock was—

Common	$508,302,500
Preferred	360,281,100
Bonds of corporation	465,189,500
Bonds of subsidiary companies	131,130,000
Total	1,464,903,100

This was issued in exchange for $894,968,000 shares of stocks and bonds of the constituent companies, or more than 70 per cent water. Moody, in his Truth About Trusts, gave the original capital of the trust at its formation at $1,297,184,170 in exchange for $894,968,800 stocks and bonds of the constituent companies. Thus the new capital exceeded the old by $402,195,370, an increase of 45 per cent, due to water alone.

Judge Gary stated that the dividends at the end of 1910 for 9¾ years had been as follows:

On preferred stock, $269,414,628, or 68¼ per cent; on common stock, $129,512,257, or 24¾ per cent.

Besides these divided profits, the undivided profits were—for betterments, $400,000,000; undivided surplus, $133,415,214; or a total profit of $931,415,214 on a property that cost in reality $894,968,000.

Truly, the Steel Trust has prospered under high tariff laws, and is certainly able to take care of itself.

REASONS WHY WE CAN PRODUCE IRON AND STEEL AS CHEAPLY AS, IF NOT CHEAPER THAN, ANY COUNTRY UPON THE GLOBE.

1. The abundance and variety of our ore.
2. The abundance of our coal and its proximity to our iron fields.
3. Our superior transportation system.
4. The activity of the American brain in inventions.
5. The wonderful advance in processes open as well to us as others.
6. The indomitable enterprise of our business men.
7. The superior intelligence of our labor.
8. Our vast resources in agriculture and all other fields.
9. The present splendid condition of our iron and steel industry.

Let us look at this item a little more closely. In Metal Statistics, a volume printed by the American Metal Market Co., we are shown what we produce in the metal field and its relativity to the world's production.

	Our production, 1909.	The world, 1909.	Approximate ratio.
Iron ore, tons	51,750,000	765,000,000	1 to 15
Pig iron, do	25,795,000	390,000,000	1 to 16
Open-hearth steel, do	14,493,000	95,000,000	1 to 7
Bessemer steel, do	9,330,000	100,000,000	1 to 18
All steel, do	24,000,000	260,000,000	1 to 11
Bessemer steel rails, do	1,800,000	57,000,000	1 to 28
Open-hearth steel rails, do	1,256,000	2,750,000	1 to 2
All steel rails, do	3,024,000	60,000,000	1 to 20
Structural shapes, do	2,275,000	22,000,000	1 to 10
Cut nails, kegs	1,207,000	200,000,000	
Wire nails, do	14,000,000	172,000,000	1 to 12
Tin plates, tons	613,000	6,100,000	1 to 10

A tenth reason for our ability to manufacture cheaply is our export trade. It is submitted that, if our iron and steel mills supply to the fullest extent the enormous demands of our home market and then push out into the world and secure a fair portion of that trade, they are able to compete; and if in that struggle they secure not only a fair portion, but an extremely large trade, that they are fully able to take care of themselves.

WHAT THE ENGLISH PRESS SAY.

Before going into this export business, however, it may be well to see how our English neighbors look upon our business activities.

The Manchester Guardian of January 2, 1912, in commenting on the iron and steel imports into England for the year 1911, says:

The import business in semisteel has increased very seriously during the year. In 1910 the differences between the prices at which foreign and English billets were sold declined, and as a consequence there was no expansion in the quantities brought from abroad into this country, but during 1911 English makers endeavored to maintain their prices in face of a fall in America and on the Continent, and the result has been a very considerable increase in the imports. At times there has been a difference of as much as 7s. ($1.68) per ton between English and foreign billets, and as we write the difference is fully 5s. ($1.40) per ton. The year 1911 will show an increase of about 75 per cent in all classes of semisteel imports, mainly as a consequence of the inability or unwillingness of British steel manufacturers to take steps for the protection of their business in the half-finished material. One excuse may perhaps be made for them, that their finished-steel business was much more profitable and they could afford to neglect the half-finished branch.

This proves that our mills in 1911 sold to England the half-finished products—billets, tees, joists, channels, bars, hoops, and plates—at a price less than the English price. In other words, our iron and steel mills were able to compete with the iron and steel industries of England, and therefore need no protection.

STEEL REBATES IN ENGLAND.

The Manchester Guardian of January 2, 1912, says:

One of the most prominent features of the year's trade has been the attempt to introduce the system of deferred rebates into the steel trade of the country and the outburst of hostility on the part of the merchant trade. It is not yet known whether the merchants will be able to force steel makers to abandon the project. If they fail, one would scarcely be rash in prophesying that within five years the imports of foreign steel into Great Britain will be doubled, if not trebled.

Proving clearly the ability of our steel makers to compete with all the world. Proving also that the methods of our Steel Trust have aroused the greed of English steel makers, leading them to a form of rebates.

STEEL RAILS.

English steel makers are losing their over-sea trade in railroad rails and American makers are getting it. Hear the Manchester Guardian of January 2, 1912:

Last year the tendency to decline in the export trade in steel rails was commented upon, and it was suggested that there was an association here with certain restrictive international agreements. During 1911 the total exports of steel rails will fall short of the meager figures of 1910 by another 100,000 tons. This foreign trade has indeed shrunk to such small proportions that it really does not seem worth taking into consideration.

PIG IRON.

The Yorkshire Observer of December 28, 1911, said:

The export figures for pig iron form interesting reading. Germany, once Cleveland's best customer, is taking less than one-third of the quantity it used to take, mainly on account of the growth of the iron and steel trades in that country. For the same reason a much less quantity is being sent to the United States.

Of what use is it, then, to say that we can not compete with great industries abroad, and that our infant industries must be protected in the face of the facts stated by these reputable journals? The Manchester Guardian of January 2, 1912, has this to say of the American trade:

It is probable that the American iron trade has never passed through a year with less variation in values than during 1911. In the previous year the prices came down about $3.25 to $4 a ton. (The paper elsewhere attributes this to the Government's going after the trusts.) In 1911 the loss was trifling, and in forge iron there was no loss at all. The prices of forge iron in America may perhaps be used to confirm the theory that finished iron is coming more into use again as compared with finished steel.

During the year 1911 a better business was done in the importation of semisteel from America. More than once the market for billets was broken down by cheap offers from the States, and even now, when every one is more confident, there are fears that America may step in and upset all calculations. American semisteel was quoted at $25.40 at the beginning of the year, while the price at the end of the year is only $21.40, so that the fall in this material has been very much greater in proportion than in foundry iron. The Welsh midland and Lancashire steel districts have all benefited from the use of American billets this year, and the importations have enabled steel makers to maintain a margin of profit upon finished steel which has been eminently satisfactory.

In the face of these facts the Payne tariff tax on sheet steel and plates in 1911 averaged 23.54 per cent; ingots, 21.77 per cent; hoop band or scroll iron or steel, 38.60 per cent; cogged blooms for railway wheels or tires, 46.79 per cent; bars and billets, 23.66 per cent. Of slabs, blooms, loops, or other forms of iron or steel bars or billets we imported about 98 tons, worth $3,356, and collected duties thereon of $793, while we exported, in 1910, 17,961 tons, worth $648,000, which was increased in 1911 to 20,226 tons, worth $691,770.

Our export trade of iron and steel and manufactures in 1910 and 1911, as taken from the monthly reports of commerce and finance and imported merchandise entered for consumption in the United States, issued by the Department of Commerce and Labor:

Items.	1910	1911
Iron ore	$1,637,000	$2,496,291
Pig iron	1,353,589	2,475,000
Scrap and old iron	281,825	794,686
Bar iron	648,965	691,770
Wire rods	798,193	529,204
All other bars of steel	3,468,473	4,486,705
Billets, ingots, and blooms of steel to—		
England	836,631	2,963,876
Canada	306,268	1,113,957
Other countries	49,666	1,739
Steel rails for railways to—		
Canada	919,315	1,168,000
Central America	600,000	460,000
Mexico	1,916,640	1,854,484
West Indies	1,150,046	962,000
South America	3,758,334	2,699,699
Japan	363,724	1,467,337
Other Asia	1,761,174	2,341,650
Other countries	76,816	424,139
Total	10,546,000	11,377,444

In 1910 we imported $144,235 worth of steel rails and exported $10,546,000; in 1911 the import was $107,567, as against an export value of $11,377,444. The duty on imports was $3.92 a ton, which, as admitted by Judge Gary, was of no advantage to the Steel Trust so far as protecting them from foreign competition was concerned. It enabled the trust, however, to stand pat on the rate $28 a ton to consumers in America—a rate that has remained unchanged for so long that steel makers look upon it as sacred—and which enables them to collect about $4 a ton as unearned tariff profit from the consumers in the home market and which, in the end, the people must pay. According to the Statistical Abstract of the United States we produced of steel rails from 1900 to the end of 1909, 10 years, 28,647,000 tons of steel rails for railways. A rake-off of $4 a ton under the guise of a tariff tax of $3.92 a ton shows a very handsome profit for the Steel Trust on this item alone. The tariff tax, however, was only made $3.92 in 1909, so that the true rake-off was $7.84 for all this 10 years. This is a fair instance of the injustice done the people whenever the Government attempts to guarantee profits under the guise of a tax and shows also how multi-millionaires are made. Fully $20,000,000 a year have been wrung from the people and given to the steel kings on the single item of railroad rails.

Sheets and plates.

	1910	1911
Iron	$5,860,526	$6,545,585
Steel	6,120,065	8,563,840
Tin	912,171	2,489,094

In 1910 we imported less than $500,000 worth of sheets and plates of iron and steel and exported $11,980,000. Our tariff tax ran from 19 to 54 per cent on the imports, and this rate should be reduced to a flat rate of about 10 per cent. The mills need no governmental aid and are abundantly able to make sheets and plates as cheap as any mills on earth. Of tin plate we imported $4,358,777 in 1910, collecting a duty of $1,882,891, a large part of which was given to the Oil Trust and the Beef Trust in the form of drawbacks.

Structural iron and steel.

	1910	1911
To Canada	$2,849,175	$3,091,023
To Mexico	817,291	1,653,228
To Cuba	483,125	814,697
To South America	564,626	694,645
To Japan	158,968	476,727
To British Oceania	147,184	288,774
To Philippine Islands	87,751	185,746
To other countries	677,511	1,104,001
Total	5,800,551	8,683,851

In 1910 we imported less than $300,000 worth of structural iron and steel at from 30 to 32 per cent tax. How much came in under the basket clause at 45 per cent can not be given with exactitude. Enough is shown, however, to convince any candid mind that a very small rate of duty on building forms should be laid and that our iron makers can manufacture and are manufacturing this article as cheaply as any manufacturers in the world.

Wire.

	1910	1911
Barbed	$4,322,311	$4,643,391
All other	4,074,655	5,556,577
Total	8,396,966	10,199,968

We imported in 1910 and 1911 as follows:

	1910	1911
Barbed	$605	$4
All other	871,568	1,166,277
Total	872,173	1,166,281

The tax on barbed wire was 7.77 per cent—a low rate, but none of it is imported. I favor putting barbed wire and all fencing wire on the free list, and so voted at the last session of Congress for a bill which President Taft vetoed. I favor a reduction of all taxes on articles of general use among the people, while the President opposed such a reduction until such time as some extraneous board should recommend the reduction or until the interests—seeing the handwriting on the wall—should agree to give up a part of their unrighteous gains. The tax on other wire runs from 35 to 42 per cent and entails a heavy expense on the home market, the one specially given over by protectionists to the Wire Trust to pillage at pleasure.

We exported wire to Canada, Mexico, Cuba, Argentina, Brazil, other South American countries, British Oceania, British Africa, and nearly every other country on the globe. The fact that we sold nearly $2,327,000 worth of wire in 1911 in British colonies outside of British North America shows that our wire makers are equal to any in the world and need no artificial tariff tax to help them on to trade.

Builders' hardware and tools.

	1910	1911
Locks, hinges, and other builders' hardware	$6,561,153	$7,759,509
Saws	919,483	1,137,787
All other tools	6,679,803	8,167,517
Total	14,160,439	17,064,813

In 1910 we imported $1,691 worth of hammers, sledges, track tools, wedges, and crowbars of iron and steel at 17.57 per cent tariff tax; $77,406 worth of nippers and pliers at 60.63 per cent; $57,660 worth of saws at 24.73 per cent; all told, less than $150,000 import against a $14,160,439 export. These high taxes on these articles can not be justified.

	1910	1911
Car wheels	$410,291	$367,453
Castings	2,061,028	3,213,737
Cutlery	906,683	1,083,891
Firearms	2,373,666	2,916,217

Our imports of car wheels were so small as not to be separately considered by our Treasury accountants in their reports. We imported in 1910 $306,043 worth of castings, at 12.11 per cent tax. In cutlery we imported in the same year $1,817,120, or about twice our exports. The tariff tax on cutlery averaged 64.95 per cent, which enabled our home manufacturers to advance the price on every set of knives and forks used in the land and on every jackknife in every boy's pocket. Penknives that cost abroad $1.25 to $3 a dozen are taxed 89.55 per cent, so that a knife that costs an English boy 15 cents will cost the American lad 30 cents, and possibly not be as good a knife. Scissors are taxed 52.10 per cent, which enables our scissors factories to get 75 cents for an article legitimately worth but 50 cents; ivory-handled carving knives are taxed 95 per cent, while common bone-handled knives must pay 45 per cent, and they may pay 76 per cent; razors costing abroad from $3 a dozen up are taxed 75.81 per cent. Of firearms we imported in 1910 $245,223 worth, at an average tax of 37.30 per cent.

Machinery, machines, and parts.

	1910	1911
Adding machines		$845,802
Brewers' machinery		175,461
Cash registers	$2,920,517	3,224,886
Electrical machinery	6,048,263	8,024,628
Metal-working machinery	5,975,503	9,626,965
Mining machinery	5,400,420	7,017,486
Printing presses	2,065,299	2,854,210
Pumping machinery	3,110,908	3,562,458
Refrigerating machinery		616,187
Sewing machines	1,239,789	1,633,670
Steam engines, locomotives	2,404,619	3,953,648
Stationary engines	3,096,785	4,042,793
Traction engines	2,333,803	3,627,837
Sugar mills		2,590,739
All other engines	3,741,290	4,424,303
Typewriters	8,239,510	9,778,498
Windmills	1,484,813	1,929,921
Woodworking machinery	1,242,841	1,827,963
All other machinery	22,247,535	24,497,744
Total machinery	79,899,361	104,528,722

In 1910 our imports of machinery were:

Cash registers, at 30 per cent	$1,776
Embroidery and lace machines, at 45 per cent	89,467
Jute machinery, at 30 per cent	37,835
Machine tools, at 30 per cent	177,002
Printing presses, at 30 per cent	30,001
Sewing machines, at 30 per cent	76,964
Steam engines, at 30 per cent	90,476
Tar machines, free of duty	4,339
Linotype machines, at 30 per cent	494
Typewriters, at 30 per cent	838
All other machinery, at 45 per cent	8,466,208
Lace-making machines, free of duty	1,297,785
Total, free of duty, 1910	1,309,972
Average, 44.29 per cent	8,974,473

Every Southern man is interested in a reduction of duty on machinery, as is every man in the country. We of the South raise the cotton of the world and are interested in manufacturing it into finished products near the farms upon which it grew. Our factories are handicapped severely in the item of first cost by this basket clause of 45 per cent on machinery. In a cotton or woolen factory the machinery forms a very large element of initial cost, and the Tariff Board informs us that 80 per cent of this machinery is imported; its value runs all the way from $50,000 to more than a million. Take a mill calling for machinery worth $100,000 in England, and which but for the tariff tax would cost but little more than $100,000 in America, yet through the 45 per cent clause of the law this machinery bought in England for $100,000 costs the buyer, without freight, after settling with Uncle Sam, $145,000; and the American manufacturer can not make the goods; but if he can his price will be from $140,000 to $150,000. The tariff adds to the price of everything. The Tariff Board finds the difference between the cost of mills here and abroad in figures as follows:

Woolen mill, cost in United States, $506,941; same in England, $342,259.

Combing plant, cost in United States, $200,158; same in England, $163,003.

Worsted plant (5,400 spindles), cost in United States, $203,996; same in England, $125,569.

Worsted-weaving plant (100 looms), cost in United States, $333,678; same in England, $233,379.

Our export table shows that wherever machinery is used the American brand is offered, our manufacturers not only holding their market, but increasing it against the combined energies and talents of the shrewdest competitors of the world. The tax on machinery should be cut deep, not only in the interest of revenue, but especially in the interest of our growing industries throughout the land.

HIGH COST OF MACHINERY.

On July 31, 1911, I had a letter from Mr. G. G. Jordan, a prominent manufacturer of my State, inserted in the RECORD. This letter dealt with the burdens unnecessarily inflicted on the cotton manufacturers of the South. I can not insert all of this letter at this place, but will make an extract from it showing that the tariff inflicts a great burden upon our factories:

These burdens, particularly in the matter of high cost of machinery, are probably the most serious which American mills must contend with. Practically the direct effect of the high cost of machinery makes it necessary to employ almost double the capital needed in establishing foreign mills, and American mills must earn from 60 to 80 per cent more per spindle in order to secure a fair return on the investment over European mills.

COST OF MACHINERY.

As you will see in the foregoing, the cost of cotton-mill machinery is about 50 per cent of the cost of the plant. The duty on this is 45 per cent, and builders expect a profit of 25 to 30 per cent. The cost of building the mill depends somewhat upon local conditions and mainly upon the product to be manufactured. The textile machinery proper for a 10,000-spindle sheeting mill in this territory will vary from $10 to $15 per spindle, depending upon the weight of the goods and the kind of looms used. Freight cost is quite an important item, and boxing charges and erection figure to a certain extent. The total cost of a 10,000-spindle sheeting mill complete will vary from $25 to $32 per spindle, dependent upon the items referred to previously, as well as the character of auxiliary machinery and equipment. A yarn mill usually costs more than a plain-cloth mill, owing to the expensive machinery necessarily to put the yarn into marketable form, if one is to get the best results. So it is practically impossible to build any kind or size of a mill for less than about $20 per spindle, and the average mill built in the South in recent years has cost from $25 to $30 per spindle.

Mills to make colored goods cost from $32 to $40 per spindle, while mills for duck, cordage, and other heavy goods cost from $35 to $50 per spindle.

An examination into the testimony of some of the experts of the Department of Commerce and Labor, who have been abroad examining into the cotton-goods situation, discloses—

And, primarily, let it be remembered that 95 per cent of the American cotton mills are built by what is known as "slow-burning mill construction."

William Whittam, jr., special agent, says: "Lancashire mills are built from a combination of steel, iron, brick, and concrete, known as fireproof construction."

"A mule spinning mill on, say, 50s carded, which formerly cost $5.20 per spindle, now costs $7.30 per spindle. The capital stock of a 100,000-spindle mill was fixed at $500,000."

Now, using the cheaper mill construction in vogue in America, no one would attempt to build a mill here on 50s carded mule spun yarn for less than $20 per spindle, and an American mill having 100,000 spindles would surely capitalize from two and one-half to three million dollars. It is true that an English mill is superior to American mills, but they are not so complete as to auxiliary equipment; for instance, land, tenement houses, and such are not included in the cost of building a mill. So, comparing them more accurately, English mills appear to cost, complete, about $14 per spindle, as against, say, $25 to $27 in America.

W. A. Graham Clark, special agent, in writing as to the cost of mills in Germany, and referring to a mill of 30,000 spindles on 33s warp and 84s filling, states that the cost of construction, without the ground itself, will range from $11.90 to $14.28 per spindle, complete.

Taking the average of, say, $13.09 per spindle, this amount would ordinarily be made up as follows:

Spinning machinery	$5.95
Cans, belting, etc	1.19
Steam engines, lighting and heating equipment	2.142
Buildings and sheds	2.856
Miscellaneous	.952
Total cost per spindle	13.09

Such a mill in this country certainly could not be built for less than $25 per spindle.

Clark gives the cost of building a mill in India at $15.38 per spindle. He gives schedule of English cotton-mill machinery prices; for instance, revolving top flat cards (probably 45 inches), $414 c. i. f. Bombay, 10 per cent off for cash. The American price at the same time was $735 f. o. b. New England points.

Clark, in writing in regard to cotton-mill machinery in Japan, states: "Of the $818,586 worth for 1905, there was shipped from the United States only $14,613 of cotton-spinning and $22,512 of cotton-weaving machinery.

"There is a prejudice among Japanese mill managers against American textile machinery. They assert that it is higher in price, lighter in construction, and takes more repairs."

Clark, in writing in Mexico about the price of 45-inch revolving flat cards, gives: "Five cards at Liverpool, $2,635; packing, $330; freight, duty, erecting, etc., $1,167; total, $4,132, or $826 per card ready to start in mill."

The cost of a 45-inch revolving flat card f. o. b. New England points in 1910 would be $685; practically no packing required; freight to common southern points, $40; erecting in mill, common and expert labor, $15; total, $740.

You will note that the price of the card delivered in Liverpool was $527. American prices on these cards vary from about $685 to $735 from normal to inflated conditions.

The American machine builders deliver machinery f. o. b. New England mills and make no charge for erecting machinery in such mills. Mills in the South, on the contrary, pay the freight and $4 per day per

man while erecting the machinery, which amounts to about 75 cents per spindle in the cost of building mills in the South.

America is now demanding a very large variety of machinery for fancy goods, laces, trimmings, and special fabrics, which is made on machinery manufactured abroad almost solely. So far American textile-machine builders will not manufacture such machinery, being content with the kinds that they are building. At the same time the duty applies to all textile machinery, and the party with small capital and desiring to manufacture the above-named specialties can not afford to pay the duty on imported machinery. Europeans manufacture machines that Americans do not, and such machinery was needed here to make goods to compete with imported goods on the domestic market. As we will have to confine ourselves more and more to domestic trade, if the conditions that exist continue, it seems that it would be proper to encourage the manufacturers of these things which now we import, because the duty on imported machinery is too high. In other words, why keep out foreign machinery for the benefit of a limited number of machine builders, when they will adjust themselves to new conditions if they have to, and cheaper machinery will require less profit to make fair returns on investments and in the end do good to the greatest number of people?

Cheaper machinery will place this country nearer on a parity with foreign competitors and enable us to better compete with them in the struggle for foreign trade. Cotton is our greatest money crop, but England makes more out of it than we do. Is there anything we get from England that we make more out of than England?

American cotton is adding more to the wealth of England than the founders of the Nation ever expected to avoid contributing in taxes.

I am taking the liberty of attaching to this a very sensible circular concerning mill depression.

Respectfully,

G. GUNBY JORDAN.

COTTON MACHINERY.

The Treasury reports do not differentiate cotton machinery and woolen machinery from the other machinery brought in under the 45 per cent basket clause of the tariff. It is all lumped together as "all other machinery." (A letter addressed by a Congressman to the Secretary of the Treasury might obtain the "cotton machinery" imported during 1910 and 1911, but a letter from any other source might be disregarded.)

TARIFF BOARD ESTIMATES.

The Tariff Board says (vol. 3, p. 706):

The amount of foreign machinery in use in this country can be judged by the fact that in the worsted mills covered by the investigation 87 per cent of all the machinery was imported.

We suppose this is true of cotton machinery, although Mr. Jordan does not give the exact ratio.

In sets of cards the Tariff Board shows the following differences:

	United States.	England.
Cost of machinery, per set	$12,968	$8,734
Cost of buildings, do	13,027	9,010
Cost of complete plant, do	36,210	24,347

In spindles the difference is:

	United States.	England.
Cost of machinery, per spindle	$13.46	$7.55
Cost of buildings, do	11.57	7.46
Cost of complete plant, do	37.77	23.25

In looms the difference is:

	United States.	England.
Cost of machinery, per loom	$1,113	$793
Cost of buildings, do	1,349	926
Cost of complete plant, do	3,336	2,333

Nails and spikes.

	1910	1911
Cut	$407,904	$434,788
Wire	1,705,026	2,364,671
All other, and tacks	613,004	737,131

Our imports were, for all of these, but $78,745 in 1910, and they could well be admitted free of duty.

	1910	1911
Pipes and fittings	$9,574,748	$10,735,167
Radiators		288,654
Safes	351,835	496,437
Scales and balances	834,999	1,061,388
Stoves and ranges	1,294,797	1,582,387
All other manufactures	19,168,449	23,982,489

Total exports of iron and steel and manufactures:

1910	$179,133,186
1911	230,725,351

Total imports of iron and steel and manufactures:

1910 (free of duty)	$1,901,241
1910, at 32.95 per cent (average)	37,553,398
1911 (free of duty)	2,333,593
1911, at 31.63 per cent (average)	32,119,753

These export figures do not include agricultural machinery, which was exported as follows:

1910	$28,124,033
1911	35,973,398

Adding these to the foregoing export totals we have—

Grand total of exports, 1910	$207,257,219
Grand total of exports, 1911	266,698,749

Our total export of all commodities was as follows:

Grand total, 1910	$1,710,083,998
Grand total, 1911	2,013,549,025

In other words, the iron and steel industry furnished 12 per cent of all our exports in 1910 and 13 per cent in 1911. An industry of this magnitude needs no extraneous aid even on protection grounds, and the Democratic Party is justified in cutting the tariff rates from their former excessively high rates to the revenue rates of this bill.

THE PRINCELINESS OF THE STEEL INDUSTRY.

What shall we say of an industry that, after supplying the needs of 90,000,000 of the most extravagant people on earth, turns its batteries on the world and wrenches from the world in competitive sales the enormous trade of $266,000,000 in a single year? Shall we call such an enterprise "an infant industry"? Our common sense revolts at the idea.

The Manchester Guardian, of England, has rightly measured our iron and steel magnitude and sums up its conclusions with the following most pregnant sentence:

The United States as the dominant partner in the iron and steel trades of the world can scarcely be left out of the reckoning.

The dominant partner in the trades of the world! What princely words! Dominant means having dominion; exercising sovereign power; ruling; prevailing. Such terms are incompatible with weakness, with need for help, with a tariff to make up differences of any kind; the industry is strong; it can and does stand alone and can and does make all sorts of profits without Government intervention.

It needs not the crutch of protection, and every patriotic American will gladly shout when the giant loses his crutch and is forced to rely solely and alone on his own powers for success. Then will they be true and great Americans; then will the words of Thucydides, with reference to the Athenians, be applicable to them and of them the world will be proud:

When conquerors, they pursue their victories to the utmost; when defeated, they fall back the least. When they do not carry out an intention they have formed they seem to have sustained a personal bereavement; when an enterprise succeeds they have gained a mere installment of what is to come; but if they fail, they at once conceive new hopes and so fill up the void.

England, after centuries of experience, exports to-day $400,000,000 worth of iron and steel and their manufactures; we, with but a little more than a century, export $266,000,000, or more than five-eighths as much as Great Britain. The growth of the industry is the marvel of the age, and but for the protective tariff which created trusts to grind out and destroy the smaller industries would have equaled England and gone first in conquest of the world for exported goods.

And Andrew Carnegie before the Stanley committee last week pressed home a truth that all Americans should know when he said in ringing voice:

Was I not before you in Congress two years ago, and did I not tell you that you need not have any duty on steel? And I wish to confirm it now. There is no more use of keeping a $4 a ton on in the tariff than that you should protect your grain.

SELLING ABROAD CHEAPER THAN AT HOME.

For years this was charged against our manufacturers, but vehemently denied by the Republican Party. Judge Gary, the president of the steel company, in answer to a question put by myself, said:

As I have stated here, sometimes export rails have sold considerably lower than the domestic price.

He also admitted that while steel rails were selling for $28 a ton at home, that American rail makers sold the same rails abroad in 1899, 1900, and 1901 at from $18 to $21.80 a ton. Mr. Schwab, when before the Ways and Means Committee in 1909, stated that American rails were sold to the Russian Government to build the Siberian Railway at from $18 to $21.80 a ton, while all rails sold to build American railways were sold at $28 a ton. This has been proven to be true of many other industries, and should be stopped. If any advantage is to be

had, let the home prices be lowered, and the most direct way to lower these prices is to put steel rails on the free list. Schwab stated that all surplus manufactures were sold abroad for what they would bring. R. C. Felton, representing the Steel Rail Manufacturers' Association, before the Ways and Means Committee in 1909, told that in 1900 rails sold abroad $3.70 per ton less than at home; in 1901, $3.40; in 1902, $5.55; in 1903, no exports; in 1904, $9; in 1905, $6.80; in 1906, $4.50; in 1907, $1 less; and made a profit each year. Schwab stated about the same figures.

George J. Seabury, in a pamphlet, "Our commercial and industrial problems," justifies the policy of selling abroad cheaper than at home in these words:

> We will select the steel industry because it is one of the strongest single interests in the United States, and, like scores of other industries, it disposes of its surplus for export at less than American prices whenever judicious.

No matter what the wrong may be, we always find somebody to justify it. Is it right for the Steel Trust to charge $32 a ton to Americans and to deliver 100,000 tons of steel plate at Belfast for $24 a ton, as James C. Wallace, of the American Shipbuilding Co., charged in 1904?

Is it right to sell American bars in England for $20 a ton while all Americans pay $32?

American shovels cost us 90 cents apiece, while they are sold abroad for 37 cents. This same George J. Seabury, in 1905, charged that all agricultural machinery was sold abroad from 25 to 40 per cent cheaper than at home, and the testimony before the Rules Committee last week was that the foreign price was from 40 to 100 per cent less than the domestic.

Poultney Bigelow wrote, in 1906, from Berlin:

> I can buy these identical American tools cheaper here than you can buy them in New York.

Sewing machines made here are sold abroad for less than Americans can buy them.

HIGHER PRICES OF LIVING.

Bradstreet figures the increase in wholesale prices from July 1, 1898, to March 1, 1907—a period of 10 years—at 56 per cent. Since then the raise has gone steadily forward until it reached 64 per cent. It is reasonably certain that the price level is now between 55 and 60 per cent higher than it was in 1897.

Sauerbeck's Index shows that prices abroad advanced 20.8 per cent from 1897 to 1907. In England alone the Economist places the advance at 35 per cent.

Foreign prices have advanced from 20 to 35 per cent; our prices have advanced from 55 to 60 per cent. In other words, our prices have advanced over foreign prices from 25 to 35 per cent. That is, the increase in price of from one-fourth to seven-twentieths of every man's living is fairly chargeable to the high tariff which has prevailed since 1897. The following carefully prepared table shows the rates of taxation on the living expenses of every family and fully accounts for the high prices of living.

Taxes to the right of us,
Taxes to the left of us,
Bellow and thunder.
Prices go skyward,
Even more highward.
Little the wonder!

THE REMEDY FOR THIS TAFT VETOED.

THE HOUSE THAT TAXATION BUILT.

Taxes on the parlor.

	Per cent.
Carpets if made of druggets	66
Carpets of flax or cotton	50
Wooden furniture	35
Wall paper	35
Looking-glass (common)	45
Carpets of tapestry	64
Ingrain carpets	64
Plush furniture	96
Window curtains (common)	50
Knickknacks	35

Taxes on the bedroom.

Common wooden bed	35
Commonest blankets	93
Feather beds	60
Wooden chairs	35
Cast-iron bed	35
Sheets	42
Mattresses	20
Common chinaware	55

Taxes on the wardrobe.

Commonest handkerchiefs	51
Flannel underwear	91
Ready-made clothing	65
Hats of wool	85
Knitted goods	95
Cotton underwear	60
Corduroy suits	66
Waterproof coats	49
Cloaks	65
Shawls	96
Jackets	65
Corsets	60
Stockings	67
Suspenders	87
Cotton gloves	40
Cotton laces	60

Taxes on the kitchen.

Plain yellow crockery	55
Cheapest glassware	60
Bone-handled knives and forks	50
Hollow ware	40
Commonest oilcloth	45
Cotton tablecloths	50
Common wood ware	55
Brass ware	45
Tallow candles	20
Brooms	40
Toothpicks	55
Bacon	29
Mutton	34
Butter	28
Salt	104
Sugar	63
Cabbage	51
Potatoes	28
Vinegar	29
Flour	57
Lemons	74
Almonds	54
Commonest chinaware	55
Looking-glasses	45
Average cutlery	67
Commonest stoves	45
Cotton window shades	50
Commonest tinware	45
Common yellow ware	45
Common clock	40
Scrub brushes	40
Matches	55
Starch	51
Beef	27
Poultry	29
Cheese	33
Rice	67
Candy	55
Onions	53
Pickles	40
Bread	29
Eggs	33
Apples	25
Walnuts	43

Taxes on sundries.

Carriages	45
Brick	20
Explosives	45
Window glass	80
Hay	50
Buckles	48
Cutlery	70
Files	68
Furnaces	45
Typewriters	45
Nippers	60
Jewelry	70
Harness	25
Leather goods	40
Wagons	45
Tiles	67
Hemp carpets	71
Spectacles	119
India-rubber goods	35
Cast-iron pipe	28
Razors	80
Shotguns	71
Shot	57
Nails	10
Saws	20
Lead pipe	45
Building stone	50
Gloves	50
Cooper wire	45
Blasting caps	61
Linen fabrics	60
Glue	35
Wire rope	40
Iron chain	18
Scissors	50
Fishhooks	45
Machinery	45
Needles	44
Three-quarter-inch screws	128
Thread	42
Structural iron	31
Boots and shoes	15

We now set out in full the Dingley rates, the Payne rates, and the rates of the present bill on nearly every item of the iron and steel schedule. A glance will show every reader that the Democratic Party is trying to be true to its pledges to revise the tariff downward. We intend to pass this bill and we hope and expect the Senate to do the same. It will then rest upon the President whether to approve it or to veto it, as he did the free-list bill, the woolen bill, and the cotton-schedule bill, and should he veto this bill it will be pathetic,

yes, it will be tragic, this faith that the President exhibits in the so-called Tariff Board.

Comparison of the Dingley and Payne laws with the Underwood bill on iron and steel.

	Dingley.	Payne.	Underwood.
	Per cent.	*Per cent.*	*Per cent.*
Pig iron	27.95	16.87	8
Spiegeleisen	16.72	12.44	8
Both together	23.36	15.64	8
Wrought and scrap iron	28.94	8.72	8
Ferromanganese	12.28	6.97	15
Chrome metals	20	20.26	15
Ferrosilicon	8.17	19.59	15
Slabs, blooms, etc	15.62	23.66	10
Bar iron	14.80	10.64	10
Round iron	20.47	15.67	10
Charcoal bars	32.80	20.76	10
Beams, girders, etc	36.09	30.81	15
Boiler plate	43.11	42.99	20
Sheets	40.52	28.53	15
Sheets, cold rolled	40.67	33.36	15
Circular-saw plates	27.89	23.08	15
Anchors	38.18	27.47	15
Forgings	35	30.47	15
Antifriction balls	36.04	42.21	15 and 25
Hoop iron	30.35	25.01	15
Barrel hoops		29	15
Bands	60.32	36.27	15
Railway bars	34.73	17.40	10
Railway fishplates	35.52	21.23	10
Galvanized plates	23.48	34.37	20
Galvanized hoop	28.95	38.36	20
Layered sheets	34.33	33.70	20
Pickled sheets	37.06	24.98	20
Bands, cold rolled		35.84	20
Plates or sheets hammered	57.58	30.24	20
Tin and terne plate	53.12	43.20	20
Steel ingots	20.37	21.77	10
Other sheets and plates	22.67	20.86	10
Steel wool		40	20
Grit, shot, and sand		75.01	20
Iron and steel wire rods	20.51	14	10
Round wire	42.31	38.43	20
Iron bars, cold-rolled	44.90	35.42	20
Wire, covered	17.41	14.96	10
Wire, temepered cold	50.56	36.92	20
Wire, coated	16.84	37.92	20
Manufactures of wire	46.11	43.81	20
Telegraph wire	40	40	20
Anvils	30.33	30.88	15
Automobiles and bicycles	45	45	40
Axles	20.83	15.30	10
Tools	19.05	17.66	10
Bolts, nuts, etc	23.73	19.21	15
Card clothing	64.09	60.06	20
Cast-iron pipe	18.52	18.10	10
Cast-iron andirons, etc	15.42	10.87	10
Castings of iron		26.16	10
Castings of malleable iron	18.67	13.76	10
Cast hollow ware	35.71	20.01	10
Chain	46.93	43.85	20
Tubes	34.81	29.97	20
Furnaces	36.01	44.98	20
Penknives	79.50	76.51	35
Razors	54.54	71.34	35
Scissors	52.53	52.10	30
Sword blades	34.98	46.35	30
Table knives, etc	50.20	43.26	25
Files	67.96	68.06	25
Muskets	25	25	15
Breech-loading guns	51.01	46.53	35
Table utensils	40	40	25
Needles	34.71	41.93	25
Fishhooks	45	45	10 to 30
Engraved plates	25	20.60	15
Rivets	27.58	39.95	20
Circular saws	25	20	12
Handsaws	30	25	12
Screws	63.01	54.76	25
Umbrella ribs	50	50	30
Wheels for railways	55.85	48.80	25
Aluminum scrap	53.38	47.56	25
Antimony	11.05	22.61	10
German silver	25	25	15
Bauxite, crude	20.10	21.69	10
Bronze powder	41.36	39.95	25
Copper plates	11.28	9.68	5
Sheathing copper	14.74	10.97	5
Gold leaf	38.71	39.61	35
Silver leaf	126.83	94.50	30
Tinsel wire	12.41	10.28	10
Hooks and eyes	46.85	36.94	15
Lead-bearing ore	88.18	63.12	25
Lead sheets	58.99	46.88	25
Gas mantles	36.75	40	25
Nickel	17.20	15.41	10
Pens, metallic	49.50	49.19	25
Penholder tips	25	23.85	25
Gold pens	25	25	25
Fountain pens	30	30	25
Pins	38	35	20
Quicksilver	13.07	12.95	10
Type metal	42.90	38.40	15
New type	25	25	15
Watch movements	53.36	53.51	30
Zinc in blocks	29.15	32.44	15
Zinc in sheets	28.06	25.45	15
Bottle caps	49.70	50.24	30
Steam engines	28.95	29.96	15

Comparison of the Dingley and Payne laws with the Underwood bill on iron and steel—Continued.

	Dingley.	Payne.	Underwood.
	Per cent.	*Per cent.*	*Per cent.*
Embroidery machines	45	45	25
Nippers and pliers	58.04	59.74	30
Other machinery	45	45	25
Carriages	45	45	25
Aeroplanes	45	45	25
Jute machinery	30	30	25
All other iron	44.95	45	25
Iron ore	15.77	5.29	Free.
Hoop iron cut to lengths	36.09	15.96	Free.
Barbed wire and all other fence wire		7.77	Free.
Cut nails	17.74	17.76	Free.
Horseshoe nails	12.88	12.03	Free.
Wire nails	6.64	17.70	Free.
Spikes	16.64	25.87	Free.
Nuts and washers	21.02	4.34	Free.
Horse and mule shoes	17.91	4.72	Free.
Cut tacks and brads	14.68	14.68	Free.
Tungsten ores		10	Free.
Zinc ore		36.57	Free.
Cash registers		30	Free.
Linotype machines		30	Free.
Machine tools		30	Free.
Printing presses		30	Free.
Sewing machines		30	Free.
Typewriters		30	Free.
Tar machines			Free.

The following shows what corporations the United States Steel Corporation is composed of and has absorbed:

UNITED STATES STEEL CORPORATION.

Incorporated in New Jersey, the original certificate of incorporation having been filed on February 25, 1901, and the amended certificate April 1, 1901. The corporation acquired practically all of the issues of capital stock of the several companies, receiving in exchange for each $100 par value thereof the following amounts of preferred and common stock of the steel corporation:

Name of company and class of stock acquired.	Total stock.	Amount of United States Steel stock received in par value.	
		Preferred stock.	Common stock.
Federal Steel, preferred stock	$53,260,900	$110.00	
Federal Steel, common stock	46,484,300	4.00	$107.50
National Tube, preferred stock	40,000,000	125.00	
National Tube, common stock	40,000,000	8.80	125.00
American Steel & Wire Co., New Jersey, preferred stock	40,000,000	117.50	
American Steel & Wire Co., New Jersey, common stock	50,000,000		102.50
National Steel, preferred stock	27,000,000	125.00	
National Steel, common stock	32,000,000		125.00
American Tin Plate, preferred stock	18,325,000	125.00	
American Tin Plate, common stock	28,000,000	20.00	125.00
American Steel Hoop, preferred stock	14,000,000	100.00	
American Steel Hoop, common stock	19,000,000		100.00
American Sheet Steel, preferred stock	24,500,000	100.00	
American Sheet Steel, common stock	24,500,000		100.00
American Bridge, preferred stock	30,527,800	110.00	
American Bridge, common stock	30,527,800		105.00
Lake Superior Consolidated Iron Mines	29,425,940	135.00	135.00
Shelby Steel Tube, preferred stock	5,000,000	37.50	
Shelby Steel Tube, common stock	8,175,000		25.00
The Carnegie Co., viz:			
For $64,000,000 of stock		153.55	141.06
For $96,000,000 of stock there was issued $144,000,000 of United States Steel collateral trust bonds.			

In addition to the stocks named above the corporation acquired a one-sixth interest in the stocks of the Pittsburg Steamship Co. (operating 72 steamers and 29 barges) and the Oliver Iron Mining Co., the balance of the stock of these two companies being owned by the Carnegie Co. Also acquired $159,957,000 of the collateral trust bonds of the Carnegie Co., for which a like amount of United States Steel collateral bonds were issued.

In December, 1902, acquired the entire stock ($20,000,000) of the Union Steel Co., which company had absorbed the Sharon Steel Co. and had acquired the entire stocks of the Donora Mining Co., the Republic Coke Co., the River Coal Co., the Sharon Coke Co., the Sharon Ore Co., the Sharon Sheet Steel Co., and a controlling interest in the stocks of the Sharon Coal & Limestone Co. and the Sharon Tin Plate Co. The steel corporation guarantees the principal and interest of the Union Steel Co.'s $45,000,000 authorized issue ($35,329,000 now outstanding) of the first mortgage and collateral trust 5 per cent bonds.

The American Steel Hoop Co., the Carnegie Co., and the National Steel Co. were consolidated on April 1, 1903, under the title of the last-named company, which was subsequently changed to Carnegie Steel Co. A merger was effected on the same date of the American Coke Co., the Continental Coke Co., the H. C. Frick Coke Co., the McClure Coke Co., the Southwest Connellsville Coke Co., and the United Coal & Coke Co., the name of the consolidated company being H. C. Frick Coke Co. On December 31, 1903, the American Sheet Steel Co. purchased the property of the American Tin Plate Co.

In May, 1904, acquired the entire stock of the Clairton Steel Co., the steel corporation paying to the vendors in consideration of the

transfer $1,000,000 of the United States Steel 10-60 year 5 per cent bonds, and guaranteeing the principal and interest on $5,000,000 Clairton Steel Co. 5 per cent bonds, $2,980,000 St. Clair Furnace Co. bonds, and $2,250,000 St. Clair Steel Co. bonds. The steel corporation also assumed mortgages aggregating $1,666,715 on real estate, coal lands, and mining properties. The Clairton Steel Co. owned in addition to its own properties the entire stocks of the Champion Iron Co., the Clairton Land Co., the St. Clair Terminal Railroad Co., and 51 per cent of the stock of the St. Clair Limestone Co. In April, 1905, the Hecla Coke Co. was acquired.

On April 15, 1907, the shareholders ratified the lease on a royalty basis of the so-called Great Northern Railway ore properties, comprising the properties owned in fee by or under lease to the Great Northern Railway Co., the Northern Pacific Railway Co., and others. The lease is taken by the Great Western Mining Co., a subsidiary company of the United States Steel Corporation, and the performance of the obligations assumed by that lessee is guaranteed by the Steel Corporation. Under the lease the royalty to be paid for the ore is $1.65 per gross ton for ore containing 59 per cent of metallic iron, delivered in docks at head of Lake Superior. If ore grades higher or lower than 59 per cent in metallic iron, the royalty will be increased or decreased according to a fixed scale. The above royalty of $1.65 per ton was for ore to be shipped in 1907, the base price increasing at the rate of 3.4 cents per ton each succeeding year. The minimum to be mined and shipped was 750,000 tons in 1907, the amount increasing by 750,000 per year until it reaches 8,250,000 tons, and thereafter the annual minimum continues on that basis. The lease will continue until the ore is exhausted unless on January 1, 1915, the lease is terminated under the option reserved to the said lessee. The ore is to be mined by the lessee.

In 1908 the steel corporation purchased, through the medium of its subsidiary, the Carnegie Steel Co., the plant of the Schoen Steel Wheel Co., located at McKees Rocks, Pa. In payment the Carnegie Steel Co. guaranteed the payment of the principal and interest of the Schoen company's first mortgage 5 per cent bonds, and in addition gave a cash sum the amount of which was not made public.

During 1909 an enlargement of the present cement plant of the Universal Portland Cement Co. was authorized, increasing the capacity of output 2,000,000 barrels annually. With the completion of this extension, the annual capacity of the cement plants of the company will be 10,000,000 barrels annually of Universal Portland cement.

Acquisition of Tennessee Coal, Iron & Railroad Co. properties.—In November, 1907, the corporation acquired a controlling interest in the Tennessee Coal, Iron & Railroad Co. For terms of exchange, see Manual for 1909, page 2848.

RAILROAD PROPERTIES.

The United Steel Corporation, through its subsidiary companies, controls the following railroad companies, statements for most of which will be found in the steam railroad section of the manual:

Benwood & Wheeling Connecting Railway; Bessemer & Lake Erie Railroad; Chicago, Lake Shore & Eastern Railway; Connellsville & Monongahela Railway; Donoro Southern Railway; Duluth & Iron Range Railroad; Duluth, Missabe & Northern Railway; Elgin, Joliet & Eastern Railway; Elwood, Anderson & Lapelle Railroad; Etna & Montrose Railroad; Interstate Transfer Railway; Johnstown & Stony Creek Railway; Lake Terminal Railroad; McKeesport Connecting Railroad; Birmingham Southern Railroad; McKeesport Terminal Railroad; Meadville, Conneaut Lake & Linesville Railroad; Mercer Valley Railroad; Monongahela Southern Railroad; Mount Pleasant & Latrobe Railroad; Newberg & South Shore Railway; Northern Liberties Railway; Pencoyd & Philadelphia Railroad; Pittsburg & Ohio Valley Railway; Pittsburg, Bessemer & Lake Erie Railroad; St. Clair Terminal Railroad; Slackwater Connecting Railway; Spirit Lake Transfer Railway; Union Railroad; Waukegan & Mississippi Valley Railroad; Youghiogheny Northern Railway.

CAPITAL STOCK AND DIVIDENDS.

Authorized, $550,000,000 common and $400,000,000 7 per cent cumulative preferred; outstanding, $508,302,500 common and $360,281,100 preferred, par $100. In 1903, $150,000,000 of preferred stock was exchanged dollar for dollar for second mortgage bonds. Preferred stock also has priority as to assets. Stock transferred at 71 Broadway, New York, and 51 Newark Street, Hoboken, N. J. Registrars, New York Trust Co., New York, for preferred stock, and Guaranty Trust Co., New York, for common stock. Listed on New York Stock Exchange.

Dividends paid: On preferred, 1¾ per cent quarterly for August, 1901, to May 28, 1910, inclusive. On common, 1 per cent quarterly from September, 1901, to September, 1903, inclusive; December, 1903, one-half per cent; 1904 and 1905, none; on October 1, 1906, 1 per cent was paid, this being one-half per cent for the quarter ended March 31, and one-half per cent for the quarter ended June 20; December 31, 1906, to June 30, 1909, inclusive, 2 per cent per annum; September 30, 1909, three-fourths per cent; December 30, 1909, 1 per cent; March 30, 1910, 1 per cent regular and three-fourths per cent extra; June 29, 1910, 1¼ per cent. Payments on common, quarterly, March 30, and preferred, quarterly, February 28, at company's office.

As I have already stated, the United States Steel Corporation is the greatest industrial giant in the world, and its vast ownership of mines, railroads, steamship companies, and manufacturing corporations make it the chief beneficiary of the tariff on iron and steel products. As an evidence of the vastness of its possessions, I call attention to the following article published in the Munsey Magazine of September, 1908, the material for which was furnished by the officers of the steel corporation:

[By Frank A. Munsey, in Munsey's Magazine for June, 1908.]

THE UNITED STATES STEEL CORPORATION.

AN INVENTORY OF THE PROPERTIES OF THE UNITED STATES STEEL CORPORATION, JUST COMPLETED FOR MUNSEY'S MAGAZINE, REACHES THE AMAZING FIGURES OF $1,782,000,000—A STATEMENT SHOWING OVER THREE HUNDRED MILLIONS IN EXCESS OF THE TOTAL CAPITALIZATION OF THE STEEL CORPORATION IN STOCKS AND BONDS AT PAR VALUE—AND FIGURED AT THE PRICE AT WHICH THE SECURITIES OF THE CORPORATION ARE NOW SELLING, THIS INVENTORY SHOWS OVER SIX HUNDRED MILLIONS IN EXCESS OF THE TOTAL CAPITALIZATION.

There are to-day well-nigh 100,000 individual investors in the securities of the United States Steel Corporation, and it is safe to say that few, if any, of this great army, scattered all over the civilized world, have any well-defined notion of its properties and their vast aggregate value at the present time.

A stockholder in any concern ought to know pretty accurately about the assets of the concern—know what they consist of and what they are worth—what they are worth prospectively, strategically, and actually. I wanted this information about the steel corporation for myself. I wanted it for these hundred thousand investors, and I wanted it for Munsey's Magazine.

But there was no such information obtainable. No inventory of the kind had ever been published, and none was in existence. Even the steel corporation itself had no compilation showing present values—no tabulated and itemized record that would give me the facts for an article on the properties of the company—no record that would give the investor the facts that he ought to have at his fingers' tips before purchasing the securities of the corporation.

The American investor has been false to his own interests. He has not made a wise and comprehensive study of the properties into which he has put his money. He has not known them as he would know about his own farm. And he should know them as he would know about a piece of real estate that he owns, or small manufacturing business in which he is engaged. The quarterly, semiannual, and annual reports of a corporation are not comprehensive enough. They do not tell all that an investor should know. They are not inventories, and give no well-defined idea of the physical condition of its properties.

It has not been the policy of corporations and railroads to make public the facts and figures that purchasers of securities should have. These periodical reports of earnings and of business transacted furnish the information on which the buying and selling of securities are done, on which the price of securities is made. I repeat that this is not enough. It does not get down to the bottom of the matter. It serves for our American slap-dash, take-a-chance way of doing things, but to invest wisely in securities one must know what he is doing—must know, and not depend on the rumors of the minute, on "tips" on the market, on the advice of incompetent and characterless brokers, or on their irresponsibe representatives, talking knowingly about finance, of which they understand nothing.

The followers of such insane methods are certain to lose their money. The man who is successful in investing in securities is the type of man who is successful anywhere—the man who puts brains into his work and knows what he is doing—knows by mastering the problem from top to bottom.

Of course the steel corporation knows what properties it owns, but the facts had not been tabulated, and had not been assembled in one comprehensive record with up-to-date valuations placed on the various classifications. And values have been changing so fast in the last half-dozen years that the estimates placed on the various properties at the time the corporation was formed mean little to-day. An enormous amount of money has been put into new mills, new transportation facilities, ore lands, and into the general reconstruction and upbuilding of the concern.

What I wanted to know was how many tons of ore the corporation owns, and what it is worth a ton. I wanted to know about its coal and coke properties, its natural-gas and limestone properties, about its railroads, its ships, and its docks, about its mills, and its coke ovens. And so I scheduled an article on these lines, and we began work on it at that time. That was three or four months ago. Without realizing how big a job we had on our hands, I announced the article for the forthcoming issue of this magazine. We have had to postpone it several times, but at last we have the facts and figures, which make a showing worth waiting for.

It has been a very difficult task to cover the many classes of these immense possessions, and to get a fair estimate of their value. The work could not be hurried; hurried work of this kind would be worthless. And we should not have the article ready even now but for the courtesy and assistance of the steel corporation. Indeed, without this courtesy it would not have been possible to get the facts and figures in this compilation—to get facts and figures worth while—a compilation which shows $1,782,000,000 worth of property. The following is the inventory:

Ore and mining timber properties:		
Unmined ores located in the Lake Superior districts on the Marquette, Menominee, Gogebic, Vermillion, and Mesabi iron ranges, and in the Baraboo district, Wisconsin, in all an estimated tonnage of 1,182,815,200 tons of all grades, exclusive of the Great Northern ores, at 60 cents per ton	$709,689,120	
Mining plants, improvements, and development work at active mines, including mine and stripping equipment, tracks, etc., and cost of removing overburden from ore not yet mined, mine dwellings, etc.	23,432,886	
Timber property—803,868,000 feet of standing mining and saw-log stock, 1,461,000 cords of lagging, pulp wood, and cord wood; 191,837 acres of land—all located on above-named iron ranges	5,744,011	
		$738,866,017
Coal and coke properties:		
Unmined coking coal in the Connellsville region, Pennsylvania—60,003 acres owned (coal only, not including surface), 1,515 acres leased on royalty basis; also, 21,100 acres of surface land (of which 750 acres are river front) owned in connection with foregoing	93,656,200	
Unmined coking coal in the Pocahontas region, West Virginia—65,497 acres leased—valuation in equity above royalties	3,274,850	

Coal and coke properties—Continued.		
Unmined steam and gas coal in the Pittsburgh district in Pennsylvania, in Ohio, Indiana, and Illinois—30,252 acres owned (coal only, not including surface), 3,548 acres leased on royalty basis; also, 998 acres of surface land owned in connection with foregoing	$8,898,828	
Coking plants, comprising 20,225 ovens in the Connellsville region and 2,151 ovens in the Pocahontas region, including mine openings, shafts, slopes, tippies, power plants, mine and over tracks, and all machinery and equipment in connection with the mining and coking of coal at the above plants; also, complement of tenement houses for employees	29,875,150	
Coal-mining and shipping plants at mines in the Connellsville and Pittsburgh districts, not constructed in connection with coking plants	2,741,412	
Miscellaneous, including standard-gauge railroad equipment (6 locomotives, 700 steel cars, and 1,964 wooden cars) operated in connection with the foregoing properties: Water-pumping stations, pipe lines, and reservoirs; shops, office buildings, stores, telephone lines, live stock, etc	4,393,339	
		$142,839,779
Limestone and natural gas:		
Unquarried limestone located at various places in Pennsylvania, West Virginia, Ohio, Illinois, Wisconsin, and Michigan, at an estimated valuation of about 3 cents per ton, including quarry equipment	2,619,529	
Gas territory in Pennsylvania and West Virginia (leased), in all 208,985 acres, on which there are 576 gas wells and 5 oil wells, with about 600 miles of pipe lines, 12 pumping stations, telephone lines, field equipment, etc	10,360,940	
		12,980,469
Transportation properties:		
Standard gauge railroad lines, including the Bessemer & Lake Erie, 233 miles; Chicago, Lake Shore & Eastern, 282 miles; Duluth & Iron Range, 229 miles; Duluth, Missabe & Northern, 274 miles; Elgin, Joliet & Eastern, 230 miles; and other lines, 107 miles; in all, 1,355 miles of main lines and branch lines, with 298 miles of second tracks and 659 miles of sidings and yard tracks, but exclusive of docks and equipment	91,517,750	
Railroad equipment—692 locomotives and 37,902 cars of various classes	42,348,825	
8 forwarding ore docks on Lake Superior and 2 receiving ore docks on Lake Erie, including equipment	7,396,700	
76 ore and freight carrying steamers and 29 barges, plying on the Great Lakes, with a total carrying capacity of 635,250 tons of iron ore	21,440,700	
		162,703,975
Manufacturing properties (exclusive of Gary, Ind.):		
Furnaces, mills, and factories, numbering in all 145 separate plants, including the sites (a total area of 8,089 acres), and all equipment and appurtenances other than manufacturing supplies and product on hand		382,248,897
Gary, Ind., plant, actual expenditure to Jan. 1, 1908, for the real estate, about 9,000 acres; for construction work on the new steel plant, for development and construction work in the city of Gary, and for connecting railroad work		$24,063,388
Sundry real estate situated contiguous to manufacturing plants, and improvements thereon (principally dwellings for employees); also unimproved tracts of land owned, available for manufacturing sites and for terminal railroad and dock facilities, etc.:		
Value of real estate exclusive of improvements	$4,975,900	
Improvements thereon	1,719,073	
		6,694,973
Tennessee Coal & Iron Co., including ore, coal, manufacturing plants, and general equipments of a complete and independent steel manufacturing concern		50,000,000
Net liquid assets, Dec. 31, 1907 (includes cash, accounts, and receivables, inventories, and investments, in excess of current liabilities)		261,789,885
Total		1,782,178,383

NOTE.—The following table shows the principal items in the manufacturing plants of the various subsidiary companies:

	Number of works.	Blast furnaces.	Open-hearth furnaces.	Bessemer converters.	Rail mills.	Structural shape mills.	Bridge plants.	Nail and wire factories.	Plate mills.	Puddling furnaces.	Rod mills.	Foundries.
American Bridge Co.	20	....	11	....	....	2	20	....	....	....	....	6
American Sheet & Tin Plate Co.	36	....	12	....	....	....	....	....	....	4	....	2
American Steel & Wire Co.	28	12	17	4	....	....	....	23	3	....	17	6
Carnegie Steel Co.	24	47	86	18	4	9	2	....	9	....	....	3
Chilton Steel Co.	1	3	12	....	....	1	....	....	....	....	....	....
Illinois Steel Co.	5	21	24	6	2	2	1	....	3	....	3	2
Lorain Steel Co.	1	....	....	....	....	....	....	....	....	....	....	2
National Tube Co. (And other tube companies.)	19	12	....	7	1	....	....	....	....	96	....	7
Tennessee Coal, Iron & Railroad Co.	5	16	8	2	1	....	....	....	1	....	....	2
Union Steel Co.	2	5	24	....	....	....	....	4	1	....	4	....
Universal Portland Cement Co.	4	....	....	....	....	....	....	....	....	....	....	....
Total	145	116	194	37	8	14	23	27	17	100	24	30

The Tennessee Coal & Iron Co. is entered as a separate item in this inventory. Its ore and coal and mills and furnaces and other properties are not included in the other classifications. This company is put in at an estimated value of $50,000,000, which is somewhat more than the steel corporation paid for it, but probably a much smaller sum than it is worth to the steel corporation. Its chief value lies in its coal and ore properties. Its ore is estimated at 700,000,000 tons. It is not as high grade as the northern ores, but assuming that it is worth 15 cents per ton, it alone would amount to $105,000,000. Its coal is estimated at about a billion tons, which, at 10 cents a ton, would be $100,000,000.

From the fact that the known supply of ore in the country is limited, it may well be worth two or three times this price. There is no way of telling just what it is worth. But as a guide to the value of ores, we may take the price fixed upon for the Great Northern ores between James J. Hill and the steel corporation. The Great Northern Railroad and the Northern Pacific had vast holdings of iron ore in the Messabe Range, and after many months of negotiation the steel corporation entered into a contract a year ago to take all this ore at a certain price per ton, the price to be advanced each year over the preceding year 3.4 cents.

The first year's price, which covered the year 1907, was 85 cents a ton. This year it is 88.4 cents a ton. On this basis the price will soon be over $1 a ton, and the average cost for the entire supply will be considerably in excess of that figure.

And this ore is supposed to be of a lower grade, as a whole, than the ore owned by the United States Steel Corporation, which in this inventory has been conservatively, ultraconservatively, figured at 60 cents a ton. If the Hill ore is worth over $1 a ton, the ore of the steel corporation is worth quite as much, and even more, as it is of better grade. And these prices of this Northern Pacific ore have an important bearing on the ore properties of the Tennessee Coal & Iron Co.

I should think that Mr. Charles M. Schwab is as good an authority as there is in the world on the value of iron ore. He said to me two or three days ago that the ore holdings of the steel corporation were easily worth $1 a ton, and, in fact, might safely and conservatively be regarded as worth still more, for the reason that they can not be duplicated.

You will observe that the contract for the Great Northern ores has not been listed as an asset in this inventory. No account has been taken of it, though it is of immense value to the steel corporation. It is not only an insurance against competition, but it makes certain a longer period of easily obtained ore. One of the directors of the steel corporation, who is a very big man in the financial world, said to me yesterday that he thought this contract worth $500,000,000 to the steel corporation, and that if an offer of that kind were made for it he should vote against the sale. Whether this estimate of its value is excessive, is problematical. His judgment, however, is usually very sound.

If there are items in this inventory that have been overvalued, there are other items that have been undervalued, greatly undervalued. Our purpose has been to keep under actual values, rather than to exceed them, and in the case of the ore lands and coal lands our figures are probably very much under actual values to-day. Indeed, if a less conservative policy had been pursued in this compilation the total property of the steel corporation could easily be figured up to $2,000,000,000.

In the preparation of an article of this kind I have, as a matter of course, had to rely mainly upon others—men who possess technical knowledge—for facts, figures, and valuations. The whole thing is so enormous, so overwhelmingly enormous, that it looks like fiction, but there is no fiction in it.

The publication of this article is not for the purpose of telling what a wonderful concern the United States Steel Corporation is. It is to give the readers of Munsey's Magazine a rationally correct inventory of its properties, based on present valuations.

If other big corporations and important railroads will show us a similar courtesy, and give us a similar amount of help in working up an inventory of their properties, we shall follow this article with other articles of a like nature. Nothing can be of greater service to the investor in securities than accurate information of this kind about the great railroads and great corporations whose stocks and bonds occupy so big a place in the financial interests of America, and in fact, the financial interests of the whole world.

Assuming that this inventory of the steel corporation is reasonably accurate, it makes a wonderful showing for the company—a showing of more than $300,000,000 in assets in excess of the total capitalization of the concern in both stocks and bonds at par value. And figured at the price at which these stocks and bonds are now selling, the assets exceed the total capitalization by over $600,000,000.

Total assets of the United States Steel Corporation on Jan. 1, 1908, as per the foregoing inventory		$1,782,187,383
Outstanding securities of the corporation at the same date:		
Bonds	$602,320,511	
Preferred stock	360,281,100	
Common stock	508,302,500	
		1,470,904,111
Excess of assets		311,283,272

Not only this, but the fact has been demonstrated beyond question that the great corporation not only owns the vast amount of property, but that its control extends to every other branch of industry—banking, railroad, and innumerable other kinds of "big" business. This is demonstrated by the following table, prepared for the committee to investigate the steel corporation, and which is based upon the evidence obtained from the corporation's own books:

CONCERNS IN WHICH THE DIRECTORS OF THE UNITED STATES STEEL CORPORATION ARE OFFICERS OR DIRECTORS.

The following table shows the industrial corporations, railroads, traction, telegraph, express, and steamship companies; the banks, insurance, and trust companies of the United States of which the president and other directors of the Steel Corporation are officers or directors.

Where the entire capital stock of one company is owned by another company, but the bonds are held by the public, the bonds only are given; where both capital stock and bonds of the subsidiary company are held by a parent company, the subsidiary company is not given; where a majority or considerable proportion of the capital stock of one company is held by another company in this list, an explanation of that fact will be found in a note following the tables.

In some cases the directors of the Steel Corporation are directors of subsidiary companies and not directors of the parent corporation. Where this occurs, the capitalization and bonded indebtedness of the subsidiary only are given.

In subsequent tables, however, the capitalization and bonded indebtedness of these subsidiaries are included in the general total and not given individually.

United States Steel Corporation directors.

GEORGE F. BAKER.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Adams Express Co.	Board of managers						$12,000,000
American Telephone & Telegraph Co.	Director						344,645,400
Central R. R. of New Jersey	do						27,496,500
Chicago, Burlington & Quincy R. R. Co.	do						110,829,100
Cincinnati, Hamilton & Dayton Ry. Co.	do					$248,575	8,000,000
Colorado & Southern Ry. Co.	do					17,000,000	31,000,000
Consolidated Gas Co. of New York	do		$99,816,500	$8,802,100	$108,618,600		
Delaware, Lackawanna & Western R. R. Co.	do						30,347,720
East Jersey Water Co.	do			800,000	800,000		
Erie R. R. Co.	do					63,892,400	112,378,900
International Harvester Co.	do	$60,000,000	80,000,000		140,000,000		
Lake Erie & Western R. R. Co.	do					11,840,000	11,840,000
Lake Shore & Michigan Southern Ry. Co.	do					533,500	49,466,500
Lehigh & Wilkesbarre Coal Co.	do		8,491,150	19,687,000	28,899,500		
Lehigh Valley R. R. Co.	do					106,300	40,441,100
Michigan Central R. R. Co.	do						18,738,000
Montclair Water Co.	do	[2]	500,000	500,000	1,000,000		
New Jersey General Security Co.	do		2,000,000		2,000,000		
New York & Harlem R. R. Co.	do					1,343,950	8,656,050
New York Central & Hudson River R. R.	do						222,720,300
New York, Chicago & St. Louis R. R. Co.	do					16,000,000	14,000,000
New York Edison Co.	do			38,742,622	38,742,622		
New York Mutual Gas Light Co.	do		3,436,600		3,436,600		
New York, New Haven & Hartford R. R. Co.	do						144,017,425
New York, Susquehanna & Western R. R. Co.	do					13,000,000	13,000,000
Northern Pacific Ry. Co.	do						248,000,000
Pennsylvania Coal & Coke Co.	do	4,387,000	4,920,000	12,654,500	21,061,500		
Pere Marquette R. R. Co.	do					12,125,300	10,166,600
Pullman Co.	do		120,000,000		120,000,000		
Reading Co.	do					70,000,000	70,000,000
Rutland R. R. Co.	do					9,057,600	199,400
Spring Brook Water Co.	do		5,000,000	5,989,000	10,989,000		
United States Steel Corporation	do	360,281,100	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Adams Express Co.	Board of managers	$36,000,000	$48,000,000				
American Telephone & Telegraph Co.	Director	224,791,700	569,437,100				
Astor Trust Co.	do			$1,400,000	$747,220	$14,579,160	$16,726,380
Central R. R. of New Jersey	do	50,261,000	77,697,800				
Chase National Bank, New York	do			5,000,000	8,440,080	104,318,180	117,758,260
Chicago, Burlington & Quincy R. R. Co.	do	209,856,000	320,695,100				
Cincinnati, Hamilton & Dayton Ry. Co.	do	73,739,273	81,987,848				
Colorado & Southern Ry. Co.	do	59,594,549	107,594,549				
Continental Insurance Co.	do			2,000,000	14,246,478		16,246,478
Delaware, Lackawanna & Western R. R. Co.	do	320,000	30,667,720				
Erie R. R. Co.	do	225,997,747	402,269,047				
Farmers Loan & Trust Co.	do			1,000,000	6,033,000	116,368,590	123,401,590
First National Bank of Chicago	do			10,000,000	11,276,430	116,947,740	138,224,170
First National Bank of New York	Chairman of board			10,000,000	20,738,320	118,003,110	148,741,430
First Security Co. of New York	Director			3,500,000			3,500,000
Guaranty Trust Co. of New York	do			5,000,000	21,532,000	144,728,100	171,260,100
Industrial Trust Co., Providence, R. I.	do			3,000,000	3,691,540	42,910,210	49,601,750
Lake Erie & Western R. R. Co.	do	10,875,060	34,555,000				
Lake Shore & Michigan Southern Ry. Co.	do	159,524,190	209,524,190				
Lehigh Valley R. R. Co.	do	86,575,974	127,017,074				
Manhattan Trust Co.	do			1,000,000	2,331,350	18,841,850	22,173,200
Michigan Central R. R. Co.	do	41,870,578	60,608,578				
Mohawk & Malone Ry. Co.	do	6,400,000	6,400,000				
Mutual Life Insurance Co. of New York	Trustee			[1] 544,185,205			544,185,205
National Bank of Commerce, New York	Director			25,000,000	15,161,660	176,331,290	216,492,950
New York & Harlem R. R. Co.	do	12,000,000	22,000,000				
New York & Long Branch R. R. Co.	President	2,500,000	2,500,000				
New York & Putnam R. R. Co.	Director	5,225,000	5,225,000				
New York Central & Hudson River R. R.	do	268,592,427	491,321,727				
New York, Chicago & St. Louis R. R. Co.	do	20,081,000	59,081,000				
New York, New Haven & Hartford R. R. Co.	do	232,052,500	376,069,925				
New York, Susquehanna & Western R. R. Co.	do	12,489,000	28,489,000				
Newport Trust Co.	do			300,000	126,450	1,439,060	1,865,510
Northern Pacific Ry. Co.	do	298,566,000	546,566,000				
Pere Marquette R. R. Co.	do	64,780,867	93,072,767				

[1] Total admitted assets.

United States Steel Corporation directors—Continued.

GEORGE F. BAKER—continued.

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Reading Co	Director	$109,001,950	$249,001,950				
Rutland R. R. Co	do	10,750,000	20,007,000				
West Shore R. R	do	50,000,000	50,000,000				

EDMUND C. CONVERSE.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
American Bank Note Co	Director	$4,496,200	$4,496,194		$8,992,394		
American Can Co	do	41,233,300	41,233,300		82,466,600		
International Nickel Co	do	8,912,626	11,542,662	$8,687,836	29,143,400		
International Smelting & Refining Co	do		10,000,000		10,000,000		
Manning, Maxwell & Moore (Inc.)	do		5,000,000		5,000,000		
Mohican Oil & Gas Co	Vice president and director.		1,000,000	1,000,000	2,000,000		
National Supply Co., Toledo, Ohio	Director	2,000,000	2,000,000		4,000,000		
Sheffield Coal & Iron Co	do	750,000	2,500,000	750,000	4,000,000		
Texas & Pacific Coal Co	do		3,500,000		3,500,000		
United States Steel Corporation	do	360,281,100	508,302,500	596,351,867	1,464,935,467		
West Penn Railways	Director, chairman of board.					$2,750,000	$3,250,000

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Astor Trust Co	President and director.			$1,400,000	$747,220	$14,579,160	$16,726,380
Bankers Trust Co	do			5,000,000	12,860,900	155,000,000	172,860,900
Fidelity-Phoenix Fire Insurance Co	Director			2,500,000	3,385,745		5,885,745
Guaranty Trust Co	do			5,000,000	21,532,000	144,728,100	171,260,100
Liberty National Bank of New York	do			1,000,000	2,717,700	26,731,920	30,449,670
Union Trust Co., Pittsburgh	do			1,500,000	28,229,890	36,500,330	66,230,220
West Penn Railways	Director, chairman of board.	$5,516,000	$11,516,000				

WILLIAM E. COREY.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
United States Steel Corporation	Director	$360,281,100	$508,302,500	$596,351,867	$1,464,935,467		

HENRY C. FRICK.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Atchison, Topeka & Santa Fe Ry. Co	Director					$114,173,730	$165,518,500
Chicago & North Western Ry. Co	do					22,395,120	139,117,663
Pennsylvania R. R. Co	do						412,610,700
Reading Co	do					70,000,000	70,000,000
Union Pacific R. R. Co	do					99,544,000	216,577,700
United States Steel Corporation	do	$360,281,100	$508,302,500	$596,351,867	$1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Atchison, Topeka & Santa Fe Ry. Co	Director	$302,004,952	$581,697,182				
Chicago & North Western Ry. Co	do	206,856,000	361,740,143				
City Deposit Bank, Pittsburgh, Pa	do			$200,000	$634,300	$3,626,810	$4,461,110
Mellon National Bank, Pittsburgh, Pa	do			6,000,000	1,499,550	36,731,420	44,230,970
National Union Fire Insurance Co	do			900,000	408,102		1,308,102
Pennsylvania R. R. Co	do	293,382,799	705,979,773				
Reading Co	do	109,001,950	249,001,950				
Union Insurance Co., Pittsburgh, Pa	do			100,000	94,748		194,748
Union Pacific R. R. Co	do	195,896,650	512,045,650				
Union Trust Co., Pittsburgh, Pa	do			1,500,000	28,229,890	36,500,330	66,230,220

United States Steel Corporation directors—Continued.

ELBERT H. GARY.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Allis-Chalmers Co	Chairman of board	$16,050,000	$19,820,000	$11,148,000	$47,018,000		
American Steel Foundries Co	Director		17,184,000	6,406,300	23,590,300		
Blau Gas Co	do		5,000,000				
Chatham & Phoenix National Bank, New York	do				5,000,000		
Erie R. R. Co	do					$63,892,400	$112,378,400
Hudson & Manhattan R. R. Co	do					5,242,151	39,934,980
International Harvester Co	do	60,000,000	80,000,000		140,000,000		
Southern Railway Co	do					60,000,000	120,000,000
United States Natural Gas Co	do		2,750,000	2,298,500	5,038,500		
United States Steel Corporation	Chairman of board and director.	360,281,100	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Astor Trust Co	Director			$1,400,000	$747,220	$14,579,160	$16,726,380
Continental & Commercial National Bank of Chicago, Ill.	do			20,000,000	19,285,340	176,453,670	206,729,010
Chatham & Phoenix National Bank, New York	do			3,000,000	11,184,100	47,716,180	61,900,280
Erie R. R. Co	do	$238,297,747	$414,569,047				
Gary Wheaton Bank	President			50,000	35,940	649,710	735,650
Home Insurance Co	Director			3,000,000	12,329,613		15,329,613
Hudson & Manhattan R. R. Co	do	69,379,000	114,616,041				
Merchants' Loan & Trust Co., Chicago	do			3,000,000	6,273,210	63,142,270	72,415,480
New York Trust Co	Director and executive committee.			3,000,000	11,184,100	47,716,180	61,900,280
Southern Railway Co	Director	219,283,500	399,383,500				

CLEMENT A. GRISCOM.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
International Mercantile Marine Co	Chairman of board directors.					$51,730,971	$49,931,735
Pennsylvania Tunnel & Terminal Co	Director						25,000,000
Pennsylvania R. R. Co	do						412,610,700
United Gas Improvement Co	do		$55,502,950		$55,502,950		
United States Steel Corporation	do	$360,281,100	508,302,500	$596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
International Mercantile Marine Co	Chairman of board directors.	$71,462,000	$173,124,706				
Pennsylvania Tunnel & Terminal Co	Director	20,000	25,020,000				
Pennsylvania R. R. Co	do	293,382,799	705,979,773				
New York, Philadelphia & Norfolk R. R. Co	do	3,600,000	3,600,000				
Bank of North America, Philadelphia	do			$1,000,000	$2,674,340	$12,347,020	$16,021,360
Fourth Street National Bank, Philadelphia, Pa	do			3,000,000	6,433,970	47,216,000	56,649,970
Fidelity Trust Co	do			2,000,000	10,861,700	26,352,500	39,214,200
Commercial Trust Co., Philadelphia, Pa	do			1,000,000	2,254,590	10,335,970	13,610,560
Western Saving Fund Society, Philadelphia	do				2,674,400	27,393,920	30,068,320
Atlantic Mutual Insurance Co., New York	do			[1] 14,888,902			14,888,902

WILLIAM H. MOORE.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
American Can Co	Director	$41,233,300	$41,233,300		$82,466,600		
Chicago, Rock Island & Pacific Ry. Co	do						$74,877,200
Delaware, Lackawanna & Western R. R. Co	Board of managers						30,147,000
Keokuk & Des Moines Railway	Director					$1,524,600	2,660,400
National Biscuit Co	do	24,804,500	29,236,000		54,040,500		
Peoria & Bureau Valley Railroad	do						1,500,000
Rock Island Company						54,000,000	96,000,000
United States Steel Corporation	Director	360,281,000	508,302,500	$596,351,867	1,464,935,467		
Lehigh Valley Railroad Co	do					106,300	60,501,700
Western Union Telegraph Co	do						99,786,968

[1] Total admitted assets.

United States Steel Corporation directors—Continued.

WILLIAM H. MOORE—continued.

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Chicago, Rock Island & Pacific R. R. Co	Director	$202,351,000	$277,228,200				
Chicago, Rock Island & Pacific Ry. Co	do	211,307,000	286,284,200				
Delaware, Lackawanna & Western R. R. Co	Board of managers	320,000	30,367,000				
Fidelity-Phoenix Fire Insurance Co	Director			[1] $13,806,165			$13,806,165
First National Bank of New York	do			10,000,000	$20,738,320	$118,003,110	148,741,430
Keokuk & Des Moines Railway	do	2,750,000	6,875,000				
Peoria & Bureau Valley Railroad	do		1,500,000				
Rock Island Company			150,000,000				
Continental Fire Insurance Co	Director			2,000,000	14,246,478		16,246,478
Lehigh Valley Railroad Co	do	79,639,000	140,247,000				
Western Union Telegraph Co	do	40,572,000	140,358,968				

J. PIERPONT MORGAN.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Carthage, Watertown & Sackets Harbor R. R.	Director					$21,500	$465,000
Central New England Ry. Co	do					3,750,000	4,800,000
Cleveland, Cincinnati, Chicago & St. Louis Ry.	do					10,000,000	47,056,300
Columbus Hope & Greensburg R. R	do						250,000
Dunkirk, Allegheny Valley & Pittsburgh R. R.	do						1,300,000
Fulton Chain Ry	do						21,000
General Electric Co	do		$65,181,200	$14,962,000	$80,143,200		
Hartford & Connecticut Western R. R	do						2,967,000
Lake Erie & Western R. R	do					11,840,000	11,840,000
Mexican Telegraph Co	do						3,589,400
Michigan Central R. R. Co	do						18,738,000
New York & Harlem R. R. Co	do					1,343,950	8,656,050
Lake Shore & Michigan Southern Ry. Co	do					533,500	49,466,500
New York Central & Hudson River R. R. Co	do						222,729,300
New York, Chicago & St. Louis R. R. Co	do					16,000,000	14,000,000
New York, New Haven & Hartford R. R. Co	do						144,017,425
New York, Ontario & Western Ry. Co	do					4,000	58,113,982
Pittsburgh & Lake Erie R. R. Co	do						21,000,000
Pullman Co	do		120,000,000		120,000,000		
Raquette Lake Ry	do						250,000
Rutland R. R	do					9,057,600	199,400
Spuyten Duyvil R. R. Co	do						989,000
Geneva, Corning & Southern R. R. Co	do					5,000,000	2,325,000
United States Steel Corporation	do	$360,281,000	508,302,500	596,351,867	1,464,935,467		
Walkill Valley R. R	do						330,000
Western Union Telegraph Co	do						99,786,968
Boston & Maine R. R	do					3,149,800	28,841,690
Madison Square Garden Co	do		2,000,000	2,000,000	4,000,000		
Maine Central R. R	do						4,976,300

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Ætna Insurance Co., Hartford	Director				$5,000,000	$7,369,016	$12,369,016
Carthage & Adirondack Ry	do	$1,100,000	$1,100,000				
Carthage, Watertown & Sackets Harbor R. R.	do	300,000	786,500				
Central New England Ry. Co	do	10,664,000	19,214,000				
Cleveland, Cincinnati, Chicago & St. Louis Ry.	do	86,792,000	143,848,300				
Columbus Hope & Greensburg R. R	do		250,000				
Dunkirk, Allegheny Valley & Pittsburgh R. R.	do	2,000,000	3,300,000				
First National Bank of New York	do			$10,000,000	20,738,320	118,003,110	148,741,430
Fulton Chain Ry	do	42,000	63,000				
Hartford & Connecticut Western R. R	do	700,000	3,667,000				
Lake Erie & Western R. R	do	10,875,000	34,555,000				
Mexican Telegraph Co	do		3,589,400				
Michigan Central R. R. Co	do	41,870,578	60,608,578				
Mohawk & Malone Ry. Co	do	6,400,000	6,400,000				
New York & Harlem R. R. Co	do	12,000,000	22,000,000				
New England Navigation Co	do	24,249,000	24,249,000				
New Jersey Junction R. R. Co	do	1,700,000	1,700,000				
Newport Trust Co	do			300,000	126,450	1,439,060	1,865,510
Lake Shore & Michigan Southern Ry. Co	do	159,524,190	209,524,190				
New York & Ottawa Ry. Co	do	1,456,000	1,456,000				
New York & Putnam R. R. Co	do	5,225,000	5,225,000				
New York Central & Hudson River R. R. Co	do	268,592,427	491,321,727				
New York, Chicago & St. Louis R. R. Co	do	29,081,000	59,081,000				
New York, New Haven & Hartford R. R. Co	do	232,052,500	376,069,925				
New York, Ontario & Western Ry. Co	do	26,323,000	84,441,980				
New York, Westchester & Boston Ry. Co	do	20,000,000	20,000,000				
Pittsburgh & Lake Erie R. R. Co	do	4,000,000	25,000,000				
Raquette Lake Ry	do	250,000	500,000				
Rutland R. R	do	10,750,000	20,007,000				
St. Lawrence & Adirondack Ry. Co	do	12,000	12,000				
Spuyten Duyvil R. R. Co	do	2,500,000	3,489,000				
Geneva, Corning & Southern R. R. Co	do	4,100,000	11,425,000				
Terminal R. R. of Buffalo	do	1,000,000	1,000,000				
Walkill Valley R. R	do	580,000	910,000				
West Shore R. R	do	50,000,000	50,000,000				
Western Union Telegraph Co	do	40,572,000	140,358,968				
Boston & Maine R. R	do	42,073,000	74,064,490				
Maine Central R. R	do	18,892,192	23,868,492				

[1] Total admitted assets.

United States Steel Corporation directors—Continued.

J. PIERPONT MORGAN, JR.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
International Mercantile Marine Co	Director					$51,730,971	$49,931,735
Madison Square Garden Co	do		$2,000,000	$2,000,000	$4,000,000		
New York & Harlem R. R. Co	do					1,343,950	8,656,050
Northern Pacific Ry. Co	do						248,000,000
United States Steel Corporation	do	$360,281,000	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
International Mercantile Marine Co	Director	$71,462,000	$173,124,706				
National Bank of Commerce	do			$25,000,000	$15,161,660	$176,331,290	$216,492,950
National City Bank of New York	do			25,000,000	34,733,860	202,064,530	261,798,390
New York & Harlem R. R. Co	do	12,000,000	22,000,000				
Northern Pacific Ry. Co	do	298,566,000	546,566,000				

SAMUEL MATHER.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Cleveland Cliffs Iron Co	Director		$5,000,000		$5,000,000		
Cleveland Ry. Co	do						$15,039,500
Mesaba Steamship Co	do						940,0
Lackawanna Steamship Co	do						1,120,0
Lackawanna Steel Co	do		34,728,000	$42,345,000	77,073,000		
Ohio Iron & Steel Co	do		5,000,000		5,000,000		
Toledo Furnace Co	do		2,000,000		2,000,000		
United States Steel Corporation	do	$360,281,000	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Preferred.	Common.	Capital.	Surplus.	Deposits.	Total.
Bank of Commerce, Cleveland, Ohio	Vice president and director.			$2,000,000	$1,666,000	$14,613,000	$18,279,000
Citizens Saving & Trust Co	Director			4,000,000	2,855,930	43,903,380	50,759,310
Cleveland Ry. Co	do	$10,000,000	$25,069,500				
Cleveland Trust Co	do			2,500,000	2,643,110	26,147,290	31,290,400
Mesaba Steamship Co	do	451,000	1,391,000				
Lackawanna Steamship Co	do	680,000	1,800,000				

GARDINER M. LANE.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
American Agricultural Chemical Co	Director	$19,013,400	$16,991,300	$7,573,000	$43,577,700		
Broadway Realty Co	do		1,000,000	3,000,000	4,000,000		
Harris Bros. & Co. (Inc.), Philadelphia	do	1,500,000	1,000,000	1,300,000	3,800,000		
Interborough Rapid Transit Co	do						$35,000,000
Louisville & Nashville R. R. Co	do						60,000,000
Pennsylvania Water & Power Co	do		8,495,000	7,580,000	16,075,000		
Puget Sound Electric Ry. Co	do					$1,125,000	3,500,000
Seattle Electric Co	Trustee	5,000,000	6,427,000	14,838,000	25,265,000		
United States Steel Corporation	Director	360,281,000	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Casualty Co. of America	Director			$750,000	$250,182		$1,000,182
Interborough Rapid Transit Co	do	$35,025,000	$70,025,000				
Louisville & Nashville R. R. Co	do	127,627,500	187,627,500				
Old Colony Trust Co., Boston	do			2,500,000	10,942,860	$80,933,450	94,376,310
Puget Sound Electric Ry. Co	do	5,981,000	10,606,000				
Standard Trust Co., New York	do			1,000,000	1,408,500	22,431,890	24,840,390

United States Steel Corporation directors—Continued.

JAMES A. FARRELL.

Name of company	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
United States Steel Corporation	President and director.	$360,281,000	$508,302,500	$596,351,867	$1,464,935,467		

GEORGE W. PERKINS.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Cincinnati, Hamilton & Dayton R. R. Co.	Director					$248,575	$8,000,000
Cincinnati, New Orleans & Texas Pacific Ry.	do					2,453,400	3,000,000
Erie Railroad Co.	do					63,893,400	112,378,900
International Harvester Co.	Chairman finance committee and director.	$60,000,000	$80,000,000		$140,000,000		
International Mercantile Marine Co.	Director					51,730,971	49,931,735
Northern Pacific Railway Co.	do						248,000,000
Pere Marquette Railroad Co.	Director and chairman board.					12,125,300	16,166,600
United States Steel Corporation	Director	360,281,000	508,302,500	$596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Astor Trust Co.	Director			$1,400,000	$747,220	$14,579,160	$16,726,380
Bankers Trust Co.	do			5,000,000	12,860,900	155,000,000	172,860,900
Cincinnati, Hamilton & Dayton R. R. Co.	do	$73,739,273	$81,987,848				
Cincinnati, New Orleans & Texas Pacific Ry.	do	1,553,000	7,006,400				
Erie Railroad Co.	do	225,997,747	402,269,047				
German-American Insurance Co.	do			1,500,000	7,904,150		9,404,150
German Alliance Insurance Co.	do			400,000	790,740		1,190,740
International Mercantile Marine Co.	do	71,462,000	173,124,706				
Marquette & Bessemer Dock & Navigation Co.	do	550,000	550,000				
National City Bank of New York	do			25,000,000	34,733,860	202,064,530	261,798,390
New York Trust Co.	Trustee			3,000,000	11,184,100	47,716,180	61,900,480
Northern Pacific Railway Co.	Director	298,566,000	546,566,000				
Pere Marquette Railroad Co.	Director and chairman board.	55,672,000	83,963,900				

HENRY PHIPPS.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
United States Steel Corporation	Director	$360,281,000	$508,302,500	$596,351,867	$1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Mellon National Bank, Pittsburgh, Pa.	Director			$6,000,000	$1,499,550	$36,731,420	$44,230,970

NORMAN B. REAM.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Baltimore & Ohio R. R. Co.	Director					$50,983,954	$152,148,843
Chicago, Burlington & Quincy R. R. Co.	do						110,839,100
Cincinnati, Hamilton & Dayton Ry. Co.	do					248,575	8,000,000
Cincinnati, New Orleans & Texas Pacific Ry. Co.	do					2,453,400	3,000,000
Cumberland Corporation	do	$15,000,000	$25,000,000	$18,500,000	$58,500,000		
Erie R. R. Co.	do					63,893,400	112,378,900
International Harvester Co.	do	60,000,000	80,000,000		140,000,000		
National Biscuit Co.	do	24,804,500	29,236,000		54,040,500		
New York, Susquehanna & Western R. R. Co.	do					13,000,000	13,000,000
Pere Marquette R. R. Co.	do					12,125,300	16,166,600
Pullman Co.	do						120,000,000
Securities Co.	do		1,700,000	3,065,015	4,765,015		
United States Steel Corporation	do	360,281,000	508,302,500	596,351,867	1,464,935,467		
Seaboard Air Line Ry. Co.	do					25,000,000	37,516,000

United States Steel Corporation directors—Continued.

NORMAN B. REAM—continued.

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Baltimore & Ohio R. R. Co	Director	$321,309,136	$533,441,933				
Chicago & Erie R. R. Co	do	22,300	22,300				
Chicago, Burlington & Quincy R. R. Co	do	209,856,000	320,695,100				
Cincinnati, Hamilton & Dayton Ry. Co	do	73,739,273	81,987,848				
Cincinnati, New Orleans & Texas Pacific Ry. Co	do	1,553,000	7,006,400				
Erie R. R. Co	do	225,997,747	402,269,047				
Fidelity-Phoenix Fire Insurance Co., N. Y	do			$2,500,000	$3,385,745		$5,885,745
First National Bank of Chicago	do			10,000,000	11,276,430	$116,947,740	138,224,170
Metropolitan Trust Co. of N. Y	do			2,000,000	8,107,000	28,664,000	38,771,000
New York, Susquehanna & Western R. R. Co	do	12,489,000	38,489,000				
New York Trust Co	Trustee			3,000,000	11,184,100	47,716,180	61,900,283
Pere Marquette R. R. Co	Director	64,780,867	93,072,767				
Pullman Co	do		120,000,000				
Seaboard Air Line Ry. Co	do	128,292,000	190,808,000				

PERCIVAL ROBERTS, JR.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Pennsylvania R. R. Co	Director						$412,610,700
United States Steel Corporation	do	$360,281,000	$508,302,500	$596,351,867	$1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Philadelphia National Bank	Director			$1,500,000	$3,906,620	$52,436,240	$57,902,860
Land Title & Trust Co., Philadelphia	do			2,000,000	3,644,050	7,779,950	13,424,000
Pennsylvania R. R. Co	do	$293,382,799	$705,979,773				

CHARLES STEELE.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Adams Express Co	Director						$12,000,000
Alabama Great Southern R. R. Co	do					$3,380,350	7,839,000
Atchison, Topeka & Santa Fe Ry. Co	do					114,173,730	165,518,500
Central R. R. of New Jersey	do						27,436,000
Chicago Great Western R. R. Co	do					41,021,402	45,246,713
Chicago, Indianapolis & Louisville Ry. Co	do					5,000,000	10,500,000
Erie & Jersey R. R. Co	do						600,000
Erie R. R. Co	do					63,893,400	112,378,900
General Electric Co	do		$65,181,200	$14,962,000	$80,143,200		
International Harvester Co	do	$60,000,000	80,000,000		140,000,000		
International Mercantile Marine Co	do					51,730,971	29,931,735
Lehigh Valley R. R. Co	do					106,300	40,441,100
Mobile & Ohio R. R. Co	do						4,411,200
New Jersey & New York R. R. Co	do					787,800	1,440,800
New York, Susquehanna & Western R. R. Co	do					13,000,000	13,000,000
Northern Pacific Ry. Co	do						248,000,000
Southern Ry. Co	do					60,000,000	120,000,000
United States Steel Corporation	do	360,281,000	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Adams Express Co	Director	$36,000,000	$48,000,000				
Alabama Great Southern R. R. Co	do	5,686,600	16,896,900				
Atchison, Topeka & Santa Fe. Ry. Co	do	302,004,952	581,697,182				
Central R. R. of New Jersey	do	50,261,000	77,697,000				
Chicago & Erie R. R. Co	do	22,300	22,300				
Chicago, Great Western R. R. Co	do	19,000,000	105,268,115				
Chicago, Indianapolis & Louisville Ry. Co	do	18,212,000	33,712,000				
Erie & Jersey R. R. Co	do	3,000,000	3,600,000				
Erie R. R. Co	do	225,997,747	402,269,047				
International Mercantile Marine Co	do	71,462,000	173,124,705				
Lehigh Valley R. R. Co	do	86,575,974	127,017,074				
Mobile & Ohio R. R. Co	do	24,772,000	29,183,200				
New Jersey & New York R. R. Co	do	997,970	3,226,570				
New York, Susquehanna & Western R. R. Co	do	12,489,000	38,489,000				
Northern Pacific Ry. Co	do	298,566,000	546,566,000				
Southern Ry. Co	do	219,283,500	399,383,500				
Standard Trust Co	do			$1,000,000	$1,408,500	$22,431,890	$24,840,390

United States Steel Corporation directors—Continued.

DANIEL G. REID.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
American Can Co	Director	$41,233,300	$41,233,300		$82,466,600		
Chicago, Rock Island & Pacific R. R. Co	do						$74,877,200
Chicago, Rock Island & Pacific Ry. Co	Chairman of board of directors.						30,147,000
Keokuk & Des Moines Ry. Co	Vice president and director.					$1,104,600	2,600,400
Lehigh Valley R. R. Co	Director					106,300	40,334,800
Peoria & Bureau Valley R. R. Co	do						1,500,000
Rock Island Co	do					54,000,000	96,000,000
United States Steel Corporation	do	360,281,000	508,302,500	$596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Astor Trust Co	Director			$1,400,000	$747,220	$14,579,160	$16,726,380
Bankers Trust Co	do			5,000,000	12,860,900	155,000,000	172,860,900
Chicago, Rock Island & Pacific R. R. Co	do	$202,351,000	$277,228,200				
Chicago, Rock Island & Pacific Ry. Co	Chairman of board of directors.	320,000	30,467,000				
Continental Insurance Co	Director			2,000,000	14,246,478		16,246,478
Guaranty Trust Co., N. Y	do			5,000,000	21,532,000	144,728,100	171,260,100
Keokuk & Des Moines Ry. Co	Vice president and director.	2,750,000	6,875,000				
Lehigh Valley R. R. Co	Director	70,030,000	120,080,100				
Peoria & Bureau Valley R. R. Co	do		1,500,000				
Rock Island Co	do		150,000,000				
Second National Bank, Richmond, Ind	do			250,000	431,310	1,611,170	2,292,480
Union National Bank, Richmond, Ind	do			150,000	134,320	905,130	1,189,450
Liberty National Bank	do			1,000,000	2,331,350	18,841,850	22,173,200

HENRY WALTERS.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Atlanta & West Point R. R. Co	Director						$1,264,600
Atlantic Coast Line Co	do						17,640,000
Atlantic Coast Line R. R. Co	Chairman of board of directors.					$1,198,500	56,964,400
Belt Line Railway Co., Montgomery, Ala	Director						200,000
Charleston & Western Carolina Ry. Co	do						1,200,000
Chicago, Indianapolis & Louisville Ry. Co	do					5,000,000	10,500,000
Columbia, Newberry & Laurens R. R. Co	do						500,000
Cuba Co	do		$8,000,000	$3,425,000	$11,425,000		
Lackawanna Steel Co	do		34,728,000	42,345,000	77,073,000		
Louisville & Nashville Ry. Co	Chairman of board of directors.						60,000,000
Milledgeville Ry. Co	Director						30,000
Nashville, Chattanooga & St. Louis Ry. Co	do						10,000,000
New York Shipbuilding Co	do		5,000,000	2,300,000	7,300,000		
Northern Central R. R. Co	do						19,342,500
Northwestern R. R. of South Carolina	do						100,000
Old Dominion Steamship Co	do						1,500,000
Richmond-Washington Co	do						2,670,000
Southern Cotton Oil Co	Director		10,000,000		10,000,000		
United States Steel Corporation	do	$360,281,000	508,302,500	596,351,867	1,464,935,467		
Virginia-Carolina Chemical Co	do	18,000,000	27,984,400	11,400,000	57,384,400		
Western Railway of Alabama	do						3,000,000
Western Union Telegraph Co	do						99,785,968

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Atlanta & West Point R. R. Co	Director		$1,264,600				
Atlantic Coast Line Co	do	$8,065,000	25,705,000				
Atlantic Coast Line R. R. Co	Chairman of board of directors.	144,085,970	203,048,870				
Belt Line Railway Co., Montgomery, Ala	Director		200,000				
Charleston & Western Carolina Ry. Co	do	5,700,000	6,900,000				
Chicago, Indianapolis & Louisville Ry. Co	do	18,212,000	33,712,000				
Columbia, Newberry & Laurens R. R. Co	do	1,323,054	1,823,054				
Louisville & Nashville Ry. Co	Chairman of board of directors.	155,374,557	215,374,507				
Milledgeville Ry. Co	Director	30,600	60,000				
Nashville, Chattanooga & St. Louis Ry. Co	do	15,924,000	25,924,000				
Northern Central R. R. Co	do	7,277,266	26,619,766				
Northwestern R. R. of South Carolina	do	285,000	385,000				
Old Dominion Steamship Co	do	1,000,000	2,500,000				
Richmond-Washington Co	do	9,500,000	12,170,000				
Safe Deposit & Trust Co. of Baltimore	President and director			$600,000	$2,229,200	$11,742,820	$14,572,020
Western Railway of Alabama	Director	1,543,000	4,543,000				
Western Union Telegraph Co	do	40,572,000	140,358,968				
Wilmington Savings & Trust Co., Wilmington, N. C.	Vice president and director.			100,000	200,390	1,659,100	1,959,490

United States Steel Corporation directors—Continued.

PETER A. B. WIDENER.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Reading Co	Director					$70,000,000	$70,000,000
Lehigh Valley Railroad Co	do					106,309	40,441,100
Electric Storage Battery Co	do	$185,400	$17,814,900		$18,000,000		
Philadelphia Rapid Transit Co	do						29,974,675
Philadelphia Traction Co	do						20,000,000
International Mercantile Marine Co	do					59,730,971	49,931,735
United States Steel Corporation	do	360,281,000	508,302,500	$596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Land Title Trust Co., Philadelphia, Pa	Director			$2,000,000	$3,044,050	$7,879,950	$13,424,000
Reading Co	do	$109,001,950	$249,001,950				
Lehigh Valley Railroad Co	do	86,575,974	127,017,074				
Electric Storage Battery Co	do						
Philadelphia Rapid Transit Co	do	5,000,000	34,974,675				
Philadelphia Traction Co	do	338,000	20,338,000				
International Mercantile Marine Co	do	71,462,000	173,124,760				

JAMES H. REED.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Pittsburgh, Bessemer & Lake Erie R. R. Co	President and director.					$2,000,000	$10,000,000
Gulf Oil Corporation	Director		$11,316,000	$7,021,000	$18,337,000		
United Railways Investment Co	do		20,400,000	21,879,000	59,279,000		
Philadelphia Co	do					6,000,000	38,626,000
United States Steel Corporation	do	$360,281,000	508,302,500	596,351,867	1,464,935,467		

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Pittsburgh, Bessemer & Lake Erie R. R. Co	President and director.		$12,000,000				
Philadelphia Co	Director	$23,228,000	67,854,000				
Pittsburg Railways Co	do	5,619,000	5,619,000				
Farmers Deposit National Bank, Pittsburgh	do			$6,000,000	$2,328,930	$25,832,160	$34,161,090
Farmers Deposit Savings Bank	do			100,000	227,630	4,459,340	4,786,970
Fidelity Title & Trust Co., Pittsburgh	do			2,000,000	5,548,660	11,690,640	19,239,300
Reliance Life Insurance Co	do			[1] 2,957,677			2,957,677

ALFRED CLIFFORD.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
United States Steel Corporation	Director	$360,281,000	$508,302,500	$596,351,867	$1,464,935,467		

ROBERT WINSOR.

Name of company.	Official position.	Industrial corporations.				Railroad, telegraph, express, and steamship companies.	
		Preferred.	Common.	Funded indebtedness.	Total.	Preferred.	Common.
Boston Consolidated Gas Co	Director		$15,124,600		$15,124,600		
Boston Elevated Ry. Co	do						$19,950,000
Keystone Watch Case Co	do		6,000,000		6,000,000		
Fitchburg R. R. Co	do					$18,460,000	7,000,000
Fore River Shipbuilding Co	do	$2,400,000	2,400,000		4,800,000		
Hartford Carpet Corporation	do	2,000,000	3,000,000		5,000,000		
Massachusetts gas companies	do	25,000,000	25,000,000	$5,881,000	30,881,000		
Torrington Co	do	1,000,000	2,200,000	950,000	4,150,000		
New England Cotton Yarn Co	do	2,000,000	3,900,000	4,894,000	10,794,000		
Rockland-Rockport Lime Co	do	825,000	875,000	1,988,500	3,688,500		
United States Steel Corporation	do	360,281,000	508,302,500	596,351,867	1,464,935,467		
Washburn Wire Co	do	2,500,000	1,250,000		3,750,000		
Western Telephone & Telegraph Co	do					16,000,000	16,000,000
Western Union Telegraph Co	do						99,786,963

[1] Total admitted assets.

United States Steel Corporation directors—Continued.

ROBERT WINSOR—continued.

Name of company.	Official position.	Railroad, telegraph, express, and steamship companies.		Banks, insurance and trust companies.			
		Funded indebtedness.	Total.	Capital.	Surplus.	Deposits.	Total.
Boston Elevated Ry. Co	Director	$13,300,000	$33,250,000				
Commonwealth Trust Co	do			$1,000,000	$778,230	$13,785,290	$15,563,520
Fitchburg R. R. Co	do	23,067,000	48,527,000				
Massachusetts Bonding & Insurance Co	do			500,000	237,860		737,860
National Shawmut Bank	do			3,500,000	5,790,000	99,901,870	109,191,870
Union Trust Co., Springfield, Mass	do			500,000	334,100	6,647,500	7,481,600
Western Telephone & Telegraph Co	do	9,958,000	41,958,000				
Western Union Telegraph Co	do	40,572,000	140,358,988				
Worcester Trust Co	do			1,000,000	562,780	9,830,760	11,393,540

NOTES.

American Telephone & Telegraph Co.—This company owns a majority of the $32,000,000 outstanding capital stock of the Western Union Telegraph Co.

Atlantic Coast Line Co., The.—The Atlantic Coast Line Co. owns $50,000 of the $100,000 capital stock of the Northwestern Carolina Ry. of South Carolina. The Atlantic Coast Line R. R. Co. owns jointly with the Louisville & Nashville R. R. Co. $1,500,000 of the $3,000,000 capital stock of the Western Ry. of Alabama.

Atlantic Coast Line R. R. Co.—A majority of the $200,000 capital stock of the Belt Line Ry. of Montgomery, Ala., and of the $12,000 capital stock of the Charleston & Western Carolina R. R. Co. is owned by this company. This company owns $30,600,000 of the $60,000,000 capital stock of the Louisville & Nashville R. R. Co.

Boston Consolidated Gas Co.—The Massachusetts Gas Cos. own $15,110,600 of the $15,124,600 capital stock of this company.

Chicago, Burlington & Quincy R. R. Co.—The Northern Pacific R. R. Co. and the Great Northern R. R. Co. own jointly $107,613,500 of the $110,839,100 outstanding capital stock of this road. The Chicago, Burlington & Quincy R. R. Co. owns $26,667,500 of the common, $1,130,000 of the first preferred, and $6,078,700 of the second preferred, a total of $33,786,200 of the $48,000,000 outstanding capital stock of the Colorado & Southern R. R. Co.

Colorado & Southern R. R. Co.—The Chicago, Burlington & Quincy R. R. Co. owns $33,786,200 of the $48,000,000 outstanding capital stock of this railroad.

Consolidated Gas Co., The.—This company owns $1,886,200 of the $3,500,000 capital stock of the New York Mutual Gas Light Co.

Erie & Jersey R. R. Co.—This road is leased to the Erie Terminal R. R. Co., which company grants trackage rights to the Erie R. R. Co.

Erie R. R. Co.—This company owns the entire $100,000 capital stock of the Chicago & Erie R. R. Co.; it owns $25,594,844 of the $26,000,000 capital stock of the New York, Susquehanna & Western R. R. Co.; it owns a majority of the $2,228,600 outstanding capital stock of the New York & New Jersey R. R. Co.

Keystone Watch Case Co.—This company owns and operates the E. Howard Watch Works, of which Robert Winsor is a director.

Lake Shore & Michigan Southern R. R. Co.—This road owns $5,930,000 of the preferred, $5,940,000 of the common stock, a total of $11,870,000 capital stock of the $23,680,000 outstanding capital stock of the Lake Erie & Western R. R.; it owns $2,503,000 first preferred, $6,275,000 second preferred, and $6,240,000 common, a total of $15,018,000 of the $30,000,000 outstanding capital stock of the New York, Chicago & St. Louis R. R. Co. This road owns $7,500,150 of the $21,000,000 outstanding capital stock of the Pittsburgh & Lake Erie R. R.

Louisville & Nashville R. R. Co.—The Atlantic Coast Line R. R. Co. owns $30,600,000 of the $60,000,000 outstanding capital stock of this company. This company owns $7,177,600 of the $10,000,000 outstanding capital stock of the Nashville, Chattanooga & St. Louis Ry. Co.

Louisville & Nashville R. R. Co.—This company and the Atlantic Coast Line R. R. Co. own jointly $1,500,000 of the $3,000,000 capital stock of the Western Ry. of Alabama.

Marquette & Bessemer Dock & Navigation Co.—The $50,000 capital stock of this company is owned in equal proportions by the Bessemer & Lake Erie R. R. Co. and the Pere Marquette R. R. Co.

Pere Marquette R. R. Co.—This company owns half of the $50,000 capital stock of the Marquette & Bessemer Dock & Navigation Co.

Massachusetts Gas Cos.—The Massachusetts Gas Cos. own $15,110,600 of the $15,124,600 capital stock of the Boston Consolidated Gas Co.

Mobile & Ohio R. R. Co.—The Southern Ry. Co. owns $5,670,200 of the $6,070,600 capital stock of this company.

Nashville, Chattanooga & St. Louis Ry. Co.—The Louisville & Nashville R. R. Co., owns $7,177,600 of the $10,000,000 outstanding capital stock of this company.

New England Navigation Co., The.—All of the $53,000,000 outstanding capital stock of this company is owned by the New York, New Haven & Hartford R. R. Co.

New Jersey Junction R. R. Co.—All of the $100,000 outstanding capital stock of the New Jersey Junction Railroad Co. is owned by the New York, New Haven & Hartford R. R. Co.

New York Central & Hudson River R. R. Co.—This company owns 91¼ per cent of the $45,750,000 outstanding capital stock of the Lake Shore & Michigan Southern R. R. Co.; it owns the entire capital stock of the Carthage & Adirondack Ry. Co., the entire capital stock of the Mohawk & Malone Ry. Co., the entire capital stock of the New Jersey Junction R. R. Co., the capital stock of the New York & Putnam R. R. Co., which in turn owns the New York & Northern Ry. Co.; it owns the entire capital stock of the St. Lawrence & Adirondack Ry. Co., the entire capital stock of the West Shore R. R. Co., and the entire capital stock of the New York & Ottawa Ry. Co. The $1,000,000 capital stock of the Terminal Railroad of Buffalo is owned in equal proportions by the New York Central & Hudson River R. R. Co. and the Lake Shore & Michigan Southern R. R. Co.

New York Mutual Gas Light Co.—The Consolidated Gas Co. of New York owns $1,886,200 of the $3,500,000 capital stock of this company.

New York, New Haven & Hartford R. R. Co.—This company owns $1,640,000 of the $2,967,000 outstanding capital stock of the Hartford & Connecticut Western Railroad, which road is leased to the Central New England Company, a subsidiary of the New York, New Haven & Hartford R. R. Co. This company owns $3,212 of the $4,000 preferred and $13,105,185 of the $58,113,982 common stock of the New York, Ontario & Western Railway Co. This company controls the Millbrook Company, which in turn owns the New York, Westchester & Boston Railway Co.

New York, Ontario & Western Ry. Co.—The New York, New Haven & Hartford R. R. Co. owns $3,212 of the $4,000 preferred and $13,105,185 of the $58,113,982 common stock of this company.

New York, Philadelphia & Norfolk R. R. Co.—Practically all of the $2,500,000 capital stock of this company is owned by the Pennsylvania R. R. Co.

New York & Putnam R. R. Co.—All of the $6,500,000 capital stock of this company is owned by the New York Central & Hudson River R. R. Co. The New York & Putnam R. R. Co. also owns the New York & Northern Railway Co.

New York, Susquehanna & Western R. R. Co.—The Erie R. R. Co. owns $25,594,844 of the $26,000,000 outstanding capital stock of this road. This company owns $10,577,200 of the $19,342,500 capital stock of the Northern Central Railway Co.

New York, Westchester & Boston Ry. Co.—All of the $5,000,000 outstanding capital stock of this company is owned by the Millbrook Co., which is controlled by the New York, New Haven & Hartford R. R. Co.

Northern Pacific R. R. Co.—This company owns $53,806,750 of the $110,839,100 outstanding capital stock of the Chicago, Burlington & Quincy R. R. Co.

Northern Central Ry. Co.—The Pennsylvania R. R. Co. owns $10,577,200 of the $19,342,500 capital stock of this company.

Northwestern Ry. of South Carolina.—The Atlantic Coast Line Co. owns $50,000 of the $100,000 capital stock of this company.

Pennsylvania R. R. Co.—This company owns practically all of the $2,500,000 capital stock of the New York, Philadelphia & Norfolk R. R. Co.; it owns $15,000,000 of the $25,000,000 outstanding capital stock of the Pennsylvania Tunnel & Terminal R. R. Co.

The Reading Co. owns the entire capital stocks of the Philadelphia & Reading R. R. Co. and the Philadelphia & Reading Coal & Iron Co., and $14,504,000 of the outstanding $27,436,800 capital stock of the Central R. R. of New Jersey. It also owns the $20,000,000 purchase-money bonds of the Philadelphia & Reading R. R.

Pennsylvania Tunnel & Terminal R. R. Co.—The Pennsylvania R. R. Co. owns $15,000,000 of the $25,000,000 outstanding capital stock of this company.

Philadelphia Co., The.—The United Rys. Investment Co. owns $24,200,000 of the $38,626,000 outstanding capital stock of this company. The Philadelphia Co. owns all of the $5,000,000 outstanding capital stock of the Pittsburgh Rys. Co.

Philadelphia Rapid Transit Co.—This company leases the Union Traction Co. of Philadelphia, which in turn leases the Philadelphia Traction Co.

Pittsburgh & Lake Erie R. R. Co.—The Lake Shore & Michigan Southern R. R. Co. owns $7,500,150 of the $21,000,000 outstanding capital stock of this company.

Philadelphia Traction Co., The.—This company is leased by the Union Traction Co. of Philadelphia, which in turn is leased by the Philadelphia Rapid Transit Co.

Pittsburgh, Bessemer & Lake Erie R. R. Co.—The Carnegie Co., a subsidiary of the United States Steel Corporation, owns $5,500,000 common and $5,100,000 preferred of the $10,000,000 common and $2,000,000 preferred capital stock of this company.

Pittsburgh Rys. Co., The.—All of the $5,000,000 outstanding capital stock of this company is owned by the Philadelphia Co.

Southern Ry. Co.—This company owns $5,670,200 of the $6,070,600 capital stock of the Mobile & Ohio R. R. Co.

Terminal R. R. of Buffalo, The.—The $1,000,000 capital stock of this company is owned in equal proportions by the New York Central & Hudson River R. R. Co. and the Lake Shore & Michigan Southern R. R. Co.

Union Traction Co.—This company leases the Philadelphia Traction Co. and is leased by the Philadelphia Rapid Transit Co.

United Rys. Investment Co.—This company owns $24,200,000 of the $38,626,000 outstanding capital stock of the Philadelphia Co.

Western Ry. of Alabama.—The $3,000,000 capital stock of this company is owned jointly by the Louisville & Nashville R. R. Co. and the Atlantic Coast Line R. R. Co.

West Shore R. R. Co.—The entire $10,000,000 capital stock of this company is owned by the New York Central & Hudson River R. R. Co.

Western Union Telegraph Co.—The American Telephone & Telegraph Co. owns a majority of the $32,000,000 outstanding capital stock of this company.

With all these facts known, why should we hesitate to reduce the tariff on the articles contained in the schedule, when those who are chiefly engaged in their manufacture are not only not infant industries, but combined with one great industrial organization whose magnitude and wealth is so great that it is hardly capable of being reckoned, and which dominates not only the business of manufacturing steel, but controls so many and vast other business interests of this country.

These things which I have mentioned, and others which I could mention if I had the time, are the results of the so-called protective policy, under what I call a vicious system of taxation. The time will come, and the mutterings now indicate that it will come soon, when a tariff for protection must go, and I for one will welcome the hour and the time when, with bag and baggage, it does go. [Applause on the Democratic side.]

Three-Year Homestead.

SPEECH

OF

HON. CHARLES N. PRAY,

OF MONTANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 20, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads—

Mr. PRAY said:

Mr. CHAIRMAN: Conditions surrounding the settlement of the public-land States are constantly changing, requiring from time to time a modification of the laws and regulations relating thereto. These changes, as we all know, are due to a variety of causes—the unparalleled growth and development of the country, new inventions and discoveries, and the application of advanced ideas in mining, agriculture, and other fields of endeavor. There is no lack of industry and conscientious effort at any time on the part of Members of Congress in regard to these matters. During the present session, because of the insistent demands for relief by our western constituents, unusual interest is being manifested in an effort to ascertain the most advantageous means of disposing of the remaining public lands of the United States suitable for homestead settlement so as to insure the highest good to the greatest number of people. Questions relating to the public domain have confronted the Government from the beginning and have added greatly to the responsibilities of the Executive and Judicial Departments, as well as of the legislative branch. As this important subject has had the benefit of the wisdom and experience of some of the ablest statesmen and publicists this country has produced, I do not presume that I shall be able to contribute any new or profound thought to the sum of human knowledge already acquired. But it so happened that I was selected to represent in this distinguished body one of the great public-land States, consequently and because of that fact I have come in contact with many questions of vital interest to the people of my district and the Western States generally, and some of them, in my judgment, are exceedingly urgent and are pressing for immediate attention. I think we fully realize in passing upon a matter of legislation like the pending bill that we shall have to take into consideration conditions as they actually exist in all sections of the West and be careful to avoid being lead into the error of legislating in a general way to cover conditions peculiar to one locality only, and likewise avoid, as far as possible, the adoption of irrelevant or inappropriate amendments that may result in a wrong interpretation of the act, or else render it ambiguous and, perhaps, unworkable, and which might properly form the basis of separate and independent legislation.

I believe the chief desire of the people, West as well as East, is to bring about the most equitable distribution of these great resources among the permanent settlers and home builders of the public-land States. We want to see permanent settlers occupy the remaining public lands in this country, not in Canada, but I am afraid we shall not hasten the accomplishment of that very desirable end if we load down this homestead measure with innumerable amendments, some of which are clearly not germane to the subject matter, and which, if adopted, would greatly increase the difficulties of administration.

Through this bill we propose to liberalize the homestead laws and simplify the administration thereof, and while we are desirous of having every necessary safeguard adopted to prevent fraud and speculation, nevertheless in framing this law we must insist that the settlers upon the public domain shall be accorded the usual presumption as to honest intent. We want the law so framed that the department officials can, without complicated investigations, determine whether the settler has complied with its requirements. The tedious and expensive proceedings and the vexatious delays to which the homesteader has been subjected in some instances in the past have not increased that wholesome regard for the laws which every citizen ought to have and would have under more favorable conditions. What we propose to do at this time is to enact a safe and sane homestead law that will hasten the development of this country and retard emigation to the Dominion of Canada. I have heard gentlemen say that there is little danger of losing many citizens by removal to Canada on account of the homestead laws. To that I will reply that no later than last week I was informed that at one time recently there were standing in the railroad yards at St. Paul 93 carloads of furniture and other belongings of citizens of this country from Iowa, Illinois, Minnesota, and other States who were on their way to the Canadian northwest territories. Many of them were going there because they believed the Canadian land laws were more liberal than our own. And to some extent they are justified in so believing, although an effort has been made to show that such is not the case. I will later on again refer to this phase of the subject.

The bill as amended by the Public Lands Committee seeks to change the homestead laws so as to allow final proof and patent on three years' residence, with a leave of absence each year. It is intended to apply to pending entries. I know from personal contact with homesteaders that a leave of absence for five months in each year would be a great help to many who can not afford to remain on their claims continuously after residence has been established. The Secretary, in his report, said that he preferred to have the time limit remain at five years and allow two years in which to establish residence after entry. And in order to prevent fraud or speculation he proposed that the entryman be required to expend at least $1 per acre in improvements during the first year. In my opinion, this is wholly impracticable. It would amount to saying that a homesteader must have $160 or $320, according to the size of his entry, before he can take a homestead. No unnecessary expense should be required of him. The proposed requirement in the bill that he shall erect upon his land a habitable house and reside therein is sufficient. He may not be able to expend very much money in building a house, but the amount of money he is able to pay out in improvements should not of itself be the sole test of his bona fides during the first year of his entry. I am satisfied that a more liberal view will be entertained after the matter has been considered in connection with conditions which so frequently surround the entryman.

In his letter of the 15th of February to the chairman of the Public Lands Committee, the Secretary of the Interior takes the position that in the pending measure we have adopted only the more liberal provisions of the Canadian land laws, and he has therefore submitted the draft of a bill embodying provisions and restrictions which he thinks necessary to insure good faith on the part of the entryman. The provisions of the Canadian law referred to in the Secretary's letter are as follows:

(1) No entry for a homestead shall convey any right to any minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to, any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry.

(2) The minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof by declaration or otherwise that he is duly performing his homestead duties each year subsequent to the date of his entry.

(3) If a homestead entryman fails in any year to fulfill the requirements of the laws with respect thereto, the minister may cancel the entry, and all rights of the entryman therein shall cease and determine. Any subsequent applicant for the same land may be required to pay in cash reasonable compensation for the improvements of the person whose entry is canceled, and the minister may, in his discretion, pay to the latter the amount of such compensation in whole or in part.

(4) If the entry is obtained for lands which are ascertained to be valuable on account of merchantable timber upon it, the entry may be canceled within six months of its date.

(5) If after entry is obtained it is ascertained that the land entered, or any portion thereof, is necessary for the protection of any water supply, or for the location or construction of any works necessary to the development of any water power, or for purposes of any harbor or landing, the minister may at any time prior to the issuance of patent cancel the entry or withdraw any portion of the land entered; but where the land is required for the location or construction of works necessary to the development of any water power the withdrawal or cancellation shall extend only to such land as is necessary for that purpose.

(6) Everyone who buys, trades, or sells, or professes to buy, trade, or sell land or any interest in or control of land open to homestead entry or for which homestead entry has been made but upon which patent has not issued shall be guilty of an indictable offense.

(7) Every homestead entryman shall be required in addition to residence to have erected a habitable house on the land embraced in his entry and to have cultivated such an area of land in each year as is satisfactory to the minister.

(8) Every homestead entryman shall, prior to the issuance of patent and as a prerequisite therefor, make proof of his compliance with the law, such proof to be in the form of a sworn statement by the entryman, corroborated by the sworn statements of two disinterested parties resident in the vicinity of the lands covered by the entry.

(9) Any person who receives a consideration for abandoning a homestead or who pays a consideration for such abandonment shall forfeit the right of homestead entry.

Referring to the first paragraph, it may be said that the homestead entryman in this country must make proof of the nonmineral character of the land entered, the exception being in that class of entries perfected under the surface-title act.

And even in these cases, if the entryman contests the coal character of the land embraced in his entry, he must substantiate his claim by competent proof. My recollection is that we now have about 50,000,000 acres under coal-land withdrawals awaiting classification and appraisement. The only way that lands thus withdrawn can be acquired is under the homestead law and through limited entry under the desert-land laws, subject to the original provisions and restrictions contained in the surface-title act. We have passed a bill in the House at this session which, if it should become a law, will allow the States to make selections on these withdrawn lands for grants by the Federal Government. Isolated tracts may also be disposed of under that bill. I have a measure now pending which would do away with some of the unfair restrictions now imposed upon the settler by allowing him to perfect an entry under the homestead laws generally. It would also allow desert entries to be made as under the general law, reserving in both cases whatever coal may be found to the Government.

The balance of the first paragraph reserves to the Canadian Government exclusive rights or privileges to lakes, rivers, streams, or other bodies of water which may border on or pass through the land covered by the homestead entry. We have no need whatever of such a provision in our homestead law. It would seem that this feature requires no argument. Riparian rights, where that doctrine prevails, the laws of appropriation and the authority of the Government to withdraw power and reservoir sites, and so forth, are well known, and any amendments of this bill for such purposes are wholly unnecessary and would only encumber the law and render it more difficult of enforcement.

Paragraph 2, making it discretionary with the minister of the interior to require the entryman to make proof each year, by declaration or otherwise, showing that he is performing his homestead duties, is much like our requirement under the desert-land law. It is said that no right of private contest exists under the Canadian law; if such is the case then I presume that will account for the requirement of yearly proof. In this country the right of contest does exist, and the entryman may be put upon his defense at any time during the period of his occupancy of the land up to the issuance of patent, and even after that if fraud is discovered. It seems to me that the adoption of this provision would only add another burden and expense to the entryman, and I am therefore opposed to it. I can find no good reason for incorporating paragraph 3 in our bill. The homestead laws now authorize cancellation for failure to comply with the terms and provisions. An examination of the records at the Interior Department will disclose no lack of authority to cancel entries for noncompliance with law. The other features of this paragraph may be considered in connection with paragraph 9. It is probable that these provisions are necessary to insure reimbursement for loans made to the homesteader under the Canadian law.

If the bill before us is enacted, we will then have in the statutes all the laws necessary to cover the matters set out in paragraphs 4, 5, 6, 7, and 8. In fact, we now have such laws, with the possible exception of the requirement in paragraph 7 as to the erection of a habitable house, which is provided for in this bill.

In the case of an entry of 160 acres it is left for the Secretary to determine what amount of land shall be cultivated. Where entries are made under the enlarged homestead act or under the reclamation act the area of cultivation is definitely prescribed in the law. I have not taken the time to go into details in comparing the Canadian statutes on this subject with our own, but believe enough has been shown to convince one that we have practically all the stringent requirements in the homestead laws of our neighbors across the line and few of the liberal provisions. For instance, our Government makes no loans on homesteads; this is one of the unique features of the Canadian law.

The age qualification in Canada is 18; here it is 21. Over there an entry may be reserved for a person of 17. In Canada one is not disqualified as an entryman because he is the owner of other lands. The residence requirement in Canada is only six months in each year, and if the entryman or his family live on a farm within 9 miles of the homestead, that is considered equivalent to actual residence upon the homestead. And, furthermore, under the Canadian statute the homesteader is allowed to take an additional 160 acres by preemption or purchase, and it is said that straight sales of agricultural lands are also made. After a perusal of the homestead laws of both countries and due consideration of conditions existing on both sides of the line, I do not believe that anybody knowing the facts can justly claim that it is unwise at this time to favor more liberal homestead laws than we now have. It must be remembered that nearly all of the desirable lands, except such as may be susceptible of irrigation, have long ago passed into the hands of private owners. I think the fact has been well established that any person who takes a homestead on lands segregated and set apart for entry under the enlarged homestead act must cultivate his claim according to certain methods which have been thoroughly demonstrated or else his labor will not receive adequate reward.

Now, as to the position taken by the Secretary of the Interior, no one can take issue with him when he states that the prime object of any homestead law ought to be the making of homes. He wants to be assured of the permanent settlement and substantial development of the country by home builders, and not the easy acquisition of public lands by persons whose sole object is to use them for speculative purposes. This is surely a commendable proposition and one to which we can all heartily subscribe. But where the settler is demonstrating that he is acting in good faith and endeavoring to the best of his ability to comply with the law, the Government, through its officials and agents, ought to aid in every possible manner to lighten his burdens. Protesting final proofs and withholding patents upon insufficient evidence have been a source of expense and annoyance to homesteaders that in some instances have resulted in great financial loss.

I can remember a practice in vogue about five years ago under which the entryman was obliged to go with his witnesses to the land office in order to disprove charges brought against him by agents of the Government. In one land district I have in mind, consisting of 16,000 square miles, the entrymen were sometimes obliged to travel with their witnesses 100 and even 200 miles to face charges pending against them at the land office. As soon as I presented the protests of my constituents to the Commissioner of the General Land Office against a continuance of this practice he immediately saw the injustice to the homesteader and issued an order allowing testimony in such cases to be taken before the United States commissioner nearest the land involved in the contest. It is only fair to state in this connection that I could cite many instances that have come under my personal observation wherein the officials at the department—the Secretary, the commissioner, and others—have shown a spirit of fairness in modifying rules and regulations and in favoring new legislation in the interest of the entrymen that is entitled to go to their credit. Although much more could be said, I shall not take the time to dwell longer upon this phase of the subject.

The subcommittee, of which I was a member, having this bill in charge devoted a great deal of time to consideration of the various changes proposed in existing law and took into account conditions surrounding the homesteader in all sections of the public-land States. We also considered the objections raised to the bill as it passed the Senate and the opposition that would very likely be encountered in certain quarters when the bill should be finally reached for discussion and amendment in Committee of the Whole. We had not forgotten our experience with the enlarged-homestead and the surface-title bills.

It did not seem probable to us, in view of the past history of legislation of this kind, that we would succeed in passing this bill without considerable opposition unless we were willing to make concessions that would practically render the homestead laws, after its passage, as stringent as they were before the attempt was made to liberalize them. I think the members of the Public Lands Committee, and other gentlemen from western districts, were somewhat surprised and gratified when the announcement was made that there would be no opposition to the principles involved in this bill. But later on it must have become apparent to the friends of the measure by the number and character of the amendments proposed that while there might be no objection to the principles involved there would be opposition to the practical application of those principles as agreed upon by the committee to which the bill was referred. The proposition suggested was that after the bill had been discussed under the five-minute rule and amended that the motion should then be made to strike out all after the enacting clause and substitute in lieu thereof the bill as amended in committee and report the same favorably to the House for passage, and thereafter pass the bill and send it back to the Senate for a conference. Such a course would enable the conferees to consider the entire bill in conference. This arrangement may be all right and may work out satisfactorily, but in view of the nature of some of the changes already suggested and the source of these suggestions it does not call for any special demonstration of approval at this time. Hundreds of letters and telegrams are coming in to Members anxiously inquiring about the provi-

sions of the bill and the time when it will become a law. Many homesteaders need the relief provided in the bill as we reported it from the committee, including two or three amendments adopted during the debate, which have, in my judgment, improved the measure.

The enlarged homestead, surface title, and other public-land laws passed during the last five years have greatly aided in the settlement and development of the public-land States. They were not wholly adequate, and we knew they were not at the time they were being considered, but we believed that they were the best that could possibly be enacted under prevailing conditions. The pending bill is expected to prove a great boon to settlers upon the public domain. I sincerely hope that this expectation may be fully realized in the immediate future.

Good Roads—Prison Labor—Parcel Post.

SPEECH

OF

HON. JAMES M. COX,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department, and for other purposes.

Mr. COX of Ohio said:

Mr. SPEAKER: There is considerable satisfaction in observing that the proposition to bring about Federal participation in the good-roads movement does not have lodged against it a constitutional objection. It is significant that two lawyers as able as the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Texas [Mr. BEALL] concede to Congress the right to build and maintain post roads; but they question the propriety of such action. The authority given by the Constitution is stated in such simple terms that it is beyond dispute. If our fathers carried this provision in our charter of government, then this plan was not only in harmony with the spirit of our Government, and in accord with the relations which were to exist between the Federal unit and the States, but it is perfectly fair to assume that it was suggested by the even balanced equities of the day. We find that Congress as early as 1806 began road building. By resolution adopted in 1818, money was appropriated for this specific purpose. In the days of Calhoun, Webster, and Clay we find this mighty triumvirate agreed upon the proposition. Certainly there was no stronger advocate of the rights of the States than Calhoun, and yet, in 1817, he introduced a resolution creating a permanent fund for the purpose of building and maintaining post roads. There is no lack of authorities on this question. The wisest man of his day, Thomas Jefferson, during his eight years incumbency as President, signed many bills for the improvement of highways, and we find this quotation from one of his messages:

> The people's patriotism would certainly prefer its [the then present revenues of the Government] continuance and application to the great purposes of public education, roads, rivers, canals, and such other objects of public improvement as may be thought proper to add to the constitutional enumerations of Federal powers. By these operations new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties.

President Monroe signed the Cumberland Pike Act. In fact, one would search in vain to find any of the statesmen of our early days who opposed the building of post roads by the Federal Government. The amendment introduced by the gentleman from Illinois [Mr. MADDEN] is, I fear, merely an invidious slap at the bill. His proposition that the National Government should not only pay for the use of the country roads, but city streets and sidewalks as well, in so far as they come within the traffic of the mails, can hardly be looked upon as serious. It is true that the streets of some cities will be used by rural mail carriers in the transportation of mails, and it is further true that this bill provides that the Federal Government shall compensate the local government for the use only of country roads. The gentleman from Illinois should be reminded that in the great Middle West we pay millions of dollars as our proportion in the maintenance of the Navy, and yet we have neither coast lines nor coast cities to protect against foreign invasion. There are many States of the Union that pay their share of the rivers and harbors appropriations and yet not a dollar of it is spent within these specific States. Six hundred million dollars have been spent for this purpose. Four hundred million dollars have been expended for Federal buildings in the cities and the country districts have not profited directly by this outlay. The truth is that the great works of civilization, and particularly those that are created by the activities of Government, shed their favors and advantages more largely upon the cities than upon the rural communities. The farmer feeds and clothes the Nation, and he is entitled to consideration greater than he is now receiving.

Up to the Civil War the Federal Government was more or less active in the construction of post roads. The great development of railroads came with that period, and the activities of the Government were cast in that direction. Two hundred million acres of the public domain were given away as governmental subsidy to railroad projects and many million dollars were expended without ever being returned to the Treasury.

The public highways transport many times as many tons of products as are carried by the railroads. They are the arteries which touch the fields of supplies, and without them the whole arterial circulation of commerce would cease. Regarded as we are as a progressive people, we are far behind older countries in public-highway transportation facilities. In the United States a team in bad season can haul but 800 pounds. In France during any time of the year one good draft horse can carry 3,300 pounds 18 miles a day. The French farmer carries his products to market at a cost of 10 cents per ton. In fact, some statistics show that it is as low as 7 cents per ton. In the United States the cost to our farmers is 23 cents per ton. It costs more to haul a ton 8 miles over our country roads than to transport it by water from New York to Liverpool. France is the richest country in the world per capita, and one of the chief reasons is the prosperity of her farmers, the satisfactory state of community life in that Republic, the charm of living in the country, and the absence of the movement of humanity toward the cities. Recently the French Government placed for subscription $60,000,000 worth of bonds for road purposes. Within a few days over $400,000,000 were asked for. She has expended in her highways over 3,000,000,000 francs. We have spent $3,000,000 for roads in the Philippines and two millions for the same purpose in Porto Rico, and yet there is objection on this floor to having the Federal power stimulate this great work within the States. Too little attention has been given to our internal improvements. We spend one hundred and twenty-five millions a year on the Navy, one hundred millions on the Army, twenty-six millions on waterways, and forty-seven millions in carrying the mails on the railroads. If railroad companies are to be compensated for the carrying of mails, then why should not the Federal Government pay to the local governments which keep up the public roads something for the use of these highways in the transporting of mails?

The passage of this bill instead of discouraging good-roads movements within the States would have just the reverse effect. The Federal Government has progressed further in the ascertainment of modern methods in road building than the States. In fact, one of the great difficulties encountered by the States and counties is the lack of scientific information on the subject of drainage and construction. It is difficult to approximate the stupendous benefits which would result from a great good-roads movement. In this country the thing most lacking is the building up of a community life. In many parts of the country the attendance at schools is restricted both in numbers and regularity by the condition of the roads. The least inclement weather keeps the children from the schools, the people from the churches, and emphasizes the one baneful effect of country life in many sections—isolation. There is no question but what the cost of living will be solved in considerable degree if better transportation facilities are created in the country. The more direct communication we have between the producer and consumer the better for both. The natural instinct of our race is toward outdoor life. This tendency is one of the most hopeful signs of the day, and nothing will stimulate it half so much as the building of good roads.

Highways within the States will be put to greater use by the Government within the next few years. The parcel post will be a fixed and permanent institution of our civilization. It is progress, and can not be much longer delayed. The provision in this bill is a mere makeshift, and will satisfy no one who is seriously in favor of this great development. It is neither a parcel post nor a test of the parcel post. A parcel post is the agency in the bringing together of town and town and country neighborhood and country neighborhood in the transportation of parcels. This measure will do none of these things.

The consumers of the country are in the cities and large towns. The manufacturer of commodities consumed on the farm and the retail dealers with whom farmers and country dealers have such bitter need to be brought into contact also are located in the cities and large towns. This proposition does not contemplate any communication by parcel post between cities and large towns and the rural districts, or at least any such communication which is worth taking into consideration. Farmers, for the most part, receive their mail from the villages, but their supplies are purchased in large degree from the cities. The real parcel post is intended to place the farmer in contact with those with whom he has his business relations, and the rider in this bill does not work out that condition. The farmers are determined to have relief, and it is as useless to attempt to delay the establishment of a general parcel post as it is to try to keep back the movement of the sun. It is more than a coincidence that every other civilized power on the globe has a parcel post, and the farmer knows that a mail package can be consigned now from London to Chicago at less cost than is assessed in transporting a package of like size from New York to Chicago. Not long ago I had a letter from a farmer who recited a homely circumstance of his everyday life, and I know of nothing which so clearly indexes the necessities of a parcel post. A small part had been broken on his corn planter. The cost of the accessory was about 25 cents, and yet it cost 50 cents to get it by express from the place of manufacture to the express point most accessible to him. Then he was compelled to drive 8 or 10 miles to the express office to procure it. Agricultural activities are too important in our present scheme of civilization to carry such burdens as this. In the making up of a parcel-post bill, however, I believe that the zone system of assessment should be followed. It is neither fair nor equitable to permit a merchant in Chicago to transport a 5-pound package 300 miles for the same cost that would be assessed against a merchant in a small community who sends it only 10 miles to a farmer living on a rural route. There is obvious justice in the proposition to make the cost commensurate with the service rendered. That will amply protect the merchant in the small places. The amendment offered by the gentleman from Minnesota [Mr. ANDERSON] will have my support. The plan which has been suggested by Senator BOURNE, chairman of the Senate Committee on Post Offices and Post Roads, deserves to be adopted if the Anderson proposal should be voted down in this body.

The friends of the rider in the Post Office bill assume to believe that this will be a real test of a parcel post. Let the experiment be made on a scale which will involve all the factors of a general parcel post in the territory covered. Let us put country and city in some part of the United States in actual contact. A test of parcel post covering the State of Ohio or Indiana or Iowa would be a satisfactory one. No test made on any scale much smaller than this can be satisfactory or adequate. For myself I do not favor any kind of a test, because the day of doubt with reference to a parcel post is past. Civilization all over the world has accepted it as one of its greatest helps. Within a short time it will be in general operation all over the country. The traffic over the highways will be so heavy that the Federal Government should pay something to the local authorities, who are now compelled to keep up the roads. The subject of good roads is having a great deal of attention now in the States, and the Federal power should encourage it. In Ohio we are about to embark on the plan of putting the prisoners of our penal institutions on the highways. There is hardly a penitentiary in the country that is not a disgrace to civilization. Nine-tenths of the persons confined are in their unhappy state because of early environment. They are not inherently criminal. They drift on in their course of life and in time get into trouble. Their first contact with our institutions of government is when the law lays its hand upon the shoulder of the offender and in due process casts him into the prison cell of a penitentiary which is unfit for a dog to live in. Damp, ill ventilated, and dark, it destroys every good impulse left within the prisoner. The law presumes that incarceration will have a helpful influence. The prisoner can gain but one impression, and that is that our institutions of government show him no kindness nor consideration, no offer of cooperation nor help in any resolve he might make to reform. These prisoners in large part must return and take their places in communities, and they can not but go back more beastly and criminal than when they were received into the institution. If a merit system is created by which prisoners through good behavior can gain the privilege of working out in the fresh air and in the sunlight on the highways, they will be benefited and the good-roads movement will be stimulated.

Regulation of Injunctions.

SPEECH

OF

HON. FRANK BUCHANAN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912.

The House having under consideration the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.—

Mr. BUCHANAN said:

Mr. SPEAKER: This rule that is being considered at this time would not be necessary if the Members of this House were really representatives of the great masses of the people. Questions of this kind could then be taken up by unanimous consent.

In bringing in this rule it is the purpose to get before the House for consideration a bill which, in effect, gives to the people of this country the right of trial by jury. It has been said here by some of those who are not merely opposing the rule, but who are opposed to the bill that is to be considered after the rule is adopted, that this measure is desired by the laboring people of the country so that they may violate the law; but the contrary is true in regard to this question. The law-abiding trades-union people of this country desire to be protected in their legal and constitutional rights, and they desire a measure passed which ought never to have been necessary; because if the judges of this country had not usurped power and issued injunctions that take away from the working people of this country their constitutional and fundamental rights, this law never would have been required, and the people of this country never would have desired it. The fact is that the judges, by usurping power, by issuing injunctions in conflict with the constitutional and fundamental rights of the working people of this country, have created a class feeling. They have been used by the big business interests of the country for the purpose of denying the rights of the organized workers of the country to exercise their influence to protect their interests.

The Democratic platform of 1908, regarding the issuance of injunctions, reads as follows:

> It is the function of the courts to interpret the laws which the people create, and if the laws appear to work economic, social, or political injustice, it is our duty to change them. The only basis upon which the integrity of our courts can stand is that of unswerving justice and protection of life, personal liberty, and property. If judicial processes may be abused, we should guard them against abuse.
>
> Experience has proven the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platform of 1896 and 1904 in favor of the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.
>
> Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceeding shall be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.
>
> The expanding organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions and their members should not be regarded as illegal combinations in restraint of trade.

When trade-unions are endeavoring to better their conditions, oftentimes, when their employers refuse to meet them in conference, it becomes necessary to strike. The employer finds it convenient to have some judge issue an injunction against committing violence, which is not necessary, because committing violence is in violation of the law, and there is usually a well-equipped police force, which is willing and able to punish the violators of the law; but, when an injunction is issued, instead of securing warrants and arresting those who are charged with committing violence and giving them an opportunity to defend themselves before a judge and a jury, they are charged with contempt of the court and railroaded to jail by a judge, who claims his dignity has been offended, and who is prejudiced against the workingmen so charged, therefore denying them their legal and constitutional right of a trial by jury.

The judge in such cases is the legislator, the administrator, and the judge of the law and fact, and often the decisions rendered are in conflict with the law and Constitution of our country, which is an attempt to go back to personal government, to government by discretion, to government of the conscience of the king administered through his chancellor, to a government by whim, government by fancy, government by favoritism. This Republic, the Government of the United States, was intended by our forefathers to be a government of law and by law, operated in harmony with the Declaration of Independence and the Constitution of the United States.

Now the men and women who toil are the victims; to-morrow it may be others. One of the greatest causes of discontent in our country among the masses of our people is that there is an assumption of power and jurisdiction by the judiciary, to a very large extent unwarranted by law and without constitutional authority therefor, an invasion of the legislative and executive branches of our Government; an invasion of power which is particularly applied to the working people to obstruct their efforts to better their conditions by unity of action through organized labor. I want to call attention to the dissenting opinion of the late Associate Justice Harlan, of the Supreme Court of the United States—his dissenting opinion in the tobacco and oil cases. Speaking of the court's decision and its opinion, Justice Harlan says:

> It has usurped the constitutional functions of the legislative branch of the Government.

Further on he says:

> It remains to me to refer more fully than I have heretofore done to another, and in my judgment, if we look to the future, the most important aspect of this case. That aspect concerns the usurpation by the judicial branch of the Government of the functions of the legislative department.
>
> The illustrious men who laid the foundations of our institutions deemed no part of the National Constitution of more consequence or more essential to the permanency of our form of government than the provision under which were distributed the powers of government, three separate, equal, and coordinate departments—the legislative, executive, and judicial. This was at that time a new feature of governmental regulation among the nations of the earth, and it seemed by the people of every section of our country as ordained and established, in order to accomplish the objects stated in its preamble by the means, but not only by the means provided either expressly or by necessary implication, but by the instrument itself. No department of the Government can constitutionally exercise the powers committed strictly to another and separate department.

I quote this for the reason that it rings true to fundamental principles.

The officers of the American Federation of Labor have been charged with wantonly attacking the judges in their criticism, which charge I deny, and here desire to quote the president of the American Federation of Labor, as said through the columns of the American Federationist:

> We are proud of the institutions of our country, and try to uphold them with all our power, but we do protest against the assumption of lawmaking power by the courts. In assuming such functions they invade the sphere of the legislative and executive branches of our Government, which must necessarily result injuriously to the very fabric of our Republic. Such action by the courts not being contemplated by the Constitution, there are no safeguards, no checks, as to what may be attempted.

What the officers and members of the labor unions want is to be protected in their rights under the law and Constitution. Some seem to be under the impression that a boycott is something illegal, some act in violation of the laws. What are boycotts? We hear the term used in some form or other by those hostile to labor and by others who seem to give it a different meaning from what the working people understand it to be. By labor's opponents it is used as a bugaboo with which to frighten some one. By men of labor it is applied to the natural exercise of normal activities, not the right to injure, but the right to do nothing if they choose. Boycott? There is no man, woman, or child who does not in one form or another boycott. There is not an association of whatever character, there is no group of individuals associated together for any purpose in all our country which does not boycott, either singly or collectively. The church, the political organizations, the professions, all and each of them boycott and agree to boycott. It is a constitutional and fundamental right that a citizen has, to buy or not to buy, or to ask his associates to buy or not to buy, and if it is necessary to have laws to take that right away from the people of the United States, why does not some gentleman introduce a bill to limit the right to boycott? Why leave it to a judge to make and execute such laws, in conflict with the Declaration of Independence and the Constitution of the United States?

This usurpation of power by the judges has been exercised for the purpose of obstructing the great organized labor movement in this country, with varied success. There may be constant aggression against the working people of the United States, attempts have been made by one court and another to interpret statutes against the interest of the working people, and it is high time that they should have redress from such abuses.

Courts have decided that when men and women work with machinery unprotected by such ordinary safeguards as would make life and limb reasonably safe that the acceptance of such employment establishes an assumption of risk for which the employer is in nowise responsible.

As an example, a young woman named Sarah Knisley once sued a manufacturer named Pascal P. Pratt, in the State of New York. Mr. Pratt was operating a hardware factory. Sarah Knisley was operating a punching machine in Mr. Pratt's factory.

There was a law in the State of New York requiring Mr. Pratt, as a manufacturer, to safeguard all cogwheels in his factory. He had not safeguarded them. He was guilty of constant, daily violation of the law. Sarah Knisley got her hand caught in a set of unguarded cogwheels connecting two shafts, and her whole left arm had to be amputated. She sued Mr. Pratt for damages.

When the case reached the highest court of the State of New York the judges admitted that Miss Knisley's accident was due to Mr. Pratt's violation of the law, but they pointed out to Miss Knisley that when she entered Mr. Pratt's employ she thereby assumed all the consequences of this violation. Miss Knisley did not know this at the time, but the court explained it to her. Listen to the court:

> In order to give judgment in favor of the plaintiff (Miss Knisley) it would be necessary to hold that where the statutes impose a duty on the employer it is not possible for the employee to waive the protection of the statutes under the common-law doctrine of obvious risks. * * * There is no rule of public policy which prevents an employee from deciding, in view of the difficulties of securing other employment, that it may not be wise to accept employment subject to the rule of obvious risks.

Therefore, Miss Knisley, a poor, powerless young working woman, unable to get another job, and unwilling to starve, decided to work in danger rather than starve in safety. And, with that end in view, she absolved Mr. Pratt from his obligation to obey the laws of New York, so far as any consequences to herself were concerned.

> The statute does indeed protect a certain class of employees, but it does not deprive them of their right to manage their own affairs.

In other words, Miss Knisley, driven, as the court intimates, by lack of other employment into Mr. Pratt's factory, and there obliged, by fear of discharge, to operate cogwheels unlawfully left unguarded, was exercising her inalienable right to manage her own affairs and was still a free woman and a mangled cripple in spite of the statutes.

It is surprising how little gratitude people like Miss Knisley show toward the courts for such splendid vindications of their personal liberty. Miss Knisley wanted the right to work in safety. The courts gave her the right to work in danger. She wanted an oasis of practical security. The courts gave her a mirage of theoretical liberty. She was not grateful for the exchange.

Workers may work in insanitary surroundings, unsafe mines and mills, with unguarded machinery, and when they so toil they do so at their own risk; they have the right not to accept such employment. But who among humane, broad-minded men accepts that doctrine now? We are endeavoring to get away from it, both by organized workmen with their employers and by legislation. Is there anyone who will claim that the right of workingmen to toil under such risky conditions of work is a right? Courts may assert those rights, but these are academic rights, which the workers do not want and from which they hope to be relieved.

The right of association, the right to exercise their normal activities, the right to demand a normal workday, the right to demand sanitary surroundings, the safeguarding of machinery, and an equitable wage in accordance with the American standard of living, and the associated effort to accomplish these things may be denied by the interpretation of laws and by injunctions and by threats of contempt proceedings. And what then? Do you think that the organizations of the working people of America, which have done so much to bring light and hope into the lives of our working people, are going to be crushed? Do you think that the organizations of labor, that have taken the children out of the factories and workshops and the mills and the mines and given them the opportunity of going to school, to be in the homes and in the playgrounds, that they may enjoy the

sunshine and grow into manhood and womanhood of the future—do you think that these organizations are going out of existence? Those who are making an effort to crush them out had better reckon well what the result will be if they succeed.

The underlying methods of the organized labor movement are American—the Anglo-Saxon method of reaching the conscience and the interest and the humanity and the sense of fair dealing among men. Outlaw the organized labor movement, send their officers and active members to prison for exercising their constitutional and legal rights, then you will have made their organization impossible; and after the disbandment of organized labor, what then? Is it conceivable what the conditions of the American working people would be if they attempted to deal individually with their employers—the great concentration of industry and wealth?

Can anyone imagine what the conditions of the American working people would be to-day, face to face with the great corporations and trusts and combinations, with their wonderful plants, their tremendous machinery, with the development of industry, with the tools of labor alienated from the worker, where the work is divided and subdivided and specialized. What chances for a redress of a grievance or the retainment of their rights would the workers have acting in their individual capacity? It is not organized labor which takes away from the labor people their individual rights and sovereignty. It is modern industry, modern capitalism, modern corporations and trusts. The workingmen in modern industry lose their individuality as soon as they start to work in a modern industrial plant, and that individuality can only be regained by organization. They gain in social and industrial importance by their association with other fellow workers.

I do not deny that sometimes there are unwise and dishonest men in a representative capacity in the trade-union movement, but that is true in all organizations. Fraternal organizations sometimes develop unscrupulous and dishonest officers, commercial organizations are not free from it; and even the churches are not free from it. I maintain, however, and I believe that facts will bear me out, that there is a smaller percentage of dishonest and unscrupulous men in the labor associations than in the commercial and other associations. Many of the leaders of the trade-union movement have lived a life of sacrifice that they might exercise their influence for the uplift and betterment of the workers of the country. It is too much to expect that organized labor will not make mistakes and sometimes select unscrupulous men to represent them, and it is too much to expect that they will not make other mistakes in the future as they have in the past. No one claims that the upward struggle to give workingmen greater freedom and independence has not gone forward with the bitterness and hatred of war. Trade-unionism is not an ideal institution, but it has been a potent factor in the upward march of the human race. So let us do our duty as representatives of the great masses of the people and pass measures that will protect the working people in their fundamental and constitutional rights.

It was not long ago that the workingmen's little children were penned in the constant whirr and din of the spinning wheels of England for 10, 12, and even 14 hours a day; and it is due to the trade unionists of England that these inhuman conditions are gone forever. Every step of advancement of organized labor has been stubbornly fought by employers, who contended that not only their fortunes but the prosperity and greatness of the country rested upon the unpaid labor of these weary and helpless slaves. If we were to permit the labor organizations of to-day to be destroyed, and if the trade-unionists should falter and grow faint-hearted and should give up their demand for recognition, if the field should be abandoned to the working out of cruel industrial laws, to the employers or their agents, then the great sea of weak and helpless men, women, and children would sweep away the industrial bulwarks that organized labor has thrown up against utter poverty and misery. Then America would live over again the dark industrial history that England has passed through.

To prevent trade-unionism from being conquered, to maintain the best condition in shop, mine, mill, and factory, and strive for better still, to save the workman from long hours of toil and provide a shorter day, it is necessary to pass laws that will prevent the usurpation of power by the judges, which has been so effectively used in industrial disputes to assist the unfair employer in impairing the usefulness of the trade-unions and destroying the constitutional and legal rights of its officers and members.

The late John P. Altgeld, ex-governor of the State of Illinois, that faithful servant of the people who gave his life in the battle of the people against greed and avarice, in a speech in Philadelphia, Pa., September 5, 1897, said:

The corporations discovered years ago that to control the construction of the law was even more important than to control the making of it, as the Federal judges hold office for life, are independent of the people, and surrounded by moneyed influence. The corporations have constantly labored to secure the appointment to the Federal bench of men whom they believed would be their friends—that is, men who by nature, education, and environment would be in sympathy with them, and they now fly to these courts like the ancient murderers fled to cities of refuge. They do not buy these courts because it is not necessary.

Some years ago Congress passed the interstate-commerce law for the purpose of protecting the public against overcharge and unjust discriminations. The corporations opposed this law, and have succeeded in getting the Federal courts to destroy it by construction.

Again, Congress passed an income-tax law to compel the concentrated wealth of the land to bear its share of the burdens of government. For a hundred years such laws had been held to be constitutional by the Supreme Court, but this time the great corporations objected, and the Supreme Court at once came to their rescue and held the law to be unconstitutional. The favor or the opposition of the corporations has come to be almost the sole test of the constitutionality of law.

Congress has passed some antitrust laws for the protection of the public, but they are simply sneered at by the Federal courts, and to-day the formation of trusts is almost the only industry that prospers in this country.

Nearly all efforts to curb corporations or to bring great offenders to justice have been failures. In many cases the law and the courts seem to assume an apologetic attitude when facing men whose forms have been made rotund by ill-gotten millions, while in many other cases both the law and the courts become terrible in their majesty when dealing with men whose forms are bent, whose clothes are poor, and whose stomachs are empty. The fact that the bony and industrious hands of these men helped to create the capital that is now setting its heel on their necks and crushing their families does not help them.

Not content with the law as they found it, the Federal courts, in their eagerness to serve the corporations, have usurped the functions belonging to the legislative and executive branches of the Government and have invented a new form of tyranny called "Government by injunction."

During the entire century in which this continent was developed, when our railroads, our factories, and our cities were built, no government by injunction was heard of, nor is it heard of in any other country to-day. The law of the land was ample for all purposes. Life and property were protected, order was maintained, law was enforced, and our Nation became the wonder of the earth. And the law of the land, as it existed for over a century, is ample for every purpose to-day.

But when the great leaders of industry began to pass away then there came to the front a class of manipulators who knew nothing about the art of building, but who had learned the art of legalized robbery, and these manipulators and plunderers demand a new form of government. The former leaders allowed the laborer a little of the bread he toiled for, but the new manipulator wanted it all. The laborers were entirely at the mercy of these men. They first got hungry and then restive, a whip was needed to restore contentment, and the Federal courts promptly furnished it.

Government by injunction operates this way: When a judge wants to do something not authorized by law, he simply makes a law to suit himself. That is, he sits down in his chamber and issues a kind of ukase which he calls an injunction against the people of an entire community, or of a whole State, forbidding whatever he sees fit to forbid, and which the law does not forbid, and commanding whatever he sees fit to command, and which the law does not command, for when the law forbids or commands a thing no injunction is necessary. Having thus issued his ukase the same judge has men arrested and sometimes dragged 50 or a hundred miles away from their homes to his court on a charge of violating the injunction—that is, contempt of the court. And the men after lying in prisons a while are tried—not by a jury, as is required by the Constitution, when a man is charged with a crime—but they are tried by the same judge whose dignity they are charged with having offended, and they are then sentenced to prison at the mere pleasure of this judge, who is at once legislator, judge, and executioner.

When the Czar of Russia issues a ukase, he leaves it to other men to enforce, but not so with these judges. Let us cite just a few examples out of a number.

Several years ago it was charged that the Northern Pacific Railroad had been robbed by the men who controlled it of over $60,000,000. These same men went before Judge Jenkins, of Milwaukee, and got him to appoint three of their friends receivers of the road, and these receivers, instead of collecting the money alleged to have been wrongfully abstracted, proceeded to cut down the wages of the operatives without any notice to them, and for fear these operatives might get restless these receivers went before this same Judge Jenkins and got him to issue an injunction forbidding the operatives from leaving the employment of the railroad. About the same time a large number of employees on a California railroad refused to go to work because they were not paid, and a Judge Ross, who was operating the road through his court, issued an order commanding them to go to work and threatened to send them to jail if they refused. Since that almost everything that a corporation lawyer could think of has been covered by injunctions.

Recently a judge in West Virginia issued an injunction forbidding the exercise of free speech and actually forbidding men from marching on the highway, no matter how peaceable they might be. There are a few noble men on the Federal bench who have refused to prostitute their courts at the bidding of corrupt greed, but they will in time have to follow the precedents set by others.

It will be noticed that these injunctions are simply a whip with which to lash the back of labor. It is also apparent that if they succeed, they must ultimately destroy the interests in whose behalf they are now issued and that they are, therefore, shortsighted; for if the laborers of this country are ever reduced to the helpless condition of the laboring classes in some European countries—a condition in which they will have no purchasing power—the great American market must disappear and our great railroads and industrial properties will not be worth 50 cents on the dollar.

Glancing at this proceeding, we find that it entirely supersedes government by law and according to the forms of law as guaranteed by the Constitution, and it substitutes government according to the whims,

caprice, or prejudice of an individual, and is, therefore, a clear usurpation of power and crime.

Second. When the law forbids or commands something no injunction is necessary. When, therefore, an injunction forbids or commands something that is not forbidden or commanded by law it is legislation pure and simple and therefore a usurpation of power and a violation of the Constitution and is high crime within the meaning of that instrument.

Third. It is the function of the legislature to define crime and to declare what acts shall be punishable, and also to fix the punishment; and when, therefore, a judge undertakes to do these things he usurps the functions of the legislature.

Fourth. The law has created special tribunals and special machinery to enforce the criminal law, and courts of chancery have no power to arrogate this to themselves and substitute contempt proceedings for the forms prescribed by law. In those cases in which an injunction is made to cover what is already forbidden by law it is simply a device to rob a man of a trial by jury, for when he is charged with violating the law he must be tried by a jury according to the forms of law; but when charged with violating an injunction he can be railroaded to prison without any ceremony.

Fifth. All of these proceedings in the Federal courts are an attempt to do things that belong exclusively to the police powers of each locality, in the administration of which these courts can not interfere without being guilty of usurpation.

Sixth. But depriving men of a trial by jury and robbing them of their liberty and imprisoning them without a trial, according to the forms prescribed by law, is a violation of the Constitution and a high crime.

It is not necessary for me to say to you that republican institutions and government by injunction can not both exist in the same country. They are exactly opposite in character, and one or the other must die.

If a hostile army should burn half our cities, or if a pestilence should carry off half our people, we would soon rally, and under free institutions our Nation would be happy again. But by brushing away the very foundations of liberty these courts are committing a crime which, if unchecked, will cast a gloom over many generations and increase the sorrows of unnumbered millions of the human race, because it tends to wipe republican government from the earth.

Even in conservative England they recognize the rights of the laborer. They recognize the fact there that the days when competition regulated wages are past.

By reason of the great concentration of capital there are comparatively few employers and these arbitrarily fix wages, because the men are at their mercy, and it is mockery to tell the men to look for other jobs if they are dissatisfied. They also recognize the fact over there that corporations have no conscience, and that if the laborer is left to their mercy his status as a man and a citizen must get lower and lower, and that the only way in which he can prevent himself and his children from being ground into atoms is to combine with his fellow laborers so as to meet combination with combination, and only by concert of action in refusing to work—that is, by a strike—can he secure anything like fair treatment.

They also see that when organized laborers strike for the purpose of securing a raise in wages or improving their condition all laborers, whether organized or not, will derive a benefit from it, if successful, and that, consequently, when some men in the midst of a strike are induced to go to work so as to defeat the purpose of the strike such men not only harm all their fellows, but also the condition of themselves and their children, although they may get temporary bread by doing so.

Recognizing all these things the governing forces of England permit the laborer to use all peaceable means to induce other laborers to join in the strike. He is simply forbidden the use of violence or to break the peace.

The practice of "picketing," that is, of sending men to induce other laborers to quit work through persuasion or any other peaceable means, is recognized as perfectly lawful.

Courts there disdain to use their machinery as a mere convenience for corporate greed.

The Government of England is monarchical. Here we boast of republican government and free institutions. Shall we allow the individual in this country to be robbed of even such rights and protection as a monarchy would give him? Shall the corporations of this land be permitted not only to devour our substance, but also to destroy our liberties? My friends, let us save our institutions; government by injunction must be crushed out.

If the Government takes some of the great corporations, then there will not be so many corporation men appointed to the bench. But the Constitution has pointed out a way to end these usurpations without having the Government taking the corporations, and that way is by impeachment. Every one of these judges, whether of high or low degree, who has been trampling on the Constitution and usurping power not given him, is subject to impeachment.

The American people can remove every one of them and consign them to that infamy which is now embalming the memory of Jeffreys.

But this can not be done so long as Congress is made up largely of men who are mere corporation conveniences. It will be necessary to send men to Congress who will be true to the people. This may not happen the next election, nor yet the next, but it must come and must come soon.

Providence has ordained that nothing shall go on forever. Our fathers said that every lane had a turn. We have been traveling in a lane that has run in the same direction for 30 years, and we are approaching a turn. Yea, my friends, do not despair. A turn in the road is already in sight, and if the American people are but true to their nobler instincts they will soon be restored to their inheritance, while justice and liberty, equal rights and equal privileges will cover our land with a halo of glory and give our people a new century of prosperity and happiness.

But if they do not rise in their manhood and stand for the principles of eternal justice, then all is lost.

This is Labor Day throughout the United States, and many beautiful things will be said about the dignity of labor, but I want to say to you that if our Government is not rescued from corporations, and if the snaky form of government by injunction is not crushed, then it would have been better for your children if they had never been born.

This speech was delivered about 17 years ago, and since that time judges have usurped power to an extent unheard of then. The Sherman antitrust law was passed, and, according to a statement of the author, never was intended to be applied to labor unions, but for the purpose of stopping corporations combining and monopolizing the products necessary to human life. That law never has been applied effectively to the criminal trusts and corporations, but has been applied to the labor unions, for which it never was intended, as in the Hatters' case, an organization of workingmen, of human beings, where suit was brought and the organization was fined $222,000 and the members' property attached for the purpose of discouraging them in their efforts to protect their interests. Compare this with the application of the same law in the case of a watered stock organization, as in the Standard Oil and Tobacco Co. cases, where the decision of the court was in effect, as said to the Standard Oil Co: "You have been violating the Sherman antitrust law for all these years; you are violating it now; and you can continue to violate it for six months, and then you must find a new way to do the same thing in accordance with the law"; and that has occurred, and some of our district judges assisted in planning a way for them to continue in their plunder of the people without getting into the coils of the law.

In his address to Congress in 1861, Abraham Lincoln, that champion of the people, said that he feared in the construction of government capital would be considered equal to, if not above, labor. He maintained that since labor created capital, labor was superior to capital, and therefore deserves much the highest consideration. He warned the working people not to lose the political power they then had, which, if surrendered, would surely be used to close the door of advancement against them and to fix new disabilities and burdens upon them until all liberty should be lost.

In reply to a committee of the Workingmen's Association, in New York, March 21, 1864, Lincoln said:

> The strongest bond of human sympathy outside of the family relation should be one uniting all working people of all nations, tongues, and kindreds.

If he were living to-day, he would exercise his great influence and power to strike the shackles of industrial slavery from the workers of to-day as he did to free the black man in his time.

During the last 30 years there have been great fortunes made in this country, generally at the expense of the public and often by methods that were criminal. It is a peculiarity of men who make fortunes in this way to clamor for a strong government. Being in possession of great power, they have been able to make an impression on the country, especially through those agencies which influence public opinion, and they have been able to, in a great degree, control the appointment of Federal judges, and have thus succeeded in getting many of their exponents and friends on the Federal bench until they have the country almost within their grasp. A century ago Thomas Jefferson, that far-seeing statesman who believed the people were capable of self-government, said that the Federal judiciary of this country were the sappers and the miners that would steadily and stealthily undermine the foundations of the Constitution; would gradually extend their own jurisdiction and absorb to themselves functions of government that did not belong to them. This has been steadily going on until we recently woke up and found that instead of having three departments of government—the executive, the legislative, and the judicial—and those of the people's own choosing, there was all at once in full operation entirely new machinery, an entirely new form of government never before witnessed anywhere else upon the earth, and that is government by injunctions and judge-made laws, whereby a judge, not content with deciding disputes that are brought before him, not content with simply rendering decisions upon questions in litigation between man and man and coming within the jurisdiction of the Federal courts, at once converts himself into an administrator and undertakes to administer the affairs of the country, and not content with the law as he finds it, as the legislative branch of the Government has given it to him, he proceeds to legislate himself: He issues an injunction against an entire community without notice, practically prohibiting the doing of anything that he sees fit to prohibit, and in case of disregard in this injunction he takes it upon himself to send men to prison, although they may have violated no statute or transgressed no law. Where the law forbids a thing no injunction is necessary; the criminal court is the right tribunal to punish violation. Ah, is it not time that those who pretend to be representatives of the people in our great national legislative body should throw their influence in the balance to secure laws that will protect the rights and interests of the great working masses of our country? [Applause.]

The Excise Tax Bill.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 19, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships—

Mr. BARTLETT said:

Mr. CHAIRMAN: I agree that this amendment should be adopted. I think it is wise to limit the tax on the net income of the person who is to be taxed. I desire to say, Mr. Chairman, that I concur in the opinion that this bill is a just and proper measure; but I would much prefer that the House was in condition to vote for a straight income-tax law which would reach the incomes of the country and did not have to propose what is admittedly a scheme devised to meet an erroneous decision of the Supreme Court by using the words "excise tax" and levying the tax upon those who do the business of the country rather than declaring that every man should pay to the Government a tax upon the net income that he earns over and above the amount limited by this bill. For beginning with the decision in the case of Hylton, Third Dallas, to the case of Pollock, in the One hundred and fifty-seventh United States Reports, the Supreme Court had decided in a number of cases that the fathers of this Republic and the framers of the Constitution intended that the great taxing power of this country extended to all subjects to raise the necessary revenue of the country, and that only taxes to be apportioned were taxes upon land and taxes upon the head. We know how that provision came to be incorporated in the Constitution. We know in the contest as to the payment of the debts of the States, the limitation of the importation of slaves, the selection of a permanent place for the seat of government for the United States, and the control of interstate commerce, was at last all compromised, this amongst the others, the South insisting, aided by the vote of Massachusetts, that capitation or direct taxes were only to be apportioned. This was done; and not until the case of Pollock against United States had any lawyer, or any man who had studied the Constitution, or any court, suggested that Congress was compelled to apportion taxes, except those levied upon land or those levied upon the head; and it was believed that Congress had the constitutional power to levy taxes on all subjects and property, and that only in case the tax was laid on land or per capita was it necessary to apportion the tax amongst the States.

It my be well to call attention to some of the cases on this subject.

In the case of Hylton, Mr. Alexander Hamilton was of counsel for the Government and argued that the "act to lay duties upon carriages for the conveyance of persons" was not a direct tax, and in the brief filed in the case he said:

> The only known source of the distinction between direct and indirect taxes is in the doctrine of the French economists—Locke and other speculative writers—who affirm that all taxes fall ultimately upon land, and are paid out of its produce, whether laid immediately upon itself or upon any other thing. Hence taxes upon lands are in that system called direct taxes; those on all other articles indirect taxes.
>
> According to this, land taxes only would be direct taxes, but it is apparent that something more was intended by the Constitution. In one case a capitation is spoken of as a direct tax.
>
> But how is the meaning of the Constitution to be determined? It has been affirmed, and so it will be found, that there is no general principle which can indicate the boundary between the two. That boundary, then, must be fixed by a species of arbitration, and ought to be such as will involve neither absurdity nor inconvenience.
>
> The following are presumed to be the only direct taxes:
>
> Capitation or poll taxes.
>
> Taxes on lands and buildings.
>
> General assessments, whether on the whole property of individuals or on their whole real or personal estate; all else must of necessity be considered as indirect taxes.

Judge Chase, in pronouncing the opinion of the court, said:

> I think an annual tax on carriages for the conveyance of persons may be considered as within the power granted to Congress to lay duties. The term duty is the most comprehensive next to the generical term tax; and practically in Great Britain, whence we take our general ideas of taxes, duties, imposts, excises, customs, etc., embraces taxes on stamps, tolls for passages, etc., and is not confined to taxes on importation only.
>
> It seems to me that a tax on expense is an indirect tax; and I think an annual tax on a carriage for the conveyance of persons is of that kind, because a carriage is a consumable commodity, and such annual tax on it is on the expense of the owner.
>
> I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax, simply with regard to property, profession, or any other circumstance, and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term direct taxes.

And this view was concurred in by the other judges.

In Bank *v.* Fenno (8 Wall.), the court said, speaking through the Chief Justice:

> It may be rightly assumed, therefore, that in the practical construction of the Constitution by Congress direct taxes have been limited to taxes on land and appurtenances and taxes on polls or capitation taxes.
>
> And this construction is entitled to great consideration, especially in the absence of anything adverse to it in the discussions of the convention which framed, and of the conventions which ratified, the Constitution.
>
> What does appear in those discussions, on the contrary, supports the construction. Mr. Madison informs us that Mr. King asked what was the precise meaning of direct taxation and no one answered. On another day, when the question of proportioning representation to taxation, and both to the white and three-fifths of the slave inhabitants, was under consideration, Mr. Ellsworth said, "In case of a poll tax there would be no difficulty," and, speaking doubtless of direct taxation, he went on to observe, "The sum allotted to a State may be levied without difficulty, according to the plan used in the State for raising is own supplies." All this doubtless shows uncertainty as to the true meaning of the term direct tax, but it indicates, also, an understanding that direct taxes were such as may be levied by capitation, and on lands and appurtenances, or, perhaps, by valuation and assessment of personal property upon general lists. For these were the subjects from which the States at that time usually raised their principal supplies.
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> This view received the sanction of this court two years before the enactment of the first law imposing direct taxes eo nomine.
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> * * * * * * *

And further in the same case the Chief Justice said:

> "Taxes on houses, lands, and other permanent real estate have always been deemed to be direct taxes, and capitation taxes, by the express words of the Constitution, are within the same category; but it has never been decided that any other legal exactions for the support of the Federal Government fall within the condition that unless laid in proportion to numbers the assessment is invalid."
>
> All these cases are indistinguishable in principle from the case now before us, and they are decisive against the plaintiff in error.
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> The question, What is a direct tax? is one exclusively in American jurisprudence. The text writers of the country are in entire accord on the subject.
>
> Mr. Justice Story says all taxes are usually divided into two classes, those which are direct and those which are indirect, and that "under the former denomination are included taxes on land or real property and under the latter taxes on consumption." (1 Const., sec. 950.)
>
> Chancellor Kent, speaking of the case of Hylton *v.* United States, says: "The better opinion seemed to be that the direct taxes contemplated by the Constitution were only two, viz, a capitation or poll tax and a tax upon land." (1 Com., 257. See also Cooley, Taxation, p. 5, note 2; Pomeroy, Const. Law, 157; Sharswood's Blackstone, 308, note; Rawle, Const., 30; Sergeant, Const., 305.)
>
> We are not aware that any writer since Hylton *v.* United States was decided has expressed a view of the subject different from that of these authors.
>
> Our conclusions are that direct taxes within the meaning of the Constitution are only capitation taxes as expressed in that instrument and taxes on real estate, and that the tax of which the plaintiff in error complains is within the category of an excise or duty.

And so we might follow and trace the decisions and show that the court had upheld the right of Congress to tax carriages, bank circulation, tax on incomes—as they held in Springer's case—and a tax on successions and inheritances, in each case holding that such a tax was not a direct tax.

Then we come to the Pollock case (157, 158 U. S.), in which a majority of the court decided the income-tax act of 1894 was unconstitutional, to which I will now refer.

THE POLLOCK CASE.

In this case the Supreme Court by the narrow margin of one vote reversed what was believed to be the accepted rule, that a tax upon incomes was not a direct tax and could be levied by Congress without complying with the rule of apportionment prescribed in the case of capitation and direct taxes. Up to that time and for a hundred years prior thereto, commencing with the case of Hylton against The United States and ending with the case of Springer against The United States, reported in the One hundred and second United States Report, it had been held that capitation taxes and taxes on land were the only direct taxes. I will not say that this decision aroused the indignation of the people, but it did create dissatisfaction with and distrust of the court; and from the date of the rendition of that decision until now there has been a constant demand on the part of the Democratic Party and the Democratic masses that something should be done which would compel the wealth of the Nation to pay its just proportion of the taxes for the support of the Government. I should gladly vote for a bill which would levy a tax upon incomes and require the Government officials to collect it, and let the court again have the opportunity to pass upon the question. I have great respect for the courts of the country and a very high and exalted respect for the highest court of our country and the greatest court in the world; but I respectfully say that that decision by the majority of the court in the

income-tax case can not be sustained or justified in principle or in justice. It has done more to create want of confidence in the court than any decision rendered in recent years.

The members of the Supreme Court who dissented from that decision, and who are as able as any of the members of the court at that time, in their dissenting opinions criticized the decision of the majority of the court in as severe terms as I would care to employ. They said that the decision disregarded the former adjudications of the court and the settled principles of the Government, that it might well excite the gravest apprehensions, and that the decision would provoke a contest in this country from which the American people would have been spared if the court had not overturned its former adjudications; that respect for the Constitution would not be inspired by the narrow and technical construction which the court had given that instrument; that the court had resuscitated an argument that had been exploded in the Hylton case and that had lain practically dormant for a hundred years; that it was fraught with immeasurable danger for the future of the country and that it approached the proportions of a national calamity; that it was a judicial amendment to the Constitution; and that the decision was fraught with danger to the court, to each and every citizen, and to the Republic. No citizen would have expressed his disapproval of the decision in more apt terms, and, so far as I am concerned, I am content to repeat the criticisms of the judges who dissented and to adopt them as my views and criticisms of the decision.

As I have already stated, it was believed that the rule established by the Hylton case was that only land and capitation taxes fell within the definition of direct taxes.

The Supreme Court, in its opinion, followed this definition and repeatedly announced it, and especially is that principle announced in the cases of Pacific Insurance Co. *v.* Soule (7 Wall., 433); Veazy Bank *v.* Fenno (8 Wall., 533); Scholey *v.* Rew (23 Wall., 331); and Springer *v.* United States (102 U. S. R., 586).

So that the judges whose dissenting opinions I quote amply sustain me in the assertion that this decision of the court, reported in the One hundred and fifty-seventh and One hundred and fifty-eighth United States Reports, overturned the decisions of the court for a hundred years prior thereto, and that, too, upon an argument presented to it which had been exploded by the court in the Hylton case, and which for a hundred years had lain dormant, but which was revived and made to do duty in nullifying the income-tax law of 1894.

CRITICISMS OF THE DECISION BY MEMBERS OF THE COURT.

In his dissenting opinion in the One hundred and fifty-seventh United States Reports, Justice White, after quoting many decisions which had upheld the constitutional power of Congress to levy an income tax, and showing that it was not a direct tax, said:

> If it were necessary that the previous decisions in which the court upheld this kind of tax should be repudiated, the power to amend the Constitution existed and should have been exercised. Since the Hylton case was decided the Constitution has been repeatedly amended. The construction which confined the word "direct" to the capitation and land taxes was not changed by these amendments, and it should not now be reversed by what seems to me to be a judicial amendment of the Constitution.

He further said:

> I can not resist the conviction that the court's opinion and decision in this case virtually annuls its previous decisions in regard to the powers of Congress on the subject of taxation, and is therefore fraught with danger to the court, each and every citizen, and the Republic.

In his dissenting opinion, Justice Harlan referred to the decision in the following terms:

> In my judgment, to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government, this decision may well excite the gravest apprehensions. It strikes at the very foundation of national authority in that it denies to the General Government a power which is, or may become, vital to the very existence and preservation of the Union in a national emergency, such as that of war with a great commercial nation, during which the collection of all duties upon imports will cease or be materially diminished. * * *
>
> But this is not all. The decision now made may provoke a contest in this country from which the American people would have been spared if the court had not overturned its former adjudications and had adhered to the principles of taxation under which our Government, following the repeated adjudications of this court, has always been administered.
>
> But the serious aspect of the present decision is that by a new interpretation of the Constitution it so ties the hands of the legislative branch of the Government that without an amendment of that instrument, or unless this court at some future time should return to the old theory of the Constitution, Congress can not subject to taxation—however great the needs or pressing the necessities of the Government—either the invested personal property of the country—bonds, stocks, and investments of all kinds, or the income arising from the renting of real estate, or from the yield of personal property—except by the grossly unequal and unjust rule of apportionment among the States.
>
> The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless.

In the dissenting opinion of Justice Brown we find the following language:

> It is difficult to overestimate the importance of these cases. I certainly can not overstate the regret I feel at the disposition made of them by the court. It is never a light thing to set aside the deliberate will of the legislature, and in my opinion it should never be done, except upon the clearest proof of its conflict with the fundamental law. Respect for the Constitution will not be inspired by a narrow and technical construction which shall limit or impair the necessary powers of Congress. * * *
>
> By resuscitating an argument that was exploded in the Hylton case and has lain practically dormant for a hundred years, it is made to do duty in nullifying not this law alone, but every similar law that is not based upon an impossible theory of apportionment. * * *
>
> It is certainly a strange commentary upon the Constitution of the United States and upon a democratic Government that Congress has no power to lay a tax which is one of the main sources of revenue of nearly every civilized State. It is a confession of feebleness in which I find myself wholly unable to join.
>
> While I have no doubt that Congress will find some means of surmounting the present crisis, my fear is that in some moment of national peril this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.
>
> As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country and that it approaches the proportions of a national calamity, I feel it a duty to enter my protest against it.

Surely when the members of this high court itself thus express their dissent from the decision, members of the bar and the people should not be expected to have confidence in the decision or to believe that it correctly decides the question, and they are justified in believing and asserting that Congress has been deprived by this decision of the power to levy taxes for the support of the Government in the way and manner intended by the Constitution.

But even under the decision in the Pollock case I believe this bill will stand the test of the Constitution, and that the Supreme Court of the United States will hold that it is an excise tax—a tax on the business and therefore not a direct tax. Because in the income-tax cases Chief Justice Fuller said:

> We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments, in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and been sustained as such. (158 U. S., 635.)

Again, in treating the separableness of the unconstitutional from the constitutional parts of the income-tax act of 1894, the Chief Justice said:

> We do not mean to say that an act laying by apportionment a direct tax on all real estate or personal property, or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations (p. 637).

Finally in the case of Spreckels (192 U. S.) the Supreme Court upheld a tax on the income of certain corporations, and in rendering the opinion said:

> It is said that if regard be had to the decision in the income-tax cases, a different conclusion from that just stated must be reached. On the contrary, the precise question here was not intended to be decided in those cases. For, in the opinion on the rehearing of the income-tax cases, the Chief Justice said: "We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments, in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and been sustained as such."

The most recent case is that of Stone against Flint, two hunand twentieth United States. This decision upholds the corporation-tax act of 1909 as being constitutional, although it levied the tax on the income derived from "all sources whatsoever," restores our confident belief that the present court will uphold this bill if it becomes a law and, I feel assured, would sustain a straight income-tax act. However that may be, we should not fail to exhaust every means in our power which will give the Government the means to reach the incomes of those who thus far have escaped the duty of contributing from their large incomes some portion to the support of this Government.

As I have said, the decision in the Pollock case came as a startling proposition. I have no disposition to criticize improperly the courts, and I shall not do so. I have a great respect almost akin to reverence for the courts. I believe that this tribunal, the Supreme Court of the United States, that presides over the destinies of this country, is the greatest court in the world. I would not indorse, I would not sanction, the utterance of any man, no matter how high may be the position he now occupies or the position he has occupied before in the history of this country, who would lay his unhallowed hand upon the courts of the country and submit their decisions to a plebiscite of the people or appeal from their decisions to the mob.

But I have a right to say here, as was said by the present Chief Justice of the Supreme Court of the United States, that in the decision rendered in the case of Pollock against The Insurance Company the construction which extended the words "direct taxes" to other subjects than capitation and land taxes had changed the law as it had existed for a hundred years and was what seems to me to be a judicial amendment to the Constitution. Chief Justice White, then a justice of the Supreme Court, made that statement in his dissenting opinion in the case of Pollock against The Insurance Company.

The court having made by a majority of one a judicial amendment to the Constitution of the United States, it becomes our duty to provide by law some way in which to reach by taxation the wealth of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask for five minutes more. I will not ask for any more.

Mr. SHARP. I object, Mr. Chairman.

The CHAIRMAN. Objection is made. The question is on the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD].

The question was taken, and the amendment was agreed to.

Mr. SHARP. Mr. Chairman, I withdraw my objection.

Mr. LLOYD. Mr. Chairman, the Chair did not hear it, but the gentleman from Ohio [Mr. SHARP] withdrew his objection. I hope the gentleman from Georgia [Mr. BARTLETT] will be permitted to have the five minutes which he asked.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia be allowed to continue for five minutes.

Mr. BARTLETT. O Mr. Chairman, if any gentleman does not desire to hear me, that is all right. I have been physically unable to be here before to say what I had to say on this bill.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] withdraws his objection, and the gentleman from Georgia will continue. The gentleman from Ohio withdraws his objection, does he not?

Mr. SHARP. I withdrew my objection, Mr. Chairman. I thought that was understood.

The CHAIRMAN. The Chair did not understand the situation.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia may proceed for five minutes.

The CHAIRMAN. Is there objection? Does the gentleman want to proceed on the paragraph?

Mr. BARTLETT. I desire to discuss the bill.

The CHAIRMAN. Is there objection to the gentleman's proceeding for five minutes?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I started to say that I had given this matter considerable thought in this Congress and in other Congresses preceding. In the Democratic national platform of 1896, which, in my judgment, was a new declaration of the independence of the people of the United States, it was declared—

That it is the duty of the Congress to use all the constitutional power which remains after that decision, or which may come from its reversal by the court as it may be hereafter constituted, so that the burdens of taxation may be equally and impartially laid, to the end that wealth may bear its due proportion of the expense of the Government.

Mr. Chairman, the House of Representatives passed the Dingley bill, and the Democratic minority presented an amendment to that bill providing for an income tax, upon which we had a vote, and it was voted down by Republicans. The House of Representatives also passed the Payne bill, and the majority reported a provision for an inheritance tax. When the bill reached the Senate the Senator from Texas [Mr. BAILEY] offered as an amendment a straight income-tax provision. It was evident that the Democrats, united with a number of Republicans, were about to engraft upon that bill a straight general income-tax provision, and in order to defeat it, in order to prevent it, in order to fasten upon this country the further inquities of a protective-tariff law, what was done? The President of the United States sent to the Senate a message in which he suggested that there be substituted for the inheritance tax a paragraph providing for the taxing of the incomes of corporations. The President had, in his letter of acceptance, said:

Although I have not considered a constitutional amendment necessary in the exercise of certain phases of this power, I believe that whenever the tariff does not raise sufficient revenue Congress can enact an income-tax law that will be upheld by the Supreme Court of the United States.

And the President, when he sent this message, said:

I have not changed my mind upon that subject.

But in order to carry out the Republican program of not reducing the tariff, they amended the Payne-Aldrich bill by providing for the taxing of the income of corporations, and, coupled with that, a bill or resolution to submit to the people of the United States the question of a constitutional amendment to give Congress power to tax the incomes of all persons. So that if we have not to-day upon the statute books a real income-tax law it is the fault not of the Democrats of the House or of the Democrats of the Senate, but the fault lies at the door of the Republican Party; and the evasion of the enactment of that law lies at the door of the President of the United States, because it was suggested by him.

Now, Mr. Chairman, I shall vote for this bill, because I welcome any bill which is a step that will carry us back to the days when the Congress had the power to lay a taxing hand upon all the property of the people of this country without apportionment amongst the States, except when it levies upon land and upon the head. That is the accepted doctrine; that is the doctrine accepted by the courts. That was the idea of Mr. Madison. That was the idea of the framers of the Constitution. And that decision, which stands in our way to-day, so far as it was enunciated in the Pollock case, destroyed the power of the Government to raise revenue, even in times of utmost need. I for one believe that the great Chief Justice who now presides over that court, the only surviving member of the court that rendered the decision in the Pollock case, would to-day readily declare that he had already decided that the Congress already has the power to enact an income-tax law and that the decision in the Pollock case was "a judicial amendment to the Constitution of the United States." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Leave to do that has already been granted.

Mr. BARTLETT. I did not so understand.

Sundry Civil Appropriation Bill.

EXTENSION OF REMARKS

OF

HON. WILLIAM A. CULLOP,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 6, 1912,

On the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. CULLOP said:

Mr. SPEAKER: In view of the great conflict going on within the ranks of the Republican Party for the nomination for the Presidency at the Chicago convention and the charges of bossism in that boss-ridden party, in a very recent issue of the Indianapolis News an article appeared calling upon Col. Roosevelt to explain why he had not answered a few questions which the public would like for him to specifically answer in order that the people might know what his position is on these important matters of vital interest to many of the people of this country. The article is as follows:

"QUESTIONS THAT HAVE BEEN 'CAREFULLY EVADED' BY MR. ROOSEVELT."

"If you wish to bring the Progressives to Mr. Roosevelt, allow me to suggest that you send to him an unbiased reporter and secure a verbatim answer to the questions which have kept the Progressives in doubt, but which so far Mr. Roosevelt has carefully evaded in speech and interview. Some of these questions are:

"First. Mr. Roosevelt declares that preference primaries are necessary to popular rule. Why did he not advocate them with LA FOLLETTE and BOURNE a year ago? Why has he not insisted on them in Kansas, Missouri, Wyoming, and West Virginia, whose governors were four of the seven inviting him to run? Does he prefer the caucus system where he has the State machine? Why did he not require Cecil Lyon to grant a preference primary at the Taft men's request? Did he prefer to rely on Lyon and his 5,000 officeholders? Is Mr. Roosevelt for a preference primary only when the machine is against him, and against it when he controls the machine?

"Second. Mr. Roosevelt professes to be against bosses. Did he not, when President, give the patronage to Quay, Platt, and Hanna; to Aldrich, PENROSE, and GALLINGER, and thus help them to build their machines? When CUMMINS in Iowa and LA FOLLETTE in Wisconsin were fighting to overthrow the corrupt railroad machines, did he not throw the whole weight of the patronage against them? Did he not continually exchange

favors with LORIMER, George B. Cox, and Senator GUGGENHEIM? When LA FOLLETTE, after making Wisconsin the best-governed State in the Union, entered the Senate, did not Mr. Roosevelt join with the Senate bosses in attempting political and social ostracism? Did he in 1904 appeal to the people of Ohio or secure the delegates by a telegram to Senator Hanna? Is he now relying on the people of New York, Pennsylvania, and Ohio, or on William L. Ward, William Flinn, and Walter Brown? Has not Mr. Roosevelt always supported the bosses when they would advance his personal fortunes, and fought them only when they refused?

"Third. Mr. Roosevelt denounces the use of patronage to gain delegates. Did he not in 1908 require Frank Hitchcock to spend the Government's time and patronage to this end? Did not Hitchcock, with his steam roller, unseat scores of legally elected delegates whom he could not control? Has not Ormsby McHarg, of the steel corporation, spent the last three months in the South offering 'inducements' to Taft delegates to desert to Roosevelt, and filing contests where he fails? Did not Cecil Lyon recently threaten to take away the jobs of all Federal officeholders who would not work for Mr. Roosevelt? Did not Mr. Roosevelt's national convention in 1904 shamelessly exclude the overwhelmingly elected LA FOLLETTE delegates and seat the fraudulent delegation of the Wisconsin railroad machine? Has not Mr. Roosevelt always favored 'practical politics' when in his favor and opposed it only when used against him?

"Fourth. Mr. Roosevelt talks much of his opposition to LORIMER. Did he not, when President, consort with LORIMER, and with the patronage aid him in building his machine? Did he ever denounce him until his expulsion was universally expected? Did he not, after denouncing LORIMER in Chicago, go to Cincinnati and at a public reception place his arm around George B. Cox, the brutal boss, to whom his son-in-law, LONGWORTH, was looking for reelection? When Addicks was attempting to subjugate the decent people of Delaware by the direct purchase of votes with stolen money, did not Mr. Roosevelt strengthen his hands by giving him all the Federal patronage? Did he ever denounce those and similar men when in power and supporting him?

"Fifth. Mr. Roosevelt preaches righteousness in politics. Is not our greatest political menace the lavish use of money? Did not Mr. Roosevelt in 1904 personally solicit from Mr. Harriman two days before election $260,000, whose only purpose at that late day could be the purchase of votes? Did he not secure through Mr. Perkins equally great sums from the insurance companies, Standard Oil, and other great law-breaking corporations? Did he not select as manager and solicitor Secretary Cortelyou, the one man who had the power to expose trust secrets? If these vast donations were innocent, why did Messrs. Roosevelt and Cortelyou fight every effort to examine the campaign accounts? Did not the Roosevelt committee this year spend in New York alone $59,000 against $5,000 for Taft? Did it not send $175,000 into Indiana? Have not its expenditures already aggregated close to $2,000,000? Are not two of the chief contributors George W. Perkins, chairman of the finance committee of the indicted Steel Trust, and Dan R. Hanna, indicted by the Government for rebating? Why does Mr. Roosevelt persistently refuse to make them known, except as in New York, where the law compels? Has he not always depended for success upon an enormous expenditure of money by the great moneyed interests who are breaking the Federal laws?

"Sixth. Does not Mr. Roosevelt's political history warrant the lawbreaking trusts in preferring him to every other candidate? In 1898 the Supreme Court squarely declared the trusts illegal, and announced the President's duty to destroy them. Yet did not the capitalization of the illegal concerns grow during Mr. Roosevelt's administration from three billions to thirty-five billions? Could he not have checked at birth nine-tenths of them with a court injunction, as Mr. Taft checked the raise in railroad rates in 1910? Did he try to stop them? Did he move against Mr. Morgan's steel corporation, whose billion dollars of watered stock was given a market value only by raising the price of steel one-third? Did he restrain Mr. Morgan's Harvester Trust from charging the American farmer one-third more than his foreign competitor? Did he protect the poor from the steadily rising prices of Mr. Morgan's Coal Trust? Did he attack the Sugar Trust, managed by the father of his New York lieutenant, Herbert Parsons? Did he attack any trusts except Mr. Morgan's enemies—Standard Oil, American Tobacco, and the packers? Did he not assist the Steel Trust in gobbling the Tennessee Coal & Iron Co.? Did he not in the Outlook denounce Mr. Taft's prosecution of the Steel Trust? Has he not publicly indorsed Judge Gary's plan of dropping prosecutions and governing the trusts through an administrative bureau, a plan whose sure result would be the validation of the billions of watered stock? Has he not, despite the plain letter of the law, declared that there are good and bad trusts? Has he ever defined the difference, except by indorsing the Herbert Knox Smith letter, which advocated disregarding the Sherman law and standing by the 'Morgan interests,' because they had always been the administration's friends, and had threatened that unless treated more leniently than its enemies they would withdraw their support and fight? And did not Mr. Roosevelt, under that threat, stop the prosecution of the Harvester Co.? He now denounces the Sherman law as a failure? Is any law proven a failure unless an honest effort is made to enforce it? It was clearly the Executive's sworn duty to make the effort. Did Mr. Roosevelt? He says the law is obscure. Did he ever advocate removing the obscurity and leaving a clear statute against the private taxing of the people? Has he not made it clear that for those 'malefactors' who will support him he will nullify the plain letter of the law? Is not this the reason that George W. Perkins is his chief manager? Is not this the reason that the trust stocks have steadily risen with the increase of probability of Mr. Roosevelt's election? Is not this the reason that the Steel Trust officials in West Virginia, Pennsylvania, and Ohio have driven their men to vote for him?

"Seventh. Mr. Roosevelt denounces Mr. Taft for not eliminating steals from the tariff. Did he during his seven years ever try to eliminate them? Did he once make an effort to stop the unjust levying of tribute by his friends, the millionaire manufacturers of steel, cotton, wool, and lumber? When, in 1904, he had decided to advocate the abolishment of these steals, was not the hurried visit of CANNON, DALZELL, and Aldrich to the White House followed by the dropping of the tariff from the President's message? In 1909, when Dolliver, CUMMINS, and LA FOLLETTE were preparing for their great fight, did he say a word to aid them? Did not the New York State convention of 1910, which he absolutely controlled, laud the Payne tariff as the best ever passed and commend Mr. Taft for signing it? He now says he favors Mr. Taft's plan for a scientific tariff commission. Why did he not as President exert his tremendous power to help Beveridge win it? If this present stand is sincere, why is Lucius N. Littauer, the millionaire glove manufacturer, who was prevented by Mr. Taft from inserting in the Payne bill his infamous glove and hosiery raises, now supporting him with all his money and influence? Why are the West Virginia, Pennsylvania, and Ohio iron kings all supporters of his? Why are the Lumber Trust and the Steel Trust and the Woolen Trust financing his campaign?

"Eighth. Mr. Roosevelt makes much of helping to pass the Hepburn railroad law forbidding passes and rebates. Did not that bill greatly enrich the railroads? Are not the railroad managers strongly for it? Did it curb rates or overcapitalization? Did Mr. Roosevelt in his seven years ever strike a blow at unjust rates or watered stock? Did he prosecute the traffic associations which the Supreme Court had declared illegal? Did he not instead seek to legalize pooling and thus permit the strong roads to prevent the weak from reducing rates? He denounced rebates, but did he prosecute or even dismiss from his Cabinet Paul Morton when clear evidence proved the latter guilty of rebating? He stopped the Northern Securities merger, but was not the effect to double the value of Mr. Morgan's stock in the two roads without lessening his control? Was not Mr. Harriman right when soliciting funds for Mr. Roosevelt's reelection he assured his predatory friends that the President was a loud barker, but didn't bite? Did not Mr. Harriman and the other magnates furnish his vast campaign fund in 1904? Did they not throughout his seven years furnish their private cars and special trains cost free? And did he not continually accept these favors from the men he was denouncing as 'malefactors' of great wealth?

"Ninth. Mr. Roosevelt proclaims his great love for the common people. Is not the greatest hardship in life to them the high cost of living? Did not that cost rise more than 50 per cent during Mr. Roosevelt's term of office? Are not the chief causes of that increase the monopolizing of industry and distribution by the trusts, the enhancing of prices by the tariff, and the high rates exacted by the railroads? Did Mr. Roosevelt use his vast power to prevent the steady rise of these privately levied taxes? Could he not have by injunction prevented the formation of the predatory monopolies and the illegal traffic associations, and by supporting the progressives have eliminated the tariff steals? Did he? Has his hand ever been raised between the hard-working masses and his wealthy friends who are exploiting them? Is he now advocating any program which will bring relief? Does he now propound any policy for the benefit of the common people except the privilege of voting for him?

"Tenth. Mr. Roosevelt rightly denounces Mr. Taft for letting Dr. Wiley go. Was not Dr. Wiley forced from the Government service by Solicitor McCabe, who was appointed to his present position by Mr. Roosevelt? Does not Dr. Wiley say that he resigned because all his efforts to enforce the pure-food law were neutralized by the Remsen Board? Was not the Remsen Board appointed by Mr. Roosevelt without any warrant of law and by him given power to override Dr. Wiley's efforts to prevent the poisonous adulteration of food? Mr. Roosevelt assumes the responsibility for the pure-food law. Does not Dr. Wiley flatly declare that Mr. Roosevelt had nothing to do with its enactment?

"Eleventh. Mr. Roosevelt declares that he embodies the progressive cause. Has he ever aided the progressive policies or the progressive leaders? Did he not with the whole weight of the patronage fight the rise of LA FOLLETTE in Wisconsin, CUMMINS in Iowa, BRISTOW in Kansas, and CRAWFORD in South Dakota? When the progressives in Congress sought to eliminate the steals from the tariff, to secure a scientific tariff commission, to clearly define monopoly and make its punishment easy, to secure the physical valuation of railroads as a basis for rates, to prevent the watering of stocks, to bring about the popular election of Senators and direct primaries, to enact an income tax, to abolish child labor, to secure publicity of campaign contributions and expenditures, did Mr. Roosevelt, by one act, aid them? When, despite the efforts of Mr. Roosevelt's Federal machine, the progressives in the House had become nearly strong enough to prevent the reelection of Speaker CANNON, did not Mr. Roosevelt defeat their campaign by advising Mr. Taft to treat with CANNON? After his return from Africa did he give a word of encouragement to the progressives who had already fought a splendid fight against intrenched privilege? Did not his 1910 convention in New York unanimously adopt an extreme reactionary platform? Was it because Mr. Roosevelt did not believe the progressive cause could win? Why did he wait until LA FOLLETTE'S campaign of last fall foreshadowed a progressive victory before announcing himself a progressive? Why, now that he is rushing forward with vast money and a vast machine of unscrupulous politicians to capture the movement, does he carefully refrain from advocating the progressive principles, and seeking by aid of his great prestige to educate other millions of the common people to the importance of those principles to them? Why does he confine his pleas to fulsome eulogies of himself, ribald denunciations of his opponents, declarations of warm love for the farmer, workingman, and negro, and specious promises of special privilege to each? Why, instead of clearly stating the evils to be met and the remedies he will use, and appealing to intelligent patriotism to rally to a great cause, does he employ the language of the barroom and the prize ring, state half truths, appeal to unintelligent passion, fill the air with charges of fraud, use every ingenious means to win him the prejudiced and the weak minded, without committing himself to specific reform?

"If Mr. Morgan and his fellow exploiters, noting the storm of anger which their plunderings have aroused, realizing that they will be overwhelmed unless they can defeat the movement, knowing that they can not beat it by direct attack, possessing unlimited wealth and unequaled trains, were casting about for a plan to kill the progressive cause, and prevent interference with their schemes of exploitation, what shrewder plan could they devise than to run Mr. Roosevelt for President? Knowing his inordinate vanity and overwhelming ambition for the limelight, knowing that he barks loudly in a campaign but never bites in office, knowing his popularity with the unthinking and his unrivaled ability in every department of unscrupulous politics, would it not be a natural plan for them to array him in sheep's clothing, provide him with unlimited money and the tremendous organization which such money can command, and send him forth to throttle the movement by drawing to himself the discontented and the hard working but little reading and little thinking mass? And what more natural than that Mr. Roosevelt should accept this commission from these interests which have always supported him, and which he has always protected, relying for success upon blatant generalities, upon his skill as a practical politician, and upon the unlimited money of these wealthy breakers of the laws?

"Does not the vast campaign fund he is using bear out this analysis? Does not the great activity of George W. Perkins, Dan Hanna, Ormsby McHarg, Medill McCormick, Billy Flinn, Cecil Lyon, George Karschner, and Lucius Littauer bear it out? Does not the rise of the stock market with every Roosevelt victory bear it out? Have not similar expedients undermined and overthrown most of the popular governments of history? Have not similar tactics always been used in this country to defeat popular reforms?"

Banking and Currency.

EXTENSION OF REMARKS

OF

HON. LEMUEL P. PADGETT,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 14, 1912,

On the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. PADGETT said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks an address made by myself before the bankers' convention, at Knoxville, Tenn., recently on the question of banking and currency.

The address above referred to is as follows:

Mr. President, gentlemen of the convention, it is a great pleasure to be with you to-day to meet the representatives of so great and so important an industry as the bankers of such a great State as Tennessee. You will note that I say an industry. I believe that the bankers of the country are engaged in and are a component part of the great industrial business and development of the country and are contributing an important and essential part in the industrial development of our country, and are factors performing functions which are indispensable to the proper growth and development of all industrial enterprise. The commerce and industry of the country are so complex in their nature and there are so many factors contributing to the ultimate results that it is necessary that we should recognize all important elements of our industrial system if we are to have a correct conception and a rightful understanding of conditions in a comprehensive sense. Therefore, I address the bankers' convention as a part of the industrial system of our country.

I desire to congratulate you upon the interest which you are taking and the patriotic incentives which prompt your actions and the good which I believe you are seeking to accomplish, and are accomplishing, in the uplift of our social conditions and the betterment of our industrial affairs, and as patriotic men I believe that the bankers have an honorable ambition to ameliorate wrongful conditions and to add their contribution to a happier and more prosperous civilization in our country.

Permit me to say in the outset that I do not know of any question that is of more vital importance, that is of deeper concern, of more intense interest to the American people and of more pressing necessity than a reformation of the banking and currency system of the United States. It is a question that in its ramifications affects every industry and every enterprise and energy of our people. And it is but elementary that a great organization such as the bankers' association should take hold of this question to contribute their support toward the spread of the educational influences that are needed for a proper understanding and appreciation of its importance by the American people.

When we recall the recurring collapses of credit, the breaking down of industries, the prostration of enterprises, the giving way under pressure of our financial institutions, our credit institutions, at the very time that they are most needed to support industry and to maintain credit in this country; when we recall the disasters and the suffering of the great body of the people following such conditions, it seems to me that it is necessary to emphasize the overwhelming importance, the overpowering necessity of a system of banking and currency that shall be predicated upon correct scientific principles.

We have had panics in this country so frequently and with such recurring certainty that we scarcely pass out of one panic until it is a common saying upon the streets that we are getting ready to go into another. In the summer of 1908, when a subcommittee of the National Monetary Commission were abroad investigating and studying this question, in a conversation with Mr. Campbell, the governor of the Bank of England, he said to me that it was the fixed policy and practice of the Bank of England to furnish money at some price at all times to meet every proper demand. The importance of this statement impressed me so deeply that I began to think about it. I want to repeat to you by way of emphasis what he said to me—that it was the fixed policy and practice of the Bank of England to furnish money at some price at all times to meet every proper

demand. And my mind began to run back over the history of this country, and the fact stood out before me that there has never been a time when we had an institution in this country that could maintain that policy and that practice. And I began to think that if we did have in this country an institution of that character what would be its benefits and its blessings.

I began to look further and asked myself the question: At what price has the Bank of England furnished money at all times to meet every proper demand? I am not going to detain you very long, my friends, with statistics, because I know that ordinarily they are dull and uninteresting. And yet that inquiry brought to mind some facts that in their power are more eloquent than statement and carry with them a conviction of thought that overshadows any flight of oratory.

Beginning with the reorganization of the Bank of England, September 5, 1844, to December 31, 1900, a period of 56 years, 3 months, and 26 days, or a total of 20,570 days, let me give you some figures.

During that period the maximum rate of discount was 10 per cent, and that only in two years. During the panic of 1857 the discount rate of 10 per cent continued for 45 days, and during the panic of 1866 for 96 days, making in the 56 years a total of 141 days in which there was a discount rate of 10 per cent. The discount rate was 6 per cent and above for 2,040 days. It was below 6 per cent 18,530 days out of 20,570 days, or nine-tenths of the time. It was 3 per cent and below 11,340 days. It was 2 per cent 3,409 days. It was 6 per cent and below 6 per cent 19,398 days out of 20,570 days. It was above 6 per cent only 1,172 days.

But let us take, if you please, the period from 1901 to 1910, a period of 10 years. The maximum rate of discount was 7 per cent, and during that 10 years it continued at 7 per cent only 56 days. During the 10 years the average rate was 3.61 per cent. Gentlemen, if we had an institution in this country that could steady the market rate of money and could furnish money to the industry and enterprise and support the energy and the industries of the country at a price such as I have called to your attention, as has been the practice and the fixed policy of the Bank of England for the 67 years past, what would it be worth to the labor, to the enterprise, to the industry of this country in all of its varied and multiform phases?

But I began to look a little further. I turned to the Bank of France and I found that it maintained a similar policy and practice. And I took the same period of time, from September 5, 1844, to December 31, 1900, and the maximum rate of the discount was 9 per cent for 16 days during the 56 years. The rate of discount was 6 per cent and above for 1,542 days, below 6 per cent 19,028 days, 3 per cent and below 10,162 days, 2 per cent 2,027 days, 6 per cent and below 20,198 days, above 6 per cent 372 days out of 20,570 days.

Take the years 1901 to 1909, inclusive. The maximum rate during that period was 4 per cent, the minimum was 3 per cent. The rate was stationary at all times at 3 per cent except in 1907, when for 231 days it was 3½ per cent, for 54 days it was 4 per cent, and in 1908 for 14 days it was 3½ per cent, and all the remainder of the 10 years it was 3 per cent.

Take, if you please, the Bank of Germany, and in comparing the Bank of Germany we must bear in mind that the present organization, the Reichsbank, began business January 1, 1876, but its predecessor which it succeeded and the business of which it took over was the Bank of Prussia. Running back with the two banks to September 5, 1844, and coming down to December 31, 1900, the maximum rate of discount was 9 per cent for 63 days in 1866. The rate was 6 per cent and above 1,158 days; below 6 per cent, 19,142 days; 4 per cent, 11,077 days; 3 and 3½ per cent, 2,818 days; 6 per cent and below, 20,142 days; above 6 per cent, 428 days out of a total of 20,570 days.

Take the period from 1901 to 1909, inclusive. The maximum rate was 7½ per cent for 65 days; the minimum rate was 3 per cent for 333 days. The rate was 3½ per cent for 466 days; 4 per cent 1,116 days; or practically two-thirds of the time 4 per cent and below.

Now, my countrymen, these are not accidents. During these 57 years of the financial history of those countries it did not just happen. It was not simply a fortuitous circumstance that these rates of interest or discount prevailed in those countries, but it was because in the light of experience, in the study of experiment, because there has been more experimentation in the world on the question of finance and banking perhaps than any other question in the world—more wild experiments, more wild theories advanced, all of which brought disaster—but out of these experiments and the study of these questions these people have reached a conclusion that was based upon correct scientific principles that brought stability and enabled these institutions to maintain the credit and support the industries of their respective countries at a fair and reasonable and just rate of charge for the use of money.

I turn to the report of the comptroller containing a statement of the rates of the national banks of the United States for the year 1910. In the New England States the average interest on time loans was 5.53 per cent; the Eastern States, 5.66 per cent; the Southern States, 7.99 per cent; the Middle States, 6.55 per cent; the Western States, 9.27 per cent; Pacific States, 7.83 per cent; or a general average for the United States of 7.13 per cent.

And then I looked for the State banks, and I find that in New England the rate was 5.50 per cent; the Eastern States, 5.85 per cent; the Southern States, 8.08 per cent; the Middle States, 6.69 per cent; the Western States, 10.02 per cent; and the Pacific States, 9.37 per cent, or an average for the United States of 7.585 per cent.

Are there not lessons for us, my countrymen, in the comparison of these figures? If the industries, if the enterprise, if the energy of the people in France, in Germany, in England, can be supported, can be maintained, can operate upon a credit that is unbroken, unyielding, undisturbed by panic, can we not have the wisdom, the courage, and the patriotism to establish in this country an institution for our people that will be a great rock in a weary land, a shelter in time of storm, for our people when pressure comes and panic is threatened? I asked myself the question, If we had institutions in this country founded upon correct, intelligent, scientific principles that would organize the credit of this country, that would correlate the resources of this country, that would bring into harmony and unity of purpose the great credit of this country and make it available, what would be the effect upon the industries of this country? I mean the industries of the country from the Atlantic to the Pacific, from the Lakes upon the north to the Gulf upon the south. Let us not think of an East, or of a West, or of a North, or of a South, but let us rise to that high plane of patriotic purpose where only we can say our country, our country as a whole—our country with all of its industries, with all of its enterprises, with all of its energies devoted to the upbuilding of our country and its institutions and the prosperity and the happiness of our people.

What would be the effect in this country, if I may particularize a little more, among the farmers if they had such an institution—those who produce cotton, if you please, those who raise the thirteen, fourteen, or fifteen, or sixteen million bales of cotton each year, those who produce the six or seven or eight hundred millions of bushels of wheat or the 3,000,000,000 bushels of corn, or those, if you please, who raise the millions of head of sheep or of hogs or of cattle that graze upon a thousand hills and feed in 10,000 valleys—if these farmers could feel that in the springtime as they go forth to plant they could be assured of a safe, a stable, and a certain money market that would support and maintain their industry and permit them to harvest and sell in the markets in stability and safety? What would be the effect in this country, if you please, upon the manufacturers—the cotton manufacturers, the woolen manufacturers, the iron manufacturers—I shall not detain you to enumerate all of the industries of this country—the men who weave, the men who bring together and employ labor and produce merchandise—what would be the benefit and the blessing to you, sir, if you knew that at all times, under all circumstances, there would be in your possession the power and the capacity and the opportunity to get money at a reasonable price to meet every proper demand?

Take, if you please, the great transportation companies of this country that carry the products of the East to the West and bring back the products of the West to the East, or from the North to the South, or from the South to the North, and distribute the labor and production of this country so as to equalize conditions and to distribute blessings and advantages and customs and comforts all over our land, giving employment to millions of people—what would be the benefits and the advantages to them if they, too, knew that in all of their efforts and in all of their energy and in all of their calculations they would be made upon a safe basis and with security, with certainty that they could maintain their credit and carry out their purposes to a legitimate and a correct solution?

And last in the enumeration—and I have saved, as it seems to me, the most important for the last—what would be the influence and the effect and the blessings and the benedictions upon the laborers of this country if they knew with absolute certainty that there was an institution in this country that held itself prepared and ready at all times to furnish money at a reasonable price to support and to maintain the great industries

of this country in all their forms—manufacturing, farming, transportation, and all—that could keep labor employed and pay a steady and a just labor wage? Ah, my countrymen, the banker is not the man that is most interested in this question. The banker can see the panic coming and can forefend against it. He can curtail his loans; he can call in his credits. The men who are most interested in this question, far more than the bankers, are the manufacturers and the farmers, the stock raisers, the transportation companies, and the laborers of this country, who depend upon the stability and security and reasonableness of the credit institutions of this country that underlie and support and maintain the credit system and the industrial systems of the Nation. While the banker may forefend, while the manufacturer, to some extent, but to a less extent, can prepare and forefend, while the farmer can forefend to some extent, there stands the laborer who, when the crash comes, when the credit systems collapse and fall to earth, when he goes out of employment, while these others may get some credit, although it may be a diminished credit, yet the daily bread of the laborer calls for cash, and he can not get it, because the manufacturer can not get it from the credit institutions, the transportation companies can not get it from the credit institutions, the farmer can not get it from the credit institutions of the country, and the result is that the great burden of a broken-down credit and a collapse of industry comes with crushing power to beggar the labor of this country.

A few years since the burden of the discussion of this question related to the elasticity of the currency, and the whole argument seemed to urge that all of the evils of the system were due to the lack of elasticity of our currency. It is true that the currency is inelastic and fails to respond properly to the demands of business. One great fault with the present system is that the volume of the currency does not respond properly to the demands of business and does not at all times increase or decrease with the volume of business or the currents of trade. In fact, one of the greatest faults of our present system of the currency is its continued expansion and its failure to contract in volume, and the result is an encouragement to overtrading or unsafe speculation, leading ultimately to an inflation of the currency and no reserve currency left to meet the strain of legitimate business when such a demand arises. In many instances the volume of the currency has been governed largely by the market price of Government bonds, and as profits could be made by the purchase or sale of bonds the currency would be issued or retired without reference to the legitimate demands of trade.

While we recognize this weakness of the currency system, yet a closer investigation of conditions and a more comprehensive study and analysis of the situation discloses that there is a much greater need for an organization of credit. What we need is a financial system constructed and organized along scientific lines that will so correlate and systematize the credits of the country that they will support industry and maintain business enterprise. In the financial panics which have cursed our land the trouble was not the lack of the existence of money, but it was the inability to use the money in existence. Our real need was a scientific organization of credit, a machinery by which proper use can be had of existing money and credit—an institution which will bring together and organize into a compact mass the credits of the country, making one institution support another, so that there will be cooperation in all the credit institutions of the country, and general support of credit, and upon the faith and security of these organized credits to issue, when needed in the legitimate expansion of business or in a time of crisis or panic, the currency needed to maintain credit and support the industries and enterprise of the country and to give a guaranty of security and solvency and afford an opportunity to secure money at a reasonable price to meet every proper demand.

We need an institution so organized that it can use the business and commercial paper of the country, which represent largely the aggregate commercial wealth of the country, and upon these credits issue a solvent currency redeemable in gold upon demand to meet the legitimate requirements of trade at all times and under all circumstances. England, France, Germany, and other countries of Europe have successfully solved this question and have institutions which for generations have not failed to meet promptly and at a reasonable charge every proper demand made upon them for ready money, and there is no valid reason or just excuse why we should not have in this country such an institution, and when I remember the many disasters and the fearful wreck and ruin wrought in this country in the past and bear in mind the intelligence and patriotism of the American people, I am constrained to say that we must have, and we shall have, such an institution in this country.

The National Monetary Commission, after great investigation and much research and painstaking study, and without prejudice or passion, and free from partisan bias, have reported a measure which it believes is constructed along scientific lines, based upon correct and sound financial principles, and which in practice will support and maintain the credit and the solvency of all legitimate enterprise in this country. If the people of this country will lay aside passion and prejudice and give intelligent consideration to this question, as I am sure they will, I am confident that in the near future we will have an institution which will prevent panics and general collapses of credit and prostration of industries and give permanency and stability to the business enterprise and endeavor of our people, and financial panics and disasters will become a history.

My countrymen, I wish that some power could afflame my tongue with words of wisdom that I might appeal to the American people and convince and convict their judgment and their conscience, arouse them to a determination that this country shall no longer experiment with this question, but that we shall arise above partisan politics, above narrow prejudices and preconceived notions, arise to a high standard of patriotic purpose and intelligent consideration and address ourselves to the study of this question with a fixed purpose and an honest desire to reach a correct conclusion, and to establish in this country an institution based upon correct scientific principles that will bring relief and prevent panic and distress in the threatening hour.

Let us remember that this matter can not be compromised. Just so far as you compromise the truth falsehood exists. Just so far as you compromise the right error prevails. And just as well might the American people undertake to experiment with the law of gravitation or in a partisan, biased spirit discuss the movement of the heavenly bodies as by partisan discussion or biased purpose seek to change the great economic law, the great financial principles that are immutable, that when violated bring disaster, and when maintained support credit and bring blessings.

Now, I shall not detain you longer, friends. There are many phases of this question that we might discuss. The necessity for this is, as I said in the beginning, apparent. May I call your attention to the panic of 1837, the panic of 1856, the panic of 1873, the panic of 1893, and the panic of 1907 and various subordinate panics and stresses where credit has collapsed and broken down? Why, in 1907 I suppose it was the experience of every man who hears my voice to-day that there were days when you could not get money at any price; you could not convert Government bonds into ready money. Call money on the New York market went up to 180 per cent. There were other days when it went up to 120 per cent. Ah, my countrymen, let us forget that there is any East or any West, that there is any North or South; let us remember that it is just exactly the same distance from me to you as it is from you to me, that what is for your interest, what is for my interest, what is for our neighbor's interest is gathered together, and that our interests are all so blended together, the enterprises of the country so dovetailed and fitted together, that it is to the common good, the common purpose, the common patriotism that we are to subserve and that we are to study.

And let us hope, let us labor, let us struggle, to so educate, so enlighten the public on this question—and when I say enlighten them I mean interest them, because when the people give determined and fixed thought, unbiased and unprejudiced, they will reach a correct solution. Let us have an institution in this country which, as I said, may be a shelter in a time of storm, a rock in a weary land, a guaranty that there shall no longer be panics. I found when I was in England that the people have for the Bank of England a respect and a reverence second only to their respect and reverence for the Crown. Let this question be presented and considered as a great national and international economic question, upon the right solution of which depends the prosperity, the growth, and the success of our domestic and foreign trade, upon which shall depend the price which the farmer shall receive for his wheat and his corn and his cotton and his live stock, the price at which the manufacturers will be enabled to sell their products, the wages which the great transportation companies will be enabled to pay their laborers and the reasonableness of the charges they shall make for the services they render the public, upon which shall depend the stability and the permanency of the employment of labor and a just and righteous wage to labor.

Let us have in this country an institution that shall have the confidence and the respect and the support of the public, that will bring prosperity to our country and benediction to our people.

Analysis of the Tariff Board Report on Schedule K.

EXTENSION OF REMARKS

OF

HON. JOHN J. FITZGERALD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 7, 1912,

On the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD said:

Mr. SPEAKER: So much has been said of the Tariff Board, of its value, the exhaustiveness of its investigations, and the usefulness of its reports, that the opinion of those competent to pass upon the board's work is highly important.

Mr. Samuel S. Dale, the foremost expert in the country on the textile industries, prepared an analysis of the report of the Tariff Board on Schedule K of the Payne-Aldrich tariff law, which was published in the Textile World Record of June, 1912. No informed person will challenge the standing and competency and impartiality of Mr. Dale. His analysis is a sweeping condemnation of the Tariff Board's work. It demonstrates beyond controversy the futility of adding to the $550,000 heretofore expended by the board. With this sum but 3 schedules of the law have been examined; 11 still remain.

A careful examination of Mr. Dale's paper, which is herewith appended, will disclose the erroneous arguments advanced to perpetuate the board and shows the justification for its abolition:

ANALYSIS OF THE TARIFF BOARD REPORT ON SCHEDULE K.

(By Samuel S. Dale.)

The report of the Tariff Board on the wool and wool-goods schedule should be judged first by the extent to which the board has succeeded in attaining the professed object of its investigation, namely, the determination of the difference between the foreign and domestic cost of producing the raw materials, and the partly and wholly manufactured products of wool manufacturing.

THE DIFFERENCE IN COST FORMULA.

This object has been definitely and repeatedly stated during the last four years, and recently by the President in these words:

> First, by fixing the rates at figures * * * based on the difference between the cost of production here and the cost of production abroad, ascertained by means which preclude all doubt of the substantial accuracy of the calculation.

In order to show what extent this object has been attained by the Tariff Board I have made the following list of the principal products affected by Schedule K, and annexed a brief statement of the information disclosed by the Tariff Board regarding the difference in the domestic and foreign cost of each: Raw wool, wool by-products, shoddy, worsted tops, roving, yarn, cloths and dress goods, carpets and rugs, underwear, hosiery, felts, and narrow fabrics.

RAW WOOL.

The method adopted by the board for calculating the cost of wool is stated on page 313, as follows:

> We have considered wool as the chief product and the receipts from mutton are offset against costs. When the receipts from mutton are less than the total flock expense, the difference is called the "net charge against wool." When, on the other hand, the receipts from mutton are greater than the expense, the difference is the "net credit to wool." And this net charge against or net credit to wool, divided by the number of pounds of wool, is the "net charge against or net credit to a pound of wool."

On the preceding page, 312, the board condemns this method in these words:

> Another method is to consider wool the chief product and mutton the by-product and to charge the total operating costs to the mutton and credit the net income of the business to the wool. * * * When, however, the receipts from mutton equal the operating costs, the cost of producing a pound of wool, as found by this method, is nothing; and when the receipts from mutton exceed the operating costs it is less than nothing. * * * It is evident that this method also is inadmissible because the cost of producing a pound of wool thus determined varies with the relative importance of the receipts from wool and mutton. When wool is the chief source of income and the receipts from mutton are merely incidental and relatively small, this method is approximately correct; but as the receipts from mutton become relatively more important, the degree of error increases, and when mutton is the chief source of income and the receipts from wool are merely incidental, the futility of the method is clearly apparent.

This condemnation of its own method was superfluous. The absurdity of a calculation by which the cost of wool is a positive quantity under some conditions, zero under others, and under others the wool is obtained without cost, bringing a bonus with it, is self-evident. The report contains extensive tables of cost of American wool based on this misleading method of inquiry.

For the foreign branch of the wool inquiry this method of calculation, of course, could not be carried out in such great detail, but the results are given for Australian wool on page 11, as follows:

> In New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock sheep and mutton the receipts from other sources than wool are carrying the total flock expense. So that taking Australasia as a whole it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate.

The report itself supplies the proof that the board has failed completely to determine the difference between the foreign and domestic cost of wool. The board admits this in these words on page 10:

> It is not possible to state in exact terms the actual cost of producing a pound of wool considered by itself.

WOOL BY-PRODUCTS.

These products include noils and the various wastes that are unavoidably made in converting wool and by-products into finished goods. They are inferior grades of raw material. In calculating the cost of wool goods the value of the by-products is deducted from the cost of the raw material used in order to determine the net cost of the latter. No part of the cost of manufacturing is charged to the production of by-products. For this reason the Tariff Board is right in the following conclusion, page 12:

> No comparison as to the cost of production of such products can be made.

SHODDY.

Wool rags may be properly classed as a wool by-product, and the omission of any reference to their cost is explained on that ground, but shoddy is a manufactured product for which rags are the raw material. The report contains no statement on the cost of manufacturing shoddy.

WORSTED TOPS.

In taking up the various wool products in their order of manufacture, worsted tops are the first for which the Tariff Board offers a detailed comparison of cost. A number of important features of the board's investigations of comparative costs will therefore be considered under this head, but it should be borne in mind that the remarks apply not only to tops, but to wool manufactures generally.

The report gives a comparative statement of the domestic and foreign cost of converting wool into tops, but makes no attempt to give the cost of raw material. It is evident, however, that the difference in the total cost of a wool product must be known in order to apply the difference in cost principle in fixing tariff rates. The omission of any important item of cost makes the comparison worthless for that particular purpose. In the case of worsted tops the board has omitted the item of raw material, which constitutes approximately 90 per cent of the total cost of worsted tops. The reason for such omission is plain. The variations in the cost of raw material, not only for tops, but for other forms of wool manufactures, are so great from grade to grade and from time to time that its determination is impossible. This impossibility in the case of wool fabrics was recognized and frankly stated by the board, page 628, in these words:

> The question of raw material was eliminated altogether, since this is such a fluctuating element.

That is true of worsted tops as well as cloths. Turning to the board's investigation of the conversion cost of tops, attention is called to the fluctuating and uncertain elements involved as outlined on pages 640 and 641 of the report. Admitting these fluctuations and uncertainties does not eliminate them, and they alone would thwart the purpose of the inquiry. But on top of all these factors the board informs us, page 641, that the mill records disclose "the widest divergencies" in the conversion cost of worsted tops:

> In attempting to arrive at the cost of tops from a consideration of actual mill records for a given period of time, we have found the widest divergencies due to the difference in output. For a six months' period in one mill the average cost of production for all tops was only 4.28 cents per pound while for another six months' period in the same mill running upon practically the same quality of tops the actual average was 9.37 cents per pound. In the first period, however, the output was about three and one-half times the output in the second period. In the first case the mill was running overtime and in the second case much of the machinery was idle, while the fixed and overhead charges continued the same.

The Tariff Board attempts to meet this situation by assuming a theoretical production on the basis of a full running time. This, however, is assuming a condition that is never found to prevail throughout the industry or continuously in any combing plant.

If so much emphasis had not been placed on the difference in cost theory we might profitably stop here and accept the evidence

disclosed by worsted tops as conclusive that the theory can not be applied to the revision of Schedule K. As far as tops are concerned, we find that an item constituting approximately 90 per cent of the total cost has been omitted entirely, because it could not be determined, while the items making up the remaining 10 per cent are subject to "the widest divergencies." The conclusion is unavoidable that the board has not determined and can not determine the difference between the domestic and foreign cost of tops.

ROVING.

No attempt is made to give the costs of roving separately. This cost is made up of raw material and the various processes up to and including worsted drawing. Raw material, as we have seen, is eliminated entirely from the board's calculations. The final process, drawing, is considered on pages 1031 to 1034, but, as in the case of woolen yarn, the figures relate to the labor cost only, all the other items of expense being omitted. We have noted the defects in the calculations for tops, the cost of which is included in the cost of roving, so that it is now necessary only to record the unavoidable conclusion that the difference in cost has not been determined for roving.

YARN.

The noteworthy feature of the board's report on yarn costs is the omission of essential details relating to the cost of carded woolen yarn. On pages 1025 and 1026 there are the reports of the labor cost of woolen carding in 26 mills. On pages 1040 and 1041 are reports of the labor cost of woolen spinning in a like number of establishments. Nowhere is there a statement of the cost of the other items, such as raw material and manufacturing expense, which make up much the greater part of the cost of woolen yarn. The report deals in greater detail with the cost of worsted yarn. On page 645 there begins a general survey of the question. On page 646 are statements of cost for four separate weeks in one mill. It is rather puzzling to find the output given as "yarn shipped," but accepting the figures as indicating the yarn spun we find the conversion cost varying from 9¼ cents on August 26 to 26½ cents a pound on August 5, with the yarn size practically the same. No better proof of the impossibility of determining cost for the purpose of applying the difference in cost formula to the revision of tariffs is required. The board attempts to avoid this difficulty, as in the case of tops, by assuming a full output. Thus on page 646:

In view of this difficulty the Tariff Board has adopted a general rule of figuring all costs on the basis of full normal output, as in the case of tops.

This is assuming a condition that never prevails for any considerable time throughout the industry. Moreover, the question arises, How did the board revise the cost returns received so as to determine the result that would have been actualy reached if the mill had been doing something that it was not doing?

On page 650 the report says:

Figures of cost were secured in England from various manufacturers on actual samples, and in the second column in the table below are given the figures which represent the average of these various calculations.

From this it is evident that the board obtained from "various manufacturers" in England estimates of cost of certain grades of worsted yarn. These estimates were averaged by some unexplained process and the results tabulated on page 650 for the purpose of comparison with the figures obtained from American mills and revised by the board at Washington. That is the result, or, rather, lack of result, attained by the board in investigating the cost of the material, white worsted yarn, which of all the multitudinous products of wool manufacturing offered the least difficulty in such an inquiry.

CLOTHS AND DRESS GOODS.

The cost of cloths and dress goods includes the cost of the yarn and the conversion cost of the yarn into the finished product. To include in the cost calculation for cloth the operations which the board adopted for the preceding processes would concentrate in this calculation all the uncertainties and errors which have been referred to under the head of raw wool, wool by-products, shoddy, worsted tops, roving, and yarn. Moreover, such a method was impossible because of the omission of essential items, as in the case of by-products and shoddy. The Tariff Board evidently recognized this dilemma, for a new start was made with yarn treated as a raw material and the cost calculations for the preceding processes eliminated entirely. The report thus explains how this result was accomplished, page 628:

An arbitrary price was assumed for different qualities of wool and yarn, this arbitrary price being the actual price so far as it could be accurately determined for a given date.

This method has the merit of boldness and simplicity, although it can not be claimed that it "precludes all doubts of the substantial accurncy of the calculation." The figures thus adopted by the fiat of the board as a substitute for the cost of raw material and its conversion into yarn are termed "prices for a given date." This does not change the fact that they are not costs as contemplated in the formula. It makes the matter worse, for it shows that the board's ideas were so unstable as to shift from production cost to price without hesitation. This confusion of ideas regarding cost and price is so complete that one of the estimates, No. 32, page 672, contains this:

This gives a total cost of 86 cents per yard for those making their own yarn and 95.5 cents per yard where yarn is purchased.

The adoption of the fiat figures of cost for wool and yarn would alone make the results of this part of the inquiry worthless, regardless of the accuracy of the subsequent calculations, and for that reason it is perhaps unnecessary to say more on this particular point. Attention is called, however, to the fact that the list of the figures thus adopted by fiat for wool and yarn is omitted from the report. It is to be found on Tariff Board schedules 1128 and 1129. The following grades and prices are given in the list to cover carded woolen yarn made of wool and mixtures of wool, cotton, shoddy, and by-products:

12 to 16 cut, one-fourth blood worsted waste and shoddy	$0.55
12 to 20 cut, one-fourth blood and shoddy (colors)	.65
12 to 20 cut, one fourth blood and noils (white)	.70
12 to 20 cut, one-fourth blood and noils (colors)	.75
12 to 20 cut, straight one-fourth blood (white)	.80
20 to 28 cut, straight, three-eighths blood (white)	.85
From 20 to 28 cut add 1 cent per cut.	
32 cut, fine white carbonized	.95
40 cut, fine white carbonized	1.10
2–12 to 2–18 cut, one-fourth blood worsted waste and shoddy	.50
2–18 to 2–20 cut, in grease	.62½
2–18 to 2–20 cut, in colors	.70
2–22 to 2–24 cut, skein dyed in colors	.77½

There are no established standards for such yarns. They are spun from new wool of every grade; also from mixtures containing wool, cotton, shoddy, and by-products, in every imaginable proportion—some with the wool, cotton, shoddy, or by-products omitted, and the mixture made up of the whole or a part of the remaining materials. Not only the proportion, but also the cost per pound of each of these materials varies widely from grade to grade and from time to time. As a result the average cost of the mixtures is subject to even greater fluctuations.

Fixed prices or cost figures are equally absurd in the case of worsted yarn and wool. No feature of the Tariff Board's investigation excites greater astonishment than does this substitution of arbitrary prices for actual cost. This extraordinary method has evidently been adopted not only for American costs, but for foreign costs as well. Take, for example, sample No. 26, page 667. This cloth is made of two grades of cotton yarn and one of worsted. The report says, page 667:

The average cost of the yarn used was $0.692 per pound; the resulting cost of the stock material in a yard of cloth is $0.55.

The English cost of the yarn is thus stated, page 668:

The yarn material for a yard of cloth is taken at a cost of $0.4085.

These figures do not represent cost in any mill, either in this country or abroad. They result from some undisclosed system of estimating, based on arbitrary prices for foreign and domestic yarn. Such calculations do not come up to the level of ordinary guesswork.

As was the case when studying the board's cost figures for worsted tops, the temptation again becomes strong to leave this feature of the report with the conclusion that the case against the difference in cost formula has been proved, but so much emphasis has been placed on this formula that we will go on to the end of the list.

CONVERSION COST.

Turning to the inquiry into the cost of converting yarn into cloth, the fact claiming attention first is that the board's figures do not relate to the actual cost of the cloths, but to estimates of their cost. This is admitted on page 628, where the report, after stating the impossibility of determining the actual cost, says:

The only method available was to start with certain specific cloths and get the most accurate estimates possible from a number of different mills on the cost of making goods of this quality.

The inherent difference between actual cost as contemplated in the formula and an estimate of cost is evident. A manufacturer may estimate the cost of a fabric regardless of whether the goods were made in his mill or not. He determines the character of the raw material by the exercise of judgment and the construction of the fabric by analysis, and with these particulars makes an estimate of cost based on assumed conditions of market price of materials and expense in the mill. This, however, is not the actual cost, which is determined only by the actual manufacture of the goods, and it is the actual cost which is meant in the difference in cost formula. Not only has the board substituted estimated cost for real cost, but these estimates have been obtained under conditions that make irregularities and errors inevitable.

The report states, page 629, that the agents of the board "visited the mills with samples and worked out with the proper officials the cost under each separate process." The published results of their labors are found on pages 651 to 690, in the form of estimates of cost of 55 samples of American wool goods, and on pages 694 to 704 in the form of estimates of the cost of 14 samples of foreign fabrics.

Fortunately it is not necessary to rely solely on one's own judgment or on the opinion of others as to the merits of this system of cost estimates. Three years ago, in 1909, the American Association of Woolen and Worsted Manufacturers adopted the same plan and submitted to a large number of manufacturers the specifications for three worsted and two carded woolen fabrics, with a request that estimates of the cost of these goods be returned to the association. As was done by the Tariff Board, uniform prices were assumed by the association for the wool and yarn. Following is a statement of the lowest, highest, and average estimates:

	Lowest.	Highest.	Average.
Fabric A	$1.50	$2.02	$1.75⅝
Fabric B	1.47½	1.98	1.78
Fabric C	1.06	1.53	1.29
Fabric D	1.10	1.65	1.37
Fabric E	.85	1.02½	.93¾

Such figures are worthless, and it is certain that the estimates of the Tariff Board are no better.

The sole difference between the estimates of the association and those of the Tariff Board is that the agents of the board worked out the figures with the mill officials in accordance with a definite system prescribed by the board. But a cost system can not be applied successfully in a mill on short notice. It is necessary first to apply a system for a long period, a year or more, in order to determine the cost per unit of production in the various departments of a mill. Not before this is done does it become possible to make a fairly close estimate of the cost of a given fabric when made in that mill under like conditions. An attempt, such as was made by the Tariff Board, to apply suddenly to a large number of unprepared mills a new system of cost estimating is calculated to give results as misleading and erroneous as were those obtained three years ago by the American Association of Woolen and Worsted Manufacturers. This is evident from the details of the board's estimates. For example, the conversion cost of sample No. 1 is given as 8 cents per yard, and this note of explanation is annexed, page 652:

> Taking all of the cost secured by the board, from mills of all sizes, the average conversion cost is 11.1 cents per yard.

This means that some of the estimates must have varied from 8 cents to considerably over 11 cents a yard. No two mills would agree as to the estimated cost, yet the board adopts one set of figures for each sample. Why was 8 cents selected for the figures given in the report when the average was 11.1 cents? And was this average calculated by a method that gave the mills an equal weight regardless of size? These questions may appear superfluous in view of the fundamental defects already noted in the calculations, but reference is made to them in order to make the analysis as complete as possible. For the same reason a review will be made of various other features of the estimates.

A number of the estimates refer to fabrics made of wool yarn mixed with cotton or silk yarn. An application of the difference in cost formula would make it necessary to determine the cost of the cotton and silk yarn as well as the wool. Nowhere is such cost given. Apparently arbitrary figures have been assumed for the cost of the silk and cotton yarn as well as for the wool yarn, and an average of the three calculated by some unexplained process. For example, sample No. 24, page 666, is made of a mixture of cotton, silk, and worsted yarn, and the "cost" of the three is given as follows:

> The average cost of the yarn described is $0.714 per pound, making a total stock cost of $0.571 per yard of finished cloth.

The plan pursued in the board's estimates of the foreign cost of the various samples is thus explained on page 630:

> The method adopted in securing foreign costs on American samples was similar to that used in this country. Samples of identical fabrics, cut from the same piece, were taken to England and to the Continent. These were shown to a number of manufacturers, and their estimates on the cost of production secured, but not in the same detail as in American mills, because foreign manufacturers do not keep their costs in any such detail. In England the costings on these samples are given with the authority of a cloth expert, himself a manufacturer, who took the English estimates secured and corrected or verified them from his own experience or from the costs in his own mill.

The woolen and worsted industry in England is organized on a different basis from that generally prevailing in this country. Cost calculations are simpler and probably more accurate in that country than they are here. For these reasons a fair comparison of the costs in the two countries is possible only after careful revision. Such a complicated cost estimate schedule as the one prepared by the Tariff Board would stagger English manufacturers. The above extract from the report makes it plain that they did not understand the board's system and did not attempt to carry it out. Figures, however, are easily obtained, and the agents of the board obtained them from a few English manufacturers. Evidently these figures bore the marks of unreliability, for they were referred to a "cloth expert, himself a manufacturer," who "corrected or verified them from his own experience or the costs in his own (English) mill." It is unnecessary for us to follow this system into France and Germany. Adopted in response to an order to determine the difference in the cost of production, "by means of which preclude all doubt as to the substantial accuracy of the calculation," it abandons the cost of production entirely, and substitutes estimates based on assumed figures for the greater part of the cost, and for the remainder on methods that are unworthy of serious consideration either at home or abroad. The Tariff Board knew of the defects in estimates of cost as the following passage, page 628, shows:

> The difficulty here lay in the well-known fact that estimates on the same sample by different manufacturers may vary very widely, and experience in this regard by associations in the trade who have attempted to arrive at some standard cost method showed the necessity for adopting every precaution to make these figures as detailed, accurate, and fair as possible.

But stating a difficulty does not overcome it, and the knowledge on the part of the board that estimates would not disclose what they were seeking only increases the surprise that such a plan was adopted. No precautions can make estimates conform to actual cost. In the absence of a knowledge of the actual cost there is no way of verifying or correcting the estimates.

CARPETS, RUGS, UNDERWEAR.

The report gives no information regarding the cost of these goods, this explanation for the omission being found on page 9:

> It proved impracticable to carry out at one and the same time an indefinite number of separate cost inquiries and bring them all to conclusion at a given date. For this reason we are not able to include in the present report data as to the cost of underwear and carpets, regarding which our investigations are not sufficiently advanced to make the results practically useful.

HOSIERY, FELTS, NARROW FABRICS.

On the cost of these products the Tariff Board makes no report deserving consideration.

We have reached the end of the list of products. Summing up the situation we find that the Tariff Board's inquiry into cost of production has nowhere given results in whose accuracy any confidence can be placed. Some wool products were omitted entirely—carpets, knit goods, felts, and narrow fabrics—for lack of time; by-products, because the task was impossible.

A fundamentally unsound method was adopted for raw wool. Where costs were actually investigated, as in the case of worsted tops and yarn, the fluctuations from time to time and from mill to mill made self-evident the impossibility of determining the costs for the purpose of fixing tariff rates. For some materials, roving and yarn for example, the manufacturing expenses other than labor were omitted. Likewise in some cases raw material, subject as it is to constant, extreme, and indeterminate variations in cost, was eliminated bodily from the calculations. In other cases arbitrary figures were assumed to indicate the fluctuating and uncertain cost of raw material. Estimates were substituted for statements of actual cost. Calculations that could be but little better than guesswork were made for the board by foreign manufacturers. And finally the reports thus collected were "revised" and "edited" at Washington in an attempt to make them harmonize with each other and conform to conditions of production that seldom if ever exist.

The contrast between this result and the President's definition of what was required is grotesque, but the failure to attain the announced purpose of the inquiry does not necessarily carry with it any reflection on the ability, industry, or faithfulness of those who did the actual work of investigation. The fact is, they were engaged in an undertaking that reached far beyond the limits of the possible. The difference between the domestic and foreign cost of producing wool and wool goods can not be determined for the purpose of fixing tariff rates. Criticism, if it is indulged in, should be directed to the failure to recognize the impossibility of the difference in cost formula and direct the inquiry into practical channels. If that had been done, the cost of production would not have been ignored but would have received its proper share of attention in connection with many other factors bearing on the tariff question. The primary mis-

take was in making the inquiry hinge on the difference in cost formula. That placed on the board the work of accomplishing the impossible.

FEATURES OF VALUE.

Although the chief purpose of the investigation resulted in failure, as was inevitable, the four volumes of the report contain a considerable body of useful information. In this may be included many of the conclusions regarding the existing tariff law and among which are the following:

Wools of heavy shrinkage can not be profitably imported into the United States (p. 381).

Clean wool of the light shrinking sorts (is procured) at a materially lower net rate of duty than the law apparently contemplated (p. 381).

Low-priced grades of wool can not be profitably imported (p. 391). If admitted under a revised tariff, they could be substituted for large quantities of cotton and shoddy that are used at present.

There is no valid reason for the discrimination that now exists as between the wools of class 1 and class 2 (p. 11).

The duty on sorted wool was made excessive for purposes of exclusion, and that is its effect (p. 49).

The present duty of 33 cents per pound on scoured wool is prohibitive, preventing effectually the importation of clean, low-priced foreign wools of the lower grades that would be exceedingly useful in the manufacture of woolens in this country, and if so used might displace in large measure the cheap substitutes now so frequently employed in that industry (p. 11).

The present tariff excludes all noils except a small quantity of high grade (p. 75).

The present tariff on wool waste, rags, and shoddy is prohibitive, except on a small quantity of very high grade (pp. 4, 5, 12, 13, 69, 71, 78, 82). Shoddy is not necessarily the cheap undesirable material that many take it to be (p. 69).

Wools of class 3 are used in the manufacture of goods other than carpets (p. 413).

The present duty on worsted tops is prohibitory, because the compensatory duty is excessive (pp. 107, 189).

The present duties exclude all yarn except very high grades, of which but a small quantity is consumed (pp. 116, 190).

The present specific or so-called compensatory duties on manufactures of wool are excessive, and result in making the tariff on such goods prohibitory, except for a small quantity of high-priced products, the duties being the highest on low-priced goods (pp. 5, 13, 14, 139, 149, 164, 182, 188, 124, 125, 133, 147, 167, 184).

Domestic prices of wool goods are not always increased to the full amount of the duty imposed on competing foreign products (pp. 5, 14).

Prohibitive duties eliminate the possibility of foreign competition and offer a temptation to monopoly and conspiracy to control domestic prices (p. 5).

These are statements of fact, but of well-known facts that have been iterated and reiterated, particularly during the last three and one-half years, and their appearance in the report of the Tariff Board now is but the acceptance of what has been publicly demonstrated and spread upon the records of Congress.

THE SCOURED WEIGHT OF GREASE WOOL.

We now come to a consideration of the conclusions reached by the Tariff Board. The first to claim attention is the recommendation that a specific tariff on wool be based on the scoured weight (p. 12):

That the chief objection to the present rate on the grease pound could be met by levying some form of specific duty based on the clean or scoured content of the wool imported.

That the necessary machinery for testing at ports of entry could be installed promptly and cheaply and could be maintained efficiently at small expense.

After recommending a specific duty based on the scoured weight of wool as a desirable and entirely practicable substitute for the present specific duty on grease wool of classes 1 and 2, the board qualifies its opinion, on page 397, as follows:

Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this, but in any event it would give access to all fine, heavy fleeces on equal terms with the lighter-conditioned wools, thus meeting one great objection to the existing law.

IS THE SCOURED WEIGHT TARIFF DESIRABLE?

Two questions must be answered in passing upon this scoured weight proposition. Is the plan desirable? Is it practicable? Fortunately the first question can be readily and conclusively answered by applying a specific rate to the very large quantity of scoured wool sold at the London wool auctions. This scoured wool is, as regards variation in price, fairly representative of the wool sold in the greasy condition. Thus by applying a specific duty to the scoured wool an illustration is obtained of how such a duty would operate if imposed on the scoured weight of foreign grease wool imported into the United States. This test of the scoured weight wool duty has necessitated considerable labor in classifying the wool sold at London according to price. In view of the superior facilities possessed by the board and the importance of the question involved, it is somewhat surprising that such a test was not made and the results given in the report. In a letter to the Ways and Means Committee on March 15, 1909, I gave a statement of the high, low, and average prices of about 80,000,000 pounds of wool sold by auction at the last sales at London, Liverpool, and in Australia. Following are the prices for the scoured wool included in that statement, with a specific duty of 20 cents per scoured pound applied in order to show the effect of the plan recommended by the Tariff Board. Corresponding variations would result regardless of the particular specific rate imposed:

Scoured wool sold at London in January and February, 1909.

	Price.	Duty.	Ad valorem.
	Cents.	*Cents.*	*Per cent.*
Highest price	63	20	52
Lowest price	8	20	250
Average price	26.4	20	76

Scoured wool sold in Australia, December, 1908.

	Price.	Duty	Ad valorem.
	Cents.	*Cents.*	*Per cent.*
Highest price	39	20	51
Lowest price	6½	20	308
Average price	24	20	83

Another illustration of how a wool duty based on the scoured weight would operate in practice is shown in the following statement of 2,847 bales of West Australian, Adelaide, and New Zealand wool sold at the first series of London sales in January, 1910. In this case, the number of bales sold at each price is given. The ad valorem equivalent of a specific duty of 20 cents per scoured pound is given for each price and also for the average price of the 2,847 bales:

Two thousand eight hundred and forty-seven bales scoured wool from West Australia, Adelaide, and New Zealand sold at London, first series, January, 1910.

Bales.	Price.	Per cent ad valorem 20 cents per pound.
1	10	200
2	13½	148
5	14	143
5	14½	138
6	15	133
3	15½	129
8	16	125
50	17	118
52	18	111
197	19	105
231	20	100
560 bales 100 per cent and above.		
215	21	95
140	22	91
112	23	87
59	24	83
192	25	80
1,278 bales 80 per cent and above.		
117	26	77
235	27	74
93	28	71
123	29	69
127	30	67
1,973 bales 66⅔ per cent and above.		
98	31	64
95	32	62
43	33	61
45	34	59
31	35	57
46	36	56
45	37	54
99	38	52
36	39	51
20	40	50
2,531 bales 50 per cent and above.		
174	41	49
65	42	47
51	43	48
17	44	46
8	45	45
1	46	44
2,847[1]	[2] 27.7	[2] 72

[1] Total bales. [2] Average.

Following is a summary of the 2,847 bales showing the quantity included within given limits of the ad valorem equivalent of the 20-cent rate per scoured pound:

Bales (per cent ad valorem, 20 cents per pound):

560	per cent	100 and above.
1,278	do	80 and above.
1,973	do	66⅔ and above.
2,531	do	50 and above.
2,847	do	43½ and above.

In order to make these illustrations of the scoured-weight wool tariff as comprehensive as possible, I have compiled from the wool circular of Stables, Straker & Co. the following state-

ment of the 30,644 bales of scoured wool sold at the fourth series of London auctions in July, 1911:

Scoured wool sold at fourth series of London sales, July, 1911.

Bales.	Price.	Per cent ad valorem 20 cents per pound.
1	6	333
11	6½	308
1	7	286
1	7½	267
11	8	250
9	9	222
5	9½	210
22	10	200
18	10½	190
16	11	182
8	11½	174
66	12	167
22	12½	160
91	13	154
15	13½	148
139	14	143
36	14½	138
228	15	133
85	15½	129
428½	16	125
587½	17	118
801	18	111
1,144½	19	105
1,172	20	100
4,918 bales 100 per cent and above.		
1,325	21	95
1,450	22	91
1,166	23	87
1,095	24	83
1,163	25	80
11,117 bales 80 per cent and above.		
1,173½	26	77
1,034	27	74
1,163	28	71
987	29	69
1,114	30	67
1,188	31	64
1,071	32	62
1,058	33	61
770	34	59
1,128	35	57
1,012	36	56
901	37	54
1,093	38	52
843	39	51
766	40	50
26,419 bales 50 per cent and above.		
944	41	49
896	42	47
932	43	48
522	44	46
427	45	45
30,140 bales 45 per cent and above.		
286	46	44
69	47	43
47	48	42
50	49	41
11	50	40
14	52	38
18	56	36
9	61	33
30,644[1]	[2] 29½	[2] 67

[1] Total bales. [2] Average.

THE DEFECTS OF THE SCOURED BASIS FOR TARIFF RATES.

These exhibits tell their own story. They show that a specific duty based on the scoured weight of wool is subject to ad valorem variations fully as great as those now resulting from a specific duty on the grease weight. This is not at all surprising to those familiar with the prices and shrinkages of different grades of wool, although it had escaped the attention of the Tariff Board up to the time of making their report on Schedule K. In recommending the scoured weight as a basis for a specific duty on wool they apparently assumed that the scoured yield was the main factor in determining the value of grease wool, ignoring the equally important factor of grade. The value of grease wool depends upon both shrinkage and grade. These two factors may work in conjunction to raise or lower the price per pound, as when a low-grade wool of heavy shrinkage results in a low price in the grease, and when a high grade wool of light shrinkage makes a high price in the grease; or they may work in opposition to each other, as when low grade is combined with a light shrinkage and when a high grade is combined with a heavy shrinkage. In each of the last two cases one factor tends to increase the grease price, while the other tends to depress it. These factors of shrinkage and grade are found in such endless proportions, sometimes working together to determine the grease price, at other times in opposition, that a specific duty per scoured pound is subject to ad valorem variations practically as great as in the case of a specific duty per grease pound.

Illustrations of these conditions, which the board has overlooked, are found in the report itself. On pages 387 to 391 is a statement of the yield, scoured cost, and ad valorem equivalent of the Dingley duty of 11 cents a pound on various lots of wool imported by an American worsted mill. We will take for comparison the 30 bales of Australian merino bought on March 8, 1909, and the 50 bales of South American crossbred bought on December 22, 1906. The Payne (Dingley) duty on the grease weight and a specific duty of 20 cents a pound on the scoured weight of these two lots are as follows:

	Australian.	South American.
Grease cost	26.15	26.13
Dingle duty.....per cent..	42	42
Shrink.....do....	49.12	34
Scoured cost	51.39	39.6
20 cents per scoured pound .....do....	38.9	50.5

Here are two lots of wool costing the same per grease pound and on which the ad valorem equivalent of the Payne duty is the same. But as a result of the varying shrinkage the costs per scoured pound are 51.39 cents and 39.6 cents, respectively, and the ad valorem equivalents of a 20-cent rate per scoured pound are 38.9 per cent for one lot and 50½ per cent for the other.

For another illustration, take the 105 bales of Australian merino bought on November 25, 1907, and the 100 bales of South American crossbred bought on June 20, 1908. The results from these two lots are as follows:

	Australian.	South American.
Grease cost	26.60	15.28
Dingley duty.....per cent..	41.3	71.8
Shrink.....do....	53	33
Scoured cost	56.60	22.82
20 cents per scoured pound .....do....	35.3	87.6

In the case of these two lots the specific duty per grease pound varies from 41 per cent ad valorem on the first lot to 72 per cent on the second, but great as this variation is the 20-cent rate per scoured pound varies even more, from 35 per cent on one lot to 87½ per cent on the other. The 20-cent rate per scoured pound has decreased the ad valorem duty on the fine wool 6 per cent and increased it on the coarse wool 16 per cent.

This feature of the wool tariff is so important that I have calculated the ad valorem equivalents of the 20-cent rate per scoured pound for the lots in this statement that were bought in 1907 and 1908. The results follow, compared with the ad valorem equivalents of the 11-cent rate per grease pound:

AUSTRALIAN MERINOS.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1907.			
Jan. 24	47.2	38.2	36.6
24	48.9	39.8	37.2
24	45.0	35.1	33.1
29	49.8	39.5	36.0
31	48.5	39.8	37.2
31	48.5	38.4	35.9
31	48.5	38.4	35.9
31	48.5	39.8	37.2
31	49.8	40.1	36.6
31	49.5	39.3	36.0
31	47.6	44.5	42.3
Feb. 1	47.7	41.8	39.8
8	50.6	43.3	39.0
Mar. 10	50.0	40.2	36.5
Oct. 4	53.0	41.3	33.3
Nov. 25	52.5	43.0	37.1
25	49.0	41.9	38.8
18	46.0	36.0	33.3
19	44.4	32.9	33.2
19	47.0	36.9	35.5
25	47.0	35.0	33.7
25	46.3	34.4	33.6
23	48.2	36.2	34.0
16	47.3	37.2	35.6
23	48.0	35.9	33.9
Dec. 30	48.0	37.9	35.8
30	46.5	39.2	38.1
6	47.5	41.0	39.1
10			

AUSTRALIAN MERINOS—continued.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1908.			
Jan. 6	47.5	37.4	35.6
6	46.5	34.6	33.6
25	47.9	37.1	35.1
31	46.0	40.2	39.5
31	49.0	43.6	40.4
11	47.5	39.5	37.7
31	48.8	43.3	40.3
11	47.5	37.4	35.6
20	48.5	40.6	37.9
20	49.0	38.9	36.0
25	47.5	37.4	35.6
Oct. 9	49.8	43.7	39.9
Dec. 11	50.0	44.0	40.0
Nov. 23	47.0	50.5	39.0
23	48.0	41.6	39.3
23	47.1	40.6	39.0
21	50.6	44.7	40.1
21	50.8	45.0	40.2
28	47.5	41.8	39.9
28	47.0	39.7	38.2
28	47.8	40.5	38.4
28	50.1	44.2	40.0
28	50.8	45.0	40.2
28	49.8	46.6	42.4
Dec. 2	51.0	55.3	40.3
21	46.0	41.0	39.5
21	50.0	48.9	44.4
15	46.8	44.6	43.1
15	44.6	38.0	38.3

AUSTRALIAN CROSSBREDS.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1907.			
Jan. 12	33.2	33.9	41.2
12	40.5	37.3	40.3
16	41.1	37.8	40.5
23	38.0	35.3	39.7
Feb. 8	38.0	35.3	39.7

SOUTH AMERICAN MERINOS.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1907.			
Mar. 19	51.5	43.3	38.2
19	50.5	41.5	37.3
16	51.5	43.3	38.2
28	53.0	49.7	42.4
28	47.0	44.1	42.4

SOUTH AMERICAN CROSSBREDS.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1907.			
Jan. 7	33.5	41.8	50.5
Mar. 14	42.0	39.5	41.6
Dec. 28	32.5	54.4	66.8
1908.			
Jan. 2	33.3	50.7	68.8
2	36.0	52.8	61.4
13	33.5	56.9	68.8
Apr. 7	33.5	68.3	82.6
28	33.5	70.9	85.7
28	33.5	75.2	90.9
May 15	33.5	75.2	90.9
June 20	33.0	71.8	87.6
27	34.0	72.9	87.4

Here are 79 lots of foreign wool bought in 1907 and 1908 by an American worsted mill. On some of them the 11-cent rate of duty per grease pound gives a higher ad valorem than does the 20-cent rate per scoured pound. On others the 20-cent rate per scoured pound is the higher. This variation is the result of the varying shrinkages. With a shrinkage of 45 per cent the 11 cents per grease pound and the 20 cents per scoured pound give the same ad valorem rate. On wools shrinking more than 45 per cent the 11 cents per grease pound gives the higher ad valorem equivalent. On wools shrinking less than 45 per cent the 20 cents per scoured pound gives the higher ad valorem rate. The 11-cent rate per grease pound on these 79 lots varies from 32.9 per cent to 75.2 per cent ad valorem. The 20-cent rate per scoured pound on the same lots varies from 33.2 per cent to 90.9 per cent. In other words, the application of a specific duty per scoured pound has resulted in a fluctuation of 174 per cent above the minimum in place of a fluctuation of 129 per cent under a duty per grease pound.

As only the lightest shrinking wools are imported into the United States under the present duty the 79 lots given above fail to disclose the comparative effects of the specific tariffs based on the grease weight and scoured weight of wools of low grade and heavy shrinkage. On such wools the specific duty would be prohibitory regardless of whether it was based on the grease or scoured weight. Take, for example, the very large quantity of foreign wool shrinking about 65 per cent and selling for 8¢ cents, giving a scoured cost of 25 cents a pound. The Payne duty of 11 cents per grease pound would be equivalent to 126 per cent ad valorem, while the 20-cent rate per scoured pound would amount to 80 per cent ad valorem. Both rates would have the same effect—exclusion. It would help neither the manufacturer nor the ultimate consumer to know that they were deprived of these low-priced but useful materials by a duty of 80 per cent instead of 120 per cent. The burden of exclusion would be as heavy in one case as in the other. For all practical purposes the 20-cent rate per scoured pound on those low-priced wools would be as high as the 11-cent rate per grease pound.

Such are the practical effects of the scoured weight duty, which the Tariff Board tells us (p. 398) "would remedy most of the primary faults of Schedule K, and (p. 396) would admit on equal terms wools of light and of heavy shrinkage which our present method fails to do." Such are the practical effects of the scoured-weight duty which President Taft states (p. 4) "obviates the chief evil of the present system and tends greatly to equalize the duty." The President and the Tariff Board are wrong in their conclusions. The facts are the reverse of what they state. Instead of decreasing the diversity resulting from the present duty per grease pound a specific duty on the scoured pound would increase it. A specific duty per scoured pound would bear heaviest on low-priced wools, which would be wholly excluded, whereas now under a specific duty per grease pound a small quantity of low-priced light shrinking wools is imported. Bad as a specific tariff based on the grease weight of wool is, a specific tariff based on the scoured weight would be worse.

IS THE SCOURED-WEIGHT TARIFF PRACTICABLE?

Having found that a tariff based on the scoured weight of wool is even more objectionable than the present tariff based on the grease weight, it is not worth while to devote much time to a discussion of the practicability of the scoured-weight basis. It claims some attention, however, because the President and the Tariff Board have laid special emphasis on the practicability of that system. Thus, on page 397, the board says:

> The Tariff Board has carefully investigated this matter and, with the aid of the Bureau of Standards, has reached the conclusion that it is not only possible, but it is relatively a simple matter to test wool by sample at the time of importation. It is also ascertained that the machinery required for scouring and conditioning wool in small lots is inexpensive and could be promptly installed, and the cost of operation would be light. If Congress should deem it wise to adopt this method of collecting duties upon raw wool, it would seem that the details necessary for its prompt, efficient, and economical administration may safely be left to the proper administrative officers of the Government.

The President accepts this conclusion in these words, page 4:

> The board reports that this method is feasible in practice and could be administered without great expense.

This statement of the board is ambiguous. Of course it "is a simple matter to test wool by sample at the time of importation," but will the results of the test show the average shrinkage of the entire lot in each case? Like Glendower, the Tariff Board and Bureau of Standards can, of course call spirits from the vasty deep. So can I or any other man, but will they come when we call? That is the question. To aid in reaching a conclusion as to whether the testing of imported grease wool to determine its shrinkage is feasible, let us consider some of the conditions under which it must be carried out.

DRAWING SAMPLES FOR THE TESTS.

The first difficulty to arise in testing the shrinkage of a lot of wool is the drawing of a sample to represent the entire lot. Wool as it comes from the sheep carries grease, dirt, dung, and other impurities which are removed by the scouring process. This shrinkage in scouring varies widely, not only in different fleeces, but in different parts of the same fleece. The grease wool, usually in separate fleeces, is packed in bales each weighing 180 to 1,000 pounds, and a cargo is made up of different lots varying from 1 bale to 200 bales or more in size. Take a lot of 100 bales. If a manufacturer wanted to test the shrinkage of such a lot before buying, he would buy and scour several, say, 2 to 5, bales selected as fair samples. Testing on such a scale is out of the question in the case of the Government. In a year like 1909 is would mean scouring from 3,500,000 to 9,000,000 pounds of wool. Not only is that impracticable, but it would mean a depreciation of 8 to 10 cents a pound in the market value of the wool so scoured, say, a loss of $350,000 to $900,000. On the other hand, if a small sample, say, 50 pounds, is tested the problem is how to draw 50 pounds from 30,000 pounds more or less so as to have the small quantity represent the entire lot. My belief is that it is impossible and that the small sample, even if drawn by an experienced, careful, and thoroughly honest man, would represent the large lot only by a rare chance.

LARGE NUMBER OF TESTS.

It would be necessary to make a separate test of each lot. The average size of the lots sold at London is about 10 bales. At that rate it would be necessary in a year like 1909 for the United States Government to make approximately 50,000 scouring tests of 50,000 lots of grease wool, or 167 tests per day. The size of this undertaking depends on the size of the test samples, and on that point the board says nothing.

VARIATIONS IN RESULTS OF TESTS.

Scouring tests vary frequently from 2 to 5 per cent or more. The conditioning process, which the Tariff Board recommends, offers no guaranty against such variation. Conditioning will guard against such variations due to the presence of moisture, but will not guard against the variations due to imperfect scouring.

DELAYS.

The testing of wool for shrinkage takes time. Add to this the accumulation of tests in a crowded season and the certainty of disputes involving retesting, the question of delay at the port of entry becomes serious for customs officers as well as for importers and manufacturers. The importer will not know what his wool is to cost him until it has been tested by the Government. This introduces an additional cause of uncertainty in a business already noted for its uncertain features.

DISPUTES.

The difficulties and impossibilities involved in the testing of grease wool in order to assess a duty on the scoured contents make it clear that every test will offer an excellent opportunity for a dispute between the Government and the importer as to the proper duty to be collected. This gives an added significance to the making of 50,000 tests a year.

ERROR AND FRAUD.

Under the conditions that surround a scoured-weight tariff on wool serious errors are certain to occur. In addition there is the opportunity for fraud with but slight chance of detection and conviction. Fraud would be easy in drawing the samples and in handling the test lots. Concealment of guilt would be equally easy. The opportunities for defrauding the Government would be far greater with the scoured-weight tariff on wool than by undervaluation with an ad valorem duty, and the work of detection and conviction would be practically impossible.

RECOMMENDED IN DISREGARD OF EXPERIENCE.

The Tariff Board evades the practical difficulties involved in a specific tariff based on the scoured weight of wool by stating (p. 397) that "it would seem that the details necessary for its prompt, efficient, and economical administration may be safely left to the proper administrative officers of the Government." Prominence is given in the report to the indorsement of the practicability of such a tariff by the Bureau of Standards. But what the report fails to state is that, as I am informed on the highest authority, this scoured weight tariff has been recommended by the Tariff Board in total disregard of the judgment of an administrative officer in the customs service who has had years of practical experience in the handling of wool, both as a dealer and as an official in the Government service. And the judgment of this official is in accord with that of all of the many experienced wool dealers with whom I have discussed this question. There is no escape from the conclusion that the proper administration of a tariff based on the scoured weight of grease wool is utterly impracticable.

ENGLISH AND FRENCH EXPERIENCE.

Reports have just been received from two men, one at Bradford, England, the other at Amiens, France, who at my request made an investigation of the conditioning process in their respective countries and obtained the opinions of men experienced in the management of conditioning houses. My Amiens correspondent says that "le conditionnement des laines à l'état brut ne se pratique que tres rarement." (Grease wool is rarely conditioned.) His statement is confirmed by the official statistics of the Roubaix and Tourcoing conditioning houses, which give the quantity of tops, yarn, and noils tested, but make no reference to scouring tests of grease wool.

My Bradford correspondent went into the subject in considerable detail, making a careful inspection of the processes at the Bradford conditioning house. He reports that in 1911 the Bradford establishment made 237,967 tests, representing 95,930,026 pounds of wool and goods, and that of these tests, 222,908 were for moisture and only 3,464 were "scours for fat and oils." Moreover, these 3,464 scouring tests included tops, noils, wastes, and yarns, the scourings of raw wool being comparatively insignificant.

Another fact of importance is that the wool samples are usually drawn by the submitting party and not by the representatives of the conditioning house, the latter thus taking no responsibility for the essential question as to whether the test lot represents the entire lot. Another point is that some of the scouring tests at Bradford require two days. The tests for moisture are made at Bradford with only 2 pounds drawn from each bag. A Bradford conditioning house manager with long experience told my correspondent that the only way he could suggest for obtaining fairly correct scouring tests of large lots of grease wool was to install full-sized scouring, drying, and air-cooling machinery and testing as many bales of each lot as might be considered necessary. And after this was done the grease left in the wool could be determined only by a chemical analysis. This is the judgment of men experienced in testing textile materials at Bradford, the most important wool-manufacturing center in the world. Against this we have the ambiguous statement, page 397, that "the Tariff Board has investigated the matter, with the aid of the Bureau of Standards, and has reached the conclusion that it is not only possible, but it is a relatively simple matter to test wool by sample at the time of importation."

I have made some inquiries regarding the conditioning of textiles by the Bureau of Standards and am informed on the best authority that their work thus far has been mainly a study of methods, that the work has not progressed sufficiently to enable them to fix a definite schedule of fees for public service, that they are still working on the problem of sampling from large lots and have not decided on a standard method, and that the determination of the shrinkage of raw wool could be made on samples as large as 3 to 5 pounds. The bureau's work in conditioning textiles is still in its preliminary stage, and while it may in time reach a point where its officials will be able to report from experience on the practicability of administering a tariff based on the scoured weight of grease wool, it has not yet arrived there.

Although the statement of the Tariff Board just quoted is ambiguous it is calculated to convey the idea that the shrinkage of large lots of grease wool can be easily determined. As such it is unfair to Congress and to all who desire a prompt and wise revision of Schedule K, and it is also unfair to the Bureau of Standards, whose officials, I am sure, would not indorse such a proposition.

My own experience, the statements made to me by many experienced wool dealers, the reports from Bradford and Amiens, and the information obtained regarding the work of conditioning by the Bureau of Standards at Washington, all confirm the conclusion already reached that the plan to base specific tariff rates on the scoured weight of grease wool is hopelessly impossible.

IMPOSSIBLE AND UNDESIRABLE.

And for what purpose is it proposed to adopt the impossible scoured-weight proposition? Why, in order to establish a tariff system under which the inequalities would be far greater than they are now under the specific tariff on grease wool, whose serious defects are no longer denied.

CARPET WOOLS.

The recommendations of the board regarding wools of different classes are somewhat conflicting. They decided that the scoured basis should be adopted for wools of class I and class II, but when they faced the problem of carpet wool they concluded that the grease basis should be adopted. The report states, page 414:

> The objection hereinbefore conceded to lie against the flat specific on the scoured content, as in the case of classes I and II, becomes in the case of this heterogeneous mixture of grades, qualities, and values a much more serious one.

The objection to which the board refers and which has already been quoted is, page 397:

> Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this.

As a matter of fact the scoured values of wools of class I and class II vary far more than do the scoured values of carpet wools, so this objection applies with less force to carpet wools than to the others, although a scoured-weight tariff is undesirable for wools of any class. The board suggests, page 414, that:

> This problem might be settled by a single specific rate, regardless of either value or condition, as meeting best the problems of administration and revenue, and at least relieving the carpet trade of much of the uncertainty inherent in the present system.

This recommendation of a flat specific rate on carpet wool can easily be subjected to the acid test by applying any such rate, say 7 cents a pound, to the different grades. A list of these grades was obtained from one of the leading dealers in carpet wools, with the approximate prices on March 15, 1912. The list follows with the ad valorem equivalents of a 7-cent specific rate.

SOUTH AMERICA.

Name.	Price, cents per pound.	Per cent ad valorem (7 cents per pound).
Argentine-Cordova	12	58
Chile-Valparaiso	12	58
ASIA.		
East India Kandahar white, washed	20	35
Kandahar yellow, washed	17	41
Vicanere white, washed	21	33
Joria white, washed	24	29
Yellow, washed	17	41
Heavy low yellow, washed	12	58
China filling in grease	12	58
Combing in grease	14	50
Washed	24	29
Thibet in the grease	12	58
Persia, white Bushire in grease	12	58
Black Bushire in grease	11	64
Bokhara white, washed	17	41
Black, washed	12	58
Khorassan, I clip, washed	17	41
II clip, washed	14	50
TURKEY IN ASIA.		
Caramanian in grease	12	58
Jaffa in grease	12	58
Erzeroum in grease	10	70
EUROPE.		
Corsican in the grease	11	64
Sardinian in the grease	12	58
Cyprus in the grease	12	58
RUSSIA.		
Georgian, I clip in grease	15	47
II clip in grease	16	44
Lambs, in grease	18	39
Turkestan, greasy	12	58
Trans-Caspian, washed	18	39
AFRICA.		
Very coarse hairy wools in small quantities	12	58
ASIA MINOR.		
Aleppo in grease	12	58
Washed	23	30
Orfa in grease	12	58
Washed	23	30
Awassi and Karadi in grease	12	58
Washed	20	35
Damascus in grease	12	58
Washed	23	30
Angora in grease	12	58
Washed	21	33
Kashgar, washed white	20	35
Syrian pieces	11	64
Smyrna in grease	12	58
Mexican	13	54
EUROPE.		
Austrian Zackel in grease	12	58
Washed	21	30
Pulled	15	47
Scotch blackfaced in grease	14	50
Haslock, pulled	21	33
Greece, unwashed	12	58
Germany and Holland, heath greasy	11	64
Heath, washed	14	50
Iceland, washed	22	32
Pulled	18	39
Portugal-Oporto, washed	20	35
In grease	8	88
Russia-Calmuc in grease	9	77
Crimean, washed	14	50
Donskoi, washed	23	30
Donskoi, in grease	12	58
Lambs	19	36
Kasan, washed	17	41
Spain and France Pyrenean, unwashed	12	58
Pyrenean, washed	24	29
Turkey-Albania	12	58
Bosnian	12	58
Kasabachia	12	58
Salonica, unwashed	12	58
Salonica, washed	24	29
Servian skin wool	16	44

This is the operation of the tariff recommended by the board for carpet wool. The rates vary from 29 to 88 per cent, ad valorem, the highest being 200 per cent above the lowest. Comment would seem to be unnecessary. In fact it was hardly necessary to test the board's recommendation as it is now well known that a specific duty on a material varying as widely in condition and value as wool does is indefensible.

The board's recommendation of one rate for so-called carpet wools and a very different rate for all other wools is seriously objectionable because of the impossibility of classifying wools according to the uses to which they are to be put. Under the present classification of the Payne bill a large quantity of wool is imported at a low duty as class III (carpet) wool and used in the manufacture of goods other than carpeting. This is admitted in the report, page 413:

> These wools (class III) are chiefly used in the manufacture of carpets and rugs, but an inquiry by the board develops the fact that while the great bulk of the consumption is devoted to such use, certain grades are in demand for other purposes, such as the manufacture of felt boots, horse blankets, coarse upholstery goods, robes, paper maker's felt aprons, and wadding for gun cartridges. The better grades also find their way into various blends in the manufacture of coarse cloths, such as the cheaper grades of cloakings, overcoatings, coarse tweeds and cheviots, and occasionally into worsted spinning mills.
>
> The truth seems to be that the demand for the so-called carpet wools for better than carpet-making purposes depends largely upon the price of clothing wools.

So it will be with any reasonable classification intended to admit carpet wools at a rate different from that placed on other wools. It follows that under such an arrangement the manufacturers using so-called carpet wools for goods other than carpets will obtain an advantage over other manufacturers making competing goods from wool subject to the higher duty.

COMPENSATORY DUTIES.

The report devotes much space to the compensatory duty on goods made wholly of wool and on pages 621 to 626 gives a detailed account of how this duty could be adjusted to provide compensation for a specific tariff based on the scoured weight of wool. The shrinkage of wool in the various processes of manufacturing and the value of the various by-products from noils to shear flocks are calculated with apparent exactitude. To provide compensation the rate per scoured pound of wool is increased 10 per cent when applied to tops, by 19 per cent when applied to yarn, and by 42 per cent when applied to cloth. All this leaves the impression that here we have a method by which compensation for the compensatory tariff can be adjusted to the duty on wool with scientific accuracy. This method, however, is based on the false assumption that the cost of the raw material in wool goods is increased by exactly the amount of specific duty imposed on imported wool. But this is not the case. The specific duty, bearing no uniform relation to the value of the wool, restricts the supply of different grades unequally. A new, unstable and usually higher price level is established behind such a tariff. And the difference between the domestic and the foreign price of wool is nearly always less than the tariff on the wool imported. That has been the rule under the various wool tariffs since 1867. The last three years have supplied a striking illustration of it, for during a considerable part of that time the domestic price of wool has been but little above the foreign price although a specific duty has been in force with ad valorem equivalents varying from 35 to 550 per cent.

This would be the condition under a specific duty based on the scoured weight of wool for which the Tariff Board has calculated a compensatory duty with such seeming accuracy. Suppose that the 30,644 bales of scoured wool already referred to are offered for sale in foreign markets and that a duty of 20 cents per scoured pound is in force in this country. The American manufacturer would run his eye down the list and find that on 26,419 bales, or 86 per cent of the entire quantity, the duty varied from 50 to 333 per cent ad valorem; that on 4,918 bales the duty varied from 100 to 333 per cent, and that the average duty for the entire 30,644 bales would be 67 per cent ad valorem. This would mean that the low-priced wools were excluded from the country, and that the only wools available for importation were those of the best quality and highest price adapted for high-priced fabrics.

NO COMPENSATION FOR EXCLUSION OF RAW MATERIALS.

The manufacturer would thus be forced to use such substitutes as were offered for sale in the United States, such as the limited quantity of low-grade wools, shoddy, wool by-products, and cotton. Under these conditions the compensatory duty framed by the Tariff Board would be but a mockery. No tariff on goods can compensate a manufacturer for a duty which deprives him of raw material. With a duty of 20 cents per scoured pound, wool costing abroad 25 cents a pound scoured would cost 45 cents duty paid. The Tariff Board says: Put a

specific duty of 22 cents a pound on tops, 23¾ cents a pound on yarn, and 28½ cents a pound on goods to compensate the American manufacturer for this 20-cent duty on wool. But the trouble with this plan is that the business will not stand the 20-cent rate. The foreign prices of different grades of wool are determined by their respective adaptability for supplying the wants of consumers. When specific duties interfere with the extension of such natural adjustment of values to the United States, the result is not, as the Tariff Board assumes, a uniform increase in the American market by the amount of the specific duty. Such interference results, instead, in a new adjustment based on the adaptability of the restricted American supply of raw materials for supplying the wants of American consumers. And it is these conditions that the American manufacturer must meet. He must make his goods out of low-priced materials in order to sell them at prices the consumer can pay. The so-called compensatory of 28½ cents a pound becomes under such conditions largely protective and thus the scoured weight duty leaves us just where we are now, with low-priced raw materials excluded from the country and the tariff on goods largely in excess of requirements because of the concealed protection in the compensatory duties.

PROTECTIVE DUTIES ON WOOL MANUFACTURES.

That part of the report dealing with protective duties on partly and wholly manufactured goods is confused and conflicting. Great emphasis is placed on what the board considers to be the serious defects of ad valorem duties, the following from page 709 being a typical passage:

One serious disadvantage of ad valorem duties is that the amount of duty increases with every increase in the price of the article. In other words, at the time when prices are high and when the consumer would be most benefited by the active competition of foreign fabrics, the duty automatically increases. Conversely, the amount of duty diminishes when prices fall; that is, when the consumer least needs relief and when the competition of foreign manufacturers is most injurious to the home producer.

The report then goes on to point out the supposed advantages of specific duties and the disadvantages of an ad valorem tariff for purposes of protection, page 709:

From the point of view of protecting the domestic manufacturer by equalizing the difference in cost of production at home and abroad by means of tariff duties, the system of specific duties is the natural and logical method. Market values fluctuate continuously, according to the prices of the raw material. The cost of manufacturing this material, however, remains relatively constant and does not change with such fluctuations. That is, the difference in the cost of production is a relatively constant quantity and consequently a duty assessed in ad valorem terms would inevitably be at one time in excess of the difference in the cost of production and at another time less than the difference in the cost of production, according to the temporary and speculative changes of the market.

Then the report condemns specific duties for goods with a saving clause for yarn, pages 709 and 710:

The successful operation of a system of specific duties, however, depends upon the possibility of classifying the articles on which duties are levied in definite terms familiar to the trade and corresponding to actual difference in cost of manufacture. Many efforts have been made to find an accurate basis for such classification for manufactures of wool, but thus far not with success so far as woven fabrics are concerned. In the case of yarns the problem is relatively simple. Yarns are comparatively well standardized and their cost varies in a certain regular relation to the fineness or count of the yarn. It is a simple matter then to adopt the specific system in this particular case. A duty can be assessed on No. 1 yarn and be made to increase by a certain proportion with each additional count of yarn. The proper additions could furthermore be made for doubling, dyeing, hard twisting, etc.

But no satisfactory method of classifying woven fabrics, in the case of manufactures of wool with a view to the assessments of specific duties, has yet been devised.

These conclusions, if accepted as final, deprive us of any satisfactory basis for protective duties, but the report supplies this want on page 710 by adopting the ad valorem system which it had so severely condemned on page 709:

It would seem, then, that in so far as woolen and worsted fabrics are concerned the only present practicable method of levying duties is to adopt in some measure a system of ad valorem duties. Such ad valorem duties would necessarily be in addition to any compensatory duties levied because of the duty on the raw material.

It is difficult to understand the state of mind in which a system of protective duties is condemned on one page and then adopted on the next without referring to the objections previously stated, or adopting any measures whatever to overcome them. The market fluctuations which made an ad valorem tariff on goods so objectionable and so burdensome to the consumer on page 709 would have exactly the same effect under the step-ladder ad valorem duties recommended on page 710.

RAW MATERIAL AND MANUFACTURING COSTS.

Without wasting time in further consideration of the contradictory reasoning of the Tariff Board, let us look at their recommendations regarding protective duties, page 18:

There are grave difficulties, however, in attempting to place a flat ad valorem rate on manufactures of this kind. In certain grades of fabrics the value of the material is a very large proportion of the total value and the cost of the manufacture relatively small. In the case of expensive and finely finished goods, on the other hand, the cost of material becomes less important and the labor or conversion cost becomes an increasingly large proportion of the total cost. The result is that a flat rate, adequate to offset the difference in cost of production on the finer goods, must be prohibitive on cheaper goods. Conversely, the rate which merely equalizes the difference in cost of production on cheaper goods would be inadequate to equalize the difference in the cost of finer goods. A fair solution seems to be the adoption of a graduated scale under which an ad valorem rate, assessed properly on goods of low value, should then increase progressively, according to slight increments of value, up to whatever maximum rate should be fixed.

This recommendation is also found in the President's message, page 6:

No flat ad valorem rate on such fabrics can be made to work fairly and effectively. Any single rate which is high enough to equalize the difference in manufacturing cost at home and abroad on highly finished goods, involving such labor, would be prohibitory on cheaper goods, in which the labor cost is a smaller proportion of the total value. Conversely, a rate only adequate to equalize this difference on cheaper goods would remove protection from the fine-goods manufacture, the increase in which has been one of the striking features of the trade's development in recent years. I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied.

The President and the Tariff Board are mistaken in their assumption that the cost of manufacturing is less on low-priced fabrics than on high-priced goods. This is not in accordance with mill experience. To show what the truth is regarding the proportions of raw material and manufacturing in the cost of different grades of wool goods, the figures for 86 fabrics made at the Merchants Woolen Mill, Dedham, Mass., during the two years four and one-half months from December, 1891, are given below:

Cost of goods.

No.	Goods.	Per pound.	Raw material.	Manufacturing.
			Per cent.	*Per cent.*
1497	Beaver	$0.453	36.7	63.3
913	do	.473	41.5	58.5
2103	Chinchilla	.476	55.5	44.5
1491	Beaver	.488	41.8	58.2
2105	Chinchilla	.502	54.0	46.0
1452	Serge	.504	59.7	40.3
912	Beaver	.506	47.2	52.8
1382	do	.507	43.9	56.1
463	do	.523	52.5	47.5
509	do	.534	52.6	47.4
1415	do	.562	51.0	49.0
1226	Cloaking	.586	59.9	40.1
1415	Beaver	.588	51.3	48.7
901	do	.588	52.4	47.6
1486	do	.598	43.2	56.8
1429	do	.598	52.4	47.6
908	do	.600	53.6	46.4
903	do	.601	51.5	48.5
1382	do	.605	50.6	49.4
1423	do	.605	52.5	47.5
1422	do	.606	53.9	46.1
1219	do	.609	53.3	46.7
904	do	.615	54.8	45.2
1436	Serge	.631	52.4	47.6
461	Beaver	.633	46.0	54.0
904	Cloaking	.642	52.0	48.0
4608	Kersey	.647	50.3	49.7
1219	Beaver	.650	53.4	46.6
1418	Melton	.652	64.1	35.9
1428	Serge	.652	52.5	47.5
1487	Beaver	.663	58.0	42.0
1476	Freize	.664	71.0	29.0
910	do	.687	69.6	30.4
907	Beaver	.689	56.5	43.5
1459	Cloaking	.701	57.7	42.3
1438	Melton	.715	68.1	31.9
4608	Kersey	.77	60.0	40.0
1483	do	.723	59.7	40.3
1428	Beaver	.741	60.6	39.4
1402	Serge	.748	57.9	42.1
1434	do	.746	53.0	47.0
1443	Thibet	.737	48.1	51.9
497	do	.764	60.4	39.6
1417	Kersey	.766	66.0	34.0
1318	Beaver	.767	54.2	45.8
92	do	.767	52.0	48.0
447	Kersey	.771	56.4	43.6
1470	Melton	.772	61.5	38.5
1408	Kersey	.788	62.1	37.9
1417	Worsted	.788	61.9	38.1
1467	Melton	.788	57.5	42.5
1416	Kersey	.789	60.7	39.3
906	Beaver	.794	57.3	42.7
1413	Kersey	.797	67.7	32.3
1410	do	.797	57.2	42.8
1450	Thibet	.793	54.3	45.7
1424	Kersey	.809	61.8	38.2
900	Beaver	.816	52.2	47.8
1791	Kersey	.829	70.1	29.9
1230	Thibet	.834	58.0	42.0
1427	Beaver	.835	51.6	48.4
118	Chinchilla	.840	61.0	39.0
1461	Beaver	.843	52.7	47.3
1489	Serge	.848	65.7	34.3
911	Dress goods	.893	53.9	46.1
1490	Serge	.905	64.3	35.7
1449	do	.911	57.6	42.4
301	Kersey	.614	60.1	39.9
1230	Thibet	.913	61.4	38.6

Cost of goods—Continued.

No.	Goods.	Per pound.	Raw material.	Manufacturing.
			Per cent.	*Per cent.*
1481	Melton	$0.923	70.2	29.8
4800	Beaver	.958	60.9	39.1
1477	Serge	.993	53.1	46.9
1442	Thibet	.993	59.4	40.6
1448	Serge	1.048	54.7	45.3
1419	do	1.081	65.5	34.5
53	Dress goods	1.113	60.3	39.7
1240	Serge	1.114	54.2	45.8
1462	Kersey	1.118	57.0	43.0
57	Dress goods	1.146	56.6	43.4
909	Flannel	1.22	58.0	42.0
902	Cassimere	1.242	60.6	39.4
1472	Thibet	1.29	59.8	40.2
5000	Piece dye	1.36	71.2	28.8
1468	Thibet	1.43	60.4	39.6
905	Kersey	1.444	67.3	32.7
479A	Worsted	1.82	62.6	37.4

These cost figures refute the contention of the President and the Tariff Board as to the proportion of the cost of manufacturing to the total cost of low and high priced wool goods. Of these 86 fabrics the 43 lowest-priced cloths show an average manufacturing cost of 46.1 per cent. The 43 highest priced show an average manufacturing cost of 40.2 per cent. The general principle to be drawn from these particulars is the opposite of that formulated by the President and the board. There is a slight preponderance of manufacturing cost in the total cost of the low-priced goods.

THE BOARD'S RECOMMENDATIONS IN CONFLICT WITH THE BOARD'S STATISTICS.

The indorsement by the President and the board of the opposite claim is the more remarkable because it conflicts not only with mill experience but with the cost estimates which the board gives on pages 651 to 690. The form in which these estimates appear is misleading, because the cost of the raw material and the cost of manufacturing this material into yarn are not given separately, but are both included in the single item of yarn cost. This may explain why the board formulated a general principle which was in conflict with its own figures. On 42 of the samples listed on pages 651 to 690 I have calculated the cost of converting the raw stock into yarn, using as far as possible the data which the board gives. This conversion cost of yarn has been added to the board's estimate for converting the yarn into cloth, and thus we arrive at the board's estimate of the cost of raw material and the cost of manufacturing, which are given in percentages in the following table along with the cost per pound of cloth:

No.	Goods.	Per pound.	Per cent cost raw material.	Per cent manufacturing.
13	Woolen, cotton shoddy	$0.453	33	67
14	Woolen	.566	54	46
11	do	.632	64	36
21	do	.729	53	47
25	do	.903	56	44
16	do	.963	48	52
46	do	1.008	63	37
9	Woolen, worsted	1.012	63	37
8	Woolen	1.014	56	44
22	Worsted	1.022	59	41
14	Woolen	1.036	59	41
3	Cotton worsted	1.072	48	52
41	Woolen	1.074	58	42
44	do	1.107	67	33
23	Worsted	1.113	58	42
1	do	1.12	55	45
26	Cotton worsted	1.141	44	56
32	Woolen	1.147	49	51
12	Worsted	1.154	57	43
19	do	1.18	54	46
33	Woolen	1.19	50	50
27	Worsted	1.228	61	39
20	Woolen	1.232	53	47
37	Worsted	1.26	62	38
10	do	1.27	55	45
15	do	1.277	67	33
34	do	1.339	52	48
36	do	1.383	71	29
49	do	1.434	55	45
47	do	1.502	59	41
6	do	1.52	49	51
39	do	1.54	59	41
48	do	1.542	57	43
40	Worsted, woolen	1.545	55	45
29	Worsted	1.614	60	40
43	Worsted, woolen	1.682	58	42
51	Worsted	1.683	56	44
42	do	1.744	59	41
7	do	1.89	52	48
35	do	1.96	60	40
5	do	2.07	48	52
53	do	2.464	50	50

These figures do not give the slightest support to the claim advanced by the President and the Tariff Board that the proportionate cost of manufacturing increases with the total cost of the goods. On the contrary, the board's own cost estimates show that the proportionate cost of manufacturing is greatest on the cheapest goods. The 21 lowest-priced fabrics show an average manufacturing cost of 45½ per cent, while the average of the remaining 21 highest-priced cloths is 43 per cent. Thus we find that starting with a false assumption regarding the cost of manufacturing the Tariff Board recommends a system of stepladder ad valorem duties on goods (p. 710):

In general it may be said that the fabrics of high value have a relatively high conversion cost. There are, of course, individual exceptions to this general statement, but they are not of sufficient importance to materially affect the case. Consequently, if the purpose of legislation be to adjust duties so far as possible to relative labor or conversion costs, this can now best be done, so far as woolen and worsted fabrics are concerned, by assessing ad valorem rates and have them vary with the value of fabric. A system of graduated duties, increasing regularly with different increments of value, could be made equitably to equalize the difference in cost of production on the more expensive fabrics without placing prohibitory rates on fabrics of lower grades.

Mill experience and the board's own figures stamp the premise as wrong and the recommendation as unsound. If protective ad valorem rates on wool goods are to be varied at all with the value of the fabric, the highest rates should be placed on the lowest-priced goods. As a matter of fact, however, the relative proportions of raw material and manufacturing making up the cost of wool goods of different values are fairly uniform and the variations so slight that one flat ad valorem rate answers well for protective purposes.

An additional fact of interest bearing on this question of the relative proportions of material and manufacturing expense is found in the cost of the carded woolen goods made in the Hecla mill, Uxbridge, Mass., from December 31, 1886, to October 31, 1891. The total cost of the goods was $1,343,076.47. Of this amount $795,996.02, or 59.3 per cent, was the cost of the wool, while the remainder, $547,080.45, or 40.7 per cent, covered all other expenses of manufacturing. While these Uxbridge figures have no direct bearing on the claim advanced by the President and the board as to the variation of these proportions in the cost of low and high priced goods, they do show that the average at the Hecla mill corresponds approximately with the results obtained at Dedham, where the average for the 86 fabrics was 56.8 per cent for raw material and 43.2 per cent for manufacturing. The item of raw material in both cases covers only the cost of the materials, wool, cotton, and by-products, converted into cloth, while all other expenses, including such materials as fuel, soap, and dyestuffs, are included in the cost of manufacturing.

AD VALOREM DUTIES.

The report of the Tariff Board is emphatic in condemnation of ad valorem duties on wool, the objections being summarized in the following extracts:

Page 4. These discriminations could be overcome by assessing a duty in ad valorem terms, but this method is open to the objection, first, that it increases administrative difficulties and tends to decrease revenue through undervaluation; and, second, that as prices advance, the ad valorem rate increases the duty per pound at the time when the consumer most needs relief and the producer can best stand competition, while if prices decline the duty is decreased at the time when the consumer is least burdened by the price and the producer most needs protection.

Page 11. The board finds that an ad valorem rate is open to grave objection from the point of view of administration and revenue, in the case of a crude, bulky, commodity-like wool, produced in many remote regions and finding its way into the markets through so many various channels of trade.

That, furthermore, an ad valorem rate would give a high duty per pound when prices were high; that is, when the consumer most needs relief and the producer is most able to bear competition. With a low price of wool the duty per pound would be low; that is, at the time when the consumer has less need of competing wools and the producer is least able to bear competition.

If these two objections to ad valorem duties are sound in respect to wool, they have even greater force when a tariff on manufactured goods is considered. The value of raw wool is easily determined, whereas the appraisal of manufactured goods is difficult. Moreover, if the evil effects of fluctuating prices, over which the President and the Tariff Board express so much concern in the case of wool, are not imaginary, they will certainly be far more serious in the case of manufactured goods, because the protective duty on goods involves not only the protection of the woolgrower but of the wool manufacturer as well. And yet the President and the board unite in recommending an ad valorem duty for goods, where all of their objections, if valid, have the greatest force. If they are right in recommending an ad valorem duty for goods, they are wrong in condemning it for raw wool. No part of this contradictory report and the message accompanying it excites more surprise

than the condemnation of ad valorem duties for raw material and the approval of such duties for manufactured goods.

THE BURDEN OF SPECIFIC RATES.

Equally surprising is the manner in which the report and the message ignore the serious objections to a specific duty on a material varying in value as widely as scoured wool. In the preceding pages of this analysis are illustrations of these variations. A typical example is supplied by the 30,644 bales of scoured wool sold at London last July, which showed ad valorem equivalents of a 20-cent rate per scoured pound varying from 33 per cent on the highest-priced lot to 333 per cent on the lowest priced. The President and the board unite in recommending a wool duty subject to such burdensome inequalities, at the same time condemning a uniform ad valorem rate because of the possibility of undervaluations which could not exceed 5 per cent without gross official negligence. Suppose that under an ad valorem tariff two vessels laden with wool should reach an American port, each carrying 3,000 bales, 900,000 pounds scoured weight, of wool; that the wool in one vessel was valued at $216,000 and in the other at $432,000. A fair method of taxing this wool would make the tax on the low-priced cargo one-half of that imposed on the other which is worth twice as much. It would unquestionably be a great injustice to collect the same tax, say, $108,000, on each cargo. That would be like taxing real estate at so much per parcel, instead of so much per thousand dollars of valuation. It would increase the cost of one cargo by 50 per cent and the cost of the other by only 25 per cent. It would be injustice, discrimination, and special privilege. And yet it is exactly that objectionable system which the President and the Tariff Board recommend for the duty on wool. And one of the reasons for their recommendation is the possibility, under a straight ad valorem tariff, of a variation due to undervaluation that could not exceed 5 per cent if the administrative officers did their duty.

Another serious objection to specific duties which the President and the board ignore when advising a specific duty on wool is the heavy burden it places on low-priced materials suited for consumers of low purchasing power, while the high-priced goods that go to consumers of high purchasing power escape with a light duty. This analysis is filled with illustrations of this particular evil, to which the President and the Tariff Board are apparently indifferent in their zeal for a specific tariff based on the scoured weight of wool. The objection to an ad valorem duty because of the fluctuation of market values deserves little consideration. Price fluctuations comparable to the fluctuations of the ad valorem equivalents, which we have seen to be certain under specific duties, are unthinkable. The ordinary fluctuations of prices offer no serious difficulties to either producer or consumer in connection with an ad valorem tariff. Prices do change, like all other things, and with an ad valorem tariff the duty collected will change in harmony with them. And it is only by an ad valorem tariff that the injustice of collecting a fixed tax regardless of value, as under the present tariff on wool, can be avoided. Moreover, if a protective tariff is to be adjusted to the difference in the cost of production between this country and abroad, the value is the only proper basis for the rates.

ADVANTAGES OF AD VALOREM RATES.

I have already shown the practical uniformity of the proportions of material and manufacturing costs that make up the total cost of different fabrics, and which show how well an ad valorem basis is suited for a tariff based on the manufacturing cost. Moreover, the cost of partly manufactured products increases with each process. The value increases with each step in manufacturing, thus automatically apportioning and adjusting the basis of the tariff to the protective requirements. For example, if wool is converted into worsted cloth the total value of the wool is divided, part of it being represented by the value of the by-products at the successive stages of manufacturing and the remainder being combined with the manufacturing cost to make up the total cost of the cloth. Eliminating profits, the market value of the cloth and by-products thus provides the basis for the proper protective-tariff rates. And the practical uniformity of the proportions of raw material and manufacturing in the cost of cloths makes the value the best basis for the compensatory duty.

There is another important point in this connection. Let us assume that there is an ad valorem duty of 40 per cent on wool, and that the American cost of manufacturing is twice the foreign cost. As the proportions of raw material in different fabrics are, with few exceptions, found to vary between 50 and 65 per cent, we will take for illustration two cloths of which one represents a foreign cost per yard made up of 50 cents for wool and 50 cents for manufacturing, while the cost of the other per yard consists of 65 cents for wool and 35 cents for manufacturing. To equalize the foreign and domestic costs of these two fabrics the following duties would be necessary:

	Foreign cost.	Difference.	American cost.
NO. 1 CLOTH.			
Wool	$0.50	$0.20	$0.70
Manufacturing	.50	.50	1.00
	1.00	.70	1.70
NO. 2 CLOTH.			
Wool	.65	.26	.91
Manufacturing	.35	.35	.70
	1.00	.61	1.61

This shows that, while the difference in the cost of manufacturing varies 15 cents a yard, the difference in the total cost duty paid varies only 9 cents per yard. For that reason a flat ad valorem rate of 70 per cent on goods would, in extreme cases, exceed the required protection by only 5 per cent. This is a negligible difference when compared with the extreme variations under a specific tariff, which have been such powerful factors in arousing public sentiment against not only the Payne bill but the policy of protection itself.

A TARIFF BILL "IN ACCORDANCE WITH THE REPORT."

I have endeavored to confine the foregoing analysis to the more important features of the Tariff Board's report on Schedule K. This has resulted in the omission of reference to a number of points which, though deserving attention, are of comparatively minor importance. The Hill bill (H. R. 22262) for revising Schedule K has recently been introduced into the House of Representatives, and as its author, Mr. HILL, announced that it was in accordance with the report of the Tariff Board, a brief examination of this measure may not be out of place here, affording, as it will, an opportunity to illustrate the practical application of various recommendations in the report.

THE HILL TARIFF ON WOOL.

The Hill bill provides for a specific duty of 18 cents a pound on the scoured weight of grease wool. The difference between this rate and the rate (20 cents a pound) which is used in this analysis to illustrate the operation of a scoured-weight duty on wool is so slight that my previous comments on this feature of the board's report can be applied to the wool duties on the Hill bill. Take, for example, the 30,644 bales of scoured wool sold at London last year. The 20-cent rate made the highest ad valorem equivalent 333 per cent, the lowest 33 per cent, and the average 67 per cent. The Hill rate of 18 cents would make the highest ad valorem equivalent 300 per cent, the lowest 29 per cent, and the average 60½ per cent. The proportionate variation is the same in both cases; the reduction would be of negligible value to either manufacturer or consumer. The Payne rate on scoured wool is 33 cents a pound, giving on the scoured wool above named extremes of 550 and 54 per cent, the three rates showing the following comparison:

	Hill, 18 cents.	20 cents.	Payne, 33 cents.
	Per cent.	*Per cent.*	*Per cent.*
High	300	333	550
Low	29½	33	54
Average	60½	67	111

BY-PRODUCTS.

The Hill rates on wool by-products are as follows:

Top waste and slubbing waste, 18 cents per pound; roving waste and ring waste, 14 cents per pound; noils, carbonized, 14 cents per pound; noils, not carbonized, 11 cents per pound; garnetted waste, 11 cents per pound; thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound; shoddy, mungo, and wool extract, 8 cents per pound; woolen rags and flocks, 2 cents per pound.

All that has so far been said regarding the inequalities and burdens resulting from specific duties on wool and wool goods applies with special force to such duties on wool by-products, the use of which is essential to the proper clothing of people living in temperate and cold climates. The operation of the Hill duties on by-products is illustrated by applying them to the 42 samples of noils, waste, and shoddy to which reference was made in Senate Document No. 38, Sixty-first Congress, first session. This illustration is conservative, because by-products will

be found in the market both higher and lower in price than any on this list:

No.	Name.	Price.	Ad valorem equivalent.	
			Hill.	Payne
		Cents pound.	*Per cent.*	*Per cent.*
4	Black shoddy	6½	123	385
6	Cheviot shoddy	6½	123	385
22	Carbonized serge	7	136	286
1	Green worted shoddy	8	100	312
2	Dyed black mungo	8½	94	118
3	Dyed green mungo	8½	94	118
23	Carbonized black worsted	9	122	333
5	Medium worsted shoddy	9	89	222
21	Black worsted, carded	10½	90	190
2640	Crossbred noils	12½	88	160
16	Colored waste	13	73	154
2541	Crossbred noils	14	79	143
2880	Olive shoddy	15	53	167
11	English noils	15	73	133
2537	Crossbred noils	15	73	133
18	Gray waste, carded	15	63	133
2469	Fine shoddy	16	50	157
10	English noils	16	69	125
9	....do	16½	67	121
2534	Crossbred noils	16½	67	121
2536	N. Z. noils	17	65	117
2535	Crossbred noils	17½	62	114
20	Colored crossbred	19	57	157
2539	50s noils	19½	56	102
2533	Lister noils	20	55	100
8	English noils	20	55	100
15	Hosiery waste	20½	46	97
2532	Lister noils	20½	53	97
17	White waste	20½	53	146
13	White hosiery waste	21	45	95
12	Down noils	21½	51	93
2990	Light shoddy	22	36	114
3155	Light waste	22	43	91
2783	Black shoddy	22	36	114
14	Hosiery waste	23	41	87
26	Crossbred noils	23½	47	85
7	White noils	29	38	69
27	Botany noils	31½	35	63
28	Cape noils	33	33	61
19	Botany waste	35	31	86
25	Aust. 80s noils	35	31	57
21	Colored botany	39	28	77

The Hill rates appear moderate compared with the Payne duties, but for nearly all the materials in the list the former would have the same effect as the latter—exclusion.

WORSTED TOPS.

In order to show how the Hill rates on worsted tops would operate I have calculated the ad valorem equivalents of both the Hill and Payne rates for eight grades of tops ranging from the highest to the lowest sold at Bradford, England, the prices being for March 15, 1912. The results follow:

Name.	Price, cents per pound.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
40s Colonial	26½	80	168
44s Colonial	28	76	161
50s Colonial	34	64	138
56s Colonial	39	56	124
60s Colonial	48½	46	105
70s Colonial	52	43	100
80s Colonial	54	42	97
90s Colonial	60	38	91

Here again we see the irregularity of ad valorem equivalents and the heaviest burden on the lowest-priced materials that always result from specific duties. The Payne rates on worsted tops are all prohibitory. The Hill rates would be prohibitory on low-priced tops and under certain conditions of domestic supply and demand would probably permit of a limited importation of high-priced tops. The Hill duty on tops is made up of a specific duty of 20 cents, called the compensatory duty, and a protective duty of 5 per cent ad valorem. This division is only nominal. On law and medium-priced tops the specific duty would fail to compensate for the exclusion of the low-priced wools of which such tops are made.

YARN.

Under the Hill bill yarns would be subject to a duty of 21½ cents per pound and an additional ad valorem rate graded according to value as follows:

	Per cent ad valorem.
30 cents and under	10
30 to 50 cents	15
50 to 80 cents	20
Above 80 cents	25

The Tariff Board's recommendation that the protective duty on goods be ad valorem and increase with the value of the goods in order to protect the supposed greater proportionate cost of manufacturing high-priced goods has been adopted in framing the Hill tariff on yarn. I have shown that that assumption is incorrect. The progressive increase in the Hill protective rates is consequently unwarranted. The specific rate of 21½ cents per pound, giving the highest ad valorem equivalent on the lowest-priced yarns, serves in some measure to correct the inequalities resulting from the progressive increase of the ad valorem rate. This correction is only partial, however, as is shown by the Hill ad valorem equivalents on 13 grades of worsted yarn quoted at Bradford, England, on March 15, 1912:

Name.	Price per pound.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
2/16s crossbred (32s)	$0.32	82	160
2/15s 3-ply carpet	.34	78	153
2/32s crossbred (40s)	.37	73	145
2/36s crossbred (44s)	.40	69	136
2/40s crossbred (46s)	.44	64	128
2/20s crossbred (50s)	.48	60	120
2/20s crossbred (56s)	.54	60	111
2/48s crossbred (58s)	.65	53	99
1/60s botany super (64s)	.72	50	93
2/60s crossbred (70s)	.77	48	90
2/48s twist (64s)	.82	51	87
2/40s medium mohair	.84	50	86
1/30s super mohair	1.16	43	73

The irregularity of rates and preponderance of duty on low-priced materials, with which we have become familiar, are illustrated again by the application of the Hill and Payne rates on these worsted yarns. The list fails to show the full extent of the irregularity, however, because it does not include the low-priced carded woolen yarns made of mixtures of wool and by-products.

TARIFF ON CLOTHS.

The Hill bill imposes a compound duty on cloths, knit goods, and felts. The specific rate is 25 cents per pound on goods valued at not more than 40 cents per pound, and 26 cents on goods valued at more than 40 cents. The ad valorem rates are graduated according to value as follows:

	Per cent ad valorem.
Not over 40 cents	30
40 to 60 cents	35
60 to 80 cents	40
80 cents to $1	45
$1 to $1.50	50
Over $1.50	55

These rates, so far as they apply to felts and knit goods, are not in accordance with the report of the Tariff Board, for the board made no report on these goods. The limitation of the specific rates to the wool contained in the goods is, in the case of cloths as well as yarn, in disregard of the opinions of the Tariff Board, page 626:

> Goods made with a cotton warp and wool weft may be easily recognized and rated; but it frequently happens that both warp and weft contain more or less of cheaper materials. There are, of course, well known and simple tests for discovering the cotton content of a fabric, but their application to imported cloths in the customhouse would involve considerable difficulties. Moreover, there is no test known that will disclose the proportion of noils, shoddy, mungo, etc., to new wool in many varieties of fabrics. Difficulties of this kind, however, could be partly overcome by graduating the compensatory duty according to the value of the fabric.

The Hill bill evidently contemplated confining the specific duty to the wool fiber in a fabric, regardless of whether the fiber was new wool, wool by-products, or reclaimed wool. The 25-cent rate on goods valued at not more than 40 cents per pound is but a pretense of accepting the graduated compensatory duty recommended by the board, because the reduction of 1 cent a pound from the regular rate is negligible, so far as the professed object is concerned.

The sliding scale of ad valorem duties is in accordance with the recommendation of the Tariff Board. We have seen that this recommendation is based on a false assumption regarding the proportionate cost of manufacturing goods of different values. If 55 per cent ad valorem is required for protection on goods valued at more than $1.50 per pound, that rate is necessary on goods valued at less than $1.50 per pound.

In order to illustrate the operation of the Hill rates on different grades of cloths and to afford a comparison with the Payne rates, I have calculated the ad valorem equivalent of the Hill

and Payne rates for 34 fabrics, 17 of which are taken from the report, pages 660, 704, and 705:

Name.	Value per pound.	Per cent wool.	Ad valorem equivalent.	
			Hill.	Payne.
			Per cent.	*Per cent.*
No. 14	$0.35	.....	101	144
E 382	.428	80	83	153
E 24	.47	.....	90	143
A 207	.516	67	69	135
A 220	.571	14	41	127
E 15	.566	.....	81	145
A 93	.597	46	55	124
A 560	.638	47	59	113
A 561	.656	50	60	111
A 562	.663	52½	61	110
A 563	.84	51	61	102
A 25	.88	.....	75	106
668	.80	.....	73	110
C 96	.955	.....	72	101
E 119	.993	.....	71	99
A 566	1.015	68	67	98
A 211	1.05	.....	75	97
D 3	1.07	.....	74	96
A 412	1.214	61	63	91
F 55	1.28	61	62	91
D	1.295	.....	70	88
F	1.404	.....	69	87
F	1.419	.....	68	86
M	1.444	.....	68	85
B	1.448	.....	68	85
N	1.496	.....	67	84
G	1.557	.....	72	83
A	1.587	.....	71	82
K	1.587	.....	71	82
I	1.611	.....	71	82
J	1.685	.....	70	81
H	1.823	.....	69	79
C	1.896	.....	69	78
L	1.99	.....	68	78

The limitation of the Hill specific duty to the wool content of the cloth has resulted in a marked decrease of the ad valorem equivalents on the 11 fabrics containing cotton. The list, however, exhibits the same general features that were evident in the case of partly manufactured goods, namely, wide variations and the highest rates on goods of the lowest price, these being the results of the flat specific rate. These 34 fabrics do not include samples of that important class of low-priced goods made of mixtures of wool and wool by-products. On such goods the full Hill specific rate would apply and, by reason of the low valuation and excess of the compensatory duty, ad valorem equivalents higher than any shown in the above list would be the result. The Hill tariff on blankets is based on a system of compound duties similar to those on cloths, so the criticism of the latter applies equally well to the former.

CARPET WOOL.

The Hill bill provides for a specific duty of 7 cents a pound on carpet wool imported in the grease, and 19 cents if imported scoured. We have already applied this rate (7 cents) to the carpet wools grown throughout the world and that application will illustrate the effect of the Hill rate on carpet wool. These wools are light shrinking, so the effect of the Hill rate on carpet wool of 19 cents a pound scoured would be to prohibit the importation of such wool in the scoured condition. The bill also provides that 99 per cent of the duty on carpet wool shall be refunded to the producer who uses such wools in the manufacture of carpets, rugs, and similar goods, the intention being to give the carpet manufacturers free wool. The bill provides that:

Such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

This drawback provision would certainly be impossible of administration. It is impossible for any manufacturer to trace the wool through the mill and give proof that it has been converted into certain goods. Moreover, there are mills making carpet yarn for sale. How could the wool in such yarn be traced from spinner to dealer, from dealer to dealer, and from dealer or spinner to the weaver, and then through the weaving mill where it becomes inextricably mixed with other materials, wool, linen, hemp, jute, cotton? Again there are spinners making yarn from both carpet and other wools, which would add a new element of uncertainty to a task already impossible. Part of a lot of yarn may be converted into carpets and rugs and the remainder be held indefinitely in the form of yarn. And the by-products, how are these to be traced to their final destination in a carpet or into cloth for other purposes? This drawback plan to give the carpet manufacturer free wool does not deserve serious consideration.

CARPETS AND RUGS.

The Hill bill provides for rugs an ad valorem duty of 50 per cent; for carpets, 30 per cent. These rates are in disregard of the recommendation of the President and the Tariff Board that ad valorem rates, increasing as the value increases, should be adopted in order to provide adequate protection for the supposed higher proportionate cost of manufacturing high-priced goods. And these straight ad valorem rates, according to the evidence I have submitted, are the best form of a tariff on wool goods, whether the object is to provide compensation for a duty on the raw material or protection against a lower cost of manufacturing abroad.

In order to compare the Hill and Payne rates I have calculated the ad valorem equivalents on five grades of English carpets, with the results following:

Grade.	Price per yard. 27 inches wide.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
A 417 tapestry brussels	$0.30	30	110
A 416 tapestry brussels	.50	30	82
A 415 stout brussels	.60	30	95
A 414 best brussels	.90	30	77
A 413 super wilton	1.40	30	72

The irregularity of the Payne rates, with the highest duty on the lowest-priced goods, are features of the Payne equivalents, the effect of the specific duties per square yard, whereas the Hill rates are uniform, bearing equally on all grades in proportion to their respective values.

In conclusion I desire to express my keen regret at having found the statements of fact in the report deficient and the conclusions generally erroneous. The Tariff Board's work on Schedule K may, nevertheless, serve a useful purpose by awakening interest in a question of great importance, provided the real character of the investigation is clearly understood.

BOSTON, MASS., *April 27, 1912.*

Salaries of Public Officers.

SPEECH

OF

HON. H. ROBERT FOWLER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 3, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes—

Mr. FOWLER said:

Mr. CHAIRMAN: Here we are at it again, with a joker amendment to an appropriation bill, for the purpose of increasing our salaries. You say that it is not an attempt to increase our salaries, but that it is only intended to increase the salary of our private secretaries. I grant that on the face of the amendment it would seem that that is its purpose, yet behind it all lies the interest of the Representative who seeks to make his private secretary the go-between in order to conceal the real purpose of this amendment—the increase of our own salaries.

It will be remembered that the law makes an allowance of $1,200 a year to each Member of Congress for clerk hire in addition to his own salary. It is now proposed to increase this amount to $2,000 in violation of the law. While I think that the salary of the Members is large enough—aye, too large—and that the law allowing an additional $1,200 is bad legislation, yet while the law stands on the statute books I concede that Congress has the power to appropriate that amount annually for clerk hire, but I deny the right of Congress to go beyond the law and appropriate any sum in excess of this provision, I care not however small the amount may be. My attention is called to the fact that Congress appropriated $1,500 last year for this purpose, and that the Members are now drawing that amount out of the Treasury to pay their private sec-

retaries. While that is true, yet I hold that the appropriation in excess of $1,200 can not be justified. We are pledged to a strict economy, and we should also be pledged to a strict adherence to the provisions of the law, so that none of our acts would have the appearance of reckless and high-handed legislation.

Mr. MADDEN. If this bill carries does the gentleman propose to take that extra $500 and put it in his pocket?

Mr. FOWLER. It is $800 instead of $500.

Mr. MADDEN. Do you propose to put that extra $800 in your pocket?

Mr. FOWLER. I am not going to do anything to-day except to try to get you to vote against this salary-grab amendment. That is what I am going to do, and that is what every Member of this House ought to do. Vote against it.

Mr. MADDEN. My colleague forgot to say that we are also allowed $125 each session for stationery and also an enormous amount for mileage.

Mr. FOWLER. Certainly I know that; and I am going to try to get unanimous consent to extend my remarks and get all that in the RECORD. [Laughter.]

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. FOWLER. I yield to the gentleman.

Mr. CANNON. The gentleman states now that the amount provided for clerk hire, as authorized by law, is $1,200?

Mr. FOWLER. Yes.

Mr. CANNON. The gentleman is correct. For several years the appropriation was $1,500. For this year has the gentleman taken his extra $300? [Laughter.]

Mr. FOWLER. That increased appropriation was made by a Republican Congress while you were Speaker of the House. [Laughter.]

Mr. LANGLEY. Is that the reason you accept it? [Laughter.]

Mr. FOWLER. Mr. Chairman, I regard my private secretary as being worth as much as any other man's private secretary.

Mr. LANGLEY. He is worth $2,000, I have no doubt.

Mr. FOWLER. And for that reason I have allowed him the full amount of the appropriation. [Applause.]

Mr. Chairman, I am told that the proposed increase is too small to make a fuss about; that the cost of living is so high in Washington that our poor clerks need the increase to live decently. I am well aware of the high cost of living everywhere, but that is no reason why we should violate the law. Neither do I agree that it is a small thing. There are 393 Members of this House and 96 Members of the Senate. If we increase the salary of our clerks the Senate will make at least a like increase in the salary of their clerks. It will amount to more than $300,000 in the House alone for 1 year and for 10 years it will amount to more than $3,000,000. The question of the amount is not all that is involved. The question of the honor of this House is at stake.

The amount of the proposed increase, $800, is a much larger sum than our forefathers received as Members of Congress while fighting out the battles of self-government. They were contented with $6 a day during the session, which in many instances amounted to much less than $800. During the short session, which is about three months, their salaries did not amount to much more than $500 a year. They had no secretary, and had to pay for their own quarters while remaining in Washington, while we have both clerks and offices furnished at the expense of the people.

Mr. Chairman, after the work of constructive government had been finished by our forefathers a period of administrative government set in which lasted for many years, during which Congress was deeply interested and busily engaged in conquering and developing a new country and establishing a new civilization. But few changes were made in their salaries for more than half a century. But, Mr. Chairman, shortly after the close of the Mexican War, flushed with the acquisition of a vast stretch of new territory, many of our people, more especially the aristocratic class, grew weary over the old order of things, and by a systematic combination they were able to push above the political horizon of the times the awful visage of government known as government for the exploitation of the people. It was not until the 16th day of August, 1856, that the majority of the Members of Congress became thoroughly imbued with the new order of things and boldly placed on the statute books the first real salary-grab law, increasing the salary of the Members of both Houses to $3,000 and the salary of the Speaker to $6,000. It is true that on the 19th day of March, 1816, Congress passed a law, increasing the salary of the Members of both Houses from $6 a day during the session to $1,500, and the salary of the Speaker to $3,000 a year, but the people were so wrought up over this radical change that Congress was forced to repeal the law on the 6th day of February, 1817, within less than one year after its passage.

On the 22d day of January, 1818, Congress enacted a law fixing the salary of the Members of both Houses at $8 per day and that of the Speaker at $16 per day, which practically remained the law until the 16th day of August, 1856. The Civil War gave capital a splendid opportunity to organize into gigantic corporations, which was the real beginning of government for the exploitation of the people. Many scandals have grown out of their domination in national affairs. They have controlled the election of every President since the death of Lincoln and have steadily increased in wealth and power until to-day the directorate of one corporation, the United States Steel Trust—23 men—now control the business interests of other corporations with a capital stock of more than $30,000,000,000.

In keeping with the spirit of the new order of things, on the 28th day of July, 1866, Congress passed an act increasing their salaries to $5,000 and that of the Speaker to $8,000 a year. The Civil War had brought about high prices, and they had a good excuse to appeal to the people that it was only just and proper to give the lawmakers of the Nation a salary commensurate with the prices of the times. But within a few years the tide changed and a lower level of prices ruled, yet the Members of Congress sought to dignify their salary again by another increase, so, on the 3d of March, 1873, they passed a law increasing it to $7,500 and that of the Speaker of the House to $10,000 a year. This sudden and unwarranted increase was resented by the people throughout the land, and at the next election many of the old and leading Members were defeated at the polls and forever relegated to political oblivion, and justly so, in my opinion. New blood was now injected into the veins of Congress by the election of new men from every quarter of the country, who repealed the odious salary-grab act within less than a year after its passage, to wit, on the 20th day of January, 1874, and fixed their salary at $5,000 and that of the Speaker at $8,000 a year

The resentment of the people was so pronounced against big salaries for big men that no Congress dared to tinker with this dangerous business for more than 30 years. However, in the course of time the craze of big money for big men gained the ascendancy and hovered over the Nation like the dreadful darkness on a weary night, and our lawmakers again sought to dignify their salary by another increase by fixing it at $7,500 and that of the Speaker of the House at $12,000 a year. Besides this, two magnificent stone buildings, costing more than $5,000,000 each, have been erected as the home of Members of Congress, so that each Member is now furnished with a well-equipped office, supplied with costly furniture, a telephone, hot and cold water, and everything necessary for his comfort and convenience. Besides this, he has an ample allowance for traveling expenses and stationery, with an allowance of $1,200 a year for clerk hire.

In the face of all this, Mr. Chairman, it is now proposed by this amendment to leap into the Treasury of the United States again to the tune of more than $300,000 for the next year, and that, too, without any legal authority. The patience of the people, the patience of the people! How long will you tax it? Have you counted the cost? Just such high-handed deeds have been very expensive to Members of Congress in the past, costing them their seats in this beautiful Hall. What the people have done they can and will be likely to do again. Go slow, boys, go slow.

Mr. Chairman, the Members of the American Congress receive more than twice as much as that paid to the members of any other legislative body in the world. The senators and deputies of the French Parliament receive only 15,000 francs annually, which is equal to $2,895 in our money. The members of the German Reichtag receive 3,000 marks for the session, which amounts to $714 in our money, which is less than one-tenth of what we get. The members of the Russian Douma receive 10 rubles, or $5.15, per day during the session. The members of the lower house of the British Parliament receive £400, or $1,948, per year, which is a little more than one-fourth of what we get. This is by act of August, 1911. Formerly they did not get any salary, and the House of Lords do not and never have received any salary.

Mr. Chairman, the salary of the Vice President and President have not been neglected by our lawmakers. On examination it will be seen that several very important increases have been made. The Vice President's salary was originally fixed at $5,000 a year and that of the President was fixed at $25,000 a year. This was by the act of Congress, September 24, 1789. By the act of March 3, 1873, the salary of the Vice President was raised to $10,000 and the President's was raised to $50,000 per year. On the 20th day of January, 1874, the salary of the Vice President was reduced to $8,000 a year. On the 26th day of February, 1907, it was raised to $12,000 a year, where it now stands, being the same as the salary of the Speaker of the House. By the act of March 4, 1909, the salary of the President was increased to $75,000 annually, which is the present salary.

Mr. Chairman, let us now turn to the changes which have been made in the salary of the members of the Supreme Court of the United States from time to time. By the act of September 23, 1789, the salary of the Chief Justice was fixed at $4,000, and that of the justices was fixed at $3,500 annually. On the 20th day of February, 1819, these salaries were increased to $5,000 for the Chief Justice and $4,000 for the justices. No changes were made thereafter for more than 50 years. On the 3d of March, 1873, an act of Congress was passed increasing the salary of the Chief Justice to $10,500 and that of the justices to $10,000 a year, and, again, on the 18th day of March, in 1904, Congress passed another act increasing the salary of the Chief Justice to $13,000 and that of the justices to $12,500, which are the present salaries.

Mr. Chairman, just what Congress will do in the future relative to increasing salaries of big offices, I presume can not be foretold definitely. But, if we may judge the future by the past, it is reasonable to suppose that many increases will be made and many more attempted to be made. Whether any of them will stand will depend upon the temper of the people. Democratic Congresses have passed three salary-grab acts, two of which the people permitted to stand, and the other the people recalled by forcing Congress to repeal it within less than a year after its passage. Republican Congresses have passed six salary-grab acts, two for members of the Supreme Court, three for Members of Congress, all of which included the salary of the Speaker of the House, two of which included the salary of the Vice President, and one of which included the salary of the President, and one for the President alone, all of which the people have permitted to stand except one, and they recalled it within less than a year after its passage, and at the same time they recalled a big bunch of Congressmen. Beware boys, beware!

If the same ratio of increase should be maintained during the next hundred years as has taken place during the past hundred years the salaries of the offices which we have examined will be about as follows at the close of the twentieth century:

Salary of the President	$225,000
Salary of Speaker of the House	204,000
Salary of Members of Congress	75,000
Salary of Justices of the Supreme Court	44,000
Salary of the Chief Justice of the Supreme Court	42,000
Salary of Vice President	28,000

Some of these figures seem odd and reversed, but it is brought about because the ratio of increase is not uniform. The increase in the salary of the Speaker of the House is nearly twenty times what was first allowed, while the increase in the salary of the Vice President is only a little less than two and one-half times what was fixed by the first act of Congress dealing with this subject. I presume that none of us will be Members of this House at that time.

What is true of the increase in these salaries is true, more or less, as to the increase in salaries of the heads of departments and other high stations of office and trust, both in military and civil affairs. Just how long public opinion will wink at it or tolerate it is very hard to tell. We do know one thing, however, and that is this: When public opinion becomes thoroughly aroused it sweeps everything before it like a mighty hurricane, leaving death and destruction in its wake. Keep your ears to the political ground, boys; keep your ears to the political ground. I have offered an amendment to the amendment of the gentleman from South Carolina [Mr. LEVER], which provides for an appropriation of $1,200 for clerk hire, which is in harmony with the law. I can see no reason why it should not pass. I am sure that no one can give any reason for supporting the original amendment, because there is no law for it. I feel quite sure that public opinion will not indorse an appropriation of $2,000, but, on the other hand, will condemn it in bitter terms. If you want to be right and save your scalps, vote for my amendment to the amendment, boys; vote for it and save the honor of this House.

Pensions.

SPEECH

OF

HON. GEORGE A. NEELEY,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 10, 1912,

On the conference report on the bill (H. R. 1) entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico."

Mr. NEELEY said:

Mr. SPEAKER: It may seem unusual to some that the son of a Confederate soldier should raise his voice and cast his vote in favor of more liberal pensions, but I am glad of the opportunity to do so and to know that it meets with the hearty approval of the ex-Confederate himself.

My grandfather on my mother's side, now long since dead, was a Union soldier and was wounded in battle; my wife's father was a Union soldier, and will get an increase of pension under the terms of this bill; I had two uncles who served in the Union Army and a number of other relatives who saw service with my father in the Confederate Army; a great-uncle of mine yielded up his life before Monterey, under the tropical skies of Old Mexico, where he went with Gen. Taylor to plant the Stars and Stripes on the citadel of the Montezumas; and a great-grandfather of mine left his bones somewhere on some of the hills of South Carolina, where he fought under Morgan for the establishment of this Government and the preservation of human rights among the nations of the earth.

I come to you, my friends, and felicitate you and the Democratic Party that you have risen above the prejudices that grew out of the great Civil War, and are willing that it shall go out to all the people of this country, and to all the nations of the earth, that the Federal Government will not forsake its defenders in their old age and in the time of their greatest distress and need; that it will not send a man forth in the very pride of his young manhood to battle for its preservation and, when the evening time of life shall come, commit him to the mercies of an almshouse to die, neglected and forgotten.

We are sometimes prone to forget the valorous deeds and patriotic acts of men until after they have passed into the great beyond, when we sing pæans of praise and venerate the memory of the departed, but our Government has established a system of compensation for such service, based upon the service rendered, that has become a fixed national policy, and tends to lessen the obligation to its citizenship, who by their sacrifices have made the existence of our Government possible. I believe that it is the duty of the Federal Government to make such provision for its defenders that every soldier of the Union Army will be maintained in comfort for the balance of his declining days. This is not a matter of charity. It is a matter of abstract right and only a partial payment of the national obligation long since due them. The increased cost of living is an added argument in favor of such an increase, and surely there is not a single patriotic taxpayer in all this land who would not gladly contribute his part toward giving every soldier of the Union Army at least $1 per day during the balance of his life.

This bill is not all that the friends of liberal pensions desired, nor is it what the old soldiers had a right to expect, and their Representatives here a right to demand, but it is a great deal better than the present law, and tends in a measure to discharge the obligation our Nation owes its defenders. While that is true, no issue is ever settled until it is settled right, and I serve notice here and now that this fight will go on until the right has finally triumphed and the national debt to the old soldiers has been paid in its entirety.

The old Sherwood bill that passed this House by an overwhelming vote provided pensions as follows:

That any person who served in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month.

This bill went to a Republican Senate, where it was so mutilated that it was necessary, if the old veterans secured any benefits at all, for it to go to conference, and after our conferees had battled for some weeks, the best that can be obtained for the soldier—

who has reached the age of 62 years and served 90 days, $13 per month; six months, $13.50 per month; one year, $14 per month; one and a half years, $14.50 per month; two years, $15 per month; two and a half years, $15.50 per month; three years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; six months, $15.50 per month; one year, $16 per month; one and a half years, $16.50 per month; two years, $17 per month; two and a half years, $18 per month; three years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; six months, $19 per month; one year, $20 per month; one and a half years, $21.50 per month; two years, $23 per month; two and a half years, $24 per month; three years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; six months, $22.50 per month; one year, $24 per month; one and a half years, $27 per month; two years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

There was a time when the question of party fealty was of supreme importance, but the age of political sentimentalism is past, and the age of political reason is here. The spirit of tolerance is stronger than it has ever been before, and our people have come to understand that they are patriots before they are partisans.

The thing that benefits me is almost sure to benefit my Republican neighbor, and the man who stands highest in the estimation of the American people to-day is he who is the most tolerant of the rights of others, the most liberal and broad-minded in his views on all questions of national import. The best possible evidence of this liberality and broadness of view may be found in the vote taken on the passage of this bill at the time it first passed the House and was sent to the Senate, when vote after vote was cast by the Representatives of States that seceded from the Union at the beginning of the Civil War, but are now glad to contribute their share toward discharging the obligations of the Federal Government to those who preserved the Union of the States.

I take it that political parties were created for convenience in the administration of Government, and that it is just as essential that a political party keep its promises as that the private individual shall keep his. The political party that does not keep faith with the people and fulfill its obligations, that does not reward loyalty to the Nation's ideals and discountenance graft, has no right to exist.

The grafter is a nonpartisan. He is a creature of the moment, a public enemy, who preys upon the Democrat, the Republican, and the Socialist alike, and should be suppressed by the good men of all parties without regard to who he is or what he claims to do or represent. The man who purchases his seat in the Nation's Legislature is on a par with the man who retains it by political trickery and without regard to the people's wishes. The man who uses his position to steal from the Nation's store is as much a public enemy as the man who uses his position to increase a tariff schedule and line his own pockets with legalized plunder.

We are rapidly getting away from the hide boundisms of the parties and are coming to understand that the enemies of national progress must be driven from all the parties of law-abiding and liberty-loving men. We have come to know that one can not represent the interests and the people and that the many shall not be plundered for the benefit of the few.

A good government is an instrument of service to its people, and its existence can be justified only in proportion to the benefits it is able to confer. No government of modern times has enjoyed any privileges that were not either voluntarily yielded up by its people or taken from them by force, and it has been the proud boast of the American people that our Government and our citizenship have cooperated in preserving to the people the greatest measure of individual liberty consistent with a strong central Government.

It is one of the prides of our system that with no prior training over 2,213,000 men were called from the avocations of civil life to the restraints of military service, served their various terms with credit and distinction, and at the close of the war were absorbed by the body of our citizenship without creating any disturbance or interfering in the slightest degree with the usual course of affairs. This vast body of trained soldiers were then the backbone of the Government, without which it could not exist, and knowing as they did that it was at their mercy and that they had but to assert themselves to accomplish any end desired, they chose the triumphs of patriotism and peace rather than the success of any personal ambition.

My friends, hardly had the last shot been fired when the Union soldier began to divide the contents of his haversack with his Confederate brother, and to-day they dwell together in peace and contentment, vying with each other in the display of their loyalty to the Union in their declining days. The turbulence of other days has been replaced by the content of reunited friendships, until now there is no North, South, East or West, but every section of this great land of ours is animated with the same desire for the perpetuity of the Government of our fathers.

No more do they hear the long roll of the warlike drum calling them to battle in freedom's name; no more do they hear the sharp command to fall into line or to charge. The men who beat the long roll, the men who fell into line, the men who led the charge, are rapidly being gathered to their fathers. Side by side the Blue and the Gray now sleep the sleep that knows no waking in a soil dedicated and consecrated to the holiest ideals of government, and there they await the command of the great Commander in Chief of the Hosts of the Universe on the resurrection morning.

Unveiling of Tablet to the Memory of Alexander Hamilton Stephens, of Georgia.

EXTENSION OF REMARKS

OF

HON. CHARLES G. EDWARDS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 21, 1912.

Mr. EDWARDS said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include as a part of my remarks an address delivered by Hon. WILLIAM G. BRANTLEY on the occasion of the unveiling of a tablet to the memory of Alexander Hamilton Stephens, of Georgia, by the Confederate Memorial Literary Society, in Richmond, Va., May 22, 1912.

The address is as follows:

ALEXANDER HAMILTON STEPHENS.

Mr. Chairman, ladies, and gentlemen, for myself, I acknowledge at the outset of my remarks my indebtedness for and appreciation of the invitation that brings me here, and for the honorable position that for the moment is mine. For my State, I thank you for this occasion—for this signal honoring at the hands of those so worthy, the memory of Georgia's great and illustrious son—Alexander Hamilton Stephens. He sank into his last sleep in the governor's mansion in the city of Atlanta on Sunday, March 4, 1883, but the things he did yet live, as is evidenced by this assemblage. One generation has succeeded another and more than a decade of summer's sun and winter's cold has passed by since praise could thrill or censure pain him or earthly honors attract or concern him. He sleeps the sleep of the just, eternal in his repose, and there is naught that we to-day can do that will add to or take from the glory of his fame, securely written, as it is, upon the imperishable records of his country and in the hearts of his countrymen. That which we now do honors not him; it honors us, for it shows that we revere, respect, and love the memory of an honorable, useful, and great life that was given to the service of country and humanity.

To me has been assigned the impossible task of placing before your mental vision within the limits of a brief speech the story of a life that extended a little over the allotted three score years and ten—that commenced on February 11, 1812, and ended on March 4, 1883—that was full of wonderful and ceaseless activities, that played an heroic part amidst the scenes of the most stirring period in our country's history, and that nobly acted and suffered amid the woes of the saddest tragedy that ever came to a great people.

Well might I shrink from entering upon the task before me, for had I the power to paint in living words the picture of this life, eternal would be my fame.

The task, however, is simpler than it seems, for to-day I am not to paint—I am but to stand as the index hand pointing you to the real picture of this life, already made and pressed

deep and plain and clear in all its luminous beauty and completeness upon the heart of every southern patriot; nay, more, upon the heart of every American patriot who has studied the lives of those illumining the pages of his country's history.

We have but to draw aside the curtain of time to feast our eyes upon this picture, and this we reverently do, not only in loving remembrance of him who is gone, not only to give honor where honor is due, but that we may draw therefrom inspiration, courage, and strength with which to fight to victory our own life's battles and with which to meet and solve the many vexatious problems that bestrew and beset our way.

The second century in the life of the American Republic—in the life of government by the people as we know and understand the term—has, like its predecessor, brought to the American citizen problems grave and great, some of which now press upon us for wise solution. Problems have ever been an incident to our Government since first it came into existence, and in the century that is gone they led to bickering and strife and cruel and bloody war. In the century that is before us an inscrutable Providence has not yet revealed what they are destined to bring forth. This much we know—that government by the people was not easy to obtain and has not been easy to maintain. This much we fear, that as we become further and further removed from its origin, further and further removed from the influence of the fathers whose genius planned and whose daring declared it, the more difficult it will be to maintain it. We look back upon our history and the history of the world and we learn that happy are the free people who do not forget how they became free; that wise are the free people who living to-day do not forget the mistakes of yesterday nor that a to-morrow is coming; and that fortunate are the free people who have the life of an Alexander Hamilton Stephens to study, to emulate, and to learn wisdom from.

Limitations of time prevent us at this hour from casting more than a swift glance at the life of Mr. Stephens and the times in which he was most active, but a glance, however hurried, will show that from tottering childhood to tottering old age he lived surrounded by problems greater than fall to the lot of the majority of mankind. Problems he had of health and life, of education and sustenance, and in addition to those he was called upon to unravel the problems of the people—problems of State and Nation, some of them involving the life and death of the Republic itself. We of to-day who are thoughtfully concerned for the future of our Government must stand afraid of some of the problems confronting us, but when we see how nobly and heroically, how whole-heartedly and unselfishly Mr. Stephens applied himself to the solution of his problems, we must gather courage and inspiration with which to move to the solution of ours.

At the very threshold of his life, as it were, we can imagine with what yearning he looked out upon that broad field of mental endeavor and intellectual achievement so ably filled by him in later years, and of how far away it must then have seemed to him.

Bereft of parents, of physical strength, of health, of property, and of influential friends, how could he ever reach the coveted field? His problem was to reach it, and how well he solved this problem is written forever in the history of his State and country.

The craving for mental stimulus, early developed, led him as the result of attendance upon Sunday school to become deeply interested in the stories of the Old Testament, and this in turn led certain benevolent parties to undertake his preparation and education for the Presbyterian ministry. We know not the glorious result that might have come to humanity and the church had he become a minister of God, but we do know that it was the purpose to see him in that sacred calling that gave to the world one of its purest and wisest statesmen. It was as an incident to his preparation for college that he adopted the name of Hamilton. He had been christened simply Alexander Stephens, but in honor of his teacher, Alexander Hamilton Webster, he became Alexander Hamilton Stephens. It required two years of study and of earnest thought and prayer at the University of Georgia to convince him that he was not called to preach the Gospel, but, once convinced, he promptly notified his benefactors of the conclusion he had reached, and in keeping with his ever high sense of honor and obligation he tendered to them, in satisfaction of the debt he owed, his little patrimony of $400 that had but recently come to him from his father's estate. This tender meant, had it been accepted, the sacrifice of his college career, but fortunately for him and for the people then and now the sacrifice was not allowed, and he was permitted to complete his college course, which he did with honor to himself and the university, and later he repaid to the last farthing the debt he had assumed.

His subsequent career as teacher and law student and lawyer, struggling against poverty and disease, making up in brain and will power what nature had denied him in body, is the magic story of success, the story of the man unafraid, the story of the triumph of mind over matter, for it is to be recorded that despite his many and serious handicaps he marched steadily onward and upward, until he had climbed to the summit of renown and power as a great and successful lawyer.

His public career commenced in 1836, when he was elected to the Georgia Legislature, and it did not end until death claimed him for its own in 1883. He took his place among the statesmen of before the war and again among the statesmen of after the war, for he served in Congress from 1843 to 1859, when he voluntarily retired, and again from 1873 to 1882, when he again retired, this time to become governor of Georgia, in which office he died. Between his two periods of service in Congress he served during the life of the Southern Confederacy as its Vice President, and following the fall of the Confederacy he was elected to the Senate of the United States, but denied a seat therein. When not in office he was busy with his pen, and wrote his Constituional View of the War Between the States, the greatest defense of the cause of the South that has ever been written. He also wrote a history of the United States, and for a period of time edited and published a daily newspaper.

Other honors than those he actually received were from time to time urged upon him. He was importuned to stand for the Presidency of the United States and for the Presidency of the Confederacy. Admirers also wanted to see him Speaker of the National House of Representatives, but he declined to contest for any of these honors. A Cabinet portfolio was more than once within his reach, but was not sought.

When we recall his weak, frail body, the ceaseless bodily pain he suffered, the loneliness of his life with no wife and children to cluster around, bringing courage, cheer, and inspiration to him, we are filled with wonder and amazement at the high place on the scroll of fame that we find his name and deeds inscribed. Surely he had, as was many times declared, the "divine spark" of genius. Contemporaries said he was all brains, brains in his body and limbs as well as in his head. He was reckoned among the ablest debaters in Congress and always the one most to be feared in debate. But he had more than brains—he had a heart that equaled his brains. He loved his fellow man. Suffering himself, he sympathized with those who suffered. Knowing from hard experience the straits of poverty, he felt for the poor. Having struggled for existence and recognition, his hand was ever extended to those who struggled. An old negro declared of him that "he was kinder to dogs than most people are to folks," and Gen. Robert Toombs, his friend of a lifetime, declared that "he carried more brain and more soul for the least flesh than any man God Almighty ever made."

In the first period of Mr. Stephens's congressional service he was thrown into close personal relations with the great triumvirate of the Senate, who were to him the elder statesmen—Clay, Calhoun, and Webster.

He was the friend and confidante of each and from them he learned some of the wisdom and power that he possessed and wielded. He voted for Mr. Webster for President after Mr. Webster was dead. He served in Congress with Mr. Lincoln, and the personal friendship formed between them was not destroyed or shattered by the dark days of the sixties. Mr. Lincoln wrote of him in 1848 in praise of a speech that he said was the best speech of an hour's length he had ever heard, and that it left his eyes filled with tears.

We, of the South, speak of Mr. Stephens as our own, and justly so, and yet, both before and after the dividing line between the North and South was drawn, he was a national figure, and his towering intellect and lofty statesmanship a national asset. Men, both North and South, can to-day bemoan and lament the fact that in our darkest days his wisdom was ignored and his patriotism misjudged. When passion was in the air the vision of men was obscured and too late they learned of all that he would have saved them from. He was stanch supporter of the Clay compromise of 1850, but even then with prophetic vision he foresaw and declared that which was to come and which he deplored—the disruption of the Union. His service in the forties and fifties covered that trying period of agitation and unrest that culminated in civil war. No man of that period more clearly saw than he the end that was to come, and no man more earnestly than he strove to avert that awful end.

He urged moderation, but men were not moderate. He appealed to reason, but reason would not come. He pleaded for the Constitution, but the Constitution was denied. He pleaded for peace, but the voice that answered was the voice of war.

A half century of time has rolled by since those days of passion and prejudice. A new era has dawned upon us and new conditions surround us. The dead past lies buried with all its hopes and aspirations, its tragedies and bitterness. The victories and defeats, the courage and fear, the love and hate of that dead past have all gone by. They had their day and are now no more, save as in our hearts we carry for time and eternity the sacred memories of that which was good and great, grand and heroic, pure and sublime in those heroic times that tried the very souls of men.

To-day we have our faces turned to catch the rays of the sunlight of the future as we march onward toward the destiny awaiting us. It is the troubles, the difficulties, and the problems of the present and future and not those of the past that now concern us. We search for wisdom and we grope for light, and searching and groping we turn to the past for the lessons it gives. To me a wholesome and instructive lesson is found in the times of Mr. Stephens, for in fundamental principle I find a striking similarity between conditions now and conditions then. Upon the surface these conditions are vastly different, but deep down they are much the same. It is not to assail the patriotism or conscience of any man, nor to fight anew the battles of old, but to reveal the almighty truth as it pulsates around and about us, to the end that the mistakes of yesterday may not become the mistakes of to-day, that attention is called to the similarity existing.

A government of law established by a free people and builded on a written constitution can not live unless the majority of the people are willing to honestly and patiently submit to the restraints imposed by law upon them. Under such a government the minority is helpless, save as protected by law, and should the majority proceed to exercise its power unrestrained and uncontrolled by law, there is no law and no government save the despotic and arbitrary will of the majority. In the times of Mr. Stephens it was for the rights of the minority under the Constitution that he first pleaded. It was for the maintenance of our Government of law that he argued and against a government by the unrestrained majority that he protested. His appeals and protests were unheeded, and there came anarchy, war, bloodshed, and untold suffering. The history of this period admonishes us in the midst of our problems of to-day to be patient and forbearing, to be wise and conciliatory, and to cling fast to our only bulwark and refuge—the Constitution of the land. In our day there has developed a school of false teachers of government. They have been exceedingly active and their converts may be far greater than some of us would like to believe. These teachers would get away from the Constitution as it now reads and would give to the majority the unrestrained power of the majority. They would rule by the initiative, referendum, and recall. They would recall judicial decisions. They would in other ways strike down the rights of the minority and of the individual. We see signs of a growing unrest and dissatisfaction among the people, and it is a false philosophy that would ignore them. The restraints of the Constitution are growing irksome to some, and if they shall become irksome to the majority, woe unto our land! The effort of the false teachers of to-day is to bring about a departure from a representative form of government and go backward to a pure democracy, and the reason therefor, if reason exists, is that those who are making the effort have grown restive under the restraint of law.

In the day of Mr. Stephens the appeal to disregard the Constitution and let the majority rule was justified because of the slavery of the black man.

In the mouths of the agitators and demagogues of to-day it is justified, because the "interests," the capitalistic "classes," have enslaved the "masses."

In the one case it was the slavery of the negro, in the other the slavery of the white man. In the one case it was the truth, and in the other it is not, but in each case it is the Constitution that is assailed and the unrestrained right of the majority that is invoked.

In Mr. Stephens's day the Constitution was arraigned as a "covenant with hell," because it protected the slaveholder in his slave, and in our day it is arraigned and found defective because it intrenches the "interests" in power by protecting them in their wealth.

In Mr. Stephens's day the unrestrained rule of the majority was demanded, because the Representative was charged with being under the influence of the slaveholder; and to-day, from the mouths of the demagogues and agitators, the same demand is made, because it is charged that the Representative is under the influence of the "interests." In Mr. Stephens's day it was a part of the Constitution that was assailed, but in our day it is constitutional government itself that has been attacked. The peril in his day was great, and the evil that was wrought is beyond the power of words to describe; but in our day the consequences that lie hidden behind the peril that now threatens are so overwhelming in their destructiveness that, if brought to light, the evils of the sixties would seem almost as nothing when compared thereto. Mr. Stephens foresaw the coming mastery of passion and fanaticism in the sixties. He saw that a war that was fought to prevent disunion when it was won resulted in disunion and that a war that was fought to establish disunion when it was lost resulted in disunion being established.

But let us not make the mistake of supposing that fanaticism is any less irresistible now than it was then, nor make the worse mistake of meeting fanaticism with fanaticism. Mr. Stephens saw the fanaticism of both the North and the South, and with each he labored in vain. He witnessed the unutterable folly and the unspeakable horror that followed upon the defiance of the Constitution, and he witnessed the woeful ruin and awful destruction that came from the clash of fanaticism with fanaticism, the meeting of intemperance with intemperance, and the answering of hot blood by hot blood.

In our day let no man fanatically suppose that the Constitution without more—that the law without more—will forever and always protect him in his property and liberty. The Constitution and laws are but bits of paper that in and of themselves are worthless. They are strong and powerful only as the majority of the people are willing to submit to their restraints. The duty is upon every patriot to teach his neighbor the necessity of restraint, to practice restraint himself, to inculcate anew a love of liberty and law, to consecrate himself afresh to the cause of constitutional government, and to the end that that dreadful day when all restraint of law is gone and chaos is supreme may never dawn upon this "land of the free and home of the brave."

Conservatism in our day has become with many to be a term of derision. This is one of the distressing signs of the times. Under present-day false teaching to be called a conservative is to be reproached and tainted with suspicion. It was so in Mr. Stephens's day, and he, too, met with derision because he was a conservative; but time brought ample vindication, not only to him, but as well to the virtue and beneficence of wise conservatism.

The conception of our Government that Mr. Stephens had and urged in the days preceding the war was not born of that occasion. It came to him almost in the beginning of his manhood, and was confirmed by a life of study and reflection. When he had but little more than reached his majority he made a Fourth of July speech, in which he denied the right of South Carolina to nullify the acts of Congress and remain in the Union, but he maintained the right of South Carolina to withdraw from the Union should the "compact of union" be violated. He also maintained in this speech that it was a false philosophy to suppose that the States could be kept together by force. He later denied the right of the Northern States to remain in the Union and nullify by their "personal-liberty" laws the Constitution and laws of Congress; but he always maintained that, under the Constitution, a sovereign State had the right to withdraw from the Union if the "compact" should be violated. It is a most interesting fact in his life, however, that while always advocating the right of secession he never advocated the exercise of the right. In 1851, while the spirit of secession was rife in Georgia, as previously it had been in many Northern States, he strongly supported the Unionist Party, and in 1860 he made a memorable speech against secession before the Georgia secession convention, in which he declared that he was opposed to secession as a remedy against "anticipated aggressions," and that "the point of resistance should be the point of aggression." He declared his belief "that it is to the interest of all the States to be and remain united under the Constitution of the United States, with a faithful performance by each of its constitutional obligations." He admitted that Georgia had just cause for grievance, but he urged that secession was not the remedy. He proposed a safer and saner course. He counseled delay, and he pleaded for the Union; but true to his State and the loyalty he bore her, he said in conclusion that if the judgment of the convention, representing as it did the sovereignty of Georgia, was against his, he would bow in submission to the decision. As to the right to secede from the Union, he was in full accord with the convention, and disagreed only as to the wisdom at that time of excercising the right.

It was not long after the delivery of this speech that, although opposed to secession, he was called to take the leading part in framing the constitution of the Confederacy and also

called upon to fill the office of Vice President of the new government.

This was a magnificent tribute to his pure and exalted character and evidenced the esteem in which his honesty, ability, and patriotism were held.

Character, we have long been taught, is a jewel of priceless worth and greatly to be desired. It brought to Mr. Stephens a wealth of worldly honors, but, more than that, it brought to him the trusting love of a noble people and gave to him opportunities for golden service to mankind—opportunities that he well employed.

But character goes much beyond the individual. It makes and unmakes empires, kingdoms, and nations, accordingly as it is present or absent. This Republic was built upon character as its foundation stone, and with that stone removed it would soon crumble and decay and become as the dust of the earth. We can appreciate the force of this statement if we will but glance about us for a glimpse of our Government. Where is it? It is not to be seen, for it exists only in the hearts of the people. There is no government, nor can there be any government among a free people, save in the implied compact of all the people, the one with the other, to keep and obey the law. When the people are clean and pure in their lives the compact is kept and their government is like unto them. When they are learned and intelligent, as well as clean and pure, their government is wise, strong, and beneficent. In the first analysis and again in the last analysis our Government is built upon character. It was framed on the theory of intrusting power to the few chosen as representatives and then holding to full responsibility those so intrusted. Power is thus coupled with responsibility, while over both is ever the watchful supervision of the entire body of the people. To do away with representatives and diffuse the power of government among the masses is at the same time to diffuse responsibility, and responsibility so diffused is lost. To strip the representative of responsibility through the initiative and referendum is to rob the people of his sustaining power and strength, for it takes responsibility to bring out that which is best in us all. It is manifest that under the Government we now have character, and with it intelligence is essential to the selection of proper representatives, and even more essential to the proper discharge of his trusteeship by the representative. Mr. Stephens appreciated to the fullest extent the duty of a representative and the necessity to him of character. With him it was never a matter of keeping his ear to the ground to catch the first sound of advancing public opinion, but always a matter of forming and leading public opinion aright. He sought to do his duty, squaring his acts with his conscience and judgment, and then trusted to the character and intelligence of the people to sustain him. On one occasion, in a speech to his constituents, he uttered a sentiment so lofty and inspiring that could it to-day be adopted by every man in public life the problems before us would disappear as the mists before the morning sun. He said:

> I am afraid of nothing on earth, or above the earth, or under the earth, but to do wrong. The path of duty I shall endeavor to travel, fearing no evil and dreading no consequences. I had rather be defeated in a good cause than to triumph in a bad one. I would not give a fig for a man who would shrink from the discharge of duty for fear of defeat.

We hear much in these days of "progressives" and "progressivism." Progress is the rule of life, for we must go forward or backward. We can not stand still. A man is not necessarily progressing forward, however, because he is in motion, for he may be progressing backward. The term is sometimes misused and misapplied, but it is not a new term. There were those in Mr. Stephens's day who called themselves "progressives," but he would have none of them. He said he was a member of the party of progress, but not of the party of those calling themselves by that name. He said:

> Theirs, in my opinion, is a downward progress. It is a progress of party, of excitement, of lust of power. * * * It is a progress which if indulged in would soon sweep over all law, all order, and the Constitution itself.

He then described the progress in which he believed, and what he said should be adopted as the creed of every American, regardless of the political party to which he gives allegiance. He said:

> It is to progress in these essential attributes of national greatness that I would look; the improvement of mind, the increase and diffusion of knowledge among men; the erection of schools, colleges, and temples of learning; the progress of intellect over matter; the triumph of mind over the animal propensities; the advancement of kind feeling and good will among the nations of the earth; the cultivation of virtue and the pursuits of industry; the bringing into subjection and subservience to the use of man of all the elements of nature around us; in a word, the progress of civilization and everything that elevates and ennobles man.

In the broad sweep of Mr. Stephens's patriotic purpose and endeavor there were no limitations of State or section. He spoke ever and always as a lover of our entire country. He was proud of our institutions, and he venerated the fathers whose wisdom conceived them. He spoke not for a day, but for so long a time as love for constitutional government shall dwell among the people. His words come down to us to-day freighted with wisdom and fragrant with the incense of patriotic fervor. He could not save those to whom he spoke in the days when men would not hear, but it may be that if we but heed the wisdom he expounded, he will help us to save ourselves. We want to profit not alone by the sound doctrine of his utterances, but as well by the courage of his action, for he was ever as bold and courageous as he was wise. Indeed, there is no figure in all our recorded history that presents any sublimer courage than that of this little frail man as he stood between the angry factions of the North and the South, resolute and unafraid, challenging the course of each; and equally sublime was he when the end had come, and hate, malice, and revenge were working their will upon the vitals of those he loved, he unhesitatingly and with no quiver of fear that he would be misunderstood, urged upon those he loved Christian fortitude and forbearance and Spartan submission to the inevitable. Standing by his bier when the sleep of death had fallen upon him, Gen. Robert Toombs declared that Mr. Stephens had ever lived true to his convictions, and recalled that following the fall of the Confederacy Mr. Stephens had said:

> I am old and weak in bodily infirmity, but I have done my duty to God and my country, and I am ready for whatever fate may be assigned me.

There is no finer word in all our language than the simple word duty, and no more perfect achievement than that of duty well performed. Men to do their duty to God and country is the cry of this day, as it has been of all the days. In the hope that such men will be forthcoming in the future as in the past, and that liberty under the law will ever abide with us, we place here to-day this tablet to the memory of a man whom all the people in all the land must ever love, because he did, and nobly did, his duty to God and country—Alexander Hamilton Stephens.

Sundry Civil Appropriation Bill—Irrigation.

EXTENSION OF REMARKS

OF

HON. OSCAR CALLAWAY,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 12, 1912,

On the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. CALLAWAY said:

Mr. SPEAKER: Believing that the House should have some information relative to the comparative cost of irrigation projects as instigated by the Federal Government and those under the supervision of private individuals, I want to insert the following speech of Francis G. Tracy, of New Mexico, on private irrigation as compared with Government reclamation:

PRIVATE IRRIGATION ENTERPRISE COMPARED WITH GOVERNMENT RECLAMATION.

(By Francis G. Tracy, of New Mexico.)

The subject assigned to me, "Private irrigation enterprise compared with Government reclamation," is one about which there seems to have developed a lot of loose thinking and considerable heat. To understand what it is we seek to compare, it will be necessary for us to clear away as much as possible the haze and mirage which has enveloped the subject of Government reclamation from the unfolding of the visions of its most enthusiastic advocates, and at the same time endeavor to keep it clear from the smoke and flame of conflict precipitated by its irreconcilable opponents, who see only its failings and its hardships; for this question ought to be treated reasonably, fairly, and as exhaustively as the time will permit, if we are to derive any benefit from the discussion.

But reasonably means truthfully; fairly means plainly, without fear or favor; and exhaustively means to search out all the essential facts, disclose evils where they are known to exist, face the music, accept the consequences, and if possible point the road to remedy.

Government reclamation has come to stay. The West called for it urgently, and got it. We can not repudiate it if we would. But we need it; and, even if we did not, we must accept the consequences of our own acts and make the most of it. Therefore, first, let us remember why and for what purpose we asked for

Government reclamation, and then let us try to find out just what it is that we have got; how much benefit it has been and may be hereafter to us; and in what way, if at all, it is failing to fulfill the purpose for which it was inaugurated; and let us see if, as administered, it is doing actual and avoidable injury to those interests which it was intended to serve.

Following the panic of 1893 and the great depreciation in the value of silver, recovery in the West was very slow. This was especially true in irrigation enterprise. Local capital, there was none. Outside capital was timid. Financial depression continued. Everywhere there were hard times.

The Carey Act, passed in 1894, under which a million acres of Government land were donated, under certain conditions, to any State in the irrigated area for the purpose of developing irrigation by the encouragement and protection of investments of private capital under State authority, had produced little or no results as late as the year 1900.

The leaders of thought in the Western States, searching for relief, turned to the idea of interesting the National Government directly in the irrigation of public lands, wisely concluding that if governmental action were once taken, in no matter how small a degree, confidence in irrigation would be restored, strong boxes would be unlocked, and wealth would again be available for legitimate private enterprise.

Out of the agitation then inaugurated, after several years of patient and persistent endeavor and hope deferred, suddenly was passed the reclamation act, approved June 17, 1902, by the first President of these United States who, from personal experience and personal observation, had a full conception of the necessities and of the resources of our Western States, and whose personal influence alone was able to bring about the passage of the act.

Coming, as it did, at a time when the revival of industry had already commenced, the results were immediately apparent, and exceeded the wildest dreams of its promoters. Anticipating the passage of the act, preparations had been made in advance in the Geological Survey, so that machinery for its execution was put rapidly in motion, and surveying parties of the Reclamation Service were shortly in the field at many points. Private enterprise of every description was immediately stimulated, and we all felt that the golden age of irrigation had arrived.

Let us not now forget the origin of Government activity in irrigation, nor fail to credit to Government reclamation its full share of the indirect benefit we have all received from its activity, for if we do we shall fail to understand fully the problem as it confronts us to-day, with its many and serious complications. If we are not fair in our presentation we have no right to expect a fair hearing.

I believe, in this one factor of the unlocking of private capital and the stimulus to private enterprise, the total cost of Government reclamation up to this date has been many times repaid to the people of the West. Let us admit this and allow all credit for it, but let us a little later inquire into the cost and who is going to pay the bill.

Remembering the campaign for the passage of the reclamation act, the wild rejoicing and the immediate effects following its passage, and the extraordinary publicity which has attended its administration ever since, it is not to be wondered at that a tremendously exaggerated idea of the actual working results and constructive capacity of the act itself should have grown up among the people at large. The average man thinks that $50,000,000 will build 50,000,000 irrigation plants, or thereabouts, and the immediate activity of the engineers of the service in making surveys and causing withdrawals of land not only confirmed the general public in this error, but must lead the thinking man to conclude that the service itself was likewise enveloped by a somewhat similar delusion.

Gentlemen, the first and most serious criticism I have to make of Government reclamation is that those charged with its administration have always and entirely failed to appreciate the spirit and the purpose of the reclamation act, their own limitations, and the limitations of the machinery they had to work with. In my estimation, we have had round men, in a good, big, square hole, and they have utterly failed, and are constitutionally unable to fill it because they are too small.

I believe that it can not be successfully controverted that the purpose and the spirit of the reclamation act, both in its inception and in its final passage, was the encouragement of and the cooperation with private enterprise for the building of a bigger, wider, more comprehensive irrigated empire than is possible to build in any other way than by meeting in the spirit of broad-minded cooperation at every turn in the road.

Government reclamation and private irrigation enterprise were intended to pull together and not to pull apart. Any other conception than this is an absurdity. Government irrigation was intended as a stimulus—a bait, if you will—for private capital. It could not in the passage of the reclamation act be expected to be more. The men who passed the act could not for a moment have believed that a great, big, governmental system of irrigation, covering the 16 States, would be developed upon the expenditure of from $3,000,000 to $5,000,000 per year. The receipts of the reclamation fund (Ninth Report of the Reclamation Service) from 1901 to June 30, 1909, inclusive, have been $58,439,408.93. Divided equally among the 16 States affected by the act, this would give each State $3,650,000, covering a period of nine years, or $400,000 a year. Four hundred thousand dollars a year for the whole irrigation expenditure in a State like Colorado! Five years to build a $2,000,000 plant! Does this look as if anyone intended to turn over the irrigation development of the West to the United States? Does it look as if the United States intended to compete with private capital for that development? Certainly, no. From the finances available it is very evident that cooperation only could have been the purpose and the spirit of the reclamation act.

Section 3 of the act provides:

> * * * The Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That said surveys shall be prosecuted diligently to completion, and upon the completion thereof * * * the Secretary of the Interior shall determine whether or not the said project is practicable and advisable, and if determined to be impracticable or inadvisable he shall thereupon restore said lands to entry.

Does this look as if it was intended to hold up projects indefinitely for the purpose of future Government construction; or does it not rather seem clearly intended to prevent the Government from understaking any project which could not be "prosecuted diligently to completion," either from physical disabilities, lack of engineering force, or lack of funds?

Section 8 says further:

> * * * Nothing in this act shall be construed as affecting, or intending to affect, or to in any way interfere with, the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws; and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Gentlemen, I submit that the whole tone and the phraseology of this act clearly show the intention to cooperate with the citizens of the various States and Territories for their personal and individual benefit, and that every possible precaution that wise foresight could suggest was taken to guard against any conflict between Government, State, and private interests. Here is no scheme for Government irrigation. It is a comprehensive, liberal, thoughtful, wise plan for the development of private enterprise through the cooperation of a Government loan; and every reasonable precaution was taken to prevent the private interests that were to be benefited by this cooperation from using the strong arm of the Government to the disadvantage of any other private interests whatsoever in the peaceable and lawful pursuit of like irrigation development.

In his message to Congress, President Roosevelt said:

> This distribution of the water, the division of streams among the irrigators, should be left to the settlers themselves, in conformity with the States' laws and without interference with those laws or with vested rights. The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves and as will stimulate needed reforms in the State laws and regulations governing irrigation.

Gentlemen, I submit to you that in the administration of this act we have traveled far from its original, logical, and reasonable interpretation. By the terms of this act there was established, from the receipts of sales of public lands in the States affected, a trust fund for the development of irrigation by loaning to the people "in the local communities" the necessary money "to enable" them "to help themselves." Wherever they could "help themselves" without it, the direct benefits of this act were not intended.

To carry out the spirit and intent of this act, and fulfill the trust created thereby, requires, not the widest, but the wisest use of the trust funds. The trust created is to enable the people "in the local communities" to help themselves. It is not intended to promote the general welfare at the expense or injury of the few. The key to the whole proposition is in the wise, economical expenditure of the funds themselves, for the direct benefit of the people who must actually repay the loan.

The trust is not first to the Government for the return of the money; it is first to the people who will be directly benefited, and is for the expenditure of the money in their behalf. Upon

this depends absolutely the whole success of administration, and out of it of necessity will come the repayment of the Government's loan.

I dwell long and emphatically upon this point, because I believe that the failure to understand the real beneficiary of this trust, and to follow out the natural intent and spirit of the law, will surely lead to disaster and the ultimate collapse of Government irrigation in the total dispersal of the trust funds.

I believe the administration of this act have either wholly failed to grasp the correct meaning of the trust, or have been too weak or too ambitious to resist the pressure brought upon them to disregard it. I believe they have failed, and will continue to fail, in the administration of Government irrigation, unless they quickly come to realize that they act, not as trustees for the collection of Government funds, but as trustees for the expenditure of a fund created by the Government for the benefit of the people themselves in the local communities.

But the West must itself share the blame of the misinterpretation and extension of the law. Tremendous has been the pressure brought from all sides upon the Reclamation Service to disregard its limitations.

"The Government is going to build irrigation works. It is going to spend money—loan it without interest. Let us get our share before it is all gone." This has been the general attitude throughout the West. Few took time to study the problem. Almost nobody read the act or asked how much money had been appropriated. If the Reclamation Service said, as it did, "Our funds are limited; we haven't enough money to go around," this was only an added stimulus for immediate exertion to get our share before the other fellows got it all.

What was the result? Within four years from the passage of the act, I find Mr. Newell filed the following tables of "Reclamation work under the irrigation act" and "Projects under construction and waiting for funds to become available," in the course of his oral statement to the Committee on Irrigation of Arid Lands of the House of Representatives in Washington, April 19, 1906; also a financial statement showing receipts to date, and estimated receipts to and including the year 1908, and expenditures to date and estimated until June 30, 1908, under the reclamation act. According to Mr. Newell, these tables show:

Total receipts, including 1908	$37,076,108.02
Total allotments to 23 projects under construction	36,430,000.00
Additional funds required to complete these projects, which must be provided after July 1, 1908	60,000,000.00
Probable cost of other projects under consideration and waiting for funds	109,000,000.00

From whence to be provided, Mr. Newell leaves his hearers to infer.

As large withdrawals of lands and water were made under all of these projects, projected as well as begun, thus hindering and preventing the development of private enterprise, it is very plain that in four years we traveled far from President Roosevelt's idea of Government irrigation when he said to Congress:

> The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves.

RECLAMATION WORK UNDER THE NATIONAL IRRIGATION ACT.

Table of approved projects, with estimated cost.

(Committee on Irrigation of Arid Lands, House of Representatives, Washington, D. C., Thursday, Apr. 19, 1906.)

Project.	Allotment first unit.	Acreage.	Additional funds to complete.	Total acreage.	Cost per acre.
Salt River, Ariz.	$4,550,000	160,000	$1,100,000	200,000	$28
Yuma, Cal.-Ariz.	3,000,000	80,000	1,200,000	130,000	32
Uncompahgre, Colo.	2,500,000	60,000	2,000,000	135,000	33
Minidoka, Idaho	1,300,000	60,000	1,700,000	120,000	25
Payette-Boise, Idaho	1,300,000	60,000	7,300,000	320,000	27
Garden City, Kans.	260,000	8,000	.....	8,000	32
Huntley, Mont.	900,000	30,000	.....	30,000	30
Sun River, Mont.	500,000	16,000	4,500,000	200,000	23
North Platte, Wyo.	3,330,000	100,000	4,000,000	220,000	33
Milk River, Mont.	1,000,000	.....	3,500,000	175,000	26
Truckee-Carson, Nev.	3,000,000	180,000	6,500,000	350,000	27
Hondo, N. Mex.	240,000	9,000	50,000	11,000	26
Carlsbad, N. Mex.	600,000	15,000	.....	15,000	40
Rio Grande, N. Mex.	200,000	10,000	7,000,000	175,000	30
Lower Yellowstone, Wyo.	1,900,000	50,000	300,000	67,000	33
North Dakota Pumping.	1,000,000	33,000	1,200,000	80,000	27
Klamath, Oreg.-Cal.	2,000,000	67,000	2,400,000	220,000	20
Umatilla, Oreg.	1,000,000	18,000	.....	18,000	56
Belle Fourche, S. Dak.	2,100,000	60,000	500,000	80,000	32
Strawberry, Utah	1,250,000	25,000	.....	25,000	50
Okanogan, Wash.	500,000	9,000	.....	9,000	55
Yakima, Wash.	1,750,000	40,000	9,500,000	300,000	27
Shoshone, Wyo.	2,250,000	90,000	7,000,000	310,000	30
Total	36,430,000	1,180,000	59,750,000	3,198,000	

Projects under consideration and waiting for funds to become available.

Project.	Acreage.	Probable cost.
Little Colorado, Ariz.	80,000	$3,000,000
Sacramento Valley, Cal.	500,000	15,000,000
San Joaquin Valley, Cal.	200,000	5,000,000
Colorado River, Colo., Utah, Cal., Ariz.	750,000	30,000,000
Dubois, Idaho	100,000	3,000,000
Lake Basin, Mont.	300,000	10,000,000
Las Vegas and Urton Lake, N. Mex.	70,000	3,000,000
Walker and Humboldt Rivers, Nev.	500,000	15,000,000
Red River, Okla.	100,000	4,000,000
John Day River, Oreg.	200,000	10,000,000
Weber, Utah	100,000	5,000,000
Priest Rapids, Wash.	50,000	2,000,000
Goshen Hole, Wyo.	120,000	4,000,000
Total	3,070,000	109,000,000
Total cost of approved projects in excess of present allotments	.....	60,000,000
Total	.....	169,000,000

Financial statement, reclamation fund.

ACTUAL RECEIPTS.	
1901	$3,144,821.91
1902	4,585,520.53
1903	8,713,996.60
1904	6,826,253.59
1905	4,805,515.39
ESTIMATED RECEIPTS.	
1906	3,250,000.00
1907	3,000,000.00
1908	2,750,000.00
Total	37,076,108.02
ACTUAL EXPENDITURES.	
1903	286,440.21
1904	1,461,305.01
1905	3,714,523.64
ESTIMATED EXPENDITURES.	
1906	11,467,484.29
1907	13,000,000.00
1908	6,489,407.85
Estimated balance June 30, 1908	656,947.02
Total	37,076,108.02

It must be evident to any thinking man that with the funds expected to be provided by the act—$37,000,000 to June 30, 1908, increasing at the rate of four and a half millions a year—it would be absolutely impossible to construct the projects here tabulated, estimated to cost $205,000,000, in any time within the reasonable hope of a living man. A proper appreciation, either by Mr. Newell himself or by the committee to whom these figures were presented, of the fact that the activities of the Government were limited to the administration of certain definite, distinct funds, and that he was trustee, not of the general welfare, but for the expenditure of these funds for the benefit first of those directly affected thereby, would at that time have called a halt.

But, reading the reports of the proceedings of that committee, one can not help feeling that everybody was obsessed with the idea of a great governmental scheme of irrigation. The whole trend of the testimony was to show the anxiety of the western people for it. What a pity it was they could not have it right away. What tremendous benefits had already accrued. And could not Congress in some way contrive to give us a little more money for these worthy people?

The evidence was strong to show the money would come rapidly back and be easily paid, so as to be soon available for expenditure again, and Mr. Newell presented a table of estimated returns from settlers' payments up to and including 1910, totaling $8,598,000.

A member, expressing the only doubt, said:

> There is no man in Congress, especially east of the Mississippi River, who believes that one dollar will ever be returned. I hope for the Reclamation Service and believe personally that it will come back.

Mr. Grunsky, special adviser to the secretary, replied:

> It seems to me there is no doubt about it.

Gentlemen, I think it only fair to state that neither the West nor the Reclamation Service has been satisfied with the limitations of that act. Unquestionably the western public and the majority of leaders of western thought are to-day in favor of an extension rather than the limitation of Government irrigation. We who are doubtful of the wisdom of such extension and are fully satisfied that all necessary results can be accomplished by the successful administration of the present law are largely in the minority.

In support of our position I ask your careful consideration of the specific results of Government irrigation up to the present time, with some concrete comparisons with the results of private enterprise. The figures are taken from the Ninth Annual Report of the Reclamation Service and such reports of the current census as I have been able to obtain.

But first, in admitting the general benefits of the Government activity in irrigation—a subject hardly susceptible of direct proof—we ought to be, and can afford to be, decidedly liberal. I said, and I believe, that they are many times the total cost to date.

The total receipts of the Reclamation Service to June 30, 1909, were $58,439,408.93 (ninth annual report). Deduct from this $7,751,476.38 expended in States whose census returns I have not at hand for comparison, and we have substantially $50,000,000 for the 11 Western States, including New Mexico, Colorado, Wyoming, Montana, and those States lying west of them to the Pacific. I suppose our opponents will be satisfied if, for the sake of argument, we grant that we have received ten dollars' indirect benefit for every one dollar expended. That would mean that the Reclamation Service has increased the wealth of these 11 States by $500,000,000.

According to the returns of the census of agriculture the total increase in value of farm lands and buildings alone in these 11 States, 1900 to 1910, has been $2,492,068,000, or five times the amount credited to the Reclamation Service by our very liberal allowance. Truly, private enterprise is not dead or even asleep in our western domain, and in this showing we are claiming only its direct results upon the farms themselves.

But this is really the domain of conjecture entirely. Let us come down to direct results under Government irrigation.

And here, while I sympathize with his bewilderment, I am not prepared to travel the whole way with that enthusiastic supporter of Government irrigation, the president of the National Irrigation Congress, from whose article, "Irrigation as a factor in general development," in the September issue of the Western World, I quote:

> Recently I sought to prepare reliable data on what such irrigation developments meant to my home city (Phoenix, Ariz.), which is located in the center of the great Salt Lake Valley, now irrigated by water impounded by the Roosevelt Dam. Here is one of the garden spots of America, and the farm areas made available through the work of the Government are rapidly filling up. But I found any accurate summary of the results of such developments was extremely difficult; only in a general way could they be traced!

I don't wonder the gentleman is puzzled. Presently I shall show what is the matter.

He then indicates increase of population, shortening of railroad lines between Phoenix and Los Angeles, through mail service, building of a Federal building at $150,000, a hotel at $300,000, a grammar school at $100,000, and as the only instance of farm development cites the building by the Salt River Water Users' Association of a $40,000 administration building in Phoenix.

As to the Salt River project, including the Roosevelt Dam, has had more than $9,000,000 expended upon it—twice the expenditure of any other project—and by the exercise of unusual foresight and intelligence on the part of some one in the Reclamation Service, in accordance with the true spirit of the act, has never yet been declared open, but running under a temporary water-rental arrangement, no building charges have yet been collected, nor will be for more than a year yet to come, it being unique in this respect among all Government projects. One with wider experience with the service is tempted to regard this $40,000 building, not so much as an evidence of agricultural progress, but rather as a demonstration of the same spirit which led the Athenians to build their altar "to the Unknown God," and to say with Paul, "Whom therefore ye ignorantly worship, Him declare I unto you."

Mr. Fowler also claims, as due to the Roosevelt Dam, both the transcontinental automobile highway along the thirty-fifth parallel, 90 miles north of Phoenix, and a railway extension ending at Tucson, 90 miles east, which, "it is believed, plans further extension to the west."

It seems to me we have heard something about irrigation in the Imperial Valley in southern California, saved from destruction by the Southern Pacific Railway, after the Government had thrown up its hands and Reclamation Service engineers had reported it impossible. Private enterprise, from which the Southern Pacific handled within 30 days this summer the greatest aggregation of agricultural products ever hauled by any railroad in the same length of time—cantaloupes alone. Possibly this Imperial Valley has some influence upon the projected railway construction. Has Mr. FOWLER never heard of the Panama Canal?

The following official figures, taken from the Ninth Annual Report of the Reclamation Service and the Census of Agriculture, are offered for thoughtful consideration:

Net investment in all reclamation projects, June 30, 1910	$53, 781, 302. 88
Deduct net investment for Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas	7, 751, 476. 38
Net investment in western division of States, as divided in United States Census of Agriculture	46, 029, 826. 50
Net investment in Arizona (25 per cent of total)	11, 642, 973. 85
Net investment in New Mexico (3 per cent of total)	1, 253, 287. 11
Net investment in Idaho (13 per cent of total)	6, 369, 788. 49

CENSUS OF AGRICULTURE OF WESTERN DIVISION—RATES OF INCREASE.

Total value of all farm lands without buildings, 1910	$3, 411, 686, 000
Total value of all farm lands without buildings, 1900	1, 126, 958, 000
Increase (203 per cent)	2, 284, 728, 000

Idaho, 518 per cent; New Mexico, 469 per cent; Washington, 419 per cent; Montana, 390 per cent; Colorado, 300 per cent; Wyoming, 279 per cent; Arizona, 269 per cent; Oregon, 262 per cent; Nevada, 163 per cent; Utah, 146 per cent; California, 109 per cent.

Total number of farms increased, 52 per cent: New Mexico, 185 per cent; Montana, 94 per cent; Colorado, 86 per cent; Wyoming, 80 per cent; Idaho, 76 per cent; Washington, 68 per cent; Arizona, 39 per cent; Oregon, 26 per cent; Nevada, 22 per cent; California, 21 per cent; Utah, 11 per cent.

Total improved acreage increased 39 per cent: New Mexico, 348 per cent; Montana, 110 per cent; Idaho, 96 per cent; Colorado, 89 per cent; Washington, 83 per cent; Wyoming, 59 per cent; Arizona, 37 per cent; Utah, 31 per cent; Nevada, 30 per cent; Oregon, 28 per cent.

Total acreage in farms increased 18 per cent: New Mexico, 119 per cent; Idaho, 64 per cent; Montana, 62 per cent; Colorado, 42 per cent; Washington, 37 per cent; Oregon, 15 per cent; Wyoming, 5 per cent; Nevada, 1 per cent.

Decreases: Arizona, 36 per cent; Utah, 19 per cent; California, 3 per cent.

Arizona, with the expenditure of nearly $12,000,000, from the reclamation act, within her borders—one-fourth of the total expenditure in these 11 States—shows an actual decrease in farming area of 36 per cent. Do you wonder why Mr. FOWLER was puzzled to show direct results commensurate with this expenditure?

But included in these figures are all farm areas. Some one will object that the comparison is not fair for irrigation.

The census of irrigation gives the increase of area actually under irrigation in New Mexico at 125.2 per cent. When writing this, I had not been able to get the census returns for Arizona. The following figures are from the census for New Mexico and from Gov. Sloan for Arizona, in reply to a personal inquiry:

Total area actually irrigated in New Mexico, 1899	203, 893
Total acreage actually irrigated in New Mexico, 1909	459, 114
Total acreage capable of being supplied by existing enterprises (lands excluded where water supply is short): Increase, 186 per cent	645, 530
Similar acreage under all projects in Arizona, estimated by Gov. Sloan (300,000 under Government ditches)	400, 000
Total acreage under all projects in New Mexico, completed and in course of construction, 1910	1, 104, 676
Number of independent enterprises	2, 780
Total cost of Government projects in Arizona to June 30, 1910 (ninth annual report)	$11, 642, 973. 85
Total cost of all projects in New Mexico, 1910	$9, 019, 908. 00
Total cost of all projects in New Mexico, 1900	$4, 140, 319. 00
Increase (117.9 per cent)	$4, 879, 589. 00
Average cost per acre for irrigation projects in New Mexico	$13. 97

Total acreage for which the Reclamation Service claims ability to furnish water in Arizona in 1910 is 166,000. When completed, they estimate 310,160; but the Army board doubts if the water supply at Roosevelt is sufficient for this area.

The cost to date for the area ready for irrigation in Arizona is $70 per acre—almost entirely for additional water for land previously under irrigation.

ARIZONA'S IRRIGATION STATISTICS (BUREAU OF CENSUS).

Total acreage actually irrigated, 1909	320, 051
Excluding Indian reservations, 1909	300, 665
Total acreage actually irrigated, 1899	185, 396
Increase (62.2 per cent)	115, 269
Total acreage of all enterprises capable of irrigation, 1910	387, 665
Total acreage reported in projects, 1910	944, 090
Number of independent projects, 1909	1, 269
Total cost of irrigation systems, July 1, 1910	$17, 651, 148. 00
Eliminating Indian reservation systems	$17, 183, 487. 00
Total cost of irrigation systems, 1899	$4, 408, 158. 00
Increase (289.8 per cent)	$12, 775, 329. 00
Average cost per acre irrigated, 1910	$45. 53
Acreage irrigated, 1909	320, 051
United States Reclamation Service (43.2 per cent)	138, 364
Indian service (6.1 per cent)	19, 386
Cooperative enterprises (31.6 per cent)	101, 025
Enterprise supply work for hire	80
Private and partnership (19.1 per cent)	61, 196

Of the 138,364 acres reported as irrigated by the United States Reclamation Service, 134,364 acres are reported as having been irrigated by works built by others and taken over by the United States.

Increase due to the United States, 4,000 acres; cost per acre, $2,910.

The acreage watered by the Reclamation Service in New Mexico, according to the census, is 13,398, which is only 2.9 per cent of the total irrigated area in the State, at a cost of $1,053,287.11, or $74 per acre. (The Leasburgh unit of the Rio Grande project is omitted from the census and from these figures.) But in their decision on the Hondo protest the Reclamation Service engineers found, in 1904, that there were then irrigated under the present Carlsbad project, in New Mexico, 13,300 acres. So that for an expenditure of $1,000,000 the Reclamation Service has increased the irrigated area of New Mexico 98 acres at a cost of $10,000 per acre, while at the expenditure of $3,000,000 private enterprise has increased the irrigated area 255,133 acres at a cost of $14.21 per acre, and that, too, without benefit of the Carey Act, and while the Reclamation Service barred all progress of any magnitude except its own on the great watersheds of both the Pecos and the Rio Grande by its general appropriations of their waters.

Now, these figures are not given in special criticism of Government irrigation in Arizona and New Mexico. They are facts brought out in the search for truth and are cited to enable us to make a just comparison between what Government irrigation can and does do, with the means and men provided and the opportunities available, and what private enterprise can and does do, and the comparative cost.

I am perfectly willing to concur in the words of an Irish editor in my home town who, when brought before the court for contempt in his paper, said: "Judge, I didn't mean nothing. I'll tell 'em you done the best you knew how." I think they have done the best they could. Personally, I know nothing about the work in Arizona, except that it has been carried on in a progressive and liberal spirit, and appears to be the best type of what the Government can do with its best men.

One must be enthusiastic over a great construction work like that of the Salt River project, where many diverse and conflicting interests have by Government cooperation been united for the common good. Private enterprise could not have accomplished this to-day. Comparative or high cost is not necessarily just matter of criticism in this type of work. It is merely instanced to show how slow have been the results from Government irrigation, both in development and in return of cost, and therefore how limited must be its application and comparative results with the total funds available under the reclamation act, even if we admit that the particular expenditure has been judicious.

Some of the work in New Mexico, however, has been shameful.

These figures are also given in protest against the unwarranted claims put forth by the Reclamation Service, which, so long uncontradicted, have deceived the general public into believing that the Government is the chief, if not the only, factor in the development of irrigation in our States.

Here are two States lying side by side. One has had the highest possible benefit from Government reclamation in the expenditure of nearly $12,000,000; the other has had almost the least, $1,200,000. In the latter the official reports give every evidence of great irrigation progress; in the first, they show less than half as much.

But this has been a comparison where the Government reclamation affected only lands already in private ownership, and in different States where it might possibly be claimed that local conditions affected results adversely to the Government works. Let us therefore take the case of Idaho and draw comparisons between the results of private enterprise under State control and Government reclamation, without supervision or control, both affecting public lands. Here should be, if anywhere, a fair comparison.

In Idaho we have seen that the United States has its second largest investment, while the total value of agricultural land increased 518 per cent, and the area in farms 64 per cent, between 1900 and 1910.

The census report for Idaho shows:

Total acreage irrigated and growing crops, 1909	1,428,542
Total acreage irrigated and growing crops, 1899	608,718
Increase	819,824
Total acreage capable of irrigation, 1909	2,384,547
Total acreage irrigated under Government projects, 1910 (5¼ per cent of total irrigated area)	79,377
Irrigated prior to inception under Government projects	21,000
Increase	58,377

Net investment in Idaho by the United States, June 30, 1910	$6,369,788.49
Total acreage capable of being irrigated, 1910 (Minidoka and Boise projects)	229,000
Total acreage capable of irrigation when completed	367,700
Estimated cost (Army board, p. 22)	$15,357,435.00

The State engineer of Idaho has furnished me a list of 14 of the principal Carey Act projects in that State, varying in cost from $50,000 to $4,500,000:

Total estimated cost of these 14 projects	$16,910,000
Total acreage to be irrigated	778,667

All of these projects are under contract to be completed before the close of 1914, except two small ones covering 24,394 acres.

So that, for an estimated expenditure of $15,357,435, Government reclamation will irrigate 367,700 acres, at a cost of $41.76 per acre; while private enterprise, under State supervision, for an expenditure of $16,910,000 will irrigate more than double this area, or 778,667 acres, at a cost of $21.71 per acre.

The settler under the Carey Act takes his water right under contract, which the State enforces in his interest, and knows, therefore, that the work will be completed before it is turned over to him, and just what it will cost.

The settler under Government reclamation takes his water right under estimates of engineers without responsibility or supervision, and never knows what it will cost. For, though the reclamation act provides that the Secretary shall give public notice "of the charges which shall be made per acre * * * and the number of installments, not exceeding 10, in which such charges shall be paid," he soon finds that, as administered to-day, work may be turned over to him incomplete and unable to deliver a satisfactory quantity of water, and he is then compelled to pay for further construction under guise of maintenance or see his investment impaired and his crops ruined.

The average cost of a water right under these 14 Carey Act projects, figuring from the tables furnished me by the State engineer, is $36.14 per acre, varying from $20 to $65.

The average cost of a water right from the United States, under the Boise and Minidoka projects, taken from figures and estimates in the report of the Army board, both for cost per acre and acreage to be furnished at said cost, is $51.81, varying as follows: Seventy thousand acres, at $22; 6,000 acres, at $30; 48,500 acres, at $50; and 164,000 acres, at $66.

Thus at the usual rate of payment (one-tenth annually, without interest, or $5.20 per acre, under the United States; and one-tenth down, $3.61 plus 6 per cent interest on balance, annually decreasing by one-ninth, or $5.56 for the first year, under the Carey Act; $5.35 for the second, etc.), it will be seen that, even including interest charges, the average settler will pay a less total for his land and water under the Carey Act in the State of Idaho than under Government reclamation.

When to this cost irksome Government restrictions are added, and maintenance at same comparative cosf, or greater, do you wonder that, as stated by Chief Engineer Davis, the settlers prefer the Carey Act projects to the wholly beneficent work of the Reclamation Service?

But too many statistics are tiresome. Let us regale ourselves for a few minutes with the other side of the picture and read fiction.

I have here an article on "Reclamation and home making," in the Scientific American of August 12, 1911. I quote from the pen of Frederick Haines Newell, director of the Reclamation Service:

> One of the most far-reaching but little-known works of the United States is that of the reclamation by irrigation of arid lands. These lands form about a third of the total area of the United States, and although only a small proportion can be irrigated, yet the farms and homes which may be created have such great value as to become a notable addition to the wealth of the Nation.
>
> It is not, however, the object merely to reclaim these lands and to add them to the productive capacity of the Nation. Far beyond this is the higher object to be attained—that of rendering these areas capable of furnishing homes for thousands of citizens.

Now, I call that pretty high-class advertising to be run as reading matter in a scientific magazine. Not satisfied to claim proprietorship of the greatest show in the West! Not he—his is the only show.

Where do we come in? Here we are:

> The location of the works, for the most part in regions remote and without adequate transportation facilities, the magnitude and complex character of the engineering features, and the difficulties encountered in adjusting the diverse interests of private owners, furnished innumerable problems.

We furnish the "difficulties" that disturb the triumphal march of the Reclamation Service! That's all. Would you believe the man who writes this was made a trustee for the expenditure of our money "to enable" us to "help ourselves"?

Of course, these "difficulties" have been surmounted; and again I read:

The result is that a large amount of work has been accomplished in a short time and a reputation established for prompt execution, as against the idea that "Government officials could not move expeditiously."

Experience has shown that it is possible to prosecute business with reasonable economy and speed. As proof of this it may be stated that already nearly a million acres of land have been furnished with water and about 14,000 families are on these lands. These beneficiaries of the law are beginning to pay back into the Treasury their pro rata share of the cost of the work.

The results attained are an example of what may be accomplished in the practical carrying out of conservation ideas so ably presented by Theodore Roosevelt and Gifford Pinchot.

In fact, the reclamation work may be considered as part of the great program of national conservation, being joined with the protection and use of the forests, the saving of the water powers and other natural resources and monopolies for the people.

The outcome shows that it is possible for the National Government, through skill and competent officers, to grasp these great opportunities and to develop for the common good the resources which, up to the present time, have been turned over to the great corporations on the ground that it is impossible for the people to help themselves through a popular form of government.

Gentlemen, the time for letting such statements pass unchallenged has gone by. Until very recently we have been at a serious disadvantage. We had no statistics to prove by comparison the absolutely ludicrous results of Government reclamation. The other fellows had the books and their statements in concrete form, and they could manipulate the figures to suit themselves, and they did.

I propose to show from the census and statistics of his own office, read in the light of personal knowledge, that Mr. Newell's statements are entirely unsupported and seriously contradicted by the actual facts.

Bureau of Census percentages of total area irrigated by Reclamation Service.

	Per cent.
Arizona	43.20
Idaho	5.50
Kansas (since abandoned)	18.60
Montana	.84
Nebraska	11.90
New Mexico	2.90
North Dakota	15.70
Oklahoma	
South Dakota	8.90
Washington	16.70

From the statement that "already nearly a million acres have been furnished with water, and about 14,000 families are on the lands," it is easily inferred that these lands were actually irrigated, and that is apparently intended. But the official statements of the Reclamation Service up to December 31, 1910—and at the time this article must have been written no subsequent reports had been made—give the area for which the service can supply water for the season of 1911 as 984,735 acres, a purely conjectural statement, not susceptible to proof, unless the water has actually been used, and, if my personal experience under one project is any criterion, or comparison with any other estimate made by the service is a fair guide, more likely to be wrong than right.

The area actually irrigated in 1910, according to a table furnished by the chief engineer in this same issue of the Scientific American, is stated to be 502,289 acres. Now, of this area actually irrigated I have tried to find how much is increase and how much was irrigated prior to the Government work, even writing to the director himself for this information, but receiving no reply. From information obtained, largely from the census, in regard to 8 projects out of 25, I reduce this acreage by 270,943 acres for land previously reclaimed by private enterprise. It seems reasonable to suppose that complete knowledge of all projects would reduce the total area irrigated even more, but this leaves an increase of only 231,346 acres as the result of the expenditures of $60,000,000 by the Reclamation Service to January 1, 1911.

Area previously irrigated under present projects.

	Acres.
Salt River and Yuma	134,364
Uncompahgre	24,000
Boise	21,000
Hondo, Carlsbad, Leasburg	41,600
Washington	49,979
Total	270,943

That is, the State of New Mexico alone, for an expenditure of $3,600,000 under private enterprise, is irrigating 255,221 acres—nearly 25,000 more increased acreage than the Reclamation Service for an expenditure of $60,000,000. Truly, the Federal conservation campaign should take courage from this exhibit.

And from this: You will remember the table given by Mr. Newell in 1906, showing on 23 projects:

Estimated expenditures to June 30, 1908	$36,430,000
Additional required to complete	59,750,000
Total	96,180,000

The report of the Army board shows these projects and two additional projects—Grand Valley, Colo., and Orland, Cal.—to cost $4,228,998.

Allotments to Dec. 31, 1910	$61,885,000
Additional funds necessary to complete	88,664,755
Total	150,549,755
Estimated total costs of all projects, 1906	96,000,000
Estimated total cost of all projects, 1910	150,000,000
Error in estimates	54,000,000
Estimated necessary to complete in 1908	60,000,000
Estimated necessary to complete in 1910	88,000,000
Increased balance against completion in 2½ years	28,000,000

So, in including the two new projects we have been traveling further away from the end at the rate of about $2,000,000 a month. A rather pretty rate of speed for the poor settlers, who must, if they can, eventually pay the bills.

So much for estimates of the Reclamation Service.

But the true test of a great business undertaking comes in its operation. If it can't pay its way, it is a failure and sooner or later must be closed up.

Mr. Newell says the "beneficiaries of the law are beginning to pay back into the Treasury their pro rata share of the cost of the work."

On page 43 of the Ninth Annual Report of the Reclamation Service is a table showing the following collections of water-right charges, by projects, to June 30, 1910, as follows:

Total building charges (including $100,000 collection through auditor's office for lands of Pima Indians [Lo, the poor Indian!]	$902,822.25
Total operation and maintenance charges	249,637.19
Grand total	1,152,459.44

Don't let us forget Mr. Newell's estimate in 1906—$8,598,000, to be collected by 1910!

On page 45 of the same report I find a table of project costs to the same date:

Building	$54,367,536.16
Operation and maintenance	1,728,637.07

Cost to operate, one and three-quarter millions!

Collections, one-quarter million!

A million and a half deficit on a quarter million receipts!

This is a big business with a vengeance. Conservation—Wrecklamation, beginning with a W.

What does it mean? Not enough collected in both building charge and maintenance to equal maintenance alone by nearly $600,000. Is this bankruptcy or bookkeeping? It is both.

The truth is that some of the great Government irrigation enterprises that have been called entirely completed, or complete in some unit, in order to compel settlers to pay for water, are not complete; while in others the settlers are not coming in fast enough to meet the expense of operation, and in others they refuse to pay at all!

I say that it has been common practice to charge construction into maintenance in order to make settlers pay for what can not be legally collected from them and thus preserve intact funds already legally lost through failure to complete projects before declaring open and thus beginning to collect the building cost. And, further, I say this is not honest!

I say, in any event, these figures mean bankruptcy for Government irrigation as now administered. I say such bookkeeping as will allow in the expenditure of trust funds construction to be thrown into maintenance in order to conceal incompetence or force premature payments from the beneficiaries of the trust would in private life lead to dismissal and disgrace, if not to jail. I say that if these are the results to be expected from the rest of the "great program" of Federal conservation, God help the Nation! And, further, I say that these are the only results that can be expected from Federal control of any of our resources as Federal business is transacted to-day.

I say that by its own figures the Reclamation Service has utterly and completely failed to exercise the trust imposed upon it by Congress and by the people of the United States.

But most of these projects are incomplete, and therefore perhaps not fair examples of final results.

There are five complete Government projects, according to the Reclamation Record of August, 1911. These are the Garden

City, in Kansas; the Hondo and Carlsbad, in New Mexico; the Okanogan, in Washington; and the Minidoka, in Idaho.

The Garden City project is a pumping plant taking water from underground flow to irrigate 10,000 acres.

It cost for building	$337,568.21
For operation and maintenance to June 21, 1910	48,569.64
Total expenditure	386,137.85
Total receipts, building	142.50
Total receipts, maintenance	104.50
Total	247.00
Deficit from maintenance	48,465.14
Total deficit, June 30, 1910	385,890.85

The Army board reports the total present investment of the United States as $419,000,000, and that the water users unanimously ask that the "Government be asked to abandon the said project, so far as this association is concerned; and we ask that all contract liens, so far as the Government is concerned, be released."

This project has already reached bankruptcy and has been closed and in charge of a caretaker last year and this. I am advised by a reliable citizen of Garden City, to whom I was referred by Gov. Stubbs's secretary, that if the Government will abandon and withdraw, private enterprise will put in a successful plant.

This is the only reclamation plant in Kansas. The census shows 40,000 acres under irrigation by private enterprise in this State, and these systems actually constructed capable of irrigating four times this area. The total cost of these systems is $1,365,563, or $9.75 per acre.

The Hondo project, in New Mexico, has been complete since May, 1907, but never declared open, for lack of water. The Army board reports $359,000 as the net investment of the United States. This is a reservoir intended to be filled by diversion from the Hondo River, which, owing to full appropriations higher up, is practically a dry arroyo, in which there is very rarely any flood water. The reservoir leaks whenever any water happens to get in, and the only opportunity to fill it was lost by the water washing out the intake canal last July. This project is also a total loss.

The Okanogan project, in northern Washington, to cover 10,000 acres, is irrigating 5,000, and is apparently successful, showing:

Cost of building	$555,637.49
Cost of maintenance	12,659.72
Collected, building	14,020.57
Collected, maintenance	12,354.00

But the Army board reports a loss to the United States of $4.50 per acre and at times a probable shortage of water.

The Minidoka project, in Idaho, to irrigate 124,500 acres, irrigated 62,000 in 1910, and is apparently running behind:

Cost of building	$3,172,421.02
Cost of maintenance	168,731.27
Collected, building	115,776.74
Collected, maintenance	35,339.79
Deficit in maintenance	133,391.48

Maintenance under this project was raised in January from 75 cents to $1.75 per acre.

There remains to be considered only the Carlsbad project, in New Mexico, according to Mr. Davis's table built to irrigate 20,255 acres. This project is the only one that has already returned to the fund more than 10 per cent of its total cost, according to the ninth annual report, and is therefore financially the most prosperous:

Building cost to June 30, 1910	$604,738.62
Operation and maintenance	97,645.02
Total	702,383.64
Building charges collected to June 30, 1910	48,549.10
Operation and maintenance	31,739.85
Total (more than 11 per cent of the cost)	80,288.95

But here is the same old story:

Operation and maintenance expenditures	$97,645.02
Operation and maintenance receipts	31,739.85
Deficit in operation and maintenance	65,905.17

Inevitable bankruptcy! Project opened before completion! Construction charged to maintenance! Maintenance charges increased in the second year from 75 cents to $1.35 per acre! And the end is not yet!

As I stand here to-day that project—with both its storage reservoirs torn by flood waters last July, the direct result of incompetence at Washington, leading to negligence in the field—is even now at the mercy of the first high water; and what the final outcome will be in damage to the works and increased cost to the settlers no man can tell.

The deeper one goes into this financial question the blacker it gets. There is no limit to the liability of the settler for the work of absolutely irresponsible engineers, no matter how ludicrous the work, till we under the Carlsbad project are accustomed to say that "to settlers under a Government project all is lost but a sense of humor."

And what is the reason for this?

Let us quote again from Mr. Newell in the Scientific American; and I thank him for presenting the question to me, for no one can dispute the fact that he knows it thoroughly and has presented it rightly:

> Transacting Government business on business principles is like trying to drive directly across a settled valley which is fenced in every direction by barbed wire. The old inhabitant knows highways and byways, the gates and the openings, and can go across the country with considerable speed; but the newcomer, who does not know these, is constantly getting entangled in wire fences and in controversy with the people, and is forced to back out, and finally to go by the most roundabout road.

That is it! The Government can not do business on business principles!

"What this means can never be appreciated by a man who has not worked for the Government," says Mr. Newell, "and who has not run against the innumerable complications growing out of a century of corrective legislation and executive requirements." Yes, there is one other who can even more fully appreciate it, and that is the settler who must pay the bills.

Red tape! Everywhere red tape! And you must not cut it, but must sneak through it; and only the fellow who is on the inside knows how.

It seems to me that if the Government can not do business, as this great apostle of Federal conservation admits, the first thing to do is to reform it so that it can, and not overload it with further impossible requirements.

Is it safe to trust large expenditures of public money to the only men who know the twists and turns and devious paths by which alone it can be spent? What show has the average citizen to get a square deal? What effect upon the men themselves does all this crooked traveling have?

Let us illustrate. Let us suppose the Government rules for purchasing supplies class toothpicks as luxuries and refuse to pay for them. By an understanding between purchasing agents and commissary, there is an increase in the charge for matches. The camp is happy, and headquarters either is no wiser or winks and says nothing.

A little thing, you say. Yes; but often repeated and varied gradually finally it makes a very easy conscience; and a supervising engineer advises the officer of a corporation selling land to the United States to give a Mexican $5 to furnish an affidavit in correction of a title; or a dam fails through poor construction, while water is being let down gently against it from a reservoir above, and a board of engineers high in the service signs a report to the Secretary of the Interior that owing to flood conditions the work failed.

We have seen that the director himself has been willing to make statements about the work of his department in a scientific paper which, to put it mildly, are grossly exaggerated and calculated to deceive the public. Business attempted through such methods must fail.

But in addition to this general disability the Reclamation Service suffers from one very vital defect in its own organization. Administration and construction have never been separated. There is no attempt at business management, separate and distinct from construction and engineering. It is true that nothing has been done without reference to and approval by the Secretary of the Interior; but except in matters of law the Secretary has had no advisers, but has acted entirely upon the recommendation of engineers. Administration in the field has been carried on in the same way.

This one defect in organization has been enough to wreck the enterprise.

Construction by engineers has been neglected for administration by engineers. Project engineers have been compelled to be chiefly office men, and subordinates with little authority and often with less experience have had to do the real work in the field.

With no business organization to advise with the Secretary and pass upon the practicability from a financial standpoint of work undertaken there has been no comprehensive general plan, but a lot of independent units, each crying for more sustenance and compelled to exist, not upon what it should have had but upon what it could get. An immense amount of time and energy has been wasted in this way as well as in the exasperating delays caused by red tape.

Again, there being no administrative department, there is no adequate appeal either for employees themselves, who might sug-

gest improvements, or for settlers who have grievances. Every thing is referred back to the engineers, who are already committed on the other side.

Personal responsibility seems entirely eliminated from the scheme of the service. Instead of this is a system of consultations and compromises, until nothing is done before approval all along the line. Consequently, in case of failure, no one is to blame. In case of disaster or crisis no one has authority to act quickly.

This works directly toward inefficiency by stifling ambition and creating in the service a feeling that individual excellence has no opportunity for discovering itself. Few men of ability will long work under such conditions, and only the second-rates eventually will be left.

And yet this is the most autocratic and irresponsible department of our Government, wielding absolute authority over the entire personal fortunes of thousands of free citizens of these United States, and doing it by means of their money, with personal accountability to no one.

Who controls the Reclamation Service? Certainly not the Secretary of the Interior. We have seen that. Does the President? We have no indication of it. Does Congress? Who ever heard of it? Who selected and appointed the director and chief engineer? Apparently they just stepped in, and have stayed ever since.

Just stop and think about this awhile, and see if you can figure out what we have to deal with, and I think you will agree with me it is a juggernaut slowly and remorselessly trampling out the assets of the settler, and not the messenger of peace and plenty which we sought to send out into the desert.

Now, why have I not given you examples of failure of private enterprise in my talk to-day? We all know they have occurred, and will occur again and again, and some of them have been stupendous. But the question of failure in private enterprise does not rightly enter into comparison between it and Government reclamation, as regards the general public or the settlers who are most vitally concerned. Why? Because in private enterprise the public does not assume the loss, and may be only slightly affected by it, or even benefited in spite of it, while under Government reclamation the public has loaned the money and has at the same time assumed the whole responsibility for its expenditure.

In private enterprise, either the settler assumes his own responsibility or holds other private interests, who assume this responsibility for him, liable to him for the results; and the public protects him through the courts. Under Government irrigation the settler finds that he has assumed all the liability, and has lost all control over the expenditure, and has absolutely no redress in case of failure or incompetence. He soon finds that time is of no importance to the United States, while time in many instances is practically his only asset. He soon finds that cost is of little importance to the United States, because Government expenditure is supposed to be nobody's business, where everybody shares in paying for it.

What was of no importance, apparently, though of common knowledge, where a post-office or other public building was built, because the local community pays practically nothing for it and shares all the benefits of increased local expenditures, becomes a vital question where he has to pay for all incompetence and loss. But he finds no relief and no redress, because he has no action through the courts, and no place is provided nearer than Washington where his grievances can be heard—which, as far as he is concerned, might as well be in heaven.

What is the remedy?

First, clean house thoroughly; and any woman will tell you that to do this right you must begin at the top.

Then reorganize upon a business basis, and take administration away from the engineers.

Create an administrative board to relieve the Secretary of all details. Have it consist wholly of practical western men—partly engineers, partly business men; and have its headquarters in the West and its membership large enough to enable them to keep headquarters always open and yet keep in close touch with conditions in the field. Let it handle all business matters, remove and appoint all engineers, hear and pass upon all grievances—subject, of course, to appeal to the Secretary, but not asking his original sanction. This would relieve the Secretary of much unnecessary labor, make work more efficient and rapid, and yet leave ultimate responsibility with him.

Extend the time of payment of building charges to 20 years, and, where undue cost has been incurred for avoidable reason, wipe it out.

Include every improvement of a permanent character in building charges, and delay fixing these charges, as has been so wisely done in the Salt River Valley, as long as there is reasonable doubt that construction is not over. Keep maintenance as low as possible; for it, not construction, must always be a variable and uncertain quantity.

Inculate in the service the idea of healthy rivalry and healthy cooperation with private enterprise, and that a prosperous and contented permanent settler is the true test of success for either; not the number of times the land has been resold to a stranger at an advance in price, before or after water has been delivered, and especially before actual results have established values to replace fictitious expectations.

Or else turn administration and the protection of the interests of the settlers to State control.

In the comparison we have made, touching briefly upon the question and only upon the surface, we have discovered that private enterprise in irrigation, as in all lines, has built and is to-day building up this great West; that the efforts of Government reclamation are insignificant in contrast, and the chief benefit therefrom is indirect in the stimulus and encouragement given to private endeavor; that unless Government reclamation is administered in a cooperative spirit, with due regard to the rights of the public and primarily for the benefit of the settlers themselves, in the local communities, whose money is being invested in trust, it is a distinct drag on progress, and may become a positive curse to those whom it is intended chiefly to aid.

Some remedial measures have been suggested. Failing a remedy, and that quickly, far-reaching disaster, widespread loss, and actual suffering are inevitable, if not already incurred.

Naval Appropriation Bill.

SPEECH

OF

HON. EDWARD W. SAUNDERS,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 28, 1912.

The House being in the Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes—

Mr. SAUNDERS said:

Mr. CHAIRMAN: The speech of the gentleman from Minnesota is in refreshing and inspiring contrast with the loud call to arms sounded by some of the participants in this debate. [Applause.] Calm and unmoved by the frantic appeals of the advocates of a mighty Navy, he opposes the suggestions of saving common sense to the hysterical fustian, and noisy rodomontade with which these advocates seek to becloud the issue, and create the impression that the necessities of national defense, and the possibilities of chimerical wars, justify an ambitious naval program. It is suggested that the determination of our naval policy, is not a party question. Why not? The vital question is: What policy will promote in the highest degree, the interests of the whole country? The Republicans advance one policy. That is the Republican attitude. The Democrats advance another. That is the Democratic attitude. These policies are formulated in party councils, and to that extent are party questions. In the result, the decision must be made in the forum of reason. If the Democratic attitude can not be maintained in that forum, it must be abandoned. The only enduring party gain, is public advantage secured through party action. In this instance the Democrats have been at pains to arrive at a policy that will be approved by the sober judgment of the people. After full discussion, the Democratic membership of the House reached the conclusion in party conference that no public necessity exists to justify the construction of additional battleships at this time. In other words they dissent in the most decisive fashion from the Republican attitude that we must continue to build two battleships a year of the most expensive design. With this determination of present policy, this outcome of party deliberations, I am in hearty accord, and prepared to justify the same at all times, and on all occasions. The opponents of this action both within, and without the party, predicted that as soon as the conclusion of the Democratic conference was announced to the country, a storm of protest would ensue. Such has not been the case. No action that we have taken at the present session has been more heartily indorsed, and received with greater favor in the country at large, excluding a few special interests, and special localities, than this decisive stand of our party

against the concerted effort of the selfish interests, and professional alarmists, to commit the United States to a permanent policy of useless and extravagant naval expenditure, at once burdensome to the taxpayers, and a menace to the peace of the world. [Applause.]

Since the caucus action referred to in the course of this debate, I have been at pains to ascertain the attitude of the public press, toward that action. The Literary Digest is a sort of mirror of public opinion. Its columns contain copious extracts from the leading papers, thus affording reliable evidence of the general feeling upon current questions. A close scrutiny of these extracts justify the conclusion that, save for a few papers that sincerely represent the greater Navy idea, a few others that oppose the Democratic policy merely because it is in opposition to the administration program, and a small residuum which represents the localities that will be directly benefited in a pecuniary way through naval construction, or the maintenance of naval yards, depots, and plants, the general attitude of the press of the United States has been one either of calm acquiescence in, or hearty approbation of our action. On May 23, 1912, the American Free Religious Association, unanimously adopted the following resolution:

> We express our deep satisfaction, and gratitude at the strong step taken by the Naval Committee of our House of Representatives in its recent resolution against any addition during the present year to our present force of battleships. We hail this courageous action as the promising beginning of a better policy, and appeal to all friends of peace and international progress to give it their earnest indorsement and support.

On May 24, 1912, the Massachusetts Peace Society adopted the following resolution at Boston:

> The society hopes that the reason for the excessive armaments of to-day will be removed, and the tremendous military naval expenses which press upon the Nation will be reduced. We look with satisfaction upon the action of the Naval Committee of Congress in urging that appropriations for battleships be omitted this year.

In my own State the undefended coast cities are supposed to be subject to the risk of destruction by the guns of blockading fleets, as if this was a feature of modern war. According to the agreement of The Hague conference of 1907, unfortified coast places can not be bombarded. But at the psychological moment, these localities are aroused by exciting suggestions of danger from hostile landing parties bent on sack and rapine, a sort of modern reproduction of the horrid scenes attending the Gothic sack of imperial Rome. But such alarms do not extend very far. Despite these incentives to favor a greater Navy program, a recent convention of Virginia Democrats failed to adopt a plank in criticism of our present attitude, or in favor of two battleships a year. Such a plank was not even considered, much less inserted. [Applause.]

Mr. Chairman, among the advocates of a greater Navy, there is only one whose program is consistent with the theories upon which it rests. This advocate is the gentleman from Alabama, who scorns the suggestion that two battleships a year will give us an adequate Navy, and insists that in the interests of peace, always of peace, a program of from six to eight battleships a year is required, so long as the other nations of the world continue to build at the present rate. The greater Navy advocates insist that we must prepare for possible war. If the likelihood of naval wars, and of invasions by foreign armies transported by foreign fleets, constitute such a menace to our national integrity, that we must prepare against these risks by naval construction, then we should provide against all comers. In this view the Hobson theory is sound, and no chances should be taken. Two battleships a year will give us a miserably insufficient fleet against any combination of the great powers of the world. It will be pitifully inadequate against Great Britain alone. If Great Britain is to be excluded from the list of possible combatants, why include Germany, or France, or Japan? The occasions of friction between England and the United States, are greater than between this country, and any other great nation of the civilized world. We touch her at an infinite variety of points, and unless we attribute to that country motives and policies, far different from those imputed to other nations, the likelihood of war with the United Kingdom, is fully as great as that of war with the other powers. This country has waged only two wars with a foreign country that may be fairly called great. Both of these were waged with Great Britain.

Who are the foes that this country needs to fear? If the question of possible war is to fix our attitude, then it is true that we should take no chances, omit no competitors, and exclude no conceivable combatant from our calculations. If we must match ships with Germany, or Japan, or France, why not with England? Upon what theory is the greatest naval power of the world to be excluded from the estimate of possible adversaries? In excluding England from their calculations, the advocates of two battleships a year are illogical. Resting their claims for a greater Navy upon the alleged vital necessity of preparing against foreign attack, they admit that our policy of naval construction should not be determined by what Great Britain is doing. If this be true, why should we be concerned to keep step with the other powers? If the far greater navy of England constitutes no menace to the liberties and interests of this country, and entails no necessity for the imposition of a burdensome program of naval expenditure, why should the smaller navies of other countries, even if greater than our own, excite our apprehensions, or fix our policies? If those countries choose to daily with the chances of national bankruptcy, or to provoke internal discontent by a steady increase of national expenditures for futile purposes, that is no concern of ours. The gentleman from Alabama is at least logical and consistent with his premises. He would exclude all risks, and create a navy so gigantic, as to eliminate all chances of war. Unwilling to be outstripped by any rival, his naval program would make this country the admiration and despair of all competitors. And why not? One argument advanced, is that our Navy must be commensurate with our wealth, our power, our place in the "Parliament of Nations." These phrases are rolled as rich morsels under the tongues of the fervid patriots who insist upon a strong Navy. None the less they are deliciously vague, and afford no definite working standard. The wealth of the United States in round numbers is $130,000,000,000, of Russia $40,000,000,000, of Austria-Hungary $25,000,000,000. A navy commensurate with our riches, taken as an evidence of our power and the measure of our necessities, should be three times as great as that of Russia, and five times as great as that of Austria-Hungary. If our dignity is involved, it is not a question of being second, third, or fourth, we should be first. With far greater wealth, why should we accord the preeminence in naval strength to England?

Such being the logical outcome of the favorite arguments for naval expansion, it is plain that the next step of the expansionists will be a material increase in the present program, which must be regarded as a mere stop gap, or temporary makeshift. No people holding their views will be content to play second fiddle to any nation on the globe. Without regard to the difference in our respective situations, it is insisted that whenever a foreign power orders a new engine of destruction, this country must match, or exceed it. If Germany builds a *Dreadnought*, we must build a *Dreadnought*. If Japan orders a super-*Dreadnought*, this country must provide for a super-*Dreadnought*. If France appropriates ten millions for aeroplanes and submarines, we must appropriate a like sum for the same purpose, so as to provide a defense against possible hosts of invading Frenchmen assailing us from the heavens above, and the waters under the earth. Away with such nonsense. This country is secure, whether it occupies second, third, fourth, or fifth place. The difference against us of a ship, or two ships, or a much greater number of ships, may determine our relative numerical place, but it does not establish our essential inferiority. That difference is far more than counterbalanced by the broad expense of heaving waters that separates us from possible assailants. A blockade of our ports by the ships of any nation operating from the other side of the Atlantic, or the Pacific, as the case may be, is impossible, and if undertaken, no foreign fleet would dare to enter our harbors and channels, and incur the dangers of mines, dirigible torpedoes, and submarines, not to speak of aeroplanes which are rapidly becoming a formidable engine of attack. The Japanese before Port Arthur were in easy reach of their base, and close to their dockyards and repair shops, yet their blockade was maintained with infinite difficulty and great loss. Our national policy will determine the size of our Navy. If offensive war is contemplated, then it is admitted that two battleships a year are inadequate for its conduct against any one of the great nations, much less a combination of two or more. For the purposes of defense and protection, our present fleet is far more than adequate.

The excuse offered for England's gigantic fleet, does not suffice in our case. England is an insular power. We are not. A great fleet may be a necessity for England, for she must keep open the lanes of the sea leading to her ports. She can not live within herself, but is so dependent on the sea, that it is truly said:

> She lives, and moves, and has her being by the great deep.

Interrupt the commerce of England by a blockade that would measurably close her harbors to the ships bringing provisions from every quarter of the globe to the tight little isle, and actual starvation would be rampant within her borders within a month. With us the case is entirely different. No nation, not even Great Britain, could blockade our coast line, or close our ports. But even as against such an attempted blockade by steam vessels which would entail a staggering cost upon the

nation seeking to effect it, this country is able to live to, and within itself, without serious inconvenience. Sea power with us is a luxury, not a necessity. Future wars between the great powers will proceed from causes that are fundamentally sufficient, not the whims, caprices, or family interests of ruling sovereigns. Old ideas have passed away. It is now fully recognized that a nation which destroys the purchasing power of another nation through the processes of fire and sword, injures itself, and retards its own ultimate development. The prosperity of one nation is the prosperity of all, and the commanding cause of to-day is the war against war, the folly of war, the sin of war, the waste and destruction of war. Upon a survey of our relations with the powers of the world, it is apparent that we hold no territories so vital to other nations, that they will seek to acquire them at the cost of conflict with this country. We hold Porto Rico, and Hawaii, but what country would endeavor to secure them by force of arms? We are preparing to withdraw from the Philippines, and to neutralize that Territory by international compact. If the retention of those islands is a possible cause of conflict, that cause will be soon removed. The Panama Canal has been a costly enterprise for the United States, but as a prize of protracted war it would be valueless to another power. We would struggle to the end to hold it. No other nation can afford a struggle to acquire it. A suggested landing upon the territory of the United States, by a foreign army bent on conquest, is a possibility too absurd for speculation, much less for sober consideration.

It is a crime against humanity to excite the apprehensions of the timid by lurid descriptions of purely imaginary dangers from paper invasions by foreign armies, and to urge this country on the road of extravagance and folly, by the free use of this chimera of a diseased, or perverted imagination. War scares are too often kept alive by the interests which have a special concern in the business of promoting war's alarms. Over 50 years ago, when war talk was prevalent, Abraham Lincoln, with that robust common sense which characterized him, declared with a touch of bombast, that "all the armies of Europe, Asia, and Africa combined, with all the treasures of the earth (ours excepted), in their military chest, and with a Bonaparte for a commander, could not by force take a drink from the Ohio River, or make a track on the Blue Ridge, in a trial of a thousand years." If this statement was measurably correct in Lincoln's time, it is the absolute, unvarnished truth to-day.

Lessons sought to be drawn from the wars, raids, forays, incursions, sacks, burnings and plunderings of the past, are misleading and mischievous. Wars are no longer traced to the intrigues of courtesans, the jealousies of prelates, the scandals of courts, or the quarrels over successions to disputed thrones. Countries are no longer conquered to be despoiled, and subjugated cities are not given over to fire and sword. The wars of the past were designed for the enslavement of other nations, or for the pillage and destruction of private property. To-day it is recognized that a nation which destroys the trading power of another nation, injures itself by the destruction of an actual, or potential market. In spite of this constant talk of war, we are getting further from war every day. The richest nations on the globe could not afford the cost of war with the United States, and they understand this as well as we do. In addition the financiers of the world would not undertake to finance a war to be waged on our territory, or encourage the derangement of the world's affairs that would ensue therefrom. The mere cessation of the ordinary trade relations between us, and any one of the great nations of the earth would be an unspeakable blow to the prosperity of the world. "A complex financial interdependence now exists between the capitals of the world, a condition in which disturbance in New York involves financial and commercial disturbance in the other capitals, and if sufficiently grave, compels the financiers of those capitals to cooperate with the financiers of New York, in putting an end to the crisis, not as a matter of altruism, but as a matter of commercial self-protection. Thus New York is dependent on London, London on Paris, Paris on Berlin, and Berlin on St. Petersburg to a greater degree than ever before in the history of the world." The international bankers have the last word in the determination of war or peace. One hundred years ago with the sentiments and conditions then prevailing, France and Germany would have gone to war over Morocco.

One ground on which the advocates of military armament undertake to support this policy, is that it is a species of insurance against war. But we are paying too much for our insurance. As an economic proposition the chances of war are preferable. The insurance does not really insure. According to the standards of the period, Prussia and Austria were carrying full insurance, but war ensued. So of France and Germany in 1870, Turkey and Russia in 1877, and Japan and Russia in 1904. "Armaments are designed for fighting," and any nation which glorifies the martial spirit by needless increase in its military appropriations, will sooner or later find an excuse for war. This is the history of the nations. "At the root of all military preparations lies the desire, somewhere, to attack. Peace under arms is only an extended armistice." Cultivate the martial spirit, glorify the fighting man, and the fighting men will want to fight. War is the excuse for their existence, and they are eager to afford the excuse. They pine for the smoke of the battlefield, the roar of cannon, the guerdons of glory. In the recent troubles in Mexico, now happily approaching an end, the hotheads in the Army and the scarehead newspapers would long since have had the American forces across the Rio Grande, and this country engaged in a needless and burdensome war.

Having in mind that within the last three decades, we have paid $4,000,000,000 for military purposes and that we are likely to double this amount within the next 30 years, the question may well be asked, whether the chances of war, as a business proposition, will not be preferable to the continued payment of such premiums on our national insurance?

Advocates of naval expansion are fond of citing the present war between Turkey, and Italy as an instance of what may happen to a country unprovided with a mighty navy. They could not cite a more unfortunate illustration for their purposes. Some years ago Italy essayed a policy of foreign conquest, and colonial expansion, and met with a severe rebuff in Abyssinia. Smarting under this humiliating, and costly experience, she abandoned for the time being her ambitious aspirations, and in a chastened spirit proceeded to set her affairs in order at home. So well did she succeed in this laudable, if commonplace policy, that by the beginning of the year 1911, she had developed her commerce in every portion of the world, improved her home conditions in every way, put new life into her domestic industries, and accumulated quite a tidy nest egg which was available either for the reduction of her public debt, or for any substantial scheme of internal improvement. Once more the evil spirit of militarism prevailed, and brushing aside the policies of industrial development, it filled the public mind with a desire for glory and conquest. Having in mind that the superiority of her fleet would enable her to select the theater of conflict, Italy challenged Turkey to combat in the same spirit of braggadocio in which the French under Napoleon the Third began the march to Berlin. The conquest of Tripoli was determined on, and an expedition was dispatched to achieve a speedy and bloodless triumph. The war was to be a mere holiday parade, a campaign of a hundred days, with a culmination of dazzling glory, and a return from Africa marked with all the splendors of a Roman triumph. Mark you in this instance the superior navy was not an instrument of peace, but an incentive to war. Having the instrument to her hand, Italy desired to use it, and thereby test its vaunted benefit, in actual hostilities. What has been the result?

No more perfect illustration of the man with the wolf by the ears, was ever furnished than Italy affords in her present plight. After many months of hard fighting, she holds a narrow fringe of Tripolitan coast, not wider than the range of the guns on her battleships. To achieve this much, requires the presence of over 150,000 veteran troops. She is unable either to go forward, or to retreat with honor. In the meantime the cost of the war has wiped out the nest egg accumulated by years of tidy thrift, and is rapidly piling up an immense war debt. She has lost her commerce in the eastern Mediterranean, and seen thousands of her people expelled from the dominions of Turkey. A few worthless islands have been taken, and a few obsolete Turkish gunboats have been sunk. She has not dared to land an expeditionary force on the shores of Asiatic or European Turkey, while the rules of modern war forbid her to bombard or sack defenseless cities and coast towns. Secure within his own dominions, the Turk pursues his accustomed occupations, and laughs at the plight in which Italy finds herself. She has become the laughing stock of the nations. If this experience is taken as an analogy, surely no man in his sober senses will argue that any country in the world, whatever its superiority in battleships might be, would undertake to make a descent on the shores of the United States, or endeavor to hold any one of our coast cities, or portion of our coast territory, by force of arms. What nation on the further waters of the Atlantic, or the Pacific, would undertake the burden, and hazard the chances of invading the United States, and conducting war within our borders? Has the experience of Great Britain with the handful of Boers in the Transvaal been forgotten? This was a war with a relatively insignificant country, but it required an Army of over five hundred thousand men, and added over one thousand million dollars to the war debt of the United Kingdom.

While it is not doubted that some sincere minds really believe that our vital interests require a mighty navy, this ele-

ment is in a minority, and is not responsible for the propaganda of militarism that is so diligently conducted at the Capitol.

There is another and far more potent element actively at work, one that is closely related to the special interests that find a material and substantial profit in cultivating the spirit of warlike preparation.

Guns, armor plate, steel frames, powder all go with naval construction, and all tell the story of fat contracts, and comfortable dividends. To the last man, the concerns that furnish this material, or put this material into final form, insist upon the necessity for a great army, and a greater navy. The advocates of a different policy are designated as traitors to the great cause of national defense, or as weaklings who are willing to live in a fool's paradise of fancied security. To-day the greatest single power in this movement for more battleships is the Steel Trust, and its subsidiary and ancillary interests. They have appealed to labor in behalf of their program, but the direct representatives of labor on this floor, have indicated both by voice and by vote, their attitude of unalterable opposition to this policy. The most astounding feature of this propaganda is the effrontery with which it claims that the movement is designed to secure the peace of the world. What is the difference in the resulting burdens on the taxpayers, between a policy which frankly avows that it is one of preparation for war, and another, which calling for an even greater supply of ships, of men, and of material of offense, stoutly proclaims its peaceful intentions? Peaceful nations look askant at both policies, reserving their respect for the country which at least is frank in the avowal of its purpose.

There are some minds so constituted, that the mere size of an object, apart from its utility, enlists their support in the most compelling fashion. It was this craze for bigness that caused the King of Prussia to scour the world for material for his famous regiment of giants. Some people are stirred by the pomp of marching armies, the blare of trumpets, and the thundering salutes of "red-breathed cannon." They like big guns, big ships, the big noise, and the big stick. But this is not a wholesome attitude in a free and peaceful country, one that desires to remain both free and peaceful. These things are not demanded by the vast body of our people, but are incident to the "giddily rapid progress of public and private extravagance, the continuous inflation of popular vanity, and the tendency to mistake colossal dimensions for intrinsic worth." In proportion as the wealth of a country increases, it seems to be inevitable that a class is created greedy for excitement, violent sensation, lavish display, florid trappings, and imposing pageants. It is in large measure this boastful, showy, vainglorious element, ever seeking some new thing, that is urging our country on the way of naval and military expansion, securing the support for this policy on the one hand from the fears of the timid, who are excited by artful suggestions of chimerical wars, and impossible invasions, and on the other by appeals to that passion for the colossal, and the vast, which has been responsible in all ages for the pomp of power, and clothed real weakness in the sightliness of gorgeous pageantry and imposing display.

If a man lives for a while in Washington, and mingles in its social life, he soon learns that the Army and Navy mania is rampant. Justice Brewer gives six good reasons for this local attitude. First: Seven hundred and twenty-seven retired, and active Navy and Army officers live in Washington, and are fast making it an Army and Navy center. They are clamorous for more armaments. Second: Certain powerful vested interests want contracts for armaments. They maintain lobbyists at the Capitol, and influence a goodly portion of the press. Third: The taxpayers do not know that Uncle Sam spends 70 cents out of every dollar appropriated on account of past wars, or in preparation for future wars. Fourth: The man who hangs on the car straps, and reads scare headlines, and inflammatory speeches, concludes at once that we are on the eve of war, when this war exists only in the imagination of flamboyant orators, or subsidized writers. Fifth: An ambitious navy league disseminates fustian about maintaining our prestige, and the consequent necessity for multiplying costly and short lived machines for killing men. Sixth: Many members of really patriotic societies look backward, instead of forward. Glorying in *Dreadnoughts*, and parades, they ignore the real force of that quiet and patriotic statesmanship which in different lands has secured 100 arbitration treaties in six years, and averted who knows how many wars. A formidable and menacing program of naval construction on the part of a country which of all others is best fitted by its isolated situation to be the protagonist of the movement for universal peace, of the time when the swords shall be beaten into plowshares, and the spears into pruning hooks, is a policy of incredible insanity. On his recent return from an extended trip abroad Vice President Fairbanks made the following statement: America is at peace with the entire world. There is nothing that can mar the peaceful relations of the United States with the other nations, save our own inconceivable folly. While the shriekers and shouters for a great Navy are at work all the while, they are particularly active when a Navy bill is in preparation. The situation at once becomes acute, and the demand for more ships to save the Republic from impending disaster is loud and imperative.

I am becoming inured to this biennial hysteria, this banging of drums, these dismal prophecies of certain war, unless we build big ships and many of them, these harrowing descriptions of our defenceless coasts, these notes of alarm, these organ plays with all the stops out. Since I have been in Congress I have heard many solemn warnings against Japan, and once a definite assurance that unless a decisive addition was made to our fighting force this country would be at war with the Kingdom of the Rising Sun before the leaves came again. The House listened and failed to vote the addition demanded. A little later, Gen. Luke Wright, ambassador to Japan, returned to this country, and in a newspaper article declared that—

> The talk of war between this country and Japan, is not even respectable nonsense.

This year Germany is the scarehead which is presented to our affrighted vision. Honor, patriotism, public interests, dignity, self-respect, our reputation at home, and abroad, all concur, we are told, in impressing the lesson that what Germany is doing, we must do, and keel for keel, our naval program must match the program of that country. The House has turned a deaf ear to these harrowing tales of menacing dangers, and assured of the wisdom of the action which it has taken, has refused to be alarmed.

Mark you, it is fully conceded that this country enjoys the full and ample right to possess a mighty army, and a still mightier navy if, upon full consideration, she is disposed to expend her revenues in that direction, but a constituency which expects, or requires its representative to vote for a policy of military expansion, should count the cost. If it is well to reckon the cost before going to war, it is equally well to reckon the cost of preparation for war. Hence a constituency favoring an ambitious program of naval construction, and the appropriation of large sums to this end, should estimate its own loss from the failure to apply this money toward the construction and maintenance of state roads, the establishment of new rural routes, the erection of bridges, and the general cause of agricultural and industrial education. These are all legitimate and constitutional forms of expenditure that require only the disposition, and the means to put them in motion. Already a great scheme of industrial schools is halted in the Senate on the plea of economy, but such base and paltry considerations do not appeal to the enthusiasts for *Dreadnoughts*, or stay the program of naval expansion at all costs. The old maxim declares that justice should be done, though the heavens fall (Fiat justitia, ruat cœlum). The victims of dreadnoughtitis insist that battleships must be built, whatever else may fail in our scheme of Government. As soon as a sensible plan of naval reduction is proposed, a frenzy of patriotic exaltation is aroused in certain quarters, and the floodgates of fervid oratory and bombastic declamation are opened. Every proposition contemplating a reduction in our swollen estimates, or intended to establish a working equality between the appropriations for military purposes, and those required for the maintenance of our civil establishment, is denounced as an unpatriotic attack upon our national honor. In a general way the people of the United States fancy that the nations of continental Europe stagger under a burden of militarism from which we are happily exempt. They simply do not know the facts.

Two out of every three dollars appropriated by Congress is applied, either on account of wars that are past, or in preparation for wars to come. Since 1897 we have expended about $200,000,000 for rural free delivery, and about $300,000,000 for public buildings and grounds, while our total expenditures during the same period on account of the Navy and Army, have run well above $2,300,000,000. In a real sense, a large proportion of this money has been practically wasted. There is nothing permanent to show for these vast expenditures which, if applied to the works approved by modern industrialism, if expended upon roads, bridges, harbors, rivers, rural routes, and postal improvements, would have furnished the United States with a body of facilities for internal commerce, and domestic intercourse, sufficient to place this country on a basis of permanent and enduring prosperity. Take the amount of $1,600,000,000, that has been expended on the Navy alone in the past 30 years. Applied to road construction, one-half of this sum would have built 200,000 miles of hard roads at $4,000 a mile. The other half expended on naval construction and mainte-

nance would have afforded a Navy fully adequate for our necessities.

If we must build battleships, let us at least see what this policy means, and the extent to which its pursuit will divert our appropriations from more fruitful and productive applications in aid of social and domestic development. Listen, mark, and inwardly digest, the following wise words of the head of the Agricultural Department:

A 40-acre farm of irrigated land comfortably supports a family of five persons. It costs $55,000 to make a 12-inch gun. The money that goes to pay for this gun would reclaim 1,571 acres of land, providing homes for 196 people. When all the guns on all our battleships are shot at one time, the Government blows in noise, and smoke $150,000. This would reclaim more than 4,000 acres of land, giving homes to more than 500 farmers and their families. The money consumed in powder is lost to all the future. The farmer who buys the reclaimed land, must pay the Government back in 10 years, so it does not cost the Government anything to build up the country by helping the farmer. We should make more homes, and not so many fighting machines.

The comparison is pushed a little further by a writer in the New York Herald.

The cost of a battleship would build a macadam road of approved construction between the cities of Chicago and New York. Fifty manual training schools could be built and equipped with necessary tools and appliances for the cost of a battleship, teaching the rudiments of a trade to 75,000 young people each year.

The Congressional Library at Washington, the finest library building in the world, was built for but little over half the cost of a battleship, and is maintained for three-fourths the cost of keeping a battleship afloat.

The proposed White Mountain forest reserve, containing 250,000 acres of burned-over, and unproductive lands could be purchased and planted for the cost of one battleship.

The price of two battleships is only $1,000,000 less than the estimated cost of making the proposed 6-foot channel in the Mississippi River from St. Paul to the mouth of the Missouri River.

The investment of $9,000,000 (three-fourths the cost of a battleship) used in construction of irrigation works in Salt River Valley, Ariz., will reclaim 240,000 acres, provide homes for 8,000 families, and increase the value of taxable property not less than $24,000,000.

These striking illustrations make clear the main proposition, that battleships are expensive luxuries. The wooden vessels of former wars cost about $12,000 apiece. The modern battleship costs a good deal more than $12,000,000.

Moreover they are not needed to enforce our demands. It is the moral strength of our situation that gives force to our attitude. When this country announced the Monroe doctrine, it was not in a position to enforce that doctrine by force of arms, or invite the nations of Europe to combat. I deny the assertion that our influence in the world would be increased by an increase of our Navy. President Cleveland submitted an ultimatum to the greatest naval power on the globe in the Venezuelan controversy. What prevented war at that time? Our naval force? We had none. The terms in which the issue was presented were almost offensive, but Great Britain yielded to our demand for the simple reason that she could not afford to go to war with this country, even though we were not in a position to enforce our demands by brute force. Had the United States possessed a strong Navy at that time, the argument for the battleship as a means of peace, would be irresistible to many minds. The fact remains that this country carried its point without the means to enforce it. Great Britain was able, but unwilling to force the issue. A less powerful country would not dare under like circumstances to offer a challenge to arms.

Figures are commonly said to be dry, but they "have an eloquence of their own for the man who pays," and illustrate the burdens of militarism in the most illuminating fashion. In these days of expensive living and rising prices, when taxes are daily becoming more onerous, it may not be amiss to see what militarism is costing the world at large, and in particular what it is costing the United States. There are 10 great military nations in the world, including this country. If our Army and Navy are not so large as the armies and navies of other countries, they come much higher, so that in comparison, the taxpayer of the United States occupies no favored position. The 10 military nations expend for military purposes annually over $1,900,000,000. The number of men in the armies of these nations on a peace basis is 4,200,000. The average cost per man, per year is about $295. The average cost per man per year in the United States Army, is about $1,800. The average cost per year of the combined armies and navies of the above nations, per unit of population, is about $3.33. The nations now spend for armies and navies, as compared with their total expenditures, an average of 29 per cent. The United States spends (pensions not considered) 43 per cent. The five military nations of Europe have increased their debts from an aggregate of $8,595,932,000 in 1881, to $18,244,236,000 in 1911. The total estimated charge of these nations for military preparations during the last 30 years, is $28,441,000,000. Insurance did not insure during this period, though the premiums paid are confessedly high. The war debts of the modern world aggregate over $37,000,000,000. Some one has called these figures "the endless caravan of ciphers." The advocates of our present Navy insist upon its benefits, but these benefits are problematical. If we have been at peace during the progress of its creation, no lesson can be drawn from this fact, for we were equally at peace during the period which preceded it. But if the benefits are problematical, the burdens are certain, and if the benefits are insisted upon, a statement of the burden is appropriate. The appended table gives the Navy cost during the last 30 years. It is a pathetic feature of this table, that the bulk of the money which it represents, has either been blown away in idle noise, or expended upon vessels long since condemned as obsolete and worthless.

	Year.	Republican Congresses.		Democratic Congresses.	
		Tonnage.	Appropriations.	Tonnage.	Appropriations.
Forty-seventh Congress	1883	11,986	$15,894,434.23		
Forty-eighth Congress	1884				$14,980,472.59
	1885			10,053	15,070,837.95
Forty-ninth Congress	1886			36,475	16,489,907.20
	1887			19,987	25,757,348.19
Fiftieth Congress	1888			27,436	19,942,835.35
	1889			5,325	21,692,510.27
Fifty-first Congress	1890	38,334	24,136,035.53		
	1891	7,350	31,541,654.78		
Fifty-second Congress	1892			20,561	23,543,385.00
	1893			4,155	22,104,061.38
Fifty-third Congress	1894			781	25,327,126.72
	1895			29,825	29,416,245.31
Fifty-fourth Congress	1896	36,317	30,562,660.95		
	1897	2,050	33,003,234.19		
Fifty-fifth Congress	1898	59,389	56,038,783.68		
	1899	105,084	48,090,969.58		
Fifty-sixth Congress	1900	100,036	65,104,916.67		
	1901		78,101,794.09		
Fifty-seventh Congress	1902	63,630	78,856,363.13		
	1903	77,600	81,876,794.43		
Fifty-eighth Congress	1904	82,930	97,505,140.94		
	1905	32,000	103,336,679.94		
Fifty-ninth Congress	1906	22,100	102,091,670.27		
	1907	21,400	98,958,507.50		
Sixtieth Congress	1908	123,480	122,663,885.47		
	1909	75,085	136,935,199.05		
Sixty-first Congress	1910	94,452	131,250,854.38		
	1911	103,755	126,478,338.24		
Total		1,056,969	1,459,596,910.96	154,598	214,334,720.96

This country is assuredly in no greater danger of attack than it was in 1895, the date of the last Democratic naval bill. Its capacity to finance a war, should war be forced upon us, is immeasurably greater than it was at that time. Such a war would be a war of purses, and no country can match purses with the United States. The statesmen of other countries, the financiers of the world, know these things as well as we do, and in this knowledge, and not in increasing armaments, is our surest guaranty against attack. Surely the argument for a greater navy does not rest upon the ground that we contemplate attacking others! If a greater navy is an evidence that a country intends to be peaceful, why is it that such a policy is taken as a challenge by the other nations? A really peaceful man, or a really peaceful nation, is never the occasion of alarm to others. Until recently South America entertained a traditional feeling of kindly regard for the United States, but as soon as we entered upon the battleship era, with loud professions of peaceful intentions, the republics of that country became suspicious of our secret purposes, and from that period dates the present attitude of suspicion and dislike. If Germany builds battleships in order to be peaceful, why does that attitude affect England, and cause her to revise her estimates, and enlarge her fighting force? But the fundamental folly of our attitude consists in the assumption that we must build battleships because Russia, or France, or Germany builds them. Such a view ignores entirely our isolated situation, and our freedom from the inherited antagonisms, and racial jealousies which affect the nations of Europe, and in large measure determine their policies. These conditions make a military propaganda an easy affair in those countries. The apprehensions of the public are readily played upon, the fears of the timid are easily aroused, and education, waterways, commerce, roads, in a word domestic development, are starved and stunted to pay for huge fleets and mighty armies. A like propaganda should be firmly opposed in the United States, and sturdy common sense should refuse to allow our country to be impoverished by the exaction of excessive sacrifices which the conditions of our situation not only do not require, but render absolutely unnecessary. The amazing growth of our expenditures for naval purposes is shown

by the fact that in 1895 we appropriated $29,416,254.51, and in 1911, $126,478,338.24.

The imagination is staggered in the effort to realize the works of permanent and enduring utility, roads, bridges, canals, levees, swamp drainage, desert reclamation, high schools, colleges, and universities, that could have been constructed with the money wasted on this policy of futility. If we have been at peace during the major portion of the past 30 years, that peace is hardly traceable to the existence of an imposing Navy, for other nations lacking the aid of a naval program, have been decidedly more peaceful, and in material prosperity have advanced in an even more impressive fashion.

The most fallacious of all the arguments in support of a greater navy, is the one advanced on this floor, that such a navy is required to protect and increase our foreign commerce. The ships of the world engaged in deep-sea trade, need no protection on the high seas, for the age of piracy has long passed. Buccaneers and corsairs do not prey on commerce in modern times, peaceful merchantmen are not convoyed by fighting ships, and the ocean lanes are equally safe for the ships of all nations, for the junk of the heathen Chinee, and the tramp that flies the flag of Great Britain. The vessels that carry the freights of modern commerce are the vessels that afford equal facilities with, and offer lower rates than their competitors. In the race for international business the question of protection does not enter into the equation. It is purely one of rates. But the argument for a greater navy fails for another reason. The United States has no foreign commerce that is carried in American bottoms. Hence we are building battleships under a false pretense, for they are impotent to create a commerce, and equally impotent to protect a commerce which is nonexistent.

No one who has studied the causes responsible for the disappearance of the American flag from the merchant fleets of the world, believes for a moment that this disappearance is due to a lack of fighting ships, or that an increase in this respect will rebuild our merchant marine. It is a fact of easy demonstration, that in proportion as we have advanced in the construction of a fighting Navy, we have lost our carrying trade. This has been due to the economic causes which I have cited. Norway has no battleships, but "relatively to population, this little kingdom has the greatest carrying trade in the world." They go after this trade with rates, not with guns, or battleships. It is true that England has a great battle fleet, and an immense carrying trade, but the two facts are merely concurrent, not related as cause and effect. The Englishman, like his Norwegian competitor, secures and holds his trade through low rates. In these days trade does not follow the battle flag. It hunts the carrier that offers the most favorable terms, whether that carrier is an Englishman, Russian, Turk, or Jap. During the last 30 years we have been building a mighty Navy in ever-increasing proportions. I challenge the advocates of that policy who assert that a greater Navy will increase our foreign commerce, to submit the figures showing the present proportion of the world's commerce which is carried in American bottoms. The figures are easily obtained, for such trade is practically nonexistent. England has a mighty navy, and an immense carrying trade. Hence we are told her fighting ships are responsible for the merchant marine. Norway has no fighting ships, and relatively a greater carrying trade than England. Something seems to be amiss in the battleship argument. The United States has a strong Navy, and no foreign trade carried in her own bottoms. The fair conclusion on the whole is that the battleship is not a success as a trade winner.

Battleships may be increased until the grim menace of their guns, is seen in every harbor of the world, but this multiplication will not decrease the cost of constructing and operating American ships engaged in foreign trade, or secure for our carriers a ton of traffic. Until this handicap of cost is removed, the American shipowner will be unable to meet his foreign competitor on equal terms. The steady growth in our machinery of destruction, has not been attended with any increase in the number of our merchant ships. This being so, the argument for a greater Navy must be placed on some other ground. If an expenditure of over $1,600,000,000 spread over a period of 30 years has not increased our foreign merchant marine by a single ship, the question may well be asked, When will the rejuvenating effect of this policy be appreciably manifested?

Hope deferred makes the heart sick.

Most of the ships constructed during this period have gone to the boneyard, and been sold as junk, or utilized as targets for other monsters of later and more approved designs. One nail pushes out another. The battleship has succeeded the monitor. The *Dreadnought* replaces the battleship, and in turn is supplanted by the super-*Dreadnought*. What the next type will be, no one can forecast. When will this mad race end, and why should this country in disregard of its happy isolation, become a party to this destructive competition? We forfeit the right to criticize the policies of Europe which have made that continent an armed camp, trembling with apprehension lest an untoward spark may kindle the fires of war, when we follow in her wake without the excuse of necessity, merely in the spirit of grandiose display, and flaunting pride of riches.

The suggestion is made that a greater Navy is needed to bring to the United States, the lion's share of the increasing commerce of Central and South America. It is difficult to follow this contention, or to understand what part the battleships will play toward securing the desired result. This commerce is now free to find its way to this country, and if it goes elsewhere, the explanation must be sought in the more profitable arrangements effected with other countries, and not in lack of battleship protection. There is something wanting in this argument. Why is it that our existing fleet has failed to secure a portion at least of this business, and how much longer must the present program of construction continue, before the merits of battleships as drummers for trade will be manifested? In reply to our overtures for business, have the people of the Republics to the south of this country indicated that they are afraid to ship in American vessels, or fixed a time when our Navy will be sufficiently extensive to justify them in canceling profitable contracts with Europe, in favor of the United States? Battleships as trade winners in the Tropics, may be the slogan of the Steel Trust, but a word from the producers, the merchants, and the shippers of those countries would be far more convincing. If our failure to secure the trade of our sister Republics, is due to lack of fighting ships, then our consuls, ministers, and diplomatic agents who are on the ground, have been singularly remiss in affording the United States much needed information. Our consular reports teem with trade suggestions to our shippers and exporters, but are strangely silent on the question of the necessity for protecting that trade with battleships.

The question recurs. What part will the battleships play? Is it proposed to secure this trade by the compelling force of arms? Then our Navy is manifestly inadequate to take over Great Britain's share in this commerce. Conceding that we will be able to chase off our remaining competitors, the French, Germans, Italians, Norwegians and others, by an exhibition of fighting strength, what then? Trade is a plant of tender growth, and responds to gentle wooing. It withdraws before the menace of the mailed fist. The fact is that our increasing tendency toward militarism during the past 20 years, especially in the direction of the Navy, has produced a most disagreeable effect in Central and South America, and caused a marked recession in the popular favor in which the United States was formerly held. Travelers in those countries report an increasing dislike and distrust of Americans. A companion of Secretary Knox in his recent trip to the Spanish-American Republics, notes in the World's Work that those countries are suspicious of us and our intentions, to an almost incredible degree. Nicaragua is a center of anti-American sentiment, and Costa Rica, the most advanced of all the Central American republics, received the party with open suspicion. Whatever may be said by others in favor of a strong Navy as a guaranty of peace, such a view is not held by the Spanish Americans. They regard our present naval policy as a menace to their independence, and as an indication of our purpose to compass the overthrow of their liberties at some convenient season. Our protestations of peace do not avail to overcome this belief, or to remove a prejudice which is daily increasing. In the last analysis it may be fairly said that our naval program, so far from securing favor with the South Americans, and winning their trade, has distinctly abated their favorable regard, and rendered the commercial problem, which is one of rates, credits, and reciprocal advantage, more difficult than ever.

A big navy for this country is not only per se a wasteful and wicked expense, but it is the fruitful parent of other expenses. The largest item of our annual appropriations is for pensions, and the foundation of pensions is the military arm of the Government. It is incongruous and inconsistent for the Democrats to inveigh against the iniquities of the present pension roll, and at the same time support a policy which will provide the material for future rolls. A big navy means a long list of eligibles for pensions, and retired pay. A vote for such a navy is therefore measurably a vote for pensions.

Another reason for calling a halt in battleship construction is that the whole course and method of war may be changed in a few years, and the development of certain radical inventions may substitute for battleships and armored cruisers, a very different type of offensive machine. Recently a great inventor announced that under present conditions armor plate adds no value to the battleship. The continual improvement in the sub-

marine, and the dirigible torpedo renders them most formidable foes to armored vessels conducting an aggressive campaign against the harbor and coast defenses of another country. France relies upon these craft to such an extent that she has dropped out of the battleship competition, and is content to rest the security of her coasts and commerce, largely upon the development of the submarine and aeroplane, both of which she is building in great numbers. Another explanation of her attitude may be found in her enormous war debt which now amounts to over $6,000,000,000. One hopeful feature of the present world situation is that the unrest among the taxpayers, and the multiplication of war burdens, may compel a cessation of naval construction in all countries, and thus promote the interests of peace, and of the man with the hoe, as against the man with the bayonet. As a fighting craft the aeroplane is being developed in the most marvelous fashion, and it is now conceded that its effect on future military strategy will be far reaching. Recent experiments have fully shown that an aeroplane can carry a gun capable of rapid and accurate discharge with the machine going at a high rate of speed. Two thousand of these air craft can be equipped on comparatively short notice, for the price of one battleship. On the trials the operator at an altitude of 600 feet succeeded in placing five shots in a rectangular target 3 yards by 18. This about represents the deck of a battleship seen from the distance of a mile in the air. "A ship's crew, or the officers exposed to attack from above, would find the deck a warm place with a few hundred aeroplanes buzzing around in easy range," while the ships were exchanging shots with shore batteries, or other vessels. It may well be that future wars on land and sea will cease, on account of the terrible destructive power of the armored aeroplane, and that such wars, if any, as may be waged hereafter, will be waged in the air by daring aviators. The end of war is a consummation most devoutly to be wished, whether it is to be attained by the development of engines of destruction so deadly in their operation, that its conduct will become impossible, or by the determination of the nations to walk in the ways of peace and righteousness, and avoid occasions of offense. The policy of militarism is in direct contravention of the historic and traditional attitude of our forefathers of blessed memory, who believed that our happy situation on the Western Hemisphere would enable us to pursue a course of peaceful development, rather than a career of military aggression.

The fundamental tenets of our party faith are reform of abuses, and economical administration of public functions. In full redemption of the pledges of our platform the House of Representatives has passed many measures effecting large economies, and carrying extensive reforms. One and all these measures have met the same fate in a Republican Senate, and have been returned to this body, shorn of their reductions, stripped of their reforms, and loaded with every variety of wasteful and extravagant expenditure. Notice has been served that the other House will insist upon the two-battleship program. If our national policy is to be one of aggression, of swaggering defiance, of meddlesome interference in the affairs of other nations, then the need for a strong Army, and a stronger Navy is established. On the other hand, if our relations with the world are to be marked by sanity, dignity, by a just regard for the rights of others, and a kindly tolerance in all things, our needs will be limited to a sufficient Army, and a sufficient Navy that is an Army and Navy for defense, not for aggression. Firm in our purpose to avoid offense, too strong to be lightly assailed, too just to enter on wanton war, serene, secure, respected and at peace with the world, we will achieve in time, our destiny as the greatest exemplar of free and popular government in the history of the nations. To the policy of a strong Navy, I oppose the policy of a sufficient Navy, a Navy that will serve the purposes of a country that intends no attack, and fears no adversary.

Paraphrasing the poet's thought that:

> He who rules o'er freemen,
> Should himself be free,

I will say that a nation aspiring to lead among the peacemakers, must itself be peaceful, must itself be engaged in the works of peace, not in preparation for bloody war.

The opportunity of the ages is ours, and if only we will realize that opportunity by a firm stand against the ways, and the methods of primitive savagery, which exalts the fighting man, and the fighting habit, this Nation "will arouse in its citizens a fervor of patriotism hitherto unknown, and to it will belong, not by military conquest, but by divine right, the supremacy of the future, and the gratitude of the human race." [Applause.]

Taylor System of Scientific Shop Management.

EXTENSION OF REMARKS

OF

HON. ADOLPH J. SABATH,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 9, 1912.

Mr. SABATH said:

Mr. SPEAKER: I ask unanimous consent to extend my remarks in the RECORD by printing some remarks on the Taylor system of scientific shop management.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to print some remarks on the Taylor system of scientific shop management. Is there objection?

There was no objection.

The remarks are as follows:

Mr. SABATH. Mr. Speaker, workingmen from the Atlantic to the Pacific are vitally interested in what is known as the Taylor system of "scientific shop management" and similar systems which are now being adopted in many workshops, mills, and factories.

Some of the features of these "systems" are good and many other features are vicious and criminal, and it behooves the workingmen to sit up and take notice.

Being a friend of the workingman I have taken a keen interest in the hearings of the special committee of this House which investigated and reported unanimously against the most prominent features of "scientific" shop management.

In this connection I wish to call the attention of the House, and the attention of the workingmen of the country, to a series of very interesting and very instructive articles on "scientific" shop management, which recently appeared in newspapers in all parts of the country. These articles were written by a newspaper man of reputation—Clyde H. Tavenner, of Cordova, Ill.—and, so far as I am aware, were the first nation-wide protest against what is known as the Taylor system. Tavenner is one Washington correspondent who seems to be willing to use his pen and his ability as a writer for the cause of the men who earn their living by the sweat of their brows, and it would be a good thing for humanity and good government if there were more like him.

Strange to say, the War Department of the United States Government has started out to emulate, in its treatment of the workmen in the Government arsenals, the practice of the greedier corporation employers by beginning to install the Taylor system at the Rock Island and Watertown Arsenals.

I thought, though, when a committee of this House heard the testimony of the arsenal workmen and returned to the House a unanimous report against the use of the stop watch and other sweatshop processes, that the War Department would relent in its plans which harass the workmen in the arsenals.

Gen. Crozier, Chief of Ordnance of the War Department, however, has been quoted as saying that he would proceed with the use of the stop watch at the arsenal and go on with his original plans respecting the Taylor system just as if the House committee had never indicted the system as placing men in the position of "beasts of burden."

So it looks as if special legislation making it an offense, punishable by fine or imprisonment, will be necessary to cause the War Department heads to see the injustice of such systems as the Taylor system. The gentleman from Iowa [Mr. PEPPER] has already introduced such a measure—House bill 25305—and it is now before the Committee on Labor.

The letters of Mr. Tavenner, which I desire printed in the RECORD, follow:

[Reprinted from the Johnstown (Pa.) Democrat.]

(By C. H. Tavenner, special correspondent.)

WASHINGTON, *February* —.

What is the basis of the much-discussed Taylor system of "scientific" shop management?

Will it really enable a workman to earn nine-eighths of his present wage by working eight-ninths of the time he is now putting in per day, as Mr. Taylor contends? Or is the basis of the system, in actual practice, merely the "scientific" overworking of men to the end that their lives will be shortened in order that dividends may be increased?

Mr. Taylor's own description of "scientific management" in three articles published in a monthly magazine undoubtedly impressed many persons favorably. His ideas look well as theories. His articles would cause one to believe that the only object of his plan is the prevention of waste in manufacture, the cutting out of unnecessary steps, the saving of false motions; in other words, not to call for a greater expenditure of energy on the part of a given workman, but to bring about a

concentration of his energy to the particular part of a task on which he is engaged.

This is the way it looked to those not required to work under the system until Congressman I. S. PEPPER, of Iowa, introduced a resolution in the House which resulted in Congress appointing a special committee to investigate the Taylor plan. Mr. PEPPER pointed out that the Taft administration has begun to install the Taylor system at Watertown, Rock Island, and other Government arsenals. He stated that inasmuch as the workers at these arsenals, as well as organized labor from one end of the country to the other, were violently opposed to the system, charging that it involved the most brutal speeding-up and sweatshop methods, Congress should make an impartial investigation before the stamp of approval of the United States Government be placed upon it as an example for private manufacturers to follow.

The investigating committee, of which W. B. WILSON, of Pennsylvania, one of the ablest Members of Congress, is chairman, brought to light these facts:

First. That the "science" of the Taylor system in its final analysis is the relentless speeding up of workmen by the setting of a task which but one out of five workmen can accomplish.

Second. That it is no part of the "science" to be concerned with any workman who can not keep up to the pace of the fastest man on the part of an operation on which he is engaged.

Third. That if the Taylor system was adopted universally a great army of workmen would be thrown out of employment or reduced in rank, such as mechanics being forced to take positions as laborers, because it is obvious that all men are not physically able to keep up day after day and month after month to a pace set by the fastest workers.

Fourth. That the Taylor system is calculated to destroy organization among workmen, one of the corner stones of Taylor logic being the principle that workmen must be dealt with individually and not in masses or through committees; that it is no concern of one workman what happens to another. All men working under this system must be "satisfied"; the moment he becomes dissatisfied he must quit; otherwise, there would be danger of his grievance becoming contagious and the "system" interfered with.

That Mr. Taylor actually applies the principles set out above can best be shown by his own language in his book of instructions to employers, which tells how he introduced his system at various plants.

"The tasks were all made so severe," explains Mr. Taylor, in paragraph 125, "that not more than one out of five laborers (perhaps even a smaller percentage than this) could keep up."

Mr. Taylor lays great stress on his system of scientific "persuasion." Of this "persuasive" feature, in paragraph 293, he says:

"A certain percentage of the men, with the best of attention, will fail in this and find that they have no place in the general organization, while still others—and among them some of the best workers, who are, however, either stupid or stubborn—can never be made to see that the new system is as good as the old; and these, too, must drop out.

"For the success of the system the number of men employed on practically the same class of work should be large enough for the workmen quite often to have the object lesson of seeing men laid off for failing to earn high wages and others substituted in their places."

There is one other statement of Mr. Taylor that supplies food for thought. He says:

"That in all cases money must be spent, and in many cases a great deal of money, before the changes are completed which result in lowering cost."

The inference is that at first the men must be paid higher wages to get them to set the fastest possible pace, but that in the end the men will be doing a greatly increased amount of work for the same pay received before the installation of the "system."

The Taylor system means, in a sentence, that the quickest time at which a job can be completed by a first-class man is to be the standard time at which all men are to be compelled to complete the same job, with a bonus (at least to start with) for coming up to the maximum time and a fine and discharge for not coming up to that time.

[Reprinted from Rock Island (Ill.) Argus of Mar. 5, 1912.]

TAYLOR SYSTEM BASED ON CHARGE THAT THE AMERICAN WORKMAN IS A SHIRK—THAT IS THE THEORY ON WHICH THE "DISCOVERER" OF "SCIENTIFIC" SHOP MANAGEMENT PROCEEDED IN PUTTING A CHECK ON THE MAN WHO TOILS WITH HIS HANDS—FURTHER DISCUSSION OF SUBJECT.

(EDITOR'S NOTE.—This is the second of the series of letters prepared by Clyde H. Tavenner, Washington correspondent of the Argus, on the Taylor system of scientific shop management which the Government is attempting to install in its arsenals where civilians are employed, including Rock Island Arsenal.)

(By Clyde H. Tavenner. Special correspondence of the Argus.)

WASHINGTON, *March 2, 1912.*

Is it true that the American workman "deliberately plans to turn out far less work than he is able to do, in many instances failing to do more than one-third or one-half of a proper day's work"? Frederick W. Taylor is endeavoring to convince the public that such is the case, and that this condition is the disease that his system of "scientific shop management" is aimed to cure. The Taylor plan is the system that the Taft administration is beginning to install in the Government arsenals and which has resulted in the arsenal workers threatening to strike.

DISCOVER DISEASE FIRST.

Before endeavoring to estimate the value of a cure one must be sure of the disease to be cured. What are the facts? There are 63 prominent occupations in the United States in which the paying of workers by the piece is more or less common. Pieceworkers come within the scope of the Taylor system more than any others. Is it common sense that a pieceworker is going to do but "one-third or one-half" of a day's work? It is the universal experience that a pieceworker will do just as much work as he can to obtain the highest amount of wages possible on Saturday night. It is obvious, therefore, that the "disease" which Mr. Taylor is setting out to cure does not exist among pieceworkers. With the cost of living so high that the average workman must have steady employment to maintain his family, it is also obvious that day workers must do a full day's work. Otherwise they would be liable to speedily lose their positions and place their families in want.

Comparisons between the United States, Germany, France, and England have demonstrated time and again that the American worker turns out more work per man in a given length of time than the worker of any of the other three nations. The same comparisons also establish the fact that because of being compelled to work so fast, the product of the American worker is inferior in quality to that turned out by the German, French, or British worker. The Taylor system, by means of the use of the stop watch and similar methods of sweat-shop "speeding-up" processes, proposes to increase by one-third the present output per man, regardless of the additional terrific strain on the physical and mental constitution of the worker and the certainty of still further inferiority of quality in output.

TO CHEAPEN PRODUCTION.

Mr. Taylor frankly admits his scheme is primarily aimed to "cheapen production." Is a decrease in the present labor cost in manufacture justified? Let us consider the steel industry, for instance. The United States Commissioner of Labor reports that the Steel Trust makes a profit on steel rails of $9.20 per ton. He also states that the labor cost of the same rails from the ingot is $1.16. In other words, the steel worker receives $1.16 for doing the work, while the Steel Trust magnates draw down $9.20.

A SIMILAR STORY.

Here is a similar story from the woolen industry, which I heard first hand from Miss Josephine Liss, who accompanied the children of the Lawrence strikers to Washington:

"The reports in the newspapers have not told half the story of the outrages in Lawrence," said Miss Liss. She is a short, stout young woman, with a pretty face, but sad eyes, and has been working ever since she was 14 years old. "Take my case. I was walking quietly to my home one day, when I was stopped by a militiaman and told to go back. He called me horrible names and insulted me. When I refused to go back he attempted to stick me in the breast with his bayonet, and then I began to fight. I was knocked down, and then arrested and convicted.

"Even the most skilled workers do not earn more than $7 or $8 a week, and I can remember when my father was supporting a large family on $5 a week. The children earn about $4 a week. Most of us work in the mills, and our hours are long. And they are constantly putting in effect a faster pace through speeding-up systems. It means that we have no time or money for pleasure, but are practically slaves. It is not right that human beings should be treated so."

The question arises, if Mr. Taylor could put his stop watches and other scientific methods of "persuasion" at work on these men, women, and children workers at Lawrence setting paces, which, in his own language, would be "purposely made so severe that not more than one out of five could keep up," what kind of fathers and mothers would the children make when they grew up? And what kind of children would their children be? This is as important to consider as dividends.

SETS BAD PRECEDENT.

It is no answer for the men at the head of the Taft administration, who are beginning to install the Taylor system in the arsenals, to say that the Government has no intention of bringing the men and women under Taylorism, because once the United States Government places its stamp of approval on the speeding-up, pace-setting, stop-watch features of the so-called scientific shop management, private industries will not be long in following suit, defying the protests of their workers with the ultimatum that the system bears the indorsement of Uncle Sam.

[Reprinted from Winona (Minn.) Independent, Mar. 13, 1912.]

TWO CODES TO TAYLOR'S SHOP PLAN—SEPARATE VERSIONS OF MUCH-DISCUSSED SCIENTIFIC MANAGEMENT MEANT TO STIFLE OPPOSITION—ONE FOR EMPLOYERS AND OTHER FOR COMMUNITY—INVENTOR OF "HUSTLE-UP" SYSTEM HAS SKILLED ASSISTANT, DRAWING ENORMOUS PAY, WHO HUMBUGS PUBLIC GAZE—NO REGARD FOR OPERATIVES.

(By Clyde H. Tavenner, special Washington correspondent of The Winona Independent.)

[Article No. 3 on the Taylor system of scientific shop management.]

WASHINGTON, *March 12.*

Who is Frederick W. Taylor, the inventor of the much-discussed Taylor system of "scientific shop management," which the Government is beginning to install in the arsenals, with the result that the workmen are on the verge of striking?

The object of this article is to answer the foregoing question.

Mr. Taylor is a resident of fashionable Chestnut Hill, Philadelphia. He is engaged in putting his system of shop management in various industrial establishments throughout the country. His business is so extensive that he is able to make use of several assistants. They are said to receive $50 a day each.

SEPARATE CODES.

Mr. Taylor has two codes to his "system," one version being for public consumption and the other for the ears of employers exclusively. Mr. Taylor is frank to say there are some details of his scheme that it is best to refrain from discussing until his system is thoroughly installed, as their effect to workmen is such that it may properly be compared to the waving of a red flag before a bull.

Mr. Taylor received his first industrial training and first tested out his system at the plant of the Midvale Steel Co., in Pennsylvania.

Let us study the "science" of the shop management in this plant. C. H. Harrah, president of the company, happened to be testifying before the Committee on Labor of the House of Representatives on Thursday, March 1, 1900, and the transcript of his testimony fortunately remains intact to this day to throw light on the working methods of Frederick W. Taylor, the subject of our sketch.

"We had men with stop watches over the workmen working on an axle lathe, or whatever else it might be," said Mr. Harrah, "and every time a man looked up they took his time; every time he stopped to breathe they took his time, and in that way they got absolutely the amount of time employed in doing a certain amount of work.

"We make it a rule to run a machine to break," continued Mr. Harrah. "For instance, the life of a hammer bar may be two years. If that hammer bar does not break inside of the two years I go for the forgemaster, because he is not getting the work he ought to out of the forge. It is the same way in the machine shop. If a lathe, the natural life of which might be two years, does not break down before that I would go for the engineer in charge."

Mr. Harrah did not divulge information as to whether, in the event a workman failed to break down in a given number of years under the terrific pace scientifically mapped out by Mr. Taylor he would demand to know the reason, but he was frank enough to add: "We have absolutely no regard for machinery or for men."

Mr. Harrah's testimony was Tayloresque. See how well it corresponds with paragraph 312 of Mr. Taylor's book of instructions: "All employees should bear in mind that each shop exists first, last, and all the time for the purpose of paying dividends to its owners."

Mr. Harrah was asked whether workmen were permitted to leave the mill to take meals.

NO TIME TO EAT DINNER.

"No, sir," he replied. "Once a man passes inside the red fence he stays there until his day's work is through."

The "science" of keeping men penned in was shown when a huge container filled with molten metal gave way in this same Midvale plant and 6 workmen were killed outright and 13 others seriously hurt. The principle of this feature of Taylorism was again demonstrated in the Triangular Shirt Waist Factory fire in New York, where 150 women were locked in and could not get out until their day's work was done, and they did not get out until the grim destroyer burned them.

Mr. Harrah, unconsciously perhaps, struck the keynote of Taylorism when he said "Run to break!" Under the speeding-up features of the Taylor system both machines and men run to break. If a hammer bar breaks down there is some expense to replace it, but if a workman breaks down it costs nothing to put on a new man. As long as the supply of men holds out, the system can go on.

It may be granted that if the Taylor system in its entirety is put in operation it will mean great production in goods and things, but in so far as man is concerned it means destruction. While it is producing wealth it is grinding man.

GOMPERS IN OPINION.

"There are other considerations of a primary and more important character than merely producing wealth," declared Samuel Gompers recently, "and that is that the intelligence, that the physique, that the spirit, the mind, hopes, and aspirations of man shall also be cultivated and given an opportunity for higher achievements."

Social good comes, not by wearing men out prematurely through working them to the limit of their strength like a beast of burden, but rather in the higher principle found in what President Taft said in a recent address:

"Good business is not everything in life; the making and accumulation of money should not be the chief end of a community. There has been danger in the past that the rush for wealth would injure the moral fiber of the people and degrade their ideals and standards."

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[Reprinted from the Portsmouth (N. H.) Times.]

(EDITOR'S NOTE.—This is the fourth and concluding of the series of articles on the Taylor system of scientific shop management, prepared after an investigation of several months by Clyde H. Tavenner, our Washington correspondent. These articles have aroused wide discussion and elicited much commendation from workingmen in all parts of the United States. It was the first time the "other side" of the Taylor system had been presented as a nation-wide protest. Accompanying Mr. Tavenner's exposure of the system, the special committee appointed by the House of Representatives to investigate the subject has just made its report, completely verifying and substantiating Mr. Tavenner's description of the Taylor methods.—Editor.)

(By Clyde H. Tavenner.)

WASHINGTON, *March 31.*

If you were a worker in a factory, would you object to a stop watch being held over you to ascertain how many seconds you had wasted on a job in such nondividend-producing motions as brushing your hair out of your eyes or blowing your nose?

Would you object to a system which means that the quickest time at which a job can be completed by a first-class man is to be the standard time at which all men are to be compelled to complete the same job, with a bonus (at least to start with) for coming up to the maximum time and a fine or a discharge for not coming up to that time?

Would you object to a system which inveigled you into running a race with your fellow workmen, and which race, once started, would "scientifically" bind you to keep on racing?

If you are a wife or a mother of a workingman, would you object to your husband or son running the risk of a physical breakdown under such a terrific pace-setting system for a few dollars extra per year?

If you would object to these conditions, you would fail to approve of Frederick W. Taylor's system of scientific shop management, which, in the language of a special committee of Congress that has just completed an exhaustive investigation of the system, places workmen "in the position of a beast of burden."

It should be stated in justice to Mr. Taylor that the pictures suggested by the above questions paint the extremes of the results of his system, there being many excellent features of systemization and standardization in his work to which to no one objects, to which no one could object. But the Taylor system in its final analysis is based on extremes. He covers in his propaganda all the ground covered by other labor-saving scientists, and then continues still further. It is these extremes which are the straws that are breaking the camel's back, which have caused the workers in the Rock Island and other arsenals to threaten to strike rather than to work under the Taylor system as he describes it.

The purpose of taking the time of false motions with a stop watch is to secure data to aid in setting a pace for all workmen. For instance, if a workman spends two hours at a given task, and the stop watch shows that five minutes were consumed in false motions, that five minutes is deducted from the two hours and all other workmen will be called upon to perform the same operation in 1 hour and 55 minutes. This time becomes the standard time. Then, after all the men engaged in that class of work can perform the task in 1 hour and 55 minutes, another time study is made with the object of reducing the standard time still more. And so on, and on, and on. Mr. Taylor says it is really wonderful what a prodigious amount of work can be performed by the body of picked men who survive three or four years of his stimulating and eliminating processes. Mr. Taylor has nothing to say of bread earners who drop out in the preliminaries. The Taylor system only concerns itself with the survivors.

Labor men all over the country are rejoicing at the report of the congressional investigating committee, which consisted of Chairman W. B. WILSON of Pennsylvania, who as a boy worked in the mines, WILLIAM C. REDFIELD of New York, a manufacturer and big employer of labor, and J. Q. TILSON of Connecticut, a lawyer and Spanish War veteran. Mr. WILSON and Mr. REDFIELD are Democrats, and Mr. TILSON is a Republican. The report against speeding-up processes was unanimous.

"There is no economic necessity to require workmen to speed up to the highest point to the injury of their health," says the report. "To place workmen in this position is to place them in the position of a beast of burden.

"No man can seriously object, and as a matter of fact no one has objected, to any system which so standardizes and systemizes the work to be performed that a greater amount of production is secured with the same expenditure of labor. But efficiency must not be had at the cost of the men, women, and children who labor and who should be the beneficiaries of the efficiency.

"By the stop watch you may be able to determine the time in which a piece of work can be done, but you do not thereby alone determine the length of time in which it ought to be done."

"Under the Taylor system men and machines are treated practically alike. Both are worked 'to break.' The committee, however, takes the attitude that men and machines are not quite alike—yet.

"The time study of the operations of any machine can be made with a reasonable degree of accuracy," says the report, "because all of the elements can be taken into consideration in making the computation. A machine is an inanimate thing—it has no life, no brain, no sentiment, and no place in the social order. With a workman it is different. He is a living, moving, sentient, social being; he is entitled to all the rights, privileges, opportunities, and respectful consideration given to other men. He would be less than a man if he did not resent the introduction of any system which deals with him in the same way as a beast of burden or an inanimate machine.

"There is no work that can be performed, or that is performed, that is not preceded by a mental process on the part of the workman. The more skill needed in the work, the greater the mental process which precedes the expression of it. So far as your committee has been able to learn, there is no method known to scientific management by which a time study can be made of the mental process preceding the physical act.

"The elements of the mental process not being susceptible of determination by a stop-watch time study, the study of itself must consequently be inaccurate and the workmen are justified in objecting to such a time study being used as a basis upon which to compute their day's work and compensation when in their judgment injustice is done them thereby.

"In an effort to stimulate the workmen to increased activity various methods are used—such as discharge, fear of discharge, stop-watch time studies, and bonuses. The bonus system is based upon the establishment of a task large enough for an ordinary day's work and then holding additional compensation as an inducement to a workman to do more than he would ordinarily do.

"Your committee is of the opinion that the mere mental attitude of the employer is too variable and unsubstantial a basis upon which to rest the material welfare of the wage worker.

"When it comes to introducing stimulation, a change of mental attitude by which the workman is willing to give a greater amount of energy for the same amount of pay may be very desirable to the employer, but it is not always so desirable to the employee."

Cooperative Credit Commission.

EXTENSION OF REMARKS

OF

HON. GEORGE W. NORRIS,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 5, 1912.

Mr. NORRIS said:

Mr. SPEAKER: On the 29th of March last I introduced House joint resolution 282, to provide for the appointment of a Farmers' National Cooperative Credit Commission, and on the 29th of May, at a hearing before the Committee on Agriculture, I made some remarks on that resolution and others pending in the House and the Senate. I ask unanimous consent to extend my remarks in the RECORD by printing the remarks that I made before the Committee on Agriculture.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to extend his remarks in the RECORD on the subject named. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

The remarks are as follows:

STATEMENT OF HON. GEORGE W. NORRIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA.

Mr. NORRIS. On account of the very limited time, gentlemen, that I can have here—I have just left a hearing before the Judiciary Committee which is very important and I desire to get back as soon as possible—I hope I may be permitted to proceed until I have stated an outline of the argument I wish to make, without interruption; and then, I would be glad to have any questions that any members of the committee desire to ask.

I wish to speak particularly with reference to House joint resolution 282. The gentleman who has preceded me has not referred to this resolution. It is the first resolution introduced in the House of Representatives on this subject, and was introduced by me on the 28th day of March, although it is along the same lines as all the other resolutions which have been mentioned.

I take it, gentlemen, that the most important subject of legislation, and the most important subject that Congress or any other legislative body can consider, is to devise some way by which life on the farm and in the country may be made more profitable and more enjoyable, in order to prevent the rising and coming generations from leaving the farms and coming to the cities. One of the worst things, to my mind, that has been

brought to the public attention, and the attention of the world, by the last census we took in this country, was that population in the city has been increasing and the rural population has been decreasing. Some of the best farming communities in Iowa and in Nebraska have actually lost in population in the last 10 years. The stability of our Government, and not only of our Government but the happiness and prosperity of humanity, ought to be and will be preserved in the best way by the reverse of this condition being brought about, if possible.

Everyone knows that it is in the overcrowded cities where crime is bred and where the hotbeds of immorality exist and that it is out in the smaller cities and in the free air of the country where patriotism exists in its highest-developed state, and the very necessities of the case make it almost absolutely necessary that something should be done to prevent the decreasing of the population where we ought to have it increased.

One of the things, it seems to me, that ought to appeal to us, therefore, is that while we are appointing commissions on all manner of subjects and giving them various powers and duties we have rather neglected anything looking to the betterment of the rural communities and the advantages that should come through a better and higher life in the country. We have sent all over Europe a commission appointed to investigate the monetary situation. They had access to all the libraries and all the books and all the reports of the world, and it is said that the result of their investigation has made a wonderful addition to the literature of the world on this subject. Without expressing any opinion one way or the other, I presume that is true to the student of banking and currency.

This is a proposition to have an investigation made for the benefit of the farmers—not conducted by the bankers, not by the lawyers, but by the farmers themselves. In the resolution I have introduced I have specifically provided that it is the duty of the President to make these appointments without regard to politics and that the appointments must be made of actual farmers and men engaged in agriculture. I will not have time to go into a discussion of some of the means of credit that exist in Europe, but I have studied and read a great many volumes and a great many articles on the subject. Because of the short notice I have had, however, and the other work I have been doing I have not been able to get this matter together for this hearing.

But the facts are that the best security in this country, the foundation of all prosperity and all security, is land. It ought to command in the marts of trade the lowest rate of interest of any other kind of security. We know that farm mortgages are not liquid. The farmer, although he has the best security on earth, can not get money for 30, 60, or 90 days, or for 3 months, or for 6 months at as low a rate as the merchant can perhaps get it, because his security is not liquid. The farmer, who can least afford it, who has raised his crop of wheat or corn or oats or cattle, is compelled to sell on the market, no matter what it is. The farmers who sell wheat, or a very large percentage of them, are compelled to sell when the market is lowest, because they must have the money to meet the emergencies that surround them. The wheat and corn and the products of the farm are bought to a great extent by speculators, and after it is out of the hands of the farmers who produce it, and should have the benefit of every particle of its value, the speculator on the board of trade or the gambler gets the benefit, because he can hold it until the price goes up.

I am not here to say that this resolution will result in all I hope it may. Something has been said in the way of questions that I have heard since I have come into the room as to whether we can obtain all this information from the books. I have gotten everything over here in the library that I was able to find or the men in charge were able to find for me, and while I know that these cooperative institutions and societies have been in existence over in Europe for quite a number of years, and have been wonderfully successful in bringing about successful farming and a lower rate of interest, yet I am unable, from all I have read, to get any definite plan that would enable me to sit down and write a bill that would satisfy even me if I was allowed by Congress to write one that should be enacted into law. An investigation ought to be made by men on the ground, who are actual farmers and who are going there for the purpose of getting this information. It will be found, undoubtedly, when an investigation is made, that the conditions existing over there, being different from what they are here, there will be some difference, and you can not have, perhaps, the same scheme or plan that they have there. It might be interesting to you gentlemen for me to read a little from one or two volumes here that I looked up this morning, and which, in my study of the subject, strikes me might be interesting to you. I am going to read from Volume II of the Economic Review of 1892, on page 461, about the systems over in Germany. I am led to do this partly from the questions that have been asked. This is in reference to the Raiffeisen system. There are three systems spoken of by the writers mostly, and this perhaps is the most important one. The writer says:

My own attention was first called to these banks—with the Schulze-Delitzsch associations I had been acquainted since the sixties—in connection with an inquiry in which I engaged a few years ago into the system of peasant proprietorship as applied to very small properties—

I might pause to say that these banks and associations are organized among the poorest people; in some cases by renters, in some cases by landowners, and then they are called Landschaften—

which prevails throughout the western half of Germany. The small peasantry system I found—on incontestable data—to have worked exceedingly well. But it had had one bitter foe standing relentlessly in its way. For a long time its success had been not a little hindered by the want of capital, even for very small outlays, which drove the poor cultivators into the hands of extortionate money lenders, who have proved a veritable pest to that particular part of Germany.

I have read a great deal about the history of Germany along that particular line, and it is an exceedingly interesting history to see how these organizations have driven money lenders off the earth.

That hindrance is now, however, being successfully and completely overcome. The "loan banks" are turning the usurers, vanquished and defeated, out of the villages in shoals, and raising up prosperity as with a magician's wand. One remarkable feature of the reformatory economic work accomplished is that its good results were practically all conjured out of nothing. It has been credit, not money, which has built up the splendid fabric. It is no wonder that the system is being copied elsewhere, that Austria has readily adopted it, that Switzerland and Italy—to a moderate extent even Russia—have transplanted it upon their own soil, and that Belgium and France are at any rate grafting its best features upon their own local-credit institutions.

I wish to read a little further about this system from the same volume, on page 468.

Mr. HAWLEY. What does Raiffeisen mean?

Mr. NORRIS. It is the name of the man who invented the system.

Now, the question arises at once as to how the organizations are going to get credit, and immediately this question presents itself: Shall every man be liable for a debt of the entire organization? And that is one of the questions that they had to contend with there. It will be one we will have to meet, and I confess it shocked me when I first read about the unlimited liability of most of these organizations, although not all of them that have an unlimited liability.

However, Herr Raiffeisen is not the only cooperator who has come to the conclusion that in Germany, at any rate, no other method is admissible. Herr Schulze-Delitzsch accepted it as fully. And from the fact that of 3,467 cooperative credit associations in existence in Germany in 1890 there were but 41 with limited liability, and of 6,777 cooperative associations in all only 181, it may be inferred that public opinion has become generally reconciled to the principle.

Mr. WICKLIFFE. How old is this system in Germany?

Mr. NORRIS. I can not say.

Mr. CANDLER. It was started in 1860, I think.

Mr. WICKLIFFE. Is Herr Raiffeisen still living?

Mr. NORRIS. No; he is not living. Perhaps I can find it for you here.

Mr. WICKLIFFE. I do not wish to interrupt you.

Mr. NORRIS. This is entitled "People's banks," and this is an article written by Wolff.

In brief outline, the system upon which Raiffeisen's practice is based is this: Raiffeisen begins by confining each association to one particular district—a parish by preference, but if one parish be too small (he does not favor districts with less than 400 inhabitants), and if the matter can be conveniently arranged, a union of two or three. Within these narrow limits members are elected on application, with great care and discrimination, by those who have already joined. The object is not to secure a large roll of members, but rigorously to exclude everyone who is really not eligible. That done, the association is organized on entirely democratic lines. No difference of any sort is recognized between poor and rich, except that the better to do, bearing the brunt of the liability, are, by accepted understanding, allowed also to take a leading part in the administration. Both on the committee, in every case consisting of five, and charged with all the executive work, and on the council of inspection, consisting according to the size of the districts of from three to nine members, and intrusted with checking and supervising the committee, overhauling all that it has done at least once a quarter, it is understood that the better-to-do members (without a sprinkling of whom Raiffeisen would, if possible, have no associations formed) should be in a majority. It may be worth pointing out that the minimum number of members to form the council of inspection has been recently reduced from six to three.

And they supply such personal credit by the simple process of borrowing and lending—borrowing on the credit of the society in order to dispense credit to its members. As the rules were originally framed, no member was asked to pay down anything on joining, either for a share or for entrance fee. To the present day entrance fees are not permitted. With regard to shares, the legislature has, by its law of 1889, overruled the accepted regulation and insisted that there must be shares. The Raiffeisen associations met such dictation by making their own shares as small as possible, generally 10 or 12 marks, at most 15 marks, payable by installments. Raiffeisen advisedly would have no dividend, because there is to be no direct profit, and because dividends make people greedy. Once more the legislature overruled

him. However, the members of the village banks have voted all their dividend away, and so it goes on.

My idea, gentlemen, is that after these systems have been thoroughly studied, by the necessary changes we can devise a plan here—perhaps not national; perhaps it would be found in the end that it would be the subject of State regulation—that would benefit the State, and the laws would have to be passed by State legislatures. But in this country, where we have a better well-to-do farming class than they have in Germany, and a great many of the difficulties they have overcome over there do not really exist here, because from these organizations we could form here, with proper laws enacted, it seems to me we could easily devise—for instance, with a body of farmers raising wheat and corn we perhaps have a fellow that is well to do and would have money to lend, and he would loan it to the society perhaps, knowing it is perfectly secure; and when the society is organized its securities will be as good as Government bonds, and a great deal more liquid than any county, township, or school bonds could possibly be, because the men behind them, a good share of them, will be moneyed men and will be themselves, perhaps, investors in these very bonds. It is supposed in an organization under the law that the law will provide for the bonds to be reenforced by the executing of the proper kind of conveyance of title—the title, perhaps, to go to the society—and perhaps the law might provide that the borrower should still retain possession by filing the necessary papers in some public office to give notice to the world. That is one of the details. Now, when it comes to borrowing money out of this society, I may be as poor as Job's turkey, but I raise a thousand bushels of wheat. That is something; that is always worth a market price, and you could lend to me on that wheat enough money to tide me over an emergency which I wanted to pass while the price was low at a very low rate of interest, because the security is good.

Mr. HAWLEY. I thought the loans were made on real estate.

Mr. NORRIS. Oh, yes; under the Landschaften system; but under the Raiffeisen system they are usually made on personal property; but I am speaking of a sort of a modified law of some kind that we would have here, and giving you an idea of what I think is possible; why it would be that this loan to me would be cheap and why you as an organization here would be able to go into the money markets of the world and get lower money than any other class of people on earth; and the result would be that over the entire country instead of wheat going down just after harvest, when the farmers are ready to furnish it, the market would be steadied, for the reason that farmers could hold their wheat and the market would thus be equalized. If the price went down too low, the farmer would be able to hold his wheat until the price went up, and we would not have the gambling on boards of trade in the products of the farm that we have now. And what I have said of wheat could be said of corn and cotton and every other product of the soil.

This is a proposition to send men from our country who are farmers to make this investigation. I want to say one word in regard to the parliamentary situation of these bills. Senator GRONNA introduced a joint resolution in the Senate, which has been passed by the Senate and brought over here and is now before this committee. On the 28th day of March I introduced my resolution on the subject, House joint resolution 282, and on the 16th day of April Mr. LEVER introduced House joint resolution 294. These two House resolutions and the Senate joint resolutions are all along the same line, and there is not very much difference in them.

Mr. WICKLIFFE. On what day was the Senate resolution introduced?

Mr. NORRIS. That was introduced before either one of the House resolutions. I do not know the date, but he introduced his resolution a few days before I did mine, because I was in conference with Senator GRONNA on that resolution and had several conferences with him in regard to it. While I think there are some details in the resolution that I have introduced that are superior to either one of the others, authorship would not weigh with me, and I would be very glad to support either one of these resolutions. However, I wish to call attention to the parliamentary situation.

If my resolution or Mr. LEVER's resolution were reported by this committee to the House and passed, the regular procedure would then be, when the resolution reached the Senate, to refer it to the standing committee of the Senate, whereas if the House passed Senator GRONNA's resolution it would not be necessary for it to take this procedure. If we amended the Gronna resolution in the House and sent it back to the Senate, it would then be in order, under the rules of the Senate, for a motion to be made on the floor of the Senate to concur in the amendment, and if the Senate did this, it would go at once to the President for his signature. Therefore, to expedite the matter as much as possible and to take advantage of the parliamentary situation, I hope this committee will take Senator GRONNA's resolution as a basis for action and amend it as you think, under all the circumstances, it ought to be amended. If, for instance, the entire resolution after the enacting clause were stricken out and my resolution were inserted as an amendment, or Mr. LEVER's resolution were inserted as an amendment, and in that shape it passed the House and went to the Senate, it would be in order to move to concur in the amendment and thus end it as far as Congress is concerned. As I have said, I have had several conferences with Senator GRONNA. He will be perfectly willing, if we amend his resolution in any reasonable way, even though we struck it all out after the enacting clause and inserted one of the House resolutions, to move to concur in such amendment as soon as it reaches the Senate. There is perfect harmony existing between Senator GRONNA, Mr. LEVER, and myself as to our respective resolutions. We have our individual ideas as to the specific statements that should be contained in the resolution, but any of us would be satisfied with any one of the three resolutions or any combination that could be made out of the three, and I ask of this committee expeditious action. I hope that this resolution may become a law before the adjournment of the present session, and I therefore, on account of the parliamentary advantages, ask that the Gronna resolution be used as a basis for action.

Mr. HAWLEY. You are a lawyer, and I wish to ask you this question: Is this a matter that the Congress of the United States can legislate on, or would the legislation necessary to put the schemes into effect have to be enacted by the States?

Mr. NORRIS. I am frankly inclined to say to you that the legislation that would come would perhaps be State legislation, although Congress does have power to legislate the same as it does for banks, and might constitutionally pass a law. While that is true, however, the information we get will be for the benefit of the entire country, and I think Congress can well afford to spend money out of the Public Treasury, even though after we get the information the laws would have to be enacted by the States.

Mr. McLAUGHLIN. Do you think that Congress might cover this by amending the national-bank act?

Mr. NORRIS. That might be. One of the reasons I introduced the resolution I did was that I wanted this investigation made and the information brought back to the United States before we passed or enacted any law on the banking and currency matter, because it might be a matter to be considered in connection with that.

Mr. McLAUGHLIN. If it is possibly true that this could be brought about by amending the banking law, why do you insist on farmers being on this commission? Of course, it is directly for the interest and benefit of the farmers and agriculturists of the country, but is it not a banking proposition and a great big business proposition?

Mr. NORRIS. It is a banking proposition and a farmers' proposition.

Mr. HAUGEN. And the bankers are in back of it?

Mr. NORRIS. No, sir; the farmers are in back of it.

Mr. HAUGEN. The bankers were the ones who appeared before the committee.

Mr. NORRIS. I hope the bankers are also in favor of it; but it seems to me it is a farmers' proposition, and the investigation to get the proper information ought to be made by farmers.

Mr. McLAUGHLIN. When a farmer organizes a bank he becomes a banker, just the same as a lawyer who organizes a bank becomes a banker.

Mr. NORRIS. But when these banks—or, rather, credit associations—are organized by farmers these men will still be actual farmers. I do not believe "bank" is a good name for these cooperative credit associations. Banks accept deposits and make loans, and these associations do not do that. They deposit their funds in other banks and borrow money from other banks.

Mr. RUBEY. They are property associations?

Mr. NORRIS. Yes; they are property associations.

The CHAIRMAN. Right there, do you not think the legislature of your State could now, under the laws of this country, inaugurate something like this?

Mr. NORRIS. To be frank with you, I think they could, but to do it intelligently they should have more information.

Mr. WICKLIFFE. Has it ever been tried in any of the States of the Union?

Mr. NORRIS. Not that I know of.

I wish to read here a resolution from an organization of farmers in my State. I have a letter here from the Secretary of the Nebraska Farmers' Congress, which says that the Nebraska Farmers' Congress held a meeting on April 16, 1912, at Broken Bow, Nebr., at which meeting this resolution was passed:

Whereas the capital invested in agricultural pursuits in the United States does not return more than one-third of the rate of interest that the farmers have to pay when they borrow money: Therefore be it

Resolved, That we favor House joint resolution No. 282, introduced by Hon. GEORGE W. NORRIS, providing for the appointment of a commission to investigate and report upon the plans and results of the German Raiffeisen system and all other European systems of rural cooperative credit associations, and also investigate and report upon the probable practicability of the application of such systems to American conditions.

The Secretary says this resolution was unanimously passed and sent to me with the request that I submit it to this committee.

I believe that everywhere in the United States, if you will find a farmers' organization, you will find a body of men in favor of something of this kind, because there are evils and there are inequalities against the farmer that have always existed in this country, which the farmer understands and that, I think, we all understand. Here he is with the best credit on earth and unable to borrow money in the money markets of the world. This is simply a plan to investigate and see if we can not devise some scheme by which he will be able to get money at a rate which corresponds with the security he is able to give.

Mr. McLAUGHLIN. You spoke of the farmers lending their money to such associations as this. If the association is going to do any considerable amount of business they can not rely on the amount of money loaned by the farmers?

Mr. NORRIS. That is true.

Mr. McLAUGHLIN. They have got to go out into the world and get money?

Mr. NORRIS. That is true.

Mr. McLAUGHLIN. Then this must be a plan that will appeal to the bankers and business men of the country.

Mr. NORRIS. They must appeal to the financial men, and they must present a scheme so as to say to the financial and business men, "Here is security for your money that is better security than you get when you buy county, State, or school bonds.

I desire to say in this connection—I did not say it before, because I will have to modify it with the statement that it may not be true—I read in the newspapers not long ago where one of these farmer organizations in Europe sold some of their bonds, I think, in the city of New York.

Mr. HAWLEY. How much do you expect the interest will be?

Mr. NORRIS. I could not say that, you know. My own idea is that they will be able to borrow money at 2 per cent.

Mr. HAWLEY. State, county, and municipal bonds were offered to us on a basis of 3¼ per cent.

Mr. NORRIS. These bonds will command, in my judgment, basing my opinion on what I have read about Germany—they will sell at a lower rate of interest than that.

Mr. HAWLEY. What would be the inducement for these men who have money to buy them, when they can buy State, county, and municipal bonds, absolutely secure, on a basis of 3¼ to 4.85?

Mr. NORRIS. I might put the same question, and ask what inducement there is for the man to buy those bonds at 3 per cent when he can go out in the market and buy farm mortgages at 5 per cent.

Mr. HAWLEY. The bonds, however, are all liquid and have an exact market.

Mr. NORRIS. Exactly; but they are not as liquid as these bonds will be.

The CHAIRMAN. If my colleague will permit me to say, really this is not exactly germane to the issue in court.

Mr. HAUGEN. I wish to say to the judge that I believe that some scheme could be devised, some safe, sound scheme; but the question in my mind is, Is it necessary to spend several hundred thousand dollars for a commission? And when I speak of spending several hundred thousand dollars, I speak of other experiences we have had with commissions, and the people in my part of the country feel that we have been spending too much money for these commissions. My contention is that we have just as much brains and men with just as much experience in this country as in any other country, and they are able to work out a scheme of this kind. It is exactly along the same lines of corporations, and we have thousands of them in the various States.

Mr. NORRIS. I think we could. I think we could sit down around this table and draft a law, but we would find out later that a good many amendments were necessary. And would it not be better to be able to draft that law after an exhaustive study over there on the ground where these credit associations have been tried for years?

Mr. WICKLIFFE. Could we not put a translation of their laws in the RECORD?

Mr. NORRIS. Yes; but the laws vary. The organization, even, of the Raiffeisen system varies. They have worked out a plan where the first organizations will in turn combine and make larger organizations, and so build up the head of a great institution, almost national in character.

The CHAIRMAN. Permit me, right there, to suggest that if you will go before your State legislature and make the speech you have made here this morning and give any data that you can, your State legislature will put a plan in operation. Now, I am going to take Gov. Herrick's statement and all the information I can secure from our State Department, and when our next legislature assembles I am going to place that information before it.

Mr. NORRIS. But you should not have your legislature and my legislature to bear this burden, which is national in character.

Mr. HAUGEN. Ex-Gov. Herrick stated it was not a national issue, but it is for the States to work out.

The CHAIRMAN. Yes; I talked with him along that line.

Mr. HAUGEN. And I am at a loss to know why Congress should now provide for a commission. It is probable that they could furnish valuable information, but I am a little prejudiced against these commissions.

Mr. NORRIS. My own idea is that this matter is of interest to all the States generally and the Federal Government ought to bear the expense of getting this general information and then let the States have it. We have spent thousands of dollars for the investigations of the Monetary Commission, why not spend a few dollars to make an investigation for the benefit of the farmer, who is the real source of all prosperity? Make him prosperous and happy and the whole country will prosper and the whole world will be happy. I ask for the farmer nothing but what has been granted to the banker—nothing unfair, nothing in the world but a square deal.

Statement of Frank C. Lowry, of New York.

EXTENSION OF REMARKS

OF

HON. THOMAS W. HARDWICK,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 3, 1912,

On the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes—

Mr. HARDWICK said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I will include as a part of my remarks a statement of Mr. Frank C. Lowry to the report of the Senate Committee on Finance to the free-sugar bill.

The statement is as follows:

The Republican national platform of 1908, while committing its party in a general way to a new basis of protection, also went on record in a special manner as in favor of tariff revision. This division of policy was adopted in order to placate popular feeling aroused against the increased cost of living caused by the high tariff taxes upon the common necessities of life. HENRY CABOT LODGE, senior Senator from Massachusetts, was most instrumental in framing this platform. With ear to the ground, from inherited instinct, he had heard rumblings of tariff disturbances over the land that were loudest in his native State. As an historian, he knew well how to interpret these sounds; as a statesman, still better how to give warning. As a scholar, he knew full well how to allay alarm by language; as a politician, still better how to use it—for evasion. Interpreting this declaration of expediency as pointing toward revision downward, and believing that the presidential nominee's letter of acceptance was a guaranty of such relief in event of success, the American people elected a Republican President and Congress to carry out this reform. When Congress convened it was commonly supposed that the Republican majority would hasten to pass special tariff legislation in support of their pledges in recognition of the people's confidence. Sugar, one of the commonest necessities of life, was being taxed out of all propor-

tion, even in comparison with the expensive luxuries of diamonds and automobiles, while the consumer "paid the piper." Importations of raw sugar that comprise only half of our consumption yielded 17 per cent of our entire customs revenue, amounting to more than $52,000,000 per annum, while the other half, comprising the production of domestic beet and cane sugar, afforded no revenue, the promoters of which took advantage of the high tariff taxed upon the imported half to increase their price to the full extent of that tariff at the sole expense of the American consumer. It was taken for granted that this "indefensible" tariff schedule would be the first to engage attention for revision. But the now "famous-but-not-forgotten" Payne-Aldrich tariff bill of 1909, partly increasing, partly reducing, but generally standing pat on, tariff rates, was the final creation of tardy deliberations. This bill reduced the duty upon refined sugar (of which none is imported, so could not be affected) 0.05 of a cent per pound, and retained the duties upon raw sugar (of which 1,750,000 tons, paying duties, are imported annually) at the same high rates arrived at in the Dingley bill of 1897, the only change since that time being the small concession granted to Cuban imports in the reciprocity treaty of 1903. Hence this seeming reduction had no effect upon the price of sugar and left the patient, long-suffering consumer still a victim to tariff discriminations. This was approved by the President, and subsequently glorified by him as "the best tariff law ever enacted."

Resentment over this form of "fooling some of the people some of the time" was forcibly brought home to most of these "malefactors" of legislation in the following Federal and State elections of 1910. A Democratic House, with a Senate in which the balance of power was wielded by Progressive Republicans favorable to tariff revision, was the reversal caused by popular indignation.

Responding to this, Democrats and Republicans joined in passing a "free sugar bill" through the House. Realizing the expediency of some action the "Mountain" Senator from Massachusetts has collaborated with the "Intermountain" Senator from Utah and brought forth as the mouse of their labors a measure advocating abolition of "the Dutch standard" and "refiners' differential," and otherwise leaving the provisions of the Payne-Aldrich bill of 1909—which do not differ in effect from those of the Dingley bill of 1897—unchanged. As elimination of these features would not reduce the price of sugar to the consumer, but would add confusion to the deplorable defects of the present provisions, we wish to protest against this latest attempt to evade the real issue of tariff revision by the Republican majority through the resourceful, shifty senior Senator from Massachusetts, and against his method of playing "fast and loose" with the American public.

OBJECT OF "REFINERS' DIFFERENTIAL."

As explained before your committee, the actual difference in the tariff tax between raw and refined sugar is only seven and one-half hundredths of 1 cent per pound, the duty on raw sugar, 96° test, being 1.685 cents per pound, the Payne-Aldrich bill making provision for 0.035 of a cent per degree to be added, if above, and subtracted, if below, 96° test. For example:

Sugar 96 per cent pure pays a tariff rate of 1.685 cents per pound.
Sugar 97 per cent pure pays a tariff rate of 1.72 cents per pound.
Sugar 98 per cent pure pays a tariff rate of 1.755 cents per pound.
Sugar 99 per cent pure pays a tariff rate of 1.79 cents per pound.

On the same basis 100 per cent, or refined sugar, would pay a duty of 1.825 cents; but the duty upon refined sugar is 1.90 cents, and the difference between 1.90 cents and 1.825 cents is seventy-five one-thousandths of 1 cent. This is what is called "refiners' differential" and is what Senator LODGE proposes to abolish. Because the first cost of the refiners' product is increased by the tariff naturally their finished cost is higher as a result. To offset that, refiners, under the present schedule, have a protection of but seventy-five one-thousandths of a cent per pound. It would be perfectly proper to give our refiners no protection whatever on their finished product if their first cost was not increased by the tariff; but it is manifestly unfair to increase their first cost in this manner, and then require them to compete with a foreign refiner who does not labor under this handicap. All countries recognize this feature in their tariff laws; even where the tariff is low, as in Germany, Austria, France, and Belgium, refiners have a protection of 0.05 cent per pound, the import duty being 53 cents on refined and 48 cents on 98° test raw sugar.

When raw sugars were placed upon the free list in 1891 the duty of 50 cents per 100 pounds—which was excessive and out of all reason—was retained on refined, thereby admitting the right of refiners to protection when the raw material was free. While this emphasizes the point that we make, we do not agree with the theory that a scientific tariff should give refiners in this country any protection on their finished product if raw sugars were admitted free, as our refiners should be able to operate as cheaply as refiners anywhere in the world; but we do contend that a tariff increasing refiners' first cost on their raw material would be most unscientific if it gave those refiners no protection on their finished product. The senior Senator from Massachusetts should be familiar with the above precedent, as he was a Member of the Senate at the time. The desire expressed in the report to heavily protect the domestic cane and beet industry, and at the same time attempt to do this by abolishing "the refiners' differential," exhibits cross purposes and lack of scientific understanding of the situation. Such a proposition would make us appear ridiculous in the eyes of sugar men the world over.

THE DUTCH STANDARD.

Plausibly pretending concessions while actually practicing deception, they advocate abolition of the Dutch standard, which they craftily nullify by inserting a "woodchuck" branding clause. Willett & Gray comment on this in their Statistical Sugar Trade Journal of May 23, as follows:

No foreign refiner is likely to go to the trouble and expense of branding the polariscope test on packages of soft sugar and guaranteeing them to pass the United States customs and pure-food laws within one-half of a degree after an ocean voyage. The clause being in a tariff bill, it was at first supposed to apply on foreign imports only, but we learn that Senator LODGE states that it is intended to apply to domestic refined sugar also. Here again the clause defeats its purpose, for it is a well-known fact that all soft sugars, raw and refined, deteriorate rapidly in polariscope test with changes in transportation and weather. If packages are branded at refineries on a stated date and the sugars retested at a latter date, either at refinery or in the country, a greater loss than one-half a degree is certain to be found, and even two degrees difference might appear.

This feature foreshadowing trouble under the pure-food law, together with the extra trouble and expense attending the testing and branding, indicating increased cost to consumers, is almost certain to curtail the manufacture here of soft sugars and defeat the object of the clause.

There is no infringement of the pure-food law in the present manufacturing of soft refined sugar, as can be clearly shown from an analysis of such manufacture. Polariscope test may be changed, but intrinsic merit of soft sugar is not changed thereby, as shown by the more perfect test of analysis.

The elimination of the Dutch standard without any clause qualifying the effect of its operation would lead to the following natural and inevitable consequences. It would expose the American refiner, and especially Louisiana planters, to unequal competitive conditions.

The Dutch standard in the present law, which requires all sugars over No. 16 Dutch standard in color to be taxed as refined sugar, has prevented foreign refiners from semirefining raw sugars and manufacturing a product light in color but low in test to be exported to the United States and sold to the trade for direct consumption, the import duty on same being assessed at the same rates that our refiners would have to pay for raw sugar of the same low saccharine content. Under free sugar, or a low rate of import duty such as the European countries have, there is no reason for this clause, the only excuse for it being when our refiners' first cost is materially increased as it is under the present rates of duty. Of this fact Senator LODGE must also be cognizant, as when voting for the present rates to be maintained he has also voted for the retention of this clause a number of times. It therefore appears that his only object at this time in removing the "refiners' differential" and the Dutch standard clause is his recognition of the popular demand that "something must be done" with the sugar tariff and his desire to make as little real change as possible, at the same time go before the voters next fall with the statement that "we have revised the sugar tariff," just as this element in the Republican Party made the same claim two years ago when they reduced the tariff on refined sugar (of which none is imported) five one-hundredths of 1 cent per pound, knowing in their hearts that by no possible chance could it reduce the price of sugar 1 mill to the consumer.

OUR SO-CALLED "FOREIGN" SOURCES OF SUPPLY.

The report accompanying this substitute bill intimates, on page 2, that "we are dependent upon 'foreign sources' for our supplies." As all but 77,000 tons in a normal year were supplied by cane sugar from Hawaii, Porto Rico, the Philippines, and Louisiana, our possessions, Cuba, our ward, and the domestic beet-sugar industry, and the former came from the West Indies and Java and not from Europe, we can hardly be said to be "dependent upon the 'foreign countries'" (of Europe) for our supplies." With a certain increase of production in Cuba, the indications are that little or no sugar will hereafter be imported from other than there and our island possessions.

The sugar industry of Porto Rico is controlled almost entirely by capitalists residing in the United States. The enormous profits made because the value of the sugar is being enhanced by the tariff are shared only in a small measure by the native laborers, who receive 65 to 80 cents a day. So profitable is the production of sugar becoming through the influence of our

tariff concession that cultivation is being forced upon lands not naturally adapted to the growth of sugar cane nor ever intended to be utilized for such purposes. Enormous rentals are being paid to Spanish landlords. Even hillsides and mountain sides are at a premium. All of this is due to the high protection accorded to encourage natural development in infancy, to be withdrawn when grown. The purpose of protection having been accomplished, it is time to relax. Porto Rico is climatically well adapted to the growth of cane sugar, and in natural, accessible lands quite as productive as Cuba. The latter produces sugar at a cost of about 2 cents per pound and laborers receive from $1 to $1.25 per day, compared with the maximum wage of 80 cents per day for common labor in Porto Rico, as testified in the Senate hearings, page 140, by Don Carlos McCormick. It is therefore clear that, as far as Porto Rico is concerned, no justification exists for taxing the American people over $120,000,000 annually in order that the promoters of the sugar industry in this island may continue to make excessive profits. Porto Rico, having forced its cultivation from 85,000 tons in 1898 to 385,000 tons in 1911, has reached its limit under all circumstances, and is no longer an "infant industry" needing the advantages incidental to a high protective tariff.

In Hawaii, as in Porto Rico, the sugar industry is composed of nonresidents. If the committee is to be influenced by Mr. Fairchild, the sole Hawaiian representative, our concessions to these islands have been a detriment rather than a benefit. He testified that the average cost of landing a ton of sugar in New York for the six years preceding annexation was $43.11 or $2.15 per hundred pounds; whereas now it costs $65.96, or $3.29 per hundred pounds, an alleged difference of over $22 per ton (see Hearings, p. 579). (Note this is not stripped cost of production, freight and all other incidentals being added, as these protectionists, when in Washington, always make their cost appear as high as possible.) This increase is attempted to be explained from the necessity of "occidentalizing" their oriental labor on account of our attitude of "benevolent assimilation." Hawaii is ideal for cane-sugar cultivation and in favorable localities surpasses Cuba. She, too, has reached the limit of her production and needs no further tariff stimulation. Planters refine part of their own product at San Francisco, turning over the balance to the trust on most favorable terms. From plantations to the ports of San Francisco and New York these same sugar interests control all transportation, terminal and dockage facilities, and investigation will show that they employ these advantages to exact high rates for the performance of these various services, and so indirectly benefit from the tariff, at the same time making their cost, laid down in New York, appear abnormal, as compared with Cuba. The Hawaiian planters are known to have made a profit of $20,000,000, or 38 per cent, out of a total crop value of $52,000,000 in 1910 by reason of their ability to take full advantage of the tariff. We find no justification here for continuing to heavily tax American consumers. As the majority of the committee seemed enthusiastic over the results of commercial expansion, brought about by our attitude toward Porto Rico and Hawaii, why did they not extend it to the Philippines? Gen. Edwards maintained, under proper encouragement and development, the Philippines could supply the world, and limitation to 300,000 tons (the "joker" in the bill of 1909) would both impede progress and retard the investment of capital. Why did the committee overlook these facts? By affirmative action they could put at rest all further anxiety about the danger of being "dependent upon 'foreign countries' for our supplies." Besides, development in the Philippines would terminate monopoly on the Pacific coast, where ordinarily the price of sugar is 30 to 50 points above the Atlantic, though all cane sugar is admitted free there and beet sugar manufactured cheaper than any other place in America. The limited supply of raw cane sugar from Hawaii and the Philippines, together with the arrangement by Hawaiian planters to furnish only the trust plant at San Francisco, conspire to reverse natural consequences.

While grave concern seems to be evinced over the effect of free trade in sugar upon Cuba, no Cuban interest appeared to protest against it. If reciprocity has had the effect of promoting those advantageous commercial exchanges so elaborately portrayed in the report, why not invite further trade expansion by granting additional concessions? According to the statistics assembled we get back from the "foreign countries" of Hawaii, Porto Rico, and the Philippines, in trade, exactly the amount we spend with them in the purchase of sugar, namely, $78,000,000. Under the present arrangement of only a 20 per cent concession to Cuba we leave them with a balance of $13,000,000 against our purchases of sugar. Is it not fair to suppose, did we grant more liberal concessions to the "foreign country" of Cuba, she would reciprocate to the full extent of this deficiency in the light of just such an experience with Hawaii and Porto Rico? The figures compiled in the report are a revelation. Heretofore we have been led to believe, from the ample "disinterested" statistics furnished by Truman G. Palmer and F. R. Hathaway, that it would be so much more business-like and patriotic to continue a tariff that would force investment at home in the domestic beet sugar industry rather than "squander" the money in these "foreign countries." It now appears we spend $154,000,000 in these "foreign countries" in the purchase of raw cane sugars and get back $141,000,000 distributed among our various articles of commerce, the whole difference being in favor of Cuba, who labors under the handicap of a 20 per cent instead of a full tariff concession. Is it not far better to apportion the benefits in this manner rather than persist in upholding the rates of the Dingley bill of 1897 on the theory "to distribute among American farmers and laboring men the $100,000,000, which was then and is now sent to 'foreign countries' annually for the purchase of sugar," as the report inconsistently observes on page 5? Would it not be more equitable to extend our present policy toward these "foreign countries" rather than to contract it to the sole advantage of the dog-in-the-manger like beet sugar interests, in which the trust is so largely interested? Such an expansion of policy promises an immediate reduction in price and longed-for relief to the consumer that should be the object of all advanced legislation in this era of high prices.

While Senator LODGE points to the fact that our domestic beet sugar production has increased from 6,000 tons in 1891 to 600,000 tons in 1911 under the policy of tariff subsidies, in considering this point we must not overlook the fact that the price of sugar to the consumer has been increased nearly 2 cents per pound. The same report calls attention to the fact that we have advanced in 20 years under our form of taxation as far as Germany did in 40 years under their various systems of bounties and subsidies, indicating one of two things; either the indirect subsidy which we have granted the industry through the tariff at the expense of the consumer has been excessive or the industry has been particularly favored by superior natural advantages. To continue to subsidize the industry at the present high rates would mean that factories would be encouraged to locate where natural advantages were not such as to produce the best results, a condition fundamentally unsound.

The beet-sugar producers opposed the policy adopted toward Porto Rico, reciprocity with Cuba, fought any relaxation toward the Philippines, and are now feigning prostration over an "open-door" attitude toward this possession so ideally adapted to the unlimited production of sugar cane. Despite this kind of opposition, the Government has pursued a policy of commercial expansion, with such striking results, that the committee has featured them in their report. Should the present tariff be maintained and the domestic beet-sugar industry continue to increase its production, at what period of its development would it be willing to reduce the price to the consumer? Should we arrive at the ideal stage where we produce all of our sugar at home, should we not be at their mercy more than we are now? Would not the price be advanced at least to the extent of the freight, since all production would be in the interior? Would not the domestic beet-sugar interests be more human and businesslike than they are now, in taxing their local consumers a fictitious freight rate, if they had no competition on the seaboard? After all, is it not better to be somewhat "dependent upon 'foreign countries'" than altogether dependent upon domestic sources?

Louisiana has been limping along for the last 100 years upon tariff crutches, and for the last 15 years has been on a steady decline, due to the inroads of other crops for which the land and climate are better suited. At one time their production reached 400,000 tons; now it has fallen to 300,000 tons. Does it seem fair to tax the American people $150,000,000 annually for the benefit of a declining industry, fostered for over 100 years, in order to enable it to produce a crop less than $25,000,000 per year? Senator BROUSSARD admitted to Senator WILLIAMS that the cost of producing Louisiana raw sugar was 30 cents per hundred pounds above that of producing refined beet. To the natural observation that the industry seemed doomed under such a handicap, Senator BROUSSARD mentioned the hope of some prospective inventions, improvements, and discoveries that had not been thought of during 100 years of experience in Louisiana or elsewhere.

BEET-SUGAR PROJECTS ABANDONED?

Does the committee actually believe that 419 beet-sugar factories were projected in good faith since 1897 while only 64 materialized? Would it not have been more convincing to have had the Agricultural Department specify with more detail their proposed location and the probable amount of capital to be invested? Since none of them have been known to fail, why did not the department divulge what restrained them or the com-

mittee inquire? We have so much information from this "beet agricultural experiment station" about the merits of sugar-beet cultivation and the virtues of the sugar-beet industry that they can offer no excuse for being deficient in this instance. How long would so many be able to remain "independent" and "philanthropic" did they come into competition with "beet" plants controlled by the trust, if the latter pursued the same methods of extermination characteristic of H. O. Havemeyer?

NOT A REVENUE MEASURE.

The Payne-Aldrich bill can not be classified as a revenue measure, as only half of the sugar we consume produces revenue. The domestic half pays none. On this account the revenue derived from the importation of sugar is growing gradually less, having fallen from $60,000,000 in 1907 to $52,400,000 in 1911. As domestic production increases this revenue will proportionately decrease. Since the attitude of the committee seems directed toward the object of encouraging production of all our sugar at home while paradoxically proclaiming the need of revenue, might we ask what they devise to make up for the revenue deficiency in the event of that "consummation devoutly to be wished"? A proper revenue measure would be to tax all the sugar we consume, which would include domestic sugar as well, by the imposition of an internal-revenue tax, as is the universal custom in European countries. An internal-revenue tax of 0.60 cent, with free sugar, would yield $48,000,000, according to our present consumption, and reduce the price 1 cent per pound. If our internal-revenue tax corresponded to that of Germany of 1½ cents per pound, we would collect $113,000,000 revenue and our price be less than now. If the tariff is to be defended only on the ground of revenue, we advocate "the excise tax on incomes of individuals" passed by the House as a substitute in order that the consumer will be the main beneficiary.

BRUSSELS CONVENTION "FEARS."

While on page 3 the report pictures the widespread disaster that would follow under free sugar from the inroads of Russian bounty-fed sugars, on page 4 it warns us that "the foreign countries adhering to the Brussels convention, if we take the duties off sugars, would only have to declare the United States conventional territory to enable them to control our supply of sugar and fix the price we should pay for it." In one place the danger of that form of competition is graphically described, and in the other the manner in which it will be averted. Which horn of that dilemma is the committee disposed to choose? This form of competition or the prevention of it? They do not express a choice. Mr. Jacobson, the statistician of the Agricultural Department, testified before the committee that in any event Russia would be limited to the exportation of 200,000 tons in any one year to "western territory," which included England, her largest customer, and the United States, until 1918. As England now absorbs all of these exports and is clamoring for a modification of the terms of the protocol in order to secure more, the United States should have little to fear from this source. Since we are almost wholly dependent upon Porto Rico, Hawaii, Cuba, and the Philippines for our "foreign supplies," by what process of reasoning did the committee arrive at the conclusion that by any action of the Brussels convention foreign countries could control our supply and fix the price? Surely they did not think that the Brussels convention could regulate Porto Rico, Hawaii, and the Philippines, our possessions, or influence the attitude of Cuba? With these natural sugar sources to depend upon, how could foreign countries ever "control our supply or price"? Would our colonies enter into a conspiracy with European powers against us? If they did, what would then become of their product? But if the committee is sincere in its apprehensions about the bounty-fed sugars of Russia, they could easily insert a countervailing clause to the extent of the bounties paid, so all fears would be allayed. Is not the mention of this prospect more to distract than to convince? Do not the domestic interests fear the effect from Cuba and the Philippines rather than competition from real foreign sources? Are not the "foreign countries" at our door their apprehension rather than Russia?

EFFECT OF TARIFF UPON THE PRICE OF SUGAR.

Doubt seems to be expressed that a reduction of the tariff would have any effect upon the price of sugar. We call attention to the fact that the reduction between 1891 and 1894 lowered the price over 2 cents per pound, and the reason why the consumer did not receive the benefit of the full reduction on raw sugars was that a duty of 0.50 cent per pound was retained on refined, of which the refiners took advantage. On this phase of the question Wallace P. Willett, the leading American authority on sugar statistics, after several practical demonstrations by means of figures before the Hardwick committee, stated as a conclusion:

> I would like to have the committee satisfied that any reduction of duty goes to the consumer, and any addition of duty is paid by the consumer, in any year, under any duty, which differs from any other duty, making necessary allowances for market fluctuations affected by supply and demand. (Hardwick hearings, p. 3554, testimony of Wallace P. Willett.)

Similar testimony was advanced by Mr. Atkins and Mr. C. A. Spreckels before the Hardwick committee. Taking the record of the Department of Commerce and Labor, Bureau of Statistics, No. 240, page 517, it shows that the average cost per pound, free on board in foreign countries, of the raw sugar imported, 1905–1911 inclusive, was 2.378 cents per pound. To this we must add the freight to get the average cost laid down at United States ports, 0.14 cent, making the in-bond price delivered at United States ports 2.518 cents. During the seven years in question the margin between the price paid by refiners for their raw material and the selling price on refined was 0.859 cent per pound. If refiners did not have to pay any duty, and added this margin to the in-bond price of the raw material, 2.518 cents per pound, it would have made their average selling price for the seven years in question 3.377 cents per pound. Willett & Gray show that the average New York refiner's price for these years was 4.98 cents, or an increase by the tariff of 1.603 cents per pound, which, based on last year's consumption, would mean an increase of $120,360,000.

No matter in what form our sugar is consumed, the price and profit are exacted through the instrumentality of the tariff, and the highly protected interests are the beneficiaries. So it is idle for the committee to present special tables satisfactory to and prepared by beet-sugar statisticians, to divert attention from their methods, and throw sand in the eyes of the public. Those statistics may be satisfactory to the interested parties but present no argument to excuse their methods of extortion by means of the tariff. Their profits are governed by the amount and not the form of the consumption, whether by individuals or the trade. If reduction of the tariff will have no effect on the price, why do the domestic cane and beet sugar interests so strenuously oppose it? As disinterested patriots who desire to protect the Government or as business men desirous of maintaining a high price for their product? It is obvious that the last is the answer.

UNFORTUNATE COMPARISON.

Owing to recent exposures in the coffee situation, the committee's comparison of sugar-price regulation with that of coffee is wholly inapplicable. It develops that the price of Brazil coffee is regulated and the output controlled by a valorization plan. This has become possible on account of the limited supply, the limited area of its production, and the comparatively limited amount of money required to control ultimate sales. None of these conditions apply to sugar. Its production extends to all parts of the civilized and uncivilized world; the supply is too vast to be monopolized, and it would require billions of dollars to control the market in the same manner that the output of Brazilian coffee has been regulated.

The committee's comparative prices on page 3 are unfair and misleading. Foreign prices are taken for July, 1911, to be compared with our average price from 1890 to 1907, which includes the four-year period of free sugar. Why did the committee not take our price for July, 1911, or the average European price for the last 17 years, and then make a comparison? It is well known that the period between 1907 and 1911 raised the average. Even upon such a comparison our price is 5.7 cents against a German price of 5.4 cents, which takes into account their duty and internal-revenue tax of 1.51 cents per pound, a total of 2.03 cents, 4.4 cents in Geneva, 5.4 cents in Brussels, 5 cents in Copenhagen, and 4 cents in London. Considering all of the taxes that are paid to the Government and contribute to the price abroad, little comfort is to be taken from this comparison, now that the average of our retail price is above 6 cents per pound.

The United States, because of its proximity to Cuba, and its insular possessions—Porto Rico, Hawaii, and the Philippines—as well as from the fact that beet sugar can be produced in our Western States at a very low cost, should have cheaper sugar than any nation in the world. From these sources, with their natural advantages, we are assured not only of an ample supply of sugar, but this supply can be obtained at a minimum cost if it were not for the high duty which enhances the price.

The question is, Are the people to receive the benefit of our natural advantages, or are they to be exploited for the benefit of the promoters of our domestic beet and cane sugar industry? The present high tariff means the latter.

On page 4 of the report, prepared by Senator LODGE, which accompanies the Finance Committee's recommendation, a most

misleading table is presented, which purports to compare the rates of duty in the United States with the rates in the European countries. In presenting this half truth a subterfuge is resorted to unworthy of the senior Senator from Massachusetts. As we have previously stated, the various countries of Europe, in addition to the import taxes, have, as a revenue feature, a "consumption tax," the latter being levied on all sugars, whether of foreign or domestic origin. Instead of using the table furnished the committee by Senator BROUSSARD, separating these taxes, and showing that the import tax in these countries is 0.48 cent on raw and 0.53 cent on refined sugar as compared with our rate of 1.685 cents on raw sugar and 1.90 cents on refined, the committee presents a table in which it lumps the two taxes and classifies the rates as "import duties," making it appear that the industry abroad is protected at a higher rate than in this country. This is not a fact, except in the cases of Italy, Spain, and Russia.

Nor is the attempt to magnify the amount of our production and consumption by expressing it in short rather than in long tons to be commended. Willett & Gray place our total consumption at 3,351,391 tons for the year 1911, of which 506,000 were of domestic beet-sugar manufacture, whereas the figures compiled for the committee speak of a consumption of 3,912,862 tons, of which 606,033 are credited to domestic beet. This leads the uninitiated to believe there has been a total increase of about 600,000 tons in consumption in one year, 100,000 tons of which was domestic beet sugar. It would therefore be much more correct and less misleading to express sugar conditions in long tons, as is the universal custom in the trade.

ALLIANCE BETWEEN TRUST AND BEET-SUGAR INTERESTS.

We observe that it was insinuated by witnesses interested in the beet-sugar industry, who testified before your committee, that the cane-refining interests of the Atlantic seaboard were clamorous for a reduction of duty, with the purpose of annihilating the beet-sugar industry so as to give the former a monopoly of the sugar market and the regulation of prices. What these witnesses were careful not to divulge was the close alliance between the beet-sugar industry and the American Sugar Refining Co. While the latter controls over 62 per cent of the cane refining, it also controls companies that produce 64 per cent of the beet sugar. It controls the Michigan Sugar Co., with 6 factories in Michigan, of which company F. R. Hathaway is secretary and "Washington representative"; the Great Western Sugar Co., with 9 factories in Colorado, and 1 each in Montana and Nebraska; the Utah-Idaho Amalgamated and Lewiston, or "Mormon Group," with all of the 11 factories of Utah and Idaho; the Spreckels and Alameda factories in California; the Continental Sugar Co., with factories at Fremont, Ohio, and Blissfield, Mich.; the Waverly Sugar Co., of Waverly, Iowa; and the Carver County Sugar Co., of Chaska, Minn. With cane refineries at New York, Jersey City, Boston, Philadelphia, New Orleans, and San Francisco, they dominate the seaboard. By their control of these beet-sugar companies they also regulate prices in the interior. Prior to 1907 they also controlled the American Beet Sugar Co., but around that time disposed of $7,500,000 worth of that stock. This was in retaliation to the action of Henry T. Oxnard (whom, perhaps, the committee may remember) in repudiating a contract to allow the trust to act as the agent of his company in disposing of their product at a quarter of a cent per pound commission until 1913. Havemeyer shifted this investment into the Great Western Sugar Co., which now competes with Oxnard's American Beet Sugar Co. at Missouri River points, and keeps it in constant check. The trust owns over $23,000,000 worth of beet-sugar stock. By its control of both industries it has an unfair advantage over independent cane refiners. It can compete with them from both directions. On this account it is indifferent to action upon the tariff, because its losses in one direction will be more than offset in another, while a continuance of the present tariff will continue to embarrass and stunt the growth of its cane-refining competitors. Before the Hardwick committee its acting president, Mr. Atkins, declined to express an opinion on the tariff, though evinced a willingness were he invited to a tariff hearing on the subject. Mr. Atkins resides in Boston. Neither he nor any other representative of the company (except the beet-sugar propagandists) testified at these hearings. It is then to be taken for granted that they are eminently satisfied with the present provisions or opposed to any change through beet-sugar allies. A little less than $49,000,000 of the $90,000,000 worth of stock is owned by 12,240 residents of Massachusetts out of a total list of 19,400 stockholders. Does this throw any light upon the partial attitude of the senior Senator from Massachusetts?

THE COST OF PRODUCING BEET SUGAR.

We are impressed with the fact that, notwithstanding the Republican Party's assertion in their last platform, that duties should be based on "the difference in cost of production between this country and abroad," it makes no attempt to justify the present duty on sugar on this basis. The report makes no reference to cost of production either in this country or abroad. Their reason for doing this is obvious. Testimony both before the Hardwick committee and the Finance Committee showed that where beet factories were properly located there was no legitimate reason for the cost of production being materially greater than anywhere else in the world. "Difference between cost of production here and abroad" has an attractive sound, but when analyzed, what does it mean? It has been shown that refined beet sugar has been produced at 2.70 cents per pound, while Louisiana tells us that it costs them 3.75 cents to make raw sugar of 96 test, and it would certainly cost them 0.60 cent to refine and pack this, making the cost of producing refined sugar 4.35 cents per pound. What is the cost of producing refined sugar in the United States?

In 1898, Henry T. Oxnard, who now appears to advocate retention of the present duties, as a representative of the American Beet Sugar Co., issued a circular, over his own signature, to induce investment in the beet-sugar stocks of companies he was promoting, to the effect that beet sugar could be manufactured at a cost of $2.80 per hundred pounds. At that time the sugar content of the American beets was no more than 8 to 9 per cent, and the yield per acre no more than 7 or 8 tons. At the hearings before the Ways and Means Committee of the House in 1909 Mr. Oxnard declared that when we attain the German average of sugar content and yield per acre "we" could stand against the world without any further assistance from the tariff. It developed before the Hardwick committee that this country had equaled, if not surpassed, the German average, the content of our beets having reached above 15 per cent and the yield per acre 14 tons, while in favorable localities of California, Colorado, Utah, and Michigan as high as 22 per cent content and 20 tons yield per acre. When reminded of his former testimony, Mr. Oxnard declared he did not have in mind America alone when he made this declaration, but the "sugar-beet industry of the world," when he said "we," as against the "cane-sugar industry." The committee may accept this explanation for what it is worth in the light of his latest attempt to compete with his own beet-sugar interests through the experiment at Adeline, La. If he was right about the cost to produce in 1898, how much more cheaply should his company be able to produce now under these improved conditions? Quite in corroboration and confirmation of these figures, the Spreckels Beet Sugar Co., of California, returned a cost of $2.70 per hundred pounds in the report to the trust (which owns a half interest) of its earnings for 1910. Several Utah companies have reported cost of production ranging from $2.78 to less than $3 per hundred, while Mr. Coombs, of Colorado, presented detailed figures before the Hardwick committee to prove an average cost of production among six factories of the Great Western Beet Sugar Co., of Colorado, of $2.59 per hundred pounds. The Hardwick committee, in a unanimous report, placed the average maximum cost of all factories, good, bad, and indifferent, at $3.54 per hundred pounds, which now Mr. Truman G. Palmer, "the $10,000-a-year Washington correspondent" of the United States Beet Sugar Association, attempts to stretch into $3.75, and Mr. F. R. Hathaway, secretary of the Michigan, and Mr. Mendelsohn, of the Billings, into $3.82. At an average selling price of over 5 cents per pound, just contemplate the margin of profit and then reflect upon the need of tariff protection. This enormous margin between the cost and selling price permits of a capitalization of over $130,000,000, over 60 per cent of which is watered stock, where the actual investment is less than $53,000,000, based upon an average daily slicing capacity of 53,000 tons, at $1,000 per ton, according to the authority of Henry T. Oxnard. This to produce 500,000 tons of beet sugar per year, while the American Sugar Refining Co. last year produced 1,376,466 tons of cane sugar, and has a capitalization of $90,000,000, twenty-five millions of which was issued in 1902 for investment in beet-sugar companies. Last year the American Beet Sugar Co. earned $9,000,000 gross upon a total capitalization of $20,000,000, $5,000,000 of which is preferred and $15,000,000 common. After paying 6 per cent upon the preferred they had over $2,000,000 (or more than 13 per cent) available for dividends upon common, as compared with 10 per cent the previous year. They charged off $750,000 to depreciation. (Note the preferred stock was originally only $5,000,000.) Since the hearings before the Hardwick committee the price of this common stock has advanced from 48 to 74.

The American Beet Sugar Co.'s statement shows that their gross earnings for the year ending March 31, 1912, were $9,005,194.49. The object of calling attention to this is to show that a company capitalized at $20,000,000, which has gross earnings of only $9,000,000 and a production of about one and

one-half million bags of sugar, clearly expected to make a very large profit per bag, because the value of their sugar is enhanced by the tariff. The Federal Sugar Refining Co., a cane refinery, with a capitalization of $10,000,000, does a gross annual business of between $24,000,000 to $30,000,000. The Michigan Sugar Co. paid a stock dividend in 1910 of 35 per cent in addition to regular dividends of 1¾ per cent upon both preferred and common and transferred $1,025,000 to surplus. The Great Western of Colorado had a surplus of $5,500,000 in 1910 after paying 7 per cent upon $15,000,000 preferred and 5 per cent upon $10,000,000 common. It has lately been testified by Chester Morey, president of the latter company, in the suit brought by the Government to dissolve the American Sugar Refining Co., that he and H. O. Havemeyer "cut melons" at the rate of $52.25 per share, on a par valuation, in some of the Colorado companies before they were consolidated with the Great Western, and that when these companies were eventually combined their capital was doubled. Their prosperity, fostered by the tariff, at the expense of the American consumer, enables unscrupulous promoters to carry on such high-finance exploitations. Should the United States Senate be in favor of a tariff that will serve to continue this form of imposition upon and extortion from the American public? We believe not.

CONCLUSION.

In conclusion, we can not agree with the observations in the report, on page 4, that "the full significance of results from free sugar to our home production was not clearly understood by our people," but incline to the opinion that they did not understand the "full significance" of the provisions of the Dingley bill of 1897, have become educated since, know now that they were imposed upon then, and have voiced their protest in the most recent elections against the attempt to perpetuate the provisions of the Dingley bill in the Payne bill of 1909. The House responded to this protest, which the Senate seems slow to heed. What we believe is that the majority of the Senate Finance Committee do not understand the people, who are becoming restless over this tendency to temporize and defer. What we further believe is that this same majority of the Senate Committee on Finance did not understand the true significance of these plausible recommendations, and were themselves imposed upon. They represent an alliance between the "Puritan Trust" and "Mormon beets," for their mutual benefit and protection. On the one hand, the Senator from Massachusetts beats the monotonous tom-tom of protection to frighten away attack upon the American Sugar Refining Co.; on the other, the Senator from Utah enlists the "Mormon Choir" to charm the heart of the American farmer and soothe the soul of the "American" laborer by chanting pastoral lays. This "close harmony" is for the entertainment and distraction of the public at large, so the trust and domestic interests may continue to plunder. As an added attraction they offer the boll weevil, whose one virtue seems to have been to have aroused the Louisiana planters from the luxurious lethargy of a century, into which they had been lulled by tariff indulgence, and stirred in them an energy and enterprise hitherto dormant. Must the poor consumer, forced to submit to such a spectacle and travesty upon justice, continue to pay the price? We insist the time has come to censor and suppress such pantomine and undertake serious performance. It is high time to compel certain intrenched sugar interests, through legislation, to serve the people rather than by continuing the present tarff to force the people to pay everlasting tribute to these interests.

We trust the honorable Senate will legislate to this end by passing the House bill in preference to any makeshift measure reported from their Finance Committee.

FRANK C. LOWRY, *Secretary.*

Philippine Islands.

EXTENSION OF REMARKS
OF
HON. MANUEL L. QUEZON,
OF PHILIPPINE ISLANDS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 11, 1912.

Mr. QUEZON said:

Mr. SPEAKER: I have asked unanimous consent to insert in the RECORD the following preface to the book entitled "The American Occupation of the Philippines," by the Hon. James H. Blount, for the purpose of giving information to those Americans who are interested in the Philippine problem.

Judge Blount, the author of the book, has had an unusual opportunity to know the facts regarding the American occupation of the Philippines, and the characteristics, capabilities, virtues, and shortcomings of the Filipino people. He resided in the islands for seven years, always in the service of the United States Government; first, as an officer of the volunteers, and later as judge of the court of first instance. He has traveled throughout the Archipelago and met Filipinos in all walks of life, and has lived with them, not only in large cities, but also in some of the smallest villages.

I submit, Mr. Speaker, that it is now time for the American people to make up their mind as to what should be done with the Philippines through an investigation of facts from unbiased sources. The motives of Judge Blount in writing his book proceed purely from the standpoint of Americanism. He exposed his life fighting for his flag in the Philippines; he has served his Government and his people. He holds no official position at present and wishes none; he is not engaged in any business that is in anyway connected with the Philippines, and he expects no benefit, nor can he expect any, from the Philippines and their people.

The preface is as follows:

THE AMERICAN OCCUPATION OF THE PHILIPPINES, 1898–1912.

(By James H. Blount, officer of United States Volunteers in the Philippines, 1899–1901, United States district judge in the Philippines, 1901–1905.)

Pardon, gentles all,
The flat, unraised spirit that hath dared
On this unworthy scaffold to bring forth
So great an object. (Henry V.)

To have gone out to the other side of the world with an army of invasion, and had a part, however small, in the subjugation of a strange people, and then to see a new government set up, and, as an official of that government, watch it work out through a number of years, is an unusual and interesting experience, especially to a lawyer. What seem to me the most valuable things I learned in the course of that experience are herein submitted to my fellow countrymen in connection with a narrative covering the whole of the American occupation of the Philippines to date.

This book is an attempt by one whose intimate acquaintance with two remotely separated peoples will be denied in no quarter to interpret each to the other. How intelligent that acquaintance is is, of course, altogether another matter, which the reader will determine for himself.

The task here undertaken is to make audible to a great, free nation the voice of a weaker subject people, who passionately and rightly long to be also free, but whose longings have been systematically denied for the last 14 years, sometimes ignorantly, sometimes viciously, and always cruelly, on the wholly erroneous idea that where the end is benevolent it justifies the means, regardless of the means necessary to the end.

At a time when all our military and fiscal experts agree that having the Philippines on our hands is a grave strategic and economic mistake, fraught with peril to the Nation's prestige in the early stages of our next great war, we are keeping the Filipinos in industrial bondage through unrighteous congressional legislation, for which special interests in America are responsible, in bald repudiation of the open-door policy and against their helpless but universal protest, a wholly unprotected and easy prey to the first first-class power with which we become involved in war. Yet all the while the very highest considerations of national honor require us to choose between making the Filipino people free and independent without unnecessary delay, as they of right ought to be, or else imperiling the perpetuity of our own institutions by the creation and maintenance of a great standing army sufficient properly to guard over-seas possessions.

A cheerful blindness to the inevitable worthy of Mark Tapley himself, the stale Micawberism that "something is bound to turn up," and a Mrs. Jellyby philanthropy hopelessly callous to domestic duties, expenses, and distresses, have hitherto successfully united to prevent the one simple and supreme need of the situation—a frank, formal, and definite declaration, by the lawmaking power of the Government, of the Nation's purpose in the premises. What is needed is a formal legislative announcement that the governing of a remote and alien people is to have no permanent place in the purposes of our national life, and that we do bona fide intend, just as soon as a stable government, republican in form, can be established by the people of the Philippine Islands, to turn over, upon terms which shall be reasonable and just, the government and control of the islands to the people thereof.

The essentials of the problem, being at least as immutable as human nature and geography, will not change much with time; and whenever the American people are ready to abandon the strange gods, whose guidance has necessitated a new definition of liberty, consistent with taxation without representation

and unanimous protest by the governed, they will at once set about to secure to a people who have proven themselves brave and self-sacrificing in war, and gentle, generous, and tractable in peace, the right to pursue happiness in their own way, in lieu of somebody else's way, as the spirit of our Constitution, and the teachings of our God, Who is also theirs, alike demand.

After seven years spent at the storm center of so-called "expansion," the first of the seven as a volunteer officer in Cuba during and after the Spanish War, the next two in a like capacity in the Philippines, and the remainder as a United States judge in the last-named country, the writer was finally invalided home in 1905, sustained in spirit at parting by cordial farewells, oral and written, personal and official, but convinced that foreign kindness will not cure the desire of a people, once awakened, for what used to be known as freedom before we freed Cuba and then subjugated the Philippines; and that to permanently eradicate sedition from the Philippine Islands, the American courts there must be given jurisdiction over thought as well as over overt act, and must learn the method of drawing an indictment against a whole people.

Seven other years of interested observation from the Western Hemisphere end of the line have confirmed and fortified the convictions above set forth.

If we give the Filipinos this independence they so ardently desire and ever clamor for until made to shut up, "the holy cause," as their brilliant young representative in the American House of Representatives, Mr. QUEZON, always calls it, will not be at once spoiled, as the American hemp and other special interests so contemptuously insist, by the gentleman named, and his compatriot, Señor Osmeña, the speaker of the Philippine Assembly, and the rest of the leaders of the patriot cause, in a general mutual throat-cutting incidental to a scramble for the offices. This sort of contention is merely the hiss of the same old serpent of tyranny which has always beset the pathway of man's struggle for free institutions.

When first the talk in America, after the battle of Manila Bay, about keeping the Philippines, reached the islands, one of the Filipino leaders wrote to another during the negotiations between their commanding general and our own looking to preservation of the peace until the results of the Paris peace conference which settled the fate of the islands should be known, in effect, thus: "The Filipinos will not be fit for independence in 10, 20, or 100 years if it be left to American colonial officeholders drawing good salaries to determine the question." Is there not some human nature in that remark? Suppose, reader, you were in the enjoyment of a salary of $5,000, $10,000, or $20,000 a year as a Government official in the Philippines, how precipitately would you hasten to recommend yourself out of office, and evict yourself into this cold western world with which you had meantime lost all touch?

The Filipinos can run a far better government than the Cubans. In 1898, when Admiral Dewey read in the papers that we were going to give Cuba independence, he wired home from Manila:

> These people are far superior in their intelligence, and more capable of self-government than the people of Cuba, and I am familiar with both races.

After a year in Cuba and nearly six in the Philippines—two as an officer of the army that subjugated the Filipinos and the remainder as a judge over them—I cordially concur in the opinion of Admiral Dewey, but with this addition, viz, that the people of those islands, whatever of conscious political unity they may have lacked in 1898, were welded into absolute oneness as a people by their original struggle for independence against us, and will remain forever so welded by their incurable aspirations for a national life of their own under a republic framed in imitation of ours. Furthermore, the one great difference between Cuba and the Philippines is that the latter country has no race cancer forever menacing its peace and sapping its self-reliance. The Philippine people are absolutely one people as to race, color, and previous condition. Again, American sugar and tobacco interests will never permit the competitive Philippine sugar and tobacco industries to grow as nature and nature's God intended; and the American importers of Manila hemp—which is to the Philippines what cotton is to the South—have, through special congressional legislation still standing on our statute books—to the shame of the Nation—so depressed the hemp industry of the islands that the market price it brings to-day is just one-half what it brought 10 years ago.

If three strong and able Americans, familiar with insular conditions and still young enough to undertake the task, were told by a President of the United States, by authority of Congress, "Go out there and set up a stable native government by July 4, 1921" (the date contemplated by the pending Philippine independence bill, introduced in the House of Representatives in March, 1912, by Hon. W. A. JONES, chairman of the Committee on Insular Affairs), "and then come away," they could and would do it; and that government would be a success; and one of the greatest moral victories in the annals of free government would have been written by the gentlemen concerned upon the pages of their country's history.

We ought to give the Filipinos their independence, even if we have to guarantee it to them. But by neutralization treaties with the other great powers similar to those which safeguard the integrity and independence of Switzerland to-day, whereby the other powers would agree not to seize the islands after we give them their independence, the Philippines can be made as permanently neutral territory in Asiatic politics as Switzerland is to-day in European politics.

JAMES H. BLOUNT.

1406 G STREET NW., *Washington, D. C., July 4, 1912.*

P. S.—The preparation of this book has entailed examination of a vast mass of official documents, as will appear from the footnote citations to the page and volume from which quotations have been made. The object has been to place all material statements of fact beyond question. For the purpose of this research work Mr. Herbert Putnam, Librarian of Congress, was kind enough to extend me the privileges of the National Library, and it would be most ungracious to fail to acknowledge the obligation I am under, in this regard, to one whom the country is indeed fortunate in having at the head of that great institution. I should also make acknowledgment of the obligation I am under to Mr. W. W. Bishop, the able superintendent of the reading room, for aid rendered whenever asked, and to my lifelong friends, John and Hugh Morrison, the most valuable men to the general public, except the two gentlemen above named, on the whole great roll of employees of the Library of Congress.

J. H. B.

Army Appropriation Bill.

SPEECH

OF

HON. CHARLES C. BOWMAN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 2, 1912,

On the bill (H. R. 25531) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BOWMAN said:

Mr. SPEAKER: Referring to my remarks printed in the CONGRESSIONAL RECORD under date of July 2 (p. 8594), I desire to have printed in connection therewith the following letter and summary which, in my judgment, is a very complete statement of the question upon longevity pay and allowances, and fully supports the position which I took in opposing any change in the present method.

JULY 6, 1912.

Hon. CHARLES C. BOWMAN,
House of Representatives, Washington, D. C.

DEAR SIR: I have carefully read what you said to the House on Tuesday during the debate on the Army appropriation bill.

* * * * * * * *

As far back as 1838 Congress provided:

"That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States." (Sec. 15, act of July 5, 1838; 15 Stat. L., 258.)

The purpose of Congress in passing this law was to secure and promote efficiency in the Army by offering as an incentive a reward for long and continued service.

Nineteen days after the enactment of the foregoing statute the second comptroller of the Treasury, Albion K. Parris, made a ruling that the service of five years, to entitle an officer to the additional ration under the statute, "must be service as a commissioned officer," and that therefore service as a cadet at West Point and service as an enlisted man could not be counted for longevity purposes.

In view of such construction by the comptroller, Congress enacted remedial legislation in the act of March 2, 1867, known as the Regular Army act, section 9 (14 Stat. L., 423); in the act of March 2, 1867, known as the Volunteer Army act, sections 1 and 2 (14 Stat. L., 434); in the act of July 15, 1870 (16 Stat. L., 315), section 24 of which fixed annual salaries for officers of the Army and substituted a percentage increase on their salaries for the additional rations provided by the former acts, and provided:

"That the pay of the officers of the Army shall be as follows: * * *; and there shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each and every term of five years of service: *Provided*, That the total amount of such increase for length of service shall in no case exceed 40 per cent on the yearly pay of his grade as

established by this act: *And provided further,* That the pay of a colonel shall in no case exceed $4,500 per annum, nor the pay of a lieutenant colonel $4,000 per annum * * *."

And again in the act of June 18, 1878 (20 Stat. L., 150), section 7 of which provides:

"That on and after the passage of this act all officers of the Army of the United States who have served as officers in the Volunteer forces during the War of the Rebellion, or as enlisted men in the Armies of the United States, Regular or Volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay * * *."

The purpose of Congress in this act was primarily to undo the wrong done by the comptroller's construction of the act of 1838 limiting service in the Army to commissioned service, and to add service in the volunteer forces during the "War of the Rebellion."

Next came the act of February 24, 1881 (21 Stat. L., 346), and the act of June 30, 1882 (22 Stat. L., 118), each providing that "the actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay."

Notwithstanding these laws clearly expressive of the purpose of Congress to credit all officers of the Army with their actual time of service, whether in the Army or the Navy, the decision of Comptroller Parris was in force at the Treasury Department from July 24, 1838, until May 8, 1889—nearly 51 years—when it was set aside by Second Comptroller Butler. In his clear and able decision in the case of Gen. U. S. Grant, which involved longevity pay based upon service as a cadet at the Military Academy, the comptroller, having before him the decision of the Supreme Court in United States *v.* Watson (130 U. S., 80), considered every act of Congress on the subject of longevity allowances, from the act of 1838 to that of 1882, held that he was bound by the decision of the Supreme Court.

That tribunal, speaking by Mr. Justice Lamar, said, in the Watson case:

"That cadets at West Point were always part of the Army, and that service as a cadet was always actual service in the Army, has been settled in the case of United States *v.* Morton (112 U. S., 1), in which a question almost identical with this one was presented for consideration."

Then the learned justice quoted from the opinion in the Morton case, delivered October 27, 1884, by Mr. Justice Blatchford, who, with infinite pains, had reviewed every act of Congress bearing upon the Army, from the act of May 9, 1794, down to the acts of February 24, 1881, and June 30, 1882, under which the Morton suit was brought. The act of May 9, 1794 (1 Stat. L., 366), provided for a corps of artillerists and engineers, of which a part was to be 32 cadets, ranking as sergeants but spoken of as officers. "These were part of the Army," said the great jurist. Next came the act of July 16, 1798, in which cadets are called "noncommissioned officers in the Army of the United States." Then the act of March 16, 1802, in which it was provided that the peace establishment of the United States should embrace a regiment of artillerists, of which a part should be 40 cadets; a corps of engineers, consisting of officers and 10 cadets. "Clearly," said the court, "all these cadets were a part of the Army." Next were considered the acts of April 12, 1808; April 29, 1812; March 3, 1815; July 5, 1838; July 28, 1866—this last providing that the military peace establishment of the United States should thereafter consist of so many regiments of Artillery, of Cavalry, and of Infantry, the professors and corps of cadets of the United States Military Academy, and such other forces as should be provided for by that act, to be known as the Army of the United States. The court then said:

"From this review of the statutes it can not be doubted that before the passage of the act of July 28, 1866, as well as afterwards, the corps of cadets of the Military Academy was a part of the Army of the United States, and a person serving as a cadet was serving in the Army; and that the time during which the plaintiff in the present case (Morton) was serving as a cadet was therefore actual time of service by him in the Army."

The court, before reviewing the statutes, said:

"But an examination of the legislation of Congress shows that the cadets at West Point were always part of the Army, and that service as a cadet was always actual service in the Army."

There is no difference whatever in principle between the Morton decision of 1884 and the Watson decision of 1889. The Morton action was under the acts of 1881 and 1882, already cited, allowing credit for "actual time of service in the Army." The Watson suit was under the act of July 5, 1838. The Supreme Court held that the words "actual time of service in the Army" and the words "for every five years he may have served or shall serve in the Army of the United States," as used in the act of 1838, meant the same kind of service.

As I said, Comptroller Butler was governed by the Supreme Court, and decided that cadet service and service as an enlisted man in the Regular Army should be counted in computing longevity pay of officers.

I quote from his admirable and eminently fair decision:

"The decision in the Watson case gives an interpretation of the phrase 'he may have served or shall serve in the Army of the United States,' and makes service at the Military Academy service in the Army, removing the limitation to service as a commissioned officer which had been imposed by the accounting officers. This interpretation is put by the court on the ground that cadets are a part of the Army and not upon the ground that they are in any sense officers. The court quotes with approval from the decision in the Morton case in which the point decided was that cadets were part of the Army. Service as an enlisted man is obviously service in the Army, and must therefore be included in the principle of the decision."

But the ink was hardly dry on Butler's decision when another comptroller came in—Mr. Gilkeson, of Pennsylvania. On June 20, 1890, he readopted the old ruling of Comptroller Parris, made July 24, 1838, basing his action upon these somewhat extraordinary reasons:

"If the question were new, a more liberal construction of the act of 1838 might be justifiable, especially in view of what the Supreme Court has said in the Watson case; but in view of the fact that all the parties in interest, their attorneys, the accounting officers, the Attorneys General, Congress, and courts down to 1889, have heretofore proceeded upon the theory that the construction first given to the act of 1838 was correct, it can hardly be said that the law was free from ambiguity and did not admit of such construction. * * * It must also be remembered that it has never been expressly decided under the act of 1838 that service as an enlisted man is to be counted in the computation for longevity pay. The only foundation for counting such service is contained in the remark of Comptroller Butler in the Grant case, that service as an enlisted man is obviously 'service in the Army and must therefore be included in the principle of the decision.' This, it is true, may be correct, but no court has yet so decided."

And thereupon he made the following sweeping order:

"I therefore direct that all claims for longevity pay under the Watson decision now pending in this office be disallowed, and that a copy of this opinion be sent to the second auditor, to the end that all like cases filed in his office be settled accordingly."

As to the assertion of Comptroller Gilkeson that all parties in interest, as well as the executive and legislative branches of the Government had, from 1838 down to 1889, "proceeded upon the theory that the construction first given to the act of 1838 was correct," the present Assistant Comptroller of the Treasury, on May 18, 1908, in the case of Alexander O. Brodie (involving cadet service), said:

"The asserted doctrine that because the construction placed upon the act of 1838 by the accounting officers prevailed for a long period of time such construction should be persisted in, notwithstanding the Court of Claims and the Supreme Court had decided that such construction was wrong and contrary to law, I do not think can be sanctioned. To do so is to perpetuate error, overthrow the law, and deny to a worthy class of men the rights which the law clearly gives them."

After citing the decisions of the Supreme Court in the Morton and Watson cases, affirming the judgments in 19 Court of Claims Records, 200, and 21 Court of Claims Records, 511, the Assistant Comptroller said:

"In the face of these decisions it is difficult to see how the construction placed upon the act of 1838 has been acquiesced in by the courts."

Thereupon the Assistant Comptroller revoked Comptroller Gilkeson's decision of June 20, 1890, in so far as it related to cadet service. The revocation of that unjustifiable and wholly illegal decision was a readoption of so much of Second Comptroller Butler's decision of May 8, 1889, as related to the counting of cadet service under the act of 1838—the only question involved in the Brodie case—and also in respect to another point, viz: That the accounting officers, against whom the statute of limitations did not apply, were not justified in disallowing claims under the act of 1838 as construed by the Supreme Court.

Subsequently the Butler decision, in so far as it related to service as an enlisted man, was readopted, as will be shown later on.

That such service—that is, service as an enlisted man in the Regular Army—is service in the Army within the meaning of the act of 1838 was decided by the Court of Claims in the case of Stewart *v.* United States, February 23, 1899 (No. 20810; 34 C. Cls. R., 553).

June 30, 1910, the Assistant Comptroller of the Treasury, in the case of Maj. Joseph B. Collins, followed the decision in the Stewart case, and held:

"I think the decision of the Court of Claims in the Stewart case is decisive of the question that service as an enlisted man in the Regular Army is service in the Army within the meaning of the act of July 5, 1838, supra, and that such service, both before and after the passage of the act of June 18, 1878, supra, should be counted in computing the services of commissioned officers (exclusive of general officers) of the Army for the purpose of longevity pay and allowances.

"Said decision overrules and sets aside the decision of the accounting officers to the effect that service as an enlisted man in the Regular Army is not service in the Army within the meaning of the act of July 5, 1838, and should not be considered in determining the basis for the payment of the additional ration as authorized by the said act of July 5, 1838.

"I am of opinion that Maj. Collins's service as an enlisted man in the Regular Army from July 9, 1846, to May 19, 1847, should be taken into consideration in determining claimant's rights to the additional longevity ration after he became a commissioned officer.

"The decision of the Second Comptroller of July 24, 1838, is overruled, as is also so much of the decision in 15 Comptroller Decisions, 220, as conflicts with this decision." (16 Comp. Dec., 890.)

The decision referred to, in Fifteenth Comptroller's Decisions, page 220, and reversed by the decision in the Collins case, was made October 10, 1908, and was to the effect that in computing the longevity pay of officers of the Army service as an enlisted man in the Regular Army was not service "in the Army of the United States" within the meaning of the act of July 5, 1838.

It will thus be seen that, with the exception of the brief period from May 8, 1889, to June 20, 1890, during which Comptroller Butler's decision was the rule, the accounting officers, from July 24, 1838, to June 30, 1910—21 years after the decision in the Watson case and 11 years after the decision in the Stewart case—held that service as an enlisted man in the Regular Army should not be considered in fixing the basis for the payment of the additional ration provided for by the act of July 5, 1838.

As far back as 1819 it was contended that the cadets at the Military Academy were not a part of the Army, were not subjected by Congress to the rules and articles of war, and to trials by court-martial; that they were merely students furnished with books, instruments, and apparatus for study, and with $16 a month and two rations. The Secretary of War, no less a person than John C. Calhoun, referred the question to the Attorney General, no less a person than William Wirt, who gave a long and elaborate opinion to the Secretary, in which he said:

"They are enlisted soldiers; they engage, like soldiers, to serve five years, unless sooner discharged; they receive the pay, rations, and emoluments of sergeants; they are bound to perform military duty in such places and on such service as the Commander in Chief of the Army of the United States shall order; and, finally, by the act of the 3d March, 1815, fixing 'the military peace establishment of the United States,' the corps to which they were attached and of which they form a part, is expressly recognized as a part of that military establishment. (See the act, vol. 4, Laws United States, p. 825.)"

In 1855 Attorney General Caleb Cushing, in an opinion given to the Secretary of War, Jefferson Davis, said that the cadets were, by legislation of Congress, a part of the land force of the United States. (1 Op. Att. Gen., 290.)

It has been said that Attorney General Devens, in 1878, held that cadets were not a part of the Army. He did not. What he said to Secretary of War McCrary was that cadets were not "enlisted men" within the meaning of section 7 of the act of June 18, 1878, heretofore referred to. (7 Op. Att. Gen., 323.)

As late as February 2, 1901, Congress, in the Army reorganization act entitled "An act to increase the efficiency of the permanent military establishment of the United States" (31 Stat. L., 748), provided "that from and after the approval of this act the Army of the United States, including the existing organization, shall consist of * * * the professors, Corps of Cadets, the Army detachments, and band at the Military Academy." Thus it is evident, as the Supreme Court said in the Watson case, that "an examination of the legislation of Congress shows that the cadets at West Point were always part of the

Army, and that service as a cadet was always service in the Army." (16 Op. Att. Gen., 611.)

In Report No. 170, of January 29, 1912, accompanying the Army appropriation bill, the following statement is made:

"It is but just to say that this preposterous practice (of counting cadet service in computing longevity pay) did not originate with the War Department. It was the result of a decision rendered by the Supreme Court October 27, 1884 (Morton v. United States, 112 U. S., 1), to the effect that the time during which a person has served as a cadet is to be regarded as 'actual time of service in the Army' within the meaning of the Army appropriation act approved February 24, 1881 (21 Stat. L., 346), which provided that the actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay."

This statement would make it appear that the only basis of claim to longevity pay for cadet service was the ruling of the Supreme Court in the Morton case, that cadet service was service in the Army within the meaning of the act of 1881, and of that act alone.

As shown, Morton brought his action under the acts of 1881 and 1882, both of which provided the same thing. He could have sued under the act of 1838, and the court referred to the latter. This is what it said:

"The practical construction of the requirement of the act of 1838, that the cadet should engage to serve for eight years, shown by the fact that the form of the engagement in this case was to serve in the Army of the United States for eight years, is a circumstance of weight to show that the Government from the beginning treated the plaintiff as serving in the Army. The service for which he engaged began on the 1st of July, 1865, and the eight years ran from that time. That being his status, the acts of 1881 and 1882, in speaking of 'actual time of service in the Army,' cover the time of his service as a cadet."

The statement entirely ignores the Watson decision, in which the language of the 1838 act was construed as meaning the same thing as the language of the acts of 1881 and 1882. True it is that this so-called "preposterous practice did not originate with the War Department," as the construction, or misconstruction, of two comptrollers prevailed, but the official records show that time and again the War Department protested against the ruling of the accounting officers. October 9, 1894, Maj. Gen. Schofield, commanding the Army, in a report to Secretary of War Lamont, said:

"It would seem clear that the action of the Government should be uniform and impartial in the application of the general principles to all the officers of the Army, and hence, that Congress having recognized the rights of certain officers to increased compensation in consequence of length of service, which right had theretofore been denied by the Treasury Department, the same rule of equity should be applied to all other officers similarly circumstanced.

"As Acting Secretary of War, I referred this matter to the Pay Department for a report, in order that the Secretary of War and the committee of Congress, to which this matter might be referred, might have full information respecting the sums of money that may be involved in a measure of impartial justice herein proposed. Paymaster Gen. Smith, in answer to a reference of the subject to him, says: 'There seems to be no valid reason why such service should not be reckoned in computing longevity pay prior as well as subsequent to the act of February 24, 1881.'" (U. S. Repts 130, p. 80.)

Subsequently, Paymaster Gen. Bates, in a report on the subject of longevity pay for service as cadet and enlisted service, said:

"The second comptroller held, however, that these acts were not retroactive and that the decision of the Supreme Court in the Watson case was not binding on the accounting officers in disposing of claims of the same nature filed on the strength of that decision, and all such claims have been rejected. * * * The officers of the Treasury had no more right to deny this pay to the claimants than any other moneys due them. It is certainly an arbitrary ruling, maintained by force."

SUMMARY.

There have been seven decisions by accounting officers of the Treasury construing the act of July 5, 1838, and subsequent acts relating to longevity pay and allowances.

1. Decision of Second Comptroller Parris, July 24, 1838, that service as a cadet and service as an enlisted man in the Regular Army was not service in the Army and could not be counted in computing the service of commissioned officers of the Army for the purpose of longevity allowances.

2. Decision of Second Comptroller Butler, May 8, 1889, that both services could be and should be counted, in accordance with the decision of the Supreme Court in the Watson case.

3. Decision of Second Comptroller Gilkeson, June 20, 1890, reversing Comptroller Butler and disallowing all claims under the Watson decision.

4. Decision of Assistant Comptroller Mitchell, May 18, 1908, that service as a cadet could be counted and reversing so much of Gilkeson's decision as applied to that service.

5. Decision of the Auditor for the War Department, July 14, 1908, that service as an enlisted man of the Regular Army was service in the Army within the meaning of the act of July 5, 1838, and should be reckoned in computing longevity pay.

6. Decision of Assistant Comptroller Mitchell, October 10, 1908, disapproving the auditor's decision of July 14, 1908.

7. Decision of Assistant Comptroller Mitchell, June 30, 1910, that service as an enlisted man in the Regular Army is service in the Army within the meaning of the act of July 5, 1838, and such service, both before and after the passage of the act of June 18, 1878, should be counted in computing the service of commissioned officers of the Army for the purposes of longevity pay and allowances.

(This decision overruled the decision of Comptroller Parris of July 24, 1838, and so much of Mr. Mitchell's own decision of October 10, 1908, as was conflicting. Thus, it agreed with the auditor's decision of July 14, 1908, as to enlisted service in the Regular Army. The assistant comptroller followed the ruling of the Court of Claims in the Stewart case that such service could be counted.)

It will thus be seen that what Comptroller Butler held as to cadet service and service as an enlisted man is now held by the present comptroller.

The result is that all claims for longevity pay involving both kinds of service which were not disallowed under the sweeping rule of Comptroller Gilkeson are now allowed by the accounting officers. As to those which were disallowed, the Treasury doors are closed, under the rule that settlements, however erroneous as to law they may have been, can not be reopened.

The Committee on War Claims of the House of Representatives has prepared and printed a very instructive document on this subject of longevity pay. It shows in the clearest and most convincing way the conditions resulting from the conflicting decisions above cited and how the arbitrary rejection of legal claims, in opposition to the Supreme Court, has "led to very unjust discriminations."

The following is from pages 29 and 30:

"The arbitrary rejection in opposition to the opinion of the Supreme Court led to very unjust discriminations. Gen. U. S. Grant, Gen. W. S. Rosecrans, and Gen. Judson Kilpatrick filed their claims and had them allowed in 1889. The claims of their respective classmates, Gen. J. J. Reynolds, Gen. John Pope, and Gen. Guy V. Henry, were filed about the same time and disallowed because Second Comptroller Gilkeson refused to follow the Supreme Court.

"Gen. Philip H. Sheridan filed his claim in 1889, and it was rejected under Second Comptroller Gilkeson's ruling. His classmate, Maj. Alfred E. Latimer, did not file his claim until 1909, and it has been allowed and paid.

"The account of Gen. William Tecumseh Sherman has not been readjusted, though the account of his classmate, Capt. Charles H. Humber, has been.

"The claim of Maj. Gen. G. K. Warren has, within the past two years, been paid to his legal representatives. The claim of his classmate, Gen. Eugene A. Carr, has been refused consideration because filed and erroneously rejected in 1890.

"Maj. Gen. Fitz John Porter, Brig. Gen. John C. Kelton, and Brig. Gen. David McM. Gregg applied to the accounting officers to restate their accounts in 1889 and were denied relief. The claims of their classmates, Maj. J. V. Du Bois, Lieut. Col. John W. Davidson, and Col. George L. Andrews, filed in the same office 20 years later, have been allowed and paid.

"This shows a reversal of the usual rule of vigilantibus et non dormientibus jura subvenit, in that those officers who applied promptly on the Supreme Court announcing its decision in a test case had their claims rejected through what is now admitted to have been an error on the part of the then second comptroller, while those claimants who did not apply at that time, but who waited until a correct practice was established 20 years later, have received their pay.

"Officers' accounts never closed.—The accounts of officers of the Army are never closed in the Treasury Department. Erroneous overpayments are always charged against the officer's account, without regard to lapse of time or previous adjudications, and credits clearly due as matter of record ought to be allowed by the same rule."

The claims of Gens. Grant and Rosecrans were allowed by Comptroller Butler. That of Gen. Kilpatrick was allowed by Comptroller Gilkeson, who thus explained his decision (p. 14):

"The case of Gen. Kilpatrick, involving a small credit for cadet service, was, I find, allowed by me July 2, 1889. This was but a very short time after I entered office, and my attention was not called to it in any way, it having passed in ordinary official course, the clerk who made up the case having followed the Grant case in making up the settlement and did not report it to me as a case in which cadet service was involved.

"These, however, are the only cases in which the decision of the Supreme Court in the Watson case has been followed in this office."

The foregoing is a compendium of the history of longevity pay from the first chapter to the present time.

Very respectfully, yours,

———— ————.

National Aid to Promote Agriculture—When Agriculture Prospers Every Other Industry Flourishes—When Agriculture Declines Every Other Industry Suffers.

SPEECH

OF

HON. DICK T. MORGAN,

OF OKLAHOMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 9, 1912,

On the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

Mr. MORGAN said:

Mr. SPEAKER: There is one bill on the calendar of the House that I would like to see passed at this session of Congress. It is H. R. 22871, introduced by the gentleman from South Carolina, Mr. LEVER. The object of the bill is to establish extension departments or divisions in connection with the agricultural colleges of the various States. Through these departments it is proposed to send instructors out among the farmers to convey useful and practical information on subjects relating to agriculture and home economics. These expert teachers sent out by the agricultural colleges will impart information through field instruction, demonstrations, publications, and otherwise. As our farmers can not go to our agricultural colleges to receive this instruction the bill proposes to send instructors to the farmers. The Committee on Agriculture has reported this bill favorably. The report says:

Section 4 is the appropriating section of the bill and provides that a sum of $10,000 shall be appropriated annually to each State which shall assent to the provisions of the act. This annual appropriation is a straight, unconditional appropriation to the several States, and amounts each year to a charge upon the Treasury of $480,000. The additional sum of $300,000 is appropriated for the fiscal year 1914 and an annual increase of this appropriation of $300,000 a year, over the preceding year, for a period of nine years is provided until the total amount of additional appropriations will be the sum of $3,000,000 annually. But these additional appropriations, or this sum of $3,000,000 annually, is to be allotted among the several States in the proportion which their rural population bears to the total rural population of the United States, as determined by the next preceding Federal census.

The object of this bill is to encourage agriculture, and I am heartily in accord with the main purpose and object of the measure, and will gladly give the same my enthusiastic support.

The bill should, however, be amended so as to require this instruction to be given in graded rural schools, as well as to actual farmers. In order to indicate my views on this question I have introduced H. R. 20282, which, in the main, follows the Lever bill, except that the bill which I have introduced broadens the scope of the bill so as to require that the instruction provided shall be given "in graded public schools in districts of not less than 25 square miles and to other persons who may be present at the time such instruction and demonstrations may be given." In the first place, I believe the National Government, so far as it can under the Constitution, should encourage the organization and maintenance of rural graded schools; and, in the second place, this instruction should be given to the boys of to-day who will be the farmers of to-morrow. If this instruction is to be given, if this appropriation is to be made and we shall send instructors to the various counties of the States, I protest against passing by the country schoolhouse. When this bill shall be reached for consideration I propose to offer an amendment which require the proposed instruction to be given to the students in graded rural schools.

I am willing to vote for any reasonable appropriation for the promotion of agriculture, but I think we should exercise great care to see that the money shall be expended to the best advantage—where it will do the most good to the greatest number and where the benefits therefrom will be the most widely distributed and bring the greatest returns to the country at large.

I have a letter from the Hon. John Fields, editor of the Oklahoma Farm Journal, urging that the proposed legislation shall provide that instruction shall be given to students in graded rural schools as well as to actual farmers. In this letter Mr. Fields says:

> Vast sums have been expended for the development of agricultural colleges and district agricultural schools, and the former have done a large amount of very useful and necessary work. The great educational problem which is as yet unsolved is the improvement of the system of schools where 98 per cent of the children get their only education. Money from the State and Nation have worked a great improvement in facilities for higher education. Money from the State and Nation properly applied will work a similar improvement in the system of schools for elementary education, and such improvement will not come without it.
>
> Of the various measures before Congress which I have examined looking toward an extension of knowledge concerning scientific agriculture among the people of the country, none except your bill strikes at the root of the difficulty.

The views of Mr. Fields are entitled to great weight. He has had wide experience as an educator in agricultural colleges. He is rapidly taking rank as one of the foremost writers in agricultural journalism. He is a man of broad views, sound judgment, with progressive and practical ideas. He is enthusiastic in his efforts to advance agriculture and sincerely devoted to the cause of Oklahoma farmers. I gladly acknowledge my indebtedness to him for many valuable suggestions relative to the promotion of agriculture and the upbuilding of the farming interests.

FOUR PROPOSITIONS.

There are many unanswerable arguments in favor of legislation for the promotion of agriculture. Here are a number of propositions which, to my mind, are self-evident:

First. Agriculture should grow as rapidly as our population.

Second. The production of food products should increase as rapidly as our population.

Third. The rural population should increase as rapidly as our urban population.

Fourth. Agriculture should grow as rapidly as other leading industries.

The official statistics issued by the Census Bureau reveal the fact that the affirmative of not one of these propositions is true.

First. Agriculture is not growing as rapidly as our population.

During the last decade—

1. Our population increased 21 per cent.
2. Our farm land increased 5 per cent.
3. The number of our farms increased 10.9 per cent.
4. The amount of our improved land increased 15.4 per cent.

Second. The production of food products is not increasing as rapidly as population.

During the last decade—

1. Our population increased 21 per cent.
2. The acreage devoted to the production of cereals increased 7.3 per cent.
3. The production of cereals increased but 1.7 per cent.

Third. Our rural population is not increasing as rapidly as our urban population.

From 1899 to 1909—

1. Our urban population increased 34 per cent.
2. Our rural population increased 11 per cent.

Fourth. Agriculture is not growing as rapidly as commerce and manufacturing.

This is shown by the fact that in 1911—

1. Our agricultural products were worth less than $9,000,000,000.
2. Our manufactured products were worth more than $20,000,000,000.
3. Our internal commerce was estimated at $26,000,000,000.

MATTERS TO BE CONSIDERED.

In reaching a conclusion as to the interest the National Government should manifest in the growth of agriculture and the amount of appropriation we should make for its promotion, we should take in consideration a number of important matters. Among them we may mention the following:

1. The great area of unimproved land.
2. Our large appropriations for other purposes.
3. The welfare of the people engaged in agriculture.
4. The interest which the nonagricultural classes have in the growth of agriculture.
5. Danger of concentration of population in our great cities.
6. The importance of both industrial independence and industrial equilibrium.
7. The relation agriculture bears to other industries.

AREA OF UNIMPROVED LAND.

There is room for the expansion of agriculture. We have 3,000,000 square miles of territory. We have 1,903,000,000 acres of land. We have 878,000,000 acres of land included within our farms. We have 478,000,000 acres of improved farm land. Less than half of our total area is included in our farms. Only half of our farm land is improved. Three-fourths of our total land area is uninhabited, unoccupied, untilled, unimproved, and unproductive.

APPROPRIATIONS FOR OTHER PURPOSES.

We appropriate annually from six to seven hundred millions of dollars to meet the ordinary expenses of this Government. Scarcely 1 per cent of our total appropriations go to aid agriculture—an industry that feeds, clothes, educates, and supports 45 per cent of our people. Six hundred and twenty-five million dollars have been spent to improve our rivers and harbors; $67,000,000 have been spent to maintain agricultural colleges and experimental stations; $625,000,000 to aid commerce and stimulate the growth of our cities; $67,000,000 to encourage agriculture and develop the country districts. Millions of dollars are annually expended in constructing Federal buildings to adorn and beautify our cities and add to the convenience and enjoyment of their inhabitants, but so far nothing has been expended to construct public highways—to increase the comforts, conveniences, and profits of our farmers.

Four hundred millions of dollars soon will have been paid out in the construction of the Panama Canal. We are all proud of this great achievement, which will remain for ages a monument proclaiming what the American people did for the promotion of the commerce of the civilized world. The National Government may never do so great a service for agriculture, but I hope the very laws we enact for its promotion may stand as a fitting monument to show our appreciation of the importance of this industry and our deep interest in the welfare of the 6,400,000 farmers of the United States.

NUMBER OF PERSONS ENGAGED IN AGRICULTURE.

Our appropriations to encourage agriculture have not been in proportion to the number of people engaged in this great industry nor commensurate with its importance to the welfare of our country.

Over 41,000,000 of our people reside upon farms. Forty-five per cent of our population are farmers. Nearly one-half of all our people are engaged in agriculture. We have 6,400,000 farmers. We have over 11,000,000 persons over 10 years of age at work on our farms. These toiling millions are entitled to more than our sympathy, good will, and friendly interest. They are worthy every aid, encouragement, and assistance within our power to render. Their welfare alone is sufficient reason why we should exercise all our constitutional power to develop agriculture, to promote its prosperity, to extend its growth, and to secure its rapid, perpetual, and ever-increasing expansion and advancement.

NONFARMING POPULATION INTERESTED.

The National Government should promote agriculture not only in the interest of farmers, but also for the sake of those who are not farmers; for the benefit of our merchants, business and professional men; especially to help the wage earners—the men employed in mechanical pursuits, the men at work in our shops, factories, and manufacturing establishments, and the

men who operate our great transportation companies. All classes must look to the farm for the food they eat and for the production of the raw material from which their clothing is made. The cost of living is a problem that confronts every man. An inadequate supply of food and clothing means increased cost of living. From 1899 to 1909 the acreage devoted to cereals in the United States increased but 7.3 per cent; the production of cereals in bushels increased but 1.7 per cent. In the meantime our population increased 21 per cent. Think of it! Our population increasing at the rate of 21 per cent; our food products increasing at a rate of less than 2 per cent. This process can not continue with safety to our country and its people. Therefore, when I advocate larger appropriations for the revival, expansion, and advancement of agriculture, I speak not for farmers alone. I plead the cause of all our people whose health, happiness, and welfare will be conserved, guarded, and promoted through the growth of agriculture.

CONCENTRATION OF POPULATION IN OUR CITIES.

One of the real dangers which threatens this country is the concentration of our population in our great cities. New York, Chicago, and Philadelphia have 10 per cent of our population. Cities with 100,000 population or more have 25 per cent of our population. Fifty-five per cent of our people are in cities and towns. Thirty years ago the towns and cities had but 30 per cent of our population. In 1880 there were two men in the country to produce food for one man in the city. We are now nearing a point when one man in the country must provide food for two men in the city. During the last decade our urban population increased 34 per cent; our rural population increased but 11 per cent. Where is this thing to end? If this ever-increasing drift of population to our cities can not be turned back, at no far-distant day we will see 300,000,000 people in the United States, three-fourths of whom will be in our towns and cities. Such a condition would weaken the fabric of our Government, endanger our free institutions, and cause thoughtful men to shudder for the safety of the Republic.

INDUSTRIAL INDEPENDENCE AND INDUSTRIAL EQUILIBRIUM.

Industrial independence and industrial equilibrium are both essential to our national welfare. We should be self-sustaining as a Nation. We should feed and clothe our own people. Our industrial growth should be symmetrical, harmonious, and well balanced. Agriculture, commerce, mining, and manufacturing should go hand in hand. These great industries should keep abreast in the march of progress. It should not be our policy to check the growth of commerce, to hamper the development of our mineral resources, to retard the upward trend of trade and transportation, or to restrain the splendid growth of our manufacturing industries. "Progress in every line of industrial activity" should be our motto. All our industries, all our enterprises, all our business interests should be encouraged, aided, and fostered. But agriculture should not be permitted to lag behind. To avoid such a danger, such an evil, such a misfortune, such a menace, and such a calamity to our country and all its people we should unite in an earnest, intelligent, determined, and practical effort to place and keep agriculture where it belongs—in the very forefront of our industrial procession.

RELATION AGRICULTURE BEARS TO OTHER INDUSTRIES.

In determining the amount of appropriation we shall make to promote agriculture we must not lose sight of the nature and character of this industry. We must keep in mind the relation it bears to all other industries. Agriculture is a basic industry. Other industries depend upon it for existence. Trade, transportation, commerce, mining, manufacturing look to it for support. Millions are employed in marketing and transporting farm products. Millions are employed in manufacturing articles which the farmers purchase and consume.

The magnificent superstructure of our industrial edifice rests upon agriculture. When agriculture prospers, every other industry flourishes. When agriculture declines, every other industry suffers. When agriculture wanes, the bloom of every other business withers. Invisible, but realistic tendrils bind all other industries to agriculture. From it they draw life, vigor, and vitality. Giving to agriculture is simply a method, a means, a process of distributing benefits to other industries. Money diverted from the National Treasury to promote agriculture, like the dews of heaven, will return to revive, to renew, and to reinvigorate every other industry and enterprise, and to help and bless those employed in every other business, calling, and profession of life.

GROWTH OF AGRICULTURE.

The growth of agriculture must come, first, through an increase in the yield per acre; second, through extension of the area in cultivation; third, through enlargement in the number of our farms; and, fourth, through additions to the number of our farmers. The increased yield per acre will come through better methods, and betters methods will come through education, instruction, and training. We will have more land in cultivation, more farms and more farmers as the farm becomes more attractive and more profitable. One way to increase the profits of the farm would be to cheapen the cost of the distribution of farm products. The farmer gets only 46 per cent of the retail price of his products. The middlemen get 56 per cent of what the consumer pays for farm products. In the interest of both the farmer and consumer—to give the farmer more profits and the consumer cheaper food—we must devise more economical methods of transporting, handling, and distributing the products of the farm to the residents of our towns and cities. The farm can be made more attractive by improving the social conditions of the farm; by adding to the comforts, conveniences, advantages, and opportunities of farm life; by reducing the hardships, drudgery, physical discomfort, and exposure incident to the farm; and by giving to the farmers and their families more of the pleasures and enjoyments of life, and more time for study, reading, self-culture, and recreation.

BETTER FACILITIES FOR TRANSPORTATION, COMMUNICATION, AND EDUCATION.

There are three things that will contribute materially to the advancement of agriculture. The farm must have better facilities for transportation, better means of communication, and better opportunities for education.

Hon. John Fields, in the Oklahoma Farm Journal, recently said:

The character and extent of facilities for communication, education, and transportation determine the growth and progress of country communities.

These are practical problems, and the National Government is in a position to aid in solving them.

Improvement in the means and methods of transportation is one of the wonders of the age. But these improved transportation facilities do not reach the farm. They do not touch farm life. We talk of subsidizing our merchant marine to develop foreign commerce. We boast of our internal commerce, which, it is said, equals the foreign commerce of all nations. But we hear nothing of any movement to increase our rural commerce—a commerce that will develop trade, transportation, business, communication, intercourse, and travel between the farms and the towns and cities. Improved transportation facilities for interurban traffic has been the one great factor in building up our great cities. The extension of rural commerce, through improved rural transportation facilities, will be the one great factor in building up the country and the smaller cities and towns. The extension of rural commerce must come largely through the improvement of our public highways. We are behind other nations in the character of our public roads. Good roads are so essential to the extension of rural commerce that the National Government should make liberal appropriations for their improvement. The House of Representatives has passed a good-roads measure. Should this provision become a law, something like $20,000,000 annually will be taken from the National Treasury to aid the States in improving our highways. I voted for this provision. I did not approve all the details of the measure, but I approved the policy of national aid for good roads.

We have over 40,000 rural mail carriers making daily trips through the rural districts. This service must be extended until the daily mail reaches practically every one of our 6,400,000 farm homes. The Rural Mail Service must be made an instrument for the extension of our rural commerce. Our rural mail carriers must be utilized to develop trade, transportation, business, commerce, communication, intercourse, and travel between the city and the country.

The great express companies—constituting a mighty monopoly—must in some way be brought in a position to give a larger service to the rural districts. Whether this shall come through proper regulation and control of these great corporations, or through condemnation proceedings and purchase by the Government, or by the Government establishing an independent express post, we do not now know; but we do know that in some way the farmers of the United States are entitled to have greatly improved facilities for the transportation of packages, and that the express companies must be made to serve in a much larger way the 6,400,000 farmers of the United States.

PARCEL POST.

The Republican Party has again demonstrated that it is the party of progress and constructive statesmanship. In the platform adopted at its national convention, which convened at Chicago June 18, 1912, this great party declared for the establishment of a parcel post. The declaration is as follows:

In the interest of the general public, and particularly of the agricultural or rural communities, we favor legislation looking to the

establishment, under proper regulations, of a parcel post, the postal rates to be graduated under a zone system in proportion to the length of carriage.

I am proud of the fact the Republican Party was the first of the great political organizations to declare for a parcel post, which means the extension of rural commerce, the upbuilding of the farm, the advancement of agriculture, and additional profits to the farmers in the United States, because through this prosperity of the farm our towns and cities will grow, the merchants will have increased business, wage earners will have cheaper food, and all our people will reap untold benefits.

IMPROVED FACILITIES FOR COMMUNICATION.

The farm must have improved facilities for communication with the outside world. The isolation of the farm must be overcome. The social life of the farm must be brought in touch with the pulse beat of society in our towns and cities. The farm and city must be brought closer together. Our postal service must be extended, improved, and perfected. The telephone must go into every farm home. The great telegraph systems must be made to articulate with rural telephones. Distance between the farm and the city must be annihilated, and the farmers must be given the same facilities for communication with the great commercial and industrial world that are enjoyed by the residents of towns and cities.

BETTER EDUCATIONAL FACILITIES.

The farm must have better educational facilities. The country must have better schools. The boys and girls in the country must have better educational advantages. They must be placed upon an equal footing with the boys and girls in the towns and cities. Inferior educational advantages is one of the drawbacks to country life. The absence of graded district schools contributes to the depopulation of our farms. Farmers are constantly deserting the farm to find better schools elsewhere.

In the United States to-day we have 17,813,852 persons of school age. But in all our normal schools, colleges, and universities there are but 308,146 students. Only 0.017 per cent of our young people ever enter our higher institutions of learning. In my own State of Oklahoma there are 518,690 persons of school age. In all our normal schools, colleges, and universities we have but 3,945 students. In other words, only seven-tenths of 1 per cent of Oklahoma children of school age are attending our normal schools, colleges, and universities.

We have been lavish in our expenditures in providing colleges for the education of 1 per cent of our children. We have neglected the 99 per cent who never enter our higher institutions of learning. This process can not continue without the most detrimental consequences to the character of American citizenship. I do not advocate the abandonment of colleges and universities, but I plead for better educational advantages for the millions of boys and girls on the farms who can not attend college, who do not live in towns and cities where they can attend high schools, and who do not have even the educational advantages which would be offered by a graded district school. [Applause.]

Procedure in Contempt Cases.

SPEECH

OF

HON. JOHN W. DAVIS,

OF WEST VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 9, 1912,

On the bill (H. R. 22591) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. DAVIS of West Virginia said:

Mr. SPEAKER: The history of the power of courts to punish for contempt is one of progressive restrictions and the tendency of legislation has steadily been to guard against its abuse. Penalties have been limited, definitions narrowed, and procedure safeguarded and simplified.

Just as the penalties for violation of the criminal code have been lessened in severity without destroying its force and efficiency, so the penalties for violation of court orders have been mitigated with the spread of civilization and enlightenment. Even the most ardent advocate of judicial power would hardly approve a penalty imposed at the Salisbury summer assizes in the year 1631, where a prisoner on trial for felony before one Chief Justice Richardson threw a brick at the chief justice which "narrowly missed," whereupon his right hand was cut off and fixed upon a gibbet and he himself immediately hanged. There was precedent both for the particular offense and for the punishment, for at Chester sessions in October, 1603, one James Williamson had likewise thrown a stone at the judge, and he thereupon suffered the penalty of having his right hand cut off in open court.

In the records of the time, however, we observe the imposition of one penalty which to many would seem not too severe for present use. In the year 1596 a certain barrister addicted to prolix pleading, one Richard Mylward, filed a replication which covered sixscore sheets instead of the scant sixteen which might have held it, whereupon, under order of the court, his head was thrust through the middle of his pleading and he was led about to the bar of every one of the three courts and fined £10 for the use of the Crown and 20 nobles for the use of the defendant. Let all tedious pleaders take notice. With the abolition of cruel and unusual punishment precedents like this have lost their wholesome value, and legislation has greatly limited the unrestrained exercise of this necessary power.

This is notably true with the Federal statute of 1831, section 725 of the Revised Statutes, and now section 268 of the judicial code. This act, as all know, was a sequel to the abortive impeachment proceedings against Judge Peck, and was intended to prevent the courts from unduly interfering with the freedom of the press. Before the passage of the act it was held in this country, as it still is in England, that any publication, pending a suit, reflecting on the court, the jury, the parties, the officers of the court or counsel, which would tend to influence the decision of the controversy one way or the other could be punished as a contempt.

The present bill is not aimed at the subject matter of contempt, but deals primarily with the procedure to be followed and the penalties to be inflicted. Its chief purpose is the regulation of procedure. And it is important to notice that while the act of 1831 struck down the power of the courts to punish certain well-recognized classes of contempt, this bill withdraws nothing from the jurisdiction of the courts but simply alters the machinery by which the guilt or innocence of the accused may be investigated.

The demand for such legislation has been growing in volume for many years. When the reasons upon which the demand is based are analyzed it will be found that two stand out with especial force: (1) That under the prevailing procedure the contempt must be investigated, tried, and punished by the same judicial officer against whose order it has been committed; and (2) that not infrequently one accused of a criminal act is on the law side of the court entitled to his constitutional right of trial by jury, while upon the chancery side of the court, though called to answer for the identical act, he is armed with no such guaranty. That these complaints come only from the unintelligent and uninformed is manifest exaggeration, nor are they confined alone to laymen ignorant of the history and processes of the law. As to the first, for instance, in Oswald on Contempt, page 17, we read from the learned author the following:

> Upon any application to the court to punish for an alleged contempt the court may, in the exercise of its discretion, leave the question of fact—that is to say, whether or not the allegations on which the alleged contempt is founded are true or false—to be determined by a jury. It may be useful in cases of disputed fact to leave the question to be so determined.
>
> The policy of permitting judges to determine (except in case of open and undoubted insult to their persons or authority while actually engaged in administering justice) what is or what is not a contempt of their own dignity and power has been doubted, with some show of reason.

While, as to the second objection, Judge Caldwell, in his dissenting opinion in Hopkins *v.* The Oxley Stave Co. (83 Fed., 912), uses this language:

> These mandatory provisions of the Constitution are not obsolete and are not to be nullified by mustering against them a little horde of equitable maxims and obsolete precedents originating in a monarchical government having no written constitution. No reasoning and no precedents can avail to deprive the citizen accused of crime of his right to a jury trial guaranteed to him by the provisions of the Constitution, "except in cases arising in the land and naval forces or in the militia when in actual service in time of war or of public danger." These exceptions serve to emphasize the right and to show that it is absolute and unqualified both in criminal and civil suits save in the excepted cases. These constitutional guaranties are not to be swept aside by an equitable invention which would turn crime into a contempt and enable a judge to declare innocent acts crimes and punish them at his discretion * * *. It is competent for the people of this country to abolish trial by jury and confer the entire police powers of the State and Nation on Federal judges, to be administered through the agency of injunctions and punishment for contempts; but the power to do this resides with the whole people and is to be exercised in the mode provided by the Constitution. It can not be done by the insidious encroachments of any department of the Government.

And Judges Scott and Farmer, of the Supreme Court of the State of Illinois, in their dissenting opinion in the case of Chicago Typographical Union *v.* Barnes (232 Ill., 424), say:

> It is the duty of persons enjoined to obey the injunction so long as it continues in force, save in instances where the court has proceeded wholly without jurisdiction, and for a violation of the injunction pun-

ishment may be administered. The constitution of this State, however, provides, in substance, that no man shall be punished for crime except upon conviction by a jury, and that upon his trial he is entitled to meet the witnesses face to face. In a proceeding to punish for the violation of an injunction, where it is charged in the written accusation that a crime has been committed, courts of equity in cases relied upon by the appellees have determined the innocence or guilt of the defendants without the intervention of a jury, upon ex parte affidavits, usually drawn in the words of the solicitor for the complaining party, where the defendants have no opportunity to cross-examine or even to see the witnesses. While that course has been frequently approved, we yet hold that no reasoning, however strong, can disguise the fact that in pursuing such a course a court of chancery denies to the defendants their constitutional right of trial by jury and their constitutional right to be confronted by the witnesses against them.

SCOPE OF THE BILL.

This bill may not go so far as some may wish, but it must always be remembered that in reforming the administration of justice we must make haste slowly, and must be careful to see that our proposed change remedies existing evils without creating new ones.

The scope and application of the bill can best be understood by recurring to the classification of contempts fixed by the act of 1831, and the further subdivision long recognized but lately reannounced by the Supreme Court of the United States in the case of Gompers et al. *v.* The Bucks Stove & Range Co. (221 U. S., 450).

The contempts which Federal courts may punish are by the statute divided into three classes: (1) Misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice; (2) misbehavior of any of the officers of said courts in their official transactions; and (3) a disobedience or resistance of any such officer, or by any party, juror, witnesses, or any other person of any legal writ, process, order, rule, decree, or command of the said courts.

This third class of contempts is of course the one in which the demand for a jury trial has arisen, but when we further subdivide and classify it we perceive at once that there are certain cases within its general scope where a jury trial is not necessary.

In Gompers *v.* Bucks Stove & Range Co., supra, the Supreme Court says:

> Contempts are neither wholly civil nor altogether criminal, and it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both. * * * It is not the fact of punishment but rather its character and purpose that often serve to distinguish between the two classes of cases. If it is for civil contempt, the punishment is remedial and for the benefit of the complainant, but if it is for criminal contempt the sentence is punitive to vindicate the authority of the court.
>
> It is true that punishment by imprisonment may be remedial as well as punitive, and many civil contempt proceedings have resulted not only in the imposition of a fine payable to the complainant, but also in committing the defendant to prison. But imprisonment for civil contempt is ordered where the defendant has refused to do an affirmative act required by the provisions of an order which, either in form or substance, was mandatory in its character. Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he has refused to do. The decree in such cases is that the defendant stand committed unless and until he performs the affirmative act required by the court's order.
>
> For example: If a defendant should refuse to pay alimony or to surrender property ordered to be turned over to a receiver, or to make a conveyance required by a decree for specific performance, he could be committed until he complied with the order. Unless there were special elements of contumacy, the refusal to pay or to comply with the order is treated as being rather in resistance to the opposite party than in contempt of the court. The order for imprisonment in this class of cases, therefore, is not to vindicate the authority of the law, but is remedial, and is intended to coerce the defendant to do the thing required by the order for the benefit of the complainant. If imprisoned, as aptly said in In re Nevitt (117 Fed., 451), "he carries the keys of his prison in his own pocket." He can end the sentence and discharge himself at any moment by doing what he had previously refused to do.
>
> On the other hand, if the defendant does that which he has been commanded not to do, the disobedience is a thing accomplished. Imprisonment can not undo or remedy what has been done nor afford any compensation for the pecuniary injury caused by the disobedience. If the sentence is limited to imprisonment for a definite period, the defendant is furnished no key, and he can not shorten the term by promising not to repeat the offense. Such imprisonment operates not as a remedy coercive in its nature, but solely as punishment for the completed act of disobedience.
>
> It is true that either form of imprisonment has also an incidental effect. For if the case is civil and the punishment is purely remedial, there is also a vindication of the court's authority. On the other hand, if the proceeding is for criminal contempt and the imprisonment is solely punitive, to vindicate the authority of the law the complainant may also derive some incidental benefit from the fact that such punishment tends to prevent a repetition of the disobedience. But such indirect consequences will not change imprisonment which is merely coercive and remedial into that which is solely punitive in character, or vice versa.
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> The fact that the purpose of the punishment could be examined with a view to determining whether it was civil or criminal is recognized in Doyle *v.* London Guarantee Co., (204 U. S., 605, 607), where it was said that "While it is true that the fine imposed is not made payable to the opposite party, compliance with the order relieves from payment, and in that event there is no final judgment of either fine or imprisonment. * * * The proceeding is against the party; compliance with the order avoids the punishment and there is nothing in the nature of a criminal suit or judgment imposed for public purposes upon a defendant in a criminal proceeding." Bessette *v.* Conkey (194 U. S., 328); In re Nevitt (117 Fed., 448); Howard *v.* Durand (36 Ga., 359); Phillips *v.* Welch (11 Nev., 187).

The distinction between refusing to do an act commanded—remedied by imprisonment until the party performs the required act—and doing an act forbidden—punished by imprisonment for a definite term—is sound in principle and generally, if not universally, affords a test by which to determine the character of the punishment.

Thus we have a clear division of the third class of contempts mentioned in the statute into (a) contempts which consist in refusing to do an act commanded or "civil contempts," and (b) contempts which consist in doing an act forbidden or "criminal contempts." In this latter class of so-called "criminal contempts" the Supreme Court says the punishment is punitive in character and may not be shortened at the will of the defendant; and in proceedings for criminal contempt the defendant is presumed to be innocent, he must be proved to be guilty beyond a reasonable doubt, and can not be compelled to testify against himself.

It must be clear also that these so-called criminal contempts are capable of a further subdivision according as the act done does or does not constitute a crime by statute or at common law. One may disobey the orders of the court and thus be guilty of criminal contempt subjecting him to punitive punishment and still not have committed a crime denounced by law. But, on the other hand, the act which he does may be at one and the same time a violation of the court's orders and such a crime as the law has denounced.

Article 3, section 2, clause 3, of the Constitution of the United States declares that the trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crime shall have been committed. This bill insures this constitutional trial to those guilty of criminal contempt within the definition above set forth, where the act charged constitutes a crime, but changes in no respect the rules of evidence already applicable.

That clause of the bill which exempts from its provisions suits brought and prosecuted in the name or on behalf of the United States manifestly has reference to cases instituted under the interstate-commerce or antitrust acts. These acts and their enforcement are still in a formative stage. Especially is this true of the antitrust act, the rights and remedies under which are not even yet clearly defined. For this reason the committee thought it wise to exclude them for the time being from the operation of the bill. It is also to be observed that the bill is to be confined to the district courts of the United States, which have constantly at hand the necessary machinery for the conduct of a jury trial and which are in all things subject to legislative regulation.

There is still one other matter to be remembered by those who would understand the scope of the present bill. Much that has been said in opposition to it has been said on the theory that it changes the procedure in courts of equity and in effect, if not in purpose, will modify the powers of a court sitting as a chancellor. This is a clear and distinct misconception. The trial of criminal contempts, whether the act done constitutes a crime and is within the scope of this bill, or a mere violation of a negative order and thus within the broader definition, is in every instance a proceeding at law and not in equity. As above shown, its purpose is purely punitive, for the violation is an act accomplished. The proceeding is entitled in the name of the United States against the violator, is docketed upon the law side of the court, and, as I have just stated, the rules of evidence applicable to it are those prevailing in all criminal trials. This bill goes one step further only and adds a trial by jury, as in other causes at law. Those who will take the trouble to read the opinion of the Supreme Court in Gompers against Bucks Stove & Range Co., above referred to, will find these statements fully confirmed. For instance, the court says:

> But in making such investigation it is again insisted that this is a proceeding at law for criminal contempt, where the findings of fact by the trial judge must be treated as conclusive, and that our investigation must be limited to the question whether, as a matter of law, the acts of alleged disobedience set out in the finding constitute contempt of court. This contention, on the part of the Bucks Stove & Range Co., prevents a consideration of the case on its merits, and makes it necessary to enter into a discussion of questions more or less technical, as to whether this was a proceeding in equity or at law. Where results so controlling depend upon proper classification, it becomes necessary carefully to consider whether this was a case at law for criminal contempt, where the evidence could not be examined for want of a bill of exceptions, or a case in equity for civil contempt, where the whole record may be examined on appeal and a proper decree entered.

Again, the court says in the same opinion, speaking of the difference between civil and criminal contempts:

> There is another important difference. Proceedings for civil contempt are between the original parties and are instituted and tried as a part of the main cause; but, on the other hand, proceedings at law for criminal contempt are between the public and the defendant, and are not a part of the original cause.

When the scope and purpose of this bill are clearly understood, I for one cherish the hope that the opposition to it will disappear, and that it will be recognized as being at one and the same time the solution of a vexed question and the mere

extension of a constitutional guaranty to trials for alleged contempts.

POWER OF CONGRESS OVER INFERIOR COURTS.

But the argument against the bill on constitutional grounds raises questions which in their gravity and importance far outrun any considerations as to the merit of this particular measure or the wisdom of its provisions. I regret that the time at my disposal does not permit an exhaustive discussion of the question, but the position assumed by the opponents of this measure should not be permitted to pass unchallenged. It is insisted by them that the district or other inferior courts of the United States—those ordained and established by Congress—derive their judicial power from the Constitution; that the measure of this judicial power is to be found in the power resident in the English and colonial courts of law and equity at the time of the adoption of the Constitution, and that Congress, therefore, being itself subject to the Constitution, can not add to, or subtract from, the power which these courts derive from the same great instrument; and that one element of this judicial power is the right to try cases of contempt without the intervention of a jury.

To expose the falsity of this position is far more important than to defend the provisions of the present measure. If these contentions be once admitted or established they will return to plague us at each successive effort which may be made to change, alter, or modify the processes of the courts. Congress, as the legislative branch of the Government, is charged to declare the then present will of the people. No matter what reforms in court procedure experience may approve, no matter what changes in the inferior Federal courts public opinion may demand, Congress will be powerless, and all reforms, so far as the courts are concerned, must come from within and not from without. I can not easily assent to any proposition which involves such a result, and when the decisions of the Supreme Court as the ultimate expounder of the Constitution are considered, I find myself relieved from all necessity for such assent.

The relations between Congress and the courts of the United States other than the Supreme Court have been the repeated subject of adjudication in the Supreme Court of the United States, and it has been again and again held that while the Supreme Court is the creature of the Constitution, the inferior courts are the creatures of Congress, and as such exercise only the jurisdiction and authority which Congress may intrust to them. For instance:

In Cary *v.* Curtis (3 How., 236) the Supreme Court says:

In the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government, and to give to the former powers limited by its own discretion merely. It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they can not go beyond the statute and assert an authority with which they may not be invested by it, or which may be clearly denied to them. This argument is in no wise impaired by admitting that the judicial power shall extend to all cases arising under the Constitution and laws of the United States. Perfectly consistent with such an admission is the truth that the organization of the judicial power, and the definition and distribution of the subjects of jurisdiction in the Federal tribunals, and the modes of their action and authority have been, and of right must be, the work of the legislature. The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution and have not the powers inherent in courts existing by prescription or by the common law.

Again in Rhode Island *v.* Massachusetts (12 Peters, 657) we read:

It was necessarily left to the legislative power to organize the Supreme Court, to define its powers consistently with the Constitution and to its original jurisdiction, and to distribute the residue of the judicial power between this and the inferior courts which it was bound to ordain and establish, defining their respective powers, whether original or appellate, by which and how it should be exercised. In obedience to the injunction of the Constitution Congress exercised their power so far as they thought it necessary and proper, under the seventeenth clause of the eighth section, first article, for carrying into execution the powers vested by the Constitution in the judicial as well as all other departments and officers of the Government of the United States. (3 Wheat., 389.) No department could organize itself; the Constitution provided for the organization of the legislative power and the mode of its exercise, but it delineated only the great outlines of the judicial power (1 Wheat., 326; 4 Wheat., 407), leaving the details to Congress, in whom was vested by express delegation the power to pass all laws necessary and proper for carrying into execution all powers except their own. The distribution and appropriate exercise of the judicial power must therefore be made by laws passed by Congress and can not be assumed by any other department, else, the power being concurrent in the legislative and judicial departments, a conflict between them would be probable if not unavoidable under a constitution of government which made it the duty of the judicial power to decide all cases in law or equity arising under it, or laws passed and treaties made by its authority.

In the case of the Sewing Machine Companies (18 Wall., 553) the Supreme Court says:

Circuit courts do not derive their judicial power immediately from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish." Consequently, the jurisdiction of the circuit courts in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction. Courts created by statute can have no jurisdiction in controversies between party and party but such as the statute confers.

Congress, it may be conceded, may confer such jurisdiction upon the circuit courts as it may see fit within the scope of the judicial power of the Constitution not vested in the Supreme Court, but as such tribunals are neither created by the Constitution nor is their jurisdiction defined by that instrument, it follows that, inasmuch as they are created by an act of Congress, it is necessary in every attempt to define their power, to look to that source as the means of accomplishing that end. (Cary *v.* Curtis, 3 How., 245.) Federal judicial power, beyond all doubt, has its origin in the Constitution; but the organization of the system and the distribution of the subjects of jurisdiction among such inferior courts as Congress may from time to time ordain and establish, within the scope of the judicial power, always have been and of right must be the work of the Congress.

In United States *v.* Union Pacific Railroad Co. (98 U. S., 569) the Supreme Court uses this language:

The same article declares, in section 1, that this "power shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain."

The discretion, therefore, of Congress as to the number, the character, the territorial limits of the courts among which it shall distribute this judicial power is unrestricted except as to the Supreme Court. That court has conferred on it by the same article of the Constitution a very limited original jurisdiction, namely: "In all cases affecting ambassadors, other public ministers and consuls, and cases in which a State shall be a party," and an appellate jurisdiction in all other cases to which the judicial power of the United States extends, with such exceptions and under such regulations as the Congress shall make. * * *

We say, therefore, that, with the exception of the Supreme Court, the authority of Congress in creating courts and conferring on them all or so much or so little of the judicial power vested in the United States is unlimited by the Constitution.

Congress has under this authority created several classes of courts. It has established by statute the district courts, the circuit courts, and the Court of Claims, and has conferred on each of these a defined portion of the judicial power found in the Constitution and has regulated by similar statutes the appellate jurisdiction of the Supreme Court.

Again, in Chicago, etc., Ry. Co. *v.* Whitton (13 Wall., 270) the Supreme Court said:

The judicial power of the United States extends by the Constitution to controversies between citizens of different States as well as to cases arising under the Constitution, treaties, and laws of the United States, and the manner and conditions upon which that power shall be exercised, except as the original or appellate character of the jurisdiction is specially designated in the Constitution, as mere matters of legislative discretion.

In Johnson Co. *v.* Wharton (152 U. S., 260) the Supreme Court said:

The counsel for the plaintiff in error, in support of his position, referred to the clause of the Constitution declaring that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish, and to the clause providing that the judicial power of the United States shall extend to all cases in law or equity mentioned in that instrument. But except in the cases specially enumerated in the Constitution, and of which this court may take cognizance without an enabling act of Congress, the distribution of the judicial power of the United States among the courts of the United States is a matter entirely within the control of the legislative branch of the Government.

And finally, because of its peculiar aptness, I quote from Holmes *v.* Goldsmith (147 U. S., 157), as follows:

In Sheldon *v.* Sill (8 How., 441, 448) it was contended, in favor of the jurisdiction of the circuit court, that the provision in the judiciary act of 1789 inhibiting a suit by an assignee of a chose in action, in cases where the assignor could not have sued, if no assignment had been made, was invalid because it attempted to deprive the courts of the United States of the judicial power with which the Constitution had invested them; but this court, speaking through Mr. Justice Grier, said:

"The eleventh section of the judiciary act, which defines the jurisdiction of the circuit courts, restrains them from taking 'cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favor of an assignee, unless a suit might have been prosecuted in such court to recover the contents, if no assignment had been made, except in cases of foreign bills of exchange.'

"The third article of the Constitution declares that 'the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish.' The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and among others, it specifies 'controversies between citizens of different States.'

"It has been alleged that this restriction of the judiciary act, with regard to assignees of choses in action, is in conflict with this provision of the Constitution and therefore void.

"It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers they could not be restricted or divested by Congress. But, as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that

Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted and could not be defended with any show of reason, and, if not, the latter would seem to follow as a necessary consequence. And it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

"The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, unless it confers powers not enumerated therein."

This doctrine has remained unchallenged and has been assumed for law in numerous cases, which it is unnecessary to cite, and a similar provision has been inserted in the various acts defining the jurisdiction of the circuit courts, including, as we have seen, the act of August 13, 1888, under which the present action was brought.

No words of mine can add either force or clearness to these expositions of the law; nor is it necessary to multiply cases and quotations repeating the same doctrine.

Those who oppose legislation of this character seek to escape the force of these reiterated declarations by asserting that they have to do solely with the question of jurisdiction and not with that of judicial power. They may find their answer in the language used. They concede that as to the inferior courts of the United States the jurisdiction comes from Congress, but persist in their claim that all judicial power flows directly from the Constitution. It is not always easy to understand just what distinction they draw between the terms "jurisdiction" and "judicial power." Presumably they define judicial power as the power to hear and determine a cause and to enforce by appropriate process that determination; jurisdiction they would define as the right to exercise in a given case or at a given place this judicial power. Clearly, there has been great confusion in the use of these terms—a confusion from which the opponents of this bill are no more exempt than are the courts themselves. A few quotations will demonstrate by comparison the extent of this confusion on the part of the courts, e. g.:

JUDICIAL POWER.

By the judicial power of the courts is generally understood the power to hear and determine controversies between adverse parties and questions in litigation. (State *v.* Le Clair, 86 Me., 522.)

Judicial power is the power to construe and interpret the Constitution and the laws and make decrees determining controversies and is vested in the courts. (State *v.* Denny, 118 Ind., 382; People *v.* Salsbury (Mich.), 96 N. W., 939.)

Judicial power is authority vested in some court officer or person to hear and determine when the rights of persons or property, or the propriety of doing an act is the subject matter of adjudication. (Grider *v.* Tally, 77 Ala., 422.)

Judicial power within the meaning of the Constitution may be defined to be that power by which judicial tribunals construe the Constitution, the laws enacted by Congress, and the treaties made with foreign powers or with Indian tribes, and determine the rights of parties in conformity with such construction. (Gilbert *v.* Priest, 65 Barb., 444.)

Judicial power is the power which adjudicates upon and protects the rights and interests of individual citizens and to that end construes and applies the law. (Land Owners *v.* People, 113 Ill., 296.)

JURISDICTION.

If we may judge by judicial definitions, jurisdiction is much the same sort of thing. For instance:

The term "jurisdiction" when confined to the judicial department of the Government means the legal authority to administer justice. (Holmes *v.* Campbell, 12 Minn., 221.)

Jurisdiction when applied to courts is defined to be the power to hear and determine a cause. (Whiteman *v.* Karsner, 20 Ala., 451.)

The power to hear and determine a cause is jurisdiction. It is coram judice whenever a case is presented which brings this power into action. (Holmes *v.* Oregon, etc., Co., 9 Fed., 229.)

Jurisdiction, as the term is applied to courts, is the legal power of hearing and determining controversies. As the derivatives of the word import, it is the law declaring or speaking. (Huber *v.* Beck, 6 Ind. App., 47.)

Jurisdiction is defined to be the authority of law to act officially in the matter then in hand. (Jones *v.* Brown, 54 Iowa, 74.)

Jurisdiction may be defined to be the right to adjudicate concerning the subject matter in the given case. To constitute this there are three essentials: First, the court must have cognizance of the class of cases to which the one to be adjudged belongs; second, the proper parties must be present; third, the point decided must be in subject and effect within the issue. (Reynolds *v.* Stockton, 140 U. S., 254.)

And so we might go on with endless quotations to demonstrate the difficulty which the courts have had in the uniform use of these words. In my humble judgment, much of the argument which has been based upon them is purely metaphysical, and much of it serves no better purpose than to help us toward an accurate definition. I am willing to concede that judicial power is the power to hear and determine the matter in controversy between the parties to a suit, and that jurisdiction is the right to exercise this power in a given case; but I none the less contend that, so far as the inferior courts of the United States are concerned, both their judicial power and their jurisdiction are within congressional control. So Congress may prescribe not only what causes these courts may hear, but how they may hear and to what evidence they shall listen; in what form their determination shall be expressed, how it shall be preserved, and what effect shall be given to it; and it may say how, by what writ or process or penalty, their orders, judgments, and decrees may be enforced, and upon what evidence and by what method of investigation and trial a violation of their orders shall be punished. And then it may go on to set the limits of time and space of persons and subjects within and toward which these powers may be exerted. All these things the Congress has from time to time done without protest.

We are told that judicial power involves the right to make effective such decree or judgment as the court may reach. On the law side this is to be done by writ of execution; on the chancery side by process of contempt or attachment, or by some other remedial writ, directed to the person of the litigant. Agreeing to this, I call attention to two decisions of the Supreme Court expressly holding that the writ of execution in the inferior courts of the United States, although an essential element of the judicial power, is under congressional control.

In Wayman *v.* Southard (10 Wheat., 1) the Chief Justice delivered the opinion, and, among other things, said:

The Constitution concludes its enumeration of granted powers with a clause authorizing Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof. The judicial department is invested with jurisdiction in certain specified cases, in all which it has power to render judgment. That a power to make laws for carrying into execution all the judgments which the judicial department has power to pronounce is expressly conferred by this clause seems to be one of those plain propositions which reasoning can not render plainer. The terms of the clause neither require nor admit of elucidation. The courts, therefore, will only say that no doubt whatever is entertained on the power of Congress over the subject. The only inquiry is, How far has this power been exercised?

And after calling attention to the thirteenth, fourteenth, seventeenth, and eighteenth sections of the judicial act of 1789, giving to the courts power to issue writs necessary for the exercise of their jurisdiction and to make rules for the orderly conduct of business, the Chief Justice further says:

It will not be contended that Congress can delegate to the courts or to any other tribunals powers which are strictly and exclusively legislative. But Congress may certainly delegate to others powers which the legislature may rightfully exercise itself. Without going further for examples, we will take that the legality of which the counsel for the defendants admit. The seventeenth section of the judiciary act and the seventh section of the additional act empower the courts, respectively, to regulate their practice. It certainly will not be contended that this might not be done by Congress. The courts, for example, may make rules directing the returning of writs and processes, the filing of declarations and other pleadings, and other things of the same description. It will not be contended that these things might not be done by the legislature without the intervention of the courts, yet it is not alleged that the power may not be conferred on the judicial department.

In the case of Bank of the United States *v.* Halstead (10 Wheat., 51), decided at the same term, involving a cognate question, Mr. Justice Thompson, in delivering the opinion of the court, said:

It can not certainly be contended with the least color of plausibility that Congress does not possess the uncontrolled power to legislate with respect both as to the form and effect of executions issued upon judgments recovered in the courts of the United States. The judicial power would be incomplete and entirely inadequate to the purposes for which it was intended if, after the judgment, it could be arrested in its progress and denied the right of enforcing satisfaction in any manner which shall be prescribed by the laws of the United States. The authority to carry into complete effect the judgments of the courts necessarily results, by implication, from the power to ordain and establish such courts. But it does not rest altogether upon such implication, for express authority is given to Congress to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. The right of Congress, therefore, to regulate the proceedings on executions and direct the mode and manner and out of what property of the debtor satisfaction may be obtained is not to be questioned, and the only inquiry is how far this power has been exercised. * * * There is no doubt that Congress might have legislated more specifically on the subject and declared what property should be subject to executions from the courts of the United States. But it does not follow that, because Congress might have done this, they necessarily must do it and can not commit the power to the courts of justice. Congress might regulate the whole practice of the courts if it was deemed expedient so to do; but this power is vested in the courts, and it never has occurred to anyone that it was a delegation of legislative power. The power given to the courts over their process is no more than authorizing them to regulate and direct the conduct of the marshal in the execution of the process. It relates, therefore, to the ministerial duty of the officer and partakes no more of legislative power than that discretionary authority intrusted to every department of the Government in a variety of cases.

Could the power of Congress to regulate the mode and manner of exercising the judicial function be more clearly declared?

How much legislation already on the statute books would perish if Congress were indeed as impotent as gentlemen would have us believe? Take by way of illustration the present use, or, rather, nonuse, of the writ of capias ad satisfaciendum. At the time the Constitution was adopted it was a writ in great use in all common-law courts. It constituted an integral part of the judicial power which they exercised for the enforcement

of their judgments. It so continued for many years after the adoption of the Constitution and the creation of the inferior courts; and yet in 1837 Congress passed an act, which has been since repeated and amplified in 1839, 1867, and 1878, to the effect that no person shall be imprisoned for debt in any State on process issuing from a court of the United States where by the law of such State imprisonment for debt has been or shall be abolished. The effect of this act, of course, was to debar the Federal courts from the use of a writ which they had previously employed, and to-day imprisonment for debt is a thing unknown in the United States.

It is frequently asserted that, whatever else may be done, Congress can not abolish in the Federal courts the distinction between procedure at law and in equity, but that this distinction is crystallized in the Constitution itself, and that here at last is an impassable barrier to legislative activity. We need not pause to discuss this phase of the matter. It is enough to say that there is respectable authority to the contrary. The learned author of Street's Federal Equity Practice, a recent publication, has this to say:

The mode of proceeding in equity cases has, on the contrary, continued to be, as it was from the beginning, in conformity with the common usage of equity courts. It is thus seen that during the entire history of the Federal judicial establishment there has been complete separation between proceedings at law and in equity, and the respective law and equity sides of the Federal courts have been kept entirely distinct from each other.

Undoubtedly legal development might have taken a very different course. If Congress had seen fit to do so it could certainly have broken down the distinction between legal and equitable remedies by establishing a system of procedure similar to that now prevailing in the code States, under which legal and equitable principles are administered by the courts without reference to any distinction of remedies. There are expressions in some of the decisions of the Federal courts from which one would infer that the distinction between the legal and equitable remedies is so firmly embedded in the Constitution that Congress would be powerless to abolish the present system of procedure and establish another in which the double system of remedies would not be recognized. But this notion is unwarranted. The language of the Constitution is merely to the effect that the judicial power of the courts of the United States shall extend to cases both at law and in equity. This means that those courts shall have the power to adjudicate rights involving both legal and equitable principles. There is nothing in the Constitution that necessitates the recognition of the distinction between legal and equitable remedies as a fundamental one in procedure. This distinction is entirely due to the legislation of Congress, supplemented and carried into effect, as that legislation has been, by the practice and usages of the courts themselves. When the United States courts were established, modern innovations in procedure had not yet been undertaken. Those who made the law organizing the Federal courts knew of no other scheme of justice than that in which two sorts of remedies are administered separately. As a consequence they established the procedure of the Federal courts on the double basis.

If Congress should ever undertake to remodel the procedure of the Federal courts so as to impair the distinction between legal and equitable remedies, it would be necessary carefully to safeguard the constitutional right to a jury trial guaranteed by the seventh amendment. For instance, it would not be permissible to impair that right by any blending of a demand for equitable relief with a purely legal claim, as to which the right to a jury trial exists. Separate proceedings would here be necessary. But, as experience has shown, the right to a jury trial can be protected under the code system of procedure as well as under the ancient and received system now in vogue in the Federal courts. That Congress has ample power under the Constitution to establish a system of procedure for the courts created by it, in which the distinction between actions at law and suits in equity would be abolished, is amply shown in the legislation pertaining to the judicial system of the Territories. Plainly the seventh amendment does not attempt to regulate matters of pleading or practice. Its aim is not to preserve mere matters of form and procedure, but substance of right. So long as this substance of right is preserved the procedure by which this result is reached is wholly within the discretion of Congress.

REGULATION OF PROCEEDINGS IN CONTEMPT.

But, addressing ourselves more especially to the topic covered by this bill, we can find in Ex parte Robinson (19 Wall., 505) express authority in its support. The oft-quoted language of the court in that case is as follows:

The power—i. e., to punish for contempt—has been limited and defined by the act of Congress, March 2, 1831, and the act in terms applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt, but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying the cases in which summary punishment for contempt may be inflicted.

The gentlemen opposing the present bill attempt to dispose of this decision by declaring that this language of the court is mere obiter. I think an inspection of the case will readily show that the question was fairly raised by the record and that the decision is authoritative. Certainly it has been universally so received by courts, commentators, and the legal profession.

For instance, Mr. Rapalje, in his work on Contempt (sec. 11, p. 13), citing and relying upon this case, says:

This power being necessary to the very existence of the court as such, the legislature has no right to take it away or hamper its free exercise. This is undoubtedly true in the case of a court created by the Constitution. * * * On the other hand, the circuit and district courts of the United States being creatures of Congress, their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction.

In Willoughby on the Constitution (sec. 748) we read:

That, generally speaking, the power to punish for contempt is inherent in courts is beyond question. It may, however, be argued that where the existence and jurisdiction of a court are wholly within the control of the legislative body, as is the case with the inferior Federal courts, authority exists in the legislature to determine the circumstances under which contempt may be held to have been committed, the form of trial therefor, and the punishment which, upon conviction, may be inflicted. The power has, indeed, in a measure been exercised by Congress which, by law of March 2, 1831, limited the contempt powers of the Federal courts to three classes of cases: (1) Those where there has been misbehavior in the presence of the court or so near thereto as to interfere with the orderly performance of its duties; (2) where there has been misbehavior of an officer of the court with reference to official transactions; and (3) where there has been disobedience or resistance to any lawful writ, process, order, rule, decree, or command of the court.

The constitutionality of this law does not seem to have been questioned, but it may well be questioned whether it could constitutionally be held to control the Supreme Court, which derives its existence and much of its jurisdiction directly from the Constitution.

The decisions in the States of Virginia and West Virginia, sometimes referred to in support of the contrary opinion, are, instead, express authority for the proposition that while the legislature may not interfere with courts created by the Constitution, its power is plenary as to those courts created by itself.

The agitation surrounding the impeachment trial of Judge Peck, which induced the Federal statute of 1831, was not without its effect in the State of Virginia, where an act somewhat similar was passed, and, upon the creation of the State of West Virginia, found its way into the statute law of that State and there remains. This act provides for a trial by jury in certain contempt cases, and in 1834, in the case of Commonwealth *v.* Deskins (4 Leigh, 685) the Supreme Court of Appeals of Virginia held it to be a valid limitation upon the power of the inferior courts of that State. The constitution of the State of Virginia was at that time similar in form or effect to the Federal Constitution.

In Carter's case (96 Va., 791), decided in 1899, certain changes which had occurred in the constitution of the State of Virginia in the meantime and in the status of its courts are fully set forth. So far from supporting the argument against this measure, that case, upon inspection, will be found to be entirely consonant with the earlier decision and with the case of In re Robinson. Let me read a portion of the opinion:

With respect to the case of Commonwealth *v.* Deskins it appears that it arose, and was decided, under the constitution of 1829–30. In the fifth article of that instrument it is provided that "the judicial power shall be vested in a supreme court of appeals, in such superior courts as the legislature may from time to time ordain and establish, and the judges thereof, in the county courts, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in corporation courts and in the magistrates who may belong to the corporate body. The jurisdiction of these tribunals, and of the judges thereof, shall be regulated by law."

The constitution did not create the courts nor clothe them with jurisdiction, but the courts themselves were established by the legislature and their jurisdiction was regulated by law. In this respect the constitution of 1829–30 was only less general in its terms than the first organic instrument adopted in 1776.

The constitution of 1850, Article VI, section 1, with respect to the judiciary department, provides: "There shall be a supreme court of appeals, district courts, and circuit courts. The jurisdiction of these tribunals and of the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law."

Article VI, section 1, of the constitution now in force, provides: "There shall be a supreme court of appeals, circuit courts, and county courts. The jurisdiction of these tribunals and of the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law." In a subsequent portion of the instrument corporation courts are also provided for the cities of the State. These courts do not derive their existence from the legislature. They are called into being by the constitution itself, the same authority which creates the legislature and the whole framework of State government.

Later, in discussing Ex parte Robinson, the court says:

Reliance was placed by counsel for plaintiff in error upon a class of cases of which Ex parte Robinson (19 Wall., 505) may be considered typical. In that case Robinson had, in the most summary manner, without the opportunity of defense, been stricken from the roll of attorneys by the District Court for the Western District of Arkansas. He applied to the Supreme Court for a mandamus, which is the appropriate remedy to restore an attorney who has been disbarred, and that court held, Mr. Justice Field delivering the opinion, that "the power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and, consequently, to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831," and the court declared that there could be no question as to its application to the circuit and district courts. "These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted."

Turning to the Constitution of the United States, we find that it declares that the "judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." This language is the equivalent of that found in our Constitutions prior to that of 1851, hereinbefore quoted. The inferior Federal courts and their jurisdiction are the creatures of Congress, and not of the Constitution.

It will thus be seen that Carter's case is typical of those cases defending the power of purely constitutional courts.

In the State of West Virginia this contempt act of 1830, or its lineal descendant, with its provision for jury trial, was discussed by the Supreme Court of Appeals of that State in the case of Frew *v.* Hart (24 W. Va., 416) and was held by reason of its phraseology not to be applicable to that court. There is no doubt, however, that the court would have held itself to be created by the Constitution and beyond legislative control if the necessity for such a holding had arisen.

But in the later case of State *v.* McClaugherty (33 W. Va., 250 [1889]) the same act was considered with reference to the circuit and inferior courts and held to be constitutional and binding. Among other things the court said:

> But it is insisted for the State that the aforesaid statute is unconstitutional and void. It is said that if the legislature can limit the courts in their jurisdiction of contempts and regulate their practice therein, or in relation to the control of attorneys, it can wipe out that jurisdiction altogether or render it useless for practicable purposes. The statute is, it seems to me, simply a regulation of the proceedings and not a limitation upon the jurisdiction of the courts in contempt cases. In Ex parte Frew & Hart (24 W. Va., 416) this court held that this statute was not intended to apply to contempts committed against the Supreme Court of Appeals, and that that court had the power to punish summarily both direct and constructive contempts. But the opinions of the court in that case draw a distinction between contempts in that court and in the circuit courts. In the former the power to punish summarily both direct and constructive contempts is a necessity, while such is not the case in the latter courts. "In the class of constructive contempts mentioned in section 30, the punishment of which in any manner is, as we have shown, absolutely denied to the appellate court, the inferior courts still have under the statute an efficient means of punishing. They have the right at any time to call before them both grand and petit juries, and under the statute they may with but little delay—almost as summarily as before the statute—punish such contempts. The statute as to such courts may well be regarded as a regulation and perhaps a necessary and proper limitation. (Deskins case, 4 Leigh, 685; Ex parte Robinson, 19 Wall., 505.) But this is very different in regard to the appellate court. It is deprived of all power to punish such contempts in any manner as contempts or otherwise." (24 W Va., 476, 477.) For these reasons and upon the authorities cited we hold the said statute constitutional and valid as a regulation of the manner by which contempts shall be punished in the circuit courts of this State. From this conclusion it follows that the circuit court had no power to issue the rule for the alleged contempt of the defendant in this case.

And again, in the case of State *v.* Hansford (43 W. Va., 773; 1897) the Supreme Court of Appeals of West Virginia reiterated this finding and declared that:

> The common-law power of all courts, except the supreme court of appeals, to punish for contempt summarily—that is, without indictment and jury—is curtailed by section 27, chapter 147, Code 1891. Summary punishment, as at common law, can be imposed by such other courts only in cases therein allowed.

Reading the decisions at large, it is easy to see that the courts have not welcomed any restraint upon their power to punish for contempt, and this whether the limitation went to the character of the contempt committed or to the procedure through which guilt should be determined and punishment inflicted. The vigorous language in which this resentment is sometimes shown can be explained, as I believe, not upon the theory of a pride of power or a desire on the part of the judges to magnify their authority, but rather by the more commendable motive which every public officer must feel to transmit to his successor in office undiminished the power which the law has lodged in him. Every public officer is in a sense a trustee of the office which he holds, and as such, it is but natural, and indeed but proper, that he should not voluntarily relinquish any of the powers attaching to it. But waiving all mere expressions of individual sentiment and looking to the points decided by the different cases, it is entirely possible, I think, to harmonize them all. Certain well-settled rules may be deduced. They are as follows:

First. That punishment for contempt without a jury is due process of law, and in the absence of a valid statute there is no right to demand a trial by jury in such cases.

This will at once be seen to be entirely foreign to the question under consideration. To hold that the Constitution does not *ex vi termini* give this right does not of itself forbid the legislative branch of the Government to confer it. Under this class fall such cases as In re Debs, 158 U. S., 594; Eilenbecker *v.* District Court, 134 U. S., 31; In re Terry, 128 U. S., 289; Ex parte Savin, 131 U. S., 267; Tinsley *v.* Anderson, 171 U. S., 101; Ex parte Cuddy, 131 U. S., 208; and many others.

Second. Where the court is one created by the Constitution or the organic law the legislative branch can neither—

(a) Define the acts constituting contempts; nor

(b) Provide a jury to try them.

Nearly all the cases which have been cited by those opposing the proposed bill belong to this class. Among such cases, for instance, are:

HALE V. THE STATE (55 OHIO, 210).

Here it was held that there was no power in the legislature to restrict constitutional courts in the matter of contempt, but the court put as a query and left undecided the power of the legislature over courts created by it. This case did not involve a jury statute, but a limitation as to the subject matter of contempt.

WATSON V. WILLIAMS (36 MISS., 331, 1858).

The only question presented in this case was whether or not courts of probate possessed the power to punish for contempt, there being no express provision of this sort in the act under which they were created. It was held that the very fact that they were courts, and as such must possess the power to enforce decorum in their presence and obedience to their decrees, involved the right to punish for contempt as a right inherent in all courts. The case does not touch, except by inference, the question at issue here.

NICHOLS V. JUDGE (130 MICH., 187, 1902).

In this case the question arose of the right to limit the power of a municipal court to punish for contempt. This municipal court was created by the legislature, but in the act of its creation was expressly given the same powers enjoyed by circuit courts, which in turn were created by the Constitution. The court held that the circuit courts, being constitutional courts, were not subject to limitation, and that municipal courts, under the act creating them, enjoyed the same immunity; but the court says:

> Undoubtedly the legislature has the right to limit control over contempts in those courts which are of its own creation. (Ex parte Robinson, 19 Wall., 510.) * * * For if the legislature in creating the court in question had used any language from which it could be inferred that in establishing it it intended to limit its power over contempt it would undoubtedly be held valid. It did not choose to do so, but, on the contrary, it did choose to give it all the powers which were conferred by the Constitution upon the circuit court in all those matters intrusted to its jurisdiction.

SMITH V. SPEED (11 OKLA., 95, 1910).

Holds the Oklahoma statute, somewhat similar to the one under consideration, to be inapplicable to those courts named in the organic law, or to the judges of the same in chambers. The decision is expressly based upon the ground that the courts draw their existence and powers from the organic law.

STATE V. SHEPPERD (177 MO., 205 [1903]).

This case is quite similar, if not identical, to the case of State *v.* Frew & Hart (24 W. Va., 416).

In both cases a libel had been committed upon the supreme court of the State, which was a court created by the constitution, and in each case the court held that the legislature had no power by statute to remove libelous and contemptuous publications from the list of those contempts punishable by the Supreme Court, the express ground being that their power was derived from the Constitution itself and not from the legislature.

Third. Where the court is not one created by the Constitution or organic law, but by the legislative power, the same power which created the court may define the acts constituting contempt and prescribe the manner of their trial and punishment.

To this effect are the cases I have already referred to, and it is on this principle that the bill under consideration is founded.

This would seem to be the conclusion of the whole matter—the district courts of the United States, though authorized by the Constitution, are created by Congress; to them Congress may intrust so much of judicial power and such scope of jurisdiction as it may choose, and from them Congress may withdraw at its pleasure any or all of the power and authority it has so deposited.

Of course, it may be said that a court must always remain a court, and as such must have the power to enforce its judgments and decrees. Were Congress to create a body having the power to investigate questions, but with no power to carry into effect its conclusions, such a body, perhaps, would not be a court, no matter if Congress chose to call it so. And if Congress were to take away from the district courts, whether in law or in equity, all the power to enforce their judgments and decrees, the name might remain but the substance would have disappeared. But will even the most prejudiced opponent of trial by jury in contempt cases contend that provision for such a trial is equivalent to the abolition of all power to carry out the court's decrees? Such a contention would assume—

First. That the word "court" is synonymous with "judge," and that any power taken from the judge is necessarily taken from the court.

Second. That because a jury is charged to investigate the facts, the commission of a contempt would therefore cease to be punishable.

The mere statement of these propositions is enough to show without further argument how utterly untenable they are.

THE SUBSTITUTE MEASURE.

I desire to say just a word in conclusion with reference to the measure presented as a substitute by the minority of the

committee. Instead of providing for a trial by jury, it permits the accused to demand the substitution of another judge. I desire simply to call attention to the fact that such a substitution is already provided for by the existing law, and the substitute bill therefore not only fails to furnish any additional relief, but is wholly unnecessary. I call attention to section 21 of the act to codify, revise, and amend the laws relating to the judiciary, passed March 3, 1911, known as "The Judicial Code." It is in the following language:

Whenever a party to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner in the section last preceding, or chosen in the manner prescribed in section 23, to hear such matter. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists, and shall be filed not less than 10 days before the beginning of the term of the court, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit; and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith. The same proceedings shall be had when the presiding judge shall file with the clerk of the court a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action.

I take it to be perfectly clear that the words "action or proceeding" used in this statute cover every form of judicial activity, including proceedings in contempt. No broader words could have been used.

I therefore trust, Mr. Speaker, that it will be the pleasure of the House to reject the bill offered as a substitute and to adopt without amendment the bill which the majority of the committee have approved.

Good Roads and How to Build Them.

SPEECH

OF

HON. WILLIAM SULZER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 12, 1912.

Mr. SULZER said:

Mr. SPEAKER: Just a few words about good roads—a matter of much moment to all the people of our country.

The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer.

Good roads mean more cultivated farms and cheaper food products for the toiler in the cities; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitudes, and whatever aids the producers and the farmers of our country will increase our wealth and our greatness and benefit all the people.

We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever.

One of the crying needs in this country, especially in the South and West, is good roads. The establishment of good roads would, in a measure, solve the question of the high price of food and the increasing cost of living. By reducing the cost of transportation it would enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer together and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products.

When the agricultural production alone of the United States for the past 11 years totals $80,000,000,000, a sum that staggers the imagination, and when we consider that it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the exercise of the wisest and best statesmanship.

But great as is the loss to transportation, mercantile, industrial and farming interests, incomparably greater is the material loss to the women and children and the social life, a matter as important as civilization itself. The truth of the declaration of Charles Sumner, 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years and points to the wisdom of a union of the educational, commercial, transportation, and industrial interests of our country in aggressive action for good roads.

Mr. Speaker, that is all I care to say now on this subject. However, I ask unanimous consent to print in the RECORD relevant data concerning good roads.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is granted.

The data follows:

RESOLUTIONS UNANIMOUSLY ADOPTED AT THE FIFTH NATIONAL GOOD ROADS CONGRESS, NEW ORLEANS, MAY 16, 1912.

The Fifth National Good Roads Congress in session at New Orleans, La., heartily indorses the objects and work of the National Good Roads Association. These objects are clearly defined in the original articles of association unanimously adopted at Chicago when the association was organized in the year 1900, and are as follows:

First. To associate all agricultural, transportation, industrial, commercial, educational, and religious organizations and individuals who are in sympathy with the good-roads movement in a universal demand for the permanent improvement of public roads and streets.

Second. To secure better results from the millions of dollars annually expended upon the public roads and streets.

Third. To have established in all States and Territories highway departments with practical engineering supervision.

Fourth. To secure thorough teaching of highway engineering in all universities and agricultural colleges.

Fifth. To utilize all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets.

Sixth. To secure State and National aid for the construction and maintenance of permanent public roads for this and future generations.

We urge approaching Republican and Democratic national conventions to declare unequivocally for national aid for construction and maintenance of post roads. We believe that national highways could wisely be built and maintained by the National Government connecting the capital of every State and Territory with the National Capital. That State highways should be built and maintained by the several States connecting the State capital with the county seat of every county.

We condemn the principle of the rider to the Post Office appropriation bill which recently passed the National House of Representatives giving, respectively, $25, $20, and $15 per mile per annum by the United States Government as so-called compensation for the use of the public highways. We believe if this system be adopted it will very seriously delay reasonable national aid for highway construction and maintenance, such as has been advocated by the National Good Roads Association for the 12 years of its existence, and we ask such reasonable appropriations by the National Congress and the several States as will insure the construction and maintenance under Federal supervision of a system of public highways worthy of the name.

We rejoice at the participation of the women of Louisiana in this congress.

[From the New Orleans Daily Picayune, May 19, 1912.]

WOMEN RALLY TO GOOD ROADS—TAKE GLORIOUS PART IN GOOD ROADS CONGRESS—NOT ONLY SHOW THOROUGH KNOWLEDGE OF SUBJECT PUT JOIN THE LOUISIANA ASSOCIATION FORMED HERE—NATIONAL CONVENTIONS CALLED UPON TO PLATFORM CAUSE.

The women had charge of the two best sessions of the National Good Roads Congress yesterday. In the forenoon Mrs. J. C. Matthews, of the executive committee of the National Federation of Women's Clubs, presided, and in the evening Mrs. Roydan Douglas, of the State Federation.

The forenoon session was a sparkling innovation from the ordinary humdrum of such conventions. The hall was filled with ladies and was a flower garden of pretty hats and faces. The meeting hummed from start to finish with human interest and attractiveness. President Jackson paid a high compliment to the efficiency of the organized women of the country, and Mrs. Meehan said that the compliment was taken in good faith, as the women believed they deserved it.

Anyway, it was a model meeting. The addresses of Miss Sophie Wright, Mrs. Edward Graham, Mrs. Meehan, and Mrs. Edgar Cahn kept everyone interested to the highest degree. Harry Gamble, secretary of the State conservation commission, gave a splendid talk on the effect of good roads in keeping people in the rural districts and the necessity of protecting the country by keeping people out of the cities.

The forenoon session was opened with prayer by Rev. George Kent. Mrs. A. B. Machado sang, and later Miss Nellie Ready performed on the violin.

Mrs. Matthews, in opening the meeting, spoke of the appropriateness of the club women participating in the good roads movement and of the effect of roads on the life of the people. This effect, she said, did not seem to have been realized, and if the women could assist it would be an important work for them, and she felt sure that she could pledge them to help.

Mrs. Matthews presented President Arthur Jackson, who said that he was delighted to see so many women there, and added "confidentially" that there were more women at yesterday's session than there had been men at any session. He was convinced that the good roads movement was now on the highway to success, as the women were in it, and no other instrumentality can compare for efficiency and potency with the General Federation of Women's Clubs.

Mr. Jackson referred to the active interest of Mrs. Matthews and other ladies and said that at the biennial meeting of the Federation of Women's Clubs at San Francisco no more important matter than participation in the good roads movement could come up. He commented on the possibility of improving the roads in Louisiana, and denounced the condition of Illinois roads.

A telegram from Gov. Woodrow Wilson, of New Jersey, told how that State is taking hold of good-roads work. It has built 87 miles at a

cost of $830,000 recently, and in 20 years 1,600 miles have been added to the roads at a cost of $3,250,000.

Mrs. Matthews explained that all women's clubs had been made honorary members of the National Good Roads Association, and told of the effect that good roads have on churches, schools, and sociological conditions.

Mr. Gamble said that conservation touches the road question and that the commission in its report has featured the conservation of country life. The first thing necessary to this is building country roads. In his parish, Winn, a 5-mill tax has been voted, which yields only $20,000, and not very much can be done in a large parish with that amount. The city must help the country. It is not enough that it pays a one-fourth-mill tax for country roads. The commission takes the ground that the city, for the safety of the Government and Nation, must join the country and reverse the former conditions by aiding the country at the expense of the city. The city has sapped the country of its manhood and womanhood, and the youth of the country can not be kept at home except that the country is built up and made attractive and profitable. First, the city should come forward and help build these roads. Returns to the land is now a political question of the greatest importance. People must go back to the country or the burden will be heavy on the cities. It may take money to help build it up, but it will be ten times cheaper than to solve the social problem by guns and cannon. We have got to stop the tide of discontent and socialism, and the city must help send these people that are doing it no good back to the country, and one of the most important means is to build good roads.

The young people have been educated from the land to the cities, where they try the various isms and can not succeed. In this work the women can render important help.

Miss Sophie B. Wright was introduced as the foremost citizen of New Orleans, and spoke on the effect of—

GOOD ROADS ON EDUCATION.

She said that the woman who goes out into the country and teaches and touches the life of the child is as near God as anyone can be, and she drew a beautiful ideal picture of the teacher, the child, and the mother. The difficulty and loss of time and ambition by the impossibility of regular attendance at school in the country was explained. Good roads mean longer school sessions, better pupils, and better citizens. Women teachers are going to make the State great and glorious. Monuments should be built in the lifetime of a person and no finer monument could be made than the kind that will help the fellow next to you. The building of roads affords markets for the supplies that feed the workers and the animals used, and no finer thing could be done than to build a road between two cities.

Mrs. Meehan took up the economic side of the problem and compared the cost of 39 cents for hauling over dirt roads with 8 cents over sand clay and 10 over broken stone. In this State, where we have the dirt roads, we have the most expensive kind, and there is a tremendous expenditure of time, energy, and power. Women are true conservationists from the experience acquired in the home. Mrs. Meehan said that the bond issues made by the States seemed to be handled without definite plans and there was a great waste accordingly. Trained and efficient young men are needed for highway construction, and one of the plans should be the encouragement of a department to teach highway engineering, not only for young men, but young women.

Mrs. E. Graham spoke of the effect of good roads on rural schools. She said that the growth of a State is measured by the condition of its roads, as the United States is judged by the progress of its cities and States. Roads are the pathways to all kinds of educational development. She explained how in former times country people spent long months of lonesomeness when the roads were impassable. Then the railroads brought relief and the rural free delivery helped. Good roads are important in connection with the parish schools. The soil in this State is such that good roads can not be had unless they are surfaced with other material. The difference in the advantages of children in city and country was pointed out and the consequent overcrowding of cities. Many people would be glad to raise their children in the country if there were facilities. There is a State compulsory school law now before the legislature, and if it passes there will be immediate need of good roads.

Mrs. Edgar M. Cahn spoke on good roads from a legislative standpoint. She pointed out the better advantages that small settlements derived from being near roadways, and said that the condition of a country was judged by the condition of its roads and the progress of countries is marked by their development. She spoke of the first great road builder—Rome—and quoted the saying, "All roads lead to Rome." Work that Rome did in England 1,500 years ago is the foundation for the system of roads that exists to-day. The same thing was done in Gaul. France calls on the world to look on her roads. Every little hamlet is connected with the center of her world—Paris. To-day the peasants of France are the most satisfied and prosperous in the world. They are in touch with the world and the world comes in touch with them, and the lonesomeness that makes the country irksome is gone. France has built and maintains roads in such a way as to be a model for us.

Mrs. Cahn spoke of the need of uniform legislation by all States, capped by national legislation in building as well as maintaining roads. The importance of good roads in connection with trade is so obvious that it needs no argument. The merchant knows that he can sell easier to the man on a good road, and the farmer knows that the easier and quicker he gets his products to the market the more he makes on them. Mrs. Cahn told of the general legislation that Canada is adopting for road building, both nationally and in the Provinces, and the return of annual profits that results from such work, as though the State had bought itself an annuity.

She also referred to the work that the United States Government has done in building and caring for roads in the Philippines, and said that if it could do this so far away, it ought to do it at home. Is the Nation's far vision better than its near? This is a matter to refer to the Senators and Representatives. It is the duty of the Government to provide roads for mail service and schools and to make education a desire rather than a struggle. She also said that the Mississippi River should be made a highway, kept in its bounds of roadway by the National Government and prevented from ever again causing the cry for help from the people of the valley or the devastation of an improperly cared for highway that has flowed beyond its borders.

Mrs. Laura B. Evans, of Taylorsville, Ill., was to have spoken, but could not come, and Mrs. Adele Parker Kendall, of Chicago, also wired that she was prevented from attending. The telegrams were read by Miss Maude E. Jones.

After the meeting a number of the ladies signed their names as members of the Louisiana Good Roads Association.

The ladies were given an automobile ride after the meeting.

The meeting last night was attended by a hall full of women and a number of men. It was very enthusiastic. Mrs. Roydan Douglas, president of the Louisiana Federation of Women's Clubs, presided. She urged all the clubs to pull together for good roads, and said she hoped to establish a department for the work through the civic leagues in this city, Baton Rouge, Shreveport, Alexandria, Lafayette, and other places. The women are willing to take up any work that will benefit the State. The general federation, with its 800,000 women, is in the work, and results are bound to be forthcoming.

President Jackson was introduced and read a letter from Mrs. Annie Mimms Wright, of Jackson, president of the Mississippi Federation of Women's Clubs, in which she said that good roads should interest all citizens, both in cities and in the country. The relation of city dwellers to those in the country is one of equal dependence, and good highways are as necessary to one as the other. In the country there is absolute dependence of women on State highways if they are not to be cut off from facilities for social interchange. Mrs. Wright said that she had appointed a committee to take up the good roads in Mississippi and report at the next meeting of the State federation, composed of Mrs. C. W. Covington, of Hazelhurst; Mrs. Lide, of Corinth; Mrs. William Lott, of Meridian; Mrs. H. W. Burkhardt, of Coffeeville; and Mrs. Charles Hays, of Hattiesburg.

Mr. Jackson said that as soon as the women of the State demanded legislation with reasonable appropriations for roads it would be secured.

He said that it was remarkable that a few individuals had to subscribe the money to build a road here that belongs to the community, and that if Louisiana spent $10,000 a mile on roads it would amount to $100,000 good per mile. He read a letter from his friend CHAMP CLARK, who could not come. He had to be at Congress, where he had missed but one day since 1909.

Miss Agnes Morris, of the State federation and the Agricultural Department, gave a very amusing address on the good roads and country life problem.

Miss Kate Gordon also spoke in a very interesting manner of the good-roads problem and the help of the women in its solution.

Mrs. J. Creighton Matthews and other ladies also spoke.

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GET RIGHT ON THE GOOD-ROADS QUESTION.

[Address of R. C. Penfield, president of the American Clay Machinery Co., Bucyrus, Ohio. Delivered before the Fifth National Good Roads Congress at New Orleans May 15 to 19.]

There is no longer any question as to the United States needing good roads. If the people want them and insist upon them, they will get them.

Few people know that in the one item of hauling the wheat crop of this country we are losing annually $9,000,000 because of the bad roads.

Think of the good roads that nine million annual loss would build.

And there are other places where we are losing larger sums because of bad roads.

Government statistics, which can be relied upon, show that the annual road-repair bill of the United States runs into the billions of dollars, and even then we do not have "good roads." This annual repair bill is frightful. It is apparent that it is practically thrown away, because if roads were made proof against repairs we would save the larger part of this vast amount.

Figures which may be relied upon have been compiled to show that the annual amount wasted on repairing roads in the United States would in five years be sufficient to build every road in the country of such a quality as would make them repair proof. Think of what this means. By stopping the wasted repair drain for five years we would get roads which would need no repairs in an ordinary lifetime, and the saving for the balance of the life of the road would be clear gain and could be saved to the taxpayer.

A loss of $9,000,000 annually in the hauling of the Nation's wheat crop affects everyone in the country because wheat is one article used generally. On million dollars' loss for every 10,000,000 inhabitants of the country is in itself stupendous, but when it is figured that other losses because of these bad roads also affect all the people, the total loss becomes a national calamity which is annually being tolerated because of a lack of knowledge and interest and a lack of concerted action to stop the loss.

Good roads mean economy because they lessen the waste. This waste covers loss of time, loss of horses, harness, and conveyances. Good roads also mean that the load can be practically doubled at no extra cost.

Good roads shorten the time and conserve the convenience of both coming and going.

Good roads are ready at all times, especially when they are needed most—in bad weather.

Good roads will reduce the cost of living because the products of the country—everything we eat and wear—must now be marketed over the public highways. Statistics show that it is costing from 23 cents to 27 cents per ton per mile to haul the products of the farms. This can be cut to 7 cents per ton per mile if good roads are the rule.

These few facts will show you that good roads are desirable. More, they are a necessity, as no country can stand for long this annual throwing away of millions paid as a premium to careless indifference.

Having determined the advisability of good roads, it becomes a question as to the type of roads best adapted for our use.

The Government having shown that the annual repair cost of roads is up in the millions, it seems only ordinary wisdom to seek out that type of road which will need the least repairs.

It will pay handsomely and prove a wise economy to build that type of road which will require the least repairs.

A few years ago, before the auto truck, traction engine, and automobile were factors in road destruction, there were several types of roads which could be counted as "good roads," but we find ourselves face to face with new conditions which make new requirements necessary. For years we passed legislation to hold down the weight of the load and to govern the width of tires in order to save our roads. This was before the traction engine, auto truck, and automobile became factors. The people of the United States are the most progressive in the world, and any legislation to restrict development and enterprise has always been unpopular. To prevent a man from exercising his desire to haul a bigger load, to save a trip by means of a larger haul, is decidedly un-American. Now that the heavier traffic on the roads makes it absolutely necessary to consider better road construction it seems folly to temporize by building anything but the best.

The highways and the waterways are the only thing in this country which belong to the people and over which the public has an equal right for all time.

Public interests are not always handled as carefully as business interests, though they should be.

The railways of the country furnish a simile which should be considered in comparison with our road problem.

The railways are carefully managed. When the demand upon them increased they did not cut down the loads and restrict the size of wheels in order to protect their roadbeds. They went the other way about their problem. They rebuilt the roadbed, making it equal in constructive strength to present requirements and added something extra for future demands. They have increased their hauling capacity from year to year by building their roadbeds for any emergency.

In our highway work we have failed to profit by the experience of the railways, though that experience, which cost the railways millions, was attainable by us without price.

It is apparent to those who have made the closest study of road conditions and demands that the best type of road is the cheapest.

There is no question in my mind and in the minds of the unbiased that the vitrified brick roadway is at once the cheapest and by far the best. More than this, it is a positive economy because the enormous annual repair cost is practically eliminated. If you will show me any other type of road where repairs are unnecessary for a quarter of a century or more I will concede that road a hearing.

The merits of the vitrified brick paved highways are as follows:

It is impervious.
It is the most sanitary.
It is smooth, but not slippery.
It is equally adapted to heavy and light traffic.
It does not require traffic lightened by legislation.
It is in no wise affected by climatic influences.
It originates no dust.
It is economical in use as well as maintenance.
It is equally satisfactory at all seasons.

It can be built in any form, in any manner, to suit the conditions of use and traffic, over the hills, upon the level plain, or through the swamp.

It can be left in its own dirt without injury, or it can be swept clean as a parlor floor, and flooded by water without injury.

It does not soften in heat, crack in cold, or rut up in wet weather.

Where is there any other road which possesses any two of these advantages, to say nothing of that annual repair cost of billions of dollars?

As president of the Clay Products Exposition Co., I challenge the world to produce any roadway that will compare with vitrified brick, all points considered. At our last exposition, held in Chicago last March, we made a showing of brick roadways. Such a showing has never been made before. It was convincing and was examined with interest, surprise, and conviction by the best and most aggressive engineers of the country. We are going to make another and better showing next spring at our second clay-products exposition, which will also be held in Chicago from February 26 to March 3. We will be pleased to have you appoint a committee to attend this exposition. It will be worth a great deal of money for you to get started right on the road problem, and we will be glad to help you start right, because we are interested in stopping that annual road-repair drain of billions of dollars.

Any section of the country can have good roads, but they will not have good roads until they have vitrified brick roads. Some people may say that they have no brick. This is a mistake. Good paving brick can be obtained almost anywhere. Several hundreds of plants are in daily operation in various parts of the country making paving brick. The quality and value of vitrified brick for road-building purposes have been fully demonstrated, and this type of roadway has been accepted as the standard of excellence.

I urge you to go in for good roads, but do not make the mistake of counting any improved road a good road. The annual cost of upkeep on a road will soon make the first cost a minor consideration. You never will have a good permanent highway until it is built of vitrified brick.

I am not advising you to do that which I have not done myself. I take my own medicine. In my own State, Ohio, we have been through the mud and sand period, and it was hard pulling. We have also been through the restricted-load period, and that was harder pulling. Then we went through the improved-road period, and that was the hardest pull of all, because it pulled annually on our pocketbooks for repairs, and we always had roads torn up or rutted up. Then we got right on the road-building problem. Now we are building our highways of vitrified brick. In my own home county, Cuyahoga, we have hundreds of miles of brick roadways winding through hill and dale and making the home life of the farmer worth living. In a single year we have built over a hundred miles of brick highway and are keeping at it, reaching farther and farther into the country. Loads can be doubled on these brick roads. They are usable at all times and seasons. They originate no dust or mud. They are so good that they are generally used to walk upon as you would use a sidewalk, and, best of all, they are saving us a lot of money. Some of these brick roads have been in service for a dozen to twenty years without repairs. All a brick roadway asks is to be left alone and undisturbed. Isn't this in contrast with the so-called good roads which require constant attention and repairs? If there are any of you who doubt the quality and economy of brick roads I should like to have you come to Ohio and visit Cuyahoga County. If you will appoint a committee to visit us, I will see that your stay there is profitable to you and has at least a few pleasures to compensate you. We are proud of our brick roadways, but we are not selfish. We want you, too, to profit by them.

The cause of good roads is a noble one, but your title to nobility rests upon securing the right road. Get right on the road question and then push it through.

[By a Delegate.]

They took a few old bricks
  And they took a little tar,
With various ingredients
  Imported from afar.
They hammered it and rolled it,
  And then they went away—
They said they had a pavement
  That would last for many a day.

But they came with picks and smote it
  To lay a water main,
And then they called the workmen
  To put it back again.
To run a railway cable
  They took it up some more,
And then they put it back again
  Just where it was before.

They took it up for conduits
  To run the telephone,
And then they put it back again
  As hard as any stone.
They took it up for wires
  To feed the 'lectric light,
And then they put it back again,
  Which was no more than right.

Oh, the pavement's full of furrows,
  There are patches everywhere;
You'd like to ride upon it,
  But it's seldom that you dare.
It's a very handsome pavement,
  A credit to the town,
But they're always diggin' of it up
  Or puttin' of it down.

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SOME TELEGRAMS RECEIVED AT HEADQUARTERS OF THE FIFTH NATIONAL GOOD ROADS CONGRESS.

JENNINGS, LA., *May 16, 1912.*

PRESIDENT NATIONAL GOOD ROADS CONGRESS,
New Orleans, La.:

Greetings of the Iowa colony, settled in Louisiana and Texas, now 30,000 strong. May you build a highway from British Columbia to the Gulf of Mexico broad enough to lead every prodigal south, where they shall eat bread without scarceness and no good thing shall they lack therein.

S. L. CAREY.

—

COLUMBUS, OHIO, *May 16, 1912.*

ARTHUR C. JACKSON,
President Fifth National Good Roads Congress:

There is bright future here for good roads. In Ohio constitutional convention submit next fall proposal to bond State for $50,000,000 for road improvements.

JUDSON HARMON,
Governor of Ohio.

—

MAY 16, 1912.

ARTHUR C. JACKSON,
President Fifth National Good Roads Congress:

I heartily indorse the efforts of your convention. The cause is a worthy one and every State in the Union should put forth her best efforts in this respect. Glad to say the roads throughout this State are being greatly improved.

COLE L. BLEASE,
Governor South Carolina.

—

[From Secretary of Agriculture, Hon. James Wilson.]

WASHINGTON, D. C., *May 16, 1912.*

ARTHUR C. JACKSON,
President Fifth National Good Roads Congress:

Accept my best wishes for successful and pleasant congress and a profitable discussion of the very important subject with which you are dealing. This department stands for good roads as one of the greatest benefits the farm can receive.

JAMES WILSON, *Secretary.*

—

JEFFERSON CITY, MO.

ARTHUR C. JACKSON,
National Good Roads Congress, Grunewald Hotel:

Gratifying progress in road building during course of last year in Missouri. Bond issues by different road districts amounting to approximately a million dollars have been authorized and many others in contemplation. Two cross-State highways selected and rapidly nearing completion and others in contemplation.

HERBERT S. HADLEY, *Governor.*

—

FRANKFORT, KY., *May 16, 1912.*

ARTHUR C. JACKSON,
President National Good Roads Congress,
Grunewald Hotel, New Orleans, La.:

There is a strong feeling in Kentucky for good roads. The last legislature enacted a law authorizing the governor to appoint a commissioner for roads and giving the commissioner powers that will promote the good-roads movement very much in Kentucky. The movement in this State is conservative, but it is appreciated generally by the people and will be successful. I wish the National Good Roads Congress great success, and I am sure it will be beneficial to the whole country.

JAS. B. MCCREARY,
Governor of Kentucky.

—

HARRISBURG, PA., *May 16, 1912.*

A. C. JACKSON,
President National Good Roads Congress, New Orleans, La.:

Pennsylvania realizing the importance of good roads has in a comprehensive manner, undertaken to improve her highways. Eight hundred and fifty miles of road have been constructed. Under the recent act of the general assembly it is provided for the taking over by the State of about 7,900 miles of road to be known as State highways, and when so taken over shall thereafter be constructed and maintained at the whole expense of the Commonwealth. When the constitutional amendment proposed at the last session of legislature becomes effective, authorizing the State to issue bonds to the amount of $50,000,000 for the purpose of improving and maintaining the highways of Pennsylvania it is hoped that this Commonwealth will have a system of good roads second to none in the United States.

JOHN K. TENER.

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STATE HOUSE,
Trenton, N. J., May 17, 1912.

ARTHUR C. JACKSON,
Gruenwald Hotel, New Orleans, La.:

Beg to send my greetings to the Fifth National Good Roads Congress with my sincere hope that its deliberations may bear good fruit for the most worthy cause in which it is enlisted. By an act passed by the last legislature, a new State highway system was established in New Jersey,

under which the main arteries of travel will be made State highways, and the burden of their repair and maintenance will be assumed by the State under the direction of the commissioner of public roads. Economy and efficiency are hoped for, at least, by this departure. During the year ending October 31, 1912; 87 miles of road were completed, the cost to the State and counties amounting to $830,000. This makes 1,600 miles added to the New Jersey road mileage since the passage of the State aid law of 20 years ago at a cost of about three and a quarter millions of dollars. Nearly $1,500,000 was expended by the State and the various counties in repairs during the past year.

WOODROW WILSON.

Address by Hon. Frank M. Bunch, president Chicago Board of Trade, April 3, First Illinois Women's State Good Roads Convention.

Madam Chairman, Mr. President, ladies and gentlemen of the First Illinois Women's State Good Roads Convention: It is a rare opportunity to speak for a cause in which one has not only a public but also a close personal interest, and yet this is the attitude which I bear to the subject which has inspired this convention and the one to which I shall address myself by your kind invitation for a few moments. As a public question, I feel that there are few before this country of more tangible and paramount importance to the material and social well-being of our people than that of good roads. On the other hand, my personal interest in the subject arises through the fact that for many years I have been an enthusiastic devotee of the automobile, and have driven many thousands of miles over the roads of this country in all directions; and if I wanted to sum up my experience with American roads I know of no better description I could apply to them than the words of the noted English traveler, Arthur Young, who, in 1816, said of the roads of England that they "are so very bad that whichever one takes, he wishes before reaching his journey's end that he had taken the other."

It is unnecessary to state to this audience that the lamentable condition of European roads and highways which was so general in the early years of the nineteenth century is no longer true, and that to-day, through the efforts of the various Governments and public-spirited private interests, a bad road throughout Europe, even in the most remote countries less frequented by travelers, is the exception rather than the rule. In this country, however, the exact reverse is true, and I venture to say that there is not a country in all the world which has so much use for its roads and would be so greatly benefited by good roads which can point, generally speaking, to such poor roads. Some idea can be gained on this condition when we find, from the best obtainable statistics, and in this country of the 2,100,000 miles of public roads, about 44,000 miles, or 2 miles of each 100, are under a high state of improvement. It therefore comes down to this, that in the United States we have to-day 1,925,000 miles of public roads which are in as poor condition as they were when laid out by the early settlers and pioneers.

I believe that the expenditure of money upon our public roads can be justified upon three grounds—first, the economic saving to the agricultural population and indirectly to all who consume their products; second, as a means of social and intellectual betterment to our agricultural population; and third, as a national asset of the greatest benefit to the Government and the people generally. Let us discuss them in the above order.

The person who would be most materially benefited by good roads and yet whose interest in the subject has been most difficult to arouse is the farmer. The benefit accruing to him can be measured in dollars and cents. No one doubts that the cost of transportation by rail or water is a direct tax upon the product shipped. Can we doubt that the cost of handling the products from the farm to the railroad station is any the less a transportation charge which enters into the cost of the commodity to the consumer?

Investigations in this country have ascertained that the average cost of hauling over wagon roads in America will average about 25 cents per ton per mile, and that the average haul is 8 miles. In Europe the average cost is somewhere in the neighborhood of 7 cents per ton per mile. It has been demonstrated that with good roads the cost in America could be reduced to about 10 cents per ton-mile, or at least 12½ cents per ton per mile. When we consider that about 275,000,000 tons of commodities pass over our roads each year in America and that the present estimated cost of such hauling is approximately $500,000,000 annually, we can well appreciate the saving of half of this gigantic sum by the making of good roads. While the improvement of our highways to the point of greater efficiency would cost probably $2,000,000,000, yet a saving in our present cartage bills of $250,000,000 annually would constitute a splendid return on the investment.

In many ways the farmer and all concerned with the improvement of our agricultural crops particularly would be benefited by good roads. In the first place, he would thereby be enabled to merchandise his crops at times when prices were the highest and also at all times of the year. The lack of good roads in this connection also means millions of dollars annually to the farms of this State alone.

It is even of more importance to the truck farmer and fruit grower, whose products need a quick market and the prices of which are subject to great fluctuations. Moreover, the railroads are vitally concerned, because if products can only be moved when the roads are passable, then at certain seasons the railroads are taxed beyond their equipment capacity, whereas in a time of bad roads equipment is idle. In many more ways the reasons why this condition of our roads is of vital and material importance to our farmers could be suggested, but sufficient has been said, I trust, to show that in advocating an improvement of our roads we are discussing a vitally practical subject.

In the second place, an improvement of our roads will mean much for the social and intellectual betterment of the rural population. It has been well said that the difference between semibarbarism of the Middle Ages and the civilization which preceded it was the difference between good and poor means of communication. It is essential, in this country at least, that farm life be made as attractive as possible in order to hold our rural population to the farms. This can not be done when, through roads which are impassable a large portion of the year, the children are unable to attend schools and the families can not secure that social intercourse which is so essential to the development of the character of the highest type of citizenship. If farm life is to continue to be one of isolation and self-denial, the unhealthy and undesirable flow of population to the cities will continue in great force.

Lastly, good roads are a most valuable asset to the Government itself, whether it be the National or State. They are essential in times of war and no less so in times of peace. In the one respect alone of constituting a splendid check upon the railroads and other carriers in the matter of freight rates their importance can not be overestimated. Forty years ago the Federal Government and the State governments as well saw fit to grant subsidies and other forms of aid to promote the building of railroads, with the one idea in view that these iron highways would redound to the material betterment of the entire country by bringing all sections of the people into closer and more intimate relation with one another. No one can doubt that the developments of time have abundantly justified the granting of such aid and no one can doubt that in extending the work of road building to the highways, not only which connect the outlying districts with these railroad highways, but in providing great means of transportation in competition with the railways, an even greater benefit will accrue to our people. No one can estimate the national benefits which would arise by the building of one or more great interstate highways connecting all portions of the country when the individual States themselves shall supplement this work by building similar highways connecting all portions of the State with the former.

The question then remains to be considered, how a better system of road building in this country can be obtained. It is but natural that we should turn to the Federal and State Governments for aid in the shape of funds, and no line of public expenditure can be more justified from every standpoint than this. The need is apparent; all that is required is the united effort of the voters of this country to attain this beneficent result. When we consider the many millions of dollars which are annually appropriated by Congress and the several States for the promotion of objects which in no way touch so closely the prosperity and the happiness of our people, it would seem that the justice of the demand for public aid in the construction of good roads can not be denied.

There is one matter to which I wish to refer but a moment in closing. I have long been a staunch advocate of the employment of convicts in the construction of our roads. After considerable investigation I have found no real or tangible opposition to the idea. A large part of the expense of road building will be the factor of labor, and here is a large supply of labor at our disposal which can be utilized to the best advantage and without danger to any other interests. The objection has been raised to the employment of convicts in various lines of manufacturing by the labor unions, that honest labor is thereby subjected to an unfair competition. The labor unions, as a whole, make no objection to the project of employing convict laborers in the construction of roads. Moreover, the convicts themselves, from the information which I can gather, much prefer work in the open air and sunshine to that within the portals of the penitentiary, and various students of the question in places where the plan of convict labor on the roads is in operation have stated unequivocally that in all cases such work has redounded to the mental, physical, and moral well-being of the convicts themselves. Accordingly, it would seem to me that in looking for an auspicious beginning of the campaign throughout this country for the improvement of our roads and highways, the employment of our convicts as laborers on the roads should not be overlooked.

TOLEDO, ST. LOUIS & WESTERN RAILROAD CO.,
THE CHICAGO & ALTON RAILROAD CO.,
TRAFFIC DEPARTMENT,
Chicago, May 14, 1912.

MY DEAR MR. JACKSON: Your letter of May 7, inclosing official call for the Fifth National Good Roads Congress, to be held at New Orleans May 16, 17, 18, and 19 has been received.

Your invitation to attend and address one or more sessions of this congress is appreciated. I regret exceedingly my inability to be with you.

I note you suggest that one or more of our people be delegated to represent our railroad, and you further urge that I send a communication to the Grunewald Hotel, if impossible to be present, expressing my views upon the question of national aid in the construction and maintenance of post roads or any other phase of the good-roads movement.

I beg to submit the following as expressing my views on the subject, which can be read to the congress, and used as part of your records of the convention:

At the outset I desire to state that I am in thorough sympathy with the National Good Roads Association and the objects which it seeks to obtain. The improvement of the highways of this country has a close and important bearing upon the great and complex transportation problem, and that problem affects the life and means of living of every individual.

No one is more keenly alive to its importance than are the men who are directly connected with the great branch of transportation carried on over the roads having a steel roadway. We are in favor of the improvement of every method and vehicle of transportation. We have been and are in favor of the improvement of transportation by water. The large sums that the Government puts into the improvement of waterways, if wisely expended, are a benefit to all the people, and to none more so than to the railroads, and that would be true even if we had no patriotism and public spirit—and who would deny that the railroad manager has not his fair share of these sentiments—but anything that renders easier the handling of raw commodities and manufactured goods between consumer and producer must benefit the entire transportation industry.

There can be no water haul so long that at some point the railroad will not have its share in the delivery and in the compensation for the hauling of the goods. So the railroads are with the improvement of water communications, and from the great Panama Canal on down through the lesser improvements of like character within our own borders, conditional, of course, that such means of communication and transportation—either by river, inland, or coastwise, including the use of the great canal—should be subject to the same supervision and restrictions by both State and national commissions as are the great steel transportation interests.

We approve the expenditure of public moneys for these purposes, and with even greater selfish incentive we should be and are in favor of the improvement of the highways of the land through all the reasonable and practicable forms of State and national aid. Over the highways of our country are transported the greater proportion of all those products that mean tonnage for our steel roads. Foodstuffs and other raw products come to us from the farms, and they come over highways. Back over the same roads must go the manufactured products that come from the factories and the shops. If the season of "bad roads" came at the same time all over this country, it would practically paralyze the railroad transportation.

We have in this country, including main lines, second, third, and fourth tracks, sidings and yards, in round numbers, something over 340,000 miles of railroads. A large proportion of the business of these roads comes to them over the highways in the first instances, and of these public roads there are in this country 2,155,000 miles. The best argument in favor of the work which this Good Roads Association seeks to accomplish is the fact that only 1 mile in each 15 of these public highways is improved.

This Fifth National Good Roads Congress is being held in the metropolis of Louisiana, a great Commonwealth, rich in possibilities, but, like other States, the natural development of its resources is hampered by poor roads. Of your 25,000 miles of public highway only a pitiably small proportion are improved, and at that you do not suffer in comparison with many other States. Louisiana needs more improved roads. If there is any State that does not need improved roads, it did not appear upon the latest map of the United States that I have been able to find. By improved road I mean one which has not only been graded but which has been properly drained and so treated as to make it smooth, firm, and durable.

According to accurate statistics it costs 23 cents a ton a mile for the average haul of farm products in this country. The average haul for 22 of the principal farm products in this country is 9.4 miles. In France, England, and Germany the cost of hauling over common roads is a little less than 10 cents per ton per mile. England, however, spends sixteen times as much on her common roads per mile as we do here in America, and they get results.

The improvement of highways upon a businesslike system would enable many products which are now without markets because of prohibitive transportation charges to find an outlet to points of consumption, and land now distant from transportation would be brought into productive use. If the roads of this country would be used at all times in the year the congestion of cars at one period of the year and a great surplusage at other times would be eliminated to a large extent, with a corresponding benefit to the railroads and added profit and convenience to both shipper and consumer. Two feet of mud in the road is a "differential" against the prosperity of any community which no Interstate Commerce Commission can remedy.

The roads are willing to pay their just proportion for the improvement of the highways. The total amount of taxes paid by all the roads in all the States now equals the sum that is being spent on all the highways of the land.

The railroads have been compelled by competition and by legislation alike to reduce their rates. They have done so by improvement of their roadways and their power. The average cost of 23 cents per ton per mile on the common road can only be reduced by the application of like business and scientific principles to the construction of the common road.

The Government spends millions in demonstrating to the farmer the best methods of producing crops. It should do as much for him in helpful demonstration of the best methods of economically transporting these products to the nearest point of transportation by land or water. To conserve our crops we must get them to the point of consumption speedily and at the least cost, and that can only be done over good roads.

In conclusion I desire to express the hope that your Fifth National Good Roads Congress may prove very interesting, beneficial, and entirely satisfactory and to further express my regrets at being deprived by reason of pressing engagements of being with you.

Very truly, yours,

W. L. ROSS.

Mr. ARTHUR C. JACKSON,
President the National Good Roads Association,
The Grunewald Hotel, New Orleans, La.

Sundry Civil Appropriation Bill.

SPEECH
OF
HON. JOHN E. RAKER,
OF CALIFORNIA,
IN THE HOUSE OF REPRESENTATIVES,

Friday, June 14, 1912,

On the bill (H. R. 25069) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes.

Mr. RAKER said:

Mr. SPEAKER: The matter under consideration is the abolishment of the office of receiver of public moneys for the local land offices, and the substitution therefor of a chief clerk for the local land offices to be appointed by the Secretary of the Interior, which clerk shall receive a salary not exceeding $2,000 per annum.

The bill provides that the office of receiver of public moneys be abolished and all powers, duties, penalties, and obligations that are lawfully imposed upon such receiver shall be exercised by and imposed upon the register. That instead of the office of receiver of public moneys the Secretary of the Interior is authorized to appoint or designate a chief clerk for the local land offices, who shall receive a salary of not exceeding $2,000 per annum, providing that the chief clerk will perform the entire duties as required by the register of the office to whom he is appointed or by official regulation, and that such clerk shall, in the absence of the register or in the case of a vacancy in the office exercise all the power and perform all duties imposed upon the register of the land office by law or by official regulation. There is no reason given why the office of receiver should be abolished, and that in place of this office the office of clerk should be created, save and except the asserted claim of economy. This assertion is without foundation, and in fact it has not been made to thus appear by the gentlemen who have urged this new legislation; nor was it made to appear by those who appeared before the Committee on Appropriations having the bill in charge.

From the standpoint of proper administration of the district land offices there are many reasons why the office of receiver should not be abolished. This office is created by statute, appointment to be made by the President and confirmed by the Senate. The receiver is always selected from the bona fide residents of the particular land district for which he receives his appointment as receiver. The appointment is made because of the fitness and capability of the appointee to perform the duties of receiver. He is a man who is acquainted with the conditions in the land district for which he is appointed and who knows the needs and wants of that district. His duties are varied and important. In the absence of the register he performs practically all the duties of that officer as well. In the hearings and trials of all contests, which are varied and many, and which involve complicated questions of fact as well as of law, and the enforcement of the rules of equity, this officer participates. He presides in conjunction with the register upon all such trials and hearings, and after hearing the evidence and after investigation of the law he renders his decision. From his knowledge of the territory for which he is appointed he is in a position to better grasp the facts and to better understand the testimony of the witnesses than a stranger would be. His position as judge upon these trials and hearings enable him to see that not only the strict rules of law and strict enforcement of the rules and regulations are carried out, but he is in a position to enforce the rules of equity which are more important to the honest desert-land or homestead claimant than a technical and rigid enforcement of the law.

The judgment of this officer is most important, likewise the judgment of the register, and instead of having the opinion and judgment of one judge the wisdom of two is obtained. This decision has great weight with the Commissioner of the General Land Office as well as the Secretary of the Interior, as upon a question of conflict of facts the judgment and decision of the register and receiver prevails. The same is true of trials before the courts, for they have opportunity to see the witnesses, observe their demeanor upon the stand, and to judge the entire matter at first hand. In addition to this the judgment of the receiver as well as that of the register is given important consideration by the Commissioner of the General Land Office as well as by the Secretary of the Interior.

Further and in addition to the foregoing it gives home rule to the various land districts in the selection of a man from the district rather than to send a man to do this work who is unfamiliar with the mode and manner of life, the needs and necessities in a new country, and the personal knowledge that the receiver has by virtue of his residence in the district which the clerk can not obtain in years and may never obtain before he is removed to another district.

And for these reasons there has been no showing made or no reason given why the office of receiver should be abolished and that of clerk substituted therefor to the end that the appointee may come from a distance.

The question of economy seems to have been in the mind of the committee in making these recommendations, and it has been argued before the House that it is in the interests of economy and that a large saving would necessarily be made to the Government. In this the sponsors of the bill have entirely failed. We most respectfully submit the following: The compensation fixed by the statutes for the receiver is an annual salary of $500. (Sec. 2237, R. S.) Certain fees and commissions are charged parties who do business with the local land office, and out of these fees and commissions (sec. 2238, R. S.) the receiver, including his salary, may receive of such commissions a compensation which shall not in any case exceed the aggregate sum of $3,000 per year. (Sec. 2240, R. S.) It will be thus seen that the Government, under law, is responsible for as salary to the receiver of but $500 as his annual salary, and the receiver obtains no more unless business is done in the office for which fees and commissions are allowed by law, and collected from those doing business with the office, and exceed the amount of the salary as stated. The fees and commissions thus charged and collected are not a part of revenue collected by the Government, but is a charge for those doing business with its officers and fixed by law. When business increases the amount per annum received by the receiver increases accordingly, but in no case can exceed the aggregate of $3,000 per year. Whenever the amount of compensation received by the receiver exceeds the maximum allowed by law, the excess shall be paid into the Treasury as other public moneys.

Under the proposed bill the salary to the clerk proposed is to be $2,000 per annum, while under the law the receiver receives the annual salary of $500. What is received by him over and above this amount depends, as stated, upon the work done in the office.

The amount provided in the bill for registers is $280,000, and if the office of receiver is not abolished the same amount should be included for their salaries and commissions of receivers. In other words, these officers receive the same salary and are entitled to the same fees and commissions, in no case to exceed $3,000, but regular salary fixed at $500 per year, without fees and commissions, which depend upon the amount of work done.

The actual amount paid in 1911 to receivers was $27,447.71. There are 105 local land offices, and the salary provided in the bill for a clerk for each office would be $210,000, and if the amount paid for the next fiscal year would be approximately the same this would make a difference of about $64,000; but where is the saving when we turn to the bill and find that there is an appropriation made for $400,000 contingent expenses of land offices, and among these items we find "clerk hire"; and under this bill and law as it now stands the department can put in each land office a clerk to assist the chief clerk at a salary of from $1,000 to $2,000. Many of the clerks have already been assigned in previous years, and if it is the purpose to expedite business, how is it possible for an inexperienced man to take the office of receiver and do the work that he has done and is capable of doing at the fixed salary of $2,000?

It means that in each of the 105 land offices, or the greater majority of them, there will be an assistant clerk assigned, and if we fix the average of these clerks at $1,200 each we will find that it will cost the Government approximately $126,000; so, instead of it being a saving to the Government of $101,000, we find that the Government will be compelled to pay in the neighborhood of $25,000 by virtue of the change in excess of that now required for the office of receiver. This is a fair deduction to be drawn from the hearings had before the committee as well as the practices now followed by the Department of the Interior. This expense must vary, of course, according to the amount of work required in each particular office, but it has not been shown or pretended that the receiver was not entitled to the compensation paid and that full and efficient work was being done by him, not only to the interest of the Government but also to the interest of those who are dealing with the Government at the various local land offices.

If it is now necessary to send an assistant to some of the more important local land offices, will not the same necessarily occur if a chief clerk is provided for instead of a receiver? We will then have an appointed chief clerk assuming the duties of receiver, receiving a flat salary of $2,000 per annum, and in over two-thirds of the offices, if not more, an assistant clerk. It can readily be seen from this that this legislation is not necessary or is it in particular in the interests of economy. It abolishes one office and creates another office. In fact, it gives rise to the appointment of more clerks.

Aside from this, this office has been created for many years, excellent work has been accomplished, capable and competent men from each district land office have been appointed by the President and confirmed by the Senate, and there is no valid reason at this time, for the change will abolish the system of legitimate home rule for that of appointed clerks under the service from the city of Washington.

This legislation is a backward instead of a forward movement and should not be adopted by the House.

Another reason that this legislation should not be considered is that such radical changes, such new and important steps should not be brought in on the appropriation bill. These matters should go before the proper committee, there to be thrashed out and then presented to the House in the usual manner, to the end that the subject might receive due and proper consideration from the House, as other matters of like importance. No one is heard before the Committee on Appropriations upon it, no notice is given, there is no thrashing out of the questions, no full discussion before the committee, and the matter is brought before the House, where it is almost impossible to get the House's attention diverted from appropriation features of the bill, so that the special, important, and new legislation can be considered or is considered upon its merits. This of itself should be sufficient to defeat this proposed legislation, to say nothing about the other objections to it.

I have received many telegrams and letters from the land districts of my district. I will insert the following letters and telegrams, which bear directly upon the proposed legislation:

EUREKA, CAL., *June 6, 1912.*

JOHN E. RAKER, M. C.,
Washington, D. C.:

Oppose bill; reasons too numerous to wire. Letter follows.

REGISTER AND RECEIVER.

SUSANVILLE, CAL., *June 7, 1912.*

JOHN E. RAKER, M. C.,
Washington, D. C.:

Please send me copy bill abolishing office of receiver.

T. A. ROSEBERRY.

—

SONORA, CAL., *June 8, 1912.*

JOHN E. RAKER, M. C.,
Washington, D. C.:

Am advised sundry civil service bill provided abolishing land office receivers. If so, same is very detrimental mining interests here for reason that when Stockton land office was abolished all work went to Sacramento, and that office never caught up since, as no extra help was allowed them, and Sacramento office has been so swamped that sometimes two weeks before letter to that office can be answered. I am constantly applying for mining patents and have much dealing with that office and speak advisedly, and instead of abolishing receiver larger clerical force for both register and receiver should be allowed.

J. B. CURTIN.

—

SACRAMENTO, CAL., *June 8, 1912.*

JOHN E. RAKER, M. C.,
Washington, D. C.:

Has been called to attention of this body that provisions sundry civil bill reported to House abolishes office receiver United States Land Office. Do not believe enacting of such measure is to best interests of public. Hope you will use best efforts prevent passage.

CHAMBER OF COMMERCE OF SACRAMENTO,
SCOTT F. ENNIS, *Vice President.*

—

SACRAMENTO, CAL., *June 8, 1912.*

JOHN E. RAKER, M. C.,
Washington, D. C.:

In view of marked development and activity in this section of State, both agricultural and mining, we believe it inadvisable to change present conditions in local and office procedure. Many contested cases pending registered; can not perform duties expediently if receiver's office is abolished.

J. J. MCDONALD,
Secretary Jobbers Association of Sacramento.

—

REDDING, CAL., *June 7, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

Officers are five hundred year with fees and commissions, to make three thousand or maximum. Report 1910 shows many offices beginning to go under maximum, and current fiscal year will no doubt show greater decrease. Land hunger is taking all available land except untillable Montana or desert, and new homestead law will cause filing and proofs at once, so within next couple years main land business in most districts will be practically exhausted. Offices showing such decrease that they cease to be public benefit could be merged in a general central office in State and proofs and filings remaining made before county clerks at various county seats, thus saving expense maintaining many offices. Under present system of two joint officers the tendency is to go more thoroughly into cases and hearings often involving important rich deposit valuable lands or equities, thus safeguarding rights of government of individual; besides it would be manifest hardship to large number receivers to be removed from office without notice and chance to arrange other employment. If change is going to be, try and have it give a year's notice and not go into effect until end next fiscal year, as presidential message suggested that, I believe, and it is serious hardship to any man depending on salary to be cut off on short notice. Appreciating your interest deeply, I am,

L. L. CARTER,
Receiver, Redding, Cal.

—

SACRAMENTO, CAL., *June 7, 1912.*

JOHN E. RAKER, M. C.,
Washington, D. C.:

California Land Title Association, composed of leading abstract and title offices of State, protest against abolition of office of receiver. Didn't place more burdens on register. Much activity here, both locations and contests. Both officers very busy; neither department should be intrusted to clerk.

PIERCE BOSQUIT, ABSTRACT & TITLE CO.

—

SACRAMENTO, CAL., *June 7, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

Proposed bill abolishing office of receiver, land offices, will result in interminable delays in land-office business; no real economy will result; one officer can't do the work of the large office like Sacramento, which covers extensive district. Hope you will defeat bill.

C. A. SWIZLER.

—

EUREKA, CAL., *June 7, 1912.*

JOHN E. RAKER.
Washington, D. C.:

Believe that the bill abolishing receivers of land office should not pass, as it will be very detrimental to public interests. Please do all in your power against the measure.

F. W. GEORGESON,
Mayor City of Eureka, Cal.

—

EUREKA, CAL., *June 7, 1912.*

Hon. JOHN E. RAKER,
Washington, D. C.:

We urgently request you to use best endeavors to prevent passage of bill abolishing receiver's office. Saving to Government very small, and public interests would not be as well served.

H. F. FERRILL,
President Humboldt Chamber of Commerce.

SACRAMENTO, CAL., *June 7, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

Eight years' experience as register of United States Land Office convinces me that the bill before Congress to abolish the office of receiver of public money in land offices should not be passed.

JOHN D. MAXWAN.

—

SACRAMENTO, CAL., *June 7, 1912.*

JOHN E. RAKER,
Washington, D. C.:

To abolish office of receiver land office will practically eliminate nisi prius hearings in contested cases. Over hundred cases now pending Sacramento district, which contains entire mother lode of California. Register can not perform added work, and change will lead to expensive delay to litigants. Hope you will defeat bill.

W. A. GETT.

—

SAN FRANCISCO, CAL., *June 7, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

The abolishment of the office of receiver of United States land office would be a detriment to the mining interests of California.

A. R. TABOR.

—

PLACERVILLE, CAL., *June 11, 1912.*

Hon. JOHN E. RAKER,
Washington, D. C.:

El Dorado County Board of Trade protests against passage of bill abolishing office of receiver of land office. Sacramento land district is a large one, embracing this county. Many contests pending and large volume of business. One officer could not handle it without great delays. Bill ill advised. Urge defeat.

MAX MIERSON, *President.*
OSCAR FITCH, *Secretary.*

—

SACRAMENTO, CAL., *June 7, 1912.*

JOHN E. RAKER,
Washington, D. C.:

To abolish office receiver land offices would introduce chaos, destroy the efficiency of local land offices, and practically eliminate nisi prius hearings in contested cases. Register and receiver as trial judges divide trial work. To cast all on register would lead to interminable delay. There can be little saving in money and will be great waste in time. Economy which delays justice is unpardonable extravagance.

C. E. MCLAUGHLIN.

—

SACRAMENTO, CAL., *June 5, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

Will provision sundry civil bill abolishing receivers' land offices be adopted? Hope not. Can anything be done here?

A. CAMITETTI.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Sacramento, Cal., June 12, 1912.

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

SIR: In response to your letter of June 5, 1912, in regard to the contemplated abolishment of the office of the receiver of public moneys, as provided in the sundry civil bill, now under consideration before the House of Representatives, and in compliance with your request that I write you fully in regard to the change, I have this to say:

At present the office of register and the office of receiver of public moneys are both presidential appointments and subject to confirmation by the Senate, the term of each office being four years.

The duties of the register and receiver are distinct, and neither can discharge the duty of the other in the absence of express authority. (1st Land Laws, 150, 549.) The register is the custodian of the records, and it is upon his certification that entries, applications, etc., are allowed or rejected. While the register is present the receiver can not perform the duties imposed by law upon him. This is also true as to the register performing the duties imposed by law upon the receiver, among which are the custody of the funds and the issuance of receipts, etc., and also his duties as special disbursing agent in disbursing funds and salaries under the direction of the Commissioner of the General Land Office.

The receiver is bonded to the Government in the sum of $20,000 as receiver of public moneys and in the sum of $5,000 as special disbursing agent. The register is bonded to the Government in the sum of $10,000.

The local land office, irrespective of the administrative work of the register's department and the financial part required of the receiver, is in effect a nisi prius tribunal, the register and receiver having judicial powers vested in them by law, and their duties are not merely perfunctory, but are to be exercised within the lines of judicial discretion. (3 L. D., 85.)

In all contested matters before the Land Department hearings are primarily held before the local land office, and the rules of practice prescribe a procedure similar to that in effect in the civil courts, and the decisions of the register and receiver are entitled to special consideration where the evidence is conflicting (6 L. D., 225, 330, and 660), as well as decisions of matters of fact are entitled to special consideration. (4 L. D., 135.)

Probably no valid objection could be urged against the proposed change to abolish the office of receiver and place in his stead a bonded clerk, whose duties would be to take charge of the finances and be under the direction of the register, if it were not for the many complicated and contested matters which are continually being initiated.

On May 31, 1912, as shown by the monthly report to the Commissioner of the General Land Office, there were pending before this office 34 Government cases and 10 private cases; and from June 1, 1909, to June 1, 1912, this office rendered 263 decisions in contested matters, of which 186 were affirmed and the cases closed by the commissioner; of 12 more that have been affirmed by the commissioner, 6 are pending on appeal and 6 have not been finally closed. Eleven decisions of the register and receiver were reversed by the commissioner and closed; 2 decisions have been reversed by the commissioner, whose decisions were on appeal reversed by the Secretary of the Interior and the decisions of this office affirmed; 3 reversed decisions are now pending on appeal and 3 decisions of this office were modified.

The Sacramento land district extends from Fresno County on the south to Tehama County on the north; and, in some places to the Nevada State line on the east and to the summit of the Coast Range Mountains on the west, covering an approximate area of about one-fifth of the State of California. Within this district lies entirely the mineral mother lode of California, as well as the lava-capped auriferous ancient river channels, with both of which you are no doubt quite familiar.

During the last three years there have been many very important mineral contests before this office, and there are now pending a number of very important cases, and to give them the attention their importance demands it would be impossible for the register to perform the duties imposed upon him at present, and also the added duties and responsibilities which will be required of him by the proposed change. His time is and will be taken up, regardless of any change, by the many counter inquiries, numerous and important inquiries by letter, applications and status which require his attention and expedient action, and it would be beyond the possibility of human effort for him to try the cases, review the testimony and render decisions, and do justice either to himself, the litigants, or the Government.

Any officer who is required to pass judgment involving property rights should not be compelled to slight his task, or perform it in a perfunctory manner by reason of arduous duties imposed upon him, and a person conscious of his responsibility should have reasonable time and opportunity to digest and prepare his findings, which can be done only while he is studying the case intently, and can not be accomplished if he has many other things to think of and perform at the same time.

The work of this office has been performed by the register and receiver, agreeably dividing the duties between them, so that one officer could give his undivided attention to these contest matters, free from bother and other things to divert his attention, and probably that has been one of the reasons why this office accomplished so much work in this regard. A number of these cases have required several days to try them, and the testimony of many of them has exceeded 100,000 words, and instead of the help in this office being curtailed it should be augmented.

As stated before, if the contested matters were eliminated from the local land offices, no reason could be advanced against the proposed change; but as long as the law is as it is, and contested matters are required to be heard before the local office, public business will be crippled by the proposed change, delays will ensue, which will be expensive to litigants, many of whom are without means to withstand prolonged contests with their resultant delays, appeals, etc.

I can speak only of conditions as they exist in this district; I know nothing of the conditions as they obtain in other land offices in this State, but I do know that if the change as contemplated in the bill becomes a law, any economy which might entail by reason of such change will not be sufficient to recompense the people for the trouble and delay which will be caused.

Very respectfully, JOHN C. ING, *Receiver.*

—

SACRAMENTO, CAL., *June 10, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.

DEAR SIR: I take this method of protesting against the contemplated action of the Interior Department in doing away with the office of receiver in the United States land offices, as provided for in the sundry civil bill now before the House.

Have served in two departments of the Federal service: First, as a timber cruiser in the General Land Office and, second, as chief of status of lands for the fifth district of the Forest Service. In the Forest Service my duties involved a very close study of conditions obtaining since their inception in the eight land offices in this State and the one in Nevada.

I do protest against the change, for it would work untold hardships upon the public in many ways. The Federal service is already overburdened with antedated civil-service employees who have long ago outlived their usefulness and for whom no provision has been made for retirement. They clog the wheels of progress in public matters in that they are not capable of advancing with modern ideas, and their slow, methodical methods are not conducive to speedy transaction of public business. This devolves upon the register and receiver a very great amount of extra labor in the care of records, etc., and the needless rechecking of work that should be cared for by the subordinate clerk. In order for the register and receiver to properly adjudicate such matters as come before them, they must be men familiar with the district, with land-office practice and procedure, and be men of sound judgment and decision. Are we to find them in a clerk from Washington? I say no.

The register and receiver preside at public-land hearings and render their joint decisions on the testimony introduced. Their decisions have great weight with the department, and it is very essential to the poor devil of a homesteader when pitted against a million-dollar corporation that he receive a square deal, a speedy hearing, and a just decision on the merits of the case rather than on the array of counsel his opponents may have. That is not altogether possible when the opinion of just one overworked official is very apt to be conclusive.

The need of both officials is patent to all who transact public-land business, and to overburden the local land offices with more useless clerks is a thing that should be fought to a finish. I sincerely hope you will bend your best efforts toward having the provision stricken from the bill.

Very truly, yours, CHAS. L. GILMORE.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Eureka, Cal., June 10, 1912.

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.

SIR: We beg leave to acknowledge your telegram of June 6, 1912, relative to abolishing receivers and substituting a bonded clerk to be supplied by the department at Washington, and we thank you for early advising us in the matter.

Immediately upon its receipt we wired you asking that you protest such action and stating that reasons too numerous to wire would be submitted by letter.

In view of the fact that an early adjournment of Congress is probable, and desiring this to reach you in time to examine before the adjourn-

ment, we submit a few reasons why we think the change should not be made, and many others could be presented if the time permitted.

We presume this action is taken as the result of recommendations contained in the last and the preceding reports of the Commissioner of the General Land Office and which you have undoubtedly perused.

Among the reasons set forth in the report of the commissioner we find the following statement: "Experience has shown that there are frequent clashes between the two officers."

In answer to that reason we will say that possibly there have been cases where that has occurred, but what assurance have we that it will not happen where a bonded clerk has been placed in the office?

This clerk would certainly be under and subject to the authority and supervision of the register. Such being the case, is it not possible that a clash might occur? In such a case how would the matter be settled? The register is appointed by the President, and unless he performed some act which would authorize the President to remove him his conduct of the office could not be questioned, and pending that it might be necessary to substitute a new clerk, and during that time the business of the office would be delayed and serious inconvenience arise.

The abolishing of the office of receiver would place upon the register the entire work of the office. True, there is placed in the office a bonded clerk, but his duties would be simply to keep account of the moneys received. This would require the register, in addition to his present duties, to carefully examine the books and to report upon their correctness, a duty now placed upon the receiver.

Under the present regulations a leave of absence may be granted to either the register or receiver, but both can not be absent at the same time, and in those regulations it says: "The clerk left in charge can not be authorized to sign any official papers or documents."

Unless that regulation is changed, what would happen in case the register should be called from the office upon business of vital importance or be absent on account of sickness?

As at present, in the absence of the register, there is still left an officer who can administer official oaths and transact other matters whereby the business of the office can be carried on without any serious inconvenience to the public.

This particular office is not one in which a great number of contested matters are brought before it for adjudication, but in some of the larger ones which such matters are constantly presented. Under the present condition either the register or receiver is qualified to hear the matter, thus relieving the other, but in the change as suggested, that work would all have to be performed by the register, and as a consequence the work of the office would be delayed, and thereby cause inconvenience to persons desiring to secure titles to their homes.

There are other reasons which might be given which we think would show that the change suggested would not be for the benefit of the public service, but in view of the limited time we submit them for your consideration.

Trusting these may receive your consideration, and again thanking you for your kindness in the matter, we remain,

Yours, truly,

DAVID J. GIRARD, *Register.*
GEORGE H. KIMBALL, *Receiver.*

THE MORNING UNION,
Nevada City, Cal., June 7, 1912.

Hon. JOHN E. RAKER,
Washington, D. C.

MY DEAR JUDGE: I have been informed that the sundry civil bill, as reported favorably by the committee to the House of Representatives, provides for the abolishing of the receivers in the United States land offices throughout the country. This would affect eight land offices in California.

I regard this as an ill-timed measure, and upon general principles I do not favor it. Aside from political reasons, on the eve of a Democratic success, I do not think it a good plan to abolish the office of receiver of the land office. Your experience as an attorney and practioner before the land offices would give you a wider knowledge of this matter than I possess, and I merely express my opinion to you in regard to the proposed legislation.

With kind personal regards to you and Mr. Shepard, I remain,

Yours, very truly,

JO V. SNYDER.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Los Angeles, Cal., June 7, 1912.

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.

DEAR JUDGE: This office is in receipt of your telegram of June 6, reading as follows:

REGISTER AND RECEIVER,
Los Angeles, Cal.:

Provisions of present sundry civil bill abolishes office of receiver in all land offices and substitutes an appointive clerk from the department at Washington. This law should not be enacted. Send everything you can upon the subject immediately for use before the House showing the impropriety of abolishing receivers, etc.

JOHN E. RAKER, M. C.

We desire to thank you for your kindness in having notified us of this bill, with the specific provisions of which we are not familiar. If the matter has been thoroughly and carefully considered, we believe that one executive head of a land office would be preferable to the present system, but if the bill contemplates that the register shall act in an administrative and judicial capacity and perform all the duties now incumbent on both the register and receiver, with the exception of caring for and accounting for the receipts and disbursements of the office, we do not consider that it would be a wise measure. If only one officer was authorized to administer oaths to applicants, the volume of business of this office would preclude him from performing any other function. It would be absolutely impossible for him to preside at contest hearings and it would be equally impossible for him to give his personal attention to the correspondence of the office.

In theory the object to be obtained by this bill is an admirable one, but in practice we doubt the efficiency of the proposed enactment.

For some time past the receiver of this office has contemplated resigning his office and entering upon the active practice of law, and as a consequence the personal equation is entirely eliminated in the above statement of our opinion.

Again thanking you for your courtesy in the matter, we have the honor to be,

Very sincerely, yours,

FRANK BUREN, *Register.*
O. R. W. ROBINSON, *Receiver.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Independence, Cal., June 7, 1912.

Hon. JOHN C. RAKER, M. C.,
Washington, D. C.

SIR: We have the honor to acknowledge receipt of your telegram dated June 6, 1912, requesting us to send what information we may have as to why the office of receiver in all local land offices should not be abolished and an appointed clerk from the department substituted therein, which said information you desire for use before the House.

The only way we could make a report of this kind would be through the head of the department, as by Executive Order No. 1514, dated April 8, 1912, officers and employees are strictly prohibited, either directly or indirectly, from attempting to secure legislation or to influence pending legislation except through the heads of their respective departments.

We would be pleased to make such a report through the Secretary's office, but know of no information that would be of real value to you in this matter, though the report of the Commissioner of the General Land Office for the year 1910, page 6, relative to said change, might prove to be of some interest to you in case you have not seen the same.

In case you still desire us to make a report in this matter we will try and do so, but we know of no reason why said change should not be made.

Regretting that we are unable to give you the desired information, we beg to remain,

Yours, very respectfully,

VALENTINE F. GORMAN, *Register.*
VIVIAN L. JONES, *Receiver.*

SUSANVILLE, CAL., *June 20, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.

DEAR FRIEND RAKER: On yesterday I wrote you in reply to your letter of the 13th relative to the abolishing of receivers in United States land offices, which was transmitted through the honorable commissioner as per late order of the President, in which is given, briefly, my views based upon near 20 years of experience in the business.

Another matter that would be a material advantage to the service would be the appointment of a junior clerk in all local land offices. Let it be a basis for their admission to this department through the civil service. This would give some young man in each land district an opportunity, and it would place in the service a lot of young men who, from this experience, would be qualified to do efficient work in any station in the department. As now, you have a clerk appointed from the civil service; he is of comparatively no benefit to the office for 60 or 90 days, as most all of them never saw the inside of one before, and don't know a township plat from a blank piece of paper. I would ask that you give these matters your careful consideration.

With kind regards from us all to Mrs. Raker and yourself, I am,

Yours, very truly,

T. A. ROSEBERRY.

SUSANVILLE, CAL., *June 18, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.

MY DEAR SIR: Referring to your letter of the 13th inst., and my reply thereto by wire, as to abolishing the office of receivers in United States land offices, this is a matter that has been recommended by the honorable commissioner in his reports for a number of years passed.

As stated in my telegram to you, with "one head," and he to have full control of his district, I am satisfied that three persons will accomplish as much as five will under the present system; not near as many mistakes would be made; the expense would be much less; and "fraud" would soon be a matter of the past.

The land court recommended by the honorable commissioner should certainly become a law, and it appears to me that the time has come when a fee should be charged for all matters filed in United States land offices, including the register's certificate, and these all to go to the Government, and the salary of the register and receiver or bonded clerk to be fixed one.

Yours, very respectfully,

T. A. ROSEBERRY.

The Law's Delays.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 11, 1912.

On the bill (H. R. 22591) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: It has been suggested that this bill (the Clayton contempt bill) is in the interest of the labor leaders. I am inclined to think it is more in the interest of the labor lawyers. The bill can not be satisfactory to labor or labor interests, because labor is law-abiding, and this bill relates exclusively to procedure in contempt cases where the character of the

offense is such as to constitute a crime. It would not even apply to the Gompers-Mitchell contempt case, in which the heavy sentence imposed by Justice Wright has occasioned comment.

Apart from its effect upon the courts, the bill is an invitation to the vicious or the unscrupulous to resort to dilatory methods in legal proceedings. If enacted into law, it will promote the law's delays and put the plain people who are obliged to seek the protection of the courts to a very great disadvantage in any contest with those who are more resourceful than themselves.

In support of this belief, I cite that section of the bill which fixes the punishment of anyone found guilty by a jury of the contempt complained of. "In no case," says section 268 B, "shall the fine to be paid to the United States exceed * * * the sum of $1,000, nor shall said punishment exceed the term of six months."

EASY FOR THE RICH MALEFACTOR.

If the president of a hundred-million-dollar corporation was found to be in contempt for refusing to produce books which would develop fraudulent and watered stock transactions, he would doubtless consider this $1,000 fine a soft and easy punishment. In such a case it is difficult to see where labor would derive any advantage from the bill.

From the laymen's point of view—for this is distinctly a lawyer's bill—it would seem that many other cases might arise in which it would be worth the defendant's while to defy the order of the court as proposed in the bill and to accept the invitation to engage skillful lawyers to hunt for a jury and delay proceedings.

Suppose, for instance, the receiver of a national bank were ordered by court to make an accounting of funds which he was accused of appropriating to his own use. Being in possession of the funds and able to employ lawyers, the receiver defies the order and, in effect, demands the right to take the court before a jury. When under such a system will the poor depositors of the bank get their money? And after all costs and fees have been extracted, how much will be left for distribution?

Or suppose the court having jurisdiction orders a trustee or guardian to account for the estate of minor children, and the trustee or guardian, having looted the estate, says he does not have to obey the order and demands that the proceeding be transferred to some other tribunal. Who pays the lawyers' fees for the minor children whose money is thus employed against them?

Or suppose upon complaint of one man, whose person or property is threatened in such manner as to "constitute a criminal offense," the court issues an order to prevent the commission of the crime. Shall the court itself be haled before a jury to defend its right to enforce the law? And meanwhile what becomes of the injured party whose life and property are jeopardized? And to what expense is he put to protect his own?

TOO MUCH LAW FOR THE LAYMAN.

Apparently, Mr. Speaker, whatever good the bill is intended to do is overcome by the perplexity and the circumlocution that will result from its enactment into law. The layman of to-day has come to believe there is more law now than the actual necessities of justice and fair dealing warrant. We are beset on every hand by laws and technicalities until it is almost impossible to labor or to do business without the assistance of a lawyer. Instead of complicating legislation, we should strive to simplify it. Instead of sending people to the courts with the dread that time, money, and reputation may be lost in the effort to obtain justice, we should give them the assurance that cases will be speedily determined and that the advantage shall not rest with those who are the most resourceful or best able to pay the lawyers. We certainly should not so frame our laws as to give the evil-minded person reason to believe that he can commit crime or threaten to do so, and then defy the courts that undertake to restrain him. Judges may have erred in some instances in the past, and they may err again, as all men human are apt to err, but it is questionable whether judicial errors, past or prospective, justify the overthrow of that power now vested in the courts which makes justice enforceable and effective.

Apart from the note of defiance of judicial authority, which this bill heralds, it wholly overshoots the mark if it is intended to help labor. A careful reading of its text applied to the ordinary conditions which now hold between man and man leaves no other conclusion, as I view the matter, than that under the dilatory and expensive system proposed, the poor man will yield to the rich and the powerful, and he who has the price to pay for legal acumen will outwit and outmaneuver his opponent, who is less fortunate.

Duty to Fulfill Preelection Promises and Platforms.

EXTENSION OF REMARKS

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 15, 1912.

Mr. RAKER said:

Mr. SPEAKER: I believe it is but proper and right for me at this time to say a few words upon the important question of the duty of those who seek to represent the people of this great Nation or any branch of it, as well as one of the sovereign States, to fully carry out their preelection promises and platform. The promises made by a man when seeking to obtain the suffrage of the people for any office within their gift should not be lightly made, and when made should not be broken. He should be at all times ready and willing to let the public know, as near as he can, his position upon public questions and matters of public concern. When thus made they should be considered as a moral and legal pledge between the public and himself, binding upon him and to be truly and fully executed.

I have heretofore acted upon and tried to fulfill such promises and shall continue to do so in the future. One who violates his preelection promises and platform is not entitled to the support of any constituency. He is a poor and faithless public servant. He has obtained a high position by fraud and deception if he takes any other course. His title to the office would be obtained and held by committing an offense, while not punishable by any known law yet enacted, though grossly guilty under the moral code. Though his conviction is not always had, it most generally follows when he next appears before the people for their judgment. While not so certain of condemnation in the past, in the future it will be, because the people are taking a closer inventory of their public servants and are now more fully appreciating their rights and the means with which they can execute them.

There can be no moral or legal excuse for a want of fulfillment of preelection pledges.

I made promises to the people of the first (now second) congressional district two years ago. Those promises have been observed and executed by me to the fullest extent of my knowledge, power, and ability.

The promises and platform upon which I was elected to this Congress are made a part of this statement, likewise some of the things in which I have participated as a Member of this House, and my future promises and pledges to the California people, in particular those of the second congressional district.

IMPORTANT QUESTIONS.

PLATFORM OF PRINCIPLES.

Position taken by John E. Raker on important questions involved in the issue before the people on behalf of better government.

When a candidate for Congress in 1910 I prepared a statement explaining my position on the important questions facing the voters at that election to be held in November of that year. That statement is as follows:

This Government should not be a business asset of the favor-seeking corporations. It must be the people's Government, and be administered in all departments according to the Jeffersonian maxim, "Equal rights to all, special privileges to none."

"The people must rule" is the living issue which presents itself in all public questions now under discussion.

That such is the primary issue has become perfectly clear. The course of national legislation in the past shows that gross abuse of power by the "machine" has emphasized the fact that the people do not rule. This is wrong. This is usurpation of power. It is a control of the Government by the corporations and trusts, instead of a control of the corporations and trusts by the Government; and so long as this exists, just so long will the people be deprived of their rights.

I am therefore in favor of—

1. A progressive, honest, and economical Government.
2. An end of all official graft.
3. An honest revision of the tariff downward.
4. A fair and equitable banking and currency law (not a great central bank controlled by Wall Street).
5. Conservation of our natural national and State resources, and a progressive upbuilding policy, honestly and economically enforced; that we control our natural resources and use them now—in the present—but still control them so the future use of them will be saved for the people of this Nation—keep them from the hands of the few.
6. Controlling the trusts and preventing monopoly.
7. Reciprocity for a progressive purpose, and not for retaliation.
8. A genuine control of railroads, freight and passage rates.
9. A just and genuine control of railway discrimination between cities and towns.
10. Controlling overcapitalization of stocks and bonds of railroads and of industrial monopolies.

11. Physical valuation of railways as a basis of fair rates and fare.
12. A parcels post, and a genuine postal savings bank act, and that it be constituted so as to keep the deposited money in the community where it is established.
13. Proper control of the gigantic gambling in stocks and bonds and in agricultural products.
14. A progressive inheritance tax on large and gigantic estates and an income tax.
15. Permanent system of development of our national waterways and of national good roads.
16. A national law for publication of campaign funds before all elections, and a sound corrupt-practices act.
17. Election of United States Senators by direct vote of the people, and an amendment of the Constitution of the United States for such purpose.
18. Congress providing its own rules, and that the Speaker should not be the ruler of the House, but that the House itself should rule, to the end that honest, just, and proper legislation may be enacted.
19. Honest, fair, just, and proper legislation on behalf of labor; labor must be dealt with in a spirit of fairness.
20. An exclusion law, excluding from the United States and Territories all Asiatics, except certified merchants, students, and travelers.

There are many questions presented in the above. I have thus stated them so there can be no misunderstanding as to my position on the important questions now confronting the people of this Nation.

It is true that those now demanding the principal attention of our people are: Corporation control of our elections, monopoly of our necessaries of life, domination by special-privilege corporations of our legislation, and conservation of our national resources.

I believe in individual and national success and prosperity. Merit should be rewarded. I have no quarrel with corporations. They are necessary and should be encouraged for the purpose for which they are formed. Corporations being formed for the purpose of serving the general welfare should not partake of the free man's political rights. It is no part of their business to run the Government or to attempt to run it; and when they do, they are stepping beyond their legitimate functions and should be stopped.

The Aldrich-Payne tariff law is a violation of the first principles of this Government. It is so arranged that it gives to the already wealthy and takes from the needy. It should be revised and revised downward. The beneficiaries of the tariff should not be given this task.

Progressive constructive legislation should be had at all times, and I am unalterably opposed to "obstructive" or "destructive" legislation, just because it is "obstructive" or "destructive."

If elected I would deem it my duty to do the best within me for the entire Nation. When I could be of special service to this State or to my district, it would be one of my pleasures, if within my power so to do, if not in conflict with duties to the Nation. No task would be too burdensome to thus perform for this district or the State or any part of the State.

The rivers and harbors of this district and State need material improvement and special care and attention, and the National Government should be prompt and liberal for such common good.

We have no desert lands in this State when water is applied. With an abundance of water going to waste and not restrained and an empire of land lying idle, every effort should be made to put the water on the land and utilize it. This can and should be done. No man is doing his whole duty unless he bends his energy to that end.

I am opposed to the system of which Cannon or Cannonism is but a representative—a symbol. No man who holds the views of parliamentary procedure or national policy of Cannon should be Speaker of the House of Representatives.

And I would consider that I held a commission from the people of this district to vote against any man of such views, and if elected would vote for a Speaker who is in favor of the House providing its own rules and methods of procedure, which should be free from domination by its Speaker.

The will of the people would be my guide. This is a Government of the people, for the people, and by the people. The people can be trusted.

I have no special claim upon the people of this district for their suffrage. I have no "ax" to grind. Having an abiding faith in our institutions and form of government and holding the views I do, I would consider it a high privilege and right to participate in its affairs, believing that I would not abuse the confidence of this people. Having been a resident of this district for 30 years, I feel I know their wants and needs.

The matters and things here presented are for the purpose of making my position clear to the public, with a firm belief in the same, and with a free and full promise to carry the same into effect as far as it may be in my power and ability so to do.

JOHN E. RAKER.

ALTURAS, CAL., *August 31, 1910.*

My work as your Representative in Congress, and the CONGRESSIONAL RECORD, will show that I have labored earnestly and hard to carry out these principles. I have accordingly worked and voted for the legislation that had for its objects and purposes the fulfillment of my pledge to the people and the enactment of the same into law.

1. Much progressive legislation has passed the House for which I worked and voted. Such legislation has been efficient, along economic lines, progressive, and constructive.

2. The rules of the House of Representatives have been revised so as to give to the Representatives of the American people freedom of speech and of action in introducing, proposing, and defending progressive and remedial legislation.

3. Bills have been passed for the relief of the people and the development of the country.

4. There has been an honest effort to revise the tariff taxes downward in favor of the masses, and thus to reduce the high cost of living.

5. There has been proposed an amendment to the Federal Constitution providing for the election of the United States Senators by direct vote of the people.

6. Arizona and New Mexico have been admitted into the Union as sovereign States.

7. A law has been passed requiring the publicity of campaign expenses both before and after election, and fixing a limit on campaign expenses of the United States Senators and Representatives.

8. A bill to prevent the abuse of the use of the writ of injunction has been passed.

9. A law establishing an eight-hour day for workmen on all national public works has been secured.

10. A resolution which forced the President to take immediate steps to abrogate the Russian treaty was passed.

11. The great supply bills passed by the House lessened the waste and extravagance and reduced the amount of expenses of the Government by many millions of dollars.

12. The three-year homestead law was passed and is now a law.

13. Laws were passed giving relief to desert-land claimants and to homestead claimants under the Government reclamation projects.

14. A law creating and establishing a child's bureau was secured.

15. The phosphate bill was passed.

16. The law establishing the Bureau of Mines was amended and passed, to the end that this bureau might have ample and sufficient power to extend its operations, particularly in metalliferous mining. This affects the great Rocky Mountain and Pacific coast mining States.

17. The Panama Canal bill passed the House exempting from tolls all American ships engaged in coastwise trade passing through the Panama Canal, and prohibiting the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competition with the canal.

18. The excise-tax bill has passed the House.

19. The bill providing for national post (good) roads, the publication of the names of all owners of all newspapers together with their stockholders and indications in said papers as to the author of all newspaper articles, and a partial parcel post was passed.

20. A bill granting home rule to the Territory of Alaska.

21. A pension bill has passed the House and is now a law, which is a better recognition of the soldier than before given.

22. Trial by jury in contempt cases, when alleged to be committed without the view of the court, is now pending and will pass the House.

23. Bills suppressing the pernicious practice of gambling in agricultural products are now pending before the House and will be passed.

24. The various planks of that splendid progressive platform adopted at Baltimore on June 29, 1912, will be carried out and enacted into laws. For the enactment into laws of those progressive policies I will earnestly and diligently labor.

25. A bill providing for workmen's compensation is before Congress and will pass.

There are many important measures now pending in Congress which are intended to give the people of the Nation more progressive and better laws. In fact, every principle enumerated has received much earnest and careful attention and consideration by the House. Many of them have become laws of the land, others have passed the House and now await the action of the Senate, while others have passed both the House and the Senate and have been vetoed by the President. Many others are before the committees of the House, and those that relieve the American citizens of the unjust burdens of taxation, reduce the high cost of living, control the trusts and prevent monopoly, and, being just and wise measures, will receive the consideration and sanction of the House.

In this great constructive work of the House I have endeavored to do my part, and have voted according to my best conscience to carry out what I promised I would do, if elected, and have striven to advance the course of justice and right.

I am in favor of more liberal laws, rules, and regulations for miners; have given this most vital and important subject personal consideration. Miners and the mining interests desire the right to obtain and must get just and fair treatment.

I am for conservation of our national and State resources. What I said two years ago in my statement is hereby reaffirmed. I am against the destruction of those resources. Since my election two years ago I have, in and out of Congress, worked for progressive and true conservation.

The proper handling of our public lands and coal and oil lands, here and in Alaska, and the proper use, control, and development of our water, water rights, and power sites have been given and will continue to be given every consideration.

Under my statement of two years ago (No. 20), that I was in favor of an exclusion law, excluding from the United States or its Territories all Asiatics except certified merchants, students,

doctors, and travelers, I have introduced a bill (H. R. 13500) which fully carries out this pledge. This bill is comprehensive and just and contains proper restrictions, and so forth. I have and shall continue to give this bill my best efforts and feel that eventually it will receive the approval of Congress. This is a big and important question, and of necessity takes much care, labor, and time. This I will unswervingly continue to give.

I realize that it is quite hard to do much until after one has had some little experience, but, notwithstanding this fact, I have been "on the job," and voted and answered roll calls at all times, which will be borne out by the CONGRESSIONAL RECORD.

I have given personal attention to the work before the various committees and have succeeded in assisting and securing much legislation that was necessary. With more experience I know I could do better.

There is much progressive legislation needed. I would like to assist in this work, and, if I have been reasonably faithful in the past, with what experience I have had as your present Representative, with your approval I can and do unhesitatingly say that my work in the future will be to better carry out the statement of principles and work for the enactment of laws that will keep and run this great Government for its 95,000,000 of people and not for a favored few—the interests or the trusts. My sympathies are with the people. I am one of them, a humble worker in the ranks. I stand for advancement all along the line. The people should be permitted to have a full voice and say in this Government of theirs. I stand for progressive legislation, both State and national, to that end.

You generally know whether or not I have given proper care and attention to the interests of the people of the district. No letter has been left unanswered and no inquiry passed by unnoticed and without care and attention.

My attention has been given, maybe not always properly and wisely, but anyway the best that could be given and done. I have endeavored to do as your Representative what I promised I would do when seeking this responsible and honorable position at your hands. How well I have done this, you must be the judge. My conscience knows that I have faithfully and truly striven to accomplish it. This will be my promise for the future. Many needs and wants of this district and State have been impressed upon me by personal contact and knowledge and by individuals as well as by the newspapers. Some of the many requirements are set out in this statement, and these and all other just and progressive principles will receive my best efforts.

If my past course, work, and conduct have been such that you can reasonably approve them, considering the inexperience, the principles that I have and do stand for and those that have been carried out and enacted into laws, then I most respectfully request that you give me an opportunity to use this experience for more and better work and better results.

The approval of my work as your Representative in Congress is therefore earnestly solicited.

The Administration's Antitrust Record.

EXTENSION OF REMARKS

OF

HON. JAMES R. MANN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 15, 1912.

Mr. MANN said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks an address by Hon. George W. Wickersham, Attorney General of the United States, delivered at Milwaukee, Wis., as follows:

THE ADMINISTRATION'S ANTITRUST RECORD.

ADDRESS BY GEORGE W. WICKERSHAM, ATTORNEY GENERAL OF THE UNITED STATES, MILWAUKEE, WIS., FEBRUARY 19, 1912.

The Sherman Antitrust Act of July 2, 1890, was enacted by a Republican Congress in an effort to effectively check the growth of business combinations which threatened the destruction of the cardinal principle of our American institutions, namely, equality of opportunity to all under the protection of law.

Senator Edmunds, in an article published in the North American Review for December, 1911, has described the thoughts and intentions of those who framed and procured the enactment of that law. They nearly unanimously agreed, he says—

that to secure freedom and equality and protection for the commerce that the Constitution had authorized Congress to regulate, the safest and surest way was to denounce the disturbance of it in the simplest and all-embracing terms, without qualification or exception; fair play and justice for all, favors for none.

The broad and just policy of the framers of the Constitution—

He says—

was to provide for the protection of trade and commerce with foreign nations and among the several States, and monopolies thereof, etc., against evils that had afflicted the people in the experience of civilized mankind in hydraheaded forms.

And, he adds, the Judiciary Committee believed that the well-known principles guiding the courts in the application and construction of statutes would lead them to give the words of the act a beneficial and remedial interpretation, rather than an injurious and technical one, hurtful to any honest trade, as well as out of harmony with the beneficent spirit and policy of the whole act.

During the three years of the administration of President Harrison remaining after the passage of this act, four civil suits and three criminal prosecutions were brought under it. Only two of these were of general importance. The one against the Sugar Trust, known as the Knight case (156 U. S., 1), was not tried until after the expiration of Mr. Harrison's administration. During President Cleveland's second administration it resulted in a decision adverse to the United States, which was affirmed by the Supreme Court in an opinion from which Justice Harlan dissented, setting forth in his dissent, with his customary vigor, a construction of the statute which is substantially the same as that adopted by the court in 1911 in the decisions of the suits against the Standard Oil and the Tobacco combinations.

The other important proceeding brought under President Harrison was a suit against the Trans-Missouri Freight Association, which resulted, in March, 1897 (just after the expiration of President Cleveland's term), in a decision upholding the law as applicable to a combination of railroad companies formed for the purpose of controlling rates of transportation in interstate commerce.

During Mr. Cleveland's administration five civil suits and two criminal prosecutions were brought under the act. One of the former involved substantially the same question, in a somewhat different form, as that presented in the suit against the Trans-Missouri Freight Association. This was a suit against the Joint Traffic Association, which was decided in favor of the Government in the lower court, and during President McKinley's administration was argued and decided in the Supreme Court—also in favor of the Government. Another case of importance was the suit against the Addyston Pipe & Steel Co., which was instituted in December, 1896, and decided adversely to the Government during Mr. Cleveland's administration; was appealed to the Circuit Court of Appeals in the Sixth Circuit, and there argued and decided in favor of the Government during the administration of President McKinley (Judge William H. Taft writing the opinion), and during the same administration was taken on appeal to the Supreme Court, where the latter decision was affirmed.

This case gave to the antitrust law its first comprehensive application to the then widely prevalent forms of combinations between manufacturers to suppress competition among themselves and to choke off all outside competition. Judge Taft's opinion was adopted in its entire scope by the Supreme Court. The evidence in the case showed that all of the manufacturers of sewer pipe in a considerable number of States had combined together, and when any city, county, or other public works required the use of sewer pipe, and proposals were called for, these manufacturers got together and agreed among themselves who should have the contract; the only genuine bid put in would be that of the concern thus designated to receive it, the others interposing fictitious bids so arranged as to necessarily secure the contract to the one agreed upon. The whole purpose of the combination was to prevent any real competition between the parties to the agreement in some 36 cities respecting the manufacture and sale of cast-iron pipe, and to put the purchasers and consumers of pipe in the district within which the members of the combination operated entirely at the mercy of this combination. The court held that the whole agreement was in plain violation of the Sherman law, and that the defendants must be enjoined from taking any action pursuant to it.

The first proceeding brought under the act during the administration of President Roosevelt was the suit against the Northern Securities Co., in which Attorney General Knox secured a decision of far-reaching importance, holding that a combination to control two parallel and competing lines of interstate railroad by means of the acquisition of a majority of the capital stock of each, and the placing of the same in a holding corporation whose stock was issued in exchange was an unlawful combination in restraint of trade and would be enjoined under the Sherman law. To the plea that competition between the two railroads had not yet been affected, the court answered that the

power to control or destroy that competition at will, acquired through the Securities Co., was sufficient to establish a contract or combination in restraint of interstate trade and commerce.

During the seven and one-half years of Mr. Roosevelt's administration 44 proceedings in all were brought under this act—18 civil suits, 25 criminal indictments, and 1 proceeding by seizure of property, in course of transportation from one State to another, alleged to be owned by an illegal combination in restraint of trade. Of these, a civil suit against Swift & Co. (beef packers of Chicago) resulted in a decision in the Supreme Court, rendered January 30, 1905, which affirmed an injunction granted by the lower court, framed for the purpose of restraining defendants from carrying out an unlawful conspiracy between themselves and various railway companies to suppress competition and to obtain a monopoly in the purchase of livestock and the selling of dressed meats. Criminal indictments brought against the same defendants and others engaged in the same business and alleged to be parties to the same conspiracy resulted in the indictments being quashed by the circuit court upon a plea of immunity based upon a showing that in securing the indictment the Government had made use of information furnished to the Bureau of Corporations under such circumstances that the court held the defendants were protected from having it used against them as evidence in a criminal proceeding.

An indictment against the MacAndrews & Forbes Co. and others, as constituting an unlawful trust in licorice and licorice paste, used in the manufacture of tobacco, resulted in the very extraordinary conclusion in the circuit court in New York of the conviction of two of the corporations indicted, and the acquittal of the officers of the corporations who had exercised the practical control over them in the performance of the acts for which the corporations were convicted.

An indictment against the Virginia-Carolina Chemical Co. and others in Tennessee was quashed on a plea in abatement. A civil suit against the American Tobacco Co. and others in New York resulted in a decree in favor of the Government against certain of the defendants, and the dismissal of the bill by the circuit court against the individual defendants and the British corporations engaged in the combination. Of the 44 proceedings brought, 8 civil suits resulted in decrees for the Government, 4 criminal prosecutions in verdicts of guilty, in 6 the defendants interposed pleas of guilty, 2 were quashed on pleas in abatement or in bar, 5 dismissed, and verdicts were rendered for the defendants in 3 cases. Sixteen cases, civil and criminal, were pending when the Taft administration came in, one of which, to wit, the proceeding against the American Tobacco Co., was on appeal to the Supreme Court.

The Republican platform of 1908 referred to the prosecution of illegal trusts and monopolies as among the great accomplishments of the Roosevelt administration, and declared that the Sherman antitrust law had been a wholesome instrument for good in the hands of a wise and fearless administration.

Mr. Taft, in his speech of acceptance of the nomination for the Presidency, pledged himself to the enforcement of this law.

The judges of the circuit court in the Tobacco case had differed in their views of the construction of the law, one of them giving to it a literal interpretation, which, if adopted by the Supreme Court, would have made its enforcement impossible. He interpreted the language of the statute, in the light of the opinions of some of the justices of the Supreme Court in previous cases, to mean that any agreement which in any way, however slight, should operate to interfere with or restrain competition in interstate commerce was condemned by the act, and that no matter what the result upon commerce, if competition was in any respect impeded, the condemnation of the statute must be applied.

In his speech of acceptance Mr. Taft expressed his opinion that no such construction was ever in the contemplation of the framers of the statute and his belief that the Supreme Court would so hold, and that if it did not so hold the statute should be amended.

The state of the law at the beginning of the present administration was, therefore, that the act had been held applicable to railroad companies as well as to other corporations and individuals; that combinations of dealers in commodities the subject of interstate commerce to suppress competition among themselves, fix prices, and exclude others from entering the field of competition with them and all other contracts or combinations among particular dealers in a commodity, where the direct and immediate effect of the contract or combination was to destroy competition between themselves and others, so that the parties to the contract or combination might obtain increased prices for themselves, amounted to a restraint of trade in the commodity, even though contracts to buy such commodity at the enhanced price were continually being made; that it was not enough that the mere tendency of the provisions of the contract should be to restrain competition, but that where its direct and immediate effect was such restraint upon that kind of trade or commerce which is interstate the statute applied; that combinations formed for the purpose of controlling prices by destroying the opportunity of buyers and sellers to deal with each other upon the basis of fair, open, free competition are against common right and constitute crimes against the public.

At this time—March, 1909—it is safe to say that every intelligent lawyer, and every person who sought to ascertain the real state of the law, must have known that agreements in the form of pools between competing manufacturers and dealers, fixing prices, controlling the amount of business which each might do, providing for fictitious bids through agreements among the prospective competitors to so arrange their bidding that an agreed person would have to receive the award, and combinations of competitive railroads by means of stock-holding corporations were condemned by the act.

The questions remaining open were, first, how effective the act was to reach the great aggregations of formerly competitive producers and dealers, individual and corporate, who, through intercorporate stock holding, mergers, consolidations, and otherwise, had acquired so great a control over a particular line of industry as to enable them to dominate it and to exclude or admit competition as they might choose upon their own terms; and, secondly, whether that construction of the law was correct which had been given to it by some of the judges in the circuit court in New York in the Tobacco case, and in the opinion of some of the justices of the Supreme Court in other cases, to the effect that any combination, etc., which in any respect operated to restrain to any degree a preexisting competition in interstate commerce was necessarily condemned by the act.

During the present administration these questions have been pushed to authoritative and ultimate decision. In the three years since the inauguration of President Taft all of the 16 causes left pending by the last administration have been disposed of except 2, which have been argued and submitted in the Supreme Court of the United States and are now awaiting decision, 2 now on the docket of that court, shortly to be reached for argument, and the suit against the Powder Trust, in which an interlocutory decision was rendered by the circuit court in Delaware in June, 1911, in favor of the Government and against the defendants and which is about to be brought before the circuit court for final decree. Of the remaining causes, the Standard Oil case was argued early during the present administration in the circuit court and decided in favor of the Government, was taken to the Supreme Court on appeal, and, after two arguments in that court, decided entirely in favor of the Government. The Tobacco case was twice argued in the Supreme Court, and a decision rendered reversing that of the circuit court and awarding a comprehensive decree in favor of the Government, under which that great combination has been disintegrated into 14 separate and distinct companies, under circumstances and conditions which will effectively prevent a continuance of monopolistic conditions.

A suit brought to enjoin the merger of the New York, New Haven & Hartford Railroad with the Boston & Maine Railroad was dismissed after the State of Massachusetts had passed legislation expressly providing for this merger under provisions designed to protect the public interests; and in view of the clear proof that the railroad systems of the respective companies were supplementary and contributing to each other rather than competitive and that the union under one management was in furtherance of no restraint of trade.

During the present administration, up to February 1, 22 civil suits have been brought and 40 criminal indictments found under the Sherman law, making in all 62 proceedings, civil and criminal. In the criminal prosecutions demurrers were sustained to 4 indictments; pleas of nolo contendere (the equivalent to a plea of guilty) entertained to 11 indictments, involving 80 or more defendants; in 1 case defendant plead guilty; 8 out of 12 defendants were convicted on one indictment after trial by jury, and their conviction affirmed by the court of appeals; and 13 criminal prosecutions are pending. In the civil suits judgment was rendered for the Government in 1; in 3 the defendants have submitted voluntarily to comprehensive decrees granting the relief sought by the Government; 2 were dismissed; and 16 are now pending.

Investigations by the department have resulted in discovering the existence of very many forms of combinations to control and restrain commerce among the States and with foreign nations, which completely justify the wisdom of the framers of the Sherman law in dealing with the subject in such broad, comprehensive language that no form of device which results in unduly restraining the current of trade and commerce among the States or with foreign nations, or in the unfair monopoliza-

tion of such commerce in any line, or in the attainment of power to control a vast proportion of any particular business at will and to destroy or permit competition as it may seem to the interests of the possessors of that power, can escape the condemnation of the statute.

A brief review of the nature of the cases brought during the present administration will best illustrate the value to the whole people of the existence, and the necessity for the enforcement, of this law in the protection of that equality of opportunity which is declared by the platform of the Republican Party to be the right of every American.

The first proceeding brought was an indictment against some of the officers and agents of the American Sugar Refining Co. for conspiring to secure control of the stock of a Pennsylvania corporation which was about to engage in the manufacture of sugar on a large scale, and which, by reason of this conspiracy, was prevented from so doing; this prevention continuing down to the time of the finding of the indictment, although affirmative action of the defendants at any time might have released the restraint and permitted the business to be set under way. A valuable decision was secured from the Supreme Court in that case to the effect that where the purpose of a conspiracy is a continuing one, resulting in a continued restraint upon interstate commerce, the statute of limitations does not begin to run until the restraint is ended.

Other forms of violation of the act struck at by the different proceedings had are (1) conspiracies to monopolize all the interstate and foreign commerce in any particular line by acquiring control of competing corporations through stock ownership in a holding company, or otherwise, and thus acquiring a power over an entire industry so dominant as substantially to put the industry entirely at the mercy of the combination. In this class are included the suits brought against the American Sugar Refining Co. and its subsidiary companies, and that against the United States Steel Corporation and its subsidiary companies.

(2) Agreements between producers of foodstuffs, fixing prices, and dividing business among themselves in agreed proportions, thus destroying all competition between them. The indictments against members of the Swift, Armour, and Morris corporations, now on trial in Chicago, were based on the charge of combinations of that character. Of the same nature were the charges upon which an indictment was found and a bill in equity brought against the National Packing Co. in the northern district of Illinois, which preceded the indictment of the different members of the great packing concerns. A demurrer to the indictment was sustained by Judge Landis, and was followed by a further investigation and a more comprehensive indictment of the individuals now on trial, and the bill in equity was dismissed by my direction when the defendants sought to use it as a means of obtaining delay in the prosecution of the criminal case. The same character of agreement was involved in the suit against the Southern Wholesale Grocers' Association, in which the defendants, after some negotiation, voluntarily submitted to a decree enjoining them from entering into and carrying out agreements not to sell to any buyer not a member of the Southern Wholesale Grocers' Association, and not listed in a book published by the association containing an official list of the wholesale grocers within certain States, and enjoining them from publishing or circulating such list, etc.

This case is one of a number of similar cases, in some of which the attendant circumstances show more distinctly intentional and viciously unfair trade than in others. These agreements seemed to have for their principal purpose the preventing of retail dealers from purchasing the goods in which they deal directly from the manufacturer and the compelling of them to buy from the middleman or jobber. Such agreements were condemned by the Supreme Court of the United States in the case of Montague *v.* Lowry (193 U. S., 38) as early as the year 1903, and every lawyer has known, as every merchant who has consulted counsel must have learned, that such agreements are absolutely contrary to the provisions of the Sherman Act. Nevertheless we have found such agreements among the wholesale grocers, among the lumber dealers, and even among the publishers of magazines and other periodicals. We have a series of five proceedings against various associations of lumber dealers instituted for the purpose of relieving that industry from the artificial restraints imposed upon it by the various lumber trade associations through the country. These associations, of which there are at least nine in different parts of the country, are made up of retail lumber dealers. The evidence collected by the department seems to show that they have divided the lumber trade by ordered classifications into (1) manufacturing, (2) wholesaling, (3) retailing, and (4) consumer; that by means of written and verbal agreements, adopting resolutions in conventions, by-laws, constitutions, and interchange of correspondence this classification has been established for the purpose of eliminating competition—except as between local retail yards—for the benefit of the contractor, thus forcing the consumer to buy at retail prices from regularly established yards, regardless of the amount required, and also to purchase lumber from the retail merchant in his vicinity, when, but for the unlawful combination, he could buy from another dealer in another State at reduced prices; also to prevent him from buying lumber from any wholesale dealer, and to prevent any wholesale dealer from selling to anyone falling within the classification of consumer. This combination appears to have been carried out, and to have accomplished its purpose through blacklisting and arrangements preventing members of the wholesale association from selling to dealers who do not meet the requirements of the retail association.

(3) Then there have been proceedings against a number of ordinary crude pooling arrangements of the kind that were formerly very prevalent in this country. For instance, 9 indictments found in New York against 83 persons engaged in the wire industry were based upon agreements between substantially all of the manufacturers in the country of certain kinds of wire, whereby they organized themselves into associations, pooled their business and divided it on an agreed percentage basis, appointed a supervisor to conduct the operations of the pool, put a deposit in his hands of a sum of money to be applied in payment of fines and penalties in case any member violated the provisions of the pool agreement, and where anyone exceeded his agreed percentage of the business made good to the other members the excess, and established and maintained a fixed schedule of prices at which alone they sold. The operation of these pools continued until a very recent date, and the grand jury in New York found no difficulty in indicting the various defendants who engaged in them. Almost all of them have interposed pleas of nolo contendere, and have been fined in amounts averaging $1,000 each, except that the defendant, who was supervisor of the pool, was fined $45,000.

(4) The prosecution of a number of individuals who undertook to corner all the free cotton remaining of the crop of 1903, thereby so greatly enhancing the price to the spinners as to prevent a number of them from buying at all, and thus restraining interstate commerce, is now before the Supreme Court on appeal from a decision of the circuit court in New York sustaining a demurrer to the indictment, upon the ground that, while such pools are undoubtedly unlawful at common law and immoral, the case did not present a direct restraint on interstate commerce.

(5) One of the rankest cases of combination in restraint of trade presented was that of the manufacturers of hand-blown window glass. Practically all of the manufacturers—83 in number, manufacturing 98 per cent of this product—entered into contracts with a company constituted for the purpose, whereby each producer agreed to sell his entire output of hand-blown glass to this company and not to sell to any other person or corporation, by means of which the entire market in that commodity was controlled and the price was increased within a year upward of 100 per cent. The indictment of these defendants was met by pleas of nolo contendere, which were accepted by the circuit court in Pittsburgh, and fines imposed; since which the agreements have been abandoned and the business restored to its former basis, which was followed by a substantial reduction in price.

(6) One form of excluding competition and restraining trade which seems to have met with favor in certain quarters has been to use the rights of a patentee over a patented article as a basis for controlling the entire business with which the patented article may be connected far beyond the limits of the lawful monopoly granted by the Government to a patentee. The first case to involve this question was that of the manufacturers of electric lamps, where a purchaser of patented varieties of electric lamps found it impossible to buy unless he would agree also to purchase from the same vendor or association of vendors other electric lamps upon which there were no existing patents. After a careful investigation of this subject a suit was brought in the United States circuit court in Ohio against the General Electric Co. and others, which resulted in the defendants submitting to a decree whereby certain agreements under which this business had been controlled were terminated, and the defendants were specifically enjoined from attempting by agreement to fix the price at which lamps purchased from them should be resold, and from making the purchase of patented articles from them conditioned upon the purchaser agreeing to

purchase unpatented articles only from them, and from, in any other of a variety of methods specified in the decree, attempting to use their patent rights as a means of extending an undue control over the trade in unpatented articles, and from a variety of other unfair methods of dealing.

This decree establishes a precedent of great value in restraining attempts to use patent rights as a means of unduly extending control over an industry. The defendants in that case frankly met the objections of the Government and successfully endeavored to modify their practices and their agreements to meet the legitimate demands of the Government as formulated in the bill filed by it in the United States court. They were the first large manufacturers to respond to the Government's suit, not by defense, but by a candid effort to comply with its demands.

The suit against the Standard Sanitary Manufacturing Co. (the so-called Bathtub Trust), which resulted in a decree in favor of the Government by the circuit court in the fourth circuit in October last, was based upon agreements between the defendants under which certain patents were assigned to an agreed transferee, the defendants having previously agreed upon a system of licenses whereby each should receive from such transferee a license to manufacture under these patents, upon terms and conditions by which all competition between the defendants in enameled ware used in household bathrooms, etc., amounting to about 85 per cent of the entire product, was suppressed and eliminated, and uniform prices and terms of sale fixed and established, as well as a uniform method of selling products to jobbers, under written contracts whereby each jobber was compelled to sell at certain fixed resale prices, with the result that the combination not only controlled prices at which they sold to jobbers, but the retail price to be paid by the ultimate consumer. This was effected by a method of keeping the members of the combination advised of the amounts of their respective output, dividing the United States into certain territorial zones, and by a system of contracts restricting each jobber to making sales only within the zone to which he was accredited, thus largely and unreasonably increasing the prices at which the product was sold to jobbers, and in the same degree the prices exacted of retail buyers. The decree rendered by the circuit court sustains the Government's contentions and the opinion of Judge Rose is the most important judicial expression thus far secured from any court on the subject of restraints of trade in patented articles. The rule is there enunciated "that a patent does not give the right to a patentee to sell indulgences to violate the law of the land." The defendants in this civil suit were also indicted in the United States court in the eastern district of Michigan for the offenses which formed the basis of the civil suit and are now actually on trial for the same.

Another case involving the unlawful extension of the power of the patentees was furnished by the case of the United Shoe Machinery Co., in New England.

Very many complaints against that company and its methods led to an investigation by a grand jury in Boston, resulting in the finding of indictments against a number of the officers of the company for violation of the Sherman law, and this was followed by the filing of a petition in equity on the civil side of the court, which suit is now pending. The case involves the validity of a complicated series of agreements known as "tying agreements," under which the company requires any shoe manufacturer who desires to use any machine or implement manufactured by it and useful in connection with shoemaking to lease it under leases containing restrictive provisions binding for the full term of 17 years from the date of the agreement, irrespective of the date of the expiration of the patent, and under which the lessee further agrees to use the machine or device so leased only in connection with other machinery manufactured and leased by the United Co. in every case where that company manufactures the machine. So that, in effect, a manufacturer of shoes finds it impossible to secure any piece of machinery manufactured by the United Co. unless he agrees to lease from it, on terms and conditions prescribed by it, every other piece of machinery necessary or useful in the manufacture of shoes which he may need which is manufactured by the United Co. The legality of these provisions is involved in the civil suit, while the legality of the monopoly secured by the use of such agreements, as well as of the other acts set forth in the indictment, is involved in the criminal prosecution.

(7) The case of United States *v.* Steers and others was an indictment secured in Kentucky under unusual circumstances. It is often said that one wrong leads to another. The control of the American tobacco combination over the price of leaf resulted in the fixing of prices at less than the producers of tobacco in Kentucky thought reasonable. They thereupon formed a society of tobacco growers for the purpose of controlling the sale of all the tobacco of certain types grown in the State, and thus met the combination of purchasers with a combination of sellers. They procured the passage of a State law in Kentucky legalizing their combination. But not content with the power acquired by voluntary association they undertook to prevent, by force and violence, the sale of leaf tobacco by farmers who were not willing to withhold it from the market and sell only when and as permitted by the association. Hence arose what was called "night riding." Bodies of armed, masked men would ride up to the house of a planter who had not conformed to the rules of the association and would either take him out and whip him or burn his barn and his accumulated stock of leaf tobacco, by those methods discouraging any effort to break the control of the association. In this particular case complaint was made to the United States authorities that in some cases tobacco delivered to the agent of a railroad for shipment into another State had been taken forcibly away and such shipment thus prevented. These charges were investigated by a grand jury in Kentucky and 12 individuals indicted for conspiring to prevent an interstate shipment of tobacco by a farmer of Dry Ridge, Ky., and thus unlawfully conspiring to restrain interstate commerce, in violation of the Sherman law. Eight of these defendants were convicted on trial by a jury in the United States circuit court and were sentenced to pay fines aggregating $3,500; they appealed from the judgment of conviction to the circuit court of appeals in the sixth circuit, where the judgment was recently affirmed.

(8) A civil suit was brought in New York against the publishers of a large number of the standard magazines, to enjoin the operation of certain agreements under which, by undertaking that no one of them would sell any of his publications except through the agencies and on the terms prescribed in the agreements, which involved fixing the price at which the retailers should resell to their customers, competition among them was destroyed, and the public compelled to buy, whether of subscription agencies or from retail dealers, at prices and on terms fixed by the combination.

(9) A somewhat unusual suit was brought in May, 1910, to restrain the trunk lines of railroad in the western classification territory, from putting into effect increased tariffs upon a very large number of commodities on the eve of the enactment by Congress of legislation vesting the Interstate Commerce Commission with power to investigate a proposed increase in rates before it takes effect, so that the people should not be compelled to pay increased rates of freight for freight transportation pending an inquiry as to the reasonableness and justness of the proposed increase, in cases where the commission is satisfied that, prima facie, there is a reasonable doubt as to the justice of the advance. The circumstances under which this particular increase was agreed upon by the railroad companies, in the opinion of the law officers of the Government, took it out of the ordinary system of rate making, and justified a resort to the Sherman law to protect the public from the arbitrary action of the carriers, which, if unchecked, would have compelled the people to pay increased rates during the period they were under investigation. After the enactment of the commerce act of June 25, 1910, which extended the power of the Interstate Commerce Commission over the subject, the bill was dismissed by the Government, and subsequent investigation by the commission resulted in the finding by it that the proposed increase was unwarranted and should not be made, thus completely justifying the action of the Government in intervening when and as it did.

(10) The civil suit brought against the Hamburg-American Steamship Co. and others, in New York, involves the question whether or not the United States is powerless in the face of a combination of virtually all the trans-Atlantic steamship lines authorized by the law of the European countries where most of them are domiciled, whereby substantially the entire business of transportation by steam vessel across the North Atlantic is pooled, rates and prices are fixed by the pooling association, and all competition in rates and terms of shipment suppressed. The representatives of some of these foreign lines have somewhat cynically expressed their belief that our Government is powerless in the face of this combination. They admit that some of the American agents might be subject to indictment and punishment, individually, within the United States; but they maintain that the association, which is valid in the European countries where organized, can not be reached by the process of American courts.

One of the most valuable contributions by the Supreme Court to the enforcement of this law was the adjudication in the Tobacco case that, if necessary, unusual remedies would be

invoked to carry out its provisions; and I have no doubt that if the Government shall establish on the trial of this case on its merits the facts averred in the petition, which the circuit court on the hearing of a demurrer has held to be sufficient to make out a case of unlawful restraint of foreign commerce, some way will be found to enforce a respect of the laws of this country even by the owners of foreign steamship companies who use its ports. It is undoubtedly true that the United States is handicapped by an inefficient and extraordinary legislative policy which has resulted in driving its merchant marine from the sea and compelling its ocean-borne commerce to be carried in foreign bottoms. Perhaps no more useful office could be performed by the Department of Justice than to focus the attention of the people upon the lamentable absence of an American merchant marine, and the great need of legislation to aid in the upbuilding of an American merchant marine, through the enforcement of a decree in this case. The Republican platform of 1908 declared that—

We adhere to the Republican doctrine of encouragement to American shipping and urge such legislation as will revive the merchant-marine prestige of the country, so essential to national defense, the enlargement of foreign trade, and the industrial prosperity of our own people.

There was a time when our flag was to be seen in every foreign port, and when American ships carried the greater part of the ocean-borne commerce of the world. If foreign steamship lines using our ports can defy the laws we have made to protect our people against unfair restraints of trade because we must use their ships or cease exporting our products, it is high time our Congress set about the enactment of legislation to make possible the reestablishment of our own merchant marine, so that American shipping once more takes its place in the front rank of the world's commerce.

I have pointed out with some detail the questions involved in these various proceedings, civil and criminal, in order that it be made clear that they all involve some variety of the same offense, namely, the effort to secure and retain control over business by methods which are always unfair—sometimes unfair to the participants themselves, or some of them; always unfair to outside competitors and always unfair to the public in general. One and all of them involve the effort, more or less subtle, more or less brutal, on the part of a limited number of men to control as nearly as may be an entire industry or the entire business in a particular part of the country for their own benefit, and to destroy that equality of opportunity in others which is the birthright of every American. These were the evils to meet which the Sherman law was enacted, and the enforcement of that law by the present administration has been directed particularly against that sort of unfair dealing which, when known and understood, is condemned by all right-minded men; but which, working in darkness, cloaked under forms of law and surrounded with the mantle of respectability, is not so readily understood.

It is those who are interested in this method of doing business who have raised the clamor against the enforcement of the Sherman law; who have read in the active, vigilant prosecution of that law under President Taft the doom of their practices, and who, threatened with the loss of illicit gain, seek to discredit both the law that condemns them and the Executive that brings them to execution. That great Republican Senator who was principally instrumental in the framing of the law, in his remarkable contribution to its history, says:

The expansion of business of every sort and the dangerous combinations that have attempted (in many instances too successfully) to absorb the business of the country into their own hands, to crush out fair and useful competition, and so dominate and monopolize the industries and trade of the Republic have been so great that the result is the unnatural and unequal distribution of wealth and power which the experience of centuries has shown to be among the great evils that affect civilization and true progress. The act of 1890 was designed and framed to check and, so far as possible, prevent these great and growing evils. But, like all laws enacted to punish and prevent selfish disturbance of social order and equal rights, the act would fall into innocuous desuetude without the vigilant and persistent exertions of the executive department, for, of course, the courts can not act without cases properly brought before them.

Under the wise, patriotic, and efficient administration of William Howard Taft, the vigilant and persistent exertion of the executive department in the enforcement of this law has never slackened nor failed. If the people understand and approve, as they will and must, with what splendid courage and single-mindedness that great patriot has directed the impartial enforcement of this law, they will continue him in his high office to so far work out the problem of squaring business practice with the laws of the land as to make impossible for the future the recurrence of those abuses which in the past have threatened the stability of our institutions through the unchecked power of combined wealth.

The American Commonwealth and its Relations to the East and West.

EXTENSION OF REMARKS

OF

HON. ROBERT L. HENRY,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 16, 1912.

Mr. HENRY of Texas said:

Mr. SPEAKER: I ask unanimous consent that there be printed in the RECORD an address by Dr. Hannis Taylor, former minister to Spain, on the subject of the American Commonwealth and its Relations to the East and West. I will state that it is a very short address, but a very valuable one on present conditions, and so forth.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to print in the RECORD an address by Dr. Hannis Taylor. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I remember the other day that the distinguished gentleman from Georgia gave notice that he would hereafter object to any request for unanimous consent to extend remarks in the RECORD for the purpose of injecting political material. I rise to ask if this is a political matter?

Mr. HENRY of Texas. I will say to the gentleman that it is not. It is a very scholarly discussion of the subject.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The address is as follows:

THE AMERICAN COMMONWEALTH AND ITS RELATIONS TO THE EAST AND WEST.

[An address delivered by Hannis Taylor, LL. D., former minister to Spain, lecturer on international law and foreign relations of the United States and history of constitutional government in Georgetown University School of Law, at the forty-first annual commencement of the Georgetown University School of Law, at the National Theater, June 4, 1912.]

THE GREAT UNREST.

Never since the earthquake known as the French Revolution has the entire fabric of civilization been so shaken as it is today by protests that challenge the authority of every existing institution, social, ethical, political. The most potent of the underlying causes of this great unrest is embedded in the vast world movement from individualism to collectivism now embracing America as well as Europe. The beginnings of that movement are a part of the history of the new industrial system which, after a long period of preparatory growth, began to reach its culminating point with the inventions and technical improvements, with the application of steam, and the rise of the factory system in England toward the close of the eighteenth century. Through the results of that industrial revolution large aggregations of capital have so applied the competition of the large industry as to crush out the small capitalists and to organize the working producers as an army of wage laborers in vast factories and workshops.

THE NEW INDUSTRIALISM AND CORPORATIONS.

When the new industrialism reached these shores it found a limitless domain, teeming with every form of undeveloped wealth, which promised fresh conquests and a wider career. From the outset groups of capitalists, eager to appropriate every fruitful triumph of physical science, organized corporations, generally with special privileges, which became the efficient instruments of all great undertakings. As early as 1819 the Supreme Court of the United States, in the Dartmouth College case, gave such security to corporate capital as it had never before enjoyed in any land. With such privileges and such opportunities American corporations, while rapidly developing the country, have grown to such vast proportions as to command revenues and resources such as few ancient states ever enjoyed. Often their budgets are larger than those of the Commonwealths by which they were created, while by their commands they direct the movements of armies of men, control intercommunication, and destroy competition in the buying and selling of the very necessities of life.

DEMOCRACY AND SOVEREIGN POWER.

In order to deal effectively with such conditions, under which the control of daily subsistence and the means of transportation have passed to the financiers, organized in trusts and corporations, the American people have resolved to discard their old

dread of governmental power. In the place of that dread has been substituted the conviction that as all governments, State and Federal, are creatures of the people, it should not fear to use them as its instruments. After more than a century of profound distrust of itself the disenthralled American democracy is at last becoming conscious of its sovereign powers. By the spread of the direct primary system it is ascertaining its own will, in order that it may be applied by direct legislation, State and Federal, to all the problems to be solved. Let us not deceive ourselves as to what those problems really are. From the adoption of the Constitution down to the Civil War the problems that engrossed the statesmen of this country were distinctly political. The nature of the Constitution itself, the organization of governmental machinery, the reorganization of parties for the control of that machinery, the rights of nullification and secession, the constitutional right to perpetuate and extend slavery were all questions distinctly political. Out of the transition from individualism to collectivism, from slavery to freedom, from an epoch of political development to one of material development, has arisen since the Civil War a set of new problems distinctly economic. Chief among them are those involved in the struggle now going on of the masses against the power of combined money and of private monopoly exercised by groups of men incorporated in joint-stock companies or by small coteries of very rich men acting in trust combinations.

GROWING GREATNESS OF THE PACIFIC.

During the half century or more in which we have been battling with such complex economic problems inherited from western Europe a new world has come into existence in the East, with which we are now entering into intimate and fruitful relations. In 1850 that new world of which I speak might have been defined to be the entire expanse of land and sea lying between the west banks of the Mississippi and the shores of China and Japan. As late as 1852 the vast expanse of territory between the Mississippi and the Pacific was almost an unknown land. The only States then organized within it were Louisiana, Arkansas, Missouri, Texas, and California. Oregon, Washington, and British Columbia contained only a few scattered settlements and trading stations, from which there were practically no exports but furs, while Mexico, Central America, and the Pacific States of South America, then recently emancipated from Spain, were still hampered by internal dissentions and the traditionally incompetent commercial methods of the old Spanish colonial system.

The uncertain movements of the whaling ships around Cape Horn were almost the only means of communication between Honolulu and the outside world; the Australian colonies were upon the threshhold of their career, giving only a slight suggestion of the mighty development of wealth soon to come; China had very recently been forced to open a few of her ports for foreign commerce; while Japan, still a sealed mystery, rigorously excluded foreigners, and made it a capital offense for any native to leave the country. Not until 1857-58 were the three ports of Nagasaki, Kanagawa, and Hakodaki opened to foreigners. Except when adventurous traders intruded for the purpose of obtaining a few furs in exchange for fire water and trinkets, Alaska and the Siberian coast of Asia were in the undisturbed possession of the seal and the Eskimo.

MR. SEWARD'S PROPHETIC FORECAST.

At that juncture when steamships were still a curiosity in many ports of the Pacific, when there were no railroad tracks or telegraph lines west of the Mississippi, when trade, commerce, and shipping in that quarter were meager indeed, a great American statesman pronounced in the Senate of the United States an oration which, considered as a prophecy, stands almost without a parallel in the history of American eloquence. When on July 29, 1852, a motion was made to proceed to the consideration of a bill authorizing the exploration of the courses of navigation used by vessels proceeding to and from China, William H. Seward, of New York, said that the settlement of the Pacific coast was still in a state of sheer infancy, despite the fact that steady streams of emigration were then flowing thither from every State eastward of the Rocky Mountains, from Australia, from the South American States, from Europe, and from Asia. That movement, he said, was not a sudden or accidental one, but one for which men and nature had been preparing for nearly 400 years. During all that time merchants and princes had been seeking how they could reach, cheaply and expeditiously, the East, that intercourse and commerce might be established between its ancient nations and the newer ones of the West. To those objects De Gama, Columbus, Vespucci, Cabot, Hudson, and other navigators had devoted their talents, their labors, and their lives. Thus with the eyes of a seer he beheld the most sublime spectacle in the history of humanity—the reunion of the two civilizations which after having parted on the plains of Asia thousands of years before, and after traveling ever afterwards in opposite directions around the world, met and mingled again on the coasts and islands of the Pacific. Mastered and overcome by the great event, he exclaimed, "Who does not see that every year hereafter European commerce, European politics, European thought, and European activity, although actually becoming more intimate, will nevertheless ultimately sink in importance, while the Pacific Ocean, its shores, its islands, and the vast regions beyond, will become the chief theater of events in the world's great hereafter."

OUR PLACE AS AN ARBITRATING POWER.

In this brief and imperfect way I have attempted to set before you, gentlemen of the graduating class, the relations in which the American Commonwealth stands, on the one hand, to the unrestful millions of western Europe groaning beneath the weight of oppressive military establishments, and on the other, to the awakening hordes of the Orient struggling to break the bonds of servitude to the past forged by time and custom. Unoppressed by such impediments that weigh so heavily upon our fellow men in the East and West, we stand to-day midway between the two as the great arbitrating power into whose hands destiny seems to have committed the citadel of modern civilization. Our ability to hold that citadel must depend above everything else upon the preservation of the wonderful Constitution that has made our unparalleled national development possible.

SUBSTRUCTURE OF THE AMERICAN CONSTITUTION—THE STATES.

The substructure of the American Constitution is the States, which are the outcome of a thousand years of unbroken political evolution. The 13 scattered communities that fringed our Atlantic seaboard toward the close of the eighteenth century were born, not made. The typical English State in America is simply a reproduction of the mother State in Britain, we call England, with the modifications resulting from a new environment that rejected nobility, feudality, and kingship. The mother State was the outcome of the Teutonic migration from the mainland that began about the middle of the fifth century and ended with the close of the sixth. During the thousand years that intervened between the beginning of the seventh century and the beginning of the seventeenth that mother State in Britain we call England, developed the peculiar system of customary and constitutional law that underlies our civilization. Just as England was the outcome of the Teutonic migration from the mainland to Britain, so our 13 original Commonwealths were the outcome of the Anglo-Saxon migration from Britain to our Atlantic seaboard. Darwin once said that the last migration, which gave birth to the American Commonwealth, was probably the most important single event in the history of civilization.

OUR FIRST FEDERAL CONSTITUTION.

If the typical English States in America were born, not made, it is equally true that the two Federal Constitutions which have united such States were made, not born. The Federal principle did not and does not exist in the British Isles. American Federalism is the product of our physical geography. Confined within the narrow and impassable bounds of an island world, it became the manifest destiny of the heptarchic States in Britain, advancing in the path of political aggregation, to coalesce in the formation of a single consolidated kingdom. Situated on the shores of an almost boundless continent, it became the manifest destiny of the English States in America, advancing in the path of political confederation, to unite in the flexible bonds of a Federal Union capable of almost unlimited expansion.

In the making of our first Federal Constitution American statesmen developed no originality whatever. Of the history of Greek federalism, as written by the hand of Polybios, they knew practically nothing. The only federal governments with which the fathers were really familiar were those that had grown up between the Low Dutch communities at the mouth of the Rhine, and between the High Dutch communities in the mountains of Switzerland and upon the plains of Germany. We know for certain that the Articles of Confederation were a servile copy of the constitutions, if such they may be called, of the seven united provinces of the Netherlands and of the Swiss Confederation. Dr. Franklin, who made the first draft of our first Federal Constitution, simply constructed a confederation on the old plan with the entire Federal power vested and confused in a one-chamber assembly—the Continental Congress—that could only deal through the requisition system with the States, which retained the entire taxing power. All the world knows how our first Federal Constitution went to wreck in the storm and stress of the War of the Revolution. At its close the French ambassador reported that it had practically disappeared. The only cohesive tie that then bound the victorious States together was a man, and that man was Washington.

OUR SECOND FEDERAL CONSTITUTION.

Washington did far more than any other one man to bring about the making of our second Federal Constitution under which we now live. Tocqueville said long ago that the existing Constitution is based "upon a wholly novel theory which may be considered a great discovery in modern political science." That great discovery or invention made possible the creation of an entirely new type of federal government with power to levy taxes of its own, with the power to regulate trade between the States, and with the power to maintain its own courts. It thus appears that the vital questions involved in the making of the new Constitution of 1787 were primarily financial and commercial. Does it strike you as very strange that the overshadowing financial and commercial problems that were pressing for solution at the close of the War of the Revolution should have been solved by a man who, at that epoch, was our greatest political economist and financier? Madison tells us that as early as 1781 Pelatiah Webster, who may be called the American Adam Smith of that day, declared in one of his financial essays that a "Continental Congress" should be called for the purpose of making an entirely new Federal Constitution. On February 16, 1783, that bold innovator published at Philadelphia, as his invention, in a pamphlet of 47 pages, the wholly novel theory of federal government now embodied in the existing Constitution of the United States. An original copy of that epoch-making document is on file in the Library of Congress, and may be inspected by any of you any day.

It is fascinating to trace in its brilliant paragraphs the mental processes through which the path breaker solved the problem of problems before him. His first and fundamental contention was that it was possible to construct, without a precedent in history, a self-executing Federal Government with the independent power of taxation. Such a Government, he said, must be a regularly organized Government, and, in order to make it so, he proposed to split the aggregate of Federal power vested in the Continental Congress into three departments—executive, legislative, and judicial. No Federal Government had ever been so divided in the world's history. After that great step had been taken, he first organized the executive department, consisting of a President surrounded by a Cabinet council. Next he proposed a Federal assembly with two chambers instead of one, such a Federal assembly as had never existed in the world's history. In that way arose the present organization of the Congress of the United States. Finally he outlined the existing system of Federal courts, headed by one Supreme Court with original and appellate jurisdiction.

When that point was reached the inventor seems to have been startled by the aspect of his new creation. In order to deprive it of the power to do harm, he said that it must be a Government of strictly limited powers, the residuum of power to be retained by the States. Then it was that he exclaimed, "May Almighty wisdom direct my pen in this arduous discussion." The new self-sustaining Federal system thus constructed operated for the first time in the world's history directly on individuals instead of upon States as corporations.

FEDERAL CONVENTION OF 1787.

But let us never forget that it was the Federal Convention of 1787 that transformed Pelatiah Webster's dream into a reality. After all has been said, the fact remains that the master builders who transformed, under the most difficult circumstances possible, the dream of the great architect into a working system of government achieved a result just as remarkable as the invention itself. The philosophers, statesmen, jurists, warriors, experienced men of affairs who composed the august assembly that met at Philadelphia in 1787 may be compared as to genius and learning with the master spirits of any age. No assembly so small—it numbered only 55 delegates—was ever dominated by so many men of the highest order. They need not strut in borrowed plumes. They need no fame that belongs to another. The most ardent worshiper of the master builders would only belittle their immortality if he fancied that it could be at all dimmed by the rendition of tardy justice to the great architect, the man of contemplation, who was their natural, perhaps their necessary, forerunner. Only when we view collectively all the actors that filled the stage at the time is it possible to measure the full scope of the great drama in the history of humanity that opened with the invention of the "wholly novel theory," February 16, 1783, and closed with its final acceptance as a working system of government by the last of the thirteen States May 29, 1790.

OUR NEW NATIONAL CITIZENSHIP.

It is, however, a grave error to suppose that the new Constitution, partly Federal, partly national, as it emerged from the Federal convention of 1787, was a completed and perfect creation, logically symmetrical in all its parts. The fact is that it rested, at the outset, on a glaring solecism. While it created the first Federal Government that had ever operated directly on individuals, such individuals were not primarily its own citizens. Prior to the adoption of the fourteenth amendment a man was primarily a citizen of his State; only by some kind of indirection was he a citizen of the United States. Therefore, when the Civil War began, the peerless Lee, who loved the Union, deemed it his duty to tender his sword to Virginia, because he deemed himself primarily her citizen. The most precious outcome of the bloody drama that closed at Appomattox was the new conception of national citizenship which now stands as the cornerstone of our indestructible Union of indestructible States. To-day, under section 1 of the fourteenth amendment, every American citizen owes his first and highest allegiance to the Nation; his second to the State to which he belongs. To those of you who have just taken on the dignity conferred by our new national citizenship, I have a word of parting exhortation. Aristotle, who founded the science of politics, said that "man is born to be a citizen." The State exists for the citizen, the citizen for the State. As the State is the mother on whose bosom the citizen is born, for her honor he must live and for her safety he must be ever ready to die. No man can be called a model citizen who does not come up to that standard. There never was a time when this Republic was more in need of model citizens, armed at once with intellectual power and moral dignity. We are on trial before the world. Western Europe, menaced and alarmed by the destructive doctrines of the anarchist and the extreme socialist—both foes to patriotism and religion—is looking to us for aid against both. The awakening millions of the Orient, now beginning to march along the untried paths of liberty under law are looking to us for light, guidance, sympathy; and so I end where I began, by saying that destiny seems to have confided to us, living as we do in comparative isolation and on middle ground, the defense of the citadel of modern civilization. In defense of that citadel the American Commonwealth expects every man to do his duty.

Our Commercial Growth.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 16, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Ten years ago Mr. O. P. Austin, then as now the Chief of the Bureau of Statistics, delivered before the American Association for the Advancement of Science, at a meeting held in my own State and again before the Manufacturers' Club of my own city, an address on "The progress of American commerce and industries," which Gen. C. H. Grosvenor, then an honored Member of this House and an expert in statistics, inserted in the CONGRESSIONAL RECORD with the statement that "It is one of the ablest papers that I have ever seen, showing the wealth of productive power and distributive efficiency of the United States." The paper as then published was so widely read, both at home and abroad, and so favorably received in the picture of our growth which it presented, that I have asked Mr. Austin to bring the figures down to date.

The address is as follows:

PROGRESS OF AMERICAN COMMERCE AND INDUSTRIES, 1870 TO 1912.

[Address by Hon. O. P. Austin, Chief of the Bureau of Statistics of the Department of Commerce and Labor, delivered before the American Association for the Advancement of Science in 1902; revised and reissued in 1912.]

The foreign commerce of the United States has grown from less than $1,000,000,000 in 1870 to practically $4,000,000,000 in 1912. One billion dollars' worth of the merchandise entering in 1912 passed from the customhouse to the factory and $1,000,000,000 worth of the products of the factory passed out of the country seeking markets abroad. Meantime the internal commerce of the country, the trade among our own people, the home market for home products, has grown from $7,000,000,000 in 1870 to $33,000,000,000 in 1912.

The growth in the commerce and industries of the United States has been a subject of interest and surprise to the whole world.

The year 1870 seems to have marked the beginning of a new order of things in the producing power of the country. With the opening of the transcontinental railway in 1869 and the construction of lateral lines which rapidly followed, the great producing sections of the interior were rapidly developed, and the

power not only of production but of bringing together the natural products for manufacture and transportation to the seaboard gave new life and activity to the United States as a producing, manufacturing, and exporting nation.

WHAT DOES "ONE BILLION" MEAN?

Before beginning my discussion of a subject on which I must talk almost exclusively of millions and billions, I trust you will pardon me if I say a word about the relation of these two great measures of quantity and value. Let us take a simple and familiar subject as a method of determining the comparative greatness of the two terms, "millions" and "billions." We all know how rapidly an expert counter of coins will manipulate them. The Treasury experts will count 4,000 silver dollars in an hour and keep it up all day long; but that is their limit. Working eight hours a day, then, an expert counter of coins will count 32,000 silver dollars in a day, but how long will it take him, at that rate, to count a million dollars? Thirty-one days. But that is only the beginning of the measurement of great figures, for if this same man were to go on counting silver dollars at the same rate of speed for 10 years he would find that he had only counted one hundred million of them and that to count a billion dollars would require 102 years of steady work at the rate of eight hours per day during every working day of the 102 years. So when I begin to talk to you of billions of dollars, in the measurement of our commerce or that of the world, please remember that a billion is a thousand times as much as a million.

THE STORY OF OUR FOREIGN COMMERCE, 1870 TO 1912.

Prior to 1870 we had almost constantly imported more than we exported. From 1790 to 1870 the imports exceeded the exports by nearly $2,000,000,000. In 1874 the exports began to exceed the imports, and have so continued in an almost unbroken record, and the excess of exports over imports from 1870 to 1912 is over $9,000,000,000. From 1790 to 1870 the exportations averaged $122,000,000 per annum; from 1870 to 1912 they averaged over $1,000,000,000 per annum, and in the last two years over $2,000,000,000 per annum.

RAPID INCREASE IN PRODUCTION OF INDUSTRIAL FACTORS.

In the period since 1870 the production of corn has grown from 1,000,000,000 bushels to nearly 3,000,000,000 bushels per annum; of wheat, from 235,000,000 bushels to an average of about 650,000,000 bushels per annum; of cotton, from about 3,000,000 bales to about 12,000,000 bales; the value of animals on farms, from $1,250,000,000 to over $5,000,000,000; and the value of farm products, from about $2,000,000,000 to $8,500,000,000. The production of petroleum increased from 220,000,000 gallons to approximately 9,000,000,000 gallons; of coal, from 33,000,000 tons to 450,000,000 tons; of pig iron, from less than 2,000,000 tons to over 24,000,000 tons; and of steel, from less than 70,000 tons to over 26,000,000 tons. Meantime the railways of the country have grown from 52,000 miles to practically 260,000 miles, and rail transportation rates from Chicago to New York have fallen from 33 cents per bushel of wheat to 10 cents per bushel, and on other freights there were also large reductions.

INCREASED MONEY SUPPLY.

At the same time our mines of the precious metals have poured forth their treasures, and the money in circulation in the country has grown from $675,000,000 to $3,276,000,000, and from $17.50 per capita to $34.26 per capita. The effect of these conditions upon manufacturing has been phenomenal, electrifying.

PROSPERITY IN MANUFACTURING INDUSTRIES.

Manufacturing has meantime grown even more rapidly than agriculture. The number of persons engaged in manufacturing has increased from 2,000,000 to over 6,600,000; their earnings, from $775,000,000 to $3,427,000,000; the capital employed, from a little over $2,000,000,000 to about $18,000,000,000; and the gross value of manufactures produced, from $4,250,000,000 to $20,000,000,000. And all this, let it be remembered, has happened in a short 40 years, while the population was only increasing 150 per cent.

GROWTH IN FOREIGN COMMERCE.

What has been the effect upon our foreign commerce of all this enormous increase in production and manufacturing and the cheapening of the cost of production and transportation? The exports have increased from $9.77 per capita to $21.70 per capita in the same period; and that of manufactures from $70,000,000 to $1,000,000,000.

RANK OF THE UNITED STATES AS AN EXPORTING NATION.

What has been the effect of these developments on our rank as an exporting nation? We have advanced from fourth place in the list of exporting nations to the head of the list. In 1870 England, Germany, and France exceeded the United States in their exports. To-day our exportation of domestic products exceeds that of any other nation in the world.

UNITED STATES LEADS IN PRODUCTION OF MAN'S CHIEF REQUIREMENTS.

The causes of this wonderful development are not difficult to find. The principal requirements of man can be enumerated upon the fingers of one hand, viz, food, clothing, heat, light, and manufactures. Of all these the United States is the world's greatest producer.

The principal articles of food are breadstuffs and meats. For breadstuffs we produce more wheat than any other country in the world, and more corn than all the other countries of the world combined. For meat, the chief supply is beef and pork, and of each of these we produce more than any other country in the world.

For clothing, the quantity of cotton required by the world far exceeds that of any other material of dress, and of this the United States produces two-thirds of the world's entire supply. For heating, the chief requirement is coal, and of this we now produce far more than any other country and at a cost far below that in any other coal-producing section. For lighting, petroleum is now the world's chief reliance, and we produce more of this than all the other countries of the entire world.

Of manufactures the United States is the world's largest producer. The chief requirements of manufacturing are iron, steel, copper, lead, aluminum, cotton, and wood, and of each of these articles we are the world's largest producer. As a result the United States easily leads the world both in the quantity and value of the manufactures produced, while the fact that we have more of the raw materials at hand than any other country, coupled with our cheap coal and ingenious machinery, gives us a great advantage in the cost of production. The value of the manufactures of the United States is about double that of the United Kingdom, and about equal to those of Germany, France, and Russia combined.

Thus in the five great requirements of man—food, clothing, heat, light, and manufactures—the United States is the world's largest producer of their component factors.

But there are certain other great requirements which also have an important relationship to commerce, and they can be counted on the fingers of the other hand. They are invention, communication, transportation, finance, and energy.

GENIUS OF THE AMERICAN INVENTOR.

While our natural facilities, of which I have already spoken, are very great, it will be conceded that their value has been multiplied by the genius of the American inventor. It is to the American invention of the steam plow, the self-binder, the steam thrasher, the cotton gin, and numerous other devices for performing by machinery what was formerly accomplished by hand labor that our agriculturists have brought themselves to the foremost place in the world in the chief productions of agriculture. It was the American inventor who gave to the world the telegraph and the telephone, by which business possibilities have been multiplied beyond comprehension.

OUR SUPERIOR FACILITIES OF COMMUNICATION.

Power of communication is another factor of equal importance in the world's commerce. Man may produce more food and clothing and heat and light and manufactures than all the rest of the world put together, but without the means of communication with his fellow man his chances of disposing of his surplus are small. But in this power of intercommunication the United States leads the world. We have more miles of railway than all Europe put together, five times as many miles as any other country, and two-fifths of the mileage of the world. We have twice as many miles of telegraph as any other country of the world, and every city and factory of the country is within speaking distance of every continent and great trading center of the world. In the number of telephone messages sent the United States surpasses the total for all Europe combined. Of post offices we have twice as many as any other country of the world, and the number of pieces of mail handled in the United States is greater than in all of Continental Europe. Of newspapers, those great vehicles of communication and information, we have twice as many as any other country and more than one-third those of the entire world.

UNITED STATES FIRST IN TRANSPORTATION FACILITIES.

In transportation, that next great factor in commerce, the United States easily leads the world. In railway lines we have, as already indicated, two-fifths of the mileage of the entire world, and more than all Europe put together, while our freight rates have been steadily lowered until they are now about one-third those of 1870, and are lower than in any other country in the world. In river and lake transportation by steam vessels our facilities are far greater than those of any other country, and the value of our Great Lakes in the transportation of the great products of the country contiguous to them can scarcely be realized. Add to this magnificent system of water and rail transportation of the interior the fact that we have more coast line and more harbors than any other country, and a great

ocean on either side to carry our commerce to the waiting world, and the value of this great factor of transportation will be appreciated.

FINANCIAL STRENGTH OF THE UNITED STATES.

In finance, another extremely important factor in the development and maintenance of production and commerce, the United States also leads the world. We produce more of the money metals than any other nation. There have been years in which Australia and South Africa have slightly exceeded the United States in gold production and other years in which Mexico has slightly surpassed us in the production of silver, but in the combined production of gold and silver no country equals the United States. As a result of this and of our favorable balance of trade the United States now has more gold and a greater total of money in circulation than any other country of the world. Experts also estimate that somewhat indefinite term "banking power" as being greater in the United States than in any other country, while their estimates of total national wealth also place the United States clearly at the head of the list of nations. The census figures of wealth in the United States put the total of 1870 at $30,000,000,000, that of 1900 at $88,000,000,000, while the total at the present time approximates $130,000,000,000.

ENERGY OF THE AMERICAN CITIZEN.

The next and final feature which I shall mention in our claim to special advantages in production and commerce is that of energy. This is a product not easily measured in figures or terms; but when it is remembered that the population of the United States is formed by a combination of selected energy from the whole world, we may lay claim to a greater average supply of that important factor than any other country. The energy and determination which prompted the early settlers of America to leave their firesides and friends in Europe and undergo the hardships and dangers of establishing homes for themselves in the New World surely mark them as above the average in the supply of this characteristic. This is also true of a large share of the 30,000,000 of people who have come from other countries during the past century to establish themselves in the United States. Not only have they made valuable citizens and aided in the wonderful development which I have just outlined, but their intermingled blood flows in the veins of a large share of our present population, and carries with it an energy which, when vitalized by the work of our magnificent educational system, must tell for the future prosperity of the country.

OUR FOREIGN COMMERCE WILL CONTINUE TO EXPAND.

The meaning of all this, it seems to me, is plain. It is that our foreign commerce is to continue to expand, and that we are not only to remain the world's greatest producer and exporter but that the growth, unless checked by some unwise course at home or by unforeseen circumstances abroad is to continue indefinitely. We hear threats of the exclusion of our products by certain countries, and rumors of European combinations against the United States; but neither past experiences nor the logic of the situation seems to justify the belief that this will be realized. We hear from time to time that certain countries have made laws or rulings adverse to certain of our products, yet the total of our exports to those very countries continues to steadily increase. We have heard in recent years of the prospective boycott of American manufactures by European countries, yet over $400,000,000 worth of our manufactures last year went to Europe, the greatest manufacturing center of the world. A few years ago a dozen countries simultaneously protested against a pending tariff measure, yet that measure was enacted without reference to those protests, and to-day our exports to them are more than double those of the year prior to that in which the protest was made.

WORLD'S DEPENDENCE UPON THE UNITED STATES.

It is clear that the millions of purchasers all over the world, or even those of any particular country, are not likely to enter into combinations against American products or manufactures. But are the countries themselves likely to do so? Let us reflect for a moment as to what would be the result of such action. The United States produces one-sixth of the wheat of the world, one-third of the meats which enter into international commerce, nearly three-fourths of its corn, two-thirds of its cotton, one-half of its copper, and more than half of its petroleum. Of all these Europe must import large quantities.

EUROPE DOES NOT DESIRE TO EXCLUDE OUR PRODUCTS.

What would be the effect of a refusal by Europe to purchase our wheat, or our corn, or meat, or cotton, or copper, or petroleum? It would be the exclusion from the world's principal markets of a large share of its present importation of these articles of prime necessity. I do not mean to intimate that Europe could not exist without our wheat, or corn, or meats, or cotton, or copper, or petroleum. But what would be the effect upon prices of the limited supply that other parts of the world could furnish? Imagine the effect upon the price of wheat if one-sixth of the amount which enters into international commerce were wiped out of existence to-day. Imagine the effect of the elimination of two-thirds of the corn supply. Think what would be the effect on the price of cotton to-morrow if some vast conflagration to-night should destroy two-thirds of the visible supply of the world. Competition among producers and plentifulness of supply assure low prices, while the elimination of the principal competitor and largest producer would naturally and necessarily cause great advances in the price of the remaining supply of any of these articles.

PERMANENCY OF THE EUROPEAN MARKET FOR AMERICAN PRODUCTS.

We may therefore assume that at least in these great articles of general requirement there is no probability that we are to be excluded from the European market. Even in manufactures, of which Europe has been in the past the chief producer, our marvelous facilities for production are enabling us to compete in both quality and price. Our exports of manufactures have steadily grown from $70,000,000 value in 1870 to $122,000,000 in 1880, $177,000,000 in 1890, $484,000,000 in 1900, and $1,000,000,000 in 1912, and last year more than $400,000,000 worth of them went to Europe. We have heard much talk of European exclusion of our manufactures, but our exports of manufactures to Europe alone in 1912 were more than those to the entire world in 1899.

DISTRIBUTION OF AMERICAN COMMERCE, BY GRAND DIVISIONS.

Taking the grand divisions one by one our export figures of 1911 are as follows: To Europe, $1,308,000,000, of which 30 per cent was manufactures; to North America, other than the United States, $457,000,000, of which 61 per cent was manufactures; to South America, $109,000,000, of which 86 per cent was manufactures; to Africa, $24,000,000, of which 75 per cent was manufactures; to Asia, $85,000,000, of which 71 per cent was manufactures; and to Oceania, $66,000,000, of which 86 per cent was manufactures. Comparing the exports to Europe alone with those to the remainder of the world as a whole, it may be said that the exports to Europe were $1,308,000,000, of which manufactures formed 30 per cent, and to the remainder of the world $741,000,000, of which manufactures formed 70 per cent. The total exports of manufactures in 1911 were $907,000,000, and of this 44 per cent went to Europe and 56 per cent to other parts of the world. The total exports of products other than manufactures were $1,106,000,000, and of this 81 per cent went to Europe and 19 per cent to other parts of the world.

MANUFACTURERS MUST STUDY THEIR MARKETS.

What are we to conclude from all this? First, that the continent which takes nearly one-half of our manufactures, even though it be a great manufacturing center, is a promising field for standard goods of high grades and reliable qualities, to be sold at small margins of profit; second, that the other parts of the world, which also take one-half of our manufactures, are a promising field for goods of special types, of qualities and forms varying with the customs and demands of the people in the section to be supplied. Each field needs careful attention in order to assure success—that of Europe because of the sharp competition which may be expected from local manufacturers; that of other countries because of the special requirements of local custom relative to color, size, form, and packing. The fashions of Central Africa or the South Sea Islands are as exacting as those of London or Paris, and the manufacturer must study the peculiarities in each field with equal care, even though the number of prospective customers in the former is less and the difficulties of establishing a permanent market greater than that among people whose requirements are similar to our own. In Europe and Canada, with climatic conditions and customs of life similar to our own, we may expect to sell from the general stock of merchandise made for the great population of the United States; in Asia and Oceania and Africa and Spanish America, with climatic conditions and customs of life differing from our own, the sales to the other than English-speaking population can most readily be expanded with goods specially prepared or selected, specially packed, specially offered, and sold on special terms.

SHARE OF THE UNITED STATES IN MARKETS OF THE WORLD.

This brings us to a consideration of the existing markets in the various countries, the share which we now supply in them, and the share for which we may still compete. The total imports of the European countries are about $12,000,000,000, of which we supply about 13 per cent; those of Asia and Oceania, $1,800,000,000, of which we supply about 7 per cent; those of

South America, $800,000,000, of which we supply about 13 per cent; those of Africa, $500,000,000, of which we supply 5 per cent; and those of North America, other than the United States, $600,000,000, of which, by reason of proximity, we supply about 60 per cent. While a considerable share of the commerce of any country is a mere exchange with contiguous or adjacent countries, it may be assumed that as a rule fully one-half of the imports of these grand divisions is of a character for which we may compete, thus indicating that there are still great possibilities for the American producer and manufacturer in all parts of the consuming world, and that with patience, diligence, and fair dealing he may expect to make two blades of grass grow where now only one exists.

TROPICAL GOODS CAUSING STEADY INCREASE IN IMPORTS.

But before leaving this subject I want to call your attention to a feature of our import trade which has heretofore received little attention, and point out its important relation both to our home industries and the possibilities of new markets abroad. In the enthusiasm over our growing exports of the past few years we have given little attention to the growth of our imports. They have rapidly increased of late, and in the fiscal year just ended exceed $1,700,000,000, and at the present rate of progress bid fair to be two billion in the near future. What does this mean?

The answer is simple. In one great class of products we have been in the past absolutely dependent on other countries. While it is true that we are the world's greatest producer of bread and meat and coal and iron and steel manufactures, we have been in the past entirely dependent upon other parts of the world for tropical products. And it is in these articles that the chief growth in our importations has occurred. Year by year the people consume increased quantities of tropical productions for food and drink. Our imports of sugar have grown from a little more than 1,000,000,000 pounds in 1870 to five and one-half billions at the present time, if we include that from our own tropical islands; those of coffee from 235,000,000 pounds to nearly 1,000,000,000; tea from 47,000,000 pounds to 100,000,000; and cacao from less than 4,000,000 pounds to 150,000,000.

But more important than this is the fact that the great manufacturing interests of the country are making greater and greater demands upon the Tropics for their supplies of raw materials. The imports of fibers, chiefly tropical, which in 1870 amounted to less than 44,000 tons, were last year nearly 350,000 tons; those of rubber have in the same time increased from less than 10,000,000 pounds to over 100,000,000 pounds; tobacco, from 6,000,000 pounds to 50,000,000 pounds; silk, from half a million pounds to over 20,000,000 pounds; and cotton, from less than 2,000,000 pounds to over 100,000,000 pounds.

The result is that the value of tropical and subtropical products imported has grown from $143,000,000 in 1870 to about $700,000,000, including that from our own islands. The value of our imports classified as "manufacturers' raw materials" in 1890 was $160,000,000 and amounted to 22 per cent of the total; in the year just ended the value of manufacturers' materials imported was about $550,000,000, and formed about 33 per cent of the grand total.

OUR GROWING DEPENDENCE ON THE TROPICS.

What does this mean? Clearly that we are increasing our dependence upon the Tropics.

What does it mean to the producers and manufacturers and exporters of the country? Clearly that they should seek to pay in the products of the field and factory for the increasing millions of tropical products which they import and must continue to import, and that in the great undeveloped markets of South America and Africa and Asia and Oceania, which supply these tropical products, we should seek to enlarge our sales and encourage mutual interchange of commodities.

What does it mean to this Nation, which has recently extended its control over three great groups of tropical islands, with an area of 150,000 square miles, a population of 10,000,000 people, and an unmeasured possibility for the production of the very articles which we are now importing in increased quantities and must continue to import in greater quantities? Clearly that much of this great mass of the necessities of life and manufacture which we are now importing can be produced under the American flag, with American capital, and by American citizens.

Any one of these islands, Porto Rico, Hawaii, Guam, Tutuila, and the Philippine Islands, is capable of producing a part of the hemp, the jute, the coffee, the cacao, the tropical fruits, the sugar, the high-grade tobacco, and probably the silk and the tea and the india rubber for which we are now sending hundreds of millions of dollars to other countries. I would not see them take a dollar from the earnings of the American farmer, but until he can produce at home the sugar and high-grade tobacco and silk and rice for which we are now sending our millions abroad why should we not expend that money in our own islands, and in so doing build up in them a splendid market for our products of the farm and factory?

The Hawaiian Islands have increased their producing power more than thirtyfold since we annexed them commercially by the reciprocity treaty of 1876, and have also increased their consumption of our products thirtyfold. In the short 12 years since the actual annexation of those islands their production has enormously increased and our exports to them have more than doubled. In the 14 years since Porto Rico came under the American flag it has increased twentyfold its supply of tropical products in our markets and correspondingly increased its consumption of American goods. In the 14 years since the American flag was hoisted at Manila our exports to the Philippine Islands have increased fiftyfold, and those to all Asia and Oceania have trebled.

FUTURE OF OUR FOREIGN COMMERCE.

I conclude, then, that with a continuation of the vigor in production, the care in manufacturing, and the integrity in business dealings which have characterized our commercial history in the past we need have no fear for the future of our foreign commerce.

THE HOME MARKET DOUBLE THAT OFFERED BY ALL FOREIGN COUNTRIES.

But it is in the home market that our greatest successes are achieved. We recount with pride the growth of our exports of domestic products from three hundred and seventy-seven millions in 1870 to two thousand two hundred millions in 1912, but we must remember that the value of the domestic products sold in our home market in a year is fifteen times as much as that which we sell abroad. How do we know it? By a very simple arithmetical calculation. The census puts the gross value of the manufactures of the country in 1909 at $20,000,000,000, and shows that the increase in manufacturing from 1904 to 1909 was at the rate of over $1,000,000,000 per year. We may therefore conservatively put the value of the manufactures of 1911 at $22,000,000,000. The Department of Agriculture puts the wealth production of the farms of the country in 1911 at $8,500,000,000; the Geological Survey puts the value of the products of the mines at two billions; and if we add a half billion dollars for the products of the forests and fisheries we get a total of $33,000,000,000 as the stated value of the output of all the products of the country in 1911. This merchandise is, of course, produced for sale, and a single transaction in each of the products would make the domestic or internal trade of the country $33,000,000,000, a sum fifteen times as much as our exports of 1912, or twice as much as the 1911 imports of all countries other than the United States. The total imports of every country of the world except the United States, and therefore the total imports of all countries capable of importing our merchandise, were, in 1911, $16,000,000,000, or a little less than one-half the value of the articles forming the domestic or internal trade of the country in that year.

Not only is the internal commerce of the country twice as great as the entire imports of all the countries capable of importing from us, but the growth of the internal commerce is more rapid than the growth of the imports of the other countries of the world. The internal commerce of the United States has grown from $7,000,000,000 in 1870 to $33,000,000,000 in 1911, having nearly quintupled in that time, while the imports of all countries other than the United States have grown from $3,000,000,000 in 1870 to $16,000,000,000 in 1911, having less than trebled in that period.

Think of it, you producers and manufacturers and merchants and traders and bankers and transporters, think of it! *The market of our own country, the home market, in which you can transport your goods from the door of the factory to the door of the consumer without breaking bulk a single time, is twice as great as the entire importations of all countries other than our own, and is growing more rapidly than the imports of other nations.*

And now for some of the financial results so far as relates to our own people. The internal commerce, as I have already said, has increased from seven billions in 1870 to thirty-three billions in 1911; foreign commerce, from eight hundred and twenty-eight millions to nearly four billions in 1912, and the exports alone from three hundred and ninety-two millions to over twenty-two hundred millions. With this increase in production and commerce have come increased wealth and financial accumulations. The total money in circulation in 1870 was $676,000,000. In 1912 it is $3,276,000,000, or nearly five times as much as in

1870, while the population is but two and one-half times as much.

The result is that the money in circulation in 1912 is nearly $35 per capita, while in 1870 it was but $17.50 per capita. With this increase in money in circulation have come increased wealth and increased bank deposits.

The total wealth of the country in 1870 was stated by the census at $30,000,000,000; in 1900 it was estimated at $94,000,000,000; and to-day it may safely be put at a round $130,000,000,000.

The bank clearings of New York City grew from twenty-eight billions in 1870 to over one hundred billions in 1910, and the bank clearings of the whole country from fifty-two billions in 1887 (the earliest available figures) to one hundred and sixty-nine billions in 1910. *The total deposits in the various classes of banks in 1875, the earliest year for which we have data, were, in round terms, $2,000,000,000; in 1911 they were $16,000,000,000, or eight times as much as in 1875.*

But the most gratifying feature of this picture of banking and financial conditions in our country is the fact that deposits in savings banks—those institutions for the safe-keeping of the earnings of workingmen and widows and orphans and children of the country—*have increased from $550,000,000 in 1870 to $4,212,000,000 in 1911.* What say you, business men, of the future of a country whose workingmen and working women and children have more than four thousand millions of dollars laid aside for a "rainy day"?

SOME UNDEVELOPED OPPORTUNITIES IN OUR HOME MARKET.

There are four great groups of manufactures which stubbornly hold their own in the import trade, despite the efforts of the manufacturers of the country to capture the home market. These four groups are manufactures of cotton, manufactures of fibers, manufactures of silk, and chemicals. It has seemed to me a strange, almost incredible fact, that the country which produces three-fourths of the cotton of the world and boasts of having the best manufacturing machinery, the most successful inventors, and the most ingenious and successful workmen should be importing many million dollars' worth of cotton manufactures every year, and should actually have permitted that importation to increase year by year rather than diminish, as is the case with most classes of manufactures.

The value of the importation of cotton manufactures in 1891 was $28,000,000, and by 1912 it had grown to $65,000,000. The importation of manufactures of fibers, which in 1891 was $21,000,000, was $60,000,000 in 1912. The importations of manufactures of silk have averaged about $25,000,000 per year since 1895. The importations of chemicals, drugs, and dyes, $45,000,000 a dozen years ago, are now over $90,000,000 a year. Add to these the $25,000,000 worth of manufactures of iron and steel imported last year, the $16,000,000 worth of leather and its manufactures, and the $10,000,000 worth of chinaware, and we get an aggregate of $300,000,000 worth of the domestic market now being supplied by foreign manufacturers, and for which our own manufacturers may still compete.

I call your attention to these remaining opportunities of which the American manufacturer has not already taken advantage because of my perfect confidence in the ability of the American manufacturer and the American workman. The fact that the importations of manufactures have steadily fallen and the exportations of manufactures steadily increased until we are now constantly exporting 50 per cent more of manufactures than we import, gives me a complete assurance, a perfect confidence, that American manufacturers will not only capture this remaining $300,000,000 of the home market still available, but will go steadily forward in the work of capturing foreign markets. True, our imports must continue to grow, but that growth will be in the raw materials which the manufacturer must use, and in the tropical products which our own fields do not produce; and even these will soon be supplied, in large part at least, by the islands which have recently come under our control.

When these two things shall have been accomplished, when the American manufacturer shall supply the high-grade manufactures now imported, but which he will soon be able to produce, and when our new islands shall supply the tropical products which we must have, the United States will occupy the unique position of producing within her own boundaries all of the requirements of her own people and will continue to supply other nations from her growing surplus the natural products and manufactures which they demand and which they will continue to demand in increasing quantities.

OUR FAVORABLE TRADE BALANCE NOT A MENACE TO WORLD PROSPERITY.

I do not share in the fear which some have expressed that this condition, by which exports are to constantly exceed imports, is likely either to destroy our markets abroad or unsettle international finances. Certainly the experiences of the last forty years do not sustain either of these theories. Has the wonderful business activity which has existed over the entire business world during the past few years sustained the theory that the United States is destroying the prosperity of other countries by selling more than it buys? If the United States has really appropriated to itself an undue share of the world's money by selling $9,000,000,000 worth of merchandise in excess of its purchases from 1870 to 1912, how is it that the currency of the United Kingdom has increased from $10 per capita in 1870 to $20 per capita in 1912; that Italy increased her per capita money from $5 to $14; that the money of Belgium increased from $14 per capita to $24 per capita; that of Netherlands from $16 to $28 per capita; Sweden from $3 to $12 per capita, and Australasia from $20 to $49 per capita, and that the other nations of the world have generally increased rather than decreased their circulating medium and their wealth meantime?

OUR PROSPERITY BENEFITS THE WORLD.

We have not been bringing into the country and storing away in our vaults the $9,000,000,000 represented by the excess of our exports during that time. We have been paying our debts abroad—at least a part of them; we have been sending our citizens all over the world to redistribute the money and get the value of it in new information, new ideas, new views of life, new experiences, and new health and vigor. We have been investing our money in the securities of other nations, and are beginning to make ourselves, in a very limited way, a creditor nation. And we have been distributing a part of this surplus in paying freights on our products carried in other people's vessels, a custom which I hope will soon terminate.

Our foreign indebtedness still amounts to probably $2,000,000,000 and our national debt to one billion. Until we are able to pay this great sum of three billions of indebtedness and stand forth before the world as free men, as a nation absolutely free of obligations to other countries or to its own citizens; until we are able to take the rank to which we are entitled as a great creditor nation, supplying to the other countries the funds for which they are constantly seeking in the money markets of the world; until our sails shall whiten every sea and the millions of dollars which we are now paying to foreign shipowners pass to the hands of the owners of our own vessels, let us be content with the present order of things. Let us seek to increase rather than decrease the surplus of our exports; let us strengthen the hands of our producers and manufacturers, and in so doing strengthen those of the millions to whom they give employment; and if we are able to give to our neighbors in other countries the benefits of our industries at reduced cost of production but with fair margins of profit, our prosperity will be regretted by none and we shall have benefited mankind as a whole by giving them our products at a low cost while we were benefiting our own producers and manufacturers and workmen and our whole people.

INCREASE IN THE WORLD'S MONEY AND ACTUAL WEALTH.

Those who fear that the prosperity of a single nation in the world's great family and a continued excess of exports over imports are likely to seriously unsettle the financial conditions and cash balances of the world do not, perhaps, sufficiently consider the enormous increase which has taken place in the world's money during the lifetime of the present generation. The world's gold production in the last 400 years amounts to $14,000,000,000, and one-half of that amount has been produced in the last 25 years. The world's silver production in the last 400 years has also been $14,000,000,000 in value, and one-half of that has been produced in the last 40 years. In other words, it may be said that the quantity of the precious metals now available for currency or as a basis for international currency is more than double that of 40 years ago and that the modern systems of finance, banking, and exchange, by which a scrap of paper passing by fast mail between continents, or a message by cable which passes in an instant, may represent a million or a score of millions, has many times multiplied the value of this greatly increased supply of currency for use in business transactions.

While the increase in gold and silver does not necessarily mean a like increase in actual wealth of the Nation showing this increase of money, the statisticians of Europe show that the leading nations have greatly increased in wealth during the very time in which we have been selling them so much more than we were buying from them.

FUTURE OF AMERICAN COMMERCE.

What of the future? What is the promise of this magnificent country of ours, this land of plenty, where are now produced more of the requirements of life than in any other land, and which is to become a perfect unit through this addition of

tropical territory, to give us the one class of materials in which we have been lacking in the past?

In my mind's eye I see a great, a wonderful development, far beyond that before which the world now stands in amazement. I see our manufacturers again doubling and trebling their already magnificent output and pushing their surplus into every market of the world. I see Niagara and countless smaller waterfalls furnishing electricity to be carried by wire to every city and hamlet and farm, to be used for light and heat and power, in manufacturing, and for transportation on rivers and canals and railways and roads. I see a great canal connecting the two oceans and putting our eastern and western shores in close water communication and our great ports in direct touch with the markets of the whole world. I see another ship canal connecting the Great Lakes with the Atlantic, with ocean vessels landing at the docks of Cleveland and Chicago and Milwaukee and Duluth, and making that greatest producing section of the whole world a great ocean frontage. I see another canal connecting the Lakes with the Mississippi River, and a great system of light-draft steamers and barges carrying the products of that great valley to the ocean steamship either upon the Lakes or the Gulf of Mexico, as convenience of location may determine. I see our islands of the Pacific supplying us with hundreds of millions of dollars' worth of their productions and taking hundreds of millions of dollars' worth of our products in exchange. I see the islands of the Gulf of Mexico one by one knocking at our doors and coming under the American flag and furnishing us through open doors their tropical products to mingle with those of the islands of the Pacific. I see a great railway line extending from Alaska at the north to Argentina at the south, connecting the railway systems of the two continents and bringing the great markets of that continent into close relation with our own. I see a steady growth of American influence and a development of closer commercial relations with our neighbors on the north and on the south. I see a magnificent fleet of steamships, controlled by American capital and genius, and flying the American flag, penetrating every sea, carrying American goods to every continent and every clime, and sending them to the interior of every country by American engines, in American cars, and upon American rails. I see the product of the American farm and factory in every land throughout the civilized world, and with this accomplishment, increased activity for American producers and manufacturers, and increased prosperity among all classes of American citizens.

Statistical statement comparing conditions in 1870 with those of the latest available year.

	1870	1911
Population	38,558,371	[1]95,410,503
Wealth, estimated (latest official figures)	$30,068,518,000	[1] $130,000,000,000
Money in circulation	$676,284,427	[1] $3,276,786,613
Per capita	$17.51	[1] $34.25
Individual deposits in all banks	[2] $2,182,512,744	$15,906,274,710
Deposits in savings banks	$549,874,358	$4,212,583,599
Depositors in savings banks	1,630,846	9,597,185
Imports, total	$435,958,408	[1] $1,653,426,174
Imports, free of duty	$20,140,786	$881,743,144
Ad valorem of duty on all imports...per cent	44.89	20.23
Crude materials for manufacturing, imported	$55,615,202	$511,302,149
Manufactures for use in manufacturing, imported	$55,569,071	$287,785,652
Manufactures ready for use, imported	$173,614,888	$361,422,180
Exports, total (domestic and foreign)	$392,771,763	[2] $2,204,222,083
Manufactures for use in manufacturing, exported	$13,711,709	$309,151,930
Manufactures ready for use, exported	$56,329,137	$598,367,852
Manufactures, total (except foodstuffs) exported	$70,040,845	$907,519,841
Farms	2,659,985	[3] 6,361,502
Farms and farm property, value of	$8,944,857,749	[2] $40,991,449,000
Farm produce, value of	[4] $1,958,030,927	[5] $8,417,000,000
Manufactures produced, gross value	$4,232,325,442	[6] $20,672,051,870
Wages paid in manufacturing	$775,584,343	[6] $3,427,037,831
Spindles in operation in cotton mills	7,132,000	29,523,000
Coal mined.....gross tons	29,496,054	[3] 447,853,900
Petroleum produced.....gallons	220,951,290	[3] 8,901,354,016
Copper produced.....gross tons	12,000	489,873
Pig iron produced.....do	1,665,179	23,649,547
Iron and steel manufactures, exported	$13,483,163	$230,725,351
Railways, mileage in operation	52,922	[3] 249,909
Imports of all countries except the United States	$6,000,000,000	$16,000,000,000
Value of internal commerce of the United States (estimated)	$7,000,000,000	$33,000,000,000
Gold produced in the world	$129,614,000	[7] $452,334,733
Tonnage of vessels passing through the Sault Ste. Marie Canals..registered tonnage (net)	690,826	41,653,433
Freight rates on wheat by lake and rail, Chicago to New York.....cents	22.0	5.23

[1] 1912.
[2] 1875.
[3] 1910.
[4] Includes betterments and additions to live stock.
[5] Estimate of the Department of Agriculture.
[6] 1909.
[7] Estimate of the Director of the Mint.

Socialism.

EXTENSION OF REMARKS

OF

HON. HENRY T. RAINEY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 18, 1912.

Mr. RAINEY said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks an article which appeared recently in the Anti-Socialist on the subject of socialism, together with a list of books on the subject of socialism. Both articles are very brief, and I desire to have them printed in connection with the speech of the gentleman from Wisconsin [Mr. BERGER].

The matter above referred to is as follows:

[From the American Anti-Socialist, April, 1912.]

JEFFERSON'S INDICTMENT OF SOCIALISM.

Were we directed from Washington when to sow and when to reap, we should soon want bread. (Jefferson.)

I do verily believe that a single consolidated government would become the most corrupt government on the earth. (Jefferson.)

What has destroyed the liberty and the rights of man in every government which has existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or of the aristocrats of a Venetian senate. (Jefferson.)

BERGER ATTACKS THE SMALL FARMER—BERGER SAYS: "SOCIALISM WILL NOT GUARANTEE A FARMER POSSESSION OF HIS FARM."

Under the heading, "Farm report is set aside, Socialist congress puts off the decision till 1912," the Chicago Daily Socialist for May 20, 1910, said:

Just before the close of the session yesterday it was decided that the report of the farmers' committee be turned back to it, that the committee be increased to nine, and that it be asked to report to the next convention of the party in 1912.

Delegate VICTOR L. BERGER, of Wisconsin, told of the troubles that had been encountered in reaching the farmers of his State with the Socialist propaganda.

Delegate Robert Hunter gave the congress a calling down for pretending to be acquainted with a subject that it knew very little about; Delegate G. D. Brewer, of Kansas, took a rap at the farmers' committee for not having given the matter sufficient attention, while Delegate W. R. Gaylord told the delegates to go home and study.

MR. BERGER'S SPEECH.

VICTOR L. BERGER said:

The greatest Socialist minds of Europe have spent years on this question. Kautsky has written a book of about 500 pages, and it is the poorest book he has written. He came to no conclusion. France has adopted a platform by which they guarantee small farmers possession of their lands under socialism, which is wrong. In the first place, that guaranty would not be worth anything, because the grandchildren would not be ruled by any such guaranty; secondly, it is not socialistic.

The great trouble is that Marx falls down on the question of agriculture. We have to admit it.

I used to go around and preach 25 years ago, telling them we would have capitalistic farming. There was a man by the name of Dairymple, who had a 50,000-acre farm, and another man named Schenie had a 20,000-acre farm, and I told them the small farmer was gone, and that we would soon have tremendous bonanza farms that would employ thousands and thousands of men. We figured that concentration would take place the same way in agriculture that it does in the factory. That is where we were wrong. The introduction of farm machinery brought about an entirely different condition.

MUST "GET" THE FARMER IN SOME WAY.

I don't preach any more that we are going to have big bonanza farms. The Dairymple farm went to pieces. The Schenie farm went to pieces. We don't really know what the result will be. Simons and I don't exactly agree, and Morgan and I surely don't agree. [Great laughter.]

I don't know what the result will be, whether it will be intensive farming or what kind of farming will be brought about. Kropotkin, a great philosopher in his way, although an anarchist, claims that intensive farming, with the help of electricity, will be the farming of the future, and that 3 acres will be enough for each farm. Of course that would bring about individualism. If that is to be the case, we may have individualism some day in place of socialism. However, one thing is sure; there is no use in attempting to break eggs that have not been laid yet. We can not have socialism in this country if we don't get the farmers in some way.

Continuing, Mr. BERGER said:

We must have some kind of farmers' program. It has been said that we guarantee the farmer possession of his land. I have looked this over carefully, and Morgan is mistaken. We did not. But we must have some sort of program, and I am willing that the discussion of this be postponed, that we appoint a committee, and refer it to the committee. I would like to be on that committee, if I could. This interests me intensely. Let us study the question, as long as we are not ready to decide.

A SHOTGUN MORE POWERFUL THAN SOCIALIST LOGIC.

J. A. C. Meng, of Eureka Springs, Ark., in a letter to the Chicago Daily Socialist, says:

There was a joker in our last platform. Here it is: "And all land." One reads the platform peaceably and quietly till he strikes this snag. One of our "soap boxers," Pat Jared, was temporarily capsized upon it during the last campaign in Fulton County, Ark. He was aiding the local candidates, and was scattering his challenges broadcast. Before an audience of almost sansculottish hillbillies, a backwoods Methodist preacher took up the gauntlet and announced himself ready for immediate battle.

He announced to the startled rustics: "There is dynamite in this Socialist platform," and immediately read to them general demand No. 2. Mr. Meng proceeds to state that the preacher worked his hearers into a frenzy by showing them in black and white, from the platform itself, that the Socialists proposed to take their land away from them. The preacher perorated with the assertion that when they came to take his little rocky farm, they'd find him ready with his shotgun.

There was no quelling the fury of the crowd. Pat was howled down, and none would listen to his reply. And the joker did it.

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Contemporary Socialism. (By John Rae. $1.75): Competent critics call this the best English textbook on the subject. While keenly criticizing socialism the author does justice to the Socialist point of view. Good index. The book displays a masterly comprehension of the whole economic situation. Herzen's dramatic and thought-compelling letter to Bakunin renouncing revolutionism should be committed to memory by all our young hot-heads.

The New Socialism. (By Jane T. Stoddart. $1.75; 271 pp.; indexed): Critical, impartial, judicial. "Written in a style of great distinction; scholarly, comprehensive, lighted with imagination, this book is suited to the reader of intellectual tastes." If the author leaves the reader still puzzled as to what socialism means, this is as it should be, for the Socialists themselves are equally puzzled. Exhibits the manifold contradictions of Socialist teaching respecting the questions of a free press, compensation, rewards of labor, expropriation, and the family.

The Essentials of Socialism. (By Ira B. Cross. $1.10; 152 pp.): A fairly satisfactory introduction to the subject; a good book for beginners. Without prejudice, the author states both sides of the issues involved. Each chapter has a good bibliography. Two of the most interesting chapters are on "The inevitability of socialism" and "Methods of obtaining collective ownership."

Socialism. (By Prof. Robert Flint, of the University of Edinburgh. $2; 512 pp.; index): A scholarly, profound, but eminentaly readable treatment. One of the great intellectual achievements on this subject.

Principles of Social Economy. (By Yves Guyot. $1.30; 305 pp.): The author appears in his most brilliant form in this book. Incomparably clear and effective in discussing the functions of the State and laying down the bases of true Jeffersonian democracy.

Economic Prejudices. (By Yves Guyot. $1; 176 pp.): An exposure of protectionist and socialistic fallacies.

Last days of the Ruskin Coopertive Colony. (By Prof. Isaac Broome, 50 cents; 183 pp.): This graphic account of the disastrous effort to "start socialism right now" will soon be out of print. It shows the petty and interminable quarrels in the colony and also shows that Aristotle was right when he said, "To secure harmony it is necessary to have a distinction of interests." Should be in every anti-Socialist's library.

The Individual the Corner Stone of Society. (By Henry Replogle.) Only a newspaper article, but has more wisdom than many pretentious volumes. Urges some unanswerable objections to socialism.

Democracy versus Socialism. (By Max Hirsch. $3.25; 481 pp.; good index): Has a complete refutation of the Marxian theory of value. Shows the absurdities and contradictions in the Socialist definitions of capital. Defends real capital. Spurious capital would disappear with the repeal of laws conferring special privileges. Competition an inherent necessity of life. Competition the only means of securing efficiency of service and equality of reward to service rendered. Socialism would establish slavery. Individual desire to satisfy wants with least exertion, the originating cause of social structures. Stagnation rapidly followed by retrogression, the result f socialism. Private monopoly the cause of social injustice. Socialist admissions that under socialism the present system of marriage would disappear.

Copies of this list of anti-Socialist books will be supplied gratis to those who will inclose it in envelopes and otherwise assist in circulating it.

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[From the American Anti-Socialist, July, 1912.]

WHAT TO READ ON SOCIALISM.

The compilation of this list of the best books to read if you wish to understand Socialism and to be able to refute its teachings may seem a small matter, but it is based on several years' study of the subject and involves a close acquaintance with the literature of the subject not only in America but in England, where the editor spent 11 years.

We have, of course, included only books at present in print—some very helpful works are out of print.

Some of the publications offered below are likely to be soon out of print, and we urge those who want them to order at once.

OUR 5-CENT LIBRARY.

The Failures of Socialism. Twenty-one historic failures described.

Banking and the Social Problem. (By H. Meulen): Finds the main cause of unemployment in the monopoly of credit.

Socialism. An actual experiment. The story of a Socialist colony in Paraguay and its disastrous failure.

The Duties of the State. (By David Dudley Field.)

OUR 10-CENT LIBRARY.

The following pamphlets are 10 cents each, or three for a quarter:

Bradlaugh-Hyndman Debate on "Will Socialism Benefit the English People?"

Bradlaugh-Bax Debate on same subject.

Bradlaugh-Besant Debate on "Socialism: For and Against."

Millar-Besant Debate on "Socialism Versus Individualism."

How You Are Gouged. (By A. B. Baker): This book is a logical demand made by a Socialist on the Socialist Party to be consistent and abolish all privately owned printing plants. But it will refuse to be consistent. Read this book and ask your Socialists why they do not practice what they preach.

New Jersey Socialist Unity Conference. A remarkable document dealing with the press under Socialism. Shows the intense desire of Socialists to bell the old cat of Freedom, but shows also the dangers and tribulations besetting such a fe(i)onious movement.

Is a Money Crisis Imminent? (By Arthur Kitson.)

The Outcome of Individualism. (By J. H. Levy.)

Socialism: Its Fallacies and Dangers. (By F. Millar. 25 cents) a Great value for the money—one of our best bargains.

An Apology for Liberty. (By Thomas Mackay. 20 cents; 2 copies for 33 cents): We wish it were possible to circulate a million copies of this great essay. We give two extracts from this essay:

"What has been the most important discovery made by the free spirit of inquiry and experiment? It is, I venture to affirm, the discovery of the way in which exchange ministers to the economic requirements of mankind. Exchange is the pivot on which industrial society revolves; the lubricating oil—if the metaphor may be allowed—is the profit which each transaction promises to those who take part in it, and if there is one point about which Socialists are agreed, it is that individual profit is a thing which they will not countenance. Exchange, therefore, and the society based on it, is the very antithesis of Socialism."

Things Seen and Things Not Seen. (By Frederick Bastiat. 15 cents): The Americana says: "Nowhere will reason find a richer armory of weapons available against Socialism than in the pamphlets published by Bastiat between 1848 and 1850." Every anti-Socialist ought to read this pamphlet again and again.

Berger's Hits and Misses. (By Daniel De Leon. 20 cents; 104 pp.): Berger's errors of omission and commission in Congress are described by a fellow Socialist. The principal issues up in Congress are fully discussed.

Political Socialism—Would it Fail in Success? (By J. S. Crawford. 25 cents; 109 pp.): A valuable book; should be read by all. The author's acute criticisms on Socialism are based on a thorough knowledge of its fallacies.

Adam Smith. (By Hector C. McPherson. 35 cents, 75 cents, or $1, according to binding; 160 pp.): One of the greatest bargains and treats we have to offer. We know of no better introduction to the study of economics.

Adam Smith's "Wealth of Nations." New and condensed edition, with preface by Hector McPherson. 35 or 75 cents, according to binding; 232 pages; full index. Every library should have this masterpiece. It is estimated that this work, by its teaching, has given employment to millions of workers.

Pictures of the Socialistic Future. (By Eugene Richter, member of the German Parliament. 35 cents; 134 pp.): This book deserves the widest possible circulation; it is a powerful antidote to an insidious poison. Socialists will gnash their teeth as they read this book.

The Problems and Perils of Socialism. (By J. St. L. Strachey. 35 cents; 126 pp.): The author says: "The chief peril of Socialism is waste—waste both in the moral and economic sense. Socialism would not only deteriorate character, but it would lessen product."

The Pattern Nation. (By Henry Wrixon. $1.25; 172 pp.): Especially valuable to half-hearted and short-sighted supporters of Socialism. The author thinks that the delusive experience of semi-Socialism will be such that the people, when it comes to a crisis and the final choice between freedom and Socialism, will choose freedom. If they do not, then the inevitable result will be a decline of western civilization.

Wealth Against Commonwealth. (By H. D. Lloyd. 567 pp.; two editions, $1.10 and $2.50): The mass of evidence in this book, showing that the trust is no more the result of economic evolution than a horse thief is such a result, will be found invaluable to anti-Socialists. The trust is a product of criminal devilution, as this book abundantly proves.

The Tyranny of Socialism. (By Yves Guyot. $1.00; 264 pp.): The author adopts the following motto: "Socialism—that is, the State substituting itself for individual liberty, and growing to be the most terrible of tyrants." Various Socialistic sophisms are brilliantly refuted.

Socialism as an Incubus on the Labor Movement. (By J. W. Sullivan. 50 cents.)

CURRENCY TRUST CONSPIRACY EXPOSED.

The Currency Trust. (By F. J. Van Vorhis. 376 pp.; large type): This complete exposure of the Aldrich plan should be in every citizen's, and especially in every statesman's, library. Price ought to be $3—to introduce we make it $1.50.

The Other Side of the Money Question. (By J. A. Fulton, city treasurer of McKeesport, Pa. 10 cents; 112 pp.): The best introduction to the vexed money question.

Socialistic Fallacies. (By Yves Guyot. $1.65; 343 pp.): Displays an immense fund of knowledge. Author reveals himself as "a lord of irony, the master spell." Intense earnestness appears in every line. He concludes his powerful indictment as follows:

"There are three words which Socialism must erase from the façades of our public buildings—the three words of the republican motto:

"Liberty, because Socialism is a rule of tyranny and of police.

"Equality, because it is a rule of class.

"Fraternity, because its policy is that of the class war."

Collectivism and the Socialism of the Liberal School. (By A. Naquet. $1; 158 pp.): The author's eloquent style and keenly analytical method are evident on every page. Very suggestive is the treatment of invention under Socialism. The conclusion is reached that Socialism would bring about the stagnation, and even the retrogression, of the human race.

The Quintessence of Socialism. (By Dr. A. Schaffle. $1; 127 pp.): Friends and foes of Socialism regard this as the best brief, scientific exposition of Socialism. At once a sympathetic exposition and a searching criticism.

The Impossibility of Social Democracy. (By Dr. A. Schaffle. $1.30; 419 pp.): In this book, called a second part of "The Quintessence of Socialism," the author gives at length the grounds of his conviction that the program of the Socialists is incapable of practical application.

Australian Socialism. (By A. St. Ledger. $1.60; 365 pp.): Shows the farmer to be the implacable foe of Socialism. Very full account of Socialistic experiments in Australia.

British Socialism. (By J. Ellis Barker. $3.25; 522 pp.): The author has consulted about a thousand Socialistic works, and his "book is a summary of the whole literature of British Socialism and a key to it." Presents the views of typical Socialists on the family, the land, the railways, and a host of similar issues. Very useful to those who wish to know the practical suggestions deduced from Socialist theories. Has a complete analytical index. Has chapters on the press under Socialism, and "How the progress of Socialism may be checked."

Present-Day Socialism and the Problem of the Unemployed. (By G. E. Raine. $1.10; 207 pp.): The author says: "I deal with the 'live' Socialism of the day. During the last few years I must have

attended more Socialist meetings (in England) than any other anti-Socialist, and the points which I raise in the following pages are the actual issues which are day after day being presented by Socialists. The replies which I give to Socialist questions have actually been employed by myself in arguments."

The New Social Democracy. (By J. H. Harley, M. A. $2; 249 pp.): Very interesting, very illuminating, is the chapter, "The collapse of collectivism." A very suggestive and helpful book. Shows the declining influence of Karl Marx. While not agreeing with all the author says, we recommend this book to the earnest student.

A Symposium on Value. (Edited by J. H. Levy. 25 cents.)

Wit and Wisdom. (The Wit and Wisdom of the Cynics and Sages—Rochefoucauld, Thoreau, Montaigne, Chamfort, Nietzsche, "Zarathustra," each 10 cents.) Address G. Gowrie, 364 Wendell Street, Chicago, Ill.

Collectivism. (By P Leroy-Beaulieu. $3.25; 343 pp.): "To those who talk loosely of Socialism as at least a tendency in the right direction and as the necessary step of progress or evolution, the clear thinking of this book may be strongly recommended," so writes the Nation. Many regard this book as the acutest and most searching analysis of the various Socialistic schemes.

The Menace of Socialism. (By W. Lawler Wilson. $1.75; 520 pp.): A fresh, vigorous, and practical discussion, full of quotable sentences. Deals with English conditions. The author exhibits no little acumen in his analysis of Socialist proposals and in his defense of private enterprise, private property, and private capital. To combat Socialism, he presents a program of constructive social reform. On the land question the author says: "There is nothing which the Socialists fear so much as a peasant proprietary. The tenacious hold of the small owner on the soil can not be shaken by Socialism."

The Superstition Called Socialism. (By G. W. de Tunzelman. $1.60; 394 pp.): "Written to meet the requirements of the anti-Socialist speaker." Author seems to have held many debates in England. Good index. Makes some shrewd points. The author shows his breadth of mind by quoting from J. A. Hobson. In chapter 5, by quotations from leading Socialists, it is shown that Socialism spells slavery.

Short Studies in Economic Subjects. (By J. H. Levy. Cloth, 50 cents; paper, 25 cents.)

Socialism and Individualism. (By Belfort Bax and J. H. Levy. 50 cents.)

Socialism: A Critical Analysis. ($1.50; 329 pp.): Has the best English bibliography. A supreme achievement in power of exposition, dissection, and rebuttal. Probably the ablest recent attack on Socialism.

Fallacies of Protection. (By Bastiat. 35 cents; 238 pp.): Has the brilliant petition of the candlestick makers asking the Government of France to protect them against the competition of the sun.

The Case Against Socialism. ($1.60; 546 pp.): Described as a handbook for English speakers and candidates.

Our Economic Troubles and the Way Out. (By Hon. W. H. Berry, ex-State treasurer of Pennsylvania): An answer to Socialism and a discussion of the Aldrich bill. Shows the effect of monopoly upon industry. This work is indispensable, if you wish to be able to refute Socialism from the standpoint of progressive Democracy.

Critical Examination of Socialism. (By W. H. Mallock. Cloth, 55 cents; paper, 40 cents.)

Money Making in Free America. (By B. Hall. 55 cents; 315 pp.)

Pinhead's Thrift. A tragedy of the three financiers, Brainhead, Blockhead, and Pinhead. (By William W. Clay. 25 cents): "Pinhead's Thrift," by many humorous and most telling illustrations, roasts the Aldrich bank scheme to loot the United States Treasury.

The Social and Economic Problem. (By M. Flurscheim. 25 cents; 280 pp.): Commended for its very able treatment of the money question.

Every library should possess the following books by Arthur Kitson:

A Scientific Solution of the Money Question. Cloth, $1; paper, 50 cents.

Industrial Depression: Its Cause and Cure. 20 cents.

The Cause of Strikes and Bank Failures. 25 cents.

The following incomparable masterpieces are sold at 25 cents for paper edition, 40 cents for cloth edition:

On Liberty. By John Stuart Mill.

Social Statics. By Herbert Spencer.

The Man Versus the State. (By Herbert Spencer. 94 pp.): Contains the famous chapters, "The coming slavery," "The sins of legislators," "The great political superstition," and "The new Toryism."

(This list of anti-Socialist books continued in our next issue.)

Jurisdiction of Courts with Respect to the Orders of the Interstate Commerce Commission.

EXTENSION OF REMARKS

OF

HON. ROBERT F. BROUSSARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 18, 1912.

Mr. BROUSSARD said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I will include a memorandum on "Jurisdiction of courts with respect to orders of the Interstate Commerce Commission," by John B. Daish, A. B., LL. M.

The memorandum is as follows:

MEMORANDUM ON JURISDICTION OF COURTS WITH RESPECT TO ORDERS OF THE INTERSTATE COMMERCE COMMISSION.

[By John B. Daish, A. B., LL. M.]

OUTLINE.

The Interstate Commerce Commission is an administrative body to which has been confided certain powers with respect to interstate commerce; its duties are judicial and quasi judicial, legislative, ministerial, and administrative.

In performing these duties the commission makes and enters certain orders and requirements; these usually follow hearings, either upon complaint or in general investigations, which are by law authorized. Orders in form are either (*a*) those granting relief, requiring a carrier to cease and desist from charging a particular rate or continuing to enforce a particular practice and prescribing another and less rate or different practice; or (*b*) one denying relief, as dismissing a formal complaint in which has been alleged the unreasonableness of a rate or practice.

Prior to the act of June 29, 1906, affirmative orders of the commission were enforceable only in a proceeding in the United States courts, brought by the commission or a party injured against the carriers. This procedure is still in the statute, but is not usually invoked, because by the act mentioned the orders and requirements were made self-executing, both in terms (it being provided within what time they might be made effective) and the failure to obey them probably subjects the offending official to heavy penalties.

Appreciating that the commission might err and that the carriers are entitled under the Constitution to an exercise of the Federal judicial power, the act of 1906 provided for the venue of suits brought "to enjoin, set aside, annul, or suspend any order or requirement of the commission," and in such courts as the venue fixed "jurisdiction to hear and determine such suits is hereby vested."

By the act of 1910 this jurisdiction, along with three other classes of cases, was transferred to the Commerce Court, created by the act.

In the Commerce Court came to be filed cases to enjoin, set aside, annul, and suspend orders of the commission (*a*) which denied relief and dismissed the complaint, and (*b*) which, although granting relief, did not give the complainant the measure of relief to which he thought himself entitled. That the Commerce Court has no jurisdiction of controversies of these classes of cases was determined in Procter & Gamble *v.* United States. (Opinion Supreme Court June 7, 1912.)

While Congress may within recognized limits make the findings of fact and determinations of an administrative official final, it has usually provided by legislation for some measure of review, particularly if any of the duties are judicial or quasi judicial. As to the commission, its decisions against a complaining shipper are now final, but if against a respondent carrier are proper subjects of judicial review. There is therefore a kind of presumption that when deciding against a shipper the commission is right and when deciding against a carrier it is wrong.

Manifestly, in fairness, jurisdiction should be given to the courts to entertain petitions by shippers who have been denied relief by the commission. In order, however, to give to shippers a full, adequate, and complete remedy the power of courts in such cases needs be different than when their jurisdiction is invoked by one against whom an affirmative order has been made. The power only "to enjoin, set aside, annul, and suspend" an order would be inadequate, for after the exercise of such power the shipper would be exactly where he was when he applied to the commission. Within the proper exercise of the judicial power in matters of this nature the courts should have such authority as is fully adequate to meet the existing necessities and requirements.

In a very similar case the Congress has provided that when one is aggrieved by the decision of an administrative official in the exercise of judicial and quasi-judicial duties he may invoke the power of a designated court, which court can revise the decision of the administrative officer appealed from and which returns to the official a certificate of its proceedings and decision to govern the further proceedings in the case. The court marks out the law as applied to the facts of a particular case, in so far as judicial and quasi-judicial determination is necessary; beyond that (and mandamus to compel the performance of a ministerial duty) he is free from control by the courts. The act providing the procedure set forth was enacted in 1870 and has been held constitutional by the Supreme Court.

If similar powers be conferred on courts respecting negative orders of the Interstate Commerce Commission they would, it is respectfully submitted, meet the present demands and necessities.

1. THE NATURE OF THE INTERSTATE COMMERCE COMMISSION.

Under the act to regulate commerce, and independent of certain duties and powers conferred by other acts (such as safety appliance acts, hours of service acts, etc.), the Interstate Commerce Commission is beyond doubt an administrative body to which has been confined certain power, authority and jurisdic-

tion over and in respect to interstate commerce and the carriers and instrumentalities engaged in the transportation of property therein.

It was created by the act of February 4, 1887 (24 Stat. L., 379). This act has been amended from time to time, the powers of the commission have been enlarged and its duties have been increased, both in number and importance; particularly was this accomplished by the amendments of June 29, 1906, the so-called Hepburn law (34 Stat. L., 584).

Originally the commission was subordinate to one of the executive departments, reporting to the Secretary of the Interior. After being so attached for two years, Congress by law required that the commission report direct to it. Since 1889 (25 Stat. L., 855), it has not been attached to any of the three grand departments of the Government.

The courts are not wholly harmonious in stating the legal status of the commission and the commission has never seen fit fully to describe itself. It is, however, a body corporate with legal capacity to be a party plaintiff or defendant in the Federal courts (Texas & Pacific R. Co. *v.* I. C. C., 162 U. S., 197).

Prior to the amendment to the act in 1906 the commission was called "an administrative board" (C., N. O. & T. P. Ry. *v.* I. C. C., 162 U. S., 184, 196); and "an administrative body" (I. C. C. v. C., N. O. & T. P. Ry., 167 U. S., 479, 510).

It [the commission] is neither a Federal court under the Constitution nor does it exercise judicial powers nor do its conclusions possess the efficacy of judicial proceedings. (K. & I. B. Co. *v.* L. & N. R. Co., 37 Fed., 567.)

Prior to the amendment of 1906 it was said to exercise quasi judicial powers (I. C. C. *v.* C., N. O. & T. P. Ry. Co., 76 Fed., 183; I. C. C. *v.* C., N. O. & T. P. Ry. Co., 64 Fed., 981; T. & P. Ry. *v.* I. C. C., 162 U. S., 197; I. C. C. *v.* C., N. O. & T. P. Ry. Co., 167 U. S., 479; I. C. C. *v.* L. & N. R. R. Co., 73 Fed., 409).

Since the Hepburn law of 1906, by which the powers of the commission were increased, the commission has said:

There is an analogy between the jurisdiction of the commission and that of a court of equity. (R. Com. *v.* H. V. R. Co., 12 I. C. C., 398.)

And it has also referred to itself as follows:

While its procedure is to some extent judicial in nature, the commission is essentially an administrative body. (M. & K. Shippers' Ass'n *v.* M., K. & T. Ry. Co., 12 I. C. C., 483, 484.)

2. THE DUTIES OF THE COMMISSION AND A CONSIDERATION OF THE NATURE THEREOF.

The duties which the commission is called upon to perform are many and varied. To enumerate them would serve no useful purpose at this time; for the present it will suffice to point out the fact that the duties are properly divisible into several classes according to their nature.

Certain duties are judicial or quasi judicial, as in determining whether or not a rate is reasonable; others are legislative, as in prescribing a rate for the future.

It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act; but an entirely different thing to prescribe rates which shall be charged in the future—that is a legislative act. (C., M. & St. P. Ry. *v.* Minnesota, 134 U. S., 418, 458; Reagan *v.* Farmers' L. & T. Co., 154 U. S., 362, 397; St. L. & S. F. R. R. *v.* Gill, 156 U. S., 649, 663; C., N. O. & T. P. Ry. Co. *v.* I. C. C., 162 U. S., 197, 216; Munn *v.* Illinois, 94 U. S., 113, 114; M. & L. R. R. Co. *v.* Sou. Exp. Co., 117 U. S., 1; I. C. C. *v.* C., N. O. & T. P. Ry. Co., 167 U. S., 479, 499.)

Other duties, particularly those relating to the interior management of the commission, are clearly administrative.

Still others are in part of one class and in part another. The power and duty prescribed by section 12 to execute and enforce the provisions of the act were considered by the Supreme Court in I. C. C. *v.* C., N. O. & T. P. R. Co. (167 U. S., 479, 501):

The power given is the power to execute and enforce, not to legislate. The power given is partly judicial, partly executive and administrative, but not legislative.

3. THE ORDERS OF THE INTERSTATE COMMERCE COMMISSION.

In addition to the orders of the commission respecting the keeping of accounts, the form of reports of carriers and general orders of like kind, the commission makes and enters orders in formal cases; these orders close (subject to petition for rehearing) the controversy and proceedings before the commission and are analogous to final decrees in equity courts.

In form orders are (*a*) affirmative, as those granting relief by requiring carriers to cease and desist from charging unreasonable rates and following discriminatory practices, and prescribing reasonable rates and nondiscriminatory practices; or (*b*) denying relief, as those dismissing the complaint of the shipper. Orders to accomplish other purposes than those stated necessarily fall within the above classification.

4. HOW ORDERS WERE AND ARE ENFORCEABLE.

Prior to the act of June 29, 1906, the orders of the commission, if affirmative in their nature, were enforceable in the Federal courts by a bill by the commission or by any party injured by the failure of the carrier to obey the order. This procedure is still permissible in the Commerce Court, and, in addition to the commission and any party injured, the United States may by the Attorney General file an appropriate bill.

The act of June 29, 1906 (34 Stat. L., 584), made the orders of the commission self-executing or self-enforcing. The failure, neglect, or refusal to obey them within the time limit thereof was made punishable by heavy penalties. A method for annulling them, inasmuch as the commission was not a court, was under the Constitution necessary. He against whom the order ran was entitled to his day in court.

By the act of June 30, 1906 (34 Stat. L., 584), was fixed the venue of circuit courts of the United States in "suits to enjoin, set aside, annul, or suspend any order or requirement" of the commission and jurisdiction "to hear and determine such suits is hereby vested in such courts."

This jurisdiction—and jurisdiction over certain other classes of cases—was transferred to the Commerce Court by the act of June 18, 1910, which was subsequently reenacted as part of the Judicial Code (act Mar. 3, 1911).

5. THE POWER OF COURTS TO ENJOIN, SET ASIDE, ANNUL, AND SUSPEND ORDERS OF THE COMMISSION.

When the act of 1906 was before Congress there was a thorough appreciation of the fact that the carriers had a right to a judicial review of the orders of the commission; whether the power of the courts should include "broad" review or "narrow" review was most freely debated, particularly in the Senate. The question was not, however, specifically decided, for to the circuit courts was given "jurisdiction to hear and determine such suits"; that is, suits to enjoin, set aside, annul, or suspend any order or requirement of the commission.

It has therefore fallen to the Supreme Court to delineate the limitations within which the courts may act. Reviewing previous cases which had been before it for decision, the Supreme Court, in Interstate Commerce Commission *v.* Union Pacific Railroad Co. (222 U. S., 541, 547), said:

There has been no attempt to make an exhaustive statement of the principle involved, but in cases thus far decided, it has been settled that the orders of the commission are final unless (1) beyond the power which it could constitutionally exercise; or (2) beyond its statutory power; or (3) based upon a mistake of law. But questions of fact may be involved in the determination of questions of law, so that an order, regular on its face, may be set aside if it appears that (4) the rate is so low as to be confiscatory and in violation of the constitutional prohibition against taking property without due process of law; or (5) if the commission acted so arbitrarily and unjustly as to fix rates contrary to evidence, or without evidence to support it; or (6) if the authority therein involved has been exercised in such an unreasonable manner as to cause it to be within the elementary rule that the substance, and not the shadow, determines the validity of the exercise of the power.

6. THE COURTS HAVE NO JURISDICTION OVER NEGATIVE ORDERS OF THE COMMISSION.

In the course of the many decisions of the commission complaining shippers who had been denied relief became aggrieved and being of opinion that the commission had erred and denied substantial rights filed petitions in the Commerce Court for a judicial decision of the controversy and to enjoin, set aside, annul, and suspend the negative orders of the commission. The case first determined was Procter & Gamble *v.* United States, involving the right of carriers to charge demurrage on private tracks. The commission had held that the carriers had the right. On petition to the Commerce Court, the United States moved to dismiss on jurisdictional grounds. That court held it had jurisdiction, but sustained the right of the carriers to assess demurrage under the circumstances stated, thereby agreeing with the commission.

The case was appeal to the Supreme Court, which held that the Commerce Court had no jurisdiction of cases in which the commission had dismissed the complaint of a shipper. The Chief Justice, speaking for the court, after quoting the power conferred upon the Commerce Court over—

cases brought to enjoin, annul, or suspend in whole or in part any order of the Interstate Commerce Commission—

Said:

Giving to these words their natural significance, we think it follows that they confer jurisdiction only to entertain complaints as to affirmative orders of the commission; that is, they give the court the right to take cognizance, when properly made, of complaints concerning the legality of orders rendered by the commission and confer power to relieve parties in whole or in part from the duty of obedience to orders which are found to be illegal.

It therefore follows that in no case in which the commission has dismissed a complaint, even by a divided commission, can the complaining shipper go further; whatever errors may have been made by the commission, nevertheless the shipper is thereafter remediless.

Under the doctrine laid down in the Procter & Gamble case the Supreme Court dismissed the appeal in Hooker et al. *v.* Knapp et al. (involving the reasonableness of rates from

Cincinnati to Chattanooga) and the Eagle White Lead Co. et al. *v.* Interstate Commerce Commission. By reason of the same decision the Commerce Court of its own motion dismissed the following cases for want of jurisdiction, or they were subject to have been so dismissed:

Anaconda Copper Mining Co. et al. *v.* United States; Crane Iron Works *v.* United States; O'Gara Coal Co. et al. *v.* United States et al.; Cattle Raisers' Association of Texas et al. *v.* United States; Chamber of Commerce of City of Augusta, Ga., *v.* United States and Interstate Commerce Commission; International Salt Co. of Illinois et al. *v.* United States and Interstate Commerce Commission; Louisiana & Pacific Ry. Co. et al. *v.* Interstate Commerce Commission, United States, et al.; Woodworth & Louisiana Central Ry. Co. et al. *v.* Interstate Commerce Commission, United States, et al.; Sibley, Lake Bisteneau & Southern Ry. Co. *v.* United States and Interstate Commerce Commission.

The 12 cases indicate the great importance of having a review of the decisions of the commission, for they constitute one-sixth of all the cases filed in or transferred to the Commerce Court. The demand is not single and stray, but great and broadspread.

7. THE RIGHT TO INVOKE THE FEDERAL JUDICIAL POWER SHOULD BE MUTUAL.

There would seem to be no argument against conferring upon the courts jurisdiction to hear and determine controversies which have been decided adversely to the complaining shipper. Since the Abeline case (204 U. S., 426) he must initiate his proceeding, if he complains of certain matters, before the Interstate Commerce Commission, for its jurisdiction and power in particular controversies is original and exclusive.

The denial of the same right of review to the shipper as is accorded the carrier is beyond doubt a denial of that equality of the law which is fundamental in the Constitution, even if, which seems likely, the shipper is not denied due process of law.

Our jurisprudence has zealously guarded the right of the individual and particularly against erroneous and arbitrary action by administrative and quasi judicial officials. If a committing magistrate act erroneously, one has habeas corpus; if an administrative official fail to perform a ministerial act, mandamus lies; and in this behalf the courts have broadened rather than narrowed the remedy. Not only have the courts appreciated and kept inviolate the rights of the individual, but Congress itself has usually protected by appropriate legislation his rights. Instance the applicant for a patent; if the individual be denied one, he has from early days been permitted a review and revision of the decision of the Commissioner of Patents. Early in our history he had the right to appeal to a board; more recently, and since 1870, he may invoke the judicial power by an appeal thereto. (5 Stat. L., 117; R. S. U. S., secs. 4906 et seq.; 27 Stat. L., 434, ch. 74.)

8. POWERS NECESSARY TO BE CONFERRED IN RESPECT TO NEGATIVE ORDERS TO GIVE ADEQUATE RELIEF.

It is manifest that if to the courts be given only the power to enjoin, set aside, annul, and suspend negative orders of the commission, the power will not be commensurate with the relief to which one is in justice entitled. The setting aside of or similar action regarding a negative order would leave the petitioner before the court practically where he was as complainant before the commission. The authority of the courts must be sufficiently broad and comprehensive to give adequate relief.

There are, of course, matters which can not properly be placed within and subject to the judicial power; but matters judicial or quasi judicial in their nature are proper subjects for judicial determination. (Murray *v.* Hoboken L. & I. Co., 18 How., 284.)

In its administrative functions the commission is not subject to control. (I. C. C. *v.* Humboldt S. S. Co., 224 U. S., 474.) In its legislative functions it should be as subject to revision by the courts at the instance of shippers as at the instance of carriers. In its judicial and quasi judicial functions it may constitutionally be made subject to the judicial power. (U. S. ex rel. Bernardin *v.* Duell, 172 U. S., 576.)

To give adequate relief the courts must be endowed, not with purely revising power (for probably such power would vitiate the grant), but with power to mark out the law as applied to particular facts and to certify the law in the case to the commission for its guidance in further proceedings therein. Such is the power and procedure in patent appeals, which has stood the test of the Constitution. (U. S. ex rel. Bernardin *v.* Duell, 172 U. S., 576.)

The analogy between the two situations is complete. Each—the office of the Commissioner of Patents and the Interstate Commerce Commission—are administrative in their nature; each performs certain ministerial and judicial or quasi-judicial functions. To secure justice through the exercise of the judicial power one may have an appeal to the courts for the purpose of securing a patent or determining priority in an interference case. Appeal to the courts or right of judicial review is unfortunately now denied one who has failed for any reason to make a case before the Interstate Commerce Commission.

It may be said that if to the courts be given the power of review of negative orders, carriers, as well as shippers, may in such cases appeal to the courts. This is true, for carriers may under the act seek relief from the commission; but if the commission is wrong, ought not anyone injured by the wrong be entitled to have the wrong righted? If, again, it be said (as it has been) that the commission is the shipper's friend, and one can rely that every intendment in favor of the shipper will be given, it can properly be replied that the commission is not supposed to be a biased or prejudiced body, and that the number of cases in the Commerce Court heretofore filed by shippers shows that the commission does not always decide with the shippers.

9. WHAT COURT SHOULD BE INVESTED WITH POWER IN THE PREMISES.

As transportation law is technical, as the facts are complex, as the domain of investigation is broad, and as unanimity and promptness of decision is desirable, it is submitted that the power to be conferred should be conferred upon the Commerce Court. No one will deny that these transportation questions are "matters involving public rights which may be (and usually are) presented in such form that the judicial power is capable of acting upon them and which are susceptible of judicial interpretation." And no one with even slight familiarity with the subject will deny the advantage of the judgment of a trained body of skilled judges, expert in all the intricacies of this special branch of the law.

JOHN E. DAISH.

WASHINGTON, *July 9, 1912.*

Constitutional Morality.

EXTENSION OF REMARKS

OF

HON. MARLIN E. OLMSTED,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 16, 1912.

Mr. OLMSTED said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I will include as a part of my remarks an address by William D. Guthrie before the Pennsylvania Bar Association at its annual meeting at Cape May, June 28, 1912, on the subject of constitutional morality.

The address is as follows:

CONSTITUTIONAL MORALITY.

AN ADDRESS DELIVERED BEFORE THE PENNSYLVANIA STATE BAR ASSOCIATION AT ITS ANNUAL MEETING, CAPE MAY, JUNE 25, 1912.

The text of this address is taken from Grote's History of Greece. The historian, reviewing the state of the Athenian democracy in the age of Kleisthenes, points out that it became necessary to create in the multitude, and through them to force upon the leading men, the rare and difficult sentiment which he terms constitutional morality. He shows that the essence of this sentiment is self-imposed restraint, that few sentiments are more difficult to establish in a community, and that its diffusion, not merely among the majority but throughout all classes, is the indispensable condition of a government at once free, stable, and peaceable. Whoever has studied the history of Greece well knows that the Grecian democracy was ultimately overthrown through the disregard of constitutional morality by her own citizens and not by the spears of conquerors.

We American lawyers would be blind, indeed, if we did not recognize that there is at the present time a growing tendency throughout the country to disregard constitutional morality. On all sides we find impatience with constitutional restraints, manifesting itself in many forms and under many pretenses, and particularly with the action of the courts in protecting the individual and the minority against unconstitutional enactments favoring one class at the expense of another. However worded and however concealed under professions of social reform or social justice, the underlying spirit in many instances is that of impatience with any rule of law.

Again we are meeting the oldest and the strongest political plea of the demagogue, so often shown to be the most fallacious and dangerous doctrine that has ever appeared among men, that the people are infallible and can do no wrong, that their cry must be taken as the voice of God, and that whatever at

any time seems to be the will of the majority, however ignorant and prejudiced, must be accepted as gospel. The principal political battle cry to-day seems to be that, if the people are now fit to rule themselves, they no longer need any checks or restraints, that the constitutional form of representative government under which we have lived and prospered has become antiquated and unsatisfactory to the masses, and that we should adopt a pure democracy and leave to the majority the decision of every question of government or legislation, with the power to enforce its will immediately and without restraint.

Many political and social reformers are advocating an absolute legislative body, whose edicts, in response to the wishes, interests, or prejudices of the majority, shall at once become binding on all, no matter how unjust or oppressive. Those who are loudest in thus demanding the supremacy of the legislative power are equally loud in charging the corruption of legislatures and proclaiming distrust of the people's representatives in legislative bodies. In one breath we are asked to vest legislatures with power and discretion beyond the control of the courts, and in the next breath we are told that legislative bodies are not to be trusted by the people, and hence that we must have the initiative and referendum.

Other reformers would vest greater power in the Executive, so as to enable him to dictate to legislatures whatever he deemed or professed to be for the common welfare or social progress of the people, although in the final analysis this would be reducing ourselves to a pure and simple despotism and Congress and the State legislatures to the condition of the Roman Senate in the second century. Argue as we may from the admonitions and experience of the past, the defiant answer is that the people will select the Executive, and are prepared to trust him, singularly blinking the fact that they now select the legislators whom they no longer trust, and that practical reform in legislation is readily at hand if they will only insist upon character and ability in their representatives.

Others again would deny to the courts the power and duty to declare unconstitutional and void any enactment of a legislative body in conflict with the Constitution, or, if not going quite so far, would want the courts to have the power to disregard constitutional limitations whenever the judges found or fancied an enactment was in consonance with prevailing morality or the opinion of the majority in regard to police power or social progress or social justice. They would have the judiciary interpret and enforce a constitution not according to the mandate of the people who adopted it, nor according to the true meaning and intent of the language employed by the framers, nor according to settled general rules and principles, but according to the ever-changing desires or notions or opinions of the majority and the personal ideas of so-called progressive or sympathetic judges. Many of those who charge the judiciary with having usurped the power to determine judicially whether a particular enactment does or does not conflict with the fundamental and supreme law as established by the people themselves, would now place a far greater power in the hands of the courts by authorizing them to expand or contract a constution by judicial construction, and would thus in reality vest in the judges an arbitrary discretion. Under this doctrine, practically every constitutional restraint could be readily circumvented, perverted, or nullified, constitutional rights could be frittered away, and the great landmarks of human progress could be destroyed.

We would then have government by the judiciary with a vengeance. Our constitutional system would be no longer reasonably fixed and stable, and no longer regulated by the justice of necessary general rules, but would be subject to constant uncertainty and change as judges might think the moral atmosphere of the moment, or the will or opinion or interests of the majority, required. It were, of course, better to have no constitutional restraints at all, and to vest supreme power and corresponding responsibility in the legislative branch of our Government. It is of the essence of judicial power that judges in deciding cases shall be bound by principles, rules, and precedents, that they shall not be permitted to exercise arbitrary discretion, and that they shall be required to give reasons for their decisions. A court bound by no ruies or principles at all would not be exercising judicial power as we understand that term. If we were to vest in legislatures or courts the discretion to obey or disobey constitutional restraints according as the prevailing moral sentiment might seem to dictate, we would at once deprive such restraints of all practical force and effect, and would have a Constitution only in name and form and not in substance. As the late Chief Justice Fuller, clarum et venerabile nomen, so well said in the Lottery cases, "our form of government may remain notwithstanding legislation or decision, but, as long ago observed, it is with governments as with religions, the form may survive the substance of the faith."

The limited time at my disposal compels me to confine this address to the aspect of constitutional morality which is presented by the criticism of the courts for refusing to enforce unconstitutional statutes. This seems to me to be the most dangerous of all the lines of attack. I regret that I have not now time to deal with other important branches of my subject, such as the movement for the recall of judges and judicial decisions, the agitation for the initiative and referendum, and the growing practice on the part of legislatures and executives to abdicate the consideration of constitutional questions and leave then to the courts, thus casting upon the judges the sole responsibility and frequently the odium and unpopularity of enforcing constitutional restraints.

Few of us, I assume, would seriously suggest that the judicial department is to be above criticism, or that it is to be deemed so sacrosanct that we must bow and submit in silence to whatever the courts declare to be law without the right of challenge, criticism, or censure. Such a view would be absurd. Of course, judges make mistakes as the wisest and best of men make mistakes. They are not infallible; but neither are our legislative bodies infallible, nor is the crowd. There must be the fullest liberty of criticism and, if need be, of censure of our judges, as of all other public officials. Fair and just criticism, however, would be distinctly educational, and it could tend only to restore the courts to public favor and confidence. The danger is not in freedom of criticism, but in unfair and unfounded criticism supported by distorted or false statements. Our judicial system is inherently sound enough and strong enough to withstand and overcome any criticism. We should therefore encourage the fullest discussion of judicial decisions in constitutional cases in order that constitutional principles may be fully explained and the necessity for the observance of constitutional morality brought home to the people. Let us, however, insist that the facts be truthfully stated. If the reasons and principles of justice which support most of the decisions criticized were explained to the people in simple language and in terms intelligible to laymen as well as to lawyers, much of the misapprehension of judicial decisions and prejudice against the courts and constitutional restraints would be dispelled. To tell the man on the street or in the workshop that a statute is in conflict with the guaranty of due process of law or of the law of the land, conveys no meaning to his mind; yet, if he understood the fundamental principles involved and the consequences of disregarding them, he might be persuaded of the justice and propriety of the decision.

I shall now call your attention to a few examples of alleged abuse or usurpation of power by the judiciary, and endeavor to show the characteristics of much of the criticism of the judges and the manner in which the people are being constantly prejudiced and inflamed against the courts.

The case in the New York courts which probably is being more criticized and misrepresented than any other is known as the Tenement House Tobacco case (Matter of Jacobs), decided in January, 1885. The courts then held unconstitutional an act which forbade the manufacture of tobacco products in certain tenement houses in New York and Brooklyn. The statute was an attempt on the part of the owners of large tobacco factories to destroy the competition of cigar manufacturers who worked at home. It was not an honest health measure at all; it was not in fact designed to protect the health of tobacco workers, and it did not contain a single provision tending in any degree to secure sanitary conditions of work or living. Not one word in the opinions of the courts in the Jacobs case prevented the legislature from adopting regulations to secure wholesome conditions in the manufacture of any article. Since that decision, the New York constitution has been carefully revised by a constitutional convention in 1894, and has been repeatedly amended by 19 separate amendments adopted by the people, whilst a large number of additional proposed amendments have been rejected, but in neither the revision nor in any of the amendments, whether adopted or rejected, was any change suggested in the rule of constitutional law declared in the Tenement House case, although the subject was directly called to the attention of the convention. For more than a quarter of a century the people of the State of New York have acquiesced in the decision of the court of appeals as fair, just, and satisfactory.

Jacobs and his family lived in a tenement house in the city of New York, and occupied an apartment of seven rooms. In this apartment he carried on his trade of manufacturing cigars in a room or rooms separated from the sleeping and cooking rooms. The testimony showed that there was no odor of tobacco in these sleeping and cooking rooms. The conditions under which

he was carrying on his trade in his home for the support of himself and his family were much healthier than if he and his assistants had been compelled to work in a crowded factory, particularly in 1884, when there were no such sanitary conditions as now prevail in factories under the beneficent operation of our present public health and labor laws. It was shown that, when this legislation was enacted, $40,000,000 cigars were being manufactured annually in the city of New York, of which about 370,000,000, or 44 per cent, were made in the homes of dwellers in tenement or apartment houses, and that about 2,000 artisans were supporting themselves and their families by thus working at home. The board of health of the city of New York had officially declared, after careful investigation, as set forth in the brief of Mr. Evarts, then the leader of the American bar, "that the health of the tenement-house population is not jeopardized by the manufacture of cigars in those houses; that this bill is not a sanitary measure; and that it has not been approved by this board." It also appeared from this brief that while the death rate in the city of New York, generally, was 31 in each 1,000, it was only 9 in each 1,000 in the tenement houses where cigars were being manufactured. The act, if valid and enforceable, would have crushed the competition of home workers with the tobacco factories; it would have deprived the tenement-house dweller of the liberty to exercise his trade of cigar making at home even under the most sanitary conditions, and it would have driven every such workman and the working members of his family into crowded and generally unhealthy factories, to be harassed and oppressed by strikes and lockouts and the other troubles which attend modern labor conditions, to say nothing of being exposed to all the mischiefs, physical and moral, that are inseparable from crowded work shops. The court held that the statute was not a legitimate health regulation and released Jacobs from imprisonment. The principle of constitutional law recognized and applied was that an individual can not be made a criminal for working at a lawful trade in his own home, and can not be compelled by discriminatory legislation to labor in a crowded factory. If the provisions of the act had not been declared to be in conflict with the constitutional guaranty of personal liberty, similar statutes could have been passed with respect to all kinds of home work, and all artisans, whether men or women, could have been driven into factories at the dictation of factory owners or trade-unions having sufficient political influence to secure the necessary legislation.

Those who urge particular enactments too often overlook the effect of disregarding a principle and establishing a precedent. Constitutions declare general rules or principles of justice, which sometimes do not coincide with the justice of particular cases. The framing of general rules of conduct so as to bring about practical justice in the greatest number of cases and with the fewest exceptions, constitutes the science of jurisprudence, of which constitution making is but a branch, and the application of these general rules to practical affairs is the duty of legislatures and courts. The statutes before the courts are frequently recognized and conceded to be but mere entering wedges and experiments and are certain to be followed, if sustained, by others far broader and more radical. If legislative power exists to regulate a subject, the extent or degree of its exercise is essentially for the legislature to determine in its discretion and can not be controlled by the courts. Hence, a court must always consider, in determining the constitutionality of a statute, not merely the features of the particular statute before it and not merely the justice or merits of the particular case as between man and man or between the State and the individual, but what might be done under the same principle if the statute before it were upheld and a precedent established. Thus, if we once grant the power of a legislature to prohibit work at home under sanitary conditions in one trade, then every trade becomes subject to the same power of regulation and prohibition, and all working men and women can be driven into crowded factories.

In the Jacobs case Presiding Justice Noah Davis, speaking for the intermediate appellate court sitting in the city of New York, and undoubtedly acquainted with conditions then and there existing, used the following language:

> A careful study of the act has satisfied us that its aim was not "to improve the public health by prohibiting the manufacture of cigars and preparation of tobacco in any form in tenement houses in certain cases and regulating the use of tenement houses in certain cases" as declared in the title, but to suppress and restrain such manufacture in the cases covered by the act for the purpose of preventing successful competition injurious to other modes of manufacturing the same articles * * *. If the act were general and aimed at all tenement houses and prohibited for sanitary reasons the manufacture of cigars and tobacco in all such buildings, or if it prohibited such manufacture in the living rooms of all tenants, another case would be presented.
>
> But in the form in which it comes before us it is so unjust in its inequality, so harsh and oppressive upon the labor of poverty, so keenly discriminative in favor of the stronger classes engaged in the same occupation, that it certainly ought not to have been enacted; but, being enacted, ought to be held invalid because it deprives the appellant of his right and liberty to use his occupation in his own house for the support of himself and family and takes away the value of his labor, which is his property, protected by the Constitution equally as though it were in lands or money, without due process of law.

Discussing the Jacobs case, Mr. P. Tecumseh Sherman, of the New York bar, who is reputed to be the best informed man in our State upon the subject of labor conditions and legislation, and who was at one time a State commissioner of labor, said in an article published a few weeks ago that the statute, although purporting to be for the public health, was not a reasonable regulation for that purpose, because it arbitrarily selected one article and forbade its manufacture under certain conditions not generally unsanitary, and he added that "as matter of fact, the act was not designed to protect health, but to put out of business one set of competitors in a trade war."

Now, let me call your attention to two samples of the manner in which this decision is being criticized. In an address delivered at Yale University last month, the mayor of the city of New York referred to this case in the following language:

> The first case I shall call your attention to is known in my own State as the tenement house tobacco case. * * * You know what a condensed population we have in a part of the city of New York. Well, benevolent men and women in going around there found in little rooms in these crowded tenements certain things being manufactured that were not wholesome. They found tobacco being manufactured into its various products in the living rooms of these poor tenements. Benevolent people who helped the poor saw it and they saw the evils of it. They saw little children born into this world and brought up in bedrooms and kitchens in the fumes and odors of tobacco. They also saw longer hours of work than would be the case if workers left their work at the shop and went home. So they went to the legislature and got a law passed forbidding the manufacture of tobacco in the living rooms of these tenements.

Judge Gaynor then proceeded to criticize the court of appeals for its reasoning and decision.

The facts, however, were that the statute was not confined to "the living rooms of these tenements," but applied to every room, and that the promoters of this legislation were not the benevolent men and women who visit and help the poor, as Mayor Gaynor imagined, but the owners of tobacco factories who desired to crush the competition of independent workers. Nor was there anything in the case before the courts to support the statement that anyone had seen "little children born into this world and brought up in bedrooms and kitchens in the fumes and odors of tobacco." No such conditions were before the courts, and the contrary was proved by unimpeached evidence in the Jacobs case, as anyone reading the record could see. But, even if the picture were true, the decision in this case did not in any way whatever prevent proper legislation prohibiting the manufacture of tobacco products in the bedrooms and kitchens of crowded tenement houses or under insanitary conditions.

Mr. Roosevelt's criticism of the Jacobs case is equally unfair and misleading. He is reported as having said in one of his recent speeches that—

> the decision of the court in this case retarded by at least 20 years the work of tenement reform, and was directly responsible for causing hundreds of thousands of American citizens now alive to be brought up under conditions of reeking filth and squalor, which measurably decreased their chance of turning out to be good citizens.

The truth is that the decision did not retard tenement-house reform by a single day and did not prevent the enactment of a single provision for securing sanitary conditions for those who work at home. In fact, the necessary legislation has since been readily secured and enacted in New York without any amendment of the State constitution. Our public-health and labor laws now regulate the manufacture of tobacco and other articles in homes and require and secure sanitary conditions, and permits authorizing manufacturing at home are issued subject to cancellation at any time if the surroundings become insanitary.

Mr. Sherman characterizes as absurd the statement made by Mr. Roosevelt in regard to the effect of this decision, and added that—

> So far, then, from having done harm in the way of sanitary reform, the decision in the Jacobs case has done good by giving the reform a proper direction and object. Mr. Roosevelt's criticism receives a ready chorus of approval from a large body of ill-informed reformers who seek to prevent some of the evils of "sweating" by arbitrarily forbidding all home manufacture in tenements. But the vast majority of tenement houses in New York are of a class better described as apartment houses, which are perfectly sanitary, and in such houses there is much home work of a good kind, such as fine sewing, art work, and so forth, and under good conditions; and it would be a deplorable and unnecessary interference with liberty to forbid such work as an incident to the prevention of home work in insanitary slums.

Another New York case which is being similarly criticized and misrepresented, although the decision declaring the statute unconstitutional was that of the Supreme Court of the United States and not of the New York Court of Appeals—in fact, it sustained the act, although by a divided court—is what is known

as the Bakers' case, or People against Lochner. Mayor Gaynor explained this decision to his audience at Yale, composed largely of law students, in the following language:

The next case in order was the bake-oven case in my State. A bake oven, you know, is underground. And if any of you ever were in a bake oven I do not need to say another word about bake ovens. It is the hottest and most uncomfortable place on the face of the earth. It is a hard place to work in. It is hot and unhealthy, and no one can stand it without injury to health. So in the same way in the State of New York we had an act passed prescribing sanitary regulations for the bakeries. * * * These bake ovens are exceptional. They are underground and as hot as Tophet, if I may use such an expression here. * * * The law was passed prescribing regulations for them. One of the regulations was that 10 hours a night was all that a baker should work in these places.

And Mr. Roosevelt is reported in the newspapers as criticizing this decision and stating to his audiences that—

This New York law prevented the employment of men in filthy cellar bakeries for longer than 10 hours a day—

But that the courts held it unconstitutional.

The statute in question applied to manufacturers of bread, biscuits, and confectionery. Taken in connection with the then existing public-health law, it contained adequate provisions for securing the best conditions of sanitation and ventilation and for safeguarding bakers from the effects of heat and breathing flour or other particles. There was no distinction drawn in the act as to hours of labor between sanitary and insanitary conditions of work, or between bakers and other employees, or between night and day work. The power of the legislature to prevent the manufacture of bread or other articles of food in cellars or in underground bake ovens or in filthy and insanitary places, whether above or below ground, was not challenged. The provisions of the act tending to secure sanitary conditions were not interfered with or set aside by the courts, and they have ever since been enforced as valid for all purposes. The act was not confined in its operation to workmen compelled to labor at night underground, but applied to everyone employed day or night in factories, above or below ground, in which bread, biscuits, or confectionery was manufactured. It is true that medical authorities were cited to the courts in support of the view that the trade of bakers was injurious to health, but such authorities were based upon statistics gathered under conditions of labor which could not have existed then and can not exist now in New York if the elaborate regulations of our public-health and labor laws be duly enforced. There were, however, conflicting medical authorities cited to the court, which asserted that the trade was not unwholesome.

Lochner owned a bakery at Utica, in which he worked himself and employed three or four workmen. There was only one oven, and it was above ground. The building was clean, especially well ventilated, and sanitary. The only question before the courts in the case was whether Lochner could be made a criminal and imprisoned for permitting his workmen to labor more than 10 hours in any day under the best sanitary conditions, and the Supreme Court held that this could not be done without violating his constitutional rights. Had the conditions of work in bread, biscuit, or confectionery factories in the State of New York been shown to have been unusually dangerous and necessarily unwholesome, the law would undoubtedly have been sustained by the Supreme Court, as was the Utah miners' act in Holden against Hardy. No one who has studied the decisions of the New York courts and of the Supreme Court of the United States can doubt that any statutory provision reasonably tending to protect the health of bakers and other workmen and to prevent labor in unhealthy places would be upheld as clearly within the police power of the legislature.

The act, moreover, was onesided and discriminatory, in that it made the employer a criminal but left the workman free to do as he saw fit. A baker working for A for 10 hours in one day was left at liberty to go next door to B, A's competitor, and work, if he saw fit, another 10 hours for B. In fact, as I am told, the informer, on whose testimony Lochner was convicted, frequently worked 10 hours a day for Lochner and a number of hours additional in another bakery. If the act had been honestly conceived in a desire to safeguard the health of bakers, it would, of course, have provided some punishment for any violation of the law on their part, and not have left them at liberty to disregard its spirit whenever they saw fit to do so.

The principle involved in this bakers' case was universal, and if employers in bread, biscuit, or confectionery factories could be made criminals for permitting their employees to labor more than 10 hours in any one day the legislature could enact similar legislation as to every other employment. No court would then have power to regulate the degree of the exercise of legislative discretion in such cases. The provision, which at first limited the workday to 10 hours, could thereafter be changed to 8 hours, or even to 6 hours, as is advocated in More's Utopia.

In February of this year, Mr. Roosevelt delivered an address before the Ohio constitutional convention, in which he discussed the decision of the Supreme Court of the United States in the employers' liability cases, decided while he was President. The court then held that the act of Congress of June 11, 1906, sometimes erroneously called the national workmen's compensation act, attempted to regulate the internal affairs of the several States as well as interstate commerce; that it consequently included a subject not within the constitutional power of Congress; and that the two matters were so interblended that they were incapable of separation unless the court made a new statute in the place of the one enacted by Congress. Conscientiously entertaining this view, the majority of the court would have been guilty of the plainest constitutional immorality if they had not declared that the act was beyond the power of Congress and declined to enforce it. No honest men believing as the majority did could have done otherwise than obey the constitutional mandate expressly reserving to the States the legislative powers not delegated to Congress. In the light of the long-established and wise rule that courts should avoid judicial legislation and not revise or give effect to a statute in a manner not clearly intended by the legislative body, the justices could not, of course, have upheld and enforced the statute simply because the individual cases before them excited their sympathy or involved the claims of widows. The remedy was obvious and simple. Congress was then in session, and an amended statute could have been enacted within a few days so as to limit the act to interstate commerce, which alone was within the constitutional power of Congress to regulate. Such an act was enacted after the lapse of three months, and being plainly confined to interstate commerce, as the original statute should have been if properly and competently drafted, the amended act was unanimously sustained by the Supreme Court as constitutional in the second employers' liability cases decided this year, when it was held that Congress had power to change the common-law rules as to assumption of risk, contributory negligence, and fellow servants' acts in connection with the regulation of interstate commerce.

Speaking of the former decision, Mr. Roosevelt said:

When I was President we passed a national workmen's compensation act. Under it a railway man named Howard, I think, was killed in Tennessee, and his widow sued for damages. Congress had done all it could to provide the right, but the court stepped in and decreed that Congress had failed. Three of the judges took the extreme position that there was no way in which Congress could act to secure the helpless widow and children against suffering, and that the man's blood and the blood of all similar men when spilled should forever cry aloud in vain for justice. This seems a strong statement, but it is far less strong than the actual facts, and I have difficulty in making the statement with any degree of moderation.

The nine justices of the Supreme Court on this question split into five fragments. One man, Justice Moody, in his opinion stated the case in its broadest way and demanded justice for Howard on grounds that would have meant that in all similar cases thereafter justice and not injustice should be done. Yet the court, by a majority of one, decided as I do not for one moment believe the court would now decide, and not only perpetuated a lamentable injustice in the case of the man himself, but set a standard of injustice for all similar cases. Here, again, I ask you not to think of mere legal formalism, but to think of the great immutable principles of justice, the great immutable principles of right and wrong, and to ponder what it means to men dependent for their livelihood, and to the women and children dependent upon these men, when the courts of the land deny them the justice to which they are entitled.

Now, if this kind of argument means anything it certainly means that in the opinion of the speaker the justices of the Supreme Court should have disregarded the Constitution as they understood it in order to allow a widow to recover notwithstanding the unconstitutionality of the act under and by virtue of which she was suing. You will not find a single word of reference by Mr. Roosevelt in his whole address to the only point upon which the majority, speaking by Mr. Justice White, decided the case. Of course, the statement of what was actually decided would have been tame and unsensational. The criticism in form and substance was based upon a distorted and unfair statement of what was decided, and it was calculated to create in the minds of the members of the Ohio constitutional convention, as well as in the minds of the uninformed public, the belief that the justices of the Supreme Court of the United States had "set a standard of injustice for all similar cases" and had denied to Congress the power to pass a fair and just employers' liability statute properly limited to interstate commerce. The contrary was plainly the truth, as the subsequent decision of the court clearly showed, and this decision was rendered and published before Mr. Roosevelt made his address.

Another sample of distorted statement and unfair criticism of the courts will be found in the same address. It related to the decision of the New York Court of Appeals in the case of Ives against South Buffalo Railway Co., decided last year, in which the court held that a statute concededly novel and revo-

lutionary, creating liability on the part of an employer to his workmen, although the employer and his agents were wholly free from negligence or fault of any kind and had neglected no duty of care, supervision, or selection, was unconstitutional because taking the property of the employer and giving it to the workman without due process of law. Ives was a brakeman employed by the defendant railway company. While walking on the top of the cars of a very long train he gave a signal to the engineer to close up a space or slack and was thrown to the ground by the resulting jar, concededly without any negligence on the part of the railway company, and probably through his own carelessness.

The injury consisted of a sprained ankle and slight bruises. There was no claim in the complaint that the injury was in any sense permanent, and as a matter of fact Ives sued for loss of wages during only five weeks. I am informed that the injury was not serious, that Ives entirely recovered and resumed his work within four weeks after the injury, that he has since been continuously employed by the same company at similar work, and that in no sense whatever was his ability to earn his livelihood in any way impaired.

Let us turn to the picture drawn by Mr. Roosevelt in describing this case for the instruction and guidance of a constitutional convention:

> I am not thinking of the terminology of the decision nor of what seem to me the hair-splitting and meticulous arguments elaborately worked out to justify a great and terrible miscarriage of justice. Moreover, I am not thinking only of the sufferers in any given case, but of the tens of thousands of others who suffer because of the way this case was decided. In the New York case the railway employee who was injured was a man named, I believe, Ives. The court admits that by every moral consideration he was entitled to recover as his due the money that the law intended to give him. Yet the court by its decision forces that man to stagger through life maimed, and keeps the money that should be his in the treasury of the company in whose service, as an incident of his regular employment and in the endurance of ordinary risks, he lost the ability to earn his own livelihood. There are thousands of Iveses in this country; thousands of cases such as this come up every year; and while this is true, while the courts deny essential and elementary justice to these men and give to them and the people in exchange for justice a technical and empty formula, it is idle to ask me not to criticize them. As long as injustice is kept thus intrenched by any court, I will protest as strongly as in me lies against such action.

To repeat, as matter of fact, Ives was not maimed; he was not permanently injured; he was not deprived of the ability to earn his livelihood. Nor did the court of appeals admit that by every moral consideration Ives was entitled to recover as his due the money that the law intended to give him. Had that point been before a court of justice, however sympathetic and sentimental, I doubt very much whether it could have held that Ives was entitled, by any moral consideration whatever, to compel the railway company to compensate him for the four or five weeks' loss of wages resulting from no fault on its part, but from his own carelessness. The statements that "the court by its decision forces that man to stagger through life maimed" and that "he lost the ability to earn his own livelihood" were simply so much fiction, but, of course, they were very effective with the crowd and highly calculated to inflame Mr. Roosevelt's hearers and readers against the courts. I venture to assert that it would be difficult to find or indeed to conceive a more unwarranted and unfair misrepresentation of the facts actually before a court.

Another current misrepresentation is that the Supreme Court of the United States, in the Second Employers' Liability cases, upheld as constitutional a statute of Congress identical with the statute held unconstitutional by the New York Court of Appeals in the Ives case, and the people are being told that the New York courts hold the provision requiring due process of law in the fourteenth amendment to mean one thing whilst the Supreme Court of the United States holds exactly the same provision in the fifth amendment to mean the contrary. But those who will take the trouble to read the two statutes will at once perceive that the act of Congress differs radically from the New York workmen's compensation act. The act of Congress, although abolishing or restricting the rules as to fellow-servant acts, assumption of risk and contributory negligence, imposes liability on common carriers by railroad only for "injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment." On the other hand, the New York statute created liability not in one dangerous employment, such as the business of common carrier by railroad, but in many other employments not necessarily dangerous, and wholly irrespective of negligence or fault on the part of the employer or any of his officers, agents, or employees. In fact, there is nothing in the New York decision or in the opinions of the judges which would invalidate a statute identical with the act of Congress if now enacted by the New York Legislature. The Ives case, far from preventing such a statute, would be an authority in its support.

I regret that we have not time to consider further these particular cases. In my opinion they correctly and wisely applied established principles of constitutional law and constitutional justice and were morally right and just. I am now simply pleading for fairness and temperance in discussing the decisions of our courts, and for the imperative necessity of founding these discussions upon the truth. Ambassador Bryce said in a recent address: "To counsel you to stick to facts is not to dissuade you from philosophical generalizations, but only to remind you * * * that the generalizations must spring out of the facts, and without the facts are worthless." In other words, a regard for fact, which is but another term for truth, is or should be as indispensable in law and politics as it is in philosophy.

The criticisms of which the above are fair samples must be refuted because they find constant repetition and they have the authority of very distinguished leaders of public opinion, who at the present time seem to have the ear and the confidence of the people. Their statements are naturally accepted as true. The judges are being similarly misrepresented and assailed on all sides, and they can not defend themselves. The bar at large so far has seemed indifferent, and the misconception of good taste restrains the counsel engaged in the cases which are criticized. The people are being misled, prejudiced, and inflamed by false statement and unfair criticism. If the courts are not defended, they may bend before the storm of undeserved censure. Constituted as humanity is, there is grave danger that the judges will be unconsciously intimidated and coerced by this abuse and clamor. Is it not then high time that the members of our profession charged themselves with the task of placing the facts before the people and defending the courts? The bar associations of the country will never be called upon to render a greater service to the profession and to the community than that of stemming this tide of misrepresentation and intemperate abuse and striving to restore confidence in the learning, impartiality, and independence of our judges, in the justice of their decisions, and in the necessity of their enforcing constitutional restraints.

Not only are the decisions of the courts constantly distorted and misrepresented, but the people are also being taught that the courts have usurped the power to declare void a statute in conflict with the Constitution, and that no such power was ever intended to be conferred by the framers of National or State Constitutions. Surely it ought by this time to be manifest that if the courts may not adjudge invalid and refuse to give force and effect to unconstitutional enactments, it is of little or no use to declare in constitutions that legislatures shall not pass bills of attainder, or ex post facto laws, or laws abridging the freedom of speech, or of the press, or prohibiting the free exercise of religion, or denying the right to trial by jury, or imprisoning without trial, or suspending the writ of habeas corpus, or confiscating private property.

Speaking to this point Hamilton, in the Federalist, used language which can not be too often repeated. It clearly shows that it was understood and contemplated in 1788 that the courts would exercise the power to adjudge invalid any statute which was in conflict with the Constitution. In fact, such power had then already been exercised by State courts. Hamilton said that constitutional limitations—

> can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservation of particular rights or privileges would amount to nothing. * * * There is no position which depends on clearer principles than that every act of a delegated authority contrary to the tenor of the commission under which it is exercised is void. No legislative act, therefore, contrary to the Constitution can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid. * * * The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred, or, in other words, the Constitution ought to be preferred to the statute; the intention of the people to the intention of their agents. Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both, and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental.

Equally conclusive and equally worthy of constant repetition is the reasoning of Chief Justice Marshall in Marbury v. Madison, where he said:

To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limitations may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it, or that the Legislature may alter the Constitution by an ordinary act. Between these alternatives there is no middle ground. The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the Legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable.

This ruling of the Supreme Court, to the effect that it was duty and within the power of the courts to construe constitutions and to refuse to enforce unconstitutional enactments, was rendered in 1803. Yet notwithstanding that the National Constitution has been amended four times since that decision, and that every State constitution has been again and again remodeled or amended, no American constitution has ever denied to the courts the power to construe constitutions and the duty to refuse to enforce statutes which were in conflict with constitutional limitations. If the power to declare void any statute in conflict with the Constitution of the United States was deemed necessary in 1788, when Hamilton was writing his famous essays, it certainly ought to be far more necessary in our day of multiform legislation, vast increase in the functions of the State, and incompetent, reckless, and oppressive class legislation, interfering in almost every conceivable manner with the rights and liberties of the individual.

Moreover, the Constitution of the United States would probably never have been adopted if the people had understood, as is now pretended, that the Congress was to be at liberty to disregard constitutional limitations and guaranties, and that there would be no way whatever of remedying a violation by Congress of the constitutional rights of the individual except at the polls. All students of our history know that the Constitution was accepted by the people upon the distinct pledge that amendments embodying a bill of rights to protect the individual against Congress would be immediately adopted. And one of the first acts of the First Congress, in September, 1789, was to submit the 10 amendments known as the Federal Bill of Rights, which were thereupon ratified by the States and became an integral part of the Constitution. But of what avail or benefit were these amendments if Congress was not to be effectively restrained and bound by them? It is no exaggeration to say that if the courts were to be now deprived of the power to protect litigants who invoked constitutional guaranties, and were to be compelled to enforce as valid laws statutes which violate the limitations upon legislative power which the people have deliberately embodied in the fundamental law, our constitutions would become dead letters, and we might as well turn to the pure and unrestrained democracy of Greece and await her fate.

In an inspiring address delivered this year before the New York State Bar Association on the subject of judicial decisions and public feeling Senator ROOT eloquently said:

A sovereign people which declares that all men have certain inalienable rights and imposes upon itself the great impersonal rules of conduct deemed necessary for the preservation of those rights, and at the same time declares that it will disregard those rules whenever, in any particular case, it is the wish of a majority of its voters to do so, establishes as complete a contradiction to the fundamental principles of our Government as it is possible to conceive. It abandons absolutely the conception of a justice which is above majorities, of a right in the weak which the strong are bound to respect. It denies the vital truth taught by religion and realized in the hard experience of mankind, and which has inspired every constitution America has produced and every great declaration for human freedom since Magna Charta—the truth that human nature needs to distrust its own impulses and passions and to establish for its own control the restraining and guiding influence of declared principles of action.

In many of the current assaults upon the judicial department, in support often of schemes having their birthplace on the Continent of Europe, we find the complaint that in declaring statutes unconstitutional the courts in this country, State and Federal, exercise greater power than the courts of other countries are authorized to exercise. As if that were an argument against American institutions. Every schoolboy knows that the framers intended that our Government should differ from every other system of government in the world. The founders not only intentionally departed from the examples of existing Governments, but anxiously sought to establish a new form of republican government which would perpetuate the spirit of the Declaration of Independence, secure the inalienable rights of the individual, and protect the minority against the oppression or tyranny of the majority. It was because these rights of the individual against majorities and every form of governmental power were to be made secure and sacred, as the founders believed, that we were to differ from other Governments. And the essential and effective feature of that difference was to lie in the power vested in the judicial department to sustain and protect these rights. High-sounding declarations of the rights of man would mean very little if they were not to be enforceable by the courts.

When our form of government is compared with that of other countries and we are told that in England or in France or elsewhere so-called progressive measures have been forced into immediate operation by the will of the majority, and that the courts there were powerless to interfere, is it intended to be seriously suggested to the people of the United States that they should, therefore, cast aside all constitutional restraints, all our ancient and honest constitutional principles, and leave the protection of life, liberty, and property wholly in the hands of the legislative branch? Are there not still certain rights which even those who are assailing our institutions, under the protection of the very Constitution they deride, would want to have protected by our courts? When it is urged that the courts should not have power to declare an act unconstitutional, but should be compelled to enforce all legislative enactments, although conflicting with the Constitution, is it realized that the Bill of Rights would then be left to the arbitrary discretion or caprice of the Legislature and be of no more practical protection to the individual than the paper constitutions of some of the South American republics, although they, too, contain eloquent declarations of the rights of the individual? Is it forgotten or overlooked that in England and France and all the other countries with which our system of government is being compared the legislative power is practically supreme, and that it can outlaw or disseize or imprison at mere will; that it can deny religious liberty, abridge the freedom of speech or of the press, pass bills of attainder and ex post facto laws, suspend the writ of habeas corpus, impose cruel and unusual punishments, deny the individual accused of crime the right to a jury trial or any hearing at all, confiscate private property without compensation, impair the obligation of contracts?

Let us, for example, suppose that Congress or a State legislature saw fit to imprison those who did not profess the religion of the majority or observe its forms and tenets. Who could then protect the minority against such tyrannical enactments except the courts, and how could the courts shield them save by declaring the statute unconstitutional and void and refusing to enforce it? We have only to go back a few generations to find just such laws in England, and it is the repetition of them here that our constitutions seek to prevent. Suppose, again, that Congress or a State legislature should pass a statute abridging the freedom of speech or of the press and making those who violated the statute subject to criminal prosecution and imprisonment. How could the individual be then protected except by the judiciary, and how could the judiciary do so unless by exercising the power to declare the statute unconstitutional?

Do the agitators who are attacking our constitutional system explain to their listeners that in the foreign governments with which they are making comparisons the legislative power could compel workmen in any trade to work as many hours a day, at such rates of wages, and under such conditions as the majority saw fit to enact? Suppose that the Pennsylvania Legislature passed a statute compelling laborers in coal mines to labor 12 or more hours a day for a compensation fixed by it and providing that refusal should constitute a crime, or similarly in the case of railroad employees. In doing so the legislature would find a precedent in the famous English statute of laborers, as well as in numerous other European enactments. The Pennsylvania Legislature might pass an act similar to that enacted by the British Parliament in 1720 and again in 1800 making it a crime for laborers to combine to obtain an advance of wages or to lessen or alter their hours of work. Is it inconceivable that the time may come when the majority of the voters in Pennsylvania may fancy that it is to their interest thus to regulate labor in coal mines and on the railroads, both of which industries serve every household in the State, affect every individual, rich or poor, and compel all of us to pay tribute? Might not prejudice and self-interest tempt to such a statute, and might not the majority enact it, particularly if those affected were aliens without political power? Is it inconceivable that the owners of the coal mines and the railroads may some day control a majority in the legislature? But how could these miners and railroad employees be protected from such enactments and criminal prosecutions thereunder unless the courts had the power to declare the statute unconstitutional and to refuse to

enforce it because depriving the individual of his constitutional rights?

The answer to these suggestions in 9 cases out of 10 by those who to-day are assailing the judicial department would undoubtedly be that no one intends to go to any such extreme, and that no one wishes to be placed or to place anyone else entirely at the mercy of the legislature. Thus, they seem to concede that some rights should be safeguarded by the courts. But does not this answer contain the gist of the whole problem and the whole principle and virtue of the American system of constitutional restraints? If the critics of our system would have some rights, and particularly their own, protected by the courts, must they not then confess that in truth they only wish changes so far as the rights of others are concerned, and would cling to the Constitution and invoke the protection of the judicial power in all those respects in which their own personal liberty and their own property rights are affected? Chief Judge Cullen, of the New York Court of Appeals, recently said that—

> The great misfortune of the day is the mania for regulating all human conduct by statute, from responsibility for which few are exempt, since many of our most intelligent and highly educated citizens, who resent as paternalism and socialism legislative interference with affairs in which they are interested, are most persistent in the attempt to regulate by law the conduct of others.

I do not doubt that if we could have an exhaustive debate before a great tribunal of American public opinion and could step by step analyze and sift the arguments against the judicial power in constitutional cases, we would find in the final analysis that those who are so fiercely charging the courts with usurping the power of refusing to enforce unconstitutional enactments would still want the continued protection of the courts so far as their own constitutional rights and liberties were concerned, and were only asking modification and curtailment in respect of the rights and liberties of others. I am confident that if it were left to the people of the United States to determine by their votes the simple question whether they would place in the hands of Congress or of their State legislatures the fundamental or elemental rights which every American citizen now enjoys—the inalienable rights proclaimed in the Declaration of Independence—an overwhelming vote would be cast against any such change. Indeed, support for this conviction may be found in the recent experience of Australia, that hot-bed of radicalism. An attempt by constitutional amendment to curtail the power of the judiciary in labor controversies and to confer upon the Australian Parliament all power necessary to deal with labor matters, was there the subject of a referendum, and met with a decisive defeat at the polls. Are we likely to be less conservative than the Australians, or to be less regardful of wise constitutional restraints?

The truth is that our constitutions, National and State, do not stand in the way of any fair and just exercise of what is called the police power or of social progress or social justice; nor do they prevent reasonable and just regulations tending to secure the health and promote the welfare of the community at large or the enactment of proper and reasonable factory laws or proper and reasonable workmen's compensation acts. The main source of trouble is that the statutes which the courts are compelled to refuse to enforce are too often crudely and hastily drawn and too often inherently unreasonable, unfair, and unjust.

But even if this were not so and if the people, after full statement of the facts and explanation of the effect of any proposed measures and mature consideration, desire to vest greater power in our legislatures than they can now exercise, or desire to curtail the power and duty of the courts, the means are within their reach. In New York and in other States the constitution can be easily amended within two years.

It has become customary to assert that the Federal Constitution is now practically unamendable, when as matter of fact its amendment does not involve any greater difficulties than were intended or than would seem reasonably necessary, or than would be provided if we were now framing a new National Constitution. The prescribed machinery of a vote by two-thirds of both Houses of Congress and ratification by three-fourths of the States simply compels deliberation and prevents hasty and inconsiderate action. If the people of the country really desire a particular amendment to the Constitution of the United States, it ought to be readily obtainable within two years.

Thus the first 10 amendments were proposed by Congress in September, 1789, and were adopted in those days of slow travel and difficult communication by 8 States within six months and by the requisite three-fourths within two years. The twelfth amendment, proposed in 1803, was ratified in nine months. The thirteenth amendment, proposed by Congress in 1865, was ratified by the legislatures of 27 out of the then 36 States within 10 months; and the fifteenth amendment, the latest, proposed in February, 1869, was ratified by 29 out of the 37 States within one year. The delay in the adoption of the proposed sixteenth amendment authorizing Congress to levy an income tax is due wholly to the fact that there is a serious difference of opinion as to whether or not this power should be conferred, although the advocates of the amendment confidently proclaimed the existence of an almost universal desire on the part of the people for such an amendment of the Constitution.

One of the most insidious suggestions that can possibly be made to the people at large is that there is an insurmountable difficulty in securing amendments to our constitutions, just as misleading and poisonous as it is for them to be told that their desires are being thwarted by the judiciary and that they must accomplish reforms either by coercing the courts or by undermining the foundations of their constitutions. The future contentment of the people requires that they shall feel that our Governments, State and Federal, are their Governments; that they themselves are ultimately the sovereign power, and that they are at liberty to amend their organic law from time to time as their mature and deliberate judgment shall deem necessary or desirable. All that we conservatives can ask or do ask is that the people shall act deliberately and under circumstances calculated to afford time and opportunity for full explanation and a full understanding of the scope and tendency of the proposed changes, to the end that errors may be discovered and exposed, and theorizing, sentimentalism, clamor, and prejudice may exhaust themselves and the sober second thought of every part of the country be asserted. If, then, it be determined to amend our constitutions even to the extent of placing life, liberty, and property at the unrestrained discretion and mercy of our legislators, the will of the sovereign people will have to be obeyed.

Let us hope and pray, however, that when amendments are adopted they will be conservative and wise, that the rights of the minority as against the majority will not be heedlessly sacrificed for the temporary advantage of one class over another, and that it will be appreciated that individual liberty should be the vital concern of every man, rich or poor, and is essential to the perpetuation of the institutions which we cherish as peculiarly and preeminently American. Let us especially try to avoid permitting any class to make use of constitutional amendments or of statutory enactments for its own special purposes. Let us, whilst meeting in full sympathy, generosity, and charity the legitimate demands of the laboring classes and the poor and humble, nevertheless keep our eyes open to prevent any such vicious results as would arise from constitutional or statutory provisions framed nominally for the benefit of labor but really for the purpose of serving the interests of a particular class against another, as we have seen was the case in the tenement house legislation of 1884. In the meantime, pending such amendments in the due, orderly, and reasonable course prescribed by our constitutions, let us be faithful and devoted to our constitutional system, which has carried us for more than a century through every storm and so often "in spite of false lights on the shore," and let us be truthful and fair and, if possible, temperate in our criticism of all public officials, whether legislative, executive, or judicial.

Finally, a word about the special duty of our profession. It is not the pulpit nor the press, but the law which reaches and touches every fiber of the whole fabric of life, which surrounds and guards every right of the individual, which grasps the greatest and the least of human affairs, and which comprehends the whole community and every human right. We lawyers, if worthy of our profession, are in duty bound not merely to defend constitutional guaranties before the courts for individual clients but to teach the people in season and out of season to value and respect the constitutional rights of others, to respect and cherish the institutions which we have inherited. It is our duty to preach constitutional morality to the rich and to the poor, to all trades and to all professions, to all ranks and to all classes, in the cities and on the plains. It is for us to convince the members of every class that the disregard of the fundamental rights of others in the long run would be in conflict with their own permanent welfare and happiness, and should not be suffered if we are to remain a free people. What higher duty could engage us than to teach the sacredness and the permanence of the ancient and honest principles of justice embodied in our constitutions, immortal as the eternal truths from which they derive their origin, and to preach to all classes the virtue of self-imposed political restraints, without which there can be no true constitutional morality.

WILLIAM D. GUTHRIE.

The Metal Schedule.

SPEECH

OF

HON. WILLIAM J. STONE,

OF MISSOURI,

IN THE SENATE OF THE UNITED STATES,

Monday, May 27, 1912.

The Senate having under consideration the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909—

Mr. STONE said:

Mr. PRESIDENT: I had outlined some remarks to make to-day on one particular phase of the tariff question—that having especial reference to labor; but, after listening to the address just delivered by the Senator from Nebraska [Mr. HITCHCOCK], I find that he has anticipated me and covered in large measure the ground I intended to cover. I am glad he did this, for it will enable me to greatly abbreviate what I had in mind to say, and at this time circumstances require me to be brief.

I will begin by reference to a colloquy that occurred during the speech of the Senator from Nebraska. It will be recalled that during that speech there occurred a colloquy, in which I participated, as to whether any inducements were held out by American manufacturers to foreign people to come to this country and enter their employment. It is not necessary for me to restate what that colloquy was. The RECORD will disclose it. I said, in the course of that colloquy, that I believed that inducements of that kind were held out. The Senator from Massachusetts [Mr. LODGE] called upon me to state what proof I had to sustain my assertion, saying that if any such thing was done it was a violation of the law and that the violators of the law were subject to prosecution. I replied, in substance, that I would not be able to present anything in the form of a confession by any employer that any such inducement had been held out, but that proof of an offense did not necessarily or wholly depend upon direct testimony as to what any witness had seen or heard or personally knew, but that proof of a fact could be made by circumstances or be fairly, or even conclusively, inferred from circumstances. Men have been rightly convicted of murder and executed on purely circumstantial evidence. I have no positive proof, but from strongly incriminating circumstances I believe that through some system of persuasion and law-evasive manipulation men and women are induced to come from foreign countries to enter employments here with particular employers. I wish now to call attention to some circumstances tending to prove the soundness of this conviction. I regret that the pressure of time upon me will compel me to consider this subject hurriedly and imperfectly.

During the recent hearings on the pending bill before the Finance Committee Mr. Schwab, the head of the Bethlehem Steel & Iron Works, appeared and made a voluntary statement, not under oath. During his address he was frequently interrupted and questioned by members of the committee. On one occasion when I interrupted him the following occurred, according to the record:

Senator STONE. How many men do you employ?
Mr. SCHWAB. Thirteen thousand to fifteen thousand.
Senator STONE. And what per cent are foreigners?
Mr. SCHWAB. More than half.
Senator STONE. More than half?
Mr. SCHWAB. More than half.
Senator STONE. And of what nationality?
Mr. SCHWAB. Mostly southwestern Europe—Poles, Hungarians, Slavs, Russians——
Senator LODGE. Southeastern.
Mr. SCHWAB. Southeastern. I beg your pardon.
Senator STONE. Are they citizens of the United States?
Mr. SCHWAB. I can not tell that. I think in many instances they are, but mostly not.
Senator STONE. Were they brought here from Europe——
Mr. SCHWAB. Oh, no.
Senator STONE (continuing). To enter upon this work?
Mr. SCHWAB. Oh, no; not at all.
Senator STONE. Has nothing of that kind been done?
Mr. SCHWAB. Not within my knowledge. I have never heard of it.
Senator STONE. Were they engaged in this industry before coming to this country?
Mr. SCHWAB. No. As I say, it requires quite unskilled men. There is no skilled work about it. Anyone can do it the first day he comes into the mills.
Senator STONE. Is it or not a fact that large numbers of these men have gone right to these works after their arrival in this country?
Mr. SCHWAB. I think that is true; yes, sir.

I submit to each Senator and to the judgment of any other man who may ever read this record what he thinks of the circumstance, admitted by Mr. Schwab, that large numbers of southeastern Europeans, upon landing in this country—thousands of them—have gone straightway to his mills and entered his employment. Does not this circumstance prove, almost inevitably, that these people came to the United States with the expectation and for the purpose of entering that employment, and that that expectation was definitely formed in their minds before they went aboard ship at the European seaport? Here is one sample of many samples of testimony in the form of voluntary statements made before the Finance Committee of the Senate and the Ways and Means Committee of the House by interested employers showing that large numbers of men and women have swarmed in from Europe, and immediately on landing and being admitted at the American port have taken a bee line by railroad to some factory or mine where employment awaited them. How could such things happen unless they had been in some way, in some covert way, prearranged? How would any intelligent, impartial jury in any State interpret these circumstances and what verdict render upon them?

Mr. President, the Senator from Massachusetts answers that this very question and these very circumstances have been officially investigated more than once, and that it has been developed that these emigrants have been induced to come not by their employers here, but by their kinsmen here; that kinsmen who had preceded them to this country had written letters back to them in the old country giving such glowing accounts to them of good fortune and good times that they were persuaded to follow those who had come before. Can such things be and overcome us like a summer's dream?

I wonder what kind of letters those at Bethlehem and Lawrence, for example, wrote to their kinspeople in Europe and marvel in what seductive colors they painted the joyous picture of their prosperity and happiness. I wonder if they told of their long hours of labor, in most cases running from 10 to 12 hours a day, and in practically half of those cases 7 days a week; and I wonder if they told of the wages they were receiving—wages so low as to be barely sufficient—so we are officially informed by accredited officers of more than one department of this Government—to keep soul and body together; barely enough to put shoes on the feet of their children in winter time, or decent apparel on their bodies in summer time. Can you believe that those people at Bethlehem and Lawrence wrote letters to their kinspeople with a deliberate purpose to deceive them? If that question could be submitted to an American jury would any Senator doubt what the answer would be? In Heaven's name, why would a hard-pressed, poorly-paid kinsman here want to engage in any such monstrous game of duplicity, falsehood, and betrayal? For what reason, indeed? What kind of feast is it that the Senator from Massachusetts would have us believe the kinsman here invited his kinsman abroad to come and enjoy?

First, let me read something about the situation at the Schwab mills. We are all familiar with the fact that on February 4, 1910—two years ago—these happy working people in Schwab's works, at Bethlehem, went out on a strike, and that an investigation into that strike was had under the authority of the Department of Commerce and Labor. I need not read very much from the official report following this investigation, inasmuch as the Senator from Nebraska has already read somewhat extensively from it. Still I will read a few lines to better impress what I am now endeavoring to present. I read as follows:

Of the total employees appearing on the January pay roll, 2,322 worked in occupations regularly requiring 12 hours a day for the 7 days of the week, and 2,233 worked in occupations requiring 12 hours a day for 6 days in the week. Thus, 4,725, or 51 per cent of the 9,184 employees on the pay roll were employed in occupations regularly requiring 12 or more hours per day on their regular working day.

Of the 9,184 employees on the pay roll, 5,244 worked over 10 hours at least 6 days a week; something less than 4,000 of the entire force had 5½ hours per day on Saturday. Excluding this Saturday half holiday and considering the other 5 working days of the week only, over 90 per cent of the entire force of the works had a normal working day of 10 hours and 25 minutes or over.

During the hearings before the Finance Committee a colloquy occurred between Mr. Schwab and the Senator from North Carolina [Mr. SIMMONS], a few lines of which I wish to read:

Senator SIMMONS. I want to call your attention, in connection with the seven-day-a-week work, to what they say in this report.

That is the report of Commissioner Neill, of the Labor Bureau, the report from which I have just read.

It does not seem to me that you quite meet in your explanation what they say about it.
Mr. SCHWAB. Yes.
Senator SIMMONS. It says:
"The investigation developed that the seven-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation and in which department nine-tenths of the employees worked seven days a week, but it was also found that to a considerable extent in other departments, where

no such metallurgical necessity can be claimed, productive work was carried on on Sundays just as on other days of the week."

Mr. SCHWAB. Yes, sir.

Senator SIMMONS (continuing):

"For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating seven days a week for commercial reasons only."

Mr. SCHWAB. I think, as I stated to you before, there are exceptions.

Mr. President, the 2,322 men in the Bethlehem establishment who worked in occupations regularly requiring 12 hours a day for the 7 days of the week, consisted of open-hearth men, blast-furnace men, boiler-department men, mechanical-department men, gray-mill men, 40-inch blooming and rail mill men, soaking-pit men, men described as "general," and office men. Many of these "general" employees and office employees have nothing to do with the actual processes of manufacturing.

Now, Mr. President, what of the wages paid for these long hours? What are these men getting? I think the Senator from Nebraska read what I have, but it will bear repeating:

The January pay roll—

I am referring now to the Bethlehem mills, where the strike began on February 4—

The January pay roll shows that large numbers of laborers were working for 12½ cents an hour, 12 hours a day, 7 days in the week. Of the 9,184 employed in January 2,640, or 28.7 per cent, were working for 12 and under 14 cents an hour; 1,528, or 16.6 per cent, for 14 and under 16 cents an hour. Forty-eight and five-tenths per cent of all employees were getting less than 16 cents an hour, 31.9 per cent less than 14 cents, and 61.2 per cent less than 18 cents an hour.

This table shows that of the 9,184 employees 5,935 were receiving between $1 and $2 per day, and 2,170 were receiving between $2 and $3 per day; that is to say, that 8,105 men out of 9,184 men received between $1 and less than $3 per day, and nearly two-thirds of these received between $1 and $2 per day. In other words over 5,000 men received not exceeding $40 per month, very many much less, for this almost inconceivable burden of labor. Considering the high cost of living in this country, are not these wages and these conditions a "bonanza" of which any family man might be proud? So much for the Schwab mills.

Now, a few words as to general labor conditions outside of the Schwab plant. I have in my hand a report made by Mr. Neill, Labor Commissioner, Senate Document 301, second session of the Sixty-second Congress, on a general investigation made by him into labor conditions. First let me read from the sixth page of this document to show the scope of his investigation. Remember this is outside of the special investigation into the strike at Bethlehem, to which I have already referred. This is a general investigation made under the authority of a resolution of the Senate and by direction of the Secretary of the Department of Commerce and Labor, and is in addition to the special investigation made into the strike of Mr. Schwab's employees at Bethlehem. Let me read this extract to show the scope of the data collated on this general investigation and published by this official authority:

The data presented cover the conditions existing in the month of May, 1910, immediately after the last general increase in wages. Since that time there have been no general changes in wages, and very few minor readjustments, so that the data as to earnings given here represent almost exactly the conditions existing at the present time (July, 1911).

* * * * * * *

For the purpose of a proper presentation and interpretation of the information thus obtained, the agents of the bureau visited a large number of representative plants in each of the principal centers of industry and made a careful study of the various processes and occupations in each of the several departments.

This refers alone to the steel and iron industry.

The information thus obtained has been presented in the detailed descriptions of occupations which accompany the statistical matter relating to each of the departments of the industry.

By this method reports were secured from practically all of the plants in the United States coming within the scope of the investigation and covering approximately 90 per cent of the total number of employees in the industry.

Further the report says:

The plants of the Bethlehem Steel Co. are not included in this investigation, having been the subject of a special investigation and report immediately before the beginnng of this investigation.

Now, Mr. President, let me read an extract or two from this report showing the hours of labor, not at Bethlehem, but as they obtain generally in the steel and iron industry:

During May, 1910, the period covered by this investigation, 50,000, or 29 per cent, of the 173,000 employees of blast furnaces and steel works and rolling mills covered by this report customarily worked 7 days per week, and 20 per cent of them worked 84 hours or more per week, which, in effect, means a 12-hour working day every day in the week, including Sunday. The evil of 7-day work was particularly accentuated by the fact developed in the investigation, that the 7-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation, and in which department 88 per cent of the employees worked 7 days a week, but it was also found that, to a considerable extent, in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sunday just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating 7 days a week for commercial reasons only.

The hardship of a 12-hour day and a 7-day week is still further increased by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either 18 or 24 consecutive hours, according to the practice adopted for the change of shift. The most common plan to effect this change of shift is to work one shift of employees on the day of change through the entire 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work 18 hours. During the time that one shift is on duty, of course, the employees on the other shift have the same number of hours of relief from duty.

That much of the Sunday labor which has been prevalent in the steel industry is no more necessary than in other industries is shown conclusively by the fact that at the time of the investigation made in 1910 by this bureau into the conditions of labor in the Bethlehem Steel Works, the president of the Steel Corporation directed a rigid enforcement of a resolution adopted three years previous, cutting out a large part of Sunday work except in the blast-furnace department. Even in the blast-furnace department, where there is a metallurgical necessity for continuous operation day and night throughout 7 days of the week, there is practically nothing except the desire to economize in the expense of production that has prevented the introduction of a system that would give each employee 1 day of rest out of the 7.

Since the beginning of the present investigation, however, this matter of abolishing 7-day work for the individual employees in the blast furnaces, as well as in other departments of the industry, has received the attention of the American Iron and Steel Institute, and through a committee of that organization a plan has been proposed which gives each employee one day of rest each week. A number of the plants throughout the country have, at the instance of the institute, adopted this plan or some modification of it, and have successfully operated it for several months. A thorough discussion of these plans and of their value in solving the problem to which they are applied will be found in the volume dealing with the general conditions of labor in the industry.

During the investigation those in charge of the plants have in their discussions with representatives of the bureau frequently emphasized the fact that the men working these very long hours are not kept busy all the time. To a considerable extent this is perfectly true; but the employees in question are on duty and subject to orders during the entire period, and they are not, except in rare instances, allowed to leave the plant. It should not be overlooked that it is not simply the character or the continuity of the work, but the fact that in the case of the 12-hour-a-day man one-half of each 24 hours—more than three-fourths of his waking hours—is spent on duty in the mills, which is of significance to the worker and his family. Nothing has been done by the manufacturers nor have any proposals been made to lessen the proportion of men working 72 hours or more per week. It was found in this investigation that nearly 43 per cent of the 173,000 employees in the iron and steel industry were working at least 72 hours per week, or 12 hours per day for 6 days a week. This proportion remains unchanged, being unaffected by the plan to give the men who were working 84 hours per week one day of rest in seven.

This report shows that the average hours worked, generally speaking, in this industry is substantially the same as that which obtains in the Bethlehem Steel Works. There is no difference worth speaking of.

Mr. President, I have already read to you what Mr. Schwab said when he was before the Finance Committee about the nationality and character of his employees at the Bethlehem Steel Works, of which he is the head. Now, let me read what this Federal official, the Labor Commissioner, in carrying out the order of the Senate and of his official superior, the Secretary of the depatment, has to say on this subject, outside and apart from Bethlehem.

He says:

Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of unskilled workmen in the labor force. These unskilled workmen are very largely recruited from the ranks of recent immigrants.

* * * * * * *

Taking the employees in all occupations in the industry, nearly 60 per cent are foreign born, and nearly two-thirds of the foreign born are of the Slavic races. Large as is the proportion that unskilled labor forms of the total labor force in the iron and steel industry, steel experts have noted the fact that the tendency of recent years has been steadily toward the reduction of the number of highly skilled men employed and the establishment of the general wage on the basis of common or unskilled labor. Nor is this tendency likely to diminish, since each year sees a wider use of mechanical appliances which unskilled labor can easily be trained to handle.

Of the total of 172,706 employees, 13,868, or 8.03 per cent, earned less than 14 cents per hour; 20,527, or 11.89 per cent, earned 14 and under 16 cents; and 51,417, or 29.77 per cent, earned 16 and under 18 cents. Thus 85,812, or 49.69 per cent of all the employees, received less than 18 cents per hour. Those earning 18 and under 25 cents per hour numbered 46,132, or 26.71 per cent, while 40,762, or 23.61 per cent, earned 25 cents and over. A few very highly skilled employees received $1.25 per hour; and those receiving 50 cents and over per hour numbered 4,403, or 2.55 per cent of all employees.

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In general it may be said that earnings of less than 18 cents per hour represent unskilled labor. The group earning 18 and under 25 cents per hour represent semiskilled workmen, while those earning 25 cents and over per hour are skilled employees. The most common rate per hour for unskilled labor in the New England district was 15 cents; in the Eastern district, 13 and 14 cents; in the Pittsburgh district, 16 and 17 cents; in the Great Lakes and Middle West district, 15, 16, and 17 cents; and in the Southern district, 10, 12½, 13, and 13½ cents.

Mr. President, I have an engagement that takes me from the city this afternoon, and I must conclude. If I had the time I would like to go on and elaborate this subject, not only as to labor in the steel and iron industry, but as to other industries,

and by reading from hearings and investigations had and made as to conditions in other industries, to show that labor conditions in the steel and iron industry are not exceptional. But the lateness of the hour admonishes me that I must put aside much I wished to say and hasten to a conclusion.

Mr. President, I have already especially referred to labor conditions at Lawrence, Mass., but I can not forbear speaking a few more words about that before closing. Everyone is familiar with the strike had only a few months ago at Lawrence. Lawrence is a great center of textile manufactures. The strike inaugurated and carried on there by men, women, and children engaged in these industries has, because of the savage character of the contest, excited wide attention throughout the country. I can not pause now to discuss this industrial struggle and point out the striking features of it, illustrating the nature or cause of that struggle, further than to say that the investigation made into it by the Department of Commerce and Labor and by a Committee of the House of Representatives disclose that labor conditions in these textile industries are no better than in the steel and iron industry to which I have adverted. I will content myself at this time by reading some extracts from the testimony of one witness given at the hearing had before the House Committee on Rules during the month of March, 1912. What I read is taken from the testimony of the first witness examined, a man by the name of Samuel Lipson. The same kind of testimony was delivered by numerous witnesses before that committee, one differing from another only in matters of detail. I read the following from the statement of Mr. Lipson:

Mr. BERGER. Are you employed by the American Woolen Co.?
Mr. LIPSON. Yes, sir.
Mr. BERGER. How long have you been in their employ?
Mr. LIPSON. About three years.
Mr. BERGER. Why did you go on a strike?
Mr. LIPSON. I went on strike because I was unable to make a living for my family.
Mr. BERGER. How much wages were you receiving?
Mr. LIPSON. My average wage, or the average wage of my trade, is from $9 to $10 a week.
Mr. BERGER. What kind of work do you do?
Mr. LIPSON. I am a weaver.
Mr. BERGER. You are a skilled workman?
Mr. LIPSON. Yes, sir; for years.
Mr. BERGER. You have been a skilled workman for years and your wages average from $9 to $10 per week?
Mr. LIPSON. Yes, sir; that was the average.
Mr. BERGER. How many children do you have?
Mr. LIPSON. I have four children and a wife.
Mr. BERGER. You support a wife and four children from a weekly wage averaging from $9 to $10 per week and you are a skilled workman. Did you have steady work?
Mr. LIPSON. Usually the work was steady, but there was times when I used to make from $3 to $4 and $5 per week. We have had to live on $3 per week. We lived on bread and water.
Mr. BERGER. What is the price of meat in Lawrence?
Mr. LIPSON. I tell you we do not eat meat there every day. You must consider that we usually have it twice or three times a week, and when we have it it is a sort of holiday. When we eat meat it seems like a holiday, especially for the children.
Mr. BERGER. What is the price of eggs in Lawrence, Mass.?
Mr. LIPSON. Eggs are about 35 cents a dozen; the price is from 30 to 35 cents per dozen.
Mr. BERGER. What is the price of butter there?
Mr. LIPSON. It is 43 cents per pound.
Mr. BERGER. You did not give the price of meat in Lawrence.
Mr. LIPSON. Meat is 18 cents per pound—that is, the cheap kind. We do not buy the high-priced meat, because we can not afford it.
Mr. BERGER. How much rent do you pay?
Mr. LIPSON. I pay $2.50.
Mr. BERGER. Per week?
Mr. LIPSON. Yes, sir.
Mr. BERGER. You pay $2.50 per week for rent out of $10 weekly wages?
Mr. LIPSON. Yes, sir. You asked me whether I supported my family out of $10 per week. Of course we do not use butter at the present time; we use a kind of molasses; we are trying to fool our stomachs with it.
Mr. BERGER. It is a bad thing to fool your stomach.
Mr. LIPSON. We know that, but we can not help it. When we go to the store without any money, the storekeeper tells us that he can not sell us anything without the money.
Mr. BERGER. How much were you reduced by reason of the recent cut in the wages?
Mr. LIPSON. From 50 to 65 to 75 cents per week.
Mr. BERGER. How much does a loaf of bread cost in Lawrence?
Mr. LIPSON. Twelve cents; that is what I pay.
Mr. BERGER. The reduction in your wages, according to this, took away five loaves of bread from you every week?
Mr. LIPSON. Yes, sir. When we go into the store now with a dollar and get a peck of potatoes and a few other things, we have no change left out of that dollar. Of course we are living according to what we get.
Mr. BERGER. Living in Washington, I can appreciate that. How many months in the year were you employed?
Mr. LIPSON. I was employed the year through. The company keeps us in the mills no matter whether there is work or not, and sometimes we only go home with $3 or $4 in our envelopes.
Mr. BERGER. Do you do piecework?
Mr. LIPSON. Yes, sir.
Mr. BERGER. What can you tell us about the speeding-up system in the Lawrence mills?
Mr. LIPSON. The speeding-up system is according to the premium.
Mr. BERGER. They have premiums, also? That is interesting. Kindly give the committee a description of the premium system at Lawrence, Mass.
Mr. LIPSON. The premiums are not alike in all the mills. In some mills they start with $35 and some small change. They get 5 per cent more; and if they come up to it they get 5 per cent more in the month. In other mills, where the machinery runs faster, they are started, say, at $39 per month, and they add 5 per cent per month. When it happens to the weaver to make $44 per month, that means he is getting 10 per cent, but the majority of them do not get 10 per cent. It is a heavy month when they get 10 per cent. The loom operatives also get premiums. When a section makes up a certain amount of cloth, they get a certain premium. Therefore they have us to speed up the machinery. If a man can not come up to it he gets fired out. Sometimes one is sick, and sometimes our stomach is empty, because our pay does not always last to the end of the month. When we come to that, we wish it was Saturday, because we usually get our pay on Saturday, but we stay in the mills just the same. They stay there, sick at the loom.
Mr. BERGER. What is the effect, then, of the premium system on the weaker workingman—on the man who can not work as fast as the others?
Mr. LIPSON. The effect upon him is that he is working less. There is no work for him. He has no work; they do not employ him.

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Mr. BERGER. How many nationalities are there represented among the workers at Lawrence?
Mr. LIPSON. Sixteen nationalities.
Mr. BERGER. Mention some of them.
Mr. LIPSON. There are Germans, Polish, English, Italians, Armenians, Turks, Syrians, Greeks, Belgians, some from France, Jewish, Lithuanians—there are 16 in all.
Mr. BERGER. Are there any Bulgarians?
Mr. LIPSON. That is so, and Austrians. I can not name them all now; I am not familiar with geography.
Mr. BERGER. Are there any Portuguese?
Mr. LIPSON. Yes, sir; Portuguese and Armenians.
Mr. BERGER. Did the various nationalities agree as to the demands of the strikers?
Mr. LIPSON. The strike was made.
Mr. BERGER. Did the members of each nationality agree among themselves?
Mr. LIPSON. We altogether made out that demand.
Mr. BERGER. How many nationalities are represented on the strike committee?
Mr. LIPSON. Every nationality is represented by four delegates, and also on the subcommittee of that committee by about three or four.
Mr. BERGER. How many of the workers of Lawrence are women and children? How many are men?
Mr. LIPSON. I can not tell you about how many, but I can tell you that the majority of them are women and children, and as we are speeding up, these children are doing more work. If they can not do the work, they are fired out. They must do the work that goes from one machine to another, and they must prepare the work for us. If they do not sped up, they are fired out.
Mr. BERGER. Do you mean that the children are discharged?
Mr. LIPSON. Yes, sir.
Mr. BERGER. If the children do not speed up, they lose their places in the mills?
Mr. LIPSON. Yes, sir; and the women who are used in the same place are pushed out sometimes and the children take their places.
Mr. BERGER. Do they have any accidents in the factory?
Mr. LIPSON. Yes, sir.
Mr. BERGER. Give a few instances of accidents.
Mr. LIPSON. There is a girl over there, Camello Teoli, and everyone present can see her. She is an Italian girl, but also speaks English. She started to work in the spinning department, on a machine that is a long one, with three or four different sides. The machine was speeded up and was running with such speed that her hair was caught and her scalp was cut by the machine. Her scalp was torn down, as you see. She was there working for the American Woolen Co. two years ago, and she is still under the treatment of a physician and at work at the same time, because the family consists of seven and she is the oldest. She is 16 years old. Her father works in the mill and gets $7 per week. Of course, her parents have no money to have a trial with the company.
Mr. BERGER. She has not sued the company?
Mr. LIPSON. No, sir. That happened two years ago, and she is working to keep up the family. They are poor and she and the father are working to keep up the family. The youngest is a little older than a year.

Mr. President, in conclusion, let me make one or two general observations. The chief ground upon which the advocates of a high protective tariff now urge adherence to that policy is that it is necessary to accomplish two ends: First, to cover the difference in the cost of production here and abroad; and, secondly, to enable the manufacturer to make a reasonable profit on his investment. As to the first of these two reasons I may say that it is now generally conceded that the difference in the cost of production here and in the chief foreign competing countries is confined almost wholly to the cost of labor. Other things are substantially equal. I do not believe that, considering the hours of labor, the cost of living, and the superior productive capacity of our workingmen, there is any substantial difference even in the labor cost of production. If the workingmen of England, France, and Germany are in fact worse off than the workingmen at Bethlehem and Lawrence, God pity them. I discredit the contention that the great majority of American mill operatives are materially better off than are like workmen in Europe. I regard the contention to be an unfounded and delusive statement iterated and reiterated by great industrial monopolies to advance their own interests in the name of labor.

The only other ground upon which the contention for a protective tariff is now predicated, or at least insisted upon, is the one written for the first time in the Republican platform of 1908, namely, that protective duties should be levied for the purpose of assuring a reasonable profit to the employers of labor; that is, especially manufacturers. Respecting this, I

have only to say that I can not find it consistent with my view of a wise public policy or with my sense of right to vote to lay heavy taxes upon the great consuming public to make investors in particular industries certain of satisfactory profits. Take this industry of steel and iron, for example, and what reason is there for continuing a protective duty on these products? We were told in earlier days that we should protect our infant industries until they had grown into such maturity and stalwart proportions as to be able to meet outside competition in the open field. Have we not long since reached that point, so far as this industry goes? When will this industry pass beyond the point of infancy? Why, sir, the United States Steel Corporation is the greatest, the most opulent and powerful corporation known in the history of the world; and, besides this one, there are numerous other corporations engaged in this same business of enormous wealth and power. The old talk about "infant industries" is past, and what we hear now is that duties should be levied, first, in the interest of labor, so as to cover the difference in labor cost here and abroad, and, secondly, in the interest of capital, so as to insure a reasonable profit to the employers of labor. In this view the tariff is made a mere agency of commerce for the benefit, mainly, of select classes and particular industries. To my thinking it is preposterous to levy a tax on consumers as a governmental guaranty of profits to investors.

Mr. WILLIAMS. And on watered stock.

Mr. STONE. Yes; frequently on watered stock.

Mr. HEYBURN. I should like to know if the Senator has estimated the difference between the number of producers and consumers? He is speaking pathetically for the consumers. I should like to have some comparative figures as to the relative number of producers and consumers.

Mr. STONE. I suppose that most Americans are, in a sense, consumers and most Americans, in a sense, producers; but I am now speaking of those producers who feed on consumers through the agency of a protective tariff.

Mr. President, the bill before the Senate was passed and sent to us by the Democratic House of Representatives. It may not be in all particulars what many of us would desire. There may be provisions in it not entirely in accord with the opinions of individual Senators, even on this side. It is not a revenue bill pure and simple, but it is a substantial downward revision of the present exorbitant rates. I think the friends of a substantial downward revision should support it, and Democrats particularly should support it.

I have been somewhat concerned about the course that is to be taken on this bill, and possibly other tariff bills, by the so-called regulars or standpatters on the Republican side. I have heard stories floating around, some in print and some circulated here, that the regular Republicans are going to desert the field; that they have given up the fight. I remember a year or two ago——

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I do.

Mr. HEYBURN. The Senator must have heard a false sound from somewhere. It is their ship and they are going to hold it. If anyone suggested that the regular Republican Party was going to abandon it, it was a false alarm.

Mr. STONE. The Senator from Idaho is like the boy who "stood on the burning deck, whence all but him had fled." He will stay on deck until the ship goes down. Nevertheless, we hear that the contingent of the Republican Party with which the distinguished Senator is affiliated and of which he is a recognized leader is about to run away. I remember when, three years ago, this same contingent came cantering down under the leadership of a white-plumed knight from Rhode Island, as if he were a modern Henry of Navarre. They came then with banners fluttering, with martial music, and swords flashing, to slaughter a little insurgent band that had dared to lift the standard of revolt. This little band was to be driven out, extirpated, destroyed—LA FOLLETTE, CLAPP, CUMMINS, BRISTOW, and all of them. The scalps of these offenders were to be borne forth as bloody trophies from this Chamber and flaunted as a warning before the frightened gaze of Republicans throughout the land. That was but three short years ago—almost yesterday. But how have the mighty fallen! To-day, if we hear the truth—and I shall wait with keen impatience to know the truth—a majority of these old veterans of the Republican Party are about to run away and give up the fight. We hear they are about to lift the white flag and leave the insurgents as masters of the field. They seem ready to acclaim "LA FOLLETTE is leader of our side."

Mr. HEYBURN. I just wanted to know when the Senator used the term "our side" if he referred to the other side of the Chamber, because, of course, we admit that they are the masters of that side. I did not understand exactly whether the Senator intended to admit it or not.

Mr. STONE. The Senator admits no master on this side.

Mr. HEYBURN. The insurgents are masters on that side. Without the insurgents that side is as helpless as an infant.

Mr. STONE. Oh, you mean the insurgent Senators.

Mr. HEYBURN. What other insurgents are there under consideration?

Mr. STONE. One gentleman who has a very fine prospect, it is said, of being nominated at Chicago is giving it forth that he is an insurgent.

Mr. HEYBURN. "It is said" has been the snare of more political ambitions than anything else I know of.

Mr. STONE. Well, but he says so.

Mr. HEYBURN. Oh.

Mr. STONE. He ought to know.

Mr. HEYBURN. We should know many things we do not.

Mr. STONE. That is true. He ought to know some things he does not know, but is likely to find out before long.

Now, Mr. President, this is really a pathetic situation. In a way I feel impelled to congratulate our Republican friends of the standpat order for their determination to quit, if they have determined to quit, and allow the Democrats of the Senate to go on and pass their bills in their own way. The insurgents seem to have scared all the fight out of the standpatters in this Chamber.

Mr. HEYBURN. Would the Senator mind defining the word "standpat," if he is familiar with it?

Mr. STONE. I would only have to name the Senator from Idaho as a living example of what "standpat" means.

Mr. HEYBURN. I thought it might add something to the wisdom of the hour if the Senator were to explain the origin and meaning of the word "standpat."

Mr. STONE. I have just said that an illustration is better than a definition.

Now, Mr. President, the standpat Senators, of whom the Senator from Idaho is a shining example, we are told are going to quit the field, retreat, retreat, and keep on retreating to the last ditch; and where is that? The White House. They are going to fall back behind the White House and say to President Taft, "We confess ourselves beaten, unless you can save the day all is lost; and so we rest our entire hope on you." That is a heavy burden to cast on William Howard Taft, for he has already about all the troubles he can bear. It is a rather cruel thing to do. Nevertheless, so be it. Quit the field if you will. The Democrats of the Senate, although in a decided minority, will cheerfully accept the responsibility of legislating. We will pass this bill, and then pass other bills, and afterwards the Senator from Idaho, accompanied by the Senator from Utah, the Senator from Massachusetts, and the other standpat members of the Finance Committee, can go up to the White House, get behind the President, push him into the front and say to him, "As we have been whipped to a finish by LA FOLLETTE and CUMMINS and BRISTOW, and have been compelled to abandon the field to the Democrats to get rid of the insurgents, our only hope now is in you." Thus the President can be forced to step forward with a handful of vetoes as the last hope and refuge of tariff-protected monopolies.

Mr. President, that is all I care to say, or have time to say.

Woman Suffrage.

SPEECH

OF

HON. FRANK W. MONDELL,

OF WYOMING,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 10, 1912.

The House having under consideration the bill (H. R. 18642) to revise the metal schedule, with Senate amendments—

Mr. MONDELL said:

Mr. SPEAKER: A number of States in the Union are to vote at the coming election on the question of granting the franchise to women. Coming, as I do, from the State which was the first in the American Commonwealth to grant women the franchise and having observed for many years the salutary effect of women's participation in elections I desire to avail myself of the privilege of extending my remarks in the RECORD by placing in the RECORD, first, a brief address which I made at a woman's suffrage mass meeting held at the Columbia Theater

in this city on March 31, 1912, and, second, a letter which I wrote Representative ELMER A. MORSE, of Wisconsin, last January on the subject of our experience with woman suffrage in Wyoming. The address which I have referred to is as follows:

REMARKS OF F. W. MONDELL, OF WYOMING, AT WOMAN SUFFRAGE MASS MEETING AT COLUMBIA THEATER, WASHINGTON, D. C., SUNDAY EVENING, MARCH 31, 1912.

I am glad to have the opportunity to give my testimony at a woman suffrage meeting. However, if it be held that one must have had experience, both under woman suffrage and in benighted regions where it does not prevail, in order to form an intelligent opinion of the relative virtues of the two systems, then I can not qualify as an expert, for I have never participated in a political campaign or cast a ballot where women did not vote.

My political experience, which covers a period of 25 years and 10 State-wide campaigns in 9 of which I have been a candidate, has all been under women suffrage in the State of Wyoming. I have never experienced a serious disturbance in a political meeting. I have never witnessed or known of the slightest disorder at a polling place, and do not recall of a single charge having been made in that time of fraud in connection with an election in our State.

This lack of experience of those things which enliven and add zest to campaigns in the regions where the self-styled lords of creation run things unhampered by women voters does, no doubt in the opinion of some, disqualify me to form an unbiased opinion on the subject of suffrage.

There may be valid objections to extending the right of franchise to women; if there are, some one should state them. All of the old shop-worn alleged objections which have been the stock-in-trade of the antisuffragists for half a century have been so completely discredited by our experience in Wyoming that one who would be foolhardy enough to state them among our people would excite the commiseration we extend to the tenderfoot who insists that water runs up hill in our irrigation ditches, or the pity due the Uncle Jasper doctrine that "de sun do move and de earth am flat."

For the benefit of the office-seeking brethren who may fear that the ladies may seek and secure the jobs they covet, I hasten to say that women, true to their native modesty, are quite content, under suffrage, with those public positions which entail the maximum of effort for the public good and the minimum of public acclaim and pecuniary reward; as these are the positions the average male office seeker least aspires to, the brethren need have no worry on that score.

To calm the quaking fears of those timid male souls who conjure up a reign of radicalism under woman suffrage, let me remind them that woman is the most potent conservative force in human society and that the experience of those communities where women have longest exercised the voting privilege is that women voters are wisely discriminating, seeking betterment of conditions along lines of proven excellence rather than through doubtful experiment; they are progressive, not revolutionary.

Col. Roosevelt recently suggested a referendum vote of women to determine their desire for suffrage. While I would not draft an unwilling addition to the electorate, the real question is, Does the community need the influence of women voters, rather than do women realize their duty in this regard? The experience of those States where women have voted for years is that their influence for good is so potent that the community needs their voting influence more than they need, or may desire, the right to vote.

Two generations of women have grown to womanhood in our mountain Commonwealth under woman suffrage. For 40 years our elections, our legislation, and our administration of public affairs has been largely influenced by women voters. We know—and all the world knows and freely admits—that nowhere are women, in the highest and best sense, more womanly, more modest, more charming, more attentive to their home duties, better wives and mothers than with us. In fact, we believe that their calm, unostentatious, and faithful discharge of the duties of the voter tends to enhance every virtue and charm which distinguishes true womanhood. We would no more think of eliminating women from our electorate than we would of surrendering the charter of our beloved Commonwealth.

The letter to Congressman MORSE is as follows:

WASHINGTON, D. C., *January 27, 1912.*

Hon. ELMER A. MORSE,
House of Representatives, Washington, D. C.

MY DEAR MORSE: Recalling our recent conversation, in which you referred to the coming contest in your State over the question of woman suffrage and your request that at my convenience I write you as to our experience in Wyoming, I take the first opportunity of complying with your request.

The Territory—now the State—of Wyoming was, as you will recall, the first American Commonwealth to grant the full right of suffrage to women, and as Territory and State woman suffrage has been a feature of our political system since 1869, 42 years, almost equally divided between the Territorial period and statehood. With us, therefore, woman suffrage is in no sense an experiment, but a well-tried, approved, and permanent principle.

LITTLE ILLITERACY.

We have in Wyoming a very low percentage of illiteracy, and a large percentage of our people are American born. We have no large cities, our largest municipality having a population of less than 20,000. We have practically no illiterate voters; foreign-born voters must be fully naturalized citizens. The privilege is restricted to those who have resided at least a year within our borders, thus excluding from that privilege those who may be only transients and therefore not fully identified and acquainted with our affairs and conditions.

EFFECT OF SUFFRAGE.

I mention these facts that they may be considered in connection with any argument that may be made pro or con touching our experience, and particularly because it has been argued that the effect of the policy under our conditions might not be conclusive of its effect in communities differently constituted and conditioned. My own opinion is that the effect of woman suffrage in any American community, particularly in your favored State, would be essentially the same as with us.

Woman suffrage in Wyoming is and has been an unqualified and universally recognized benefit and success, and there is no thought or suggestion of its abandonment, the only possible difference of opinion among our citizens on the subject being as to the extent to which it has influenced the legislation and administration of our public affairs.

NEVER A DEFALCATION.

My information and recollection is that we have never had a defalcation of a State, county, or school district. If it be argued that this condition is quite as much due to a thorough and enlightened system of public accounting as to the character of those elected to offices of trust, the answer is that the same electorate responsible for the character of public officials is also responsible for wise legislation for public accounting. In the protection of the home and family relation, of childhood and womanhood, in the guardianship of individual rights, in the protection of labor, in the matter of education, in the safeguarding of the public health and morals, in the prevention of fraud, in the equal distribution of the burdens of government, in the discouragement and punishment of crime Wyoming stands well abreast of the most enlightened and progressive States of the Union. In some respects—for instance in the matter of public accounting, in legislation for the control of public waters (of tremendous importance in the arid region), in legislation guarding the public health, and in the support of educational institutions—she has been conspicuously in the advance. All of which, from the earliest statute to the present consummation, has been under woman suffrage.

EFFECT ON HOME AND FAMILY.

When we turn our attention to the stock arguments against woman suffrage, such as its alleged unfortunate effect upon the home and family, our experience has been such that all such arguments appear to us peculiarly ridiculous. In 22 years of active participation in politics, and with as wide a political acquaintance and experience, perhaps, as any man in the State, I have never heard or known of an instance in which political differences between husband and wife, or other members of families, have led to any disagreements of weight or moment; no complaint has ever reached me from any source that political activity or the performance of political duties has caused any woman to neglect other duties; nor do I recall a single case where any woman has indulged in any improper, unseemly, or questionable conduct in connection with political matters.

POLITICAL VIEWS.

This condition of affairs is by no means due to lack of interest or of proper political activity on the part of women, nor is it due to the fact that women are generally influenced or guided in their political views and acts by the male members of the family. In this respect there is but little difference in the attitude of men and women among us. The rule of "like father, like son" in political view has, I should say, about the same proportion of exceptions among daughters as among sons. A new family quite frequently brings into the matrimonial relationship two young people of opposite political views. As in matters of religion, in the case of a happy union the more earnest, active, and persistent of the two tends to bring the other to their view, passively and actively, or each may continue indefinitely and without disturbing the harmony of their relations to hold to differing views.

WOMEN NOT OFFICE SEEKERS.

Woman's suffrage does not necessarily and has not with us resulted in a noticeable activity among women in political affairs. Women do not hanker after office in the limited number and class of cases in which they have been candidates or officeholders. Confined almost exclusively to positions connected with our educational institutions or clerical and trust positions, their nomination and election has been almost invariably through the solicitation of others rather than by reason of their own seeking or ambition. Nominations of candidates have not, in the main, been directly the result of the activities of women voters; but nominations are always made in full realization of the fact that all candidates must stand the scrutiny of the women voters, the majority of whom are never so bound by party ties as to overlook what they consider unfitness of a candidate. With us women voters have been conservative rather than radical; lofty in their ideas, but practical in their views of law and administration. Their adherence to party has not generally prevailed as against their judgment as to policies or candidates.

MILITANT SUFFRAGIST UNKNOWN.

A sojourner in our State during a political campaign has but little, if anything, to remind him of our institution of woman's suffrage. The militant suffragist is unknown to us, save through the columns of the comic papers. My experience is she has no existence in this country anywhere. Women attend political meetings quite generally, to the very great advantage of all concerned, insuring decorous and orderly procedure. Except where residence at long distances from polling places renders it impossible, women exercise the right of franchise in almost the same proportion as men. Largely due to the activity of the women themselves, the former practice of hiring carriages to take them to the polls has been prohibited in Wyoming.

NO DISTURBANCES AT POLLS.

In some quarters we are still, no doubt, considered a "wild and woolly" people, but never in the history of the Territory or State, so far as I recall or am informed, has there been any serious disturbance about or in the neighborhood of a polling place, nor do I recall any case where there has been any serious contention that an election was not honestly conducted.

All these things, Brother MORSE, have been set down with care to make no overstatement. We do not claim to have reached perfection in our mountain Commonwealth. We are still progressing; but these plain, unvarnished facts do, we believe, set forth a condition of which any American Commonwealth may well be proud. As in the accomplishment of all these things the women of our State have had a potent and a helpful part, we are glad to have them known, for the honor of womanhood everywhere, and especially in those regions in which dwell the unfortunate and benighted who would deny the better half of mankind the privilege of the ballot.

NO LEGAL OBJECTION.

It should be remembered that while at one time there may have been some excuse for excluding women from the right of franchise, the conditions which made such exclusion valid have long since passed. When in the opinion of mankind the ability to bear arms constituted the only valid claim for participation in government, women were logically excluded from such participation. Later, when estates, held always in the male line, were recognized in the franchise, and the church was allowed a voice, the barring of women was still logical; and even later, when suffrage was more widely extended but still represented the right of place, position and property rather than of the individual, there was still some logic in withholding the right from women. But when the judgment of mankind finally extended the franchise from prince to pauper, including all males, and barring only those convicted of crime and legally declared lunatics, the refusal to grant this right or privilege, whichever you may term it, to that portion of mankind whose intelligence all men gladly acknowledge, whose virtues all proclaim, presents a spectacle calculated to make fools laugh, wise men grieve, and angels weep.

Sincerely, yours, F. W. MONDELL.

New Nationalism and New Statehood.

EXTENSION OF REMARKS

OF

HON. JAMES R. MANN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 17, 1912.

Mr. MANN said:

Mr. SPEAKER: Under leave granted me to extend my remarks in the RECORD, I include as a part of my remarks an address by Hon. John Maynard Harlan, of Chicago, Ill., delivered at Louisville, Ky., as follows:

NEW NATIONALISM AND NEW STATEHOOD.

[An address delivered by John Maynard Harlan to the Kentucky State Bar Association at its eleventh annual meeting, at Louisville, Ky., Wednesday, July 10, 1912.]

It was with great hesitation that I accepted your invitation to address you. Any man must naturally feel some diffidence in undertaking to address the bar association of his native State in the city which was the home of his boyhood. That natural diffidence I experience in increased degree because of my anxiety lest some of you may have fixed your expectations of me by your personal acquaintance with my father, and thereby have foredoomed yourselves to disappointment.

The subject of my remarks to you—"New nationalism and new statehood"—involves the consideration of a body of governmental doctrine, which Theodore Roosevelt, its most distinguished proponent, has styled the "new nationalism." The principal repository of the doctrines of new nationalism—the textbook, as it were, of the new political doctrine—is a volume (published by The Outlook Co., New York, 1910) entitled "The New Nationalism," consisting of thirteen speeches delivered by Mr. Roosevelt in 1910, with an introduction and an historical summary prepared by Mr. Roosevelt's associates in the editorial department of The Outlook. The speeches upon the subject of government made by Mr. Roosevelt since 1910, wherein he has advocated, among other things, the application of the "recall" to judges and judicial decisions, we may properly regard as expressing the natural growth and development of the new nationalism during the last two years.

What, then, is the new nationalism? Is it anything more or less than the latest manifestation of that dissatisfaction with a balanced government which in the past, like a recurrent fever, has appeared from time to time in some of our popular leaders who have found their genius hampered and their purposes obstructed by constitutional limitations?

A close reading of the textbook or manual of instruction in the new governmental doctrine discovers no succinct definition of new nationalism. We are, to be sure, told that new nationalism is such a body of doctrine as that the people must adopt it, or this country will not continue to be a Republic, a true democracy. "In the end," says Mr. Roosevelt in our textbook (The New Nationalism, p. 232), "the people would most certainly decide in favor of the principles embodied in the new nationalism, because otherwise this country could not continue to be a true Republic, a true democracy."

This, like the utterances of the oracle at Delphi, is susceptible of any meaning that the seeker after truth may wish to put upon it. It is rather more prophetic than instructive. It gives no information concerning the principles of the new nationalism except that, in the aggregate, they constitute the *summum bonum*.

"But the new nationalism," says Mr. Roosevelt elsewhere in the textbook of the new political faith (The New Nationalism, p. 231), "really means nothing but an application to new conditions of certain old and fundamental moralities. It means an invitation to meet the new problems of the present day in precisely the spirit in which Lincoln and the men of his day met their new problems."

This statement is rather too vague to be enlightening as to what the new nationalism really is. And this is particularly true, so far as I am concerned, because of my inability to agree with Mr. Roosevelt as to what was "the spirit in which Lincoln and the men of his day met their new problems."

I became acutely conscious of my inability to agree with Mr. Roosevelt as to the spirit in which Abraham Lincoln met the new problems of his day when I read the speech delivered by Mr. Roosevelt before the Ohio Constitutional Convention, February 21, 1912, which he entitled "A charter of democracy." It was in that speech that Mr. Roosevelt first publicly advocated the recall of judges and of judical decisions. In that speech Mr. Roosevelt said (S. Doc. No. 348, 62d Cong., 2d sess., p. 11): "Lincoln actually applied in successful fashion the principle of the recall in the Dred Scott case. He denounced the Supreme Court for that iniquitous decision in language much stronger than I have ever used in criticizing any court, and appealed to the people to recall the decision—the word 'recall' in this connection was not then known, but the phrase exactly describes what he advocated. He was successful, the people took his view, and the decision was practically recalled. It became a dead letter without the need of any constitutional amendment." And in the textbook of the new nationalism Mr. Roosevelt quotes Abraham Lincoln as saying, with reference to the Dred Scott decision (The New Nationalism, p. 237), "But we think this decision erroneous, and we shall do what we can to have it overruled."

Abraham Lincoln in referring to the Dred Scott decision did not say he would do what he could "to have it overruled." What Lincoln did say with reference to the Dred Scott decision was this (The New Nationalism, p. 250): "We know the court that made it has often overruled its own decisions, and we shall do what we can to have *it* [*the court*] overrule this. We offer no resistance to it."

I am far from imputing to Mr. Roosevelt an intentional misquotation of Lincoln's words. But I submit that there is a wide difference between the words which, in the textbook of the new nationalism, Mr. Roosevelt has put into Lincoln's mouth and the words Lincoln actually used. Had Lincoln used the words attributed to him by Mr. Roosevelt in speaking of the Dred Scott decision, "We shall do what we can to have it overruled," there might perhaps be some room to contend that Lincoln's meaning was that he would exert himself to have the Dred Scott decision "overruled" in any manner and by whatsoever means, whether by appeal to the people to overturn or refuse obedience to it, or otherwise. But there is no room for any such contention as to what Lincoln meant when we have regard for the words he actually used, which I have just quoted. In the words he actually used in respect of securing the overruling of the Dred Scott decision Lincoln was careful to confine himself to an effort to induce the *court* which rendered the decision to overrule it, either on rehearing or in another case involving the same question.

I think nothing can be found in Lincoln's writings or elsewhere to justify the conclusion Mr. Roosevelt reached and announced in his "Charter of Democracy" that Abraham Lincoln "appealed to the people to recall the decision" in the Dred Scott case, and that "the decision was practically recalled." On the contrary, we need go no further than the textbook of the new nationalism, wherein are printed certain excerpts from Lincoln's writings, to find abundant evidence that Abraham Lincoln never had a thought to appeal for the overturning of the Dred Scott decision to the people, or to any other authority than the august tribunal which rendered that decision. Lincoln's whole plan was to secure the *judicial reversal* of the Dred

Scott decision by the Supreme Court of the United States. Thus Lincoln said (The New Nationalism, p. 251): "We do not propose that when Dred Scott has been decided to be a slave by the *court*, we, as a *mob*, will decide him to be free. * * * We propose so resisting it [the Dred Scott decision] as to have it *reversed* if we can and a new *judicial rule* established upon this subject. * * * I believe the decision was improperly made, and I go for *reversing* it." And again Lincoln said (The New Nationalism, p. 250): "We * * * *abide* by the [Dred Scott] decision, but we will try to *reverse* that decision."

It is as clear from this as language can make it that what Lincoln contemplated was not, as Mr. Roosevelt has said, a "*recall*" by the *people* of the Dred Scott decision. He expressly denied that the "*mob*," as he called it, should decide Dred Scott to be free, after the "*court*" had adjudged him a slave. Lincoln sought, as he said, a *judicial reversal, not a popular "recall,"* of the Dred Scott decision, and the establishment of a new *judicial rule, not a plebiscite*, in lieu of the rule declared in the Dred Scott case.

And so, gentlemen, in view of my inability to agree with Mr. Roosevelt as to the spirit in which Abraham Lincoln met the new problems of his time, I am not much enlightened by Mr. Roosevelt's statement in his textbook that new nationalism "means an invitation to meet the new problems of the present day in precisely the spirit in which Lincoln and the men of his day met their new problems."

But there is still another statement in the textbook of the new governmental doctrine as to what new nationalism is. That statement, in Mr. Roosevelt's language, I will now quote (The New Nationalism, pp. 27–28): "The betterment which we seek," he says, "must be accomplished, I believe, *mainly through the National Government*. The American people," he continues, "are right in demanding that new nationalism, without which we can not hope to deal with new problems. The new nationalism," said Mr. Roosevelt further, "puts the national needs before sectional or personal advantage. It is *impatient* of the utter confusion that results from local legislatures attempting to treat national issues as local issues. It is still *more impatient* of the impotence which springs from *overdivision of governmental powers*, the impotence which makes it possible for local selfishness or for legal cunning, hired by wealthy special interests, to bring *national activities* to a deadlock. This new nationalism regards *the executive power as the steward of the public welfare*. It demands of the judiciary that it shall be interested primarily in human welfare, rather than in property, just as it demands that the representative body shall represent all the people rather than any one class or section of the people."

The language I have just quoted approaches definiteness as a description of new nationalism, and carries the mind back to what Mr. Roosevelt, then President, said in his speech at Harrisburg, Pa., October 4, 1906, before he had given new nationalism local habitation and a name. "In some cases," said Mr. Roosevelt at Harrisburg, "this governmental action must be exercised by the several States individually. In yet others it has become increasingly evident that no efficient State action is possible, and that *we need, through executive action, through legislation, and through judicial interpretation and construction of law, to increase the power of the Federal Government*. If we fail thus to increase it, we show our impotence." And in the same speech Mr. Roosevelt voiced the constitutional heresy that "an *inherent power* rested in the Nation *outside of the enumerated powers* conferred upon it by the Constitution in all cases where the object involved was beyond the power of the several States and was a power ordinarily exercised by sovereign nations."

Can anyone detect any substantial difference between the new nationalism of 1910, as described in the language I last quoted from the textbook of the new governmental doctrine, and the bold unconstitutionalism of Mr. Roosevelt's Harrisburg speech of 1906? For my part, gentlemen, I confess my inability to see any substantial difference between the two. New nationalism, we are told by Mr. Roosevelt, is impatient of "the overdivision of governmental powers." It is impatient of the existing possibility of bringing "national activities to a deadlock." It emphasizes that the "executive power" is "the steward of the public welfare." It demands that the judiciary shall be interested "primarily in human welfare, rather than in property," notwithstanding the Constitution coordinates "life, liberty, and property" in its enumeration of the things that are primarily entitled to protection from the arbitrary exercise of governmental power. In brief, new nationalism is impatient of a balanced government and of constitutional limitations, precisely as was Mr. Roosevelt when, as President, he made his speech at Harrisburg.

Chief Justice Marshall, as you will recall, long ago said (*Cohens* v. *Virginia* (1821), 19 U. S. (6 Wheat.), 264, 387) that "a constitution is framed for ages to come, and is designed to approach immortality, as nearly as human institutions can approach it." Throughout our history the people as a whole have regarded and revered the Constitution of the United States as immortal, and one must needs offer some excuse when he would throw aside the Constitution as outgrown and useless within 125 years after its adoption. What is the excuse which the advocates of the new nationalism advance for their desire essentially and radically to change the form of government and the Constitution ordained and established by our forefathers?

The excuse for the existence of new nationalism is that, according to Mr. Roosevelt, there exists in the domain of sovereignty in this country a field not occupied by any Government, a sort of No Man's Land, as it were, over which neither any State Government nor the National Government has jurisdiction. This fancied region beyond the pale of government serves, to quote Mr. Roosevelt's language in his textbook (The New Nationalism, p. 27), "as a refuge for lawbreakers and especially for lawbreakers of great wealth, who can hire the vulpine legal cunning which will teach them how to avoid both jurisdictions." New nationalism advocates an extension of the powers of the National Government to the point where there will not be, to quote Mr. Roosevelt further (The New Nationalism, p. 65), any "neutral ground in which neither the State nor the Nation has power, and which can serve as a refuge for the lawless man, and especially for the lawless man of great wealth, who can hire the best legal talent to advise him how to keep his abiding place equally distant from the uncertain frontiers of both State and National power."

According to the new nationalism, it is the fault of the courts that all government has been ousted from a portion of the domain of sovereignty and a refuge created for the lawless beyond the reach of the arm of the law.

"Long experience," to quote Mr. Roosevelt's words in his textbook of the new political doctrine (The New Nationalism, p. 64), "has shown that it is by no means impossible, in cases of constitutional doubt, to get one set of judicial decisions which render it difficult for the Nation to act, and another set which render it impossible for the State to act." "Unfortunately the courts * * * have lagged behind," says Mr. Roosevelt further in the same book (The New Nationalism, pp. 38–39), "and as each case has presented itself have tended by a series of negative decisions to create a sphere in which neither Nation nor State has effective control, and where the great business interests that can call to their aid the ability of the greatest corporation lawyers escape all control whatsoever." "The legislative and executive officers of our country, National and State, but, *above all, the judicial officers*," says Mr. Roosevelt in the textbook of the new nationalism (The New Nationalism, pp. 35–36), "*are to blame for the fact that there has grown up a neutral land*—a borderland—in the spheres of action of the National and the State Governments—*a borderland over which each government tends to claim that it has the power, and as to which the action of the courts unfortunately has usually been such as to deny to both the power*."

But while Mr. Roosevelt, voicing the views of the new nationalism, is thus quite explicit that the courts have created an extra-governmental region as a stronghold of brigandage, and that "the greatest corporation lawyers" possessed of "vulpine legal cunning" know the shady paths that lead thereto and conduct their clients thither, he has omitted altogether to point out to those of us who occupy the humbler ranks of our profession the precise location of that dreamland where, as he says, the wicked may abide in security and blessedness beyond the reach of the law.

Being without a definite statement of the metes and bounds of that neutral ground which it is the avowed aim of the new nationalism to bring under the power of the Federal Government, we must locate that lawless region as best we may with such information concerning its whereabouts as has been vouchsafed us. In our groping for the *terra incognita* we may pursue the hint as to its locality contained in certain words of Mr. Roosevelt, which I will now quote from the new textbook of government. After first stating (The New Nationalism, p. 38) that the courts "have tended by a series of negative decisions to create a sphere in which neither Nation nor State has effective control," Mr. Roosevelt, in the textbook of the new nationalism, says (The New Nationalism, pp. 39–41): "Let me illustrate what I mean by a reference to two concrete cases. * * * The first case to which I shall refer is the Knight Sugar Trust case. In that case the Supreme Court of the United States handed down a decision which ren-

dered it exceedingly difficult for the people to devise any method of controlling and regulating the business use of great capital in interstate commerce. It was a decision nominally against national rights, but really against popular rights—against the democratic principle of government by the people. The second case is the so-called New York Bakeshop case. In New York City, as in most large cities, the baking business is likely to be carried on under unhygienic conditions—conditions which tell against the welfare of the general public. The New York Legislature passed, and the New York governor signed, a bill remedying these unhealthy conditions. * * * But the Supreme Court of the United States possessed—and unfortunately exercised—the negative power of not permitting the abuse to be remedied. * * * The decision was nominally against State's rights—really against popular rights."

The language of Mr. Roosevelt which I have just quoted approaches more nearly than anything else that the doctrinaires of the new nationalism have said—to locating definitely the obscure neutral region which we seek. Let us trace the courses and distances Mr. Roosevelt has given us and see whether or not we shall have a boundary that will inclose any part whatever of the domain of sovereignty.

In the case of *United States* v. *Knight* (156 U. S., 1, 1895), referred to by Mr. Roosevelt, the Government sought to have canceled certain agreements under which the American Sugar Refining Co. had, with shares of its own stock, purchased the stock of four Philadelphia refineries, and thereby acquired nearly complete control of the manufacture of refined sugar within the United States. The Government claimed that those agreements created combinations in restraint of trade, and that in entering into them the defendants had combined and conspired to restrain trade and commerce in refined sugar among the several States and with foreign nations contrary to the act of Congress of July 2, 1890, known as the Sherman Act. Besides cancellation of the agreements under which the stock had been transferred, the Government asked also the redelivery of the stock to the parties respectively, and an injunction against the further performance of the agreements and further violation of the law. The Supreme Court conceded that the existence of a monopoly in *manufacture* was shown by the evidence, but pointed out the manifest and well-recognized distinction between manufacture and commerce and held that the monopoly and restraint prohibited by the Sherman Act was monopoly and restraint of *commerce* only. The relief sought by the Government was therefore denied. But the court pointed out that monopoly in manufacture, as distinguished from commerce, was subject to regulation and control by State legislative power.

We need not here inquire how far, if at all, later decisions of the Supreme Court of the United States have departed from the ruling in the *Knight* case. It is sufficient here to call attention to the fact that by the decision in the *Knight* case the court, far from creating a neutral zone free from the law's control, expressly recognized and asserted the authority of the States, in the exercise of their police power, to suppress the monopoly in manufacture which was alleged to have been created by and under the agreements complained of by the Government. And if the people of the several States find it difficult to protect the public against such monopolies as were involved in the *Knight* case the fault rests not with the courts. It rests with the people who fail to send to their State legislatures men intelligent enough and patriotic enough to exercise the police power of the State effectively to accomplish the end desired. The power of the State is ample to control monopolies in manufacture. If it be not used, that furnishes no reason for transferring the power to the National Government, because experience teaches that it might not be used effectively by the National Government either.

In *Lochner* v. *New York* (198 U. S., 45; 1905), referred to by Mr. Roosevelt in the new textbook of government as the "New York Bakeshop case," the defendant was indicted for requiring and permitting an employee to work in his bakeshop more than 60 hours in one week, in violation of a statute enacted by the State of New York. It was held by the Supreme Court of the United States that the State's attempted limitation of the hours of employment in bakeries to 60 hours a week and 10 hours a day constituted an arbitrary interference with the individual's freedom of contract guaranteed by the "property clause" of the fourteenth amendment of the Constitution of the United States, and could not be sustained as a valid exercise of the police power of the State to protect the public health, safety, or morals. The other provisions of the New York statute in question, relating to the construction, dimensions, ventilation, cleanliness, and sanitation of bakeshops, were not involved in or affected by the court's decision, so that the textbook of the new nationalism misstates the scope of the *Lochner* case when it says, in substance, that by the decision in that case the Supreme Court denied power to the State of New York to prevent the baking business from being "carried on under unhygienic conditions—conditions which tell against the welfare of the general public." The only question involved or decided in the *Lochner* case was as to the power of the State to limit the hours a man might labor in the baking business.

It is my impression that the decision of the Supreme Court in the *Lochner* case has been much criticized. It was made by a bare majority of the court, four of the justices dissenting. But whatever may fairly be said in criticism of the decision in the *Lochner* case, that decision clearly did not tend, as asserted by Mr. Roosevelt in the textbook of the new nationalism, to create any neutral zone in the field of sovereignty by pushing back the State's governmental power. The people, by adopting the "property clause" of the fourteenth amendment, put the individual's right freely to contract beyond the reach of the legislative power of the States in all cases except where the public welfare might require that right to be abridged. The Constitution vests in the Supreme Court of the United States power to determine whether or not in any particular case the public welfare requires that the liberty of the individual shall be restrained. In the *Lochner* case the majority of the Supreme Court decided merely that there was not, and in reason could not be, any connection between the preservation of the public health and welfare and the limitation of the hours of labor in bakeshops, the majority of the court adopting the view that the occupation of a baker was not a dangerous employment in and of itself, and that the employment of persons in bakeshops for longer than 10 hours a day did not have any tendency to make the bread produced any less wholesome than otherwise it would be.

From the viewpoint of constitutional law, I would say that the soundest criticism of the course pursued by the majority of the court in the *Lochner* case is that contained in the separate opinion which Mr. Justice Holmes filed dissenting from the majority's views. As Mr. Justice Holmes suggested, it was at least doubtful on the facts before the court whether the occupation of a baker was not a dangerous employment, and whether there was not on that account a direct connection between limiting the hours of labor in bakeshops and preserving the public health. In such a situation, where men might fairly and honestly disagree as to the healthfulness of the occupation of a baker, and consequently as to the reasonableness of the statute in question, it was the court's duty, perhaps, to resolve the doubt in favor of the constitutionality of the statute, and when the court assumed to declare that there was not, and could not, be any reasonable connection between limiting the hours of labor in bakeshops and preserving the public health, the majority perhaps assumed a legislative, as distinguished from a strictly judicial, function. In other words, the majority of the Supreme Court reached a wrong conclusion in the *Lochner* case through failing to adhere closely to the Constitution, and to abide strictly by the division of powers provided for therein.

When we reflect that among the things chiefly deprecated by the new nationalism are "overdivision of governmental powers" and a tendency on the part of the courts to adhere strictly to constitutional limitations, it may not be inaccurate or unfair to say that the wrong decision reached in the *Lochner* case was due to nothing else than that the majority of the court became temporarily affected by the doctrines of new nationalism, and invaded the field which, under the Constitution, is reserved to the legislatures of the several States.

From whatever point of view regarded, it is plain that neither the *Knight* case, nor the *Lochner* case, nor both of them together, mark out that portion of the domain of sovereignty referred to in the textbook of the new nationalism, from which, we are told, government, both State and National, has been pushed back by the courts.

But we should not too readily give up the search for the legalistic No Man's Land, the lawless and ungoverned condition of which is assigned as an excuse for the existence of the new nationalism. Since we have been unable to locate the object of our quest by following Mr. Roosevelt's suggestion that it is located between the *Knight* case on the one hand, and the *Lochner* case on the other hand, let us endeavor to find it by observing what governmental measures the advocates of the new nationalism propose. If we shall find that the execution of any governmental measure proposed by the new nationalism, not absolutely prohibited by existing constitutions, is beyond the legitimate scope of State governmental power, and also beyond the powers conferred by the Constitution upon the National Government, and therefore requires an expansion of the powers of the National Government, we shall be fairly en-

titled to conclude, I take it, that the subject matter of such governmental measure lies within the shadowy neutral zone between State and National power which Mr. Roosevelt tells us constitutes the region presided over by eminent counsel, as the refuge of their predatory clients.

An analysis of the textbook of the new nationalism shows that the measures advocated by the adherents of the new plan of government embrace the increasing of the legislative power of the State, and of the Nation, to the point where the people, through their legislatures, State and National, will have complete power of control in all matters that affect the public interest. (The New Nationalism, p. 42.) The new nationalism advocates also the establishment of the right of the community to regulate the use of every man's property to whatever degree the public welfare may require. (The New Nationalism, pp. 23–24.)

This means, of course, the elimination of the "life, liberty, and property" clauses from all our constitutions, State and Federal, and the substitution of legislative bodies with the unlimited and illimitable powers of the English Parliament, which our forefathers repudiated, for the legislative bodies of limited powers, which our forefathers ordained.

New nationalism advocates also the establishment of the doctrine that all commerce on a scale sufficiently large to warrant any control over it by any government is interstate or foreign commerce. (The New Nationalism, p. 55.) This, as well as the advocacy of the new nationalism for legislatures of unlimited power, obviously involves either an amendment, or a disregard, of the Constitution of the United States. The new nationalism would also prevent any national officer from performing any service for, or receiving any compensation from, any interstate corporation. (The New Nationalism, p. 30.)

New nationalism proposes that political action should be simpler, easier, and freer from confusion for every citizen. It advocates the securing of more direct political action on the part of the people through direct primaries, which new nationalism says should be protected by a corrupt practices act, and compulsory publicity of campaign expenditures, to prevent an unscrupulous man from obtaining a nomination at the primaries, over a more honest competitor, by the reckless use of money. (The New Nationalism, p. 30.) New nationalism urges also the securing of quicker and more sensitive responsiveness on the part of political representatives to the people, and the facilitation of the prompt removal of unfaithful or incompetent public servants from office, by whatever means experience shall show to be most expedient in any given case. (The New Nationalism, p. 29.)

In other words, new nationalism favors the "recall," which again requires that existing constitutions, State and National, should be either amended, or disregarded, before new nationalism may flourish.

New nationalism advocates also the recognition of power in the President of the United States to appoint commissions to investigate any subject he may think is connected with the public welfare, and the imposition of a duty upon Congress to pay the commissioners appointed by the President. (The New Nationalism, pp. 90–92.)

Baldly stated, new nationalism would subordinate the legislative to the executive power, and vest in the President power to control the purse of the Nation. Here again the Constitution of the United States must be amended or evaded if the doctrines of the new nationalism are to prevail.

New nationalism advocates the maintenance of an efficient Army and Navy (The New Nationalism, pp. 19–20) and the fortification of the Panama Canal (The New Nationalism, pp. 155–157).

New nationalism advocates the conservation by the General Government of the health and vitality of the people of the country (The New Nationalism, p. 22), and proposes the establishment of a Federal bureau of health to prevent premature deaths among the people, and deaths from avoidable diseases (The New Nationalism, p. 89).

New nationalism proposes a revision of our financial system so as to prevent periodical financial panics (The New Nationalism, pp. 18–19), and aims to bring about the curtailment of the really big fortune—the "swollen" fortune—through a graduated income tax, and through a graduated inheritance tax, properly safeguarded against evasion and increasing rapidly in amount with the size of the estate (The New Nationalism, p. 18).

New nationalism embraces the achievement of equality of opportunity, and of equality of reward for service—"a square deal" for the poor man—through (The New Nationalism, pp. 9–16, 116) (a) destruction of special privilege; (b) the driving of the special interests out of politics; (c) the establishment of complete and effective publicity of corporate affairs; (d) Government supervision of the capitalization of all corporations doing an interstate business; (e) the prohibition of the granting of corporate franchises for longer than a limited time, and not even for a limited time without proper provision for compensation to the public; (f) the extension to combinations which control necessaries of life, such as meat, oil, and coal, the same kind and degree of governmental control which should be exercised over public-service corporations; (g) the creation of a personal liability on the part of the officers, and particularly the directors, of any corporation which violates the law; (h) the extension of the powers of the Federal Bureau of Corporations and of the Interstate Commerce Commission to the point where the proper conduct of interstate railways and the proper management of interstate business shall be as certain and assured as are now the proper conduct and management of the national banks. In brief, new nationalism proposes (The New Nationalism, p. 55) "to meet the nationalization of the big business by nationalized Government control."

New nationalism proposes also the curtailment of the influence of big special interests and the little special interests in the making of tariffs, and the assurance that in tariff legislation nothing but the interest of the whole people shall receive consideration. These ends are to be attained, according to the textbook of the new nationalism (The New Nationalism, pp. 16–17, 109–113) (a) through the creation of an expert tariff commission, wholly removed from the possibility of political pressure or improper business influence, to find out the difference between the cost of production in this country and abroad, and (b) through the substitution for general revision of the tariff of revision schedule by schedule so as to prevent log-rolling.

Another measure advocated by the new nationalism is the prevention of the wasteful use and the monopolization of the natural resources of the country (The New Nationalism, pp. 20–22, 52), and the development of them promptly, completely, and in an orderly fashion (The New Nationalism, p. 52). In this behalf new nationalism proposes (The New Nationalism, pp. 56–59, 61–63, 66–67, 70–72) (a) to restore to the National Government control of the forests in the White Mountains and Appalachian Mountains, and to increase the power of the National Government at the expense of the power of the several State governments so far as concerns the control of the forests in the mountains mentioned; and (b) to insure that water-power sites shall be kept under the control of the National Government and out of the control of the State governments; and (c) to see to it that the coal lands, especially in Alaska, shall be kept under the control of the National Government and shall not pass into private ownership, but shall only be leased; and (d) to extend over the "open range," the unsettled public lands of the United States, agricultural or mineral, a system of control somewhat similar to that now in effect in the national forests; and (e) to extend the activities of the National Government in the reclamation of arid lands by irrigation.

New nationalism advocates the development of the waterways of the Nation to compete with the railroads. (The New Nationalism, p. 79.) It would vest in the National Government control over all watersheds. (The New Nationalism, p. 99.) It would establish a national commission for the improvement of rivers and harbors. (The New Nationalism, pp. 113–114.) It would put the drainage of swamp and overflow lands under the control of the National Government, particularly where the area required to be drained lies in two or more States. (The New Nationalism, p. 83.) And it would prevent the railroads from having any interest in any boat line on any of the rivers of the country, unless under the strictest regulation and control of the Interstate Commerce Commission, and at the same time it would compel the railroads of the country to cooperate with the waterways and to interchange freight with them. (The New Nationalism, p. 82). It would secure adequate terminals in every city and town on every improved waterway and see to it that the same should be kept free from monopoly.

For the particular benefit of the wageworkers of the country new nationalism advocates the securing of recognition by the law of the desirability of the right of collective bargaining, through trades-unions, on the part of employees of great corporations (The New Nationalism, pp. 37–38, 127–129, 224); the adjustment of disputes between labor and capital by mediation and arbitration (The New Nationalism, p. 225); the establishment of a department or bureau of the General Government to see to it that the laborers, for whose benefit new nationalism conceives a protective tariff to be primarily designed, shall actually receive the benefit (The New Nationalism, p. 113); the regulation of the terms and conditions of labor, so as to insure a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so that the laborer, after his day's

work is done, will have time and energy to bear his share in the management of the community (The New Nationalism, pp. 24, 137, 143); the enactment of comprehensive workmen's compensation acts (The New Nationalism, pp. 24–25, 139–140, 143); the enactment of State and National laws to regulate child labor (The New Nationalism, p. 25); the giving, through the common schools, of practical training for daily life and work, in addition to mere book learning (The New Nationalism, p. 25); the enforcement of better sanitary conditions for our workers (The New Nationalism, p. 25); the extension of the use of safety appliances for persons working in industry and commerce, both within and between the States (The New Nationalism, pp. 25, 138, 142); the establishment in each city of a museum of safety devices (The New Nationalism, p. 143); the prohibition by law of the making of matches with white phosphorus, and the prohibition of other dangerous industries (The New Nationalism, p. 139); the suppression of mob violence (The New Nationalism, pp. 25, 43, 169, 207, 219, 221); and the enactment into law of the following "planks" in the platform of the American Federation of Labor, namely (The New Nationalism, pp. 141–142), (a) free schools, free textbooks, and compulsory education; (b) a workday of not more than eight hours; (e) release from employment one day in seven; (d) abolition of the sweatshop system; (e) sanitary inspection of the factory, workshop, mine, and home; (f) employers' liability laws and workmen's compensation acts; (g) antichild-labor laws and laws limiting women's labor; and (h) suitable and plentiful playgrounds for children in all cities.

For the particular benefit of the farmers of the country, new nationalism advocates securing to them and to their wives and children better business methods and better conditions of life on the farm. This end the new nationalism proposes to attain in part through the organizations of the farmers themselves and in part through the extension of the work of the agricultural departments of the several States and of the United States, to cover all phases of farm life. (The New Nationalism, pp. 22–23.) The establishment of a country life institute, with a museum at Washington, to bring about better conditions of life on the farms of the country is also advocated by the new nationalism. (The New Nationalism, pp. 87–89.)

Other measures advocated by the new nationalism, somewhat in the nature of millenial desiderata, are the imposition of effective restraint, especially national restraint, upon unfair money getting, so that no man may gain a fortune unless the gaining of it represents benefit to the community, and so that no man may get a dollar unless he fairly earns it by service rendered (The New Nationalism, pp. 17–18), the securing of a genuine and permanent moral awakening or the part of the people, and the upbuilding of the right kind of character in the citizens and subjects (The New Nationalism, pp. 31–33); the elimination of corruption in business and politics (The New Nationalism, p. 43); and the suppression of mendacity, especially when used in connection with slander (The New Nationalism, pp. 43, 170–171, 189–191).

Just how these ends may be accomplished by the enactment of statutes, whether by the National Government or any other government, the textbook of the new nationalism does not point out.

Summarized, the governmental measures proposed in the textbook of the new nationalism appear to me to embrace about everything I have ever heard of Mr. Roosevelt's advocating in the way of governmental, political, financial, economical, industrial, educational, and sociological measures, with the exception of a proposal for legislation against race suicide and legislation requiring phonetic spelling. But in all the long list of objects enumerated in the textbook of the new nationalism as desirable to have achieved, there is not one that could be claimed to be susceptible of possible achievement without amendment of our constitutions, which is not plainly within the scope of present State power, if it is without the scope of National power as conferred by the existing Constitution of the United States. There is nothing in the entire list of the governmental objects of the new nationalism that suggests the remotest necessity for the extension of national powers to reduce to the law's control a region taken out of the domain of sovereignty and turned into a legalistic bad lands and a refuge for the malefactors of great wealth by the alleged wrong-headedness of the courts.

Certainly the attempt to justify the promulgation of the new nationalism by attributing the necessity for its creation to the lagging reactionaryism of the courts is a failure. The courts as a whole—and especially the Supreme Court of the United States, which is singled out for particular attack in the textbook of the new nationalism—have not been reactionary, but on the contrary, as an illustration will show, have been most progressive, using that word in its most modern signification.

The progressivism of the courts is strikingly illustrated by comparing the broad and liberal view which the courts have taken of the scope and meaning of the "commerce clause" of the Constitution, with the narrow view as to the scope and effect of that clause which was entertained by some of the great men who helped frame and first apply it.

On May 4, 1822, upon vetoing "An act for the preservation and repair of the Cumberland Road," President Monroe transmitted to the House of Representatives a paper embodying his views as to the power of Congress to make internal improvements. In that paper President Monroe considered whether or not the "commerce clause" of the Constitution conferred upon Congress any power to construct roads and canals for the purpose of promoting commerce among the several States, and concluded that no such power had been granted. In stating his understanding of the scope of the power conferred upon Congress by the "commerce clause" President Monroe said (Messages and Papers of the Presidents, Vol. II, p. 161): "I come next to the right to *regulate* commerce. * * * It is expressed in the following words: 'Congress shall have power to *regulate* commerce * * * among the several States * * *.' * * * *The sense in which the power [to regulate commerce] was understood and exercised by the States was doubtless that in which it was transferred to the United States* * * *. Commerce between independent powers or communities is universally *regulated* by *duties and imposts*. It was so *regulated* by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. *The goods and vessels employed in the trade are the only subjects of regulation.* It can act on none other. *A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the States, was the only power granted.*"

On February 13, 1829, James Madison wrote to J. C. Cabell with reference to the power conferred upon Congress by the Constitution to regulate commerce among the several States, and used this language (Records of the Federal Convention (Yale Univ. Press, 1911), vol. 3, p. 478): "Yet it is very certain," Madison said, "that it (the grant of power to Congress to regulate commerce) grew out of the abuse of the power by the importing States in taxing the nonimporting, and *was intended as a negative and preventive provision against injustice among the States themselves, rather than as a power to be used for the positive purposes of the General Government*, in which alone, however, the remedial power could be lodged."

Madison was one of the framers of the Constitution, and, next to Hamilton, its greatest expositor preceding its adoption. Had the courts been reactionary and wished to limit the national powers, they might, and would have said, with Madison as high authority, that by the "commerce clause" of the Constitution the people had not granted to Congress any power which might be "used for the positive purposes of the General Government," but had merely prevented legislative action by the States affecting interstate or international trade. And they might and would have adopted Monroe's view that by the "commerce clause" the people had conferred upon Congress power to regulate only the goods and vessels in interstate or international trade, and nothing else, and had limited Congress to the imposition of duties and imposts as the sole regulating agency.

Instead of being reactionary, however, and limiting the powers of the National Government, as the way was open for them to do, the courts have construed the "commerce clause" so broadly and liberally as to vest in the United States what is practically police power, so far as interstate and international trade are concerned.

So far as my recollection serves me, the Supreme Court of the United States has declared but one single measure proposed as a regulation of interstate commerce, to be beyond the power conferred upon Congress by the "commerce clause" of the Constitution. (See 131 U. S., 235 (appendix), for an enumeration of statutes held unconstitutional by the Supreme Court of the United States. See also 179 Fed., 517, 521–522.) That was in the case of *Adair* v. *United States* (208 U. S., 161 (1908)), and the measure there held unconstitutional was an act of Congress which attempted to make it a crime against the United States for any officer or agent of an interstate carrier to threaten any of the carrier's employees with loss of employment or to discriminate against any of its employees because of the employee's membership in a labor union. The ground upon which the majority of the court based its opinion was that there was not any logical or legal relationship be-

tween the membership of a carrier's employee in a labor union and the carrying on of interstate commerce.

The statute involved in the *Adair* case being the only measure enacted by Congress as a regulation of commerce that was ever declared unconstitutional, surely it can not fairly or truthfully be said that the courts have been reactionary, when one takes account of the many laws Congress has adopted under the "commerce clause" of the Constitution and the many opportunities the courts have had in passing upon the validity of those laws to evidence and express their reactionary tendencies had such tendencies existed.

Thus, as regulations of commerce, Congress has enacted what is commonly known as the employers' liability law, enlarging the common-law liability of interstate carriers for personal injuries sustained by their employees. Also, Congress has enacted a law requiring interstate carriers to equip their rolling stock with safety appliances, and a law authorizing the President to give medals of honor to persons who shall, by extreme daring, imperil their lives in preventing wrecks or in saving lives after wrecks have occurred upon any interstate railroad. Also, a law has been adopted by Congress limiting the hours of service of employees on interstate railroads.

Again, as regulations of commerce, Congress has enacted laws affecting the common-law liability of interstate carriers of goods, and even declaring what shall constitute negligence on the part of interstate carriers. Thus, by the Carmack amendment imposing an involuntary and unavoidable extraterminal liability upon an initial carrier, Congress changed the liability of the initial carrier as it had theretofore existed at the common law, as the common law was viewed by the courts of most of the States of the Union. And, as the Court of Appeals of Kentucky was, I believe, the first court to point out (*L. & N. R. R. Co.* v. *Stiles* (1909), 119 S. W. (Ky.), 786), by the adoption of an act which, except in certain contingencies, prohibits the confinement of an interstate shipment of live stock in cars for longer than 28 hours, Congress made definite and certain the duties of a railroad in respect of the interstate transportation of live stock, which at the common law were not fixed with definite precision, and thereby in effect declared what should constitute due care and what should be negligence on the part of an interstate railroad as to the carriage of one kind of freight.

In addition to the law for preventing cruelty to live stock in transit, Congress has enacted also, as regulations of commerce, laws providing for inspection and quarantine of shipments of live animals in interstate commerce. So also, as a regulation of commerce, Congress has adopted an act regulating the transportation of wild animals and birds, which incidentally operates not only as in some sort a national game law, but even goes so far as to affect indirectly the style of bird plumage which women may wear upon their hats.

So also laws affecting the public morals have been enacted by Congress as regulations of commerce, as, for instance, the statute forbidding the interstate transportation of lottery tickets, the law preventing the carriage from one State to another of obscene literature and articles designed for indecent or immoral use, the laws regulating interstate traffic in intoxicating liquors, and the act which forbids the taking of women from one State to another for purposes of prostitution.

These laws are all obviously police regulations in their essential character. Some of them have been considered by the Supreme Court of the United States, and have been upheld as constitutional. Some have not been passed upon by the Supreme Court. But were our courts infected with any reactionary tendency, we can not doubt that in some case it would have been declared that as the Constitution does not vest any police power in Congress, therefore some of the statutes I have mentioned were unconstitutional. Other laws adopted by Congress as regulations of commerce are also in their essence police regulations, designed to protect the public health. In this connection I may instance the Federal meat-inspection law and the Federal pure-food law.

The constitutionality of the Federal pure-food law has been challenged, and the law has been upheld by a Federal court as a valid regulation of commerce. (*Shawnee Milling Co.* v. *Temple* (1910), 179 Fed., 517.) At the same time it has been recognized that the States have plenary authority to protect their citizens against fraud and deception in the sale of food products, the Supreme Court of the United States having long ago said (*Plumley* v. *Massachusetts* (1894), 155 U. S., 461, 472): "If there be any subject over which it would seem the States ought to have plenary control and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States." Surely there has been no reactionary lagging behind of the courts here, no creation by court decisions of a No Man's Land in the domain of sovereignty, not under the control of any government. On the contrary the courts have declared that both the National and the State Governments have power in the field of protecting the health of the people.

Illustrations might be multiplied indefinitely to show that our courts, with rare exceptions here and there, are not, and have not been, reactionary or disposed to sacrifice the spirit to the letter of our constitutions, State or Federal. With that fact established, the new nationalism collapses of its own weight. It has nothing to rest upon, no foundation. No excuse is offered for the existence of the new nationalism, even by its sponsors, except the alleged necessity of enlarging the powers of the National Government to cover a supposed portion of the domain of sovereignty from which it is said the courts have pushed back all government. The courts have not created any such neutral zone destitute of government, and such neutral zone does not exist.

If government is not what it should be the fault lies not in a defect of power either in Nation or in State, but in a failure on the part of the people, through their representatives, intelligently to exercise the powers now completely vested in the States. We need not a new nationalism, but rather a new statehood.

We need no crusade for the enlargement of the powers of the Nation. The ever closer network of interstate communication and the necessities of international intercourse, which compel our country to act as a unit, all operate irresistibly to increase national prestige and national power. Those forces are all centripetal.

The great need of to-day is that the States should awaken to their duty to exercise all their rightful powers and functions under the Constitution, and that they should do for themselves everything to the doing of which those powers, when intelligently exercised, are adequate. We must magnify the importance of the State legislatures, and the value of the State courts. We must elevate the standards and improve the personnel of those legislatures and courts. What is needed is not doctrinaire theorizing about the rights of the States, but the prompt performance by the States of their duties, the active and full use of the powers and functions of the States toward solving the questions that now crowd upon the American people for solution.

If we elect weaklings to our State legislatures, if our State governors are unable or fail to act as leaders in helping to shape really progressive legislation and administration, then our State governments will continue to grow steadily weaker and more ineffective. We must attack our political, economic, and social problems piecemeal in the States and in our cities, towns, and villages, instead of attempting so exclusively to solve those problems on a national scale.

In the United Kingdom of Great Britain and Ireland it has lately been proposed to unload much of the work now being done by the Imperial Government upon local parliaments, first in Ireland, and later probably in Scotland, Wales, and England. Careful thinkers, however they may differ as to the details of the pending home-rule bill for Ireland, agree that the underlying principle of this process of devolution, when fully carried out, will greatly strengthen the United Kingdom, and the British Empire, because of the fuller and more wholesome development of each of the four constituent parts of the United Kingdom and the liberation of the Parliament at Westminster for the larger questions affecting the Empire as a whole. If in those small but thickly populated islands of Great Britain and Ireland the wisest men think that the development of strong local parliaments for each of the four constituents—England, Scotland, Wales, and Ireland—is essential to the best and largest development of the United Kingdom as a whole, what can be said as to the very opposite tendency which in recent years has been permitted to go unchecked in this continental Republic, covering an area equal to all of Europe except Russia, and with a population soon probably to equal that of Great Britain, Ireland, France, and Germany combined? Fortunate from the very beginning, in having separate State governments with clearly defined areas of activity, we have since the Civil War, and especially during the last 20 years, permitted the State governments to become weaker and weaker, and our regard for their functions to become less and less. The time has come to

reverse that process, if, along with a national authority strong enough to preserve, promote, and protect us in all our common interests, we are to continue to enjoy local self-government.

In all the States we must do what Henry Clay was wont to do for old Kentucky. We must foster a strong and wholesome State pride. A proper State pride will always insist that the State shall push to the front in the enactment of the wisest laws for the correction of the evils incident to modern industrialism and for the promotion of social justice. It will insist also that the enforcement by the State of such laws, and of all laws, shall be prompt, impartial, and efficient. And it will insist upon such statutory reforms in the rules of judicial procedure as will put an end to those delays of the law which so often approach an actual denial of justice, and will eliminate the tangles of mere hair-splitting technicalities, which have at times in some of our States sorely taxed the faith of the layman in the courts.

And, now, Mr. President, in this, the State of my birth, the State of my father and his people, facing an audience of my father's brethren of the Kentucky bar, his friends, may I not say with propriety and without offense to good taste a further word, one that I might not feel at liberty to volunteer to an audience of strangers? The textbook of the new nationalism, in support of its attack upon the Supreme Court of the United States, quotes (The New Nationalism, pp. 252–254) certain language used by my father, the late Justice Harlan, in his dissenting opinions in the Knight Sugar Trust case and the *Lochner* or New York Bakeshop case. Were that all, I should have nothing to say. I have some fear, however, lest the use there made of those dissents may give the impression that my father sympathized with the efforts of the new nationalism to disparage and belittle the powers of the States under the Constitution and to extend the powers of the National Government through executive action, legislation, and judicial interpretation and construction. Nothing could be further from the truth as to my father's sympathies and his views. And I am unwilling to forego the opportunity which this occasion offers to forestall any such impression in the minds of you, his friends of the Kentucky bar.

At a banquet given in his honor by "The Kentucklans" in New York December 23, 1907, my father, speaking in response to the toast, "Kentucky: United, we stand; divided, we fall," said, among other things these:

> The people of the United States cherish and will compel adherence to the fundamental doctrine that the States are vital parts of the American system of government; and they will insist with no less determination upon the recognition of the just powers of the States—to be exerted always in subordination to the supreme law of the land—as essential to the preservation of our liberties. The Supreme Court of the United States has again and again declared, upon full consideration, that a close and firm Union is necessary for the happiness of the American people, and that "without the States in union there could be no such political body as the United States." If, then, the matchless government devised by the fathers and ordained by the people of the United States is to be preserved and handed down intact to posterity, national power and State power must go hand in hand in harmony with the Constitution.
>
> The pessimist is misled by the declaration of some—happily few in number—who hold that whatever the words of the Constitution, that instrument should be so construed as to make it mean what a majority of the people think at a given time it should mean. He is also misled by the theory advanced by those who hold that Congress must be permitted to exert any governmental power whatsoever not expressly denied to it, if that body deems that its exercise will promote "the general welfare." But such theories of constitutional construction find no support in judicial decisions or in sound reason, least of all in the final judgments of that tribunal whose greatest function it is to declare the meaning and scope of the fundamental law. The National Government, it should ever be remembered, is one of limited and delegated powers, and is not a pure democracy in which the will of the popular majority, as expressed at the polls at a particular time, becomes immediately the supreme law. It is a representative Republic, in which the will of the people is to be ascertained in a prescribed mode, and carried into effect only by appointed agents designated by the people themselves in the manner indicated by law. It would be a calamity unspeakable if our institutions and the sacred rights of life, liberty, and property should be put at the mercy of a majority unrestrained by a written supreme law, binding every department of government, even the people themselves.
>
> Let us then move on in the "old paths where is the good way" marked out by the fathers. Let us not give our approval to any interpretation of the Constitution that will either cripple the Nation's authority or prostrate the Nation at the feet of the States, or that will deprive the States of their just powers. Let us hold fast to the broad and liberal and yet safe rules of constitutional construction approved by the fathers and established by judicial decisions. In so doing we will sustain our dual system under which the Government of the Union is forbidden to exercise any power not granted to it expressly or by necessary implication, while the States will not be hindered or fettered in the exercise of powers that have not been surrendered by them to the Union and are not inconsistent with the Constitution.

I thank you for your generous welcome and for your patient attention.

Osage Indian Bill.

EXTENSION OF REMARKS
OF
HON. THERON AKIN,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, July 24, 1912.

Mr. AKIN said:

Mr. SPEAKER: On April 3, 1912, and during the consideration of the Osage bill (S. 2), I read on the floor of the House from a memoranda relative to certain contracts made by the firm of Kappler & Merillat, consisting of Charles J. Kappler and Charles H. Merillat, and which appears in the CONGRESSIONAL RECORD of that date. On April 9, 1912, a Member of this House included in his remarks a copy of a letter signed by the firm of Kappler & Merillat and addressed to me, which, by innuendo and insinuation only, denied in part the statements contained in the memoranda read by me on the floor of this House on April 3. The authors of that letter attempted to explain and justify their numerous contracts of employment made with the Osage Tribe of Indians, a part of which had been approved by the Secretaries of the Interior. Their explanation and justification appears to have been based upon the following grounds:

First. Their preeminent qualifications as attorneys;

Second. The urgent necessity for their employment by the Osage Tribe of Indians;

Third. The reasonableness of the contracts made by them with the Osage Tribe of Indians; and

Fourth. The propriety and wisdom of the departmental action approving the contracts.

I desire to call attention to the fact that none of the material charges contained in the memoranda from which I read are denied by this firm of attorneys in their letter, which appears in the CONGRESSIONAL RECORD under date of April 9, 1912, pages 4723 to 4724. In their letter they admit that only one member of the firm has had any actual court experience. If what this firm states with reference to its volume of civil business is true, there being but one member who appears in court and at hearings, it must exclude the idea that they have or could have had sufficient time to devote to the affairs of the Osage Tribe of Indians to any such extent as would entitle them to the compensation they have been receiving from the said tribe.

The fact is that the principal source of income of this firm has for several years past been from the Osage Tribe of Indians, and that the contracts which they have procured have been eagerly sought by this firm of attorneys. This business has not come to them voluntarily by reason of any preeminent position the firm occupied, but through solicitation and by means that professional ethics might justly condemn.

The officers of the Interior Department who gave their assent and approval to certain of these contracts with the Osage Tribe of Indians, the members of which tribe are the wards of the Nation, must have known the facts, for they were of record in the Department of the Interior, and therefore the officers of that department can not plead ignorance thereof or that they were imposed upon.

I did not state the authorship of the former memoranda from which I read and which appeared in the RECORD relating to the conduct of these gentlemen, or assume responsibility for its correctness, for the reason that the memoranda was prepared for me for use elsewhere and I had not then had opportunity to personally examine the records. The correctness of what I shall now say and the authenticity of the records I shall offer in support thereof I will vouch for.

In the memoranda I read from it was alleged that these attorneys had unconscionable contracts particularly with the Osage Tribe of Indians, and as to the correctness or incorrectness of such an allegation I shall refer to the records of the Interior Department.

The records disclose that these gentlemen have on file, approved or pending approval, 10 Indian contracts, which, if they were all approved, would bring them in an annual salary in excess of $50,000 per annum, with contingencies that might net these gentlemen more than $1,000,000.

The records further disclose that special contracts covering all known claims in favor of or against the Osage Tribe of Indians, except one claim, were at first taken by these gentlemen, carrying cash and very heavy contingent fees, including ex-

penses; then, after everything in sight of value had been contracted for, they secured a general contract for annual service as tribal attorneys, and at a compensation of 5,000 per annum and expenses.

It appears from the records that these attorneys since September, 1908, have drawn in salary or fees from the Osage Tribe of Indians $25,000, which does not include expenses, and also that they have had a very lucrative practice representing individual members of the tribe in looking after their supposed individual interests before the department; that is, in releasing them from the supervision of the Government officers so that they could dispose of their individual allotments of land and manage their individual property free from governmental supervision.

This is a new subject to me, and I fail to comprehend the wisdom of such a policy. I submit to my colleagues in this House, if the United States is the guardian of the Indians and the Indian Bureau is competent to manage their affairs, why should it be necessary for one tribe of Indians to pay attorneys a cash compensation per annum far greater than the salary of the head of the Indian Bureau? The salary of a Member of Congress or of a Cabinet officer is a mere bagatelle as compared with the compensation of this firm of Indian attorneys when you take into consideration their annual salary, expense money, and contingent fees provided for by their contracts.

It might be proper to observe that in their letter to me they call attention to their prominence and the extent of their practice in the higher courts of the country. To say the least, these gentlemen have made rapid strides in their profession, if what they say is true, one rising from clerk of the Indian Committee, which position he held in 1905–6, and the other from the reporter's table, where he was found in 1904–5, to such legal eminence in the brief period of six or seven years since they began the actual practice of their profession and commenced the ascent of the ladder of fame.

I shall not attempt to take up the various tribes that these gentlemen represent, or claim to represent, or are trying to represent, which include the Crows, the Poncas, the Otoes, the Pawnees, the Shawnees, the Omahas, the Creeks, the Pottawatomies, and possibly others, but I shall content myself with appending to my remarks a part at least of the contracts they have entered into with Indian tribes in the last six years.

Mr. Kappler of this remarkable firm, has the honor of being the compiler of two volumes, authorized and paid for by Congress, under the title "Indian Affairs—Laws and Treaties." This work is supposed to contain the Indian laws and treaties arranged in proper order and indexed, a work that any competent clerk could perform much more efficiently than did the author. It is said that when he goes among the Indians in quest of contracts he carries these two volumes containing his name, and printed at the expense of the United States, as an exhibit of his masterly legal attainments, and that the Indian, unable to resist such evidence of his superior knowledge and erudition, meekly submits and signs the contract. These books, beautifully bound, and printed at the Government Printing Office, are looked upon by the unsuspecting Indian as credentials of such solemnity that to question them would be an offense against the laws of the United States.

Contracts obtained by such methods and carrying large annual salaries, expense money, and great contingent fees, ought not to be approved by the Government officers except when there is a dire emergency. Only attorneys of unquestionable standing should be recognized by the Government of the United States as competent to handle the affairs and protect the rights of its wards. Men who will impose upon the ignorance and cupidity of a ward of this Nation, certainly can not be accepted as a proper person to protect the interests of the Indian; and, strange as it may seem, these practitioners have been selected with the knowledge and under the very eyes of the Government officers, for before such contracts can be entered into, the attorneys must secure permission from the Secretary and have the council convened for the purpose of negotiating the contract. When the council is convened, the Government officers are present and in charge of the proceedings. When a contract is made and signed by the attorney and the tribal representatives, it is returned to the department for either approval or rejection by the Commissioner of Indian Affairs and by the Secretary of the Interior.

An examination of the contracts appended to my remarks, and made by various Indian tribes with the firm of Kappler & Merillat within the last few years, will convince any impartial mind that the major portion of the work of this firm has been in securing contracts with Indian tribes rather than in protecting the rights of the persons whom they were employed to protect. These contracts speak for themselves and I therefore pass over this phase of the case.

It has come to my notice that in addition to the contracts, copies of which I have secured from the department and which are appended to my remarks, this firm has taken other contracts through added silent membership of their firm, and which contracts not appearing in their names, have not been furnished me by the department.

I now come to a more serious question with reference to the approval by the Government of any contract with this firm of attorneys. An honest attorney, like all other honest men, places his reputation above any monetary consideration. His honor and his standing is worth more to him than money. The most reprehensible conduct of which an attorney can be guilty would be to represent one party in a proceeding and after making the case for his client, acquiring an intimate knowledge of the facts in support thereof, then abandon his client and take his employment from his client's adversary. Such in brief is what the firm of Kappler & Merillat has been guilty of.

They accepted employment as attorneys for a half-breed Osage minor child, a girl 7 years of age, who had been refused enrollment as a member of that tribe. This firm of attorneys offered proof in support of her application for enrollment, establishing beyond a reasonable doubt that the child was the result of cohabitation between a full-blood Osage Indian and a white woman with whom he commenced to live when she was but 16 years of age; that the child was his child, the Indian admitted under oath; the good character of the girl, aside from her intercourse with the Indian, was fully established; and the rights of the child to enrollment were admitted by the Osage Indian authorities, but they refused to give their consent to her enrollment unless the mother continued to live with the Indian father. The mother, after leaving the Indian man, had married a white man, and thereafter properly refused to return to the Indian. Later, and after representing this claimant before the Department of the Interior, this firm of attorneys accepted employment from the Osage Nation, and, as attorneys for the Osage Nation, attacked the very record that they had made and offered in support of the claim for enrollment of this minor child. Not only did they attack their previous evidence, but they attacked the character of the former client's mother.

I append hereto as a part of my remarks extracts from the record in the Department of the Interior in this case, showing the firm of Kappler & Merillat as employed by Pearl Callahan, the Indian child, and later appearing for the Osage Nation against her claim for enrollment.

But this is not the only case in which this firm of attorneys has accepted employment, first on one side and later, because of greater award, on the other side. I am advised that the First Assistant Secretary of the Interior, Mr. Samuel Adams, is now considering a complaint made against this firm, in which the record is clear as to the following facts:

In 1907 Mr. Sam Powell and N. B. Maxey were employed by the Creek Citizens' Association to protect the rights of the Creek people. The Creek National Council was attempting to secure an unequal and unfair distribution of the funds of the Creek people, then deposited in the Treasury of the United States. Powell & Maxey were employed for the purpose of seeing that the distribution of these funds was according to law and to defeat the plans of the Creek National Council. Sam Powell came to Washington and, having been advised that it would probably be necessary to secure the employment of an attorney here, employed under written contract the firm of Kappler & Merillat, who were associated with Powell & Maxey in protecting the individual rights of the Creek citizens. Under the contract thus given, which provided for a minimum fee of $5,000 and a maximum fee of $10,000, Charles H. Merillat appeared before the House Committee on Indian Affairs at a hearing held on March 19, 1908, and stated to the committee that he appeared as an attorney representing the Creek Citizens' Association through subemployment by Powell & Maxey. It appears that within a very short time after that hearing the firm of Kappler & Merillat secretly entered into arrangements with the Creek National Council for their employment by the nation. No intimation of such employment was given either Maxey or Powell. The negotiations were carried forward secretly, and in November, 1908, an inchoate contract was entered into and signed by Kappler & Merillat and representatives of the National Council of the Creek Nation. The existence of this contract was never made known to their former principals, Maxey & Powell, until the latter discovered the existence of the contract. The records in this latter case show conclusively that they were first employed by Maxey & Powell under a subcontract of employment in writing; that within less than a year after that contract was made, and without its ever having been rescinded, the same firm of attorneys accepted employment from the Creek Nation, representing the other side of the

case, and it is admitted that the employment of the firm by the Creek National Council was secretly negotiated and without any notice whatever to Powell & Maxey.

It is a matter of public record, specific charges thereof having been filed with the Secretary of the Interior, and proof in support thereof submitted to the department, that this firm of attorneys, either individually or through their agents, were responsible for a delegation of Crow Indians who were visiting at Washington becoming intoxicated, and while so intoxicated the Indians—and at a late hour of night—signed a contract employing this firm of attorneys. Proof is on file in the department supporting this charge. In the proof submitted is the affidavit of Hon. Charles A. Towne, formerly a Member of this House and later a Senator of the United States from Minnesota, and whose affidavit I will append to and make a part of my remarks.

It is inconceivable to me that with such a record before the department the Secretary could approve a contract of any kind with this firm of attorneys. It is sufficient to say that if any future approvals are given by the Secretary to contracts of employment with this firm, this House should investigate the matter and learn the influence evidently possessed by this firm of attorneys in the Interior Department. Further comment upon these scandalous transactions would be an unnecessary waste of time.

Notwithstanding the conflict in the record regarding the practices of these gentlemen, it has been brought to my notice that a member of the firm has recently been permitted to negotiate a new contract with the Osage Indians, not in the name of Kappler & Merillat, but in the name of an associate, one Shinn, a young attorney of Oklahoma; and that in the light of all the facts the Secretary of the Interior has approved of this employment. And, I again say that this is a peculiar situation. If the Department of the Interior with its Assistant Attorney General of the United States and numerous law clerks was efficient, there certainly could be no occasion for these wards of the Nation to pay great salaries to attorneys to protect their interests. But if it were necessary, or is necessary, then I submit that such attorneys should be in no way subservient to the Department of the Interior, but their employment should be approved by Congress, and their fees fixed by Congress, and their pay regularly provided for in the appropriation bills of Congress, rather than that they should be paid out of tribal funds in the discretion of the Department of the Interior or any other department.

STATE OF NEW YORK,
City of New York, County of New York, ss:

Charles A. Towne, being duly sworn, deposes and says:

I am a member of the firm of Towne & Spellman, composed of myself and Benjamin F. Spellman, engaged in the general practice of the law, with offices at No. 115 Broadway, Borough of Manhattan, New York City, and have been such for the last four years. I have known Mrs. Helen Pierce Grey for about three years. I formerly lived in Minnesota and, from somewhat extensive travels and acquaintance in the central and far West, and from service in both Houses of Congress, have a general knowledge of matters relating to Indians and public lands. Some time in December, 1909, or January, 1910, I had, as I now recall, two conversations with Mrs. Grey in regard to the affairs of the Crow Indians and their claims against the Government of the United States. She explained her great interest in the case of the Indians and her belief that repeated injustices had been done them for which the Government ought to make just reparation, and she inquired whether it would be agreeable to my firm and myself to represent the Crow Indians in these matters, whether before Congress, the departments, or the courts. I consulted on the subject with Mr. Spellman and informed her that, on condition that an agreement could be reached with mutual satisfaction to the Indians and ourselves in regard to terms, we should be willing to undertake the professional employment suggested. Mrs. Grey stated that she had knowledge that some of the Indians were familiar with my public life and were disposed to feel some confidence in me, and added that she had discussed with certain of them the possibility of securing the services of my firm. Mrs. Grey, soon after these conferences, returned to Washington. From there she advised me that a delegation of Crow Indians was then in Washington in connection with the matter hereinbefore mentioned, and that in all probability it would be the desire of the delegation to meet me in Washington for the purpose of considering the question of representing them. Subsequently and, if my recollection serves me, about the 14th of February, 1910, I received a telegram from Horace Long Bear requesting me to come to Washington to meet the delegation. Accordingly I went to Washington, I think, on February 15. I saw Mrs. Grey and learned from her that it was expected on the part of the Indians that a conference would take place between the delegation and myself on the evening of the day of my arrival, at the office of a lawyer friend of mine who had placed a room at my disposal for the purpose. I waited a considerable time, and the Indians did not appear. My recollection is that one of them came and informed us that the Indians had intended to meet me but had been dissuaded from doing so. The next forenoon, however, as I distinctly remember, I met in the office above referred to Horace Long Bear, Joe Cooper, Russell White Bear, and Packs His Hat, who, as they informed me and as Mrs. Grey told me, were members of the Crow Indian delegation. Some of them bore evidences of a recent indulgence in strong drink, and all of them told me that practically the entire delegation had been drinking heavily the previous afternoon and evening and late into the night, and that, at some time in the process, a contract had been signed by a majority of the delegation with other lawyers, namely, the firm of Kappler & Merillat. Long Bear and Cooper, as I remember, certainly two of the four above named, urged me to take steps to round up the delegation; in short, to appeal from the Crows drunk to the Crows sober, and get them to repudiate the contract made the day or the night before and to enter into a new one with the firm of Towne & Spellman. This I declined to do, stating to the Indians that while I was ready, on behalf of my firm, to make a contract with the tribe, provided satisfactory terms could be arranged between myself and a properly authorized representative of the tribe, nevertheless we we not in competition for employment and would take no action whatever under the circumstances as they then were.

CHAS. A. TOWNE.

Sworn to before me this 15th day of February, 1912.

IRWIN L. ROSEN,
Notary Public, New York County Clerk, 136, Register 3101.

Extracts of motions by Kappler & Merillat as attorneys for Pearl Callahan:

(Copy of motion for review of opinion.)

IN THE DEPARTMENT OF THE INTERIOR, BEFORE THE ASSISTANT ATTORNEY GENERAL.

In re Pearl Callahan, applicant for Osage enrollment.

Comes now the applicant and respectfully moves for a review of the opinion heretofore rendered by the Assistant Attorney General adverse to the enrollment of applicant as a member of the Osage Tribe of Indians, notification of said adverse opinion having been sent applicant's counsel by department letter dated January 29, 1907. For specification of error in the former opinion applicant says:

1. That there was error in not finding applicant entitled to enrollment.

2. That there was error of law in finding as a matter of fact that applicant was the daughter of a full-blood Osage father, born on January 1, 1906, on the roll of the Osage Tribe of Indians, and yet holding that notwithstanding this fact applicant was not entitled to enrollment under the terms of the Osage act of June 28, 1906 (34 Stat., 539).

3. That there was error of law in importing into the terms of the Osage act of June 28, 1906, a requirement of affiliation as a condition precedent to Osage enrollment, and likewise error of law in holding such a requirement could have application to a minor child by reason of its mother's acts.

It is with reluctance counsel for applicant moves for a review of the opinion heretofore rendered, counsel recognizing the consideration given their former brief in this case, but believing that an error has been committed in reading into it a policy not expressed in the language of the Osage enrollment act, and, furthermore, believing that in this matter the opinion rendered by the Assistant Attorney General in the very recent Cherokee citizenship case of Eliza Headley, in which counsel represented the application warrants a reconsideration, counsel respectfully beg to request renewed attention to the facts and to the Osage enrollment act.

Counsel for applicant submit that the Osage enrollment act makes no exception with respect to the children "born to members of the tribe whose names were on the said roll on January 1, 1906," and the act making no exception, the department, we respectfully urge, should not make one.

In the present instance, moreover, Congress clearly knew and had before it the fact that there had been illegitimate as well as legitimate children born to tribal members, and that in some instances separation of parents might have resulted after the illicit intercourse was ended is so obvious that it can not be inferred Congress intended any different than the plain and obvious import of its words.

A further reason why any requirement of affiliation should not be imported into the statute in the case of a young child is that both by law and by necessity it must follow and make its home with the parent that cares for it. In Ex parte Reynolds (5 Dillon Cir. Ct. Reps., 394) it is said that the citizenship of the child follows that of the father. Affiliation implies a willing choice and sufficient maturity to enable the foundation of a choice and action pursuant thereafter. By no action can a parent deprive during minority a child of property rights to which it otherwise is entitled. This was so decided by the Assistant Attorney General recently in the Cherokee case of Lorenz Newton Davis, entitled "Daniell Davis et al."

In conclusion, counsel believe that the pending case is a just and meritorious one, covered by the statutory provisions, which should be the sole guide, and entitling the minor applicant, who is not responsible in the premises, to the enjoyment of the benefits of the birthright to which, unfortunately, she was born.

Respectfully submitted.

KAPPLER & MERILLAT,
Attorneys for Applicant.

[Indorsements.]

1764. Stamped: Department of the Interior, Indian Division. Feb. 28, 1907.

(Copy of portion of supplement to motion for review.)

BEFORE THE SECRETARY OF THE INTERIOR.

In re Pearl Callahan, applicant for Osage enrollment.

Counsel for the applicant, who heretofore have taken it to be practically conceded that Pearl Callahan was the illegitimate daughter of She-she, a full-blood Osage Indian, learning that on consideration of their motion for review some question has been raised as to the legal sufficiency of the evidence to support the identity of the child, desire to submit a supplement to their motion for review.

The evidence in this case consists of the depositions of the white mother of the child; of an affidavit and also a statement from She-she, who admits paternity of the child; of photographs of the child, and of reports from two United States Indian agents who interrogated the witnesses, summoning the father, She-she, before them unexpectedly, and personally saw the child, Pearl Callahan, together with the resolution of the Osage Council, which presumably has its own methods of examination of facts. Not a line of testimony is in the record that suggests anyone as the father save She-she.

The statement of the mother, corroborated by the grandmother, shows that the family moved from Missouri to the Osage Reservation in a wagon when Pearl Callahan's mother was very young. On the Osage Reservation they took up their abode as poor white tenant farmers of various Osage Indians, all living in the southern part of the reservation, near Hominy. This practice still prevails, as is well known, among the Osages of employing white persons to till their lands and do their work. First they were tenants for two years of Jack Wheeler, a full-blood Osage; next of No-she-tah-ma-le, another full-blood Osage; and then of

Eg-ron-kah-shin-kah, all in the immediate neighborhood of Hominy. She-she lived on a farm in the neighborhood. She-she's wife employed Pearl Callahan to sew for her. The Osages long have had lands and some means, and, as stated, have employed white labor. She-she's wife died, and while he was a widower, in the autumn of 1894 the grandmother of Pearl Callahan went to visit relatives in Kansas City, leaving behind two children and their stepfather, Moses King. When King learned his wife was returning, he went to Elgin, Kans., a town on the railroad about 40 miles north of Eg-ron-kah-shin-kah, of whom King was then tenant, to meet his wife. It was during this temporary absence that She-she, in October, 1894, had intercourse with Pearl Callahan's mother, then 17 years of age. She-she had come to the house that evening and had been allowed by the girl, who, as stated, had sewed for his dead wife, to stop there. Thus, in the deposition of the mother is given names, dates, and places, all susceptible of disproof if her story be not true. She-she was twice called to the agency, and his statement corroborates the girl's as to their intercourse, with the further statement of her pregnancy and her statement at the time that the child was his. Pearl Callahan's mother swears she never had sexual intercourse with any other Indian than She-she.

Acting Indian Agent Pollock and present Indian Agent Millard both investigated the story of Pearl Callahan's mother, and after examination of the mother, of She-she, and of the child, reported that they had no doubt it was She-she's child. She-she to Mr. Pollock offered to take the child, but the mother refused. Both are familiar with the racial characteristics of the Osages and both reported the child was a half blood. In November, 1906, Mr. Millard said the child, then 11 years old, "shows her Indian blood in a very marked degree, and no one would doubt the mother's statement with the child before him." The Osage Council, when the mother was placed before it—and it may be said, in passing, that the Indians have means of learning the truth in these matters—raised no question of the child's parentage, but opposed enrollment because Pearl Callahan's mother would not continue as She-she's mistress, saying, "Had Mrs. Callahan continued to live with She-she we would have had no objection to the enrollment of her child."

Opposed to this evidence of identity of She-she as the father there is not a line of testimony; to raise a presumption against the paternity of the child would be contrary to all legal principle. The law requires that evidence be accepted where not contradicted and where not inherently improbable. The general rule of law is that positive testimony as to a particular fact, not contradicted by anyone, should control the decision of the court, the exception being, as stated by the Supreme Court in Quock Ting *v.* The United States (140 U. S.), only "where there is an inherent improbability in the statements of a witness, or he is contradicted by the facts he himself states, o discredited by omissions in his statements, or his manner creates doubts of his sincerity."

None of these conditions is present in this case, but the reverse. The statements of the witnesses are positive. Times, dates, and places are given. The Indian paternity of the child is stamped on its appearance. The mother at the time was living on an Indian reservation, the persons having opportunities for sexual intercourse with her were Indians of the tribe to whose rights admission of the half-blood applicant is sought, two Indian agents intimately familiar with the Osage characteristics, after visiting the child, now grown old enough to have racial characteristics, report in favor of its enrollment after opportunity of cross-examination and observation as to the manner of the witnesses. The mother states she never had intercourse with any other Indian save She-she. There is nowhere a suggestion that even this is not true, and her age at the time, 17 years, tends further to strengthen the statement. To say, therefore, there is no proof of the Osage parentage would be to permit speculation to take the place of evidence. It is impossible to conceive better evidence of an illegitimate birth than that of the mother, the father, the opportunity for their intercourse, and the racial characteristics of the child. "Presumptions are indulged to supply the place of facts; they are never alleged against ascertained and established facts." Lincoln *v.* French (105 U. S., 614).

Some suggestion has been made that the evidence is not competent evidence. We think an examination of the authorities overcomes this completely; first, as to the statements of the mother and the alleged father. The rule of law on this point not only is that their evidence is admissible as direct testimony of the persons best qualified to speak, but even that their statements to others * * * are admissible as exceptions to the usual rule as to hearsay testimony. This is true regardless of whether the effect would be or not to give interests in property to those in whose hearing the statements are made as against persons otherwise entitled to the said property. This matter recently was extensively and elaborately considered in the celebrated case of Blythe *v.* Ayres (96 Cal., 577), involving right to the many millions left by one of the richest men on the Pacific coast. Blythe died leaving no immediate known kin, but a great many collateral relatives who claimed the estate. His habits had been loose., Claim to his millions was made in behalf of Florence Blythe, a young girl, who came from England to assert her rights as his illegitimate daughter and heir at law, the statutes of California, like those of many Western and other States, including Oklahoma, relaxing the rigors of the common law against bastards and providing that they should inherit where their paternity had been acknowledged in his lifetime by the deceased. The case was bitterly fought, the trial lasting the major part of a year. It was proved that in 1873 he had made a temporary visit to England, and evidence was admitted that he acknowledged to various persons that while there he had had sexual relations with an English woman, and that she became pregnant. Blythe returned to California, where he continued to live until his death in 1883. The English woman remained at her home, where the child was born and where she continued to reside until after Blythe's death, when she traveled to California, dying after a few weeks and leaving the child behind. On the evidence of Blythe's admissions, and notwithstanding the claim of the collateral heirs that the child was that of other persons with whom they alleged the mother had been intimate, the girl, Florence Blythe, afterwards Florence Blythe Hinckley, was held entitled to the entire estate and her rights confirmed by the highest court in the State in 96 California, 577, and 102 California, 254. Complete review of the authorities will be there found.

* * * * * * *

In view of these facts, we think that unless evidence is to be disregarded and presumption indulged adverse to the descent of the child that have no support in the record, that the conclusion must be reached that the child is of Osage blood and the daughter of She-she. If there yet remains the slightest doubt of this claim, counsel welcomes the fullest possible inquiry into the facts.

* * * * * * *

Furthermore, in the Osage Nation itself, the illegitimate child of Enoch Tall Chief, daughter of illegal intimacy between an Osage and a white woman, has been enrolled, and in the Mongrain and other cases cited by counsel heretofore persons have been enrolled who lived apart from the nation for years and even refused to return.

In view of the fact that the first and second selections of land have been made, Pearl Callahan, if enrolled, of course must take her land selections from what is left and be the loser to that extent, but her enrollment, we think, should carry with it back annuities.

Respectfully submitted.

KAPPLER & MERILLAT,
Attorneys for Pearl Callahan.

[Indorsements.]

Received at Office of Indian Affairs December 9, 1907, 82494. Supplement to motion for review in re Pearl Callahan, aplicant for Osage enrollment.

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There is the record.

Mr. MILES. May I ask whose report that is?

Mr. KAPPLER. That is in the hearing, in the minutes of the council, taken from the testimony.

The CHAIRMAN. It is in the hearing. I do not see any reason for reading it again. It is all before the committee.

Mr. KAPPLER. It has been said here that Stratton had been or was living on the Osage Reservation, and I wanted to show that he had not been and does not intend to unless he gets money .

Now, regarding Pearl Callahan's case, as you perhaps know, we have a sentimental feeling about that case. There is no doubt from the record that is before you now that at the time Pearl's mother had illegal relations with this Indian she was a free, easy, loose girl. She was about 16 or 17 years of age, and, as I heard when I was down there, the white girls who lived on the reservation at that time were ignorant and influenced by their surroundings and did not think anything of it at all to have intercourse with whites and Indians, and the testimony shows that she not only had connection with She-She, but with others, and that she had a generally loose character. The testimony also shows that these relations with She-She took place in the summer time and that this woman was married to Callahan, a white man, on November 28 following, and the child was born seven and a half months after the marriage. Now, according to the testimony, it would be almost impossible for She-She to have been the father of the child. The testimony also shows that she had been keeping company with a Cherokee, who had been around her all the time, and taken her out on long walks, staying all day long; and witnesses stated that she was very free with this Cherokee, and expected to marry him, and after she became pregnant she went up to her mother's house and stayed there. Her mother was living at that time in the Cherokee Nation. The child was born at her mother's house and she took it to Kansas City, Kans., where she and her mother have always lived. She has never been on the Osage Reservation to live since the child's birth and does not intend to go to the Osage Reservation with the child and stay if rights should be accorded to Pearl. This child was born during wedlock of two white persons.

Mr. Miles has stated that She-She committed a criminal offense against this woman; that he had gone to her house and assaulted her. That is all bosh. There is nothing to that at all. The fact is that She-She found the woman in connection with another man, and he made a date with her that night and went down to her house and stayed all night long, while her brother, 14 years old, was in the adjoining room. She-She testified that he had had intercourse with the woman three times thereafter with her consent. The relations were all had in the summer; the woman was married to a white man in the fall (November) and the child born in the following June, and consequently it is very improbable that She-She could have been the father of the child.

* * * * * * *

Mr. KOHPAY. I would consider her a white girl.

Mr. MERILLAT. Did you summon either She-She or the Pearl Callahan child or her mother before the council?

Mr. KOHPAY. Yes, sir; we did.

Mr. MERILLAT. What was said.

Mr. KOHPAY. Their mother declined to be present on account of Pearl being sick.

Mr. MERILLAT. Was She-She present?

Mr. KOHPAY. Yes, sir; he was.

Mr. MERILLAT. What did he say?

Mr. KOHPAY. He denied that he was the father of the child.

Mr. MERILLAT. Did you take any other steps to find out independently as to what was the fact?

Mr. KOHPAY. Yes, sir; we did.

Mr. MERILLAT. What sort of steps did you take?

Mr. KOHPAY. We summoned three other witnesses who were acquainted with the mother of Pearl Callahan to prove the mother's character.

Mr. MERILLAT. What was her character?

Mr. KOHPAY. According to the testimony given by the three witnesses it showed that the character of Pearl Callahan's mother was not very good morally.

The CHAIRMAN. Were the proceedings of that council reduced to writing?

Mr. KOHPAY. Yes, sir.

The CHAIRMAN. Was there a record of what the witnesses testified to?

Mr. KOHPAY. Yes, sir.

Senator DIXON. Have you that record here?

Mr. KOHPAY. I haven't it with me. It is filed in the department.

Mr. MERILLAT. The department had the entire record before them when they passed on the case. With reference to the Clems, did the Osages admit that the Clems are Osages?

Mr. KOHPAY. No, sir.

Mr. MERILLAT. Then, as I understand it, these people—many of these 37—claim through the Clems, and you say the Clems are not entitled to be on your roll. Is that correct?

Mr. KOHPAY. Yes, sir.

Mr. MERILLAT. What effect did those words "newly discovered evidence" have in keeping the Clems on the roll?

Mr. KOHPAY. It had quite an effect on the tribe.

Mr. MERILLAT. Do you know the Lesserts?

Mr. KOHPAY. Yes, sir; I know them.

Mr. MERILLAT. Are they white people or are they full-blood Indians and Osages?

Mr. KOHPAY. Apparently they are white. There are no Indian features about them.

* * * * * * * *

Mr. MERILLAT. What decision did you come to as to whether Pearl Callahan was the daughter of She-She or not?

BACON RIND. Pearl Callahan we considered was not the daughter of this man She-She. We summoned She-She before the council and asked him if this Pearl Callahan was his child, and he said he was not the father of Pearl Callahan, and, of course, we could not make her She-She's daughter when he denied that he was the father of the child. We had to go against her. It was pretty hard for us to decide. The child was born in wedlock. This woman, from what testimony we got from witnesses, was a woman of loose character, and we did not decide in favor of Pearl Callahan—anything in favor of Pearl Callahan. It is pretty hard for us to decide anything of that kind.

Mr. MERILLAT. Did you make inquiries to reach the best conclusion you could and get all the facts you could?

BACON RIND. Yes, sir.

—

PEARL CALLAHAN.

Pearl Callahan is the daughter of Amanda S. Gussman, formerly Mrs. Callahan, nee Laninger, a white woman now living in Kansas City, Kans. Mrs. Callahan, through clandestine relations with Indians and whites, became pregnant; while in this condition, on November 28, 1894, she married one Callahan, a white man, and Pearl was born at her mother's house north of Tulsa, Cherokee Nation, July 10, 1895, during this wedlock, and from there went to live, with the child, in Kansas. Callahan and she were divorced six years after the birth of the girl, and she married Gussman, another white man. She claims that an Osage named She-she seduced her and is the father of Pearl. She and the child are not living among the Osages, and have not since the child was born, and have no intention so to do if the child is enrolled.

She-she appeared before the council and denied that he is the father of the applicant, and stated that one summer day he found an Indian in the act of having intercourse with Amanda, and that he also that night and afterwards had relations with her, with her consent; and that one Miles, former agent for the Osages, persuaded him to make an affidavit in Pearl Callahan's behalf on payment of $5, with the promise of a further payment, and that the lands and money of Pearl would go to him. One witness testified before the council that Amanda, when a girl, kept company with a number of Indians and white men, and especially with a Cherokee Indian she expected to marry, and that this Cherokee and Amanda went to lonely places together and stayed long times; that the witness has seen this Cherokee often with her, and to hug her; also, that Amanda had asked witness to marry her; that her reputation at that time was generally bad. This latter testimony was corroborated by another witness, for whom Amanda worked and on whose place she lived.

After having these promiscuous relations Amanda married Callahan, and the child Pearl was born during wedlock.

Further, the evidence shows that intercourse with She-she occurred in the summer time; that She-she was sleeping on the porch of Amanda's house that night; that Amanda was married November 28 to Callahan, and Pearl was born July 10, seven and one-half months after marriage.

From this evidence it would appear most unlikely and improbable that She-she is the father of the child. A prominent member of the council, who has known She-she all his life, told the council, in discussing the case, that She-she had been married, to his knowledge, three times to three different women; that none of these women bore him children. In this and other cases of illegitimacy the council has also based its action on information it has gained outside of the evidence, and from the nature of the cases the council has more information than the record discloses.

Extracts of records, correspondence, and statements of Kappler & Merillat, as attorneys, against Pearl Callahan:

[Copy of letter from the Commissioner of Indian Affairs to the Secretary, dated July 15, 1908.]

JULY 15, 1908.

The honorable SECRETARY OF THE INTERIOR.

SIR: The office has the honor to acknowledge the receipt, by departmental reference of June 29, 1908, of a letter dated May 14, from Hon. MOSES E. CLAPP, chairman of the Senate Committee on Indian Affairs, who refers to Senate resolution No. 70, Sixtieth Congress, first session, providing for the enrollment of 37 persons as members of the Osage Tribe of Indians, and says, in effect, that some testimony was taken before the committee from which it appeared that possibly the Osage national council had overlooked some matters in connection with some of the persons named in the resolutions, and might, should the cases be again submitted, with additional evidence, reach a different conclusion, and that it would be very agreeable to the committee, should the department see fit, to submit again the cases to the national council for a reconsideration. He adds that he would appreciate it should a report be made on the cases by the opening of the next session of Congress.

There is inclosed, also for your consideration, a letter dated July 10, 1908, from Messrs. Kappler & Merillat, attorneys representing the Osage Tribe in these cases, who say that they see no necessity whatever for referring the applications of all the persons named in the Senate resolution to the national council; that more than 25 out of the 37 applicants would come within the decision of Assistant Attorney General Vendevanter in the Banks case (26 L. D., 71), being children born to parents after the latter had separated from the tribe; that Mr. Merillat, of the firm, will be at the Osage Agency this month and will meet the tribal council and consider with it the matter of Senate resolution No. 70; and that they ask a stay of proceedings until he shall have opportunity to submit the case to the national council.

After carefully considering the letter of Hon. MOSES E. CLAPP, it is thought that these cases should again be remanded to the Osage Indian agent for further investigation, to the end that he may give both parties to the controversy ample opportunity to submit such additional or newly discovered evidence as they may desire. To this end proper instructions to the United States Indian agent of the Osage Agency have been prepared, and are submitted herewith for your consideration and approval.

It is not seen that the objection of Messrs. Kappler & Merillat would warrant a stay of proceedings, or that the decision named in their letter would justify retaining a majority of the cases and sending only those which are said not to be affected by it. As heretofore indicated, the office is strongly of the opinion that all the cases should be remanded to the agent for further investigation and submission to the tribal council, to the end that the request of the Senate Committee on Indian Affairs may be properly complied with and a full report made thereon at the next session of Congress.

Very respectfully,

_____,
Acting Commissioner.

E. H.
July —, 1908.
Approved:

_____,
Assistant Secretary.

—

Re deposition in the matter of the application of Pearl Callahan for enrollment, etc.:

Testimony of She-she, taken before S. R. Criswell, a notary public in and for Osage County, Okla., to be used in the above matter: Said testimony being taken in the presence of the Osage national council, there being present the principal chief and the members of the council; Ret Millard, United States Indian agent; Charles J. Kappler and Preston A. Shinn, representing the Osage Tribe of Indians; T. J. Leahy and L. J. Miles, representing Pearl Callahan, the applicant.

Testimony of To-wah-e-he: On first being duly sworn to state the truth, the whole truth, and nothing but the truth, he testified as follows, his evidence being interpreted by Harry Koplay, interpreter for the Osage council:

(Testimony taken on November 14–16 and 17, 1908.)

Testimony of Me-she-to-Moie: Said testimony, taken in the presence of the Osage council, there being present the principal chief and the members of the council; Ret Millard, United States Indian agent; Charles J. Kappler and Preston A. Shinn, representing the Osage Tribe of Indians; T. J. Leahy and L. J. Miles, representing the applicant, Pearl Callahan.

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[Copy of K. & M. letter of Dec. 11, 1909, to Senator Clapp.]

WASHINGTON, D. C., *December 11, 1909.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

DEAR SENATOR: We recently requested that Senate bill No. 1978, providing for the enrollment of certain persons as members of the Osage Tribe of Indians be referred to the Secretary of the Interior for report.

In this connection we wish to state that as Osage attorneys we desire to be heard by the committee when this bill is taken up for consideration, as the bill itself, and especially the way it is worded, does a great injustice to the Osage Tribe of Indians, in that it attempts to take hundreds of thousands of dollars from these Indians without their consent and in direct violation of the agreement made by the United States with these Indians, and because it will upset the segregation already made of their funds as provided for in the allotment act of 1906. If such a large sum of money should thus be taken out of Osage current funds which Congress provided for school, agency, and emergency purposes it would seriously cripple the service. We believe that we can convince the committee that an adverse report should be made thereon, and that the action of the council, the Commissioner of Indian Affairs, and of the Secretary of the Interior, after two or three hearings in unanimously rejecting these claims, should stand.

Yours, very respectfully,

KAPPLER & MERILLAT,
Osage National Attorneys.

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DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1912.

Hon. THERON AKIN,
House of Representatives.

SIR: In partial compliance with your request of April 15, 1912, addressed to the Commissioner of Indian Affairs, there are inclosed copies of contracts and proposed contracts entered into with Kappler & Merillat, of this city, and Indian tribes named below:

Crow Indians, February 21, 1910, not approved.
Crow Indians, March 30, 1910, not approved.
Pawnee Indians, June 29, 1909, not approved.
Pawnee Indians, June 7, 1910, not approved.
Osage Tribe, March 28, 1910, approved by department May 24, 1910, for a term beginning April 9, 1910, and ending April 8, 1912.
Osage Tribe, in connection with Adair and Vann case in the Court of Claims, September 6, 1906, approved by department September 24, 1906.
Osage Tribe, concerning civilization fund, April 15, 1908, approved by department May 6, 1908.
Omaha Tribe, September 12, 1910, approved by department March 18, 1911.

There is also inclosed a copy of resolution adopted by the National Council of the Creek Nation on November 5, 1908, authorizing the employment of Butler & Vale and Kappler & Merillat to represent that tribe, which resolution was never submitted to the President for his approval, and under which no contract was made.

The other papers requested by you will be gotten together as soon as possible, and it is expected that the department will be able to send them to you on the 18th instant.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

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Know all men by these presents: That this contract, executed and approved in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, is made by and between the Osage Nation of Indians, acting through its assistant principal chief, and pursuant to a resolution adopted by the council of the Osage Nation in session assembled at Pawhuska, State of Oklahoma, the residence of said assistant principal chief being in the town of Pawhuska, in the State of Oklahoma, party of the first part, and the firm of Kappler & Merillat, acting through Charles J. Kappler, one of said firm, said firm of Kappler & Merillat being composed of Charles J. Kappler and Charles H. Merillat, whose residence each is in the city of Washington, D. C., and the occupation of each of whom is that of attorney at law, and which firm is the party of the second part.

The purpose for which this contract is made is to secure the services of the party of the second part as attorneys and counselors at law for the Osage Nation; the special thing or things to be done under this contract by the parties of the second part is to represent said nation as attorneys before the executive departments and the Congress of the

United States at Washington, the courts of the United States, and elsewhere if occasion may arise, in all proceedings relating to the tribal rolls, lands, or funds in which said nation may be interested, and any and all matters of a material or tribal nature wherever the same may arise or be pending.

This contract is to run from the 9th day of April, 1910, until the 9th day of April, 1912.

The fee to be paid to the parties of the second part in full for their services under the contract shall be as follows: The sum of $5,000 per annum, payable quarterly, as a fee, and any necessary traveling expenses incurred on business of the party of the first part, and any costs that may be incurred in court or in the executive or other departments of the Government in the prosecution of the business of the party of the first part.

This contract is made by virtue of and under the authority of the act of Congress authorizing the employment of attorneys by Indians, and the party of the first part has employed, and by these presents doth employ, the parties of the second part to represent said Osage Nation before the executive departments and the Congress of the United States at Washington, the courts of the United States, and elsewhere if necessary, as attorneys for said nation for the sole purpose of protecting and conserving the rights of said Osage Nation of Indians in their tribal rolls, lands, and funds for the compensation aforesaid, the parties hereto of the first part hereby giving to said attorneys, parties of the second part, full power and authority in the premises, the subject matter of this contract to do and perform all things whatsoever that may be necessary and lawful in the defense, protection, and conservation of the rights of said Osage Nation, and to sign and execute all papers that may be required on behalf of said nation, hereby ratifying and confirming all the lawful acts of said attorneys done in pursuance of the authority of this contract.

The parties of the second part hereby accept the employment herein set forth and provided for on the terms and conditions herein set forth, and agree that they will to the best of their ability do and perform the services stipulated and required by this contract.

Witness our hands and seals this 28th day of March, A. D. 1910, and executed in quadruplicate.

THE OSAGE NATION OF INDIANS,
[SEAL.] By FRED LOOKOUT,
Assistant Principal Chief.
[SEAL.] KAPPLER & MERILLAT,
By CHARLES J. KAPPLER.

Witnesses:
HARRY KOHPAY.
PRESTON A. SHINN.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 26, 1910.

The within contract is hereby approved on condition that the attorneys shall attend to all legal matters pertaining to the affairs of the Osage Nation, except its claim against the United States known as the "Civilization fund," for a term commencing April 9, 1910, and ending April 8, 1912.

R. G. VALENTINE, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
May 24, 1910.

The within contract is approved for the term of two years.

R. A. BALLINGER,
Secretary.

STATE OF OKLAHOMA, *County of Tulsa, ss:*

I, L. M. Poe, judge of the district court of the twenty-first judicial district, State of Oklahoma, do hereby certify that the above contract was executed before me on the 28th day of March, 1910, by Fred Lookout, as assistant principal chief of the Osage Nation of Indians, and acting for said nation pursuant to a resolution of the council of said nation, party of the first part, and by Charles J. Kappler, a member of the firm of Kappler & Merilatt, acting for said firm, in my presence; that the interested parties therein are the Osage Nation, which is represented by the said Fred Lookout, who is assistant principal chief of the said nation, and the firm of Kappler & Merillat, attorneys of the city of Washington, D. C.; that the parties present were the said Fred Lookout and the said Charles J. Kappler, of the said firm of Kappler & Merillat; and the source and extent of the authority claimed by the said contracting parties to make said contract was and is sections 2103 and 2106 of the Revised Statutes of the United States; and that said contract was signed and executed for the purpose and consideration therein stated and set forth by the said Fred Lookout and the said Charles J. Kappler, who are personally well known to me, and who appeared before me at chambers in the city of Tulsa, in the State of Oklahoma, on the 28th day of March, 1910.

L. M. POE, *Judge.*

STATE OF OKLAHOMA, *County of Tulsa, ss:*

I, W. W. Stuckey, clerk of the district court, hereby certify that L. M. Poe, whose genuine signature is subscribed to the foregoing certificate, was at the time of signing the same justice of said court, duly commissioned and qualified.

Witness my hand and the seal of said court this 28th day of March, 1910.

[SEAL.] W. W. STUCKEY, *Clerk.*

Washington, D. C., May 21, 1910.

MR. LAWLER: I think the conditions set forth in the Indian Office report call for approval of the contract as executed for the term of two years.

The litigation spoken of can not be ended in one year and much of it will be only fairly started.

W. C. P.

It is important that action be taken at once, because of necessity for proceedings in the oil-royalty matters.

OSAGE INDIAN AGENCY,
Pawhuska, Okla., September 14, 1906.

I, Harry Kohpay, official interpreter for the Osage Agency, hereby certify that I have witnessed the signing of the foregoing certificate by Ne-kah-wah-she-tun-kah, principal chief of the Osage Nation, explained the contents thereof to him fully, and am satisfied that he understood the same thoroughly.

HARRY KOHPAY, *Interpreter.*

OSAGE INDIAN AGENCY,
Pawhuska, Okla., September 14, 1906.

I, Ret Millard, United States Indian agent for Osage Agency, hereby certify on honor that the foregoing is true and correct to the best of my knowledge and belief.

RET MILLARD,
United States Indian Agent.

OSAGE INDIAN AGENCY,
Pawhuska, Okla., September 14, 1906.

Know all men by these presents, that this contract, executed and approved in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, and in pursuance of provisions contained in the act of Congress approved by the President of the United States June 21, 1906, making appropriations for the expenses of the Indian service for the fiscal year, is made by and between the Osage Nation of Indians, acting through its principal chief and pursuant to a resolution adopted by the Council of the Osage Nation in session assembled at Pawhuska, Territory of Oklahoma, party of the first part, and the firm of Kappler & Merillat, acting through Charles J. Kappler, one of the said firm, said firm of Kappler & Merillat being composed of Charles J. Kappler and Charles H. Merillat, whose residence each is in the city of Washington, District of Columbia, and the occupation of each of whom is that of attorney at law, and which firm is the party of the second part.

The purpose for which this contract is made is to secure the services of the party of the second part as attorneys and counselors at law for the Osage Nation; the special thing to be done under this contract by the parties of the second part is to represent said nation as attorneys in the Court of Claims of the United States, and elsewhere if occasion may arise, and to defend said Osage Nation against a claim preferred against them in said Court of Claims by the executor or administrator of the estates of Clement N. Vann and William P. Adair for alleged services to the nation in defeating a treaty, commonly known as the Drum Creek treaty, and in protecting the interests of the nation in the matter of the sale of certain of their lands in Kansas.

This contract is to run from the 6th day of September, 1906, until the 31st day of December, 1908, and until said claim by the estates of Messrs. Vann and Adair is brought to a final determination in the courts.

The fee to be paid to the parties of the second part in full for their services under the contract shall be as follows: A total fee of $5,000, of which the sum of $1,000 shall be paid as a retainer within 60 days from the signing of this contract and the approval of the same by the Secretary of the Interior, and the balance on the final judgment of the Court of Claims in the event said claim shall be wholly defeated. In case the claim shall be partially defeated, then the Secretary of the Interior shall pay the parties of the second part such portion of the $4,000 as, in his opinion, the services rendered were reasonably worth. In case the claim is allowed against the Osage Nation, then the parties of the second part shall receive no part of the $4,000.

The scope and authority for the execution of this contract are set forth in the act of Congress commonly known as the Indian appropriation act for the fiscal year ending June 30, 1907, approved by the President of the United States June 21, 1906, and by virtue of and under the authority of the act of Congress aforesaid the party of the first part has employed, and by these presents doth employ, the parties of the second part to represent said Osage Nation in said Court of Claims of the United States, and elsewhere if necessary, as attorneys for said nation for the sole purpose of defending said nation against the claims of the estates of Messrs. Vann and Adair aforesaid, and for the compensation aforesaid, hereby giving to said attorneys, parties of the second part, full power and authority in the premises, the special subject of this contract, to do and perform all things whatsoever that may be necessary and lawful in the defense of the said Osage Nation against said claim of the estates of said Messrs. Vann and Adair, and to sign and execute all papers that may be required on behalf of said nation, hereby ratifying and confirming all the lawful acts of said attorneys done in pursuance of the authority of this contract.

The parties of the second part hereby accept the employment herein set forth and provided for by the terms and conditions herein set forth, and agree that they will to the best of their ability do and perform the services stipulated and required by this contract.

Witness our hands and seals, this 6th day of September, 1906, and executed in triplicate.

THE OSAGE NATION OF INDIANS.
[SEAL.] NE-KAH-WAH-SHE-TUN-KAH (his x mark),
[SEAL.] *Principal Chief.*
[SEAL.] KAPPLER & MERILLAT,
By CHARLES J. KAPPLER.

Witness to all marks:
FRANK B. BURFORD,
THOMAS MOSIER.

TERRITORY OF OKLAHOMA, *United States of America, ss:*

I, Bayard T. Hainer, one of the judges of the Fourth District Court for the Territory of Oklahoma, do hereby certify that the above contract was executed before me on the 6th day of September, 1906, by Ne-kah-wah-she-tun-kah as principal chief of the Osage Nation of Indians and acting for said nation pursuant to a resolution of the council of said nation, party of the first part, and by Charles J. Kappler, a member of the firm of Kappler & Merillat, acting for said firm, in my presence; that the interested parties therein are the Osage Nation, which is represented by the said Ne-kah-wah-she-tun-kah, who is the principal chief of the said nation, and the firm of Kappler & Merillat, attorneys, of the city of Washington, D. C.; that the parties present were the said Ne-kah-wah-she-tun-kah and the said Charles J. Kappler, of the said firm of Kappler & Merillat; that the source and extent of the authority claimed by the said contracting parties to make said contract was and is a resolution of the Osage Nation of Indians and the act of Congress making appropriations for the Indian service for the fiscal year ending June 30, 1907, approved by the President of the United States June 21, 1906, as set forth in said contract; and that said contract was signed and executed for the purpose and consideration therein stated and set forth by the said Ne-kah-wah-she-tun-kah and the said Charles J. Kappler, who are personally well known to me and who appeared before me at the courthouse in the city of Guthrie, in the Territory of Oklahoma, on the 6th day of September, 1906.

BAYARD T. HAINER, *District Judge.*

TERRITORY OF OKLAHOMA, *United States of America, ss:*

Charles L. Watson, clerk, by E. N. Yates, deputy clerk, of the United States Court of the Fourth Judicial District, Oklahoma Territory, hereby

certify that Bayard T. Hainer, whose genuine signature is subscribed to the foregoing certificate, was at the time of signing the same justice of said court, duly commissioned and qualified.

Witness my hand and the seal of said court this 8th day of September, 1906.

CHARLES L. WATSON,
Clerk,
By E. N. YATES,
Deputy Clerk United States Court.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

The within contract is hereby approved.

———— ————,
Commissioner.

—

DEPARTMENT OF THE INTERIOR.

Approved.

———— ————,
Secretary.

—

INTERPRETER'S CERTIFICATE.

I, Harry Kohpay, hereby certify that I am the official interpreter of the Osage Nation; that I fully and truthfully explained the foregoing contract to the Osage Business Committee or Council before the signing and sealing thereof, and am fully satisfied that they clearly understood the nature of said contract and all the terms thereof before authorizing the principal chief, Ne-kah-wah-she-tun-kah, to execute the same for and on behalf of the Osage Nation; and that I witnessed the signing and sealing thereof on the part of said Ne-kah-wah-she-tun-kah this 6th day of September, 1906.

HARRY KOHPAY, *Interpreter.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, J. F. A.,
Washington, D. C., September 20, 1906.

The within contract is hereby approved.

C. F. LARRABEE,
Acting Commissioner.

—

DEPARTMENT OF THE INTERIOR, E. S. W.,
Washington, D. C., September 24, 1906.

Approved.

THOS. TYAN, *Acting Secretary.*

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Know all men by these presents: That this contract, executed and approved in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, is made by and between the Osage Nation of Indians, acting through a committee of three, composed of Te wah e he, Harry Kohpay, and Julian B. Trumbly, and pursuant to a resolution adopted by the council of the Osage Nation in session assembled, at Pawhuska, State of Oklahoma, the residence of said committee being in the towns of Hominy and Pawhuska, State of Oklahoma, party of the first part, and the firm of Kappler & Merillat, acting through Charles J. Kappler, one of said firm, said firm of Kappler & Merillat being composed of Charles J. Kappler and Charles H. Merillat, whose residence each is in the city of Washington, D. C., and the occupation of each of whom is that of attorney at law, and which firm is the party of the second part.

The purposes for which this contract is made is to secure the services of the party of the second part as attorneys and counselors at law for the Osage Nation; the special thing or things to be done under this contract by the parties of the second part is to represent said nation as attorneys, and to present to the several branches of the Government of the United States the claims of the Osage Nation of Indians for moneys claimed to be due to said Osage Nation by the United States on an accounting between them under treaty stipulations entered into by said Osage Nation and the United States, proclaimed January 21, 1867, the said Osage Nation contending that their understanding of said treaty at the time it was made was that the remaining proceeds arising from the sale of their lands should be used for the education and civilization only of Osage Indians residing within the limits of the United States, excluding those Osage Indians who had migrated to and lived in the Dominion of Canada; and that the provisions of said treaty, according to its correct and just, legal, and equitable interpretation, have been violated by the United States, which has used said trust funds for the benefit of Indians generally instead of confining the use of said trust funds to Osage Indians; the said moneys to be obtained from and paid out of the Treasury of the United States as justly due by the United States to said Osage Nation.

This contract is to be in force from April 14, 1908, until the matters and things hereinbefore set forth arising under the provisions of the treaty aforesaid are determined and concluded.

The fee to be paid to the party of the second part in full for their services under the contract shall be as follows: That should the parties of the second part, Kappler & Merillat, recover from the Government of the United States for the party of the first part, the Osage Nation, any money claimed to be due from the United States to the party of the first part, then there shall be paid to the party of the second part out of the amount of said recovery 10 per cent of the sum recovered, as compensation for the services rendered and money recovered, and in the event no recovery is made, then Kappler & Merillat shall receive nothing for their services.

This contract is made by virtue of and under the authority of the act of Congress authorizing the employment of attorneys by Indians, and the party of the first part has employed, and by these presents doth employ the parties of the second part to represent said Osage Nation before the executive departments and the Congress of the United States at Washington, the courts of the United States, and elsewhere, if necessary, as attorneys for said nation, for the sole purpose of presenting the money claim or demand against the United States as hereinbefore set forth, and for the compensation aforesaid the parties hereto of the first part hereby giving to said attorneys, parties of the second part, full power and authority in the premises; the subject matter of this contract to do and perform all things whatsoever that may be necessary and lawful in the presenting of the claim of said Osage Nation aforesaid, and to sign and execute all papers that may be required on behalf of said nation, hereby ratifying and confirming all the lawful acts of said attorneys done in pursuance of the authority of this contract.

The parties of the second part hereby accept the employment herein set forth and provided for on the terms and conditions herein set forth, and agree that they will to the best of their ability do and perform the services stipulated and required by this contract.

Witness our hands and seals this 15th day of April, A. D. 1908, and executed in quadruplicate.

THE OSAGE NATION OF INDIANS,
[SEAL.] By TO WAH E HE (his x mark),
[SEAL.] HARRY KOHPAY,
[SEAL.] JULIAN TRUMBLY,
Committee.
KAPPLER & MERILLAT,
[SEAL.] By CHARLES J. KAPPLER.
Witness to all marks:
JOSEPH BUFFALOHIDE.
PRESTON A. SHINN.

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UNITED STATES OF AMERICA,
State of Oklahoma, County of Osage, ss:

I, C. T. Bennett, judge of the county court for Osage County, and State of Oklahoma, do hereby certify that the above contract was executed before me on the 15th day of April, 1908, by To wah e-he, Harry Kohpay, and Julian Trumbly, as a committee appointed by the Osage national council for that purpose, and that said committee is acting for the Osage Nation of Indians pursuant to a resolution of the council of said nation, party of the first part, and by Charles J. Kappler, a member of the firm of Kappler & Merillat, acting for said firm in my presence; that the interested parties therein are the Osage Nation, which is represented by the said To wah e-he, Harry Kohpay, and Julian Trumbly, who are the committee appointed by the national council of the said Osage Nation, and the firm of Kappler & Merillat, attorneys, of the city of Washington, D. C.; that the parties present were the said To wah e-he, Harry Kohpay, and Julian Trumbly and the said Charles J. Kappler, of the said firm of Kappler & Merillat; that the source and extent of the authority claimed by the said contracting parties was and is sections 2103 to 2106 of the Revised Statutes of the United States; and that said contract was signed and executed for the purpose and consideration therein stated and set forth by the said To wah e-he, Harry Kohpay, and Julian Trumbly and the said Charles J. Kappler, who are personally well known to me, and who appeared before me at chambers, in the city of Pawhuska, in the State of Oklahoma, on the 15th day of April, A. D. 1908.

C. T. BENNETT, *County Judge.*

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UNITED STATES OF AMERICA,
State of Oklahoma, County of ————, ss:

I, J. D. Thomas, clerk of the county court of Osage County, Okla., hereby certify that C. T. Bennett, whose genuine signature is subscribed to the foregoing certificate, was at the time of signing the same judge of said court, duly commissioned and qualified, and that said court is a court of record.

Witness my hand and the seal of said court this 15th day of April, A. D. 1908.

[SEAL.] J. D. THOMAS, *Clerk.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington, D. C., May 6, 1908.

The within contract is approved on condition that it shall run for a period of seven years from the date thereof, and that the consideration received shall be as follows: Ten per cent on the amount recovered up to and including $200,000; 5 per cent on all over $200,000 up to and including $600,000; and 2 per cent on all over $600,000, and on the further condition that should said attorneys fail to perform all the duties required of them under the provisions of their contract of April 11, 1908, providing for an annual compensation, then both contracts are to be canceled as per their agreement dated May 5, 1908.

C. F. LARRABEE, *Acting Commissioner.*

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DEPARTMENT OF THE INTERIOR, *May 6, 1908.*

The within contract is approved as indorsed by the Acting Commissioner of Indian Affairs.

JAMES RUDOLPH GARFIELD, *Secretary.*

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MAY 9, 1908.

We accept the conditions and modifications designated in the above approval by the Commissioner of Indian Affairs and the Secretary of the Interior.

[SEAL.] KAPPLER & MERILLAT,
By CHARLES J. KAPPLER.

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Know all men by these presents: That this contract, executed and approved pursuant to the provisions of act approved June 22, 1910, entitled "An act authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," and also pursuant to other provisions of the Revised Statutes of the United States relating to contracts between Indian tribes and attorneys, is made by and between the Omaha Tribe of Indians, acting through a committee of three, composed of Simeon Hallowell, Henry Morris, and Harry Lyon, and pursuant to a resolution adopted by the council of the Omaha Tribe in session assembled at Omaha Agency, State of Nebraska, the residence of said committee being in the county of Thurston, State of Nebraska, party of the first part, and the firm of Kappler & Merillat, acting through Charles H. Merillat, one of said firm, said firm of Kappler & Merillat being composed of Charles J. Kappler and Charles H. Merillat, whose residence each is in the city of Washington, D. C., and Hiram Chase, of Pender, Nebr., and the occupation of each of whom is that of attorney at law, and which firm of Kappler & Merillat and the said Hiram Chase are the parties of the second part.

The purposes for which this contract is made is to secure the services of the parties of the second part as attorneys and counselors at law for the Omaha Tribe of Indians in the matter of claims referred to the Court of Claims, the special thing or things to be done under this contract by the parties of the second part is to represent said tribe as attorneys and to present to the several branches of the Government of the United States, and especially the Court of Claims, pursuant to the provisions of the aforesaid act approved June 22, 1910, the claims of the Omaha Tribe of Indians for moneys claimed to be due to said Omaha Tribe by the United States on an accounting between them under treaty stipulations, the said moneys to be obtained from and paid out of the

Treasury of the United States as justly due by the United States to said Omaha Tribe of Indians.

This contract is to be in force from September 12, 1910, for the period of two years, or until matters and things hereinbefore set forth arising under the provisions of treaties are determined and concluded.

The fee to be paid to the parties of the second part in full for their services under the contract shall be as follows: That should the parties of the second part recover from the Government of the United States for the party of the first part, the Omaha Tribe of Indians, any money claimed to be due from the United States to the party of the first part, then there shall be paid to the parties of the second part, out of the amount of said recovery 10 per cent of the sum recovered, of which Kappler & Merillat shall receive two-thirds and Hiram Chase one-third as compensation for the services rendered and money recovered, and in event no recovery is made, then the parties of the second part shall receive nothing for their services. Court costs shall be borne by the Omaha Tribe of Indians, but all other expenses shall be borne by parties of the second part.

This contract is made by virtue of and under the authority of the act of Congress authorizing the employment of attorneys by the Indians, and of the act aforesaid approved June 22, 1910, and the party of the first part has employed and by these presents doth employ the parties of the second part to represent said Omaha Tribe before the Court of Claims and elsewhere, if necessary, as attorneys for said tribe for the sole purpose of presenting the money claims or demands against the United States, as hereinbefore set forth and for the compensation aforesaid, the parties hereto of the first part hereby giving to said attorneys, the parties of the second part, full power and authority in the premises, the subject matter of this contract, to do and perform all things whatsoever that may be necessary and lawful in the presenting of the claims of said Omaha Tribe aforesaid, and to sign and execute all papers that may be required on behalf of said tribe, hereby ratifying and confirming all the lawful acts of said attorneys done in pursuance of the authority of this contract.

The parties of the second part hereby accept the employment herein set forth and provided for on the terms and conditions herein set forth, and agree that they will to the best of their ability do and perform the services stipulated and required by this contract.

Witness our hands and seals this 12th day of September, A. D. 1910, and executed in quadruplicate.

[SEAL.]

THE OMAHA TRIBE OF INDIANS,
By SIMEON HALLOWELL.
HENRY MORRIS.
HARRY LYON.

HIRAM CHASE,
KAPPLER & MERILLAT,
By CHARLES H. MERILLAT.

UNITED STATES OF AMERICA,
State of Nebraska, County of Thurston, ss:

I, Frank Flynn, judge of the county court for Thurston County, State of Nebraska, do hereby certify that the above contract was executed before me on the 12th day of September, 1910, by Simeon Hallowell, Henry Morris, and Harry Lyon, as a committee appointed by the Omaha tribal council for that purpose, and that said committee is acting for the Omaha Tribe of Indians pursuant to a resolution of the council of said tribe, party of the first part, and by Charles H. Merillat, a member of the firm of Kappler & Merillat acting for said firm, and by Hiram Chase in my presence; that the interested parties therein are the Omaha Tribe, which is represented by Simeon Hallowell, Henry Morris, and Harry Lyon, who are the committee appointed by the council of the said Omaha Tribe, and the firm of Kappler & Merillat, attorneys of the city of Washington, D. C., and Hiram Chase, attorney of the State of Nebraska; that the parties present were said Simeon Hallowell, Henry Morris, and Harry Lyon and the said Charles H. Merillat, of the said firm of Kappler & Merillat, and said Hiram Chase; that the source and extent of the authority claimed by the contracting parties was and is the act of Congress approved June 22, 1910, and any other laws of the United States is applicable; and that said contract was signed and executed for the purpose and consideration therein stated and set forth by the said Simeon Hallowell, Henry Morris, and Harry Lyon and the said Charles H. Merillat and the said Hiram Chase, who are personally well known to me and who appeared before me at chambers in the town of Pender, in the State of Nebraska, on the 12th day of September, A. D. 1910.

[SEAL.]

FRANK FLYNN, *County Judge.*

UNITED STATES OF AMERICA,
State of Nebraska, County of Thurston, ss:

I, Frank Flynn, judge of the county court of Thurston County, Nebr., hereby certify that as judge of said court I am the ex officio clerk of the same, and that Frank Flynn, whose genuine signature is subscribed to the foregoing certificate, was at the time of signing the same the duly elected and qualified judge of said county court, and that said court by the laws of Nebraska is a court of record.

Witness my hand and the seal of the said county court this 12th day of September, 1910.

[SEAL.]

FRANK FLYNN,
Judge and ex officio Clerk of the County Court of Thurston County, Nebr.

Know all men by these presents: That this agreement, made and entered into at Pawnee, Okla., on this the 29th day of June, 1909, by and between the Pawnee Tribe of Indians, of Oklahoma, acting through a committee of five, composed of Julius Ceasar, John Louwalk, Hawk Norman, John Box, and Robert Taylor, appointed by a resolution, hereto attached, adopted by the Indians comprising the Pawnee Tribe, assembled at Pawnee, State of Oklahoma, parties of the first part, and Kappler & Merillat (Charles J. Kappler and Charles H. Merillat), attorneys at law, with an office at Washington, D. C., parties of the second part:

Witnesseth that the parties of the first part have retained and employed, and do hereby retain and employ, the said Kappler & Merillat as the attorneys for the Indians composing the Pawnee Tribe of Indians to prepare, present, and prosecute to final determination any and all claims, business, and other matters in which the various persons comprising the Pawnee Tribe of Indians have an interest against the Government of the United States.

The special things to be done under this contract by the parties of the second part are to represent said Pawnee Indians as attorneys and agents and to present to the courts of the United States, or before any of the departments of the Government, or before the committees of Congress, or before any officer, commission, convention, or tribunal authorized to take cognizance thereof, any and all claims or business of any kind whatsoever which the Indians comprising the Pawnee Tribe have against the Government of the United States, said claims including, among others, moneys received by the United States from the sale of lands formerly belonging to the Pawnee Indians in Oklahoma to settlers at $2.50 per acre, and for which the Government accounted to the Pawnees in the sum of only $1.25 per acre; for annual or perpetual annuities due to the Pawnees under treaty stipulations with the Government of the United States, and which, it is claimed by the Pawnee Indians, were never received by the tribe in the amounts and according to the stipulations and the treaties between the Pawnees and the United States; indemnification to the Pawnee Indians for lands erroneously excluded by the boundary survey of the Pawnee Reservation in the State of Nebraska, whereby an accounting was made to the Pawnee Indians for less than the total number of acres to which they had claim in the State of Nebraska; for claims against the United States for expenses incurred in the removal of the Pawnee Tribe of Indians from Nebraska and their establishment in the Indian Territory; the settlement of the account as to the capitalization by the United States to certain perpetual annuities due to the Pawnee Tribe of Indians under treaty stipulations; the investigation fully of any and all matters between the Pawnee Tribe of Indians and the Government of the United States, to the end that the Pawnee Indians may be fully advised as to whether or not their treaty stipulations have been complied with and whether or not there is any money due to or any legal claims of the Pawnee Tribe of Indians against the United States, the contention of the Pawnee Tribe of Indians being that on a full and careful accounting there is a considerable sum of money due to them; and for any and all other services of any kind that the Pawnee Tribe of Indians may reasonably require of said attorneys as to their business relations with the United States.

This contract shall be in force from the 29th day of June, 1909, to the 1st day of January, 1918.

The fee to be paid to the parties of the second part in full for their services shall be a retainer of $5,000, to be paid within a reasonable time from the signing of this contract, either out of the tribal funds of the Pawnee Tribe of Indians or by subscription or payment by the members comprising the Pawnee Tribe of Indians, and a sum of money to be hereafter fixed after there shall be ascertained the probable extent of the claims of the Pawnee Indians against the United States, not, however, to exceed 20 per cent of all moneys which may be recovered by or obtained for the Pawnee Indians by or through the party of the second part and which may be by the Government of the United States ordered paid out to the citizens of the Pawnee Tribe of Indians or to be placed to the credit of the Pawnee Tribe of Indians, or individual members or citizens thereof, on account of the matters and things the subject matter of this contract; the said sum of $5,000 herein provided for as a retainer to be first deducted from any moneys which may become due under the contingent clause of this contract to said attorneys; no compensation other than this retainer to be paid to said attorneys except contingent upon the successful prosecution by said attorneys of claims of the Pawnee Tribe of Indians against the Government of the United States.

It is understood and agreed between the parties to this contract that by reason of said contract the parties of the second part shall have a lien to the extent of the sum or sums agreed to be paid by this contract to the parties of the second part on all moneys appropriated for or placed to the credit of the Pawnee Tribe of Indians, or the individual members thereof, on account of the matters and things the subject matter of this contract, and that the parties of the second part shall be copartners to the extent of the fees agreed to be paid them hereby or by any modification hereof in the fund or funds herein referred to.

Witness our hands and seals this 29th day of June, 1909, and executed in triplicate.

JULIUS CEASAR.
HAWK (his x mark) NORMAN.
JOHN (his x mark) LOUWALK.
JOHN (his x mark) BOX.
ROBERT (his x mark) TAYLOR.
KAPPLER & MERILLAT,
By CHARLES J. KAPPLER.

[SEAL.]

Witnesses:
STACY MATLACK,
JAMES R. MURIE.

Resolved by the four confederate bands of the Pawnee Tribe of Indians in open council assembled, at the regular meeting place of said tribe in Pawnee County, Okla., on the 29th day of June, 1909, That we do hereby authorize and direct the employment of Kappler & Merillat, attorneys of Washington, D. C., as the true and lawful attorneys of the Pawnee Tribe of Indians in all matters before the Government of the United States relating to claims, demands, debts, and accounts or other matters whatsoever, which the Pawnee Tribe of Indians has or may hereafter have against the Government of the United States; and we agree in consideration of the acceptance of a contract by Kappler & Merillat as attorneys for the Pawnee Tribe of Indians to pay to said Kappler & Merillat a fee or compensation of $5,000 as a retainer and a sum to be hereafter fixed, but not in any event to exceed 20 per cent, out of any moneys which may be recovered from the Government of the United States by or through said Kappler & Merillat as our attorneys, said retainer of $5,000 to be first deducted, however, out of any moneys due on contingent account. The retainer of $5,000 shall be paid within a reasonable time from the signing of a contract, and we desire and direct that the same shall be paid out of any money in the Treasury of the United States to the credit of the Pawnee Tribe of Indians or out of our annual annuities. And the Pawnee Tribe of Indians hereby appoint Julius Ceasar, John Loowack, Hawk Norman, John Box, and Robert Taylor as delegates and attorneys of the tribe to enter into and sign a contract in behalf of the tribe with said Kappler & Merillat; and that, further, the chiefs of the several bands of Pawnee Indians are authorized to sign this resolution as evidence of the adoption of the same by the Pawnee Tribe of Indians in open council assembled.

In witness whereof we, the chiefs of the four bands of the Pawnee Tribe of Indians, have hereunto set our hands this 29th day of June, A. D. 1909.

ROAM (his x mark) CHIEF.
GEO. GOOD (his x mark) FOX.
SPOTTED HORSE (his x mark) CHIEF.
JOSEPH HOWELL.

STACY MATLACK.
JAMES R. MURIE.

We, the headmen and members of the Pawnee Tribe of Indians, certify that we have read or had interpreted to us the resolution attached hereto, adopted by the Pawnee Tribe of Indians in open council assembled

on the 29th day of June, 1909, and understand the same; that we ratify the action of the chiefs of the four bands of the Pawnee Tribe of Indians in signing said resolution, and in testimony thereof attach our signatures to this paper.

ECHO (his x mark) HAWK.
WALEAM REDENY (his x mark) ICE.
CAPT. (his x mark) JIM.
LEADING (his x mark) FOX.
CHARLIE (his x mark) EAUS.

STACY MATLACK.
JAMES R. MURIE.

STATE OF OKLAHOMA, *County of* ———, *ss:*

I, H. T. Conley, judge of the county court, said court being a court of record, do hereby officially certify that the aforesaid agreement was executed in my presence at Pawnee, Okla., on the 30th day of June, 1909, and that the interested parties thereto, as stated to me at the time and place of execution, are the members of the Pawnee Tribe of Indians, residing at Pawnee, Okla., of the one part, and Kappler & Merillat, attorneys at law, residing at Washington, D. C., of the other part; that the same was executed on the part of said Indians by Julius Ceasar, John Loowaek, Hawk Norman, John Box, and Robert Taylor, and by the said Kappler & Merillat, the said parties severally being personally present before me at the time of executing the same; and that the source and extent of the authority claimed for making said agreement is contained in certain resolutions passed by said Indians in open council on the 29th day of June, 1909, a copy of which is attached to said agreement.

In witness whereof I have hereunto set my hand officially at Pawnee, Okla., this the 30th day of June, A. D. 1909.

[SEAL.]

H. T. CONLEY,
County Judge.

I, Daniel T. Wright, a judge of a court of record, namely, the Supreme Court of the District of Columbia, hereby certify that on the 22d day of July, 1909, Charles J. Kappler, on behalf of the law firm of Kappler & Merillat, executed in triplicate in my presence the foregoing agreement between the Pawnee Tribe of Indians and Kappler & Merillat, attorneys at law, of Washington, D. C.; that, as stated to me, the parties to said agreement were Julius Ceasar, John Loowack, Hawk Norman, John Box, and Robert Taylor, as representatives of the Pawnee Tribe of Indians, and Kappler & Merillat, attorneys as aforesaid; that at the time of the execution of this certificate Charles J. Kappler was present, and being personally well known to me executed the said agreement.

DANIEL T. WRIGHT, [SEAL.]
Justice Supreme Court of the District of Columbia.

Lone Chief (his x mark); Henry Minthoone (his x mark); Thomas Morgan (his x mark); John Moses (his x mark); New Rider (his x mark); Hawk Norman (his x mark); William Osborne (his x mark); William Riding In (his x mark); Roam Chief (his x mark); War Ronwalk (his x mark); Seeing Eagle (his x mark); Mathew Simpson (his x mark); Henry Shooter (his x mark); Lester Sun Eagle (his x mark); Robert Taylor (his x mark); Sam Thomas (his x mark); Walking Sun (his x mark); White Horse (his x mark); Yellow Calf (his x mark); Brigham Young (his x mark); Little Eagle (his x mark); Lester Platte (his x mark); Ruling His Sun (his x mark); David Allen (his x mark); George Beaver (his x mark); John Box (his x mark); Simon Adams (his x mark); Blue Hawk (his x mark); Wichita Blaine (his x mark); John Brown (his x mark); John Buffalo (his x mark); Harry Ceasar (his x mark); Charles Eaves (his x mark); Jackson Coosux (his x mark); Fancy Eagle (his x mark); Webster Fox (his x mark); Good Eagle (his x mark); George Good (his x mark); Echo Hawk (his x mark); John Haymond (his x mark); High Eagle (his x mark); Spotted Horse, chief (his x mark); Capt. Jim (his x mark); Sherman Keller (his x mark); Skedee Jake (his x mark); Leading Fox (his x mark); George Little Sun (his x mark); John Lonwalk (his x mark); Mad Bear (his x mark); William Mathews (his x mark); Col. Meacham (his x mark); Geo. Howell; Albert Long; James R. Murie; Henry Good Fox; William Juslict; Julius Ceasar; William Sutton; Webster Hyson; John Jake; Dick Smith; U. S. Grant; Jesse Peters; Linford Smith; Starra Murry; Bromet Taylor; Tom Rice; Hiram Jake; Reuben Wilson; Louis Matlack; Frank Simpson; Nathaniel Manningtón; James Bouman; Stacy Matlack; White Eagle (his x mark); Ezra Tildon (his x mark); Good Eagle (his x mark); Thomas Yellow Horse (his x mark); Moses Platte (his x mark); Binnie Burus (his x mark); Thomas Crow Chief (his x mark); Frank Lonwalk (his x mark); Robert Hopkins (his x mark); Emmit Pearson (his x mark); John Walking Sun (his x mark); John Little Sun (his x mark); George Haymond (his x mark).

Witnesses to all marks—

JAMES R. MURIE.
STACY MATLACK.

Resolved, By the national council of the Muskogee (Creek) Nation in annual session assembled, that Samuel J. Haynes, president pro tempore of the house of kings; E. B. Childers, speaker of the house of warriors; and M. L. Mott, national attorney, together with one member of the house of kings to be appointed by the presiding officer of the house of kings and two members of the house of warriors to be appointed by the presiding officer of said house, be, and hereby are, authorized and directed to enter into a contract in writing on behalf of the Creek Nation of Indians with the law firms of Butler & Vale (Marion Butler and Josiah M. Vale) and Kappler & Merillat (Charles J. Kappler and Charles H. Merillat), both of Washington, D. C., to represent the Creek Nation in prosecuting before the courts of the United States, and upon appeal before the Supreme Court of the United States, or before any of the departments of the Government, or before the committees of Congress of the United States, or before any officer, commission, convention, or tribunal authorized to take cognizance thereof, the claims of the Creek Nation to compensation from the United States for land taken unjustly or erroneously from said Creek Nation by the United States by reason of incorrect surveys of the lands granted by treaty by the United States to the Creek Nation, whereby the said Creek Nation was deprived of a large area of land to which it was entitled under the treaties and laws of the United States, and also the claims of the Creek Nation of Indians, or the great body of individuals or citizens composing the Creek Nation, who have not received allotments of land of the standard approved value of $1,040 each, against the United States for distribution by said United States as trustee to the members or citizens of the Creek Nation of such amount of money as will equalize the allotment of lands to each citizen, and to give to each citizen thereof allotments of land on the basis fixed by the United States, and moneys, that together will make the distribution of lands and moneys to each Creek citizen the same, the Creek Nation contending that the United States as trustee has solemnly by treaties and laws guaranteed and pledged itself to distribute to each citizen of the Creek Nation lands and moneys equal in value to $1,040.

That the total fee or compensation to be paid by the Creek Nation to the said Butler & Vale and Kappler & Merillat shall be 10 per cent of whatever sum or sums of money shall be recovered from the United States and paid to the Creek Nation or to the individual citizens thereof.

Adopted, November 5, 1908.

E. B. CHILDERS,
Speaker House of Warriors.
MILDRED CHILDERS, *Clerk.*

Concurred in, November 5, 1908.

SAM. J. HAYNES,
President pro tempore House of Kings.
SAM GRAYSON, *Clerk.*

Approved, November 5, 1908.

MOTY TIGER,
Principal Chief.

Know all men by these presents: That this agreement, made and entered into at Pawnee, Okla., on this the 7th day of June, 1910, by and between the Pawnee Tribe of Indians, of Oklahoma, acting through a committee of five, composed of Roaming Chief, Frank Lonewalk, Spotted Horse Chief, Joseph Howell, and Stacy Matlack, appointed by a resolution, hereto attached, adopted by the Indians comprising the Pawnee Tribe, assembled at Pawnee, State of Oklahoma, parties of the first part, and Kappler & Merillat (Charles J. Kappler and Charles H. Merillat), attorneys at law, with an office at Washington, D. C., parties of the second part,

Witnesseth: That the parties of the first part have retained and employed, and do hereby retain and employ, the said Kappler & Merillat as the attorneys for the Indians composing the Pawnee Tribe of Indians to prepare, present, and prosecute to final determination any and all claims, business and other matters in which the various persons comprising the Pawnee Tribe of Indians have an interest, against the Government of the United States.

The special things to be done under this contract by the parties of the second part are to represent said Pawnee Indians as attorneys and agents and to present to the courts of the United States, or before any of the departments of the Government, or before the committees of Congress, or before any officer, commission, convention, or tribal authorized to take cognizance thereof, any and all claims or business of any kind whatsoever which the Indians comprising the Pawnee Tribe have against the Government of the United States, said claims including, among others, moneys received by the United States from the sale of lands formerly belonging to the Pawnee Indians in Oklahoma to settlers at $2.50 per acre, and for which the Government accounted to the Pawnees in the sum of only $1.25 per acre; for annual or perpetual annuities due to the Pawnees under treaty stipulations with the Government of the United States and which it is claimed by the Pawnee Indians were never received by the tribe in the amounts and according to the stipulations and the treaties between the Pawnees and the United States; indemnification to the Pawnee Indians for lands erroneously excluded by the boundary survey of the Pawnee Reservation in the State of Nebraska whereby an accounting was made to the Pawnee Indians for less than the total number of acres to which they had claim in the State of Nebraska; for claims against the United States for expenses incurred in the removal of the Pawnee Tribe of Indians from Nebraska and their establishment in the Indian Territory; the investigation fully of any and all matters between the Pawnee Tribe of Indians and the Government of the United States, to the end that the Pawnee Indians may be fully advised as to whether or not their treaty stipulations have been complied with, and whether or not there is any money due to or any legal claims of the Pawnee Tribe of Indians against the United States, the contention of the Pawnee Tribe of Indians being that on a full and careful accounting there is a considerable sum of money due to them; and for any and all other services or claims of any kind that the Pawnee Tribe of Indians may reasonably require of said attorneys as to their business relations with the United States.

This contract shall be in force from the 1st day of January, 1911, to the 9th day of October, 1918.

The fee to be paid to the parties of the second part in full for their services shall be a retainer of $5,000, to be paid within a reasonable time from the signing of this contract by the Pawnee Tribe of Indians, and a sum of money equal to 15 per cent of all moneys which may be recovered by or obtained for the Pawnee Indians by or through the parties of the second part and which may be by the Government of the United States ordered paid out to the citizens of the Pawnee Tribe of Indians, or to be placed to the credit of the Pawnee Tribe of Indians, or individual members or citizens thereof, on account of the matters and things the subject matter of this contract, the said sum of $5,000 herein provided for as a retainer to be first deducted from any moneys which may become due under the contingent clause of this contract to said attorneys; no compensation other than this retainer to be paid to said attorneys except contingent upon the successful prosecution by said attorneys of claims of the Pawnee Tribe of Indians against the Government of the United States.

It is understood and agreed between the parties to this contract that by reason of said contract the parties of the second part shall have a lien to the extent of the sum or sums agreed to be paid by this contract to the parties of the second part on all moneys appropriated for or placed to the credit of the Pawnee Tribe of Indians or the individual members thereof on account of the matters and things the subject matter of this contract, and that the parties of the second part shall be copartners to the extent of the fees agreed to be paid them hereby, or by any modification hereof, in the fund or funds herein referred to.

Witness our hands and seals this 7th day of June, 1910, and executed in duplicate.

JAMES R. MURIE.
ALBERT LONG.
JULIUS CAESAR.
ECHO (his x mark) HAWK.
WILLIAM (his x mark) RIDING IN.
HAWK (his x mark) NORMAN.
LITTLE (his x mark) SUN.

Witness to mark of Echo Hawk, William Riding In, Hawk Norman, Little Sun was signed by James Murie at the request of Echo Hawk, William Riding In, Hawk Norman, Little Sun.—Julius Caesar and Stacy Matlack.

STATE OF OKLAHOMA, *County of* ———.

I, N. E. McNeill, judge of the Pawnee County court, said court being a court of record, do hereby officially certify that the aforesaid agreement was executed in my presence at Pawnee, Okla., on the 7th day of June, 1910, and that the interested parties thereto, as stated to me at the time and place of execution, are the members of the Pawnee Tribe of Indians residing at Pawnee, Okla., of the one part, and Kappler & Merillat, attorneys at law, residing at Washington, D. C., of the other part; that the same was executed on the part of said Indians by James R. Murie, Albert Long, Julius Ceasar, Echo Hawk, William Riding In, Hawk Norman, Roaming Chief, Frank Lonewalk, Spotted Horse Chief, Joseph Howell, Stacy Matlock, Sam Gover, War Wonwalk, and by the said Kappler & Merillat, the said parties severally being personally present before me at the time of executing the same; and that the source and extent of the authority claimed for making said agreement is contained in certain resolutions passed by said Indians in open council on the 6th day of June, 1910, a copy of which is attached to said agreement.

In witness whereof I have hereunto set my hand officially at Pawnee, Okla., this, the 7th day of June, A. D. 1910.

[SEAL.] N. E. MCNEILL, *Judge.*

Resolved, By the four confederate bands of the Pawnee Tribe of Indians in open council assembled at the regular meeting place of said tribe in Pawnee County, Okla., on the 6th day of June, 1910: That we do hereby authorize and direct the employment of Kappler & Merillat, attorneys of Washington, D. C., as the true and lawful attorneys of the Pawnee Tribe of Indians in all matters before the Government of the United States relating to claims, demands, debts, and accounts, or other matters whatsoever, which the Pawnee Tribe of Indians has or may hereafter have against the Government of the United States; and we agree, in consideration of the acceptance of a contract by Kappler & Merillat as attorneys for the Pawnee Tribe of Indians, to pay to said Kappler & Merillat a fee or compensation of $5,000 as a retainer and a sum equal to 15 per cent out of any moneys which may be recovered from the Government of the United States by or through said Kappler & Merillat as our attorneys, said retainer of $5,000 to be first deducted, however, out of any moneys due on contingent account. The retainer of $5 000 shall be paid within a reasonable time from the signing of a contract, and we desire and direct that the same shall be paid out of any money in the Treasury of the United States to the credit of the Pawnee Tribe of Indians, or out of our annual annuities. And the Pawnee Tribe of Indians hereby appoint ——— ——— as delegates and attorneys of the tribe to enter into and sign a contract in behalf of the tribe with said Kappler & Merillat. And that, further, the chiefs of the several bands of Pawnee Indians are authorized to sign this resolution as evidence of the adoption of the same by the Pawnee Tribe of Indians in open council assembled.

In witness whereof we, the chiefs of the four bands of Pawnee Tribe of Indians, have hereunto set our hands this 6th day of June, A. D. 1910.

ROAMING CHIEF (his x mark).
FRANK LAUEROLK.
SPOTTED HORSE CHIEF (his x mark).
JOSEPH LOWELL.
STACY MATLACK.

Witness to mark of Roaming Chief and Spotted Horse Chief by Stacy Matlock, on request of Roaming Chief and Spotted Horse Chief.

JULIUS CEASAR.
STACY MATLOCK.

We, the head men and members of the Pawnee Tribe of Indians, certify that we have read or had interpreted to us the resolution attached hereto adopted by the Pawnee Tribe of Indians in open council assembled on the 6th day of June, 1910, and understand the same; that we ratify the action of the chiefs of the four bands of the Pawnee Tribe of Indians in signing said resolution, and in testimony thereof attach our signatures to this paper.

James R. Murie; John Moser; Chas. Knife, chief; Mark Rutter; Alfred Boy, chief; Jasper Hadley; William Lewis; Anna Lewis; William S. Crow; Julius Ceasar; Susie Bearchief; Susie N. Wichita; Jennie Crow; Tom T. Rice; Nannie Fox; Starry Mathews; Louis Bayhulie; Charlie Wood; George Grover; Thomas Yellow Fox; Nathaniel Mannington; George Phillips; Louis Mattox; Nora Taylor; Jane Crow, chief; Will Justice; Emma Shaw Platte; Brigham Young; Walter Hunt; Warren Real Rider; Moses Platte; Lottie Little Eagle; Carrie West; Nannie Mathews; Alice Echo Hawk; May Riding In; Thomas High Eagle; Jesse Peters; Nellie Peters; Fanny Everet; William Allen; Julia Barone; Maggie Horse, chief; Bonnet Taylor; Linford Smith; John Jake; Frank Simpson; Blanche Matlack; Ethel Louwalk; Albert Land; Mary R. Long; Ida Murry; Hannah Riding In; Joseph Carrion; Mollie Hand; Mary L. Matlack; Thomas Crow, chief; Reuben Wilson; Stella Knife, chief; Henry Chapman; Ernest Box; Lottie Moore; Maud New Rider; James G. Blaine; Mary Murie; Henry Minthorn; Will Baker; Simond F. Eagle; Henry Good Fox; Lucy Sloater; William Mathews; Harry Cummings; Col. Meacham; Sarah Stoneroad; Stand Murry; Hannah W. Jim; Emma Ceasar; Sarah Carrion; Phebe Mannington; Clarence Field; Lucy Lewis; Viola Grover; Gertie Simpson; Florence Henry; Lucy Wipnashe; Alex. Eagle; Mrs. Cora F. Smith; Alice Platte Jake; Jennie Rounalk; Hiram Jake; Thomas Pratt; Jennie Shunatona; Lucy Box; Henry Box; John Howell; Stacy Matlack; William Brown; Robert Peters; Lena Wilson; St. Elmo Jim; Violet Rappirll; Henry Box; Henry Minthorn; Thomas High Eagle; Carrie Howell; Charles Wheeler; Webster Hyson; Joseph Esau; Mary Lane; Dick Smith; Rebecca Little Sim; Nathaniel Mannington; Alfred Murie; George Phillips; Mabel Rice; Gertie E. Perry; Ivy Rice; Warren Real Rider; Paul Little Eagle; Clyde Roam, chief; Harold Curly, chief; Annie H. Wood; Walter Hunt; Gordon Shaw; Annie G. Murie; Rush Roberts; Charles (his x mark); Lester Pratt (his x mark); Capt. Jim (his x mark); War Rouwalk (his x mark); Harry Ceasar (his x mark); William Riding In (his x mark); John Louwalk (his x mark); Robert Hopkins (his x mark); Lester Sun Eagle (his x mark); George Little Sun (his x mark); Mathew Simpson (his x mark); John Brown (his x mark); Uncle John (his x mark); Walking Sun (his x mark); Fancy Eagle (his x mark); Kit Carrion (his x mark); Wichita Blaine (his x mark); Henry Shooter (his x mark); Robert Taylor (his x mark); Jackson Coosah (his x mark); Sherman Keller (his x mark); Blue Hawk (his x mark); White Horse (his x mark); High Eagle (his x mark); Ruling Hissun (his x mark); White Elk (his x mark); Echo Hawk (his x mark); Martha Brown (her x mark); Little Rouwalk (her x mark); Fanny Black Eagle (her x mark); Lida Striker (her x mark); Lucie Crow (her x mark); Lulu Otter (her x mark); Lulu Wilson (her x mark); Lottie Walking Bear (her x mark); Effie Blaine (her x mark); Lula Coosah (her x mark); Alice Real Rider (her x mark); Eva Roam, chief (her x mark); Julia Calico (her x mark); Susie Wichita (her x mark); Julia Wichita (her x mark); Jane Hyson (her x mark); Virginia Riding In (her x mark); Mattie Little Eagle (her x mark); Susie Blue Hawk (her x mark); Mary Sherman (her x mark); Angie Little, chief (her x mark); Quanning Mad Eagle (her x mark); Angie Taylor (her x mark); Lottiee John (her x mark); Rena Louwalk (her x mark); Viola Cory (her x mark); Dena Moore (her x mark); Jane High Eagle (her x mark); Rebecca Norman (her x mark); Florence Good Fox (her x mark); Susie Morgan (her x mark); Fannie Chapman Eaves (her x mark); Angie Shooter (her x mark); Fannie Walking Sun (her x mark); Sarah Good Fox (her x mark); Lilie Little Sun (her x mark); Iren Hopkins (her x mark); Viola Curly, chief (her x mark); Edith Sitting Eagle (her x mark); Bertha Pratt (her x mark); Winnie West (her x mark); Webster Fox (her x mark); Hattie Riding Up (her x mark); Thomas Morgan (his x mark); John Hayward (his x mark); Fanny Hayward (her x mark); Hawk Norman (his x mark); Shedee Jake (his x mark); Good Eagle (his x mark); Barclay White (his x mark); Samuel Gover (his x mark); Leading Fox (his x mark); Seeing Eagle (his x mark); Simonds Adams (his x mark); George Beaver (his x mark); Ezra Tildon (his x mark); Emmett Pearson (his x mark); William Allen (his x mark); William Osborne (his x mark); David Allen (his x mark); Jennie Lone, chief (her x mark); Belle Pearson (her x mark); Susan Gover (her x mark); Mary Osborne (her x mark); May Allen (her x mark); Susie Wheeler (her x mark); Nora Phillips (her x mark); Jane Young, chief (her x mark); Rebecca White (her x mark); Wichita Blaine (his x mark); Lucy W. Tildon (her x mark); Spah-pa Beaver (her x mark); Maggie Seeing Eagle (her x mark); Running Scout (his x mark); John Box (his x mark); Mrs. Lizzie W. Box (her x mark); Mad Bear (his x mark); Rhoda Knife, chief (her x mark); Lizzie Leading Fox (her x mark); Mrs. Mary Shotwell (her x mark); Mrs. Edna Rutter (her x mark); Martha Brown (her x mark); Clara Yellow Horse (her x mark); John Brown (his x mark); Spah-pah Leader Beaver (her x mark); Kate Leckly (her x mark); Fancy Eagle (his x mark); Eli Shotwell (his x mark); Ivy Fox (her x mark); Good Eagle (his x mark); Hawk Norman (his x mark); Victoria May (her x mark); George Beaver (his x mark); Hattie Riding Up (her x mark); Rebecca Norman (her x mark); Susan Thomas (her x mark); Fanny Chapman (her x mark); Barclay White (his x mark.

Witnesses to marks made by Indians:

JAMES R. MURIE,
STACY MATLACK.

Know all men by these presents that this contract, executed and approved in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, is made by and between the Crow Tribe of Indians, acting through a delegation composed of Frank S. Shively, George W. Hogan, and J. W. Cooper, who were duly authorized to execute this contract by a resolution of a delegation elected in the several districts of the Crow Tribe in Montana to come to Washington for the purpose of representing the entire Crow Tribe and of transacting all business deemed by them necessary to the protection of the interests of the Crow Tribe in Washington, including the employment of attorneys, if by said delegation deemed advisable, a copy of the resolution of said Crow delegation being attached hereto, the residence of said three delegates above named being at the Crow Agency, in the State of Montana, party of the first part, and the firm of Kappler & Merillat, acting through Charles J. Kappler, one of said firm; said firm of Kappler & Merillat being composed of Charles J. Kappler and Charles H. Merillat, whose residence each is in the city of Washington, D. C., and the occupation of each of whom is that of attorney at law, parties of the second part.

The purpose for which this contract is made is to secure the services of the parties of the second part as attorneys and counselors at law for the Crow Tribe of Indians. The special thing or things to be done under this contract by the parties of the second part is to represent said Indians as attorneys before the executive departments and the Congress of the United States at Washington, the courts of the United States, and elsewhere, if occasion may arise, in all proceedings relating

to tribal rolls, lands, or funds, including the representation of individual members of the Crow Tribe in matters relating to their allotments, patents, or other business as Crow Indians before the Government of the United States, and other matters in which said tribe may be interested; and also to prosecute all claims and money demands of whatsoever name or nature the said Indians may have against the United States arising out of treaty stipulations or otherwise.

This contract is to run for one year from its date.

The fee to be paid to the parties of the second part in full for their services under the contract shall be as follows: The sum of $5,000 per annum, payable quarterly, as a fixed fee, and 15 per cent of any and all moneys or other things of value which the parties of the second part may recover for the Crow Tribe of Indians from the United States on account of claims and money demands, together with any necessary traveling expenses incurred on business of the party of the first part and any costs that may be incurred in court or in the executive or other departments of the Government in the prosecution of the business and claims of the party of the first part.

This contract is made by virtue of and under the authority of the act of Congress authorizing the employment of attorneys by Indians, and the party of the first part has employed, and by these presents doth employ, the parties of the second part to represent said Crow Tribe of Indians before the executive departments and the Congress of the United States at Washington, the courts of the United States and elsewhere if necessary, as attorneys for said tribe for the sole purpose of protecting and conserving the rights of said Crow Tribe of Indians in their tribal rolls, lands, title to tribal property as a tribe or as individuals, and funds for the compensation aforesaid, the parties hereto of the first part hereby giving to said attorneys, parties of the second part, full power and authority in the premises, the subject matter of this contract, to do and perform all things whatsoever that may be necessary and lawful in the defense, protection, and conservation of the rights of said Crow Tribe of Indians; and to sign and execute all papers that may be required on behalf of said tribe, hereby ratifying and confirming all the lawful acts of said attorneys done in pursuance of the authority of this contract.

The parties of the second part hereby accept the employment herein set forth and provided for on the terms and conditions herein set forth, and agree that they will to the best of their ability do and perform the services stipulated and required by this contract.

Witness our hands and seals this 21st day of February, A. D. 1910, and executed in quadruplicate.

THE CROW TRIBE OF INDIANS,
By FRANK (his x mark) S. SHIVELY.
GEORGE W. HOGAN.
J. W. COOPER.

KAPPLER & MERILLAT,
By CHARLES J. KAPPLER.

Witness:
EDW. CLARENCE TEMPLE.

Frank S. Shively signed by mark because his right arm was broken.

WENDELL P. STAFFORD, *Justice.*

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DISTRICT OF COLUMBIA, *ss:*

I, Wendell P. Stafford, a judge of the Supreme Court of the District of Columbia, do hereby certify that the above contract was executed before me on the 21st day of February, 1910, by Frank S. Shively, George W. Hogan, and J. W. Cooper, as a committee appointed by the Crow Tribe of Indians for that purpose, and that said committee claims to be acting for the Crow Tribe of Indians pursuant to a resolution, a copy whereof is hereto attached, of the delegation of said tribe, party of the first part, and by Charles J. Kappler, a member of the firm of Kappler & Merillat, acting for said firm in my presence; that the interested parties therein, as stated to me at the time of executing this contract, are the Crow Tribe of Indians, which is represented by the said Frank S. Shively, George W. Hogan, and J. W. Cooper, who are the committee appointed by the delegation of the said Crow Tribe, as aforesaid, and the firm of Kappler & Merillat, attorneys of the city of Washington, D. C.; that the parties present were the said Frank S. Shively, George W. Hogan, and J. W. Cooper and the said Charles J. Kappler, of the said firm of Kappler & Merillat; that the source and extent of the authority claimed by the said contracting parties was and is sections 2103 to 2106 of the Revised Statutes of the United States, and that said contract was declared to be signed and executed for the purpose and consideration therein stated and set forth by the said Frank S. Shively, George W. Hogan, and J. W. Cooper, and the said Charles J. Kappler, who appeared before me at Washington, D. C., on the 21st day of February, A. D. 1910.

WENDELL P. STAFFORD, *Justice.*

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WASHINGTON, D. C., *February 15, 1910.*

At a meeting of the Crow delegation sent to Washington by the Crow Tribe for the purpose of opposing the bills pending in Congress to open the Crow Reservation, and attending to other matters in which the Crows are concerned, the following resolutions were passed unanimously on this the 15th day of February, 1910:

That Kappler & Merillat be employed for one year as national attorneys for the Crow Tribe, at a salary of $5,000 per year and any actual expenses incurred in behalf of the Crow Tribe and a contingent compensation of not to exceed 15 per cent, for securing payment to the Crow Tribe of the River Crow and other claims against the United States.

That Frank Shively, Joe Cooper, and George W. Hogan be instructed to remain in Washington after the rest of the delegation returns to Montana, to aid the national attorneys in all matters pending in Washington pertaining to the interests of the Crow Tribe.

That the Crow delegation, being authorized to employ attorneys to represent the Crow Tribe, instruct the three delegates left in Washington to sign a contract with Kappler & Merillat, as provided for herein.

That the sum of $1,000 be appropriated out of the funds of the Crow Tribe to defray the expenses and provide for compensation to the three delegates instructed to remain in Washington.

R. W. BEAR, *Chairman.*
GEORGE W. HOGAN, *Secretary.*

FRANK S. SHIVELY.
J. W. COOPER.
THOS. MEDICINEHORSE.
M. R. FARWELLS.
SAMUEL S. DAVIS.
SEES WITH HIS EARS.
SPOTTED RABBIT.
HOLD THE ENEMY.
STOPS.
PACKS THE HAT.
PLAIN OWL.
WHITE MAN RUNS HIM.
CURLY.
HORACE LONG BEAR.
MORRIS SCHAFFER.

Know all men by these presents, that this contract, executed and approved in the manner prescribed by sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, is made by and between the Crow Tribe of Indians, acting through a committee or delegation composed of Frank S. Shively and Joseph W. Cooper, who were duly authorized to execute this contract by a resolution adopted by the Crow Tribe at a regular general council of said tribe held at the Crow Agency in the State of Montana on the 22d day of March, 1910, pursuant to a call issued March 17, 1910, for the holding of said council for the purpose of considering the interests of the Crow Tribe in Washington, including the employment of attorneys, a copy of the resolution of said Crow general council being attached hereto, the residence of said two delegates or committee above named being at the Crow Agency, in the State of Montana, party of the first part, and the firm of Kappler & Merillat, acting through Charles H. Merillat, one of said firm, said firm of Kappler & Merillat being composed of Charles J. Kappler and Charles H. Merillat, whose residence each is in the city of Washington, D. C., and the occupation of each of whom is that of attorney at law, parties of the second part.

The purpose for which this contract is made is to secure the services of the parties of the second part as attorneys and counselors at law for the Crow Tribe of Indians, the special thing or things to be done under this contract by the parties of the second part is to represent said Indians as attorneys before the executive departments and the Congress of the United States at Washington, the courts of the United States, and elsewhere, if occasion may arise, in the matter of a claim the said tribe have, known as the River Crow claim against the Government of the United States for moneys claimed to be due by reason of the Government of the United States taking, without compensation, lands in the State of Montana, to which the River Crows, who are now a part of the general Crow Tribe, had, or claimed to have, right and title, together with possession.

This contract is to run for seven years from its date.

The fee to be paid to the parties of the second part in full for their services under the contract shall be as follows: An amount equal to 15 per cent of such sum or sums as the parties of the second part may recover from the Government of the United States in payment or liquidation of said River Crow claim, together with any necessary traveling expenses incurred on business of the party of the first part in the matter of said claim, and any costs that may be incurred in court or in the executive or other departments of the Government in the prosecution of said River Crow claim of the party of the first part. It is specially understood and agreed that except for necessary expenses in prosecution of said claim no payment shall be made to the parties of the second part on account of this contract, except out of the recovery, if any, from the United States on account of said River Crow claim, and that if nothing be recovered, then neither said Crow Tribe nor any part thereof shall be liable except for expenses as aforesaid to the parties of the second part.

This contract is made by virtue of and under the authority of the act of Congress authorizing the employment of attorneys by Indians, and the party of the first part has employed, and by these presents doth employ, the parties of the second part to represent said Crow Tribe of Indians in the matter of said River Crow claim before the executive departments and the Congress of the United States at Washington, the courts of the United States, and elsewhere, if necessary, as attorneys for said tribe for the sole purpose of recovering compensation in the matter of said River Crow claim for said Crow Tribe of Indians, the parties hereto of the first part hereby giving to said attorneys, parties of the second part, full power and authority in the premises, and the subject matter of this contract, to do and perform all things whatsoever that may be necessary and lawful in the defense, protection, and conservation of the rights of said Crow Tribe of Indians, and to sign and execute all papers that may be required on behalf of said tribe, hereby ratifying and confirming all the lawful acts of said attorneys done in pursuance of the authority of this contract.

The parties of the second part hereby accept the employment herein set forth and provided for on the terms and conditions herein set forth, and agree that they will to the best of their ability do and perform the services stipulated and required by this contract.

Witness our hands and seals this 30th day of March, A. D. 1910, and executed in quadruplicate.

THE CROW TRIBE OF INDIANS.
By JOSEPH W. COOPER. [SEAL.]
FRANK S. SHIVELY. [SEAL.]
KAPPLER & MERILLAT,
By CHARLES H. MERILLAT. [SEAL.]

Witness to all signatures:
EDWIN E. DALY.

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DISTRICT OF COLUMBIA, *ss:*

I, Thomas H. Anderson, a justice of the Supreme Court of the District of Columbia, do hereby certify that the above contract was executed before me on the 30th day of March, 1910, by Frank S. Shively and Joseph W. Cooper, as a committee or delegation appointed by the Crow Tribe of Indians for that purpose, and that said committee is acting for the Crow Tribe of Indians pursuant to a resolution of said tribe, party of the first part, and by Charles H. Merillat, a member of the firm of Kappler & Merillat, acting for said firm, in my presence; that the interested parties therein are the Crow Tribe of Indians, which is represented by the said Frank S. Shively and Joseph W. Cooper, who are the committee or delegation appointed by the said Crow Tribe, and the firm of Kappler & Merillat, attorneys of the city of Washington, D. C.; that the parties present were the said Frank S. Shively and Joseph W. Cooper and the said Charles H. Merillat, of the said firm of Kappler & Merillat; that the source and extent of the authority claimed by the said contracting parties was and is sections 2103 to 2106 of the Revised Statutes of the United States; and that said contract was signed and executed for the purpose and consideration therein stated and set forth by the said Frank S. Shively and Joseph W. Cooper and the said Charles H. Merillat, who are personally well known to me and who appeared before me at Washington, D. C., on the 30th day of March, A. D. 1910.

T. H. ANDERSON, *Justice.*

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CROW AGENCY, MONT., *March 22, 1910.*

The Crow Tribe of Indians of the State of Montana, met in open general council of the tribe, assembled at the regular meeting place of the tribe at Crow Agency, members of the tribe being present from each of the six districts of the Crow Tribe and representing the members of the whole tribe, pursuant to a call for a general council of the whole tribe sent to each district on the 17th day of March, 1910, at the request of the three delegates of the tribe in the city of Washington, with

authority to represent the best interests of the tribe. The general council was called to order by S. G. Reynolds, and the council elected James Hill as chairman to preside over the meetings of the council and Jack Stewart to act as secretary of the council.

Thereupon the following resolution was adopted by the Crow Tribe in general council assembled, and after being interpreted and fully explained to all the members of the tribe present in general council was signed by them in the presence of the chairman and secretary of the general council:

Resolved by the Crow Tribe in general council assembled, That it is the sense of the Crow Tribe that attorneys should be employed to represent the tribe in Washington in all matters between it and the Government of the United States at this time and in the future. That it is the sense of the Crow Tribe that its best interests demand that it have authority to employ attorneys at once, who shall be paid directly out of Crow funds, and whose duty it will be specially to look out for the best interests of the Crow Tribe, to advise the tribe, and to aid and assist it especially in matters pertaining to the tribe and its property interests before the Indian Office, the Interior Department, the courts of the United States, and the Congress of the United States, and elsewhere. That it is the sense of the Crow Tribe that its interests require it shall have its own attorneys, as there are many matters in which otherwise we would have no representative, as the officers of the Government of the United States have sometimes interests to represent that conflict with our own best interests.

That it is the sense of the Crow Tribe that Kappler & Merillat, of Washington, D. C., should be employed as attorneys of the Crow Tribe, and the tribe expresses its confidence in them and its desire a contract be made with them and be approved by the Commissioner of Indian Affairs and the Secretary of the Interior.

That the Crow Tribe in general council assembled authorize and direct Frank S. Shively and Joe Cooper, delegates of the tribe in Washington, to make and execute a contract or contracts with Kappler & Merillat as attorneys of the Crow Tribe, said contract to run for one year and to be renewed by the Crow Tribe if it desires, but not otherwise. Said contract shall provide for compensation at the rate of $5,000 a year to Kappler & Merillat besides their necessary expenses when traveling or away from Washington in the interests of the Crow Tribe. The two delegates named also are authorized to make a separate contract for the River Crow claim against the United States or to provide for the same in one contract if the two delegates deem best. A contingent fee of 15 per cent shall be provided for the River Crow claim, and if the said attorneys recover nothing on account of this claim they shall receive nothing. George Hogan shall also sign the contract or contracts if he returns to Washington in time.

That we give our delegates to Washington herein named full authority to act for the best interests of the Crow Tribe in all matters and things and ratify any acts they may do in behalf of the Crow Tribe.

That we hereby direct that there shall be set aside from the Crow tribal funds the sum of $1,000, and we authorize and request the Government of the United States to pay said sum of $1,000 to the three delegates of the Crow Tribe in Washington, Frank S. Shively, Joe Cooper, and George Hogan, for their expenses and their compensation as delegates in Washington of the Crow Tribe.

In witness that we, the members of the Crow Tribe in general council assembled, have adopted these resolutions and taken the proceedings hereinbefore recited we have signed our names or affixed our marks to this paper this 22d day of March, 1910.

Broken Arrow (his x mark); Medicine Horsewhip; Bull In Sight (his x mark); Old Rabbit (his x mark); Plain Owl (his x mark); Holds The Enemy (his x mark); Strong Heart (his x mark); Little Hawk (his x mark); Philip Ironhead; Thomas Gardner; Short Bull (his x mark); Curly (his x mark); Sees With His Ear (his x mark); White Man Runs Him (his x mark); Medicine Crow (his x mark); Long Tail (his x mark); Shot In The Hand (his x mark); Yellow Brow (his x mark); Thomas Medicinehorse; James Carpenter; Morris Schaffer; Holman Ceasley; Knows The Ground (his x mark); Chester Bad Boy (his x mark); One Star (his x mark); Bird Above (his x mark); Louis Bompard; Kills; Rides A Pretty Horse (his x mark); Robt. Yellowtail; Thomas A. Laforge; Spotted Rabbit (his x mark); Poor Face (his x mark); John Wallace; George Hill; Sits Down Spotted (his x mark); Bull Don't Fall (his x mark); White Arm; Packs The Hat (his x mark); Benjamin Bright Wing; Jasper Long Tail; Ed Wolf Lay Down; Don't Mix (his x mark); White Hip (his x mark); Sharp Nose (his x mark); Red Wolf (his x mark); Knows His Coos (his x mark); No Horse (his x mark); Big Sheep (his x mark); Stops (his x mark); Little Owl (his x mark); Ties His Knees (his x mark); High Medicine Rock (his x mark); Strong Enemy (his x mark); Louis Blaine (his x mark); Leo Good Luck (his x mark); Door (his x mark); Dextee Williams; D. H. Stewart; James Laporge; Bear Goes To The Other Ground (his x mark); Falls Down Old (his x mark); Other Medicine (his x mark); John F. Wellknown; Bird Far Away (his x mark); Eric Bird Above; Richard Wallace; Josh Buffalo (his x mark); Big Medicine (his x mark); Wm. H. White; Bull Robe (his x mark); Horace Long Bear; William Bends; Howell Hoop On Forehead; Elmer Takes Wrinkle; Fred Oldhorn; Isaac Plenty Hoops; Mortimer Dreams; Bear Lays Down (his x mark); Otto Rides Horse; Harry Thrassell; No Shinbone (his x mark); Hole; Richard A. Thrassell; Smoky (his x mark); Four Balls (his x mark); Enos Light; Bull (his x mark); Stephen Drighwood; Juanita Ketosh; Mattie Williams; Frank Reed; Geo. W. Hogan; James Nill; The Arapahoe (his x mark); Plentycoos; Cuts The Bears Ears (his x mark); Coyote Runs (his x mark); Old Coyote (his x mark); Bird All Over The Ground (his x mark); Old Tail (his x mark); Bull Well Known (his x mark); Stands On Bull (his x mark); Strikes On The Head (his x mark); Ghost Bear (his x mark); The Crane (his x mark); The Elk (his x mark); Pretty Horse (his x mark); Frank Hawk (his x mark); Bear Crane (his x mark); Paints Himself Plenty (his x mark); Big Nose (his x mark); Yellow Face (his x mark); Stanley Pretty Coose; Young Swallow (his x mark); Old Dwarf (his x mark); Peter Notch; Foolish Man (his x mark); Swallow Bird (his x mark); Man With A Beard (his x mark); Flat Lip (his x mark); Medicine Rock (his x mark); Bull That Shows (his x mark); Scolds (his x mark); Hears Every Way (his x mark); Comes Up (his x mark); The Fog (his x mark); Bird Hat (his x mark); Joe Child In Mouth; Jake Wood Tick (his x mark); Gray Bull (his x mark); Old Alligator (his x mark); Sitting Elk (his x mark); Crazy Crane (his x mark); Shows In The Mountain (his x mark); Plain Feather (his x mark); Even (his x mark); Runs Against His Enemy; Luke Rock; Old White Man (his x mark); Red Steer; Two Smells (his x mark); Old Crane; Chas. Phelps; Samuel S. Davis; Old Lodge Pole; Two White Bird (his x mark); Samuel Goes Among Enemy; Red Eye (his x mark); Push; The Other Black Bird (his x mark); Michael B. Meccasin; Frank B. Gardner; Turns Back (his x mark); Goes Ahead Pretty (his x mark); Pretty Coyote (his x mark); Alex Crane.

We, James Hill and Jack Stewart, chairman and secretary of the general council of the Crow Tribe, assembled at the Crow Agency on the 22d day of March, 1910, do hereby certify that the foregoing proceedings were had and the foregoing resolutions adopted by the Crow Tribe at said general council; that we know the customs and usages of the Crow Tribe, and that said general council was held and conducted in accordance with those usages and customs; that the general council aforesaid represented the whole tribe; and that the persons signing the foregoing resolutions and proceedings of the council were personally well known to us and signed their names in writing or by mark in our presence after the same had been read, interpreted, fully explained to, and understood by them.

JAMES HILL, *Chairman.*
JACK STEWART, *Secretary.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., March 17, 1910.

SIR: There will be a general council of the Crow Indians held at Crow Agency on Tuesday, March 22, 1910, in the afternoon, for the purpose of taking up the matter of delegating authority to the three Crow delegates, now in Washington, to employ attorneys to represent the Crow Indians in matters pertaining to their tribal affairs.

At this council will be taken up, also, the matter of electing a business committee for the purpose of transacting any tribal matters that affect the interests of the Crow Tribe of Indians in the future.

Respectfully,

S. G. REYNOLDS,
Supt. and S. D. Agent.

I certify on honor that copies of the above were sent to each of the farming districts of this reservation.

S. G. REYNOLDS, *Superintendent.*

The Battleship "Oregon."

EXTENSION OF REMARKS

OF

HON. WILLIS C. HAWLEY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 24, 1912.

On the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Mr. HAWLEY said:

Mr. SPEAKER: During the present month the Benevolent and Protective Order of Elks of the United States held their annual convention at Portland, Oreg. The War Department very kindly dispatched the battleship *Oregon* to assist in the celebration. The coming of the famous ship greatly aroused the people of the State, and stately welcome was given her, and her glory was the theme of many a toast and song. Men recalled the beautiful poem by Sam L. Simpson, a native poet of Oregon, which was first read when the ship was launched on October 28, 1893:

O ship, like crested Pallas armed,
O bride the hoary god hath charmed.
Leap to his proud and strong embrace,
In Freedom's squadron take thy place;

Northward, in sheen of crystal mail,
A scarf of cloud upon his breast,
Our mountain monarch, Hood, will hail
The mighty daughter of the West:
And hail with broad, uplifted shield,
The sea, thy home and battle field,
While the vast hosts of phalanxed firs
Swell the deep song of worshipers.

Hood's brow of prescience, wreathed with dreams,
The mist through which his grandeur gleams
In storm and calm, has brooded o'er
The hardy few that erstwhile came
And wrought in tears and blood and flame,
That stripes might stream and stars might soar,
And lustrous shine thy chosen name.

Launched on the golden-gated bay,
Be thine a royal bridal day;
And with the waves' exultant kiss
Come dreams of olden Salamis,
When Greece was life's white morning star;
Come, welcome to a scene like this,
The memories of Trafalgar,
And Erie's crash of thunder, telling
How Perry's warrior heart was swelling—
Come, through the somber dusk of years,
Decatur's drum beat in Algiers.
Come, echoing from a frosting lip,
That whisper, "Don't give up the ship!"

To greet thy nuptials here behold,
While o'er enchanted streams and woods
October's misty splendor broods,
Our forests lit with lamps of gold,
And many a leafy mountain shrine,
Dashed with red autumnal wine.
For thee a symbol and a sign
Of fates serene and trust untold.
O, swift and strong and terrible,
Go forth to guard our cherished shore
Till all thy fated days are full
And War's hoarse call is heard no more;
Go forth, O warder of the free,
And peerless may thy vigil be,
Till cape and bay and cliff and crag
Flash with the glory of the flag
Triumphant yet on land and sea!
And O, guard well the gleaming strand
Of this, our fair Arcadian land,
Won in the storms of years gone by,
With drain of heart and wound of hand,
When man could dare and do and die!

Be worthy of the mystic name
These matchless vales and mountains bear;
That in the tents of sunset Fame
May twine a wreath for thee to wear.
And when thy flag shall kiss the breeze
Of these, our blue northwestern seas,
Lo, white and strange and soaring high
The peaks our lisping children know
A welcoming to thee will glow!

Helens to Hood will pass the sign,
And Jefferson, with brow benign,
Will signal to the Sisters Three
That the long watch was not in vain;
For lo, upon the radiant main
The mailed patrol of liberty!
Here, at the mighty ocean gate,
Columbia, in his pride, will greet
The Boadicea of our fleet;
And from embattled heights the voice
Of cannon make the deep rejoice,
And festal sunshine gleam upon
The green, glad hills of Oregon,
Thine and our own deep-bosomed State.

Upon a picture of the *Oregon*, taken after the Battle of Santiago and showing the ship in fighting trim, John James Meham wrote this verse:

When your boys ask what the guns are for,
Then tell them the tale of the Spanish War;
And the breathless millions that looked upon
The matchless race of the *Oregon*.

Free and Efficient Seamen.

EXTENSION OF REMARKS

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 22, 1912,

On the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Mr. RAKER said:

Mr. SPEAKER: There is no bottom to freight rates except the refusal of investors to put their money in shipping; there is no bottom to wages except the refusal of men or women to continue to labor in any particular calling. When wages go below living rates men quit that particular work. It falls into the hands of those whose standard of life corresponds to that low rate. It is for this reason and following this principle that the American ceased to go to sea. Efficient men gave up this class of work because they could do better on shore. Europeans are quitting the sea for the same reason, and the seamen are gradually being drawn from races accustomed to a lower standard of living. The number of Asiatics in the merchant marine of Great Britain has in 20 years gone from about 7,000 to 70,000. We should not now be able to find officers for our vessels if we were to depend upon the native American alone. Great Britain is approaching this same condition. Europe and America are educating those who, if the present condition is permitted to continue, are to take control of the sea in the no distant future. We are at the very bottom, and we must either make up our minds to so change conditions that our own boys and men will again seek the sea or we might as well quit building battleships and thinking about sea power for either defense or offense. I believe in the necessity of sea power and am in favor of this bill because it will, in my opinion, tend to bring the American to sea again.

No American worthy of the name will go into or remain in any calling if to do so is to acknowledge himself unworthy of equal rights with others. The petition which I shall submit truly states the seaman's status, and we need expect no American to go to sea or to remain at sea while it lasts. The seaman's work is honorable work, except as the existing law makes it otherwise; it is a sufficiently important work to entitle the seaman to living wages, and this he can not obtain while his present status continues. He must be made a free man; he must be recognized as a skilled man; he must be given the opportunity to feel himself the equal of other men and to struggle for recognition of such equality.

As I understand this bill, it seeks to accomplish these important and indispensable reforms, and I shall be glad of an opportunity to vote for it and to vote against any amendments which are calculated to weaken its provisions. The gentleman from Washington [Mr. HUMPHREY] seems to fear that the passage of this bill will place the vessels in the power of the seamen and unduly increase the cost of transportation. In this the gentleman is entirely mistaken. No law can or will raise wages above the common level, because the drift of men into that calling will bring it to a level with other callings. Wages in any healthy community depend upon the standard of living, and the seaman has a moral and a natural right to attain this common level. Any laws that stand in the way should be repealed.

There may be a slight increase in the cost of marine transportation when the conditions are readjusted, but this slight additional cost will be more than compensated for by increased safety to passengers and property.

We have had many instances in late years of what lack of skill in seamen may cost in loss of lives and property. It needs no argument to prove the necessity for skill after the loss of the *Titanic*. I hope that this House will not permit the sections of this bill dealing with and requiring skill to be weakened by amendments. I have not the slightest doubt that the committee has taken all proper care of the interest of the owner of the vessel, and I have no fear that the owner will not be able under this bill to take care of his interests. They are placed upon absolute equality, and the laws providing for discipline are not made any less stringent. The bill will, in my opinion, bring a better class of men to sea.

[The seamen's bill in Congress, H. R. 23673 (formerly H. R. 11372).]

A BRIEF DESCRIPTION OF ITS MAIN FEATURES.

The bill should be enacted into law for the following reasons:

First. To benefit the traveling public. It will promote safety of life at sea.

Second. To benefit the sailor. It will give him freedom, an opportunity to secure justice, and greater safety of life.

Third. To benefit the Nation. It will tend to build up the American merchant marine and to bring into existence a greater body of native American seamen.

It will promote safety of life at sea and on the Great Lakes by providing that a percentage of the deck crew on all vessels must be able seamen of three years' experience on deck—40 per cent the first year, increasing 5 per cent each year until a maximum of 65 per cent is reached. It provides that 75 per cent of the crew in each department must be able to understand the orders of the officers; and that passenger vessels must carry a crew sufficient to man each lifeboat with two men with a rating of able seamen or higher.

It will give freedom to the seamen by repealing the laws and treaties under which American seamen on American ships in ports in the foreign trade who quit their jobs are now treated as runaway slaves, captured, and forced to work against their will or sentenced to a foreign jail as though they were criminals; and whereby foreign seamen in American ports are subjected to the same degrading treatment.

It will promote the upbuilding of the American merchant marine far more than any ship-subsidy scheme ever can or will, and that without taxing the public. It will do this by recognizing the right of all seamen in American ports to ownership in their own bodies, giving them the right to quit their jobs when the vessel has arrived at a safe harbor. The economic effect of this will be to equalize the cost of operation as between American and foreign ships, in that it will create a condition under which foreign ships coming to American harbors will have to come up to American standard in order to keep their crews.

The bill has the indorsement of the International Seamen's Union of America, the American Federation of Labor, and of many State Federations of Labor and city central bodies.

Write to your Congressmen and Senators at once urging the passage of this bill, H. R. 23673, without further delay. It has been before Congress many years. It is time Congress acted. Now! Before this session adjourns.

INTERNATIONAL SEAMEN'S UNION.

—

SAN FRANCISCO, CAL., *July 21, 1912.*

Hon. JOHN E. RAKER,
Washington, D. C.:

In the name and for the sake of humanity the Alaska Fishermen's Union urgently ask your support in favor of the seamen's bill, H. R. 23673, which comes up for hearing in the House of Representatives Monday, July 22.

Sincerely,
I. N. HYLEN,
Secretary Alaska Fishermen's Union.

—

SAN FRANCISCO, CAL., *July 19, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

The California State Federation of Labor, representing 65,000 organized working men and women, appeals to you for active support in behalf of the seamen's bill, H. R. 23673.

D. D. SULLIVAN, *President,*
PAUL SCHARRENBERG, *Secretary,*
California State Federation of Labor.

—

SAN FRANCISCO, CAL., *July 19, 1912.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Your aid and influence are earnestly requested by the licensed officers of the Pacific in favor of House bills 23673 and 23676, respectively.

CALIFORNIA HARBOR 15.

—

SAN FRANCISCO, CAL., *July 19, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

Your aid and assistance is most urgently requested for the seamen's bill, H. R. 23673.

SAILORS' UNION OF THE PACIFIC.

—

SAN FRANCISCO, CAL., *July 19, 1912.*

Hon. JOHN E. RAKER, M. C.,
Washington, D. C.:

Your aid and assistance is most urgently requested for the seamen's bill, H. R. 23673.

EUGENE STEIDLE,
Secretary Marine Cooks and Stewards Association of the Pacific Coast.

—

WASHINGTON, D. C., *July 21, 1912.*

D. D. SULLIVAN,
President California State Federation of Labor,
San Francisco, Cal.:

I have been and am now favorable to such general legislation and will heartily continue to support seamen's bill, H. R. 23673.

JOHN E. RAKER, M. C.

—

WASHINGTON, D. C., *July 21, 1912.*

PAUL SCHERRENBERGER,
Secretary California State Federation of Labor,
San Francisco, Cal.:

I have been and am now favorable to such general legislation, and will heartily continue to support seaman's bill H. R. 23673.

JOHN E. RAKER, M. C.

—

WASHINGTON, D. C., *July 21, 1912.*

SAILORS' UNION OF THE PACIFIC,
San Francisco, Cal.:

I have been and am now favorable to such general legislation, and will heartily continue to support seaman's bill H. R. 23673.

JOHN E. RAKER, M. C.

—

WASHINGTON, D. C., *July 21, 1912.*

EUGENE STEIDLE,
Secretary Marine Cooks and Stewards' Association,
San Francisco, Cal.:

I have been and am now favorable to such general legislation, and will heartily continue to support seaman's bill H. R. 23673.

JOHN E. RAKER, M. C.

—

WASHINGTON, D. C., *July 21, 1912.*

CALIFORNIA HARBOR, No. 15,
San Francisco, Cal.:

The matters contained in your telegram of July 19 will be given favorable and personal consideration.

JOHN E. RAKER, M. C.

—

WASHINGTON, D. C., *July 22, 1912.*

I. M. HYLAM,
Secretary Alaska Fisherman's Union,
San Francisco, Cal.:

I have been and am now favorable to such general legislation, and will heartily continue to support seaman's bill H. R. 23673.

JOHN E. RAKER, M. C.

—

The seamen's bill, H. R. 11372, Sixty-second Congress. Introduced by Hon. WILLIAM B. WILSON of Pennsylvania. Explanatory articles by Andrew Furuseth, president International Seamen's Union of America. Seamen's petition to Congress, issued by International Seamen's Union of America; headquarters, Boston, Mass.

PETITION OF SEAMEN OF UNITED STATES.

Mr. LA FOLLETTE presented the following memorial to the Senate and House of Representatives from the seamen of the United States of America respectfully petitioning for the passage of Senate bill 6155, House bill 11193, being substantially identical bills, etc. (Now known as H. R. 11372.)

February 23, 1910.—Referred to the Committee on Commerce and ordered to be printed.

MEMORIAL.

The seamen of the United States of America, through their committee, duly appointed at their national meeting held at New York City in the month of November, 1909, respectfully petition for the passage of Senate bill 6155, House bill 11193, being substantially identical bills.

And in support of said petition your petitioners respectfully represent and state as follows:

To the Senate and House of Representatives of the United States, to humanitarians, democrats, Christians, and friends of human freedom everywhere, do we, the seamen, the yet remaining bondmen, humbly yet earnestly submit this, our petition, that we be made free men and the blighting disgrace of bondage be removed from our labor, which once was considered honorable, which is yet needed in the world of commerce, and which has been held to be of great importance to nations with seacoasts to defend.

Existing maritime law makes of us, excepting in the domestic trade of the United States, the property of the vessel on which we sail. We can not work as seamen without signing a contract which brings us under this law. This contract is fixed by law or authorized by Governments. We have nothing to do with its terms. We either sign it and sail, or we sign it not and remain landsmen.

When signing this contract we surrender our working power to the will of another man at all times while the contract runs. We may not, on pain of penal punishment, fail to join the vessel. We may not leave the vessel, though she is in perfect safety. We may not, without our master's permission, go to a mother's sick bed or funeral, or attend to any other duties of a son, brother, a Christian, or a citizen excepting in the domestic trade of these United States.

If the owner thinks he has reason to fear that we desire to escape, he may, without judicial investigation, cause us to be imprisoned for safekeeping until he shall think proper to take us out. If we have escaped, he may publish our personal appearance along with a reward for our apprehension and return. He may, through contracts between nations, cause the peace officers and police to aid him in recovering his property. The captain may change, the owner may change—we are sold with the vessel—but so long as the flag does not change there is nothing except serious illness or our master's pleasure that will release us from the vessel.

The master, acting for the vessel, may release himself and the vessel by paying a few dollars, with no alternative.

He that owns another man's labor power owns his body, since the two can not be separated.

We stand in the same relation to the vessel as the serf did to the estate, as the slave to his master. When serfdom was abolished in western Europe we were forgotten by the liberators and our status remained. When the slaves of the United States and Brazil were emancipated our status continued. When serfdom was abolished in Russia no change came to us.

We now raise our manacled hands in humble supplication and pray that the nations issue a decree of emancipation and restore to us our right as brother men; to our labor that honor which belonged to it until your power, expressing itself through your law, set upon it the brand of bondage in the interest of cheap transportation by water.

We respectfully submit that the serfdom of the men in our calling is of comparatively modern origin. Earlier maritime law bound, while in strange countries and climes, the seaman to his shipmates and the ship, and the ship to him, on the principle of common hazard. In his own country he was free—the freest of men. We further humbly submit that, as the consciousness of the seaman's status penetrates through the population, it will be impossible to get freemen to send their sons into bondage or to induce freemen's sons to accept it, and we, in all candor, remind you that you, when you travel by water, expect us—the serfs—to exhibit in danger the highest qualities of freemen by giving our lives for your safety.

At sea the law of common hazard remains. There must be discipline and self-sacrifice, but in any harbor the vessel and you are safe, and we beseech you give to us that freedom which you claim for yourself and which you have bestowed on others, to the end that we may be relieved of that bitterness of soul that is the heavy burden of him who knows and feels that his body is not his own.

WHY THE AMERICAN BOY DOESN'T GO TO SEA.

1. He knows, or soon finds out, that a seaman is a slave. (See secs. 4596, 4600, and 5280 of the Revised Statutes and treaties of extradition and commerce.)

2. He is compelled to live in a place 6 feet long, 6 feet high, and 2 feet wide. This is the legal forecastle space, except in the sailing vessels rebuilt after June 30, 1898. (See act of May 3, 1897.) This space, in which men must sleep, live, eat, and keep their clothing, has been described as "too large for a coffin, but too small for a grave."

3. He is compelled to sign away, in the foreign trade, a certain sum of the wages to be earned in order to get employment. This is known as "allotment to original creditor," and is permitted by section 24 of the act of December 21, 1898, but is made mandatory by the crimps (marine employment agents), and to surrender his right to part payment of wages in ports of call. (See sec. 4530, Rev. Stat., as amended Dec. 21, 1898.) The proviso, "unless the contrary be expressly stipulated in the contract," is made a condition upon which employment is obtained.

4. He must obey any order from the master or other officer or go to prison, but if crippled for life by injury thereby received he has no remedy, because under late decisions the officers are "fellow servants."

5. He must, in obtaining employment, compete with the unskilled and destitute, not only in this country, but from all nations and races, because the law as to citizenship was repealed in 1864, and the custom which enforced skill has been destroyed by abolishing the owner's risk and liability, and no law has taken its place. No standard of skill has been adopted.

6. He must do this unskilled man's work at sea, because the work must be done and there is nobody else to do it.

7. He knows that vessels are generally undermanned, both as to skill and as to number of men employed.

8. He knows, or soon finds out, that in this calling he will not, except in rare cases, growing rarer as vessels grow larger, be able to earn sufficient money to marry and keep a family.

9. He knows that he can get employment on shore that is more lucrative and more honorable, or at least is so considered by men on shore.

Those who continue in this employment do so because they have not the energy to get out. They are, in many instances, men who have

fought life's battle, have lost, and accepted defeat, or they still have hope that the civilized nations will realize their need of seamen and will, for those reasons, change the laws so that sea life shall again be honorable and furnish sufficient income upon which a family may be kept.

It is said that the country wants seamen for the merchant marine and the Navy. It is said that there is a desire to have the American boy go to sea and that the American man shall remain there. If there be any sincerity in this desire, the very first thing to do is to restore to the seaman his rights as a citizen. No man worthy of the name of American will remain in a calling when to do so stamps him as one satisfied to be a slave.

Lord Chatham once said in the House of Commons when a bill relating to seamen was under discussion:

"Sir, the two honorable and learned gentlemen who spoke in favor of this clause were pleased to show that our seamen are half slaves already, and now they modestly desire that you shall make them wholly so. Will this increase your number of seamen, or will it make those you have more willing to serve you? Can you expect that any man will make himself a slave if he can avoid it? Can you expect that any man will breed his child to be a slave? Can you expect that seamen will venture their lives or their limbs for a country that has made them slaves? Or can you expect that any seaman will stay in the country if he can by any means make his escape? Sir, if you pass this law you must, in my opinion, do with your seamen as they do with their galley slaves in France—you must chain them to their ships or chain them in couples when they go ashore."

That Chatham was right has been shown by the incidental laws which it became necessary to adopt. Imprisonment and extradition were needed to enforce the law. The American people know that the seaman is a slave.

The bill in question is known as S. 6155 and H. R. 11193, "A bill to abolish the involuntary servitude imposed upon seamen in the merchant marine in the United States while in foreign ports, and the involuntary servitude imposed upon seamen of the merchant marine of foreign countries while in the ports of the United States, to prevent undermanning and unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, and to amend the laws relative to American seamen."

The features of the bill are, briefly stated, as follows:

1. Establishing "watch and watch" at sea and prohibiting unnecessary work on Sundays and holidays in port, thus insuring the amount of rest necessary to the highest state of efficiency.

(This is now the law of France, Germany, and Norway.)

2. Providing that seamen kept waiting for their wages at the completion of the voyage beyond the period now specified by law—i. e., two days in the coastwise and four days in the foreign-going trade, shall receive two days' extra pay for each day's delay instead of one day's extra pay, as now provided, thus affording the seaman additional protection against the necessity of going into debt while waiting to receive his wages.

3. Abolishing the existing law providing that the seaman may sign away his right to receive one-half of the wages due at every port of lading or discharge during a voyage, thus reducing the tendency to desertion.

4. Providing that vessels may be inspected in foreign ports upon demand of a majority of the crew, instead of requiring that such demand shall be joined in by one of the ship's officers.

(This last is now the law in Great Britain, and similar provisions are in the law of Germany.)

5. Enlarging forecastles of all vessels so as to provide that after June 30, 1910, each seaman shall have not less than 100 cubic feet and not less than 16 square feet of space, thus bringing all vessels up to the standard already set for vessels built subsequent to June 30, 1898.

(English law provides 120 cubic feet, so also Norway, and France more.)

6. Abolishing imprisonment for desertion in foreign ports, thus extending to the seamen in the foreign-going trade the right to quit their vessels in any safe port, a right already extended to the seamen in the domestic or coastwise trade.

(Commissions appointed to inquire into the conditions of merchant seamen in Norway and Italy have determined to recommend the repeal of imprisonment for desertion or failure to join, if such desertion or failure to join did not endanger life or property, or the seamen had not received advance of wages.)

7. Abolition in all trades of allotment to "original creditor"—i. e., boarding master or crimp—thus protecting the seamen against robbery by the crimps. Such allotment is now prohibited in the domestic or coastwise trade.

8. Providing that in cases of cruelty to seamen or illegal punishment by a ship's officer, and the escape of such officer through failure on the part of the master to surrender such officer to the proper authorities, the vessel as well as the master shall be liable to damages to the seamen illegally punished.

9. Improving the food scale so as to increase the allowance of water from 4 quarts to 5 quarts per day, and the allowance of butter from 1 ounce to 2 ounces per day.

(France, England, Germany, and Norway regulate the quality and quantity of food either by direct statute or by regulation in pursuance of statute.)

10. Providing a manning scale for vessels, so as to insure that they shall carry the number of seamen of proper age, ability, and experience necessary for their safe navigation. The principal features of this provision are that an able seaman must be 19 or more years of age and must have had at least three years' experience on deck at sea or on the Great Lakes; an ordinary seaman must be 18 or more years of age and must have had at least two years' experience on deck at sea or on the Great Lakes. Every seaman must have a sufficient knowledge of the English language to understand any order given in English. It is further provided that all vessels shall carry in their crews a certain number of boys in proportion to their tonnage.

(In Great Britain the authority to detain vessels as unseaworthy is lodged with the board of trade. Undermanning is cause for detention; so also unskilled manning. A seaman must be able to speak and understand English, unless he be a British subject, and in all cases an able seaman must have had at least three years' experience at sea on deck.)

LEGAL RELIEF WON BY SHIPOWNER.

Shipowners have been relieved of:

1. Risks arising from acts of God or dangers of the sea through the system of insurance; arising from piracy through the present perfect policing of the seas; from those arising from popular local disturbances through damages paid by such localities or States.

2. Liabilities to the shipper, passenger, or seaman through limited liability as to the shipper or passenger; as to the seaman through decisions making the master and other officers "fellow servants" of the seaman.

3. Taxes on floating property by a large number of States and others about to follow in this policy.

4. Fees to be paid for the enforcement of navigation laws (see acts of June 19, 1886, and June 10, 1890), by which fees theretofore paid by the owner are now paid from the General Treasury. Some small fees only are left.

5. Care and cure of sick seamen, which has been assumed by the United States, through the Marine-Hospital Service, the expenses of which were placed against the General Treasury by the Fifty-ninth Congress, and from the burial of dead seamen who are handed over to the coroner and then buried by the community.

6. The duty to carry a certain number of citizens in the crews of vessels. (See act June 28, 1864.)

7. The duty of training men for the sea service. This is now done by foreigners or at public expense by training ships. Too often they are not trained at all. Although the owner is supposed to provide a competent master and crew, yet there is no legal standard as to seamen, and this law only comes into operation when some one is damaged and the plaintiff proves that the crew were inefficient, in which case limited liability ceases to operate.

8. If the subsidy bill passes, the tonnage taxes which he now pays will be returned, with more added as a payment for running his vessel.

9. Since section 4463, Revised Statutes, was amended by the Sixtieth Congress his responsibility as to the crew has ceased, he being covered by having obeyed the rules as to number of men prescribed by the local inspectors.

He may carry any amount of cargo that he shall think safe on deck. He may load his vessel as deeply as he shall think proper. There are no regulations on these subjects.

He may hire and, in a foreign port in the foreign trade, by the assistance of the police, keep the cheapest men that can be found in any part of the world.

Under admiralty law, as it came to this country, the owner was liable to the full extent of his property for any loss or damage caused to the shipper or passenger through his own carelessness, or the carelessness or lack of skill of master or crew. He was further liable to the seamen employed for injuries caused by defective gear or for injuries received through any lack of skill on the part of the master or other officer.

Section 4283, Revised Statutes (act of Mar. 3, 1851), relieved him of part of his liability by enacting that where the loss or damage was caused by neglect of master or crew the owner should not be liable beyond his interest in the vessel and freight pending.

Section 18, act of June 26, 1884, extends this to all debts and liabilities, except in case of those employed by the vessel. That act reads:

"The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessel and freight pending."

The owner was still in duty bound to furnish a competent master and crew. In the case of the *Rio de Janeiro*, of the Pacific Mail Steamship Co. (130 Fed. Rep., 76), the court of appeals held, and the Supreme Court of the United States later concurred, as follows:

"It is the duty of the owner of the vessel to provide a crew not merely competent for the ordinary duties of an uneventful voyage, but for any emergency that is likely to happen and which calls for instant action to save lives of passengers and crew. A ship is not sufficiently manned when the sailors can only receive orders through the boatswain.

"* * * We have no hesitation in holding that the ship was insufficiently manned, for the reason that the sailors were unable to understand and execute the orders made imperative by the exigency that unhappily arose and resulted so disastrously to life as well as to property. (Opinion filed May 9, 1904.)"

The reconstruction of section 4463 seems to have abolished the liability.

COMMON HAZARD.

It will be seen from the foregoing that the old principle of admiralty law, as laid down in article 66 of the Laws of Wisby, which reads as follows, has been abandoned:

"ART. 66. If the merchant obliges the master to insure the ship, the merchant shall be obliged to insure the master's life against the hazards of the sea."

Since the hazard remains with the master and crew and the financial and other risks have been shifted to the people at large, it seems to be reasonable and just that the risks and hazards, so far as reasonably possible, should be minimized by legislation. This thought has been acted upon in Great Britain by providing a standard of efficiency in the men employed, rigid inspection laws as to the hull and machinery, regulations as to the depth that the vessel may be loaded, and the deck loading, which during certain times of the year is prohibited altogether. With reference to manning, the board of trade has issued a circular to superintendents of the mercantile marine offices and to detaining officers, specifying the minimum in the number and skill of men employed on steamers in accordance with their tonnage.

In order to keep the seamen in a condition to do their duty a specific minimum scale of provisions has been enacted in Great Britain, in France, and in Norway. In Germany this is determined by the port from which the vessel hails, and if no standard has been determined by such port, then by regulations issued by the Government.

Dealing with the necessary rest, the vessels of Great Britain have always adhered to the two-watch system for the sailors and the three-watch system for the firemen, and there seems no doubt that any law upon the subject, up to the present, was deemed unnecessary. France and Germany have provided, by law, two watches for the sailors and three for the firemen. The Norwegian law provides that "while at sea their working hours are distributed as usual," thereby maintaining the two-watch system for sailors and the three-watch system for firemen, which had been usual, but from which there had been a disposition to depart.

With reference to working hours in port, France, Germany, and Norway provide a maximum workday of 10 hours, inclusive of anchor watch, and overtime to be paid for any additional time, except in the case of Norway. There the crew of the vessel coming into harbor may be worked not exceeding 18 hours, including time for meals, without any payment of overtime, but shall then have 8 hours of undisturbed rest.

Respectfully,

INTERNATIONAL SEAMEN'S UNION OF AMERICA,
ANDREW FURUSETH,
WM. H. FRAZIER,
WALTER MACARTHUR,
Legislative Committee.

PEONAGE AND WAGES.

EFFECT ON POPULATION.

The Mexican peon works for a few cents per day. He is always in debt. The laws of Mexico provide that the debtor may be compelled to work for his creditor until the debt be paid. The creditor sets the wages, subject to consideration of the number of bond and free (peons and freemen), and the work which must be done. The immediate interest of the employers is to have the largest possible number of people in peonage, because thus they can always determine wages of the freemen. For the peon, or bondsman, there is but one way out. He can refuse to reproduce himself and thus destroy the population, or he can go on the battle field and die there.

For the first there needs no particular energy; for the second the energy needed is the highest given to man, the energy to die. Peons, or bondsmen, living in bad quarters, eating poor and insufficient food, can not be expected to have the necessary energy to die, and usually they have not; but they may try to run away, which they do; and when brought back to work under the lash, they can refuse to breed, which they do. Especially do they do this if they have learned to read and have done enough reading to have absorbed ideals higher than their existing condition is expressive of.

Education increases hunger, hunger for good food, for good clothing, for good shelter, and for good female company, for marriage. When conditions stand in the way, there is an effort to change conditions. When this fails, the marriages come later in life, or fail, and the number of children born become less; the number born in wedlock decreases first, while promiscuity increases, and the number of children born out of wedlock first slightly increases and then declines.

Conditions such as these depopulated the Roman Empire, caused the decrease of population of Europe in the latter part of the Middle Ages, and are at work in existing society. It is the condition of bondage that has kept Mexican wages at the lowest depths, and that finally brought about the revolution. A people without land and without wages sufficient for reasonable comforts, in accordance with the prevailing ideals, is always destructive of population in any country where it exists.

EFFECT ON CALLINGS.

Let us try to apply this law, for it seems to be a law, to any calling and we shall see that it holds good, when applied to a calling, just as it applies to a people. Nearly all European countries have contract servitude in some occupations. Thus we find that there are servants in husbandry. That is, men with families have a small plot of land on which they raise some of the necessaries of life; they work for the farmer the year round; the wife works also in seed, and especially in harvest time. They eke out some kind of a living, and while their ideals are not above this kind of life they rear children.

When the schoolmaster has been around for some time ideals change, and the men will not bind themselves to this kind of life; they cease to marry and they go to the cities or to other countries, where they hope for and believe that they can find a better way of living. The number of those workers, bound to a particular master for a particular time, decreases more and more until the crops are at times lost, and great changes take place in the mode of production or in industry. The industry in this particular instance, agriculture, declines.

In Norway the number of this class of workers decreased from 60,000 to 6,000 in 30 years. The decrease in Sweden is about the same. Take again the younger men, who used to be hired for one year, to work and live on the farm. Their number has decreased, but not in the same proportion. They have been working and saving, with the hope of getting together some money with which to pay fares to get to the city or to some foreign country. With all this their number has been steadily decreasing. At the Socialist congress in Copenhagen last year there was a parade, and among the conspicuous banners carried were those calling for the abolition of the master-and-servant laws.

Superficial observers look upon this question as mere sentimentality; they fail to see the relation between term contracts to labor and the condition of such laborers. A little thinking should show them their error. Supply and demand determines wages to a very large extent, if not altogether. Term contracts destroy competition between those who hire workers. Once the contract is made the State steps in and compels performance. While the contracts are being made there is always an artificial surplus of workers, and those contracts are always made in the fall of the year with a winter staring the workers in the face.

There ceases to be any competition between the employers under such condition, but there is competition between the workers. The law of supply and demand is nullified by man's cunning, and wages keep below or at the point of subsistence. Idleness or increase in rents and prices brings want. It influences the treatment; the employer is busy with his difficulties; why should he consider his employees when he needs but to call the police or the sheriff to bring his worker back to him? Freedom to quit work at any time is the father of improved conditions of the workers; freedom to organize and to travel is its mother. Any country which denies this freedom to its workers will lose them, either by emigration or by race suicide. This seems to apply to all the workers, whether in sections or as a whole.

CONDITIONS OF SEAMEN.

Let us now apply this to the seamen. While the men on shore were working under term contracts enforcible by the State, the wages of the seamen, also under term contracts, were up to and sometimes slightly above that of equally skilled men on shore. As freedom came to men on shore and they learned to use their freedom, wages went up until they doubled, trebled, and in some instances quadrupled. The seaman, remaining under term contracts to labor, enforcible by imprisonment, vitalized in foreign countries by treaties, was left behind. His wages stood still and in some instances actually decreased, while the purchasing power of such wages as he did get was reduced in proportion as shore workers' wages increased.

Under this condition it became impossible to live as other men, and the seaman's social status deteriorated. He tried to organize, and he was crushed, because he had to fight not only the employer but also the State. The peculiar condition and the skill needed gave him some help; but the shipowner insured his property; the losses fell on the whole community instead of upon himself, and he ceased to care about skill. Many nations had laws compelling the shipowner to carry a specific number of subjects or citizens in each crew. The shipowners procured their repeal. Being now exempt from the loss that might be caused by inefficient men and from the laws compelling him to look among his own people for men to do his work, the shipowner had the world to draw from. No skill too low, no man too inefficient, no race barred. The contract once signed enforcible by the State. Was such handicap ever put on other men in the race for life?

THE BOARDING MASTER.

The seamen tried organization in England and in this country in the first years of the last century. In both instances they were crushed by the State. They then began to try individual action. They tried to get away from their servitude by deserting. At home they were met by the law of enforced labor and by imprisonment, on the one hand, and by strike breakers on the other. Seamen refusing to work at loading and discharging of cargoes, other men were hired and paid from the seamen's wages. This developed a new body of workers, the longshoremen, and later on the harbor seamen.

The deserting seamen found that they must find somebody to hide them. The boarding master undertook this. He kept the deserters in hiding until the vessel had gone to sea. The seaman was then shipped on some other vessel at increased wages, and wages began to take an upward trend. This would not do, so an alliance between the boarding masters and shipowners was arranged, by which the blood money was abolished and the boarding master got his income from advance wages given, ostensibly to the seaman, in reality to the boarding master.

From out of the system of bondage had come a condition under which the boarding master helped the shipowner to keep wages down, and the biggest share of wages actually signed for went to the boarding master, who often divided with the master of the vessel and sometimes with the owner. When the seaman resisted, his clothing was kept and he was thrown naked on the street, where usually a convenient policeman was ready for him ready to tell him that he was a vagrant without visible means of support.

AMERICANS QUIT THE SEA.

Americans, being the first to see the real situation of the seamen and being able to find other employment in a new country, were the first to quit the sea. The boarding masters, acting for themselves, but in reality as the agents of shipowners, went to foreign vessels which came into American ports and induced the seamen on those vessels to desert. They shipped them on American vessels below the wages which the American was willing to accept. The American abaft the mast hated the young foreigner as a strike breaker and as a foreigner, and misused him whenever he felt inclined. Thus the system of peonage on the vessels created, or helped to create, the brutality which gave to the American vessels the name of "bloodboats."

If American capital had not left the sea because of more profitable employment on shore, there is no doubt that this country would have been the first and worst offender in using the oriental and the negro. As it now is Great Britain is the worst offender. British seamen gave England her supremacy on the water, and now they are driven from the sea under the slave laws by Asiatics and Africans. The latter may be said to be plain savages, captured right out of the African woods. Savages, from Asia and Africa and developed in our own cities, are more and more the men who carry the world's seaborne commerce.

There is not one nation, unless it be Germany, that can reman its navy with men accustomed to the sea. Let the nations permit the trend to go on, and it will not be a very long time before the white race loses its power over the sea, and the Aryan ceases to be at all a seaman.

And yet seaman's work is man's work. Of course, the seaman does much that he calls woman's work, but that is only an incident in his real life. Take the real seamen out of any vessel and she will be as helpless as a whale in shoal water. Take away the men trained on sailing vessels from among the officers and the insurance premium will shortly go up from 4 to 5 per cent above the present point.

This, however, is of little moment to those for whom these words are written. There are yet a very large number of skilled, capable, self-respecting men following the sea for a living, partly because they are in it and can see no good way of getting out, partly because they like the life for what it might be and for what it partly yet is. Let those men take courage and come together. The sea can be made fit for the kind of men who once sailed on it. Seamen may be made freemen. It was the law that took freedom away; the law can give it back.

With freedom to exercise self-help and mutual aid, the men will know how to compel, not only human conditions, but sufficient wages to live as men, sufficient to have a home of his own in place of the labor warehouse now miscalled Sailors' Home; a wife in one port, instead of, as is sneeringly said, a "wife in every port."

Let those who believe and have the courage of their faith get together, determine to work to this end, and we shall find men on shore willing and able to help us strike the shackles off. The Lakes are fighting to keep the shackles off; let us help them by furnishing them the bit of bread that they must have. Remember, the employer can send among us men to sow distrust, selfishness, and cowardice. When men say this or that can not be done, ask yourself "Is this man only a fool and a coward or is he paid?"

Other phases of this subject will be dealt with in another article.

REMEDIES THAT HAVE FAILED.

In dealing with the situation which I tried to describe in the Journal last week, with the view of finding some real remedy, I shall first try to analyze the proposed remedies that have been tried in the past. Then I shall try to analyze some remedies now proposed by many well-meaning persons.

DESERTION.

To "run away" has been tried. To run away is nothing but leaving one vessel—at the risk of imprisonment—to go in another, from which the man may be taken by the State and again placed on board the vessel from which he deserted. This did some good for a time, but the defenseless condition of the seaman and the penalty for hiding him made it easy to turn this method against the seaman, and, as we know, this was done. To run away could not be, and is not a remedy.

TO GET SICK.

This device has been used to some extent. Men have eaten soap and other poisons so as to get sick and get rid of the vessel on which they sailed. They have claimed to have rheumatism, but in most cases the doctor has detected the shamming and discharge has been refused. I have personally known men to go on shore to get sick in order to get rid of the vessel and get their papers with them. Actual or pretended sickness was no remedy.

GOING TO COURT.

Men have gone to court and complained of bad treatment. The testimony given was absolutely true, but the court presumed that the men were lying in order to get out of the vessel. The status of the men so tainted their testimony that the court, sitting in admiralty and having by that reason discretionary power, assumed that the men were lying and so "going to court" has proved no remedy.

COMBINING WITH LONGSHOREMEN.

A belief gradually grew up among the seamen that if they could make some combination with the longshoremen it would then be possible to so delay the vessels that the owners would give some redress. Long-

shoremen were organized to load and discharge all vessels; their interest lay in getting the seamen out of the vessels when in port, in order that they—the longshoremen—might be employed. The stevedore wanted the crew out in order that they might not be used to lower his prices.

In order to combine with anybody it was first necessary that the seamen themselves be organized in some fashion. When the question of combining with the longshoremen came up in earnest the latter insisted upon the seamen leaving the vessels in port, or at least refusing to handle cargo. This meant less work for the seamen; it meant employment becoming still less steady and the earnings still less. But the seaman was willing to try. He did try and found that he was like the dwarf in the fable, receiving all the wounds and the giant receiving all the profits.

The longshoreman had promised that he would not move the vessel in port or do anything except handle the cargo. But there is a peculiarity about human nature which permits man to persuade himself that what is in his own interest is the right thing. The longshoreman was very naturally unwilling to risk his job by refusing to do such slight, and to him unimportant, things as moving the vessel and making her ready for sea. Then he had often been a seaman before he became a longshoreman; he had left the sea to better himself; he had married and stood to lose many things, so he could see no good reason why he should sacrifice his prospects for the seamen. He was getting from $4 to $6 per day and the seaman $15 to $20 per month. If the seamen became strong they would insist upon better wages, and this might have to come out of the longshoremen's wages, or it would increase the total cost of labor. To the latter the owners would object, and so the increase of the seamen's wages either involved a strike or the reduction in the longshoremen's wages.

I am well aware that this recognizes the existence of the now exploded theory of the "wage fund"; but such was and is the men's reasoning, and so we must deal with things as they are in the minds of men, not as we would like them to be. A combination with the longshoremen was difficult for the further reason that the seamen's wages under the law may be paid to the longshoreman or anybody else for doing whatever work the seaman refuses to do. It seems plain that while the seaman is under compulsion to labor to fulfill the contract made, alliance with longshoremen is no remedy.

NOTHING FROM, NOTHING TO, A SCAB.

This is the panacea presented to us from every soap box on the street in these latter days. Let us see how this would work. The steamer *Bear* is at the dock taking in cargo. Along comes a delivery wagon with some stuff that is to go in the vessel. The driver is asked for his card; he has none, and, according to this much-lauded doctrine, the longshoremen should quit in preference to accepting the stuff. Assuming that the longshoremen do quit and the seamen are ordered to take in the stuff, and they also refuse, then, while the longshoremen get what money they have earned, the seaman's money—money already earned—is under the law taken to pay the scab who does the work.

Who is hurt? Not the owner; he is losing nothing. Not the longshoreman; he has lost nothing. The seaman has lost his job, a small thing, but he has also lost the money for which he had been working. Let us take this same thing into a steam schooner and see how it will work. Sailors refuse to accept lumber from nonunion men; sailors are discharged. Scabs are obtained and the vessel proceeds to San Francisco or San Pedro; there the longshoremen refuse to handle the cargo; they are locked out, as they were in 1906. Scabs are obtained and they discharge the vessel. Not only that vessel, but all the vessels in port; just as in 1906. Union sailors can not go in any of the vessels. Net results: Scab longshoremen and scab sailors at work. The friendly owners, who wish to live in peace and pay going wages, are driven into alliance with unfriendly owners. Who has been hurt? Not the scabs, nor the unfair owners; all these have been benefited. The only persons hurt are the union seamen and the fair shipowners. A few scabs have succeeded in getting the union men to quit work. The scabs and the unfair owners have called a strike of the union men against the fair owners. Could stupidity or cunning invent a more silly or a more clever and effective means of defeating the union men and hurting the employer who wishes to be fair to labor?

But more than this. If the seamen are under the law of imprisonment they will be arrested and either sent to prison or put back on board the vessel where they quit work.

This much-praised and much-agitated remedy, this panacea, reminds me of the noise that the cats make in the back yard in the night. The noise is great and it disturbs your peace; it means something—it means more cats, not less. So this policy means more scabs, not less. Plainly it is not a remedy.

TO JOIN THE "I. W. W."

Here we have another of the remedies which, if applied, would, according to the orator on the soap box, settle all our difficulties. "All come together in one great union and strike against the employer at all places at the same time." Plainly, it would be very difficult to arrange this effectively under a democratic system of union government. This difficulty is recognized by the promoters, and so they meet it by abolishing democratic government in the unions. They organize the trades or callings that come in direct touch with or which overlap each other into one group. Each union in the group is represented by a certain number of delegates on what is called the "executive board," and in this delegated body is lodged all power. It may determine the wages, the hours of labor, the shop rules. It may order strikes and then order the men back to work—if they can get back. It may order men to pay any assessment that it shall think neeessary or wise.

We are asked to voluntarily give more power to this board than is now possessed by the employers. Of course, this power is to be used for the good of all. No doubt it is the intention so to use it. Let us assume that it is done in perfect good faith. Where will this land the seamen? Being a comparatively small body, we would have but little weight in the councils. We would have to obey orders. The members of the board, being desirous of doing the best possible for the great majority, and having no knowledge of the status of the seaman, neither knowing nor caring how the order would affect the seaman, he would be ordered to quit his vessel to enforce rules laid down to assist others. In the coasting trade here in this country he would lose his money—that is, the money for which he had worked. But where he is under the status of the peon he would be arrested and either sent to prison or back on board the vessel which he left under orders from the "executive board." Again the seaman is the dwarf of the fable in alliance with the giant. Again he gets all the wounds and none of the spoils of victory. Plainly, whatever might be the possibilities under other and freer conditions—and I most emphatically deny that it could be a remedy even then—under existing conditions, with their servitude, it can not be and is not a remedy.

RELIGION, CHRISTIANITY.

"Be good and you will be happy." Yes, happy, because more tolerant of injustice and wrong as inflicted upon oneself; but if truly Christian, less tolerant of injustice and wrong as inflicted upon others. Protest against wrong because wrong, intolerant of it because of its evil, because of the denial of equality and equal freedom. This sentiment, however, is no remedy in itself. It may lead to remedies, but is only preparatory thereto. Real Christianity was always intolerant of either slavery, peonage, or contract servitude. Of and by itself it is no remedy.

QUITTING THE SEA.

There is a remedy only for the individual who quits. He ceases to be a seaman, and that is all. The larger the number of those men who feel the wrong and quit the larger the number of hopeless and helpless remaining and coming. Thus quitting may reduce the standard of manliness of the men of the sea, and the nation in which this takes place will lose its sea power as it loses its seamen. But to the seamen quitting is an injury, not a remedy.

TAKE CARE OF THE INEFFICIENT.

This is no remedy, because all the worms that have fed and are feeding upon the seamen get inside of the protective ring and eat away, reducing the strength of what they feed upon until all the men are at the same level. There never was any law passed by the so-called humanitarians to protect the seamen from being robbed that was not so drawn that it operated in the interest of the crimping element. It was so with the advance, so with the penalty for inducing men to desert, so with the sailors' homes. It has been so with the law permitting the shipowner to employ inefficient men. It must be so with laws that are not calculated to put the seamen on his own feet, making him responsible to himself and his fellow men.

Now, practically everything has been tried except to give the seaman himself a chance. Give him a chance to do right and feel that he is a man. Give to him the same chance that you give to others, and let him take the consequences of his own acts.

I shall write one more article of this kind, trying to show what would be a remedy. All these things have proven themselves to be worse than useless. They have not been, they are not, and they can not be real remedies.

ANDREW FURUSETH.

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FREEDOM THE REMEDY.

MEN'S DIFFERENT MOTIVES.

Truly, man is fearfully and wonderfully made. In him are combined the highest and lowest, the best and the worst characteristics—selfishness and self-abnegation, heroism and cowardice. These qualities exist in the same man at the same time. One thought, feeling, or faculty—call it what you like—is more active than another at a particular time. A seaman without the slightest hesitation dives into the ocean while the vessel is going at a good speed to save a drowning man, thinking nothing about his own chances of drowning. We see the same man at another time do a selfish, mean thing, and we marvel at the change. We ask, "Is this the same man?" Yes; he is the same man, but in another mood and governed by other thoughts.

We see a shipowner give freely to some institution or to some needy person; we see him protest against peonage or slavery; we find him in sympathy with nearly all the progressive ideas of his time, and yet absolutely opposed to any real change in the seamen's condition. Is this the same man? Yes, the very same, but dominated by a thought, a feeling, or a fear of an entirely different kind from those that are uppermost in his better moods.

The struggle for life makes us callous when our own interests are at stake; it is so with the poor; it is so with the rich or well-to-do; only that in the latter case it is usually more so, not because he is by nature any worse, but because he is usually stronger. He could not have become rich or wealthy if this were not so; he could not keep and add to his wealth if he were not under the present condition of stress and strife.

As said before, in an earlier article, man has a peculiar faculty of persuading himself that what is to his own benefit can not be of any serious disadvantage to others. By virtue of this reasoning we find men defending wrongs, denying that they are wrongs, because they are beneficial, or because he thinks them beneficial, to him. The shipowner usually defends low wages and onerous conditions imposed upon the seamen, because "it was always thus," because "the seamen would not work at all under other conditions," because "changing it would destroy commerce," because "it is better for the seamen," because "if altered at all they must be altered in all countries at once," because "the terrors of the law are needed in his case."

Any and all arguments except the really true one—selfish fear of what may happen. Under the law he is king; he has all power; he owns the men working for him. What could be more natural than that he should come to believe that such arrangements are best? Why should he not think himself trustworthy enough, wise enough, to be intrusted with such power, and good enough to use it wisely and humanely?

SELF-INTEREST BRIDLED.

For the normal man to think otherwise would be to question his own capacity and integrity. Finally, he is after all only an agent of society at large in getting work done at the lowest possible price. The lowest possible wages means the lowest possible prices, so he thinks. Society at large, whose agent he really is, gets the benefit. Society agrees, until some real disturbance shows up the whole thing as a fallacy that is leading to destruction.

For these and sundry other reasons humanity has come to distrust self-interest and has bridled it, while permitting it as much latitude as seems wise, holding it to be one of the main forces working for progress, if not indeed the chief force. Thus men have learned to distrust kings and to bridle them, to distrust the clergy and bridle it, to distrust the aristocracy and bridle it, and now men are learning to distrust the employer of labor and are engaged in finding bridles for him.

The self-interest of one class is set off against the other class or section thereof in the hope that the struggle will bring out the good that is hoped for. The self-interest of the master can not be trusted, and so we try to offset it with the self-interest of his servants or his workers. Let us try this on the seaman.

SHIPOWNERS' SELF-INTEREST.

We have seen that when any class of workers have become sufficiently free to quit their work individually their condition has taken on an upward tendency, and when they could and did quit work collectively this tendency became stronger. The self-interest of the employer

was enlisted; he stood to lose by the men quitting at times when such leaving off work was a great loss to him. He became interested in the condition of his workers, in their feelings and mental attitude; indeed, sufficiently so to organize detective bureaus and send spies in among the men to report to him.

No such trouble exists for the shipowner. He owns his men when once they have signed the agreements or shipping articles. If they become so dissatisfied as to run away, he only reports to the State officials, and the deserter is recaptured and delivered back to him.

The shipowner must be placed in a position similar to other employers. If the men may leave him at an inopportune moment, either individually or collectively, he stands to lose. He will govern himself accordingly. While he has the ownership of the men, enforced by the State, he is safe from this loss and anxiety, and being an ordinary man he troubles no further.

SET THE PEON FREE.

That is, abolish all penal punishment now enforced upon the seaman for any refusal to continue to labor while the vessel is in safety. Abolish the shipowner's present right to have the seaman brought back to labor against his will. If the seaman returns, or if his refusal to return be only temporary, let the expenses of the substitute be taken from the seaman's wages already earned or to be earned. This will give all the security or guaranty that is or can be needed to prevent men from needlessly delaying work or vessels.

This would at one stroke alter the seaman's life for the better. The presumption that the seaman is lying in order to get out of the vessel ceases at once. His testimony will be weighed by the same tests as are applied to other men. Let me tell of a personal experience which illustrates the present condition.

I came to New York in a German ship. I was sick and had to be sent to Long Island College Hospital for treatment. The doctor in charge asked me, "Is the ballast out?" Being answered affirmatively, he further asked, "Is she (the vessel) soon ready for sea?" Being told "No," he prescribed for me. On the next day I was delirious. The same questions were asked that same afternoon of a patient from a Norwegian vessel. The patient died next morning. There could be no question that either of us was really sick, yet this doctor (may his shadow never gross less!) was impelled by our status to insult us by his questions.

A seaman comes to the consul to complain of certain grievances. The consul, having in mind the seaman's status, disregards his testimony, refuses to look seriously into the grievance, which thus remains unredressed. Laws are enacted dealing with food, working hours, and other matters. The master of the vessel disregards the law; the men go to the consul or to the court or to the superintendent of shipping; they complain, but they are not believed. The official thinks they are just trying to get out of their contract. Nothing is done, and the law remains a dead letter. But let it be understood that they may quit whenever they think fit and the situation becomes at once different. So it will be seen that the beginning of all reform in the seaman's life is, *Set the peon free!*

ORGANIZATION.

Only the free can organize into a trade-union. Bondmen may organize, but only with a view of gaining freedom; that is, they may organize against the State. They may organize a revolution, and they may go into the field to gain freedom by the force of arms; they may go to the people to plead for it. They can not organize a trade-union, because they are not in possession of the trade-union weapon, namely, the power to throw the employers' business out of order by refusing to continue to labor. Having obtained this power, the men can then organize effectively on trade-union lines. They can, being freemen, go to the employer and ask for a redress of grievances, and if refused they may cease to labor.

Other workers, being equally free, may be urged to refuse to labor for this particular employer until he shall be willing to redress the grievances complained of. The employer's business usually demands that the work be not too long suspended, and he at last listens. He meets representatives from the men, and industrial democracy has begun; it is a fact, potentially if not practically. Struggles to come are many and severe before industry can adjust itself to new conditions, but the beginning is made. With it has come hope, and with that self-respect.

When the disciples of the Nazarene were worried about food, clothing, and shelter and came to Him for advice, He told them to cease to worry about those things and to "seek first the Kingdom of Heaven" and all other things would follow. If we apply ordinary analysis to this answer, we shall find that its meaning is simple. There being universal fatherhood, a universal brotherhood follows of itself as a logical necessity. All being equal before the Father, this then must be the kingdom. No masters, no peons, no bondmen—all freemen! Seek ye first freedom, and all else shall be added—that is, all else must follow. Mind you, not simply freedom—freedom to slay freedom, but freedom to perfect freedom through organization.

Here, then, I believe, we have the remedy. To obtain this we must, however, be prepared to do and to be patient. We must, to obtain this boon, be willing and ready to prove to the people that we are in deadly earnest in seeking and wishing freedom, the highest of God's gifts to men. The people may not believe us simply upon our own say-so. They have never believed others until they proved their earnestness by their willingness to suffer or to die. They may ask this test of us, the seamen. If so, let us be willing and ready to give the proofs by opposing this law of man which makes us less than men. Let us be willing and ready to refuse to abide by these contracts over which we have no say, which we did not participate in making, and which we must accept or starve.

When the hour is there let us cast them to the winds and accept the prison or whatever else may be our portion. Thus we shall prove that we wish freedom, that we ought to receive it. Then the people will listen and will give it to us.

Other minor remedies are possible when the main remedy is attained, but of these in another article.

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Seamen and Safety at Sea.

ABOLISH IMPRISONMENT AND ALLOTMENT.

In my last article I suggested that there are other subsidiary remedies which are good when the main thing has been settled. When the seaman has been given the ownership of his own body, the chance to pawn his body for food and shelter must pass away; that is, advance wages, or allotment to "original creditor," imprisonment for desertion, arrest, detention, and bringing back to the vessel must pass away.

Thus the seaman will be placed upon his own feet, made responsible to himself, and if he can not carry the responsibility he must suffer the penalty—just like men on shore.

The imprisonment for desertion made the advance secure, the seaman's body was mortgaged, the security was in the vessel's keeping. When advance is paid the State acts as a guarantor by arresting, keeping in detention, and delivering back to the mortgagee the pledge given. The seaman is held in the boarding house by the law, which gives his clothing as a pledge. The man has some papers, letters from relatives, or other things which he is not willing to lose. The boarding master keeps the clothing until the man is delivered to the vessel, then the vessel keeps him with the assistance of the State. If men are scarce, the boarding master picks up all the hard ups who come along, keeps them for a few days, and then sells them to the vessel for the advance.

Is the man a seaman? No; probably not; but that does not matter; there will be some seamen on the vessel and they will have to do the work for the hard up. The vessel carries passengers? Well, what of that? Vessels are not wrecked every trip; it is hoped that she is not going to get into trouble on this particular trip, and, besides, the boarding master is not on the vessel, neither is the owner; and you all know that oldest of old legal fictions—the "acts of God." The vessel is not responsible for any "act of God."

When you get thinking it over, God is made responsible for a great many things, and being exempt from being called into court to give explanations He is the safest one to blame. You will thus see that the advance must go both for the sake of the seaman and the passenger.

Other things will follow. As it now is, there is no knowing how many actual seamen will be found among a crew, say, of 16 men. There may be any number from 2 to 16, or there may be none at all. The vessel gets to sea; work must be done; those who can do it must do it. Hence the men, by working for their own and the passengers' lives, may succeed in bringing the vessel safely into port. Having been done once, it can be done again, and the men have established their numbers and their skill as the number and skill needed.

Thus men are driven until half insane with work. Abolish the advance or allotment to "original creditor" and you improve the condition of the seamen and increase the chances of safety at sea.

HOW SHIPS ARE MANNED.

"Safety at sea!" What a lot of rot has been written and spoken on this subject! Safety at sea is promoted, first, by a good vessel, staunch and well found; secondly, by good boats and enough of them; thirdly, by a crew sufficient in number and skill to handle the vessel while she is afloat, to lower, man, and handle the boates when the vessel must be abandoned. The boats must be properly equipped; but, above all, there must be sufficient number of men, and they must be of sufficient skill to be able to lower the boats in a seaway and to handle them when in the water.

Now, let me intrust you with a very deep secret. There is not sailing to-day on any ocean any passenger vessel carrying the number of boats needed to take care of the passengers and crew, nor a sufficient number of skilled men to handle those boats which are carried. If there were, the seamen's condition would be much better than it now is. There would be men enough on board to do the work without overwork; proper watches would be kept; there would always be a proper lookout, and when the vessel got near land or into water not properly charted there could be and there would be some man keeping the lead going.

Men would not be kept four or six hours at the wheel; the vessel would be kept better on her course, and steering close inshore to be out of the heavy sea would not be as dangerous as it now is. You will see from this that improved conditions for the seamen mean increased safety for passengers and freight, increased safety for all at sea.

The average shipowner knows this, but he must keep up with the procession: he must carry passengers as cheaply as the other fellow; he must compete with the railroad or he must go out of the business. If vessels are lost, the insurance—that is, the public—pays the loss. If passengers are lost, that's very bad; but there is God to be blamed. If seamen are lost, why, there are plenty more idle men to be had on shore; they cost nothing, not even in the training; because they need no training, no skill being required by law.

As to the passengers, are they satisfied with these conditions? The passengers do not know; they are told a lot of rot about bulkheads, water-tight compartments, vessels so built that they will not sink or burn. Of course, we seamen know this to be the veriest nonsense. But the passenger reads this in the papers, or reads something that looks like it, and being a fatalistic optimist and wishing that this may be so, he promptly believes it. Besides, the passenger is busy; he or she has other things to think about when on shore, and when the time comes to go on a voyage he or she, if they think at all, knows very well that they must take such vessels as there are or none at all. And then the cabins and the staterooms are well fitted; the dining room, the social hall, are veritable dreams of luxury and comfort, and surely when so much is expended on comfort and convenience the owner must be presumed to have taken equally good care of that rather important matter—safety.

APPEARANCES ARE DECEPTIVE.

Now, let me say to the passenger that a well-fitted-up stateroom, although very nice, does not prove that the vessel is properly fitted up elsewhere. Go and look into the forecastle, or, rather, do not; just ask to be shown into the forecastle. You may be sure that you will not be shown into that place. You will be told that the forecastle is the men's place and that "nobody is permitted to see that." As a certain man says in his ad., "there is a reason."

Now, Mr. or Mrs. Passenger, let me tell you one more secret. Vessels that can not sink and will not burn have not yet been built. The art of shipbuilding has not reached that far as yet. If you wish more safety, you must insist upon a proper crew, sufficient in numbers and skill, and they must have a forecastle from which they can get out quickly enough to be of use.

This would increase your safety and also improve the seamen's condition.

How can this be done? Very simply. You must insist that there shall be a standard of individual efficiency provided for the crews; that at least 75 per cent of the deck crew, exclusive of licensed officers, must be up to that standard before the vessel shall be permitted to proceed to sea. Insist that those men shall have a decent place to live, eat, and sleep in, and that it shall be so placed that they can all come on deck quickly when they are needed. Thus you will improve safety at sea, you will help to save thousands of human lives and millions of dollars' worth of property every year, and you will help the seamen, you will bring the American to sea. You will have seamen for your Navy for the protection of your coasts and your foreign possessions.

PROVISIONS OF SEAMEN'S BILL.

Hon. WILLIAM B. WILSON, M. C., of Pennsylvania, has introduced a bill (H. R. 11372). This bill will, when enacted, do more to promote the safety of life and property at sea than has ever been done in all the history of this country. It provides: Watch and watch at sea, dividing the crew on deck into two watches and the engine-room crew into three watches, to be on duty alternately while the ship is at sea; a standard of individual efficiency, 75 per cent of the deck crew to have had at least three years' experience on deck at sea or on the Great Lakes; forecastles in which there will be room enough to live and opportunities for cleanliness and decency; a right in the crew, exclusive of the officers (who by themselves will have the same right), to call a survey on the vessel if they come to the conclusion that she is not seaworthy; prohibition of towing a long string of barges that in bad weather break loose from the vessel towing them or cut away to save the vessel doing the towing, leaving the men on the barges to perish like rats in a trap when put into a pail of water; but, before and beyond all, this bill abolishes the involuntary servitude now imposed upon the seamen in American vessels in foreign ports and upon foreign seamen in American ports. It will also abolish the crimping system by abolishing the advance or allotment to "original creditor."

You think, perhaps, that there is no more fugitive-slave law in force in these United States since Appomattox. You are wrong if you think so. Under the treaties with foreign nations this country hunts down and delivers to his owners any seaman who runs away from his master if the master thinks it worth while to set the machinery in motion by making a formal report that his seaman (slave) has run away.

I shall try in some future articles to take up this bill and deal separately with each important feature thereof. You will then see more particularly what are the lesser remedies. I may say in conclusion that the mission of this organization is not only to make the seaman's condition better, but to make the seaman better and to make him free—as free as you are, my dear Mr. Passenger, and that in doing this it will again bring the American to sea and immeasurably increase the safety of life and property at sea. Will you help us by giving to us your good will and to these questions some little attention?

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IN CASE OF SHIPWRECK.

WATCH AND WATCH.

In my last article I promised to deal separately with the more important features of the seamen's bill. Given a good vessel, proper boats, proper davits to lower those boats, and skilled men to handle both vessel and boats, there is nothing more important than watch and watch.

Watch and watch, in the language of seamen, means that the crew are divided into two equal parts, speaking of the deck crew, and into three equal parts, speaking of the engine-room crew. The watches are, on deck or in the engine-room, on duty alternately. They steer, keep lookout, keep the lead going, and do such other things as are needed for the safety of the vessel. They keep everything clean and in order. The main point, however, is that they are there to keep things safe. The Arab is said to have a maxim that "Nobody meets a friend in the desert." It is equally true that "No vessel meets a friend on the ocean."

COLLISIONS.

There is no telling when you may meet a vessel, day or night, and these meetings are full of danger, because they may mean collisions. No matter how careful the officers and men of one vessel may be, the other vessel may have men who are careless, undisciplined, or tired out by work and lack of sleep until they fall from sheer exhaustion. Be it remembered that it takes two to avoid a collision.

That there is no place safe from this danger was very forcibly brought home to the writer in the Indian Ocean. We had no expectation of meeting vessels where we were; but we did, and if our crew had been as careless or exhausted as were the crew of the other vessel there would have been sundry new faces in heaven and two missing vessels upon which, with their cargoes, to pay insurance.

Speaking of being exhausted, let me explain the routine of the system known as watch and watch. We will take the deck crew. Each watch is on deck four hours at a time. This means about three hours' sleep at a time, and three and one-half hours at most, except in the watch from 4 p. m. to 8 p. m. This watch is divided into two parts, so that the watches will swing, and the watch that was on duty from 8 p. m. to midnight on one night will be off duty at that time during the next night. Should there be no extra work to keep the watch on deck on duty—that is, when the men ought to be off duty and at rest—the men will usually get sufficient rest and sleep to be attentive while on duty.

But many things arise to deprive men of their regular rest. Frequently there is work that demands the full strength of the crew. Then the men off duty—the watch below—are called out, and they may be engaged in the most exhausting labor while they should be at rest. The next four hours it is again their turn to be on deck, and this makes 12 hours of practically continuous duty. This may be repeated again after three or four hours' rest. Thus the men are worn out; they are incapable of giving close attention either at the wheel or at the lookout. The vessel then becomes a positive danger to all vessels that she may meet. The system of watch and watch is, however, by all odds the safest, while it may not, safety left out of consideration, be the easiest for the men.

KALASHI WATCHES.

There is growing up a system, mostly in steamers, sometimes called Kalashi watches. This means that certain men are kept on the regular watch and watch, while the other members of the crew are what is called "day men." The "day men" work all day and are supposed to sleep all night. Of course, if anything happens they are called out, and this is seldom considered on the next day, when they are kept at their work as if nothing had happened the night before.

This, of course, is hard on the men, but in itself has very little to do with safety, except as explained later. Some vessels have brought it down to having only two men to steer and two to keep lookout. Others have four to steer and two to take lookout. This gives four or two hours at the wheel and four hours on the lookout. The British commission laid it down as a demonstrated proposition that no man can give the attention necessary to proper steering for more than two hours at a time. For the same reason no man is in a fit condition to keep lookout for more than two hours without rest.

Right here let me say that there would never be Kalashi watches nor one man at the wheel or on the lookout for four hours at a time if there were not a system of insurance under which the people as a whole pay the losses instead of the losses being borne by those who own the vessels or cargoes, or if there were not a system of limited liability with reference to passengers.

The danger of the whole thing is so plain that it needs but to be told to be understood. One man stands four hours at the wheel; he becomes too tired for proper steering; the vessel gradually gets out of her proper course, and she is sure to be working herself in toward the shore. When they are keeping close in, as they always do on this coast, to be out of the heavy sea, the danger is too plain. Again the lookout man is too sleepy or too inattentive, after more than two hours, to distinguish quickly enough between a cloud bank and the real thing—the shore.

Vessels are kept close in to save coal and be more comfortable, and that is right; but without a good lookout and an attentive helmsman, it is dangerous. Then there is the failure to see another vessel in time; there is a collision, and life and property are lost. At such times the Kalashi watch shows what it really is. One man at the wheel and one man at the lookout, perhaps one more man on deck somewhere. The men are in their bunks asleep when she hits the shore or the other vessel. Every minute means more at this time than hours later. The men come on deck; they are sluggish with sleep; they come from the light in the forecastle out into a different light or darkness on deck. It takes some time to come out; it takes more time to get accustomed to the different light or darkness on deck; they can not act with the readiness and precision needed in such cases. The most important and valuable time is lost, and so probably are a number of lives. If one-half of the crew were on deck at the time, they would go ahead and do what is needed and when the watch below comes up they are led by the men on deck. The work goes promptly forward, and the chances of rescue are much greater.

By the time the watch below is on deck, the boats are cast loose and ready to be put over the side, if such is the necessary action. But aside from that, the passengers come on deck and finding the men cool and about their business, become themselves more cool and confident. There is order, action, confidence, and therefore a much improved chance of getting out of the most desperate scrape.

With but the lookout, the helmsman, and the officer on deck when the trouble begins, there is a scurry to get the men out. The master is shouting orders that are not obeyed; because there is nobody to obey them. The men come on deck stupid from sleep and the change of light. Some time passes before the proper work begins to move; there is excitement, which communicates itself to the passengers; who then try to seize the boats, and the result may be a free-for-all fight before any real rescue work can be done.

You may ask: If this be so, why are not vessels keeping watch-and-watch? Because it means more men, more expense, and therefore less ability to compete. Many shipowners would gladly put the necessary men on their vessels and give orders for watch-and-watch; but the other fellow is not doing it. Our good shipowner must, like the other good business men, keep pace with the bad, or be crowded out. This, again, is the question of what to do with that seventh man, who compels all the rest to come to his standard or go out of the business. In this case the action is simple. Make a law compelling all to come up to a definite standard, then give the seaman sufficient freedom and interest to see that the laws are given a chance. This is done in the steamboat-inspection laws, except that the man who knows what is wrong is not given a chance to put the steamboat inspectors wise, and this chance he never will have while he remains a peon in the vessel's keeping and subject to the competition of all the idle men on shore, regardless of their total want of skill.

The question with the seaman is employment first; all other things afterwards. Of course, the vessels would have to carry a few more men; because only one-half of the crew would be available for keeping the vessel clean, and everybody can see dirt, whereas only a few can see danger.

The Kalashi watch tends to reduce the number of men, and thus tends in the direction of overwork, and therefore to make the men unfit to do their proper duty in emergencies. No vessel carrying passengers ought to be permitted to go to sea without having two skilled men, exclusive of licensed officers, for each boat. It is well enough to tell the landsman about the fire drill; seamen know that to be good for one thing only. The whole crew, sailors, firemen, cooks, stewards, and waiters learn their station and thereby go to the right boat when the emergency arises. But the fiction that they—the firemen, cooks, stewards, and waiters—can be depended upon to lower a boat into the water in a seaway, should be sent back to the story writer. It has no basis in fact, and should not be permitted to stand in the way as an excuse for not having a sufficient number of skilled men on the vessels. Of course you may find some cook who can beat some sailor at handling a boat, so you may find some fireman who can do the same; but that is not their work and the usual run of them can not help themselves in a boat when in a seaway, not to speak of helping others.

With watch-and-watch and two sailors, exclusive of licensed officers, for each boat—one of the men for each boat on the watch at all times—the boats would be in order and ready for use. They would be ready for lowering by the time the rest of the crew and the passengers reached the deck. With such system, with boats enough to take care of all the people on the vessel and this understood, there would be less panic and therefore less loss of life and property.

The seamen know the ethics of the sea and they are willing to 'live up to them. But common sense and ordinary decency should recognize that the seaman, too, has a life to be saved, and we have a right to have the means of saving, not only the passengers, who always must be our first care, but also ourselves. While we may not have wives and children—very few, indeed, have as we do not earn enough money for that—still we are sons or brothers, and often to the best of our ability somebody's only support. Let the seamen, too, be remembered.

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FOR BETTER FORECASTLES.

QUARTERS FOR THE CREW.

Sailors and firemen call it the "foc'sle"; cooks and waiters call it the "gloryhole." The size of this room, according to United States law, must be 72 cubic feet and 12 square feet on the floor. The law does not say whether or not this space is exclusive of the space occupied by the bunks, but custom has apparently settled that the space occupied by the bunks—about 30 inches—is to be counted in the 6 by 6 by 2.

Seventy-two cubic feet is 6 feet long—long enough to lie down in; 6 feet high—high enough to stand up in; and 2 feet wide—wide enough to turn around in. Of course, if the man is very large this space is too small for either of these purposes. Two bunks high is the usual rule, but sometimes the bunks are three high, in which case there is, of course, no space to sit up in the bunk.

How did it come that such small space was allotted to the crew? First, it is an inheritance from olden time, when bunks were not used. The present space is the same as that granted to each man in which to sling his hammock on the berth deck of the old line-of-battle ship. Secondly, space was and still is valuable for cargo purposes. Whether

on the 'tween deck or on the main deck, the space may be put to better (i. e., more profitable) use than to give it to the crew, in which to live, eat, and sleep when off duty.

This consideration of profit controls the location of the forecastle as well as its size. We therefore find the quarters of the crew located where otherwise there would be nothing. That this may be in such place as to make egress therefrom slow and difficult seems to have received very little consideration. To have the quarters of the crew, especially the sailors' quarters, so located that they will be able to come on deck quickly in case of any accident seems seldom to have occurred to the designer. If he had been as intent upon safety as upon cargo space and appearance, he would have located the forecastle in such way and made it so large as to make it possible to get the men on deck with the greatest possible speed. At present forecastles are so small that the men can not move quickly and are so located and have such an entrance that only one man can get through at one time.

I am thinking of the comfort of the crew, am I? No! not of the crew alone. True, a larger forecastle, with proper means of entrance and egress, would be a great improvement for the crew. But the crew are there to save the passengers, and manifestly they can not do this unless they can get out of the forecastle in time to be of use. Besides, the crew also have lives to save; they can not save others without first saving themselves from the "doghole" in which they are sleeping at the time of the disaster.

European nations that have dealt with this matter have made the forecastle space 6 by 6 by 3—120 cubic feet. They give the crew a separate messroom and a bathroom with hot and cold water, usually shower baths. We know of no reason why the United States should not provide these conveniences. A new merchant marine is to be built. This is the time to make the laws, so that the marine architects may make the proper designs and specifications.

CLEANLINESS A NECESSITY.

In the old sailing vessel there was not much dirt, and such as accumulated from the cargo was cleaned up. While the forecastle was small, it could be kept clean. At present the coal dust and soot from the smokestack is everywhere. The firemen come from their labor in the stokehole covered with dust, oil, etc. Oh, what a blessing if they could go under a shower and get cleaned off!

Think of what it would mean to the man who has been working in the atmosphere of the fireroom to be able to clean himself with warm water and soap and then go under the cold shower. Don't you think he might be a better man physically and morally if he could do this? Of course, I know what some will say—"They would not use these conveniences." Granted that some would be careless from exhaustion or other reasons. The other men would compel him to clean himself before coming into the forecastle. Granted that some sailor would be careless, the same would happen to him; it always did in the past. Besides, what right have you to calculate upon the worst among us? Why not think of the best and draw the others up to that standard?

You give us work to do at which we expend all the energy we have; you make it practically impossible to keep clean, and to keep our quarters clean; you do your best to accustom us to dirt and filth and then you expect us to be morally clean and strong enough to resist all the temptations which you put in our way. Finally you use us as a scapegoat to cover your own sins by telling the world that the city must have a red-light district because it is a seaport!

If seriously pressed, you say, "Why don't they insist upon proper improvements?" Because you have made the seaman a serf; you have stripped him of all power to help himself to these improvements by first throwing the calling open to the social sewerage. And when these men, having agreed to go in some vessel and have afterwards refused to do so, you have sent them to prison. You have arranged everything on the cheap, and when you have got your cheap men and have found them cheap in the hour of need, you have complained, apparently unconscious that you yourselves were more to blame than the seamen.

The only thing the real seaman could do—that is, quit the sea—he has been doing for so many years that if the United States were to look to its own people alone for men to man its merchant fleet it would stay at the docks and rot "in its neglected brine," as Justice Brown, of the United States Supreme Court, said. By insisting upon larger and better placed forecastles you would help the seaman. You would also increase the chances of being saved if you should happen to be a passenger on some vessel that gets into collision either with another vessel or with the shore.

HEROISM EXPECTED OF "HANDS."

Men without any experience are hired and sandwiched in among the men who are able to do the work and who have been to sea long enough to absorb some of the ethics and traditions of the calling. The former class are permitted to set the seaman's wages and to determine his social standing, to compel the seamen to do their work for them, to live in this place called the forecastle—a place too large for a coffin and not large enough for a grave. Finally, when the seaman, thus handicapped, fails to come up to the ancient and honorable standard, we see all the people on shore loading the seaman with their contempt, because of his supposed cowardice and inefficiency!

When a new vessel—a "floating palace"—goes off the stocks much is said about "this splendid ship and her equipment." The palatial dining room, smoking room, and social hall are described over and over again. But, as already mentioned in these articles, you will not be shown the quarters intended for the "hands." Hands, mind you; the seamen are merely hands. The seamen are not supposed to have hearts or feelings—until danger arises. Then they are supposed to become eligible for Carnegie hero medals all of a sudden. The man whom you hired regardless of skill and solely because of his cheapness, whom you have made a serf, whom you have sent to live in dirt, where cleanliness and decency are almost impossible—this man whom you think of as an inferior being—from this man you demand in the hour of danger the highest qualities known to the best of men, self-control, self-denial, and readiness to give his life for others!

Danger usually makes the coward more craven. All your literature pictures the serf or slave as fearing death, while the free man looks it calmly in the face, the while doing what man can do to overcome it. To this man you give good clothes, good houses, and such honors as you have to bestow, and you do this gladly. And there are none to complain, because it is right that this should be done. But with the seamen of whom you demand so much, of whom you demand these very qualities, you are too mean or perhaps too thoughtless, because of his silence, to give him even the space that you provide for your poorest passenger, namely, 120 cubic feet, in which to live, eat, and sleep, and no chance to keep either himself or his quarters clean.

The seamen's bill to amend these musty, moth-eaten laws (H. R. 11372), introduced by Hon. WILLIAM B. WILSON of Pennsylvania, provides as good a forecastle for the seamen in vessels of the United States as is given by European nations. Don't you think it ought to pass?

Of course, this is one of the lesser remedies; but it is needed for the seamen and is of immense importance when you consider safety and especially if you wish Americans to seek the sea again. If the seaman's status be that of a freeman; if he be given reasonable quarters, reasonable food, and reasonable hours of labor, he will attend to all the rest himself. And you will have seamen.

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UNSKILLED SAILORS.

DANGER TO PASSENGERS.

The "Commission on Safety of Life at Sea," appointed by President Roosevelt on May 12, 1908, failed to report any recommendations on the subject of manning foreign-going vessels.

We represent that the general law should be so amended as to prevent the undermanning of vessels, and that, as necessarily incidental to such prevention, a standard of skill should be established in the case of seamen concerned.

If this shall not be done now, when your attention has been so forcibly called to the at present inadequate law, it may take the horror of another *Slocum* disaster to get the law into such shape as will give guaranty to the traveling public.

No seaman free to express his real opinion will for one moment hesitate to urge the necessity of the amendment hereinafter suggested. No opposition can or will come to you except from parties financially interested, and that they have failed to furnish efficient men in the past should entitle their opinions to but little consideration in a matter of whether they should be permitted to save perhaps $100 or $200 a month at the risk of hundreds of lives.

Life-saving appliances are good; but men to handle them are above all things needed, and unless the law so compels, experience has demonstrated that vessels will be both inefficiently and insufficiently manned.

Under the law as now construed the owner of a passenger steamer may get his men regardless of any previous experience which they may or may not have had, regardless of whether they understand the language spoken by the officers or not. Under the law as we suggest that it be amended the owners would still have the world to draw from, but would be held down to a reasonable standard of individual skill. Skilled seamen are becoming more and more difficult to obtain, and it was no doubt this fact which caused Mr. Grosvenor to say in one of his reports:

"And we could not man with efficient sailors one-half of the battleships, cruisers, torpedo boats, etc., of our splendid Navy."

The same knowledge, no doubt, caused the marine commission to recommend to the "proper committees of the Senate and the House of Representatives a friendly consideration of a standard of individual efficiency." In what vessels is this to begin if not in passenger vessels, where the first consideration is, or should be, the safety of the traveling public?

PRESENT LAW QUOTED.

We quote the law as it now stands and a few instances of the way it has worked, and beg of you most earnestly to consider whether this opportunity should be permitted to pass by without so amending the law as to give to the passengers the security which comes from efficient men and to the seaman this moiety of improvement in his condition. Our recommendations are those of the British commission on the manning of vessels, and are given in the closing of this letter.

Section 4463 of the Revised Statutes of the United States provides that:

"No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen."

The defect of this section is that it does not give either a specific number of men or set any individual standard of efficiency.

On April 2, 1908, Congress passed an act which authorized the boards of inspectors of hull and boilers to determine the number, but which left the question of skill—the more important question—as it was.

Regardless of the number of persons composing her crew, a vessel which has not enough skilled men to manage her in ordinary conditions of weather and sea without calling the lookout or the watch below is undermanned.

Undermanning imposes on skilled seamen inordinate toil, and endangers life and property, not only in the case of the vessel undermanned, but in the case of other vessels.

"An 'able seamen,' properly so-called," as Mr. Frank Bullen observes, "is a skilled mechanic with great abilities."—Bullen's Men of the Merchant Service, p. 256.

"On sailing vessels his place in calm or storm never can be adequately filled by the unskilled, however numerous, nor in steamships in emergencies."—Bullen's Men of the Merchant Service, chap. 28.

In other words, numerical strength of crew does not necessarily yield the totality of skill essential to safe navigation or reasonable distribution of the burden of toil incident to a voyage.

And when, to transpose the statement of a British expert, the incompetency of individuals is accentuated by the inadequacy of numbers, sea life may be only a struggle against death and mayhap an unsuccessful struggle, with all implied by that in its bearing on loss of vessels.

Indeed, overwork through undermanning is not only essential to making land, but fixes new standards urging all seamen and all ships toward greater toil and graver peril. "By working for their lives," says the committee appointed in 1894 by the British Board of Trade to investigate concerning manning in commenting on seamen handling an undermanned vessel, "They may succeed in reaching their destination, and thus they will have established their number as a proper crew for a vessel until further reduction is made."—Report to the board of trade, June 4, 1896, p. 15.

WRECK OF THE "RIO DE JANEIRO."

How undermanning operates to promote loss of life and property is illustrated by the cases of the *Rio de Janeiro*, the *Clallam*, the *Slocum*, and the *Glen Island*.

We quote from the opinion of the United States Court of Appeals for the Ninth District, In re *City of Rio de Janeiro*, as to the first of these cases:

"The steamship *Rio de Janeiro*, whose home port was San Francisco, on entering the bay of San Francisco on the 22d day of February, 1901, on one of her return trips from Hongkong and intermediate ports, struck a reef of rocks near the Golden Gate, and, within 20 minutes, sank beneath the waters, carrying down a large number of passengers and crew, and all her cargo." * * *

"The record shows that the disaster occurred about half-past 5 in the morning. * * * The fog was so dense that the day afforded no light. It was very dark, but the water was smooth, and there was but

little, if any, list to the ship as she sank. * * * She carried 211 persons and 11 lifeboats, 3 of which were swung by davits from the sides of the ship, and 8 of which were on skids on the roofs of the deck houses. Their equipment and the apparatus for launching them was good. The evidence is that under such conditions five minutes was ample time for the lowering of the boats. It further shows that there was no panic among the passengers or crew; that the passengers behaved well, and that the captain, immediately upon the ship striking the rocks, sounded the alarm and called the crew to the boats. Each of the boats was commanded by a white officer and manned by a part of the Chinese crew. Yet but 3 of the 11 boats were lowered into the water, one of which (the aft-quarter boat, No. 10) was lowered by Officer Coghlan and the ship carpenter, and but 3 of the hundred and odd passengers that the ship carried were taken into any boat."

* * * * * * *

"The case shows that the *City of Rio de Janeiro* left the port of Honolulu on the voyage under consideration with a crew of 84 Chinamen, officered by white men. The officers could not speak the language of the Chinese, and but two of the latter—the boatswain and chief fireman—could understand that of the officers. Consequently the orders of the officers had to be communicated either through the boatswain or chief fireman, or by signs and signals. So far as appears, that seems to have worked well enough on the voyage in question, until the ship came to grief and there arose the necessity for quick and energetic action in the darkness. In that emergency the crew was wholly inefficient and incompetent, as the sad results proved. The boats were in separate places on the ship; the sailors could not understand the language in which the orders of the officers in command of the respective boats had to be given; it was too dark for them to see signs (if signs could have been intelligibly given), and only one of the two Chinese who spoke English appears to have known anything about the lowering of a boat; and there had been no drill of the crew in the matter of lowering them. Under such circumstances it is not surprising that but three of the boats were lowered, one of which was successfully launched by the efforts of Officer Coghlan and the ship's carpenter, another of which was swamped by one of the Chinese crew letting the afterfall down with a run, and the third of which was lowered so slowly that it was swamped as the ship went down."

The disaster thus described illustrates one sort of undermanning; where a vessel having a sufficient number of seamen, and perhaps even an adequate totality of skill if it were available in all emergencies, is nevertheless unsafe at sea, is nevertheless undermanned, because inability of her seamen to understand orders makes them wholly or in part unavailable in hours of peril.

"We have no hesitation in holding," said the court of appeals in the case of the *Rio de Janeiro* (and the decision in that action was sustained by the Supreme Court of the United States in a recently rendered opinion), "that the ship was insufficiently manned, for the reason that the sailors were unable to understand and execute the orders made imperative by the exigency that unhappily arose and resulted so disastrously to life, as well as to property." (Opinion filed May 9, 1904.)

WRECK OF THE "CLALLAM."

The steamship *Clallam* foundered in the Straits of Juan de Fuca on January 8, 1904, with a loss of 50 lives. She was a vessel ordinarily plying the waters of Puget Sound, and her crew was made up of the number of men usually carried by a vessel of her class and tonnage, but they were not skilled. She became unmanageable while a heavy sea was running, and slowly filled. She was sufficiently equipped with boats, and there was an abundance of time between the obviousness of the foundering and the actual sinking to have permitted the lowering of boats and the saving of all the lives aboard. Want of skill among the seamen caused the loss of life.

The case illustrates that kind of undermanning consisting in lack of skill in the aggregate, without lack of numbers, all of the skill possessed being available.

BURNING OF THE "GENERAL SLOCUM."

The details of the disaster to the *General Slocum* need not here be recited; but attention is directed to this quotation from the report of the United States Commission of Investigation thereon:

"The mate, in distinct violation of the law, and contrary to the requirements of the vessel's certificate, was not a licensed officer. The services rendered by the mate and deck hands in fighting the fire were not what they should have been, and in controlling and aiding the passengers the mate and crew gave little assistance. This was chiefly due to the personnel of the crew, which, from evidence adduced and from the example of the crew that appeared before the commission, was obviously of a low grade as to efficiency. And the condition of this excursion traffic generally is such that this was naturally the case. This traffic has a season of about four months only, and the employment is therefore not a regular one. The deck hands are apparently picked up with very little consideration as to the knowledge of their duties, have very little discipline, change from year to year (only one of the *Slocum's* deck hands having been on the vessel before this year), and are unfitted to meet any such emergency as was presented by the disaster to the *General Slocum*, or to properly take care of such peculiarly dangerous traffic as that on excursion boats.

"The inefficiency and poor quality of the deck crew of this vessel, doubtless typical of the majority of the crews of excursion steamers, is one of the essential facts that caused the loss of so many lives." (Report of the U. S. Commission of Investigation upon the disaster of the steamer *General Slocum*, p. 24.)

The *Slocum* tragedy, with its loss of 955 out of 1,358 passengers, against a loss of only 2 out of a crew of 30, affords a striking example of that kind of undermanning where "the incompetency of individuals is accentuated by the inadequacy of number."

The more recent case of the *Glen Island* differs mainly in numbers of lives lost, not in kind, from that of the *Slocum*, and therefore will not here be discussed.

In contrast with the cited disasters due to various forms of undermanning, we refer to the case of the *Queen*.

FIRE ON THE "QUEEN."

At 4.30 o'clock in the morning of February 27, 1904, a fire was discovered in the aftersaloon of the steamship *Queen* while the vessel was in a heavy, choppy sea, off the coast of Oregon, with the wind blowing about 15 knots. The boats (except one—stove in by getting under the guard while being handled) were lowered and manned, and the women and children passengers were placed in them. The seamen not detailed for the boats remained on the ship and fought the fire. By 8 o'clock the flames were extinguished. Thereupon the passengers were returned to the steamer and the voyage was resumed. Fourteen lives were lost, 1 through exposure in the boats, 3 (members of the steward's department) through having their escape from the flames cut off, and 10 through drowning—8 sailors and 2 passengers. The ship carried the usual complement of seamen, but picked for skill and, in fact, skilled. The master declared that but for their skill and discipline the vessel would have been lost.

RECOMMENDATIONS.

From the foregoing it will be seen that we favor a minimum manning scale and support the principle applied by the Board of Supervising Inspectors, Steamboat-Inspection Service, in the framing of a manning scale under section 4463 of the Revised Statutes of the United States. But we beg to submit that any manning scale not based upon a definite standard of individual efficiency can not assure a crew "sufficient at all times to manage the vessel."

We respectfully recommend:

1. That not less than three-fourths of each complement called for by any minimum manning schedule established by the Department of Commerce and Labor, in the case of deck crews of American vessels, shall be individually effective hands—that is, of rating not lower than able seaman.

2. That the able seaman shall be considered the unit upon which to calculate the number of effective hands—an ordinary seaman to be counted as two-thirds of one effective hand and a boy to be counted as one-third of one effective hand.

3. That an able seaman, within the meaning of the law, must be 19 or more years of age and must have had at least three years of experience at sea on deck, of which at least one year shall have been aboard a sailing or deep-sea fishing vessel; and an ordinary seaman must be 18 or more years of age and must have had at least one year of experience at sea on deck.

Following are excerpts from the British law on the subject of manning and efficiency:

MERCHANT SHIPPING ACT, 1894.

SEC. 126. (1) A seaman shall not be entitled to the rating of A. B.—that is to say, of an able-bodied seaman—unless he has served at sea for three years before the mast, but the employment of fishermen in decked fishing vessels registered under the first part of this act shall only count as sea service up to the period of two years of that employment, and the rating of A. B. shall only be granted after at least one year's sea service in a trading vessel in addition to two or more year's sea service on board of decked fishing vessels so registered.

(2) The service may be proved by certificates of discharge, by a certificate of service from the registrar general of shipping and seamen (granted by the registrar on payment of a fee not exceeding 6 pence), specifying in each case whether the service was rendered in whole or in part in steamship or in sailing ship, or by other satisfactory proof.

MERCHANT SHIPPING ACT, 1906.

SEC. 12. After the 31st day of December, 1907, the superintendent or other officer before whom a seaman is engaged to be entered on board any British ship at any port in the British Islands or on the continent of Europe between the River Elbe and Brest, inclusive, shall not allow a seaman to begin the agreement if, in his opinion, the seaman does not possess a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties; but nothing in this section shall apply to any British subject or inhabitant of a British protectorate or to any lascar.

The fault in both these sections is that the vessel is permitted to go to sea without having a specific number of efficient men. While those laws impose upon the seamen—the able seamen—certain qualifications, they leave the vessel free to go to sea with anybody or anything. In other words, the law does not take care either of the seamen nor of the passenger. The bill H. R. 11372, introduced in Congress by Hon. WILLIAM B. WILSON, of Pennsylvania, provides that in any steam vessel 70 per cent of the deck crew must have had at least three years' experience on deck at sea or on the Great Lakes. The inspectors will determine the number and a minimum of skill is provided, so that there will be some men on board who will be able to render service when most needed.

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INVOLUNTARY SERVITUDE.

FEATURES OF SEAMEN'S BILL.

Sections 6, 7, and 17 of the seamen's bill (H. R. 11372) deal with compulsory labor imposed upon the seamen. Section 6 seeks to amend section 4596, Revised Statutes, which, as it now reads, provides that any seaman who shall violate his contract to labor while lying in any port in the foreign trade—that is, any port except a port in the United States, the Republic of Mexico, the West Indies, or the British possessions of North America—may be arrested and may, at the discretion of the judge, be sentenced to one month in prison.

Section 7 seeks to amend section 4600, Revised Statutes. This section of the Revised Statutes makes it the duty of consular officers to *reclaim deserters, to detain them in prison subject to the order of the master, and to deliver them back to the vessel, there to be compelled to labor against their will.*

Section 17 seeks to repeal the treaties and the law under which "deserting" seaman are "reclaimed." Up to the passage of the White Act, December 21, 1898, section 4596, Revised Statutes, was much more drastic. It provided from 3 to 12 months' imprisonment for refusing to continue to labor on a private vessel, and made this applicable in the foreign trade—that is, in all vessels engaged in the foreign trade, even when desertion took place in a domestic port.

Thus, in the case of Robert Roberston *v.* Barry Baldwin (known as the Arago case), the Supreme Court of the United States decided that it was legal to cause the men to be arrested at Astoria, Oreg.—they had left the vessel at Knapton, Wash.—to hold them in prison in Astoria until the vessel was ready for sea, then taken them on board against their will and to punish them for "disobedience to lawful commands" because they refused to labor under those circumstances.

Section 17 of the bill seeks to repeal the treaties and the laws under which seamen on foreign vessels may and are imprisoned in the United States at the discretion of the masters of foreign vessels.

These sections of our bill will, when passed, abolish the status of peonage now imposed upon seamen by the laws of the United States. The seaman will then be as free as any other man; the United States will cease doing for foreign shipowners what it refused to do for the owners of negro slaves. It will finally abolish the fugitive slave law and will give to the seamen of the world the same protection that Great Britain gave to the runaway black slave.

The new law will give to the seaman the feeling that in the United States, the land of freedom, it is recognized that the seaman is a man; that he owns his own body; that it can not be bought or sold by anybody, not even by himself. To the seaman American soil will then be holy ground, and when the United States needs him he will respond to the call. Of course such legislation will compel other nations to alter

their laws to conform to those of the United States, and the seaman will become a free man everywhere.

Some shipowners oppose the seamen's bill mainly on the ground that these particular sections are in it.

EFFECT ON FOREIGN SHIPOWNERS.

It can easily be understood why foreign shipowners should be in opposition. They will not be able to bring back the deserter; they will not be able to ship men in those parts of the world where wages are lowest, as in certain sections of the Baltic, the Mediterranean, India, Japan, or China, bring those men to ports in this country, hold them against their will, and then take them out of United States ports at, say, one-fourth or one-third the wages which they would be compelled to pay if they were to ship their men in the United States. Being able to do this, they can underbid the American shipowner in the world's freight market and thus drive the American from the sea.

Give the seaman the right to quit his vessel and to get part of his wages in American ports, then abolish *advanced wages*, and foreign vessels coming to the ports of the United States will be compelled to pay American wages when sailing from American ports. Compel them to man their vessels when sailing out of the ports of this country with men who are up to the standard laid down by the United States Supreme Court in the case of the steamer *City of Rio de Janeiro*, namely, that men are not sufficiently skilled unless they can understand and carry out the orders of the officers of the vessel and thus abolish unfair competition.

Such legislation would be of more value to the American shipowner in competition with the foreign shipowner than any subsidy. It would also be just to the foreign shipowner, just to the American, and of the greatest value in raising the self-respect and the industrial and social status of the seamen. It is difficult indeed to understand the logic of any American shipowner who is opposing legislation such as this.

STATUS OF AMERICAN SEAMAN.

In 1884 Congress passed an act permitting the shipowner to ship men for his vessel in any foreign port to go to the United States and back again to a foreign port, applying to them all then existing penalties for violating a contract to labor on vessels. The plain purpose of this act was to equalize American and European wages and thus abolish the differential in favor of foreign shipowners.

One very important fact had, however, been overlooked. The United States is a new country, with great demand for manual labor. The seaman, being between the ages of 18 and 50 and fairly healthy, could desert, go into the country or to some other city, and there obtain employment, thus defeating the purpose of the law. This system has been in operation for nearly 30 years and has been of no advantage to the American shipowner. Suppose the process were reversed for a while; suppose we were to try to abolish the differential by raising the wages of the foreign seamen instead of by lowering the wages of men sailing out of American ports.

Suppose the seaman were getting wages in the same proportion to those of other men that he received 100 years ago; suppose he were to get enough to keep a family. Don't you think you would be better served in peace and in war? Don't you think that the seaman is, after all, a *man?* As such, don't you think he very naturally resents being treated and considered as a *thing?* Is there really any wonder that the seaman cuts the prefix "sea" from the word and from his life and thus at least tries to become a *man?*

You would like to have the American boy go to sea; you would like to see the American man follow the sea for a living, if not in the merchant marine at least in the Navy. Do you think that you are going to get the kind of men that can serve you well as long as you insist upon treating them like outcasts, as long as an ordinary, decent, human life is denied to them?

On the other hand, suppose you pass this bill. You thus raise the seaman is his own eyes and in the estimation of people on shore. You make it possible for the seaman to fight for all the rest. You fear that he may obtain power to ask too much of you as a shipowner and as a citizen? Please remember that you still have the world to draw from, though only the part of it that has acquired the skill to serve you well. At the most the seaman's wages could get no higher than the wages of the average mechanic. A current of men would set toward the sea. This current would be sufficient to maintain an approximate equality with the wages of skilled men on shore.

EXPERIENCE IN COASTWISE TRADE.

But, aside from this, it would take a long time and much education to bring men sufficiently together to make any serious demands upon society, a time fully sufficient for any readjustment that might be needed. Nobody would be hurt. Consider what fear some shipowners and legislators labored under when freedom was conferred upon the seamen in the coastwise trade. Why, vessels would "rot in their neglected brine"! Vessels would be "held up" in all places and for all kinds or no kinds of reason.

Experience proves that no harm came to anybody. The seamen have obtained some improvements in their conditions, where they have had sufficient character to get together and take advantage of the law, and the shipowner and the public have received more efficient service. Who is there on the Pacific coast that would go back to the condition of 30 years ago? Who is sorry for the change? Who has been hurt?

Suppose you were to bar out the man who is inefficient because unskilled and then treat the men in the calling as other men are treated. Would not those employed realize their responsibility to the employer and the public to a greater extent than is now the case?

Which do you wish, the voluntary service of free men or the enforced service of peons? Is it not time we all realize that you can not have the latter, even if you so wish? Your own race will refuse to serve on such conditions; the sea will fall under the sway of races which we are accustomed to consider inferior and which, whether inferior or superior, are at bottom hostile.

RESULTS OF NEW LAW.

Let us now look at the natural results of the new law to the shipowner—the American shipowner. A British or Scandinavian vessel comes into a port in the United States with a crew of men shipped, let us say, in the Baltic, at $15 to $20 per month. The men quit the vessel and ship on some other vessel at the wages of the American port. The only party injured is the owner of the foreign vessel, and he has protected himself in making his charter, because he expected this very thing to happen. His chances of successfully underbidding the American shipowner have been lessened, and that is all.

Suppose the vessel has a crew of coolies. The owner knows that he can not take them out of the American port, and therefore he will not bring them. If he takes the charter he will dismiss his coolie crew in the port visited prior to arrival in the American port, and he will figure the expense into his freight.

More opportunity for the American shipowner and the white seaman, otherwise nobody hurt. A slight increase in freight would make the only difference. This difference would in cost to the people be insignificant As a means of building up an American merchant marine it would if combined with equalization of the building cost be sufficient. As part of the means of building up a body of American seamen it is indispensable.

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EFFECTS OF UNDERMANNING.

UNDERSTANDING ORDERS.

The influence of insurance on safety at sea nowhere shows itself more completely than in the fact that vessels will go to sea with men who are unable to understand the orders of the officers. There are very few kinds of employment where promptness in obedience are so necessary as at sea.

The officer finds that something must be done at once or the vessel and possibly the crew will be lost. He shouts his orders from the bridge. If the orders are understood and promptly obeyed all is, perhaps, well. If the orders are not understood they can not be obeyed, and here you have a case for the insurance adjuster and very likely some new faces in heaven.

Take the average Chinese crew. On deck there is boatswain No. 1 and boatswain No. 2. These two men understand sufficient of the language of the officers to be able to translate the orders to the men who are supposed to obey them. Very likely the officer is excited, the translators more so, and the crew still worse. The time given for action is frittered away and disaster follows.

Now, please imagine that this crew besides being deaf are also paralyzed by not knowing how to obey because they have no skill, and you have the real reason for perhaps one-half of the marine disasters. The men who could understand and obey are left on shore because they are not willing to take the wages offered.

Wages, you see, are paid by the owner of the vessel; insurance is paid by the public. Besides, the owner may sometimes be willing to sell his vessel; no other purchaser appearing, he sells to the insurance company. To this man the crew which can not understand or speak or obey is the very crew he wishes.

In cases of collision such crews are almost invaluable Their lack of language causes the loss of the vessel and then helps to save the insurance money for the owner. Orientals are peculiar for other reasons. They have a peculiar idea that they become responsible for any man whom they save from death, so there is very little chance of any of the passengers being saved, particularly if they are injured. This is another advantage. Sometimes living men come higher in damages than dead ones.

There is another peculiarity about the Chinese crew. They smoke opium on the vessel, and many vessels have special rooms set aside for this very purpose. Let us now see what this really means. The vessel having this kind of a crew meets another vessel which has a crew that can understand and obey. The latter, let us suppose, has the right of way, under the "rule of the road," and keeps on her course, fully expecting that the other vessel will act according to the rule, but finding at the last moment that she does not, there is an effort to avoid the collision. The "rule of the road" is disobeyed by both vessels. Sometimes this prevents the disaster, sometimes it does not, and the chances are that the vessel which is properly manned and which is seeking to avoid the disaster may finally be adjudged to be in fault.

There is the same trouble in the engine room. There is a "No. 1," a "No. 2," and a "No. 3" man. Each of these men understands the language of the officers, and is employed as translator and leading man. As long as everything is running smoothly this goes well enough. The men on deck or in the engine room and fireroom may growl and curse the officer up hill and down dale; the officer does not understand and it does not hurt him. If he forgets himself to the extent of giving an order to one of these men, the man stares at him, and answers "no savvy." The man who does "savvy" is called and is given the order, which is then obeyed.

Now, who is the officer of the watch in such case? Is it not, in fact, the interpreter? With all this officers very often like that arrangement. They are usually treated with deference by the interpreter, and also, so far as they know, by the others. The oriental becomes agreeable to even the most cynical of men in authority.

Some shipowners like orientals because of their cheapness; some officers like them because of their servility. Shipwrecks and other difficulties do not happen every day, and when they do the public, save and except the seamen, is the greatest sufferer, either as passengers or as paymasters. No vessel should be permitted to leave any port with a crew the members of which are not sufficiently versed in the language of the officers to understand the orders given on shipboard.

PROPOSED MANNING LAW.

Section 13 of H. R. 11372, introduced in the present Congress by Hon. WILLIAM B. WILSON, of Pennsylvania, provides that "no vessel shall depart from any port of the United States unless she shall have in her service and on board a crew 75 per cent of which in each department thereof shall be able to understand any lawful order given by the officers of such vessel."

We believe that no vessel should be permitted to become a danger to other vessels out in the ocean. While there may be some merit in the argument usually made that the master and the seamen who are willing to risk their lives know best and should not be interfered with, such merit is very small.

To begin with, the party really responsible is safe on shore. The master and other officers are very likely married; they must eat; and they must find the means to furnish their wives and children with something to eat. If they are not willing to go somebody else will, so they take the chance, though it is sometimes a very long one. The men who accept the employment usually know nothing about the other men who are to sail with them until they have signed the ship's articles, and then it is too late to kick.

Let us assume that they do know, and that the whole crew, from the master to the youngest boy, realize their risks and are willing to take them. But what about the men in the other vessels which they may meet at sea? They have not contracted to meet and keep away from derelicts with a so-called crew on board. What about the passenger steamers carrying, perhaps, a thousand passengers? They did not agree to take any chances to avoid derelicts sent out to sea. On the contrary, they are given to understand that the Government sends out warships or revenue cutters to blow up derelicts and thus clear the ocean. To have the United States enact laws which would go far to increase the safety of life at sea by providing proper crews for ves-

sels, without at the same time, in so far as it can, making those laws applicable to the vessels of other nations would be of very little use in the matter of safety and would place the American shipowner at a disadvantage in the competition. Therefore such laws should be made applicable to all vessels coming to the United States.

It is true that existing treaties are against such action. But treaties are subject to amendment upon one year's notice, and there is no good reason why they should not be amended. On the contrary, there are many very good reasons why they should be. As they now read they are encouraging unskilled manning of vessels; they make this country the slave catcher for foreign shipowners; they discriminate against American shipowners, thus helping to prevent the upbuilding of an American merchant marine.

You say: "Yes, all this is true, but it is not your main purpose. You are, in the main, thinking of the improvement that in this way is to come to the seamen." Very true, we are thinking of the seamen. But are you to oppose these very necessary improvements because they would also benefit the seamen? Can you possibly do anything to improve the condition without benefiting the seamen? Would it be well to do so if you could? Does not the condition of the seamen need to be improved? Is it so good at present that the people must continue to bear the burdens and take all the risks for fear some improvement might perchance flow to the seamen?

Surely the mere mention of these things is sufficient to dispose of that kind of argument. It would improve the seamen's condition—of that there is no doubt. Very likely the seamen would not make themselves the promoters of this legislation if it were not so. The seamen suffer under existing conditions; therefore we are seeking to have them altered and improved.

The condition of the seamen is so bad that the white race is leaving the sea. Nothing but great improvements will stop this tendency from the sea. If you want to have white seamen, if you want to preserve the sea for the white race, then improvements must come.

Tow Barges and Log Rafts.

HOW BARGES ARE HANDLED.

Barges—a long string of barges! Have you seen them towing along the Atlantic coast? The seamen see them and mutter: "Coffins—a long string of coffins!" No name given to anything on this earth was ever more truly descriptive.

This mode of marine transportation was invented to save money for the man on shore and to kill the men whom God in His wrath permitted to be sent to sea; not only the men in the barges, mind you, but the others as well. The press will report that a string of barges has been lost, and that is all there is to the report. Let us try to understand what really happens in such cases.

A towboat goes to sea with a string of barges; the towboat has the usual crew; a hawser is made fast to one barge, the next one is fastened to the first, and so on; three, four, five, and sometimes six barges in the string. The barges have no rigging or sail that can be depended upon, and they have no crew to handle any sails, even of the masts could carry any sails in a gale.

Usually there are four men and a master on each barge. There is some steering done, especially on the last barge in the string. In fine weather this is all right for the barges; but when a steamer or sailing vessel comes along there is always trouble to get clear of this long string. One is rarely certain if they are one string or vessels sailing close to each other. In hazy or foggy weather there is great danger that a mistake may be made during the night.

So, you see, these modern vehicles of maritime commerce are a serious danger to other vessels, even when still in the string and supposedly under control. Granting that those who are destitute enough to go in these barges as seamen deserve all they might get, even granting that their loss by drowning is so much "good riddance of bad rubbish," yet there are the passengers on that steamer. They have, even under our law, to be considered, because the laws, or the theory thereof, so command. They pay for a passage and have not agreed to take any such chances. So much for the string.

But there often comes a time when the string is a string no longer. A gale comes along; the string is too heavy for the boat and the barges tow the towboat toward the shore or the shoals. The master of the towboat must now decide whether he will go on the shore or the shoal with the string or save his vessel, himself, and his crew.

READY TO CUT AWAY.

At the towing bitts are placed two broadaxes; these axes are sharp and are there for one purpose only. When the barges are towing the towboat toward a dangerous spot the string is cut loose, the towboat saves herself, the barges go on the shore or shoal, or if they escape and do not sink at once then toward the open sea. In either case the men in them are drowned. If going toward the open sea, they can not live long in the trough of the sea, so it does not matter much where they go when cut loose. The result is the same. There is not a winter but several of these tows are lost with the men. The sum total of men lost in this way is difficult to estimate, but it runs into the thousands. They are lost to save money for men on the "make," men who risk nothing, not even their standing in the community.

The money thus saved goes to the community in the shape of lower prices in some instances; in others it goes to swell dividends. The substance of the matter is that while it reduces the freight, say, on coal, it reduces the value of vessels that are built for honest coal carrying and kills the men employed. Now, seriously, is 25 or 50 cents on a ton of coal so important that to get it the value of investments in bona fide shipping shall continue to be depressed and human lives sacrificed?

If this question could be submitted to those who pay for and use the coal, there is no sane man doubts the answer. The instruction would be quick and emphatic: Abolish this horror. Stop this sacrifice of human life. Give the seamen and the decent shipowner a chance. This has lasted too long now.

There is a law which is supposed to regulate this traffic; but any regulation which permits more than one barge to be towed is murder under the supervision and indorsement of the Government. A towboat that loses one barge may succeed in picking her up again; more than one, never. Not more than one barge should ever be towed at sea unless they have motive power and crews sufficient to take care of themselves when cut loose.

LOG RAFTS ON THE PACIFIC.

What the barges are to the Atlantic the log rafts are to the Pacific, with this exception, that the log rafts are still more dangerous. Of course, the rafts have no men on them; they are made fast to the towboat and are supposed to steer themselves. This they do in their own fashion; they go just where they like and no towboat can keep them under control. Sea and current do with these monsters just about what they will.

Sometimes they break loose, and then they may be found or not, as the case may be. Both have happened. Some have been recovered and some have been lost. When lost they constitute the most dangerous of derelicts. Any vessel that happens to strike them while intact goes to the bottom as a matter of course. But this is not the worst that can happen. When they break up, the logs are floating about indefinitely or until driven on the Britsh Columbia or Alaska shore by the current. In the meantime they are in the way of vessels.

There are vessels on this coast running more than 20 miles an hour. These vessels carry passengers, and they often have 1,000 lives on board. Let one of these passenger vessels strike one of these logs end on and the log will break the plate, if it does not go right through. There may, of course, be other vessels so near that the wireless can bring help and save most of the lives if the hole made be not too big, but you may some day read a record something like this: "We have struck something, seems to be a log, got a hole in our bow, and we are sinking. Help!" The operator reports to the master and he at once heads for the vessel in distress. "We are sinking fast; we are clearing away the boats; be quick or you will not find us." The rescuer goes with all the speed possible, but in a few minutes the operator gets one more message: "Too late! Give our regards to the log-raft man. Good——."

MONEY SAVED—LIVES LOST.

And all this to save a few dollars in freight on a lot of lumber. The raft contained 10 ordinary cargoes; the saving was about 50 per cent.

A few dollars are saved, but it is at the expense of reducing the value of legitimate vessels and sacrificing human life. It may be answered that so far no vessel has been lost in this way. So far as we know that is true, but we do not know what sent some lost vessels to the bottom. From the point of view of the vessels that are built to do legitimate business this thing is without defense except that this log-raft business may be an improvement in the shape of a labor-saving appliance and thus be the cause of cheapening production—cheapening to the community. But that is not the case here. The community pays the difference in increased insurance, in loss to other legitimate interests, and in danger when traveling.

This takes no cognizance of the loss of lives, and, even from a business point of view, the labor power inherent in a human being has some value. From the point of view of the danger to human lives this system of transportation has no defense whatsoever. The raftsman finds that he can save a few dollars, and he very easily convinces himself that there is no danger involved in it. Any practical seaman can tell at once that this invention is one that has no regard for the lives of people who are on the sea. This raft can not be steered, therefore it goes where it will. The chances are that one in five, or so, may fail to reach its destination; some of them are sure to go on the beach or the shoal or be torn loose and then drift around until broken up.

H. R. 11372, introduced by the Hon. WILLIAM B. WILSON, of Pennsylvania, will remedy this evil as well as the barge evil. It is to be hoped, as it certainly is expected, that this bill will become law in the present Congress.

Respectfully,

ANDREW FURUSETH,
President International Seamen's Union of America.

SAN FRANCISCO, CAL.

Oregon & California Railroad Land Grant Lands.

EXTENSION OF REMARKS

OF

HON. WILLIS C. HAWLEY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 24, 1912,

On confirmation of proceedings initiated by the Department of Justice under Senate joint resolution 48, approved April 30, 1908, removing the cloud on the titles of the purchasers or holders of small areas of the Oregon & California Railroad land grant lands and authorizing a compromise with the purchasers or holders of large areas.

Mr. HAWLEY said:

Mr. SPEAKER: There is now pending before the House, upon a favorable report from the Committee on the Public Lands (Rept. 1008), the bill H. R. 22002 as amended by the committee. The bill is of the greatest importance to many ten thousands of the people of western Oregon and to some of our most important industries. Citizens of other portions of the United States have also an interest in the proposed legislation. I earnestly urge the House to pass this necessary measure at once. The bill relates to lands included formerly in the grant made to the Oregon & California Railroad Co. as affected by Senate joint resolution 48, approved April 30, 1908. It includes in its provisions the giving of legislative approval to the litigation instituted by the Department of Justice under the above resolution and authorizes a settlement with those who bought in good faith of the railroad company, but to whom the said company sold the lands in violation of the terms of the grant. For this reason the bill is known as the "innocent purchasers" bill. I do not believe too much stress can be laid upon its importance and necessity to the progress and development of western Oregon.

The following able report, prepared by the distinguished chairman of the Committee on the Public Lands, House of Rep-

resentatives, Hon. JOSEPH T. ROBINSON, analyzes the bill, gives a history of the matter, and states the reasons for the legislation, and I desire to adopt it as a portion of my remarks:

The Committee on the Public Lands, having had under consideration the bill (H. R. 22002) supplementing the joint resolution approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., recommend the adoption of the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That all claims of forfeiture heretofore or hereafter asserted by the Attorney General on behalf of the United States in or by any and all suits in equity, actions at law, or other judicial proceedings instituted pursuant to the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., be, and the same are hereby, ratified and confirmed and are hereby declared to be of the same force and effect as declarations of forfeiture by the Congress of the United States.

SEC. 2. That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall be or become subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws of the United States.

SEC. 3. That no suits in equity, actions at law, or other judicial proceedings shall be instituted pursuant to said joint resolution approved April 30, 1908, that shall involve any lands sold by the Oregon & California Railroad Co. prior to April 30, 1908, unless the same shall be instituted within one year from the date of the approval of this act: *Provided*, That this section shall not be construed to apply to any suits in equity heretofore instituted, nor to any of the parties thereto, nor to any of the lands involved therein, nor to the institution of any further suits in equity, actions at law, or other judicial proceedings relating to any of the lands that are involved in said pending suits.

SEC. 4. That the Attorney General is hereby authorized to compromise, in the manner hereinafter provided, any suit heretofore or hereafter instituted pursuant to the provisions of said joint resolution approved April 30, 1908, involving lands purchased from the said Oregon & California Railroad Co. prior to September 4, 1908. In any such suit the Attorney General may, in his discretion, stipulate with the defendant or defendants who purchased said lands, or are the successors or assigns of such purchaser or purchasers, that decree shall be entered adjudging that the lands involved therein have been and are forfeited to the United States. Such decree shall recite that the same was entered pursuant to such stipulation. If said purchaser defendant or defendants, or their successors or assigns, shall within six months from the entry of said decree file with the Secretary of the Interior a certified copy of said decree, together with an application to purchase all of the lands adjudged by said decree to have been forfeited to the United States as aforesaid, and shall pay to the Treasurer of the United States the sum of $2.50 per acre for all of the lands so applied for, the Secretary of the Interior shall cause patents to be issued conveying to said purchaser defendant or defendants, and their successors and assigns, all of the right, title, and interest of the United States in and to all of said lands; and such purchase shall operate as a compromise of any and all claims of the United States for waste or trespass upon any of said lands committed by such purchaser defendant or defendants, or their successors or assigns, respectively: *Provided*, That the benefits of this section shall not be exercised or enjoyed except in cases where decree shall have been entered pursuant to stipulation entered into as aforesaid: *And provided further*, That the provisions of this section shall not apply to any lands that have not been patented to said Oregon & California Railroad Co.: *And provided further*, That the aforesaid privilege of purchasing said forfeited lands shall not be exercised or enjoyed as to less than all of the lands involved in said suits, respectively, the purpose hereof being to prevent the elimination from any such purchase of any lands from which timber has been removed or upon which any other waste or trespass has been committed, or the elimination of any part whatever of any land from such purchase.

SEC. 5. That the provisions of section 4 of this act shall not be construed to apply to the suit, involving approximately 2,360,000 acres, now pending in the District Court of the United States for the District of Oregon, wherein the United States of America is complainant and the Oregon & California Railroad Co., Southern Pacific Co., Stephen T. Gage, Union Trust Co., and others are defendants, being designated in the records and files of said court as suit No. 3340; nor shall the provisions of said section 4 of this act be construed to apply to any of the lands involved in said last-described suit, nor to create any rights or privileges whatever in favor of any of the defendants therein.

SEC. 6. That nothing in this act contained, nor action taken pursuant to the provisions of this act, shall be construed as a condonation of any of the breaches of any of the conditions or provisions annexed to any of the grants designated in said joint resolution approved April 30, 1908, nor as a waiver of any of said conditions or provisions, nor as a waiver of any right of forfeiture in favor of the United States on account of any breach or breaches of any of said conditions, nor as a waiver of any cause of action or remedy of the United States on account of any breach or breaches of any of said conditions or provisions, nor as a waiver of any other rights or remedies existing in favor of the United States.

The committee considered, in connection with H. R. 22002, the bill H. R. 23719, which is similar. Many amendments being recommended to the text of the bill, it is thought simpler to report one amendment in the nature of a substitute. This will probably save much time in the consideration of the bill by the House.

This measure is supplemental to Senate joint resolution 48 (Public resolution No. 18), approved April 30, 1908, which is as follows:

Joint resolution instructing the Attorney General to institute certain suits, etc.

Resolved, etc., That the Attorney General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands, or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings the Attorney General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States by reason of any breaches or violations of any of the terms or conditions of either or any of said acts which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and if found to enforce the same: *Resolved further*, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney General at the time of the adoption and approval hereof.

Under authority contained in said resolution the United States instituted one suit against the Oregon & California Railroad Co. and others for the purpose of declaring a forfeiture, and for other purposes. This suit involved approximately 2,400,000 acres of land which said railroad company has not sold and claims title to by virtue of the grants hereinafter referred to.

In addition to this suit against the railroad company the Government also brought 45 suits against various grantees of the railroad company. The lands involved in these suits aggregate approximately 400,000 acres of land. The purposes of this legislation are, first, to confirm the proceedings of forfeiture already had by the Government, and, second, to authorize a compromise of the 45 suits against the purchasers. No compromise is to be made of the main suit against the railroad company for the 2,400,000 acres of land unsold and still claimed by the railroad company. That is to be litigated to final decree.

The history of the legislation and circumstances out of which grows the necessity for this measure is interesting, extending over a period of almost half a century.

July 25, 1866, Congress granted alternate sections of land for 20 miles on either side of a line to such railroad company as might be designated by the Legislature of Oregon, to build from Portland south to the California line, and to the California & Oregon Railroad Co., which was already incorporated under the laws of California, to construct through the Sacramento Valley to the Oregon line. At that time no railroad company was organized in Oregon. The act of July 25, 1866, did not require the railroad company to sell to settlers.

One Joseph Gaston caused to be organized the Oregon Central Railroad Co. in October, 1866, for the purpose of taking the benefits of said grant. The act of 1866 prescribed that before any railroad could receive the benefits of the grant it must be designated by the Oregon Legislature as a proper company for that purpose. The Oregon Legislature designated the Oregon Central Railroad Co., organized by Gaston, but this company failed to build the 20 miles of road within two years, as prescribed by the act.

One Ben Holliday, then of Salem, Oreg., was prominent in the organization of another railroad also called the "Oregon Central Railroad Co."

A resolution extending the time for the completion of the 20 miles of work was passed, but before Gaston's company could avail itself of the grant Holliday and his company succeeded in having the Oregon Legislature rescind its action in designating Gaston's company as the beneficiary, and also succeeded in having Holliday's company designated. Holliday was also active in securing the passage of the act of April 10, 1869, which is as follows:

Be it enacted, etc., That section 6 of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the Legislature of the State of Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passing of this act, and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if each assent had been filed within one year after the passage of said act: *Provided*, That nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one

company to a grant of land: *And provided further*, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

Approved, April 10, 1869.

It is out of the last proviso contained in this act that the controversies involved in this legislation have arisen.

After the passage of this act of April 10, 1869, Holliday's company began and completed, within the time authorized by the extension act, 20 miles of road, and Gaston's company abandoned work, withdrew from the field, and left Holliday's company as the only applicant for the grant.

Confusion arose out of the fact that both Gaston's and Holliday's companies were named the "Oregon Central Railroad Co."

Holliday's company was reorganized in 1870, and thereafter was known as the "Oregon & California Railroad Co." Subsequently Gaston secured the grant of May 4, 1870, to his Oregon Central Railroad Co. in part as follows:

SEC. 4. And be it further enacted that the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, sidetracks, wood yards, standing ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers in quantities not exceeding 160 acres, or a quarter section, to any one settler, and at prices not exceeding $2.50 per acre.

This grant, which is known as the West Side grant, comprised only 128,000 acres of land. In 1880, after Gaston's Oregon Central Railroad Co. had completed the 47 miles of road, the Oregon & California Railroad Co. secured by conveyance all the rights, privileges, and franchises of said West Side grant. The road was finally completed in 1887 to the California line.

From that time on patents were issued to the Oregon & California Railroad Co., successor to the Oregon Central Railroad Cos., under the act of July 25, 1866, as amended by the act of April 10, 1869. About 1895 large quantities of land in both grants were patented to the Oregon & California Railroad Co.

For a long time after the passage of the acts of 1866 and 1869 hereinbefore referred to the railroad sold the lands at $2.50 an acre, and sales were substantially made within the provisions of the act of 1869. About 1892 or 1893 the railroad company adopted the policy of disposing of the lands in large areas. In 1901 the so-called Harriman interests obtained control, and in January, 1903, the policy was adopted of reserving from sale the remaining lands. From the center of Oregon to the eastern boundary line of the State the railroad owned nearly one-half of the land within 30 or 40 miles of the railroad. In February, 1907, the Legislature of Oregon memorialized Congress, protesting against these violations of the grant by the railroad company, and the resolution of 1908, under which the suits were instituted, was passed.

The West Side grant, involving approximately 128,000 acres, and the East Side grant, embracing about 3,200,000, both passed into the ownership of the Oregon & California Railroad Co., a subsidiary corporation to the Southern Pacific. From these two grants approximately 820,000 acres were sold prior to the withdrawal of the lands by the railroad company from sale on January 1, 1903. Of this 820,000 acres, 296,000 acres were sold to 4,930 purchasers in quantities not exceeding 160 acres to a single purchaser; 524,000 acres were sold to 376 purchasers in quantities exceeding a quarter section to the purchaser; of the 524,000 acres that were sold in quantities exceeding 160 acres to the purchaser 400,000 acres were in quantities exceeding 1,000 acres to the purchaser.

The Government in patenting the lands to the railroad company did not place any limitations or conditions in the patents. The first act, to wit, that of July 25, 1866, did not limit sales to actual settlers in areas of 160 acres. That provision was contained in the act of April, 1869. Some of the lands were patented under the former act alone, while other patents were issued under both acts. The most of them, as appears from the statement of the Assistant Attorney General, refer only to the act of July 25, 1866, which did not contain the restrictions. Titles from the railroad company to this land acquired by said company through patents from the Government were examined and approved without question by the leading lawyers of Oregon. The Department of the Interior examined the abstracts and approved the titles in exchanges with the Oregon & California Railroad Co., receiving back said lands and giving fee to lands in other parts of the country—that is, the Interior Department to the extent of 50,000 acres of land approved the title of purchasers.

No question seems to have arisen concerning the validity of these titles either in Oregon or with the Government until quite recently. Much of the lands sold by the Government have been acquired by timber operators who have made considerable investments. The evidence also shows that the greater portion of the land is situated on steep hillsides, is rocky, and not susceptible of cultivation. It is chiefly valuable for timber. The industrial activity of a considerable portion of Oregon is grounded on these titles. It is of importance to the whole public that some adjustment be made as to the title to the lands which have been sold by the railroad company. Passing over any legal question as to the right of the Government to forfeit lands which have been sold by the railroad under the conditions hereinbefore set forth, it is manifest that these purchasers have equities which ought not to be disregarded.

It is the purpose of this legislation to recognize these equities. The legislation is, in actual effect, rather in the nature of a confirmation of title. The suggestion made by the Interior Department that compromises be effected only upon the joint action of the Department of Justice and the Interior Department was for the purpose of investigating each case and recognizing the varying equities of the purchasers. This course would require the employment of a numerous field force of special agents, would prolong the controversy, and probably result in failure to settle in many instances.

The committee, after carefully considering the whole subject and this feature of it in detail, have reached the conclusion that the best course to pursue is that originally suggested by the Department of Justice, namely, treat all purchasers alike and settle with all of them on a uniform basis. Any other course would be no material improvement on proceeding through the courts to a final determination of the litigation.

A brief and partial analysis of the paragraphs is now presented.

Paragraph 1 is designed to confirm and give congressional sanction to the proceedings for forfeiture heretofore instituted and now pending under the resolution of 1908. The desirability of this provision is manifest when it is stated that objections have been made by the defendants to the form and procedure adopted by the Government.

Section 2 provides that the lands when recovered shall not become subject to entry under the public-land laws until further legislation is had. Your committee, after carefully considering the matter, decided that until the lands have been recovered and it has been ascertained just what lands are for disposition under the public-land laws, it will prevent confusion and many conflicts from arising to deal with that feature of the subject separately. Moreover, it is also necessary in order to enable the Government to carry out the compromise features with the purchasers.

Section 3 limits to one year the period in which other suits may be brought. The Department of Justice in the beginning doubted the advisability of suing any purchaser from the railroad company. It may not institute other suits than those now pending. However, the committee recognizes the fact that circumstances may hereafter come to light which would make desirable the institution of new suits, and it is not thought best to now forbid that.

Section 4 is the most important provision in the bill. It deals with the method and terms of compromise to be made by the Government with purchasers from the railroad company.

Decrees based on stipulations are to be entered adjudging that the lands are forfeited to the United States. The defendants are to be permitted to purchase the lands claimed by them at $2.50 per acre. This is to operate as a compromise of all claims of the United States for waste or trespass. This provision applies only to lands patented to the railroad company and sold by it. It does not apply to lands that have not been patented or to lands that the railroad still claims.

Section 5 makes clear that section 4 as to compromise does not apply to the main suit against the Oregon & California Railroad Co. et al.

Section 6 merely seeks to preserve the right of forfeiture by declaring that nothing in this act shall be taken as a condonation or waiver of any condition in the grants or right of the United States to forfeiture.

The bill on the whole is designed to guard and strengthen the rights of the Government as against the railroad company, which in the opinion of the committee can present no equities or claims to equitable consideration. It also recognizes the equities of purchasers from the railroad company and seeks to provide for a fair and speedy adjustment with them. Taking into consideration the terms of the original grants, the failure to place the conditions of the act of 1869 in the patents, the acquiescence by the Government in the sales and the acceptance by it of titles from the railroad; having regard also to the character of the lands, which render the greater portion of them unfit for cultivation; and considering local conditions in Oregon, as well as the rights and interests of the Government, it is believed that this legislation presents the fairest solution of the controversy that can be devised.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 22, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: Your letter of March 16, inclosing copy of H. R. 22002, requesting report upon the subject matter of the proposed legislation, together with such suggestions and recommendations as I may desire to make, has been received.

This bill relates to the litigation involving the land grants of the Oregon & California Railroad Co. under the act of Congress approved July 25, 1866 (as amended), and act of Congress approved May 4, 1870. The bill involves three propositions, viz:

(1) The disposition of lands reverting to the United States by reason of claims of forfeiture asserted pursuant to the joint resolution of Congress approved April 30, 1908.

(2) A limitation of the time within which further suits may be instituted involving lands that have been sold by the Oregon & California Railroad Co.

(3) Authority for the Attorney General to compromise the suits heretofore instituted involving lands sold by the Oregon & California Railroad Co.

The provisions relating to the disposition of the lands reverting to the United States by reason of claims of forfeiture asserted as aforesaid involve no questions of law, but relate strictly to questions of legislative policy. As to this phase of the proposed legislation, I assume that no recommendation is desired from the Department of Justice.

In my judgment the provisions of the bill limiting the time within which further suits may be instituted against purchasers of these railroad lands, and vesting the Attorney General with authority to compromise suits instituted against the purchasers of these lands, are not only unobjectionable, but desirable; and I respectfully recommend that they be enacted into law.

If you desire, the attorney in charge of this litigation will appear before your committee and explain in detail the grounds upon which my recommendations are based.

Respectfully,
GEO. W. WICKERSHAM,
Attorney General.

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1912.

Hon. REED SMOOT,
Chairman Committee on Public Lands, United States Senate.

SIR: I am in receipt, through reference from your committee, for information as to the law and the facts in relation thereto and such suggestions as I may see fit to offer, of Senate bill No. 5885, being a bill supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits, etc."

This bill has been the subject of repeated conferences between this department and the Attorney General, which has been the cause of delay in making report thereon, and as a result of such conferences I have no objection to offer to the provisions of the bill excepting those authorizing a compromise, which are found in section 6 of the proposed bill. Respecting this section, I have to recommend that it be amended so as to read as follows:

"SEC. 6. That the Attorney General is hereby authorized, with the written assent of the Secretary of the Interior, to compromise by written stipulation with one or more of the defendants in any suit or suits heretofore or hereafter instituted pursuant to the provisions of said joint resolution approved April 30, 1908, involving lands sold and conveyed, or agreed to be sold and conveyed, by said Oregon & California Railroad Co. prior to September 4, 1908, upon such terms as may appear to be just and equitable, taking into consideration in adjusting such terms all the facts and circumstances respecting the purchase of said lands and the use, occupation, and improvement thereof. Such stipulation may provide that a decree shall be entered in said suit adjudging that the lands involved therein have been and are forfeited to the United States, and that such lands or any part thereof, or any right or interest therein or in any part thereof, may, after the entry of such decree of forfeiture, be repurchased from the United States by such defendant or defendants upon the terms and conditions agreed upon in such stipulation.

"If the defendant or defendants designated in said stipulation, his or their successors or assigns, shall within three months from the entry of said decree file with the Secretary of the Interior a certified copy thereof and duly comply with the terms and conditions of the stipulation aforesaid, the Secretary of the Interior shall forthwith cause a patent or patents to be issued conveying all of the right, title, and interest of the United States in and to such land or such part thereof or such right or interest therein as may be repurchased from the United States under such stipulation, and such patent or patents shall be in all respects in accordance with the terms of such stipulation.

"*Provided, however*, That the provisions of this section shall not apply to any lands that have not been heretofore patented to said Oregon & California Railroad Co."

Very respectfully,
SAMUEL ADAMS,
First Assistant Secretary.

SENATE REPORT.

Senator CHAMBERLAIN, of Oregon, in reporting a similar bill to the Senate, from the Senate Committee on Public Lands, says that—

"Your committee, in view of the unusual circumstances surrounding this matter, have concluded that the public interest requires that the United States shall enter upon an adjustment of the rights both of the railroad company and those claiming under its grants, and that the forfeiture should be made complete as to the lands undisposed of by the railroad company; that the rights of the parties claiming under the railroad company might be adjusted as provided in this bill; that such adjustment might be made through the Department of Justice, that being the appropriate department for the consideration of such questions as rise herein."

CONFIRMATION OF PROCEEDINGS INSTITUTED BY THE DEPARTMENT OF JUSTICE UNDER SENATE JOINT RESOLUTION 48, APPROVED APRIL 30, 1908.

Mr. D. B. Townsend was appointed to investigate under the above-named resolution and prepare the case for the Government as a special Assistant Attorney General. The appointment was made immediately upon the passage of the resolution, and, generally speaking, he has been in charge ever since. With great care and industry he collected the facts in the case, and has a very thorough and detailed knowledge of all matters connected with the entire matter. For this reason, in the subsequent portion of these remarks, I have freely taken from his statements, and have, in so doing, used his own words, that what he said may be correctly presented.

What I have to present concerns particularly sections 1, 3, and 4 of the bill as reported by the committee. Section 1 relates to the proceedings instituted in the main suit. Mr. Townsend's views are as follows:

"Section 1 provides that all of the claims of forfeiture asserted by the Attorney General on behalf of the United States pursuant to the resolution of April 30, 1908, are hereby ratified and confirmed and are hereby declared to be of the same force and effect as declarations of forfeiture by the Congress of the United States. Now, the purpose of that is this: The Department of Justice has instituted one suit against the railroad company involving 2,400,000 acres of land still claimed by it—lands that were not sold. In that suit the principal contention asserted on behalf of the United States is a forfeiture of all these lands for breach of the conditions annexed to the grant, restraining the manner in which the granted lands should be sold. In addition to that land suit, we have instituted 45 suits against those who have purchased these lands in large quantities. Each of those suits involve 1,000 acres or more, and the aggregate quantity involved is approximately 390,000 acres.

"Now, in the main suit against the railroad company it has been constantly urged that the attorneys for the Government have not correctly followed out the instructions and authority conferred by the resolution of April 30, 1908. I contend that we have; that we have followed it literally; that we have instituted the litigation exactly as you wanted it instituted, as we were directed by that resolution. But, as I explained before, the assertion of a right of forfeiture is a delicate matter. There must be no equivocation about it; there must be no doubt whatever of the authority of the governmental officer who assumes to assert it on behalf of the Government against those challenging the authority of the Department of Justice to assert this right of forfeiture.

"Now we come to you as your attorneys, in a sense, and there is no reason why you, as the client, should not ratify the action of your attorneys and set at rest this pretended contention on behalf of the railroad company. So far as I am personally concerned, I am perfectly willing to stand upon my own judgment that the contention urged by the railroad company is without merit, but when the subject comes to you, I think it quite fitting and proper, in view of all the defenses urged by the railroad company, to leave no doubt of the authority of the Attorney General to proceed in the pending litigation.

"Now, note the effect of the contention made by the railroad company. They contend that in this pending litigation the only thing that we can do is to determine the right of the Government to a forfeiture, and that when that is established in the pending litigation, Congress must then make a declaration of forfeiture, and we must then again invoke the jurisdiction of the courts to enforce that declaration of forfeiture. That is all nonsense. We should be permitted to go forward with this litigation and have all rights determined and enforced as the result of this suit."

RELIEF PROVISIONS OF THE BILL, SECTIONS 3 AND 4.

These sections are those especially important to western Oregon. Titles to the homes of many thousands of people are affected. The titles affected are to farm lands and city lots, as several small towns have grown up on the lands included within the grant, as well as to lands used for milling and other operations. As a great body of these lands lie adjacent to the railroad, the uncertainty as to titles is the cause of embarrassment to the owners and prevents the development of the country. It was not expected that these titles would be involved in the suit, but they have been, and now for the welfare of the State and its people, as well as of nonresidents who have acquired some of these lands, this relief is asked for, and I believe is well founded upon justice and right and ought to be granted.

The railroad company originally sold the lands affected by the relief features of the bill to some 5,000 purchasers in all. Of these purchasers there are two classes: First those, some twenty thousand in number, who purchased and hold tracts of a thousand acres or less, and whom the Government does not in-

tend to proceed against on account of the multitude of the suits that would become necessary, and because more public harm than public good would result therefrom; second, those who purchased and hold more than 1,000 acres, 45 in number, and all of whom are now defendants in the suits referred to in section 4 of this bill. For good reasons of sound public policy it is believed that in the absence of any allegation or proof of fraud, or lack of good faith, relief should be afforded along proper lines to both classes of purchasers.

The titles to the lands acquired by the first class of purchasers, even those who may have bought in strict conformity with the terms of the grant, are clouded by reason of the fact of their inability to prove such conformity at this time. This is shown by suits now pending in the local courts of Oregon, based upon the refusal of transferees to accept these titles, it being contended that the suit against the railroad company has made them of doubtful validity.

The lands held by the second class of purchasers, who are the defendants in these suits, were acquired in several ways; from those who had bought 160 acres or less of the railroad company; from those who had bought larger areas; from those who had bought of original purchasers; and from the railroad company itself in large and small areas. In every purchase, the matter of title was submitted to competent attorneys, who examined the titles offered and in no case advised the purchasers that there was any cloud upon them. Mr. Townsend takes the same view and I reproduce, in part, his statements as to the general situation.

"I will present to you first the legal contentions, then I will present to you the grounds of public policy that I think should be taken into consideration here. These people contend that they acquired these lands in good faith, for full value, in absolute ignorance of these restrictions upon the sale of the granted lands; that they knew of no restraint upon the manner in which the railroad company might sell these lands; and that they paid full value. Now, that has been thoroughly investigated as to most all these instances, and while I do not here intend to bind the Government by any admission—I am not authorized to do that—but for your information I will say to you that I am satisfied that is generally true. I am satisfied that not one of those purchasers knew at the time of the purchase that he was securing a questionable title, and I will tell you why. Until this controversy arose the title to these lands in Oregon had never been questioned in a single instance. You can go back as many years as you want to and you can not find a single instance where a title was rejected. In the second place, you will find that these purchasers paid more for the odd-numbered sections from the railroad company than they paid for the intervening even-numbered sections that they bought from various other purchasers. The railroad company got the top market price for this land. Now, it stands to reason that no man would go in there and pay the top market price for land if he thought it was conveyed by a defective title. In most instances these same people could have gone a little farther to one side or the other and purchased the same quantity of land at the same or less price—the same character of land and just as valuable as that they got from the railroad company—and these lands were all acquired in such a manner that there is no doubt as to their faith in the validity of the titles.

"The circumstances all show, in my judgment, that these men did not know that they were buying a title that was in any way defective. There was absolutely nothing in the abstract of title to indicate that there was any restraint upon the power of the railroad company to convey, and this old provision in the grant was completely lost sight of and was really a dead letter so far as its actual, practical working force was concerned. Now, these purchasers say that not only did they buy in perfect good faith and in absolute ignorance of this restraint, but they say that that ignorance was induced by the conduct of the United States itself in this: First, that the United States has stood by for 40 years and allowed this thing to go on without raising its voice in protest; second, that the United States passed an act in 1897 authorizing the exchange of lands within forest reserves for other public lands outside of the boundaries of forest reserves, and that under this law the United States has accepted these railroad lands as high as 10,000 acres in a single conveyance, and the Interior Department has accepted the railroad title as a valid title in exchange for other lands. Those abstracts of title have been submitted to the Government, and the Government officials themselves had forgotten this restraint upon the power of alienation. In fact, I have interviewed all the attorneys in the Interior Department that passed these titles, some 10 or 15 of them, and they all frankly admit that they did not know at the time that there was any restraint in the title upon the power of alienation."

Hon. A. W. LAFFERTY, my colleague, has said that "it is a well-known fact that in Oregon, and it is conceded by all hands there, that the abstracts of title were passed upon by the best lawyers of the State and the city of Portland, that these purchasers thought they were getting a gilt-edged title; thought that the railroad company owned the land. They did not know of the 'settler' clause. It was here in this little act, as long as your finger, in the musty volume of 16 Statutes at Large. They went back to the patent from the United States to the railroad company, and it had been so long from the time that the grant was made until the patents issued that many people had never heard of the terms, and others had forgotten, and it is plain to any common-sense individuals that these 45 purchasers, for the most part at least, did not know of the defect in the title, or if they had they would have never bought them and paid $10 or $15 or $20 an acre for them."

RELIEF FOR SMALL PURCHASERS OR HOLDERS AS PROVIDED IN SECTION 3.

Section 3 provides relief for those who have purchased or now hold a thousand acres or less of the lands formerly granted to the Oregon & California Railroad Co., whom the Government has not sued and does not intend to sue, but upon whose titles a cloud has been cast by reason of the suits against the railroad company and against the larger purchasers or holders. Purchasers from these small holders or purchasers have refused, since the institution of the suits, to accept the titles as valid and are resisting suits in the local courts to compel them to do so. Mr. Townsend appeared as a witness in at least one of these suits, and his opinion is that "the resolution of April 30, 1908, is a cloud upon the title of all the lands sold in quantities in excess of 160 acres, or for a price in excess of $2.50 per acre, or to a person who was not an actual settler at the time of purchase, although purchasing a very small quantity of land. Then again, there is no method by which it can be made a matter of record that any of the land was sold to an actual settler. Now, what is the result? The men who purchased those lands in small quantities, even though slightly in excess of 160 acres, and their successors in title, find themselves with a cloud upon the title that virtually precludes them from selling their land or raising money upon it, and for the most part they are men of modest means and wholly without the means to protect themselves against that situation. Now, we do not intend to sue them. They never will be sued, and I make that statement, not only as the declaration of the policy of the department at the present time, but as a prediction that the same policy will necessarily be pursued by anyone who has anything to do with that litigation. The title to a large number of homes in western Oregon is in that very situation. The title is clouded by this doubt that I refer to, and I say that something should be done for the relief of those persons. No public good is accomplished by clouding the title that you never intend to attack. It is accomplishing no good, it is injuring the small holders, and it is injuring those who are comparatively helpless.

"Now, I do not want you to do anything that can be construed as a condonation of any breaches of these conditions. But the way in which you can accomplish the end sought is by establishing a time limit within which suits may be instituted, because the fixing of a limitation of time for the institution of a suit is in no sense a waiver of the cause of action; it is in no sense a condonation of the wrong upon which the cause of action rests. For instance, fixing the limitation of time within which the United States may institute suits to cancel patents issued through fraud is not a condonation of the fraud. It is simply a suspension of the remedy upon grounds of general public policy, and it never can be construed as a condonation of the original wrong.

"In considering the proposed compromise with the large purchasers the question suggested itself to my mind that something should be done to protect the small purchasers who have not been sued at all and whom we do not intend to sue. The resolution of April 30, 1908, directs, without limitation or qualification, the institution of all suits deemed adequate and proper to assert and enforce the rights of the Government. Now it is committed to the discretion of the Attorney General, as I understand it, what suits shall be considered proper and adequate, and exercising that discretion the Attorney General concluded that suits could not be instituted in every case where the lands were sold in quantities exceeding 160 acres, or for a price exceeding $2.50 per acre, or to a person who was not an actual settle at the time of purchase. To have done so would have necessitated no less than four of five thousand suits against no less than twenty to twenty-five thousand parties. That would have been wholly impracticable. It was necessary to draw some arbitrary line to keep this legislation within the bounds of practicability, and so, without intending to discriminate, we finally came to the conclusion that we must

draw the line at a thousand acres, and that rule was observed. Even then there were a few instances where no suits should be instituted. For instance, the city of Portland has purchased something like 3,500 acres on Mount Hood to conserve the city water supply. Now, it was quite apparent to all of us that that land, having been taken for public use, for public benefit, no question should be raised as to it; that is, as against the city of Portland. Then there were several instances where colonization companies had purchased a thousand or fifteen hundred acres of land and had distributed the lands in small holdings from 40 to 160 acres among colonists, and the actual purpose of these limitations had been accomplished.

"Now we concluded that it would not be fair nor right, nor was there any public reason why the title of those small holders should be attacked, although it had proceeded through a larger purchaser. Then there was a purchase by a brotherhood of friars not far from the city of Portland, some sixteen or seventeen hundred acres, and they had established some sort of a mission there—I do not know what the technical name of the institution is, but the lands are being devoted to benevolent and charitable uses, and of course we did not include that in our suits. There were seven or eight instances of the kind that I have described. If we had drawn the line, say, at 750 acres, it would have made so many cases in which the titles were so complicated that the working out of the details would have obstructed our work in the main case. The main object of all this litigation, you must bear in mind, is the main suit against the railroad company involving this 2,400,000 acres. That is the ultimate—I should say the primary—object of this litigation."

SECTION 4 PROVIDES RELIEF FOR PURCHASERS OR HOLDERS OF MORE THAN 1,000 ACRES.

Under the title "Relief provisions of the bill, sections 3 and 4," in an earlier portion of these remarks, I have called attention to the fact that these purchasers or holders exercised due diligence and bought the lands they now hold after a careful examination of the question of title by competent attorneys. Mr. Townsend's examination convinces him that prior to the institution of the pending suits these titles had never been questioned or rejected. He finds that the purchasers from the railroad company paid "the top market price" for these lands, and could have at the time they bought purchased equally valuable lands almost as accessible "at the same or a less price." They would not have bought the railroad lands under these conditions if they had ever suspected that the title was not absolutely good. The Government itself has acquired many thousands of acres of lands from these purchasers by making exchanges, and no attorney for the Government has ever questioned the sufficiency of the purchasers' titles so far as the record shows. The Government records and the investigations of Mr. Townsend have not disclosed any collusion between the purchasers and the railroad company, nor any lack of good faith or due diligence on the part of the purchasers. All the facts show that they acted as innocent purchasers, bona fide. Mr. Townsend states that—as "a matter of fact, you can not find an instance where a lawyer in Oregon rejected that title. They simply did not know of that restriction and they proceeded on the theory that a United States patent created an unrestricted title. Let me tell you another defense urged by the purchaser. The original patents issued by the Interior Department recited all three of these acts, the act of July 25, 1866, the amendatory act of April 25, 1868—which simply extended the time for the construction of the road—and this act of April 10, 1869, that imposed these restrictions upon the sale of the land. In 1893, for some reason that I have never been able to ascertain, the party who prepared these patents adopted a new form of patent that recited only the act of July 25, 1866, and that form of patent being once established, all subsequent patents were in that form and recited only the act of July 25, 1866, which contained no restrictions upon the power of alienation. Let me show you how that becomes material in the opinion of the attorneys for the purchasers. I am not here to concede that their contention is correct, because if we have to fight this out I am not making any admission to be quoted against me. But they contend that it is possible for this grant to have vested without being subject to the restrictions of the act of April 10, 1869; that is, if it vested in the west side company, then it vested without being subject to these restrictions; if it vested in the east side company, it vested subject to these restrictions; it was within the jurisdiction of the Interior Department to determine whether it vested subject to the act of April 10, 1869, or not, and the recital in the patent is in effect an adjudication that that grant vested without being subject to that act, because it does not recite it.

"I have given you, in a general way, the grounds upon which these purchasers claim that they are entitled to equitable consideration here. My position in the matter is not really based upon the legal questions involved at all. I look upon it from the viewpoint of public policy. A large part of the industrial life of western Oregon has been built up on the strength of these titles. Small towns of 800, 1,000, and 1,200 people have been built up on the faith of these titles. I know of towns that would be virtually wiped out of existence if the operation of the mills should be suspended.

"The attorneys for the Government themselves passed those abstracts as conveying valid titles, and those titles have been current in Oregon. These people did pay the full value of the land; I have run that down and am convinced of it, because they paid more for the railroad lands than they did for the intervening sections, and they could have bought other lands, the title to which was not in doubt, for the same price. They gained no advantage by buying a defective title. I am convinced of that fact after four years of careful investigation."

THE DEFENSES OF THE INNOCENT PURCHASERS ARE IMPORTANT.

For the reasons above stated, as well as others I have not now time to refer to, the defenses of the innocent purchasers have an important bearing upon the main suit against the railroad. There are also sound reasons of public policy upon which the propriety of the proposed compromise is based. It is Mr. Townsend's opinion that there—

"is the question of whether more public good will result from litigation of these suits against purchasers than would result from the compromise, leaving industrial conditions where they are. Then there is another question: Have you considered whether, in view of the fact that these purchasers have defenses far superior to any that the railroad company can allege—I will not admit on this record that the defenses alleged by the purchasers will prevail, but you must all admit that they are far superior to any that can be alleged by the railroad company—and this question should be considered whether the consideration of those superior defenses by the Supreme Court at the same time as the defenses of the railroad company may affect the chances of the Government in the main suit against the railroad company, and whether, as a practical question, we would not be in a better position, when we get into the Supreme Court, if the Supreme Court could see and we could point out that the decree could not affect anybody but the railroad company and would have no collateral effect that might be taken into consideration by the Supreme Court? Now, as a practical question addressed to a practical lawyer, what would you say as to that feature? Now I want to say this, that I was opposed to the institution of any suits against the purchaser three years ago, and I have been against it all the way through. I thought the public interest would be better subserved by not bringing the suits against them.

"With reference to the price of $2.50 per acre, at which it is proposed to compromise these purchaser suits, I desire to say: It has quite frequently happened that the Government may have sufficient grounds in equity to recover title to public lands that have been granted, but where the holders of the title are entitled to consideration on broad grounds of justice which would not be available as a defense; in other words, where the enforcement of the full measure of the Government's remedies would involve a harshness that would not comport with the relation that exists between the Government and its citizens. In such cases it has become quite common to compromise for the minimum or double minimum price at which the lands are disposed of under the public-land laws; $2.50 per acre is the statutory price for lands within the boundaries of railroad-land grants. It was for this reason that the purchasers proposed to compromise on that basis. If these purchaser suits are to be compromised at all, it will be upon grounds that do not relate to the actual value of the lands. This being true, it necessarily follows that the price at which the suits shall be compromised can not be computed by any mathematical process, any more than the price for which lands are disposed of under the homestead laws, the coal-land law, the mineral-land law, or any other of the public-land laws. Any recommendation that I may hereafter make concerning the compromising of these cases, if the authority to compromise them is granted, will not be based upon a consideration of the value of the lands, but upon grounds of public policy, as I have explained."

THE DEPARTMENT OF JUSTICE DESIRES AUTHORITY TO COMPROMISE THE SUITS AGAINST THE INNOCENT PURCHASERS.

The elimination of the innocent purchasers by the proposed compromise will have a beneficial influence upon the main suit. The purchasers referred to in section 4 are to confess judgment under a stipulation to be entered into between them and the Government. I again wish to call your attention to the reasons urged by Mr. Townsend, who says that—

"In the first place, I will say that the Attorney General has general authority to compromise all suits instituted by him or

under his direction. But here is a suit that was instituted by your special direction, so that due respect for Congress demands, in my judgment, that we should hesitate to compromise any of these suits without taking you into our confidence—without submitting the matter to Congress—and in the second place, no compromise is practicable that does not involve in effect a conveyance of land; and surely no executive department has authority to do that without express legislative authority—I mean congressional authority—because the Constitution gives to Congress exclusive jurisdiction to dispose of the public lands. Now, for those two reasons we come to you. The first of these is because you directed this suit to be instituted, and you are entitled to know and approve of any compromises of any of these suits. The second reason, because I think the Attorney General has no authority to make this compromise without specific authorization from you.

"The railroad company is hoping that we shall be forced to prosecute these cases against the purchasers up to the Supreme Court, realizing that the purchasers have defenses superior to any that may be urged by the railroad company, and hoping some doctrine will be evolved that may be available to the railroad company. In other words, the railroad company hopes to succeed on the superior defenses of these purchasers. At the same time the railroad company is not openly opposing this bill. The railroad company, through its representative, appeared before the Public Lands Committee of the House four or five weeks ago, and announced that they would not participate in the hearings.

"I met one of the attorneys for the railroad company a few weeks ago, and he said to me, 'Why are you trying to compromise these purchaser suits? Why do you not leave that as it is?' I said, 'Upon what theory do you ask me why we want to compromise any suits? Has not the United States the same right as any litigant to compromise any of its suits if there is any public reason for doing so?' He said, 'Well, I do not think that this situation should be disturbed pending this litigation.' I said, 'How is the situation disturbed pending the litigation, if we compromise those suits, any more than any other suit?' He said, 'To be frank with you, I think if you compromise these suits with the purchasers it will make it easier for you to beat us in our suit.' I said, 'To be equally frank, that is why I want to compromise the suits.' That is why I know they are opposed to this bill, although they are not participating in these hearings.

"I will supplement the foregoing by directing attention without discussion to the questions that I think should be considered in determining whether the Attorney General should be authorized to compromise the purchaser suits, as proposed by the bill now under consideration. In my judgment, Congress should consider the subject from the following viewpoints:

"First. The defenses urged on behalf of the purchasers and the grounds they urge for equitable consideration.

"Second. Even if the Government has technical grounds for the relief asked for as against the purchasers, are there any reasons why the Government should not exact the full measure of the remedy of forfeiture as against the purchasers?

"Third. Is there substantial danger that the prosecution of the purchaser suits may jeopardize the interests of the Government in the main suit against the railroad company, involving 2,400,000 acres, bearing in mind that the suit against the railroad company is of paramount consideration?

"Fourth. The Government should not institute suits simply because there is a technical ground for the suit if the institution or prosecution of the suit will cause more public injury than public good. The Government should be actuated by different and higher motives. The primary purpose of the litigation involving the land grants now under consideration is to conserve the industrial and commercial interests of the State of Oregon, and particularly to relieve the State from the blighting effects of the land monopoly that has been created and is now being maintained by the railroad company with reference to the 2,400,000 acres that are involved in the main suit. In view of these general considerations and bearing in mind that a substantial part of the industrial life of Oregon has been built up on the faith of the title to the lands involved in the suits against the purchasers, will the public interests be best conserved by compromising the purchaser suits or by prosecuting them to final judgment? Will the enforcement of the Government's right of forfeiture, with the resultant uncertainty of these titles until the cases are finally disposed of by the Supreme Court, with the probable suspension of the operation of some of the mills of western Oregon, to the injury of a large number of persons who are in no way responsible for the present situation, be productive of more public injury than public good?

"In my judgment, the Attorney General should be authorized to compromise these suits as proposed. In view of the fact that the suits may not be compromised, I do not feel at liberty to discuss without reserve the grounds upon which I base this recommendation. And in this connection I desire to say that in presenting the contentions that are urged on behalf of the purchasers, I do not concede their legal sufficiency. I am making no admission to be used against the Government in the future prosecution of those cases, if they are not compromised. In some of my remarks I may have stated the contentions urged on behalf of the purchasers as though they were my own views. But I do not want to be misunderstood.

"I have been asked why the compromise should be made at the arbitrary price of $2.50 per acre; and it has been suggested that instead of naming an inflexible price that question should be left to the discretion of the Attorney General. This suggestion proceeds upon the theory that the circumstances of the purchaser suits may vary, demanding that the price at which the lands may be repurchased shall be higher in some cases than others in compromising the suits. I do not care to make any argument upon that question; but with reference to this suggestion I desire to say:

"This suggestion may be sound as an abstract or theoretical proposition. But the circumstances of these purchaser suits have been investigated, and there is no difference between the cases that will justify any discrimination in compromising them. None of the cases should be compromised, in my judgment, unless the lands were purchased in good faith, without knowledge of the restrictions upon the sale of the granted lands. As to parties coming within that class, no discrimination should be made; and as to parties who do not come within that class no compromise should be made. In other words, any difference of circumstance between these cases that should be considered at all do not go to the question of the amount at which the cases should be compromised, but to the question whether the cases should be compromised at all. Any circumstance that could be advanced as a reason for exacting a larger amount from any of these purchasers would necessarily be a conclusive reason why the case should not be compromised at all."

STATEMENT MADE BY A REPRESENTATIVE OF THE INNOCENT PURCHASERS.

The second class of purchasers, those purchasing more than 1,000 acres of the lands, were represented before the Committee on the Public Lands, House of Representatives, by Mr. A. C. Dixon, Eugene, Oreg., the manager of one of the companies now actively engaged in milling operations. He was authorized to represent such purchasers. Mr. Dixon's statement, summarized, is to the effect that "as to our views relative to our situation and to the compromise, we feel that the Government can afford to be very considerate of us for a number of reasons. First, going back to the purpose of Congress in granting these lands, it was primarily that the road be built, and, secondarily, that the country be developed as a result of this grant of land. We take the position that we have aided in the development of that section of the country to the fullest extent, and that in no other way could the lands have been used for development except in the way we have used them.

"The reason for that is this: The land is heavily timbered, much of it on steep hillsides, and in most instances the soil is rocky and not susceptible of cultivation. Now, no actual settler could have taken 160 acres of these lands, nor 1,600 acres, nor any other number of acres, and made a living for himself and family. It would have been practically impossible, and is to-day, with the better means of transportation and other facilities that they have now. We have taken these lands and solidified them by buying the even-numbered sections, and have built mills, made large investments, built towns, and furnished employment to hundreds and thousands of people. Now, just to spend a moment on that point. In our own instance the largest town that we have, the town of Wendling, is devoted entirely to milling. There are about 800 people there, with 300 men working in the mills and timber. They have an electric-light system, water system, and all the conveniences that a little town of that kind might have. The wages we pay are good—excellent, I should say—from the point of view of people here. Twelve dollars a week is the minimum for millmen and $17.50 is the average for employees in the woods.

"Mr. Townsend mentioned the other day the good faith with which these lands were purchased, and in this connection I wish to speak simply of our own case. We started out 16 years ago, without any capital of consequence, and upon the suggestion of Mr. Collis P. Huntington, of the Southern Pacific Co., we leased a small sawmill in the Willamette Valley with the idea of trying to find out if fir lumber, the only timber growing on these lands, could be shipped outside of the State at a profit. Up to that time there had been no market for, and no attempt to ship, fir lumber out of the State of Oregon. Mr. Huntington made us some special rates, and we leased a mill for a year and started to develop the fir-lumber market. At the end of a year Mr. Huntington stated to us that the rates were fairly satis-

factory to him and he would continue them in force. We found that we had made a fair profit, and accordingly we bought the mill which we had under lease. When we bought the mill we had to buy something to run it on, and so we bought timber near at hand, half of it from the railroad and the other half from settlers or whoever happened to have it. That was the beginning of our business. A year or two later the business still continued to show a profit and we purchased another mill and also another body of timber, and for a period of 8 or 10 years we bought these different bodies of timber at the going prices at which anyone could have purchased them if they had cared to. I do not think I need to dwell long on this point, because Mr. Townsend has said that in all of his investigations he has found no evidences of any fraud, and I know the circumstances in all these cases, and it is hardly possible to think that there could have been anything of that kind. The lands were open for purchase and sale, and you or I or anybody else could have bought all of them if we had had the money to do so."

Mr. Dixon, in compliance with the request of the committee, for information as to the development operations and improvements of these purchasers, and my general knowledge of conditions approves his statements as being very moderate, stated:

"The Booth-Kelly Lumber Co. has constructed and has in operation between 7 and 8 miles of logging railroad and has partly constructed 4½ miles more. The cost of the railroad in operation and that which is almost completed has been $341,000, this cost including equipment. The committee will be able to judge from this statement that the country through which this road is built is anything but level agricultural country. The fact is the road was very difficult to build on account of rock and the steep hillsides which were encountered.

"The grant lands for which we have been sued, approximating 74,000 acres, cost us $572,000. Our four sawmill plants cost $693,000. Logging property, such as donkey engines and rigging of all kinds, cost us $117,000. Dams and improvements in the rivers, not included in any of the above, cost $32,000. We have paid, all told, since beginning operation, in taxes, $223,000. We have paid out for fire patrol on our own lands $9,000. I might say in this connection we have organized and have charge of a patrol covering the timber lands belonging to about 70 different corporations and individuals—mostly individuals—all of whom contribute pro rata to the expense, and the total of the money we have paid out for fire patrol is several times the amount paid on our own land.

"As to wagon roads, we have approximately 10 miles. The small amount of mileage is accounted for by the fact that wagon roads are only built into the edge of the timber, the roads from the edge of the timber in being what are called "chutes," or pole roads, upon which logs are hauled. Of these, we have built for a number of years past an average of 4 or 5 miles per year at a cost of $20,000 to $30,000 per year; but these roads are worthless as soon as the logs are out, and are not to be considered as permanent improvements.

"In addition to the actual expenditures made as above, our estimate of the cost of finishing the line already graded and under construction is $46,000. This is for the balance of the steel, the building of bridges and culverts, and the laying of sidetracks on grade already constructed.

"In addition to all this we have made permanent surveys and are ready to begin work on an additional piece of road approximately 12 miles in length, which will cost, according to our engineers' estimates, $203,000. All of this work will have to be done to provide for the next five years' logging, and is a very small proportion indeed of the total which will be required to work out all of our holdings.

"Figures given above are only for the improvements and operations of the Booth-Kelly Lumber Co.; a number of the other defendants in these cases have railroads and improvements approximating if not equaling those of my company.

"Our mills alone have furnished the entire pay roll and support for the towns of Saginaw, population about 300; Wendling, population about 800; Coburg, population about 700; and has been the principal pay roll in Springfield, population about 1,800. The mills of the other defendants are likewise situated in regard to the towns of Leona, Cottage Grove, Mill City, Falls City, Dallas, Salem, and a number of other smaller towns.

"A number of improvements contemplated by my own company and other companies interested have been held up on account of this litigation, and if the suits are compromised the development will go ahead again to a remarkable extent."

LOCATION OF THE LANDS AND SUMMARY OF THE HISTORY OF THE PROCEEDINGS TAKEN IN THE MATTER.

All of these lands, with the exception of a few acres, lie in the congressional district I have the honor to represent.

The land granted lies in the western portion of Oregon and extends from Portland to the California line, and through three valleys, the Willamette Valley, the Rogue River Valley, and the Umpqua Valley. The railroad company was to receive the odd-numbered sections for 20 miles on each side of the road, and in case the lands within that 20-mile strip on either side had been previously disposed of, the company had the right to make lieu selections within strips 10 miles wide outside of the 20-mile strip.

The road was built after many years, and it ran through the best part of the State of Oregon. The grant included all kinds of land, and I doubt if Congress, at the time the grant was made, knew very much about the character of the lands they were granting. I suppose Congress thought they were mostly agricultural, and for that reason provided they should be disposed of to settlers. The valley lands had been largely disposed of, consequently the company went into the lieu limits on the outside to take lands. Much of the lieu land was timbered, especially in the southern portion of the State. No one made any complaint of the railroad company as long as they disposed of the land; in fact, I suppose few of the people of the State of Oregon knew of the conditions attaching to the grant. The State of Oregon has suffered a great deal from these land grants—wagon-road and railroad land grants—a very considerable portion of the entire domain in the State being granted for the construction of railroads and wagon roads. So when this grant was made no one, I think, paid any particular attention to the specific wording of it, more than that the general grant had been made for the construction of a railroad. For a while the railroad company disposed of the land they had in small and large tracts; people went on them, built homes and small towns; lumber companies in more recent years have acquired some of the lands for the purpose of developing the natural resources of the State. That was the reason the grant was made in the form it was made.

The railroad company would receive a subsidy if they sold the land at a maximum price of $32,000 for every mile of road they constructed, and $32,000 per mile would have constructed, on an average, a better road than was built by the company when they first built their line and acquired their grant. The Government, at the close of the Civil War, had an enormous debt, and no money in the Treasury, and no means of getting very much revenue even for the maintenance of the Government. And the Government, in order to aid the development of the State of Oregon—which State had taken care of itself during the Civil War and furnished soldiers not only to maintain peace in the State, but in the surrounding States where the Indian tribes were inclined to be rebellious when the Government was in that great struggle—made this grant to encourage the development of Oregon by the construction of a railroad and the settlement of the country.

The three valleys mentioned are separated from the coast by mountain ranges which would average probably 50 or 60 miles wide, and from each other by mountains, so the only feasible way to get the products of the people out of the valleys was to get them out by rail. Until 15 years ago timberland, as timberland, was of no special value, except to the lumber companies. I can remember within 20 years when if a man had to take a piece of timberland in settlement of a debt he was rather inclined to believe he had gotten a bad bargain at that time if it was an isolated tract and no lumber mill close by the land.

About the year 1900 considerable attention was paid through the Eastern States to the development of Oregon. We began to receive large numbers of people from the Eastern States, and demand was made for the purchase of this railroad land. You will note that we grew from 426,000 to 672,000 within the last 10 years, an increase in our population of more than 50 per cent. This immigration made a demand for this land, because it was comparatively close to the railroad. This demand increased the value of the land and the railroad company began to refuse selling the land, and I know hundreds of instances where men have gone or sent agents or representatives to the railroad offices in San Francisco with particular descriptions and applications to buy particular pieces of land and with the money required by the law to be paid and were uniformly refused. The people of the State then began to ask, Are we to be always handicapped by this holding out of use all this land, none of which is more than 30 miles away from the railroad? Adjoining the city of Grants Pass, a town of about 6,000 people, I am told there is a whole section of land over which the town would naturally grow. It has grown up around it. Down on the Applegate there are 15,000 acres of agricultural or grazing land in one general body that can not be secured. I could cite many other instances.

At a public meeting held in the State of California, at the capital city—Sacramento—the question was asked Mr. Harriman what he intended to do with these lands. He said they intended to hold them as a forest reserve of their own. Further attempts on the part of the people to make use of these lands showed that such was the policy of the company. As a result of an agitation, the legislature adopted a memorial to Congress. And Congress passed a resolution in the first part of the Sixtieth Congress which is the basis of the present suit of the Government against the railroad. It was no ill will of the people against the railroad company that caused that action, but it was the pressure of the people for the opportunity to develop the natural resources of the county. When the resolution was pending before this committee and before Congress various attempts were made to incorporate in that resolution relief for those who had acquired lands of the railroad company, but, as Mr. Townsend so ably explained, it was thought impossible to do so without jeopardizing the suit of the Government.

The purchasers from the railroad company who bought quantities of land in excess of the 1,000 acres bought them at the market price at the time they acquired them. Some lands were acquired in large bodies and some in smaller tracts. Some of this land is at present being developed by the operation of sawmills. On other lands operations will be begun soon. The lumber product forms a considerable portion of the product that we send outside the State in the course of a year. These purchasers when they bought their lands could have bought other lands equal in timber value for practically the same price, but they bought these lands in order to consolidate their holdings so that they would not have to log across lands owned by other parties. The amount they paid for the lands at the time was the market price, and for some lands they paid a considerable sum. While some lands are more valuable at the present time than they were when they were purchased, yet that is one of the fortunes of investors, to have investments increase or decrease in value. These people want to go on with their work. Mr. Dixon represents a company whose mill burned down at Springfield. It was a very valuable mill, and yet they can not afford to rebuild the mill and employ their men to continue operations unless they know whether they can log by sections in a consolidated body or whether they shall log on alternate sections.

Now, in order to enable these people to go on with their logging operations and for the general benefit and development of the State, I believe that some relief of this kind ought to be granted and that these people ought to know what their status is, and if this bill is passed they can go into court and confess judgment and know that they will have their lands. The same argument will apply for an equal reason to all others similarly situated. As to the price of $2.50 an acre, I believe they have already paid what the land was worth at the time they acquired it, and to pay $2.50 per acre now is in the nature of a gift to the Government. When the Government made the grant it intended to part with these lands finally and definitely, with no intention of making any money whatever out of them, but with the intention of filling the State of Oregon with settlers and industries and of developing this new country. That was the purpose of the Government—to part with its title and get nothing back but the development of a new and unsettled country.

These purchasers paid the market price at the time they purchased. They are willing to come in and pay $2.50 per acre more, not because it is due the Government or because they should pay this further amount, but because they desire to quiet title and go on with their business.

I believe the $2.50 proposition will, in a general manner, meet the equities of the situation, if any price at all should be charged.

The suit will go on as to the 2,300,000 acres held by the railroad whether this legislation is passed or not; it will go on better, in my judgment, and in the judgment of the Department of Justice, if this bill is passed. But in the meantime, if this relief legislation is not passed, great industries in the State of Oregon will stand still, mills will be closed, railways will be removed, and that great industry which furnishes employment to thousands of laborers and produces a great volume of commerce and trade will be seriously hampered and in some places paralyzed for many years. I confidently believe the merits of this measure and the justice of its provisions will appeal to the sense of sound public policy in this great body of men, and that it will ordain that this bill be enacted into law.

Government in Relation to Business.

EXTENSION OF REMARKS
OF
HON. JOHN J. FITZGERALD,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Friday, July 26, 1912,

On the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. FITZGERALD said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD I include as a part thereof an address delivered by Gov. Woodrow Wilson at the annual banquet of the Economic Club of New York, at the Hotel Astor, on May 23, 1912.

The address is as follows:

ADDRESS BY GOV. WOODROW WILSON AT THE ANNUAL BANQUET OF THE ECONOMIC CLUB IN THE HOTEL ASTOR ON MAY 23, 1912.

Mr. President, ladies, and gentlemen, I listened with a great deal of interest to the very gracious introduction that you have just heard, but with some skepticism upon one of the statements. Mr. Milburn said that everybody here knew what I am, but that depends upon which newspaper he has read. Most persons are so thoroughly uninformed as to my opinions that I have concluded that the only things they have not read are my speeches.

But I want to say that it is with a great deal of pleasure that I find myself here to-night, turning out of the troubled paths of practical politics to come into a place where you have the purpose and the appearance of deliberation. [Applause.] I have never believed entirely that there was very much thinking upon general public questions done in the city of New York; not because there are not some of the finest thinking machines in New York that are to be found anywhere, but because the brains of New York are so devoted throughout long days to special undertakings that there is only the evening, when fatigue has conquered you, in which to think about the affairs of the country. And, therefore, it seems to me that men of eminent success in the fields of business are, above all others, under a moral obligation to get together and talk of things which do not concern their own private undertakings. It is refreshing at this particular time to have an opportunity to discuss not personalities but the questions of the day. [Applause.] I was in a New England city, not many weeks ago, which had just been visited on the two preceding days by two militant candidates for nomination. I had occasion at the opening of my speech to say: "After what you people have been through the last two days perhaps you would like to know what the questions of the day are." I was interested to find that instead of a mere smile I got out of that audience that had dropped in from the street a spontaneous cheer. They felt refreshed at the idea that they might hear something discussed which did not have the bitterness of personality in it.

And yet, it is a serious fact, ladies and gentlemen, that it is very difficult to discuss those very questions of the day without seeming to bring a touch of passion and bitterness into them. We talk a great deal about the radicalism of our time, but the radicalism, if you will analyze it, does not consist in the things that are proposed, but in the things that are disclosed. It is in the analysis of existing conditions that your public speakers seem to be radical. How shall our difficulties be settled after we have excited our minds by disclosing those conditions? We are so busy with the preliminary controversy with regard to what the real state of the facts is that we carry that extreme over into the other area, which should be an area of calmness, of deliberation, namely, the area of the discussion of what shall be done in the circumstances.

Very little has been said about that, but a great deal has been said, and sometimes intemperately said, about the real state of affairs. Nowhere, it seems to me, in the country more than in New York ought we to be very frank with one another, because in New York, taking you in the aggregate, you know what the facts are, and if you are frank with one another and take the public into your confidence you may be instrumental in instructing the country concerning what it must found its thoughts upon.

When you discuss the relation between government and business, you touch at once the seat of irritation. I have not found

a single audience in this vicinity in which the business men were not up in arms at being interfered with by the action of the Government—in which there were not to be found a great many men who said, "If the politicians would only let us alone the country would prosper and all business would settle down to a sound and steady condition." They have been critics of Government because Government would not let business rest and be free. Now, no study of the history of the Government can be candidly made which will not lead to this conclusion—that the very thing that Government can not let alone is business, for business underlies every part of our life; the foundation of our lives, of our spiritual lives included, is economic.

I heard a very interesting preacher say several months ago, in preaching upon the sequence of the petitions in the Lord's Prayer, that it was significant that our Savior's first petition was, "Give us this day our daily bread," for no man can rationally live, worship, or love his neighbor on an empty stomach; and if he is in doubt where the food is to come from, if he fears he will be without work and sustenance, it is impossible that he should have a rational attitude toward the life of the community or toward his own life. Therefore it is the object of Government to make those adjustments of life which will put every man in a position to claim his normal rights as a living human being.

Government can not take its hand off of business. Government must regulate business, because that is the foundation of every other relationship, particularly of the political relationship. It is futile, therefore, to have the politicians take their hands off. They may blunder at the business, but they can not give it up. They may make fundamental mistakes—they will make a great many if you do not frankly assist and instruct them—but they must go forward whether instructed or not.

I think one of the few grounds of discouragement in our days—for I do not think there are many—is that business men and the lawyers who guide business men are jealously withholding their counsel from those who try to guide affairs, withholding it as those who withdraw in suspicion, as if they should say, "We can not parley with those men; their ears are not candidly open to us"; and so there has grown up on one side and on the other an attitude of distrust which does not augur well for a settlement of delicate questions.

The whole problem of our life, gentlemen, is to understand one another, the whole problem of politics is to get together. Politics is not a mechanical problem, politics is not a problem of setting interests off against each other upon such a plan as that one can not harm the other. The problem of politics is cooperation. The organic cooperation of the parts is the only basis for just Government; unless we come to an understanding, there can be no Government. No man can hold off from affairs and count himself a faithful citizen of the Republic.

I have been interested in one piece of speculative explanation which, perhaps, I might turn aside for a moment to call to your attention.

One of the chief benefits I used to derive from being president of a university was that I had the pleasure of entertaining thoughtful men from all over the world. I can not tell you how much dropped into my granary by their presence. I had been casting around in my thought for something by which to draw several parts of my political ideas together when it was my good fortune to entertain a very interesting Scotchman who had been devoting himself to the philosophical thought of the seventeenth century. His talk was so engaging that it was delightful to hear him speak of anything, and presently there came out of the unexpected region of his thought the thing I had been waiting for. He called my attention to the fact that in every generation all sorts of speculation and thinking tend to fall under the formula of the dominant thought of the age that has preceded that.

For example, after the Newtonian theory of the universe had been developed, almost all thinking tended to express itself upon the analogies of the Newtonian theory, and since the Darwinian theory has reigned amongst us everybody tries to express what he wishes to expound in the terms of development and accommodation to environment. Now, it came to me as this interesting man talked, that the Constitution of the United States had been made under the dominion of the Newtonian theory. You have only to read the papers of the Federalist to see it written on every page. They speak of the "checks and balances" of the Constitution and use to express their idea the simile of the organization of the universe, and particularly of the solar system—how by the attraction of gravitation the various parts are held in their orbits, and represent Congress, the judiciary, and the President as a sort of imitation of the solar system.

No Government, of course, is a mechanism; no mechanical theory will fit any Government in the world, because Governments are made up of human beings, and all the calculations of mechanical theory are thrown out of adjustment by the intervention of the human will. Society is an organism, and every Government must develop according to its organic forces and instincts. I do not wish to make the analysis tedious; I will merely ask you, after you go home, to think over this proposition; that what we have been witnessing for the past hundred years is the transformation of .. Newtonian constitution into a Darwinian constitution. [Applause.] The place where the strongest will is present will be the seat of sovereignty. If the strongest will is present in Congress, then Congress will dominate the Government; if the strongest guiding will is in the Presidency, the President will dominate the Government; if a leading and conceiving mind like Marshall's presides over the Supreme Court of the United States, he will frame the Government, as he did. There are no checks and balances in the mechanical sense in the Constitution; historical circumstances have determined the character of our Government. While we were forming the Government—that is to say, down to a hundred years ago, when the War of 1812 was being fought, while we were finding our place among the nations of the world, while our most critical relations were over foreign relations—the Presidency necessarily stood at the front of affairs. You will find all the early Presidents directly forming the Government. But after we got our standing among the peoples of the world—from the close of the War of 1812 down to the beginning of the Spanish-American War, with the exception of the interval of the Civil War—the Presidents count for very little. There was then a free, miscellaneous domestic development that was insusceptible of guidance; it was spontaneous; it sprang up unbidden in every part of the country; the place of common counsel was the Congress of the United States; and the Congress overshadowed the President.

One of the things I have always felt that Webster and Clay did not see was that they would diminish their prestige and power if they left the Senate of the United States and entered the Presidency. Why the men who were leading the Chamber that was dominating the Nation should have wished to be in the chair which was overshadowed by that Chamber I have never been able to understand.

But then came the Spanish-American War. Since then America has stood up, looked about her, drawn the veil of preoccupation from her eyes, and beheld herself a great power among the peoples of the world; and ever since that moment the President has, of necessity, become the guiding force in the affairs of the country. It was inevitable and it now will, no doubt, remain inevitable because we are now in the same case with all other Governments. We can not shut our eyes to foreign questions—particularly now when we see some prospect of breaking our isolation by lowering the tariff wall between us and other nations; now that we see some possibility of flinging our own flag out upon the seas again [applause] and taking possession of our rightful share of the trade of the world.

We have found that the private debates of committees and the haphazard creations of legislation in bodies which no one leads do not suffice to clear our affairs. We must have some central points of guidance. This is the adjustment to environment; this is the Darwinization of the Government of the United States. There is no violence in the process; there is no violence to any principle of our Constitution; because, as has been said so often, the beauty of that Constitution is that it did not predict anything, but left everything possible by the very simplicity and elasticity of its make-up. If the Constitution of the United States had gone into the detail that some of our State constitutions go into, we would have to change it every 10 years, on the average, as we have changed them.

Now, all of this that seems pertinent to the matter which I would now bring to your attention is that there must be some guiding and adjusting force—some single organ of intelligent communication between the whole Nation and the Government which determines the policy of that Nation. And, inasmuch as that determination must turn upon economics—that is to say, upon business questions—it is absolutely necessary that we should analyze our present situation with regard to nothing but the facts.

Perhaps I may sum my idea up in this way: The question of statesmanship is a question of taking all the economic interests of every part of the country into the reckoning. Every time any change is to be made in economic policies it must be made by an all-around accommodation and adjustment. Is that possible? There is no man, there no group of men, who comprehend the entire business interests of this country; it is inconceivable that there should be. At best we can make a very rough and ready approximation of it; and in order that you may make even an approximation, it is necessary that there should be a free play of opinion from every part of the country upon

the sensitive center at Washington. Just as soon as one part begins to press harder than another, then the prospect of justice is uncertain, the task of statesmanship is rendered just so much the more difficult. All the sensitive parts of the Government ought to be open to all the active parts of it. So soon as a small group of the active parts organize for the purpose of seeing to it that the Government hears and heeds only them, then the task becomes impossible.

Let me illustrate it by the tariff, because every business question in this country, whether you think so or not, gentlemen, comes back, no matter how much you put on the brakes, to the question of the tariff.

I hear on every side that the tariff was the "dominant" issue. Why, you can not escape from it, no matter in which direction you go. The tariff is situated in relation to other questions like Boston Common in the old arrangement of that interesting city. I remember seeing once, in Life, a picture of a man standing at the door of one of the railway stations of Boston and inquiring of a Bostonian the way to the Common. "Take any of these streets," was the reply, "either direction." Now, as the Common was related to the former winding streets of Boston, so the tariff question is related to the economic questions of our day. Take any direction and you will sooner or later get to the Common. In discussing the tariff, you may start at the center and can go in any direction you please.

Let us illustrate by standing at the center, the Common itself. You know as far back as 1828, when they did not know anything about politics as compared with what we know now, a tariff bill was passed which was called the "tariff of abominations," because it did not have any beginning or end or plan. It had no traceable pattern in it. It was as if the demands of everybody in the United States had all been thrown indiscriminately into one basket and that basket presented as a piece of legislation. It has been a general scramble, and everybody who scrambled hard enough had been taken care of in the tariff schedules resulting. It was an abominable thing to the thoughtful men of that day, because no man guided it, shaped it, or tried to make an equitable system out of it. That was bad enough, but at least everybody had an open door through which to scramble for his advantage. It was a go-as-you-please, free-for-everybody struggle, and anybody who could get to Washington and say he represented an important business interest could be heard by the Committee on Ways and Means. We have a very different state of affairs now. The Committee on Ways and Means and the Finance Committee of the Senate discriminate by long experience among the persons whose counsel they are to take in respect to tariff legislation, because there has been substituted for this unschooled body of citizens that used to clamor at the doors of the Finance Committee and the Committee on Ways and Means one of the most interesting and able bodies of expert lobbyists that has ever been developed in the experience of any countrymen, who know so much about the matters they are talking of that you can not put your knowledge into competition with theirs. Because they overwhelm you with their knowledge of detail you can not discover wherein their scheme lies. They suggest the change of a fraction in a particular schedule and explain it to you so plausibly that you can not see that it means millions of dollars additional for the consumer of this country. Again they propose to put the carbon in our electric lights in 2-foot pieces instead of 1-foot pieces and you do not see where you are getting sold, because you are not an expert and they are. They have calculated the whole thing beforehand; they have analyzed the whole detail and consequences, each one in his specialty. As compared with him the average unschooled, inexperienced business man has no possibility of competition. Instead of the old scramble, which was bad enough, you got the present expert control of the tariff schedules. Thus the relation between business and government becomes not a matter of the exposure of all the sensitive parts of the Government to all the active parts of the people, but the special impression upon them of a particular organized force in the business world; moreover, so far as deliberation is concerned, its action, its motions, its actual purposes are secret. Why, it is notorious, for example, that many members of the Finance Committee of the Senate did not know the significance of the tariff schedules which were reported in the present tariff bill to the Senate, and Members of the Senate who asked Mr. Aldrich direct questions for information were refused the information they sought, sometimes, I dare say, because he could not give it, and sometimes, I venture to say, because disclosure of the information would have embarrassed the passage of the measure. There were essential papers which could not be got at. Take that very interesting matter, that will-o'-the-wisp, known as "the cost of production." It is hard for any man who has ever studied economics at all to restrain a cynical smile when he is told that an intelligent body of his fellow citizens are looking for "the cost of production" as a basis for tariff legislation. It is not the same in any one factory for two years together. It is not the same in one industry from one season to another. It is not the same in one country at two different periods. It is constantly eluding your grasp. It does not exist as a scientific, demonstrable datum fact. But in order to carry out the extraordinary program proposed in the late national platform of the Republican Party it was necessary to go through the motions of finding out what it was. I am credibly informed that the Government of the United States requested several foreign Governments, among others the Government of Germany, to supply it with as reliable figures as possible concerning the cost of producing certain articles corresponding with those produced in the United States. The German Government, I understand, put the matter in the hands of certain of her manufacturers, who sent in just as complete answers as they could procure from their books. The information reached our Government during the course of the debate on the Payne-Aldrich bill and was transmitted—for the bill by that time had reached the Senate—to the Finance Committee of the Senate. But I am told—and I have no reason to doubt it—that it never came out of the pigeonholes of the committee. I do not know and that committee does not know what the information it contained was. When Mr. Aldrich was asked about it he first said it was not an official report from the German Government. Afterwards he said it was an impudent attempt on the part of the German Government to interfere with tariff legislation in the United States. But he never said what the cost of production disclosed by it was. If he had, it is more than likely that some of the tariff schedules would have been shown to be entirely unjustifiable.

Such instances show you just where the center of gravity is—and it is a matter of gravity indeed, for it is a very grave matter. It lay during the last Congress in the one person who was the accomplished intermediary between the expert lobbyists and the legislation of Congress. I am not saying this in derogation of the character of Mr. Aldrich. It is no concern of mine what kind of man Mr. Aldrich is. Now, particularly, that he has retired from public life, it is a matter of indifference. The point is that he, because of his long experience, his long handling of these delicate and private matters, was the usual and natural instrument by which the Congress of the United States informed itself, not as to the wishes of the people of the United States or of the rank and file of business men of the country, but as to the needs and arguments of the experts who came to arrange matters with the committees.

The moral of the whole matter is this: The business of the United States is not as a whole in contact with the Government of the United States. So soon as it is the matters which now give you, and justly give you, cause for uneasiness will disappear. Just so soon as the business of this country has general, free, welcome access to the councils of Congress, all the friction between business and politics will disappear.

There is another matter to which you must direct your attention, whether palatable or not. I do not talk about these things because they please my palate; I do not talk about them because I want to attack anybody or upset anyone; I talk about them because I wish to find out what the facts are; otherwise I will move like a man groping in darkness. If what I say is not true, then I am susceptible of correction.

You will notice from a recent investigation that things like this take place: A certain bank invests in certain securities. It appears from the evidence that the handling of these securities was very intimately connected with the maintenance of the price of a particular commodity. Nobody ought, and in normal circumstances nobody would, for a moment think of suspecting the managers of a great bank of making such an investment in order to help those who were conducting a particular business in the United States to maintain the price of their commodity; but the circumstances are not normal.

It is beginning to be believed that in the big business of this country nothing is disconnected from anything else. I do not mean in this particular instance to which I have referred and have in mind to draw any inference at all, for that would be unjust; but take any investment of an industrial character by a great bank. It is known that the directorate of that bank interlaces in personnel with 10, 20, 30, 40, 60 boards of directors of all sorts, of railroads which handle commodities, of great groups of manufacturers which manufacture commodities, and of great merchants that distribute commodities; and the reason that a bank is under suspicion with regard to its investments is that it is at least considered possible it is playing the game of somebody who has nothing to do with banking, but with whom some of its directors are connected and joined in interest. The

ground of unrest and uneasiness, in short, on the part of the public at large is the growing knowledge that many large undertakings are interlaced with one another, indistinguishable from one another in personnel.

Therefore, when a small group of men approach Congress in order to induce the committee concerned to concur in certain legislation, nobody knows the ramifications of the interests which those men represent, and therefore it is not the frank and open action of public opinion in public counsel, but every man is at any rate suspected of representing some other man and it is not known where the connection ceases. The whole question, therefore, with regard to the relation of government to business is this, gentlemen, not whether there should be a connection, not whether economic legislation should be carefully, studiously, prudently considered, but through whom is the connection to be maintained? Are the contacts to be general or special? Are they to be in the nature of general public opinion or in the nature of private control?

I am one of those who have been so fortunately circumstanced that I have had the opportunity to study the way in which these things come about and therefore I do not suspect any man has deliberately planned these things. I am not so uninstructed and misinformed as to suppose that there is a malevolent combination somewhere to dominate the Government of the United States. I merely say that by certain processes, now well known, and perhaps natural in themselves, there has come about so extraordinary a concentration in the control of business in this country that the people are afraid that there will be a concentration in the control of government. That either is so or is not. If it is so, I beg you to observe that I am not a radical in frankly stating it. If it is not so, then I am desirous of your cooperation in order that I may be better informed; for I hold my mind open to every kind of information that I can get; and I have sense enough to know that no one man understands the United States.

I have met some gentlemen who professed they did. I have even met some business men who professed they held in their own single comprehension the business of the United States; but I am educated enough to know that they do not. Education has this useful effect, that it narrows of necessity the circles of one's egotism. No student knows his subject. The most he knows is where and how to find out the things he does not know with regard to it. That is also the position of a statesman. No statesman understands the whole country. He should make it his business to find out where he will get the information to understand at least a part of it at a time when dealing with complex affairs. What we need more than anything else, therefore, is experience meetings, like this—a universal revival of common counsel. That is what investigations by Congress are for. I do not understand their primary object to be to get anybody in jail or, if it be to find out which men ought to be in jail and which ought not, it is with the confident expectation that it will be discovered that the vast majority ought not to be. But the majority are under suspicion until it is discovered who the minority are who ought to be in jail. No man could even get through a highly reputable company like this without investigation and put his finger on the innocent men. Not until everything about you is known is it possible to separate the sheep from the goats; but I have a confident expectation that the majority of the sheep would be enormous and it would not be necessary to shear them.

You remember it was told of a certain United States Senator that he was so cautious in his statements that he was the despair of every newspaper reporter who sought to interview him. On one occasion he was on a train which was passing through a grazing country and saw a flock of sheep in the field. It was rather late in the season. One of his companions remarked, "That is very singular, those sheep are not sheared yet." The Senator answered, "So it would appear, looking at them from this side."

Now, the shearing time has not come in the great matter we speak of, and I do not think it will come; but the time has come to determine who are responsible for the things that ought not to be done, who are to be set free to do as they please, for that is the problem of honest business and right politics. The problem of politics is, who should be restrained and who should not; and the problem of business is, who should be restrained and who should not. The whole analysis of modern conditions is a discussion of control. Do not get impatient, therefore, gentlemen, with those who go about preaching "We must return to the rule of the people." All they mean, if they mean anything rational, is that we must consent to let a majority into the game. We must not permit any system to go uncorrected which is based upon private understandings and expert testimony; we must not allow the few to determine what the policy of the country is to be. It is a question of access to our own Government. There are very few men within the sound of my voice who have any real access to the Government of the United States. It is a matter of common counsel; it is a matter of united counsel; it is a matter of mutual comprehension; it is a matter of mutual understanding.

I wish these matters could be more discussed, but it is very difficult to discuss them nowadays; there is too much noise in the air. I feel nowadays, not in gatherings like this, but in gatherings of the ordinary sort, very much as I felt at a certain county fair. The grand stand by the race track was set back from the track, I suppose 50 feet, and a speaker's stand had been erected just in front of it, opposite the little pagoda where the judges of races stood; and I was put up to address the grand stand. Just back of the grand stand there was a most obstreperous hurdy-gurdy accompanying the giddy motions of a merry-go-round, and while I was trying with my voice to compete with that they started a horse race behind my back. Not having the attention of the grand stand, I did what any normal man would have done: I stopped and watched the horse race. That is an allegory with regard to our present situation. It is very difficult to address the grand stand, and I am glad I got you off in a corner.

But what is at stake? That is what makes a man's thought infinitely sober, and sometimes touches it with a certain degree of sadness. What is at stake in this business? Why, nothing less than the content, the hope, and the life of the people of this country. Say what you please, the real basis of disturbance in the field of business just now is the suspicion of the great body of people in the United States concerning the methods and combinations of business; and business can not breathe an atmosphere of suspicion and live. You must, at any risk, remove that suspicion, or else there can be no normal business in the United States.

What is that suspicion based upon? It is not a contest between the men now in control of business and the men now in control of the Government of the United States. It is a contest between those men and the normal life of the country, and there is everything involved. How would it suit the prosperity of the United States, how would it suit the success of business, to have a people that went every day sadly or sullenly to their work? How would the future look to you if you felt that the aspiration has gone out of most men, the confidence of success, the hope that they might change their condition, if there was everywhere the feeling that there was somewhere covert dictation, private arrangement as to who should be in the inner circle of privilege and who should not, a more or less systematic and conscious attempt to dictate and dominate the economic life of the country? Do you not see that just so soon as the old self-confidences of America, just so soon as her old boasted advantages of individual liberty and opportunity are taken away, all the energy of her people begins to subside, to slacken, to grow loose and pulpy, without fiber, and men simply cast around to see that the day does not end disastrously with them.

For 18 months now I have been on the inside of some things, and I owe it to a very elastic temperament that I have not become cynical. When I know that certain men actually do not possess political liberty because other men hold their notes, then I know that normal conditions do not exist in the United States; and that I do know, for I have had it from the mouths of the men who suffered thralldom. When I know that men very prominent in business dare not tell me what they think of some of the circumstances of the organization of modern business except privately and under pledge of confidence, then I know that something sinister has happened in America that has disturbed our intellectual manhood and our political liberty. I have made it my business to talk with men who understand the economic conditions of the country vastly better than I do, because they were concerned in large business transactions, and I have almost invariably found them disposed to ask me not to say where I got my information.

In God's name, gentlemen, where does that point! Is it possible that there is some financial tyranny obtaining in America? It is not necessary that the men who exercise it should entertain tyrannous purposes; they may be unconscious of it; they may feel the same impulse of patriotism that you and I feel. Is it possible that we have allowed the system to grow up which they use and that you and the other men are afraid of them? That's what we have to face, and our stake is the reputation and happiness of a great nation. Alas, that we should have to ask the question! Alas, that men who ask it should be supposed to be desirous of upsetting the institutions of the country! Some of the institutions of this country have been upset already, not by political agitators, but by those who have exercised an illegitimate control over the Government, over the

legislatures of the States of the Union. There, again, I am on ground absolutely firm under my feet, for it is the ground of knowledge. I can furnish you a list of the partners, and I say that when that is true, if it can be true, then our duty is so plain, so luminous, so attractive, that I do not see how any man can turn away from it. It is nothing less than to rehabilitate our own self-respect and our own liberty; it is nothing less than the opportunity, the glorious opportunity to recover the institutions of the United States, to set them up again in their purity and integrity, and see to it that no man dare breathe a single breath of suspicion against them, to see that they are not tarnished by the defiling touch of any man with unclean hands.

We have come to an age when constructive statesmanship is imperative, and I thank God for it. Who will be the volunteers? Who will volunteer for immortality? Ah, how men deprive themselves of honor! How men live upon husks and throw away the thing that nourishes! How men lose the happiness of life by not seeing wherein it consists! How men selfishly decline to serve, and so find out the infinite reward of unselfishness! How blind, how self-denying, how stupid we are!

There are some words about which we are very careful. There is not much discriminating use of individual words in America, but there is one word about which we are very careful. We use the word "great" to describe anybody who has been talked about. It does not require character to be great; it only requires size of achievement. You may throttle everybody else and get everything they own and be "great." You may be great and be feared; but there is one word which we bestow with great discrimination, and that is the word "noble." You can not be noble without character; you can not be noble and not be loved; you can not be noble and not serve somebody; you can not be noble and spend every energy you have on yourself.

Who are candidates for this open peerage of America? Who desires the patent of nobility amongst us? Only those who will enter upon this great enterprise of recovering the ancient purity and simplicity of our politics. We can do it by mere candor; we can do it by merely discussing the facts and meeting them; we can do it without disturbing one of the legitimate transactions of business.

I am always afraid that business men who are uneasy have something to be uneasy about, or that, if there is nothing in itself that justifies their uneasiness, perhaps they do not comprehend what their real situation is. You can find it out in this way. Take the experience in Wisconsin. The men who were in control of the public-service corporations of Wisconsin fought the plans of that State for the regulation of such corporations as they would have fought the prospect of ruin; and what happened? Regulation of the most thoroughgoing sort was undertaken, and the result was that the securities of those companies were virtually guaranteed to purchasers. Instead of being speculative in value, they were known to be absolutely secure investments, because a disinterested agency, a commission representing the community, looked into the conditions of this business, guaranteed that there was not water enough in it to drown in, guaranteed that there was business enough and plant enough to justify the charges and to secure a return of legitimate profit; and every thoughtful man connected with such enterprises in Wisconsin now takes off his hat to the men who originated the measures once so much decaded. The chief benefit was not regulation but frank disclosure and the absolutely open and frank relationship between business and government. That's the advantage. The regulation may in some particulars have been unwise and hasty, but the relationship was absolutely normal and wholesome. That is the way, no doubt, in which a satisfactory relationship is going to be restored between the business of the country and the Government of the United States—by frank disclosure and well-considered readjustment.

Of course, there must be first a flood of released water. I have sometimes wondered whether that great, obstructing, "stand-pat" dam was not erected to restrain the release of watered stock. You must let it out sooner or later; and the sooner the better, because if we do it soon we will do it in good temper, and if late there is danger it may be done in ill-temper.

What is the alternative, gentlemen? You have heard the rising tide of socialism referred to here to-night. Socialism is not growing in influence in this country as a program. It is merely that the ranks of protestants are being recruited. Socialism is not a program, but a protest against the present state of affairs in the United States. If it becomes a program, then we shall have to be very careful how we purpose a competing program. I do not believe in the program of socialism. If any man can say he knows anything from the past, perhaps he can say that the program of socialism would not work; but there is no use saying what will not work unless you can say what will work.

A splendid sermon was once preached by Dr. Chalmers on "The expulsive power of a new affection." If you want to oust socialism you have got to propose something better. It is a case, if you will allow me to fall into the language of the vulgar, of "put up or shut up." You can not oppose hopeful programs by negations. Every statesman who ever won anything great in any self-governing country was a man whose program would stand criticism and had the energy behind it to move forward against opposition. It is by constructive purpose that you are going to govern and save the United States, and therefore a man ought to welcome the high privilege of addressing an audience like this. You can analyze, you can form purposes. Many of you do know what is going on. You know what part is wrong and what is right, if you have not lost your moral perspective, and you know how the wrong can be stopped.

Very well, then, let us get together and form a constructive program, and then let us be happy in the prospect that in some distant day men shall look back to our time and say that the chief glory of America was not that she was successfully set up in a simple age when mankind came to begin a new life in a new land, but that, after the age had ceased to be simple, when the forces of society had come into hot contact, when there was bred more heat than light, there were men of serene enough intelligence, of steady enough self-command, of indomitable enough power of will and purpose to stand up once again and say: "Fellow citizens, we have come into a great heritage of liberty; our heritage is not wealth; our distinction is not that we are rich in power; our boast is, rather, that we can transmute gold into the lifeblood of a free people." Then it will be recorded of us that we found out again what seemed the lost secret of mankind—how to translate power into freedom, how to make men glad that they were rich, how to take the envy out of men's hearts that others were rich and they for a little while poor, by opening the gates of opportunity to every man and letting a flood of gracious guiding light illuminate the path of every man that is born into the world.

Economical Marketing of Farm Products.

EXTENSION OF REMARKS

OF

HON. WILLIAM S. HOWARD,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 26, 1912,

On the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. HOWARD said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD, I include as a part thereof an address delivered by the Hon. P. C. Wadsworth, of Georgia, in Washington, D. C., July 19, 1912, at a meeting of Representatives in Congress from the cotton-growing States upon the subject of the economical marketing of farm products.

The address is as follows:

ADDRESS OF HON. P. C. WADSWORTH, OF GEORGIA, PRESIDENT COTTON GROWERS' COOPERATIVE SOCIETY, DELIVERED IN WASHINGTON, D. C., JULY 19, 1912, AT A MEETING OF REPRESENTATIVES IN CONGRESS FROM THE COTTON-GROWING STATES.

Two-thirds of the world's production of cotton that enters into commercial channels is grown in 11 of the Southern States of the United States, and when the fact is considered that the one-third that is grown in other parts of the world, on account of the different quality and classification, does not enter into competition in the market of the world with American cotton, it will be realized that those 11 States have nearly a 100 per cent monopoly.

Here in this limited area the commodity that clothes the world is grown by a comparatively small number of farmers. Millions of money has been spent to change this condition by foreign spinning interests, but the admission is now made by them on the highest authorities "that the South has a monopoly that can never be broken."

These conditions being true, the cotton farmer as a class should be the most prosperous and independent farmer to be found in any part of the world. So that the most astonishingly economic condition that has ever presented itself is found in

the well-known fact that the small cotton farmer, who makes about 80 per cent of the crop, is the least prosperous of any on the civilized earth.

The cotton farmer is like the individual of a mob fighting against well trained and organized forces. Who ever heard of a mob winning a fight? Who ever heard of a small cotton farmer getting any more for his cotton by fighting for it than the well-organized forces against him offered him on the day he had to sell? Many and varied are the schemes which have been suggested, and some of them tried through the Farmers' Alliance, the Southern Cotton Association, and others, to change these conditions, and all have failed and all will fail for lack of a plan through which big capital can profitably and safely be brought to its support, yet no simpler economic problem ever, to my mind, presented itself to secure this support and thereby make success certain.

In advancing new ideas regarding marketing of cotton, we must expect to encounter the conservatism that has always hindered progress in every line. The plan of the Cotton Growers' Cooperative Society does not involve any new ideas. The novelty comes in the grouping of different features of industrial invention, which have proved successful by years of trial, and adapting them so as to create a system for marketing cotton that will take the place of the existing system, or lack of system, which all admit could not be worse than it is.

There are, of course, many people connected with the present system who will bitterly oppose any plan that will take its place, but the welfare of these people is not to be considered when something is to be done to advance prosperity of the small farmer, because when he is prosperous then everyone is prosperous, and even those who are part of the present marketing system can, by adjusting themselves to new and better conditions, share in the general prosperity of the community in which they live.

The plan of the Cotton Growers' Cooperative Society, which I represent, I am going to try to show you to be a complete and practical solution of this problem. The object this plan seeks to accomplish is to create a system through which the American cotton crop will be gradually marketed by direct dealing between the society and the spinner, so that the grower may get a fair price and the spinner a staple price, this price to be based upon the law of supply and demand of each entire season, and not, as now, upon market manipulations engineered by gamblers on the exchanges of Liverpool and New York.

PLAN OF OPERATION.

An average of 10 men will be appointed in each county to act as agents of the society. This work of appointing these men is going on now in nearly all of the cotton-belt States. Their duties are to keep the general offices of the society thoroughly informed as to acreage, fertilization, conditions of the cotton crop, and to furnish such other general information as will be of assistance to the society in any way. When this organization is complete there will be an army of 8,000, composed of the leading men in each county, i. e., cotton growers, cotton warehousemen, cotton ginners, cotton buyers, graders, and weighers, as well as bankers and other business men. These agents will make up the new organization and system, which will supplant the old. Their pay is on a percentage basis of cotton handled by the society in their county.

One agent in each county will be the society's superintendent, and will receive special compensation for his work, and under general rules laid down by the society will be in general charge of the business in his county. His standing must always be the highest.

BONDED WAREHOUSES.

Several Southern States are creating systems of State bonded warehouses. The Farmers' Union of Mississippi now has quite a thorough bonded warehouse system, and they have lately voted to extend this system to all the cotton-belt States.

As it is part of the plan of this society to have a complete bonded warehouse system, arrangements will be made with all these warehouses to store cotton for the society at a rate for storage profitable to them; but where these bonded warehouses are not available the managers of the local warehouses will be put under fidelity bond to the society. Arrangements for these bonds are now being made with the leading bonding companies, and a complete system is being developed that will completely protect warehouse receipts, so that banks, in handling them, may do so with safety and profit.

When these plans are perfected in a sufficient number of counties in each cotton-growing State, so that no man who owns a bale of spot cotton will be more than 50 to 75 miles from a warehouse with which the society has made arrangements, then the farmers and others owning actual cotton will be notified, through publicity, that the society stands ready to pay 15 cents per pound, basis middling, for all cotton sent to these warehouses; and, therefore, the owner of every bale of cotton who can not get more than the price offered by the society will undoubtedly accept that price and deliver his cotton, so that the market price can not be less than the price the society stands ready to pay.

Fifteen cents per pound will be paid as follows: Seventy-five per cent of the market price on date of delivery in cash and the balance in the society's 7 per cent debenture 20 years' coupon bonds or stock.

This settlement will be accepted if it is exactly equivalent to all cash, and it will concentrate the cotton crop in the control of the society, whose bonds and stock the farmer owns.

The cotton grower, through this system, is enabled to bring his cotton to his own society, who are prepared to receive it at bonded warehouses in every county and to pay 75 per cent of the market price in cash and the balance in bonds, and then market it at their leisure at approximately 16 cents per pound. This will enable the society to pay all carrying charges and to make a small profit on each bale handled.

When a corporation or society is in control of the cotton crop with the ability to sell cotton direct to the spinner at a reasonable price, fixed by it, stocks and bonds issued by it are equal to the best securities in the world, and as they bear good rates of interest and dividends there will be a demand for them wherever capital is seeking profitable investments. The only thing therefore necessary to create a condition of this kind is to have advance subscriptions for both stock and bonds as they are issued in payment for cotton, at their par value by capitalists. Then the farmer can get 15 cents per pound for his cotton in cash by selling the stock and bonds issued to him in payment for his cotton on demand, even before the society has sold a bale of cotton to spinners. When the farmer has cashed his stock and bonds a few times and finds no trouble in doing it, then he will want the good rates of interest which he is losing and will keep the securities himself, and the payment by the society to him for his cotton will be exactly equivalent to $75 per bale, cash, or 15 cents per pound.

At this time these advance subscriptions are practically provided for to an unlimited amount. This takes every "if" out of the question of the success of this plan, which "if" has been in every other plan and is why success has never before been attained.

The crux of this system is in the soundness of its financial backing and credit arrangements. For years I have been studying banking and credit problems and have advised with leading financial and credit experts, so that in presenting this plan to the cotton growers of the South I come to them with assurances from leading bankers and financiers, both in this country and in Europe, who have carefully studied this plan, that it is sound, and that they now stand ready to invest in its securities to any extent necessary to assure its complete success. They realize that banking capital to the extent of seven hundred and fifty million and capital for permanent investment of two hundred and fifty million may be required in one year, and with this full knowledge they say to you through me that under this system twice that amount would be forthcoming if it were required. This is true only because this system offers an absolutely safe and profitable investment and its bonds are considered as safe and more profitable than Government bonds.

To understand this you must realize that cotton is equal to cash at the market price and that therefore a society which has the power to fix the market price at 15 cents per pound to buy and 16 cents per pound to sell can pay 75 per cent of the market price in cash and the other 25 per cent in bonds and thus make their bonds the exact equivalent of cash and therefore exchangeable for cash on demand at their full face value.

Almost any of the plans suggested or tried would have met with success if sufficient capital could have come to their help safely and profitably. Every system for marketing commodities on a valorized basis where this condition prevails have met with unqualified success.

In France, in Germany, in England, in many parts of the United States, and all over the civilized world this is being successfully done, and no failures are on record.

Cotton does not deteriorate with age if kept in a decently dry place, and is therefore more readily handled in this way than any other crop in the world. It must be true, therefore, that every man with interests in the "land of cotton," whether sentimental or financial, will exert himself to his utmost capacity to help build up a system for marketing cotton that is certain of success when in active operation.

The plan for the operation of the new marketing system, or, more properly speaking, the old, well-tried system applied to marketing cotton, has herein been fully explained, and there is nothing else to it except detail, so that though its simplicity

has not required a lengthy prospectus this fact of itself is greatly to its advantage, for the simple things are always the great things and very intricate, complex things are rarely successful and generally to be avoided.

There are, however, some features of this plan which are so greatly to its advantage that some details in connection with them must be entered into, so that their merits may be understood.

It is a problem that has been worked out hundreds of times. Its successful solution only depends upon the proper application of well-tried economic principles. The brains of men of all nations have solved it under conditions peculiar to their own localities. Surely southern brains will be equal to it now.

COTTON GRADING.

The Agricultural Department of the United States Government has been doing a great work in trying to standardize grades, and are now and have been for some time offering at small cost the nine United States standard grades. Many of them have been sold to cotton factors in all the cotton States and to spinners, so that, as these grades very nearly correspond to the Liverpool and the New York grades, being a practical compromise between the two, they will undoubtedly be generally adopted in the near future wherever American cotton is bought and sold. Of course, the department is doing this good work primarily for the benefit of the cotton planter, but up to this time it has been impossible to reach him with that benefit, not only because the price of these grades is too great but because he does not know that they are available to him. For this reason the farmer is always selling without knowing the real value of his product, while the man who is buying it does know its value and therefore has an advantage the power of which in the hands of unscrupulous persons can readily be seen.

Almost all large cotton factors are men of the highest honor, but they have an army of employees who come in contact with the small farmer who may or may not be men of equal probity, so that the effect of this advantage is the loss to the small farmer of certainly more than $100,000,000 annually.

The large planter can sell direct and ship his cotton to a factor in whom he has confidence, but even he would do well to know the exact grades of his cotton.

The Cotton Growers' Cooperative Society will have the United States standard grades in every warehouse where it will buy cotton, and when a bale of cotton is offered for sale its samples will be matched to its exact grades in full view of the owner, so that when he sells he will know exactly what quality of cotton he is selling and will get the exact market price of his cotton according to grade.

MARKET DIFFERENCES IN GRADES.

This year the New York Cotton Exchange market differences in grades are 130 points on "middling" for "middling fair" and 215 points off "middling" for "good ordinary." "Middling fair" is the highest United States standard grade and "good ordinary" is the lowest. Three hundred and forty-five points between the value of grades, about 3½ cents per pound or $17.50 per 500-pound bale. These are the differences in white cotton, the differences being much greater in "tinges" and "stains." These grades are called the commercial grades. Late each season when cotton, through late gathering, becomes tinged, stained, and trashy a great many bales are bought of a grade said to be below any possibility of commercial grading.

When this time comes market qrotations are a farce and the farmers are compelled to take any price that is offered by local buyers, who are often in collusion to get the cotton at the lowest possible price. The advantage, therefore, to the farmer of a system of grading by which they will get true values is apparent. This plan will make it impossible to buy any cotton for less than its true value.

The Agricultural Department is now putting into operation a complete spinning plant for the purpose of finding out real values of grades from the mill standpoint, and it is believed that when these tests are complete it will be found that differences, as arbitrarily fixed by the New York Cotton Exchange, are not true differences. The completion of this work will undoubtedly be the means of saving to the cotton farmers many millions of dollars annually.

Much good can be done and much money saved through this society by putting systems into effect for the more economic handling of cotton in all its various ramifications, but time does not permit me to enter into detail.

SPINNERS' POSITION.

It is as much to the interest of spinners to have a staple price maintained through each season as it is for the farmers to get a fair price. Any business man can see this, and as positive evidence of this fact it is only necessary to have followed the controversies that have constantly gone on between them and the cotton exchanges and to have heard their unanimous expressions on this point. When low prices follow high prices and violent fluctuations constantly continue, the only way they can protect themselves is to be constantly speculating on the future market. Their profits, therefore, depend upon the success of gambling operations rather than in the legitimate operations of their mills. This is a condition that is almost unbearable to them, and they welcome any system that will enable them to throw off the burden of this yoke. Many of them, both in this country and in foreign lands, have expressed themselves to this effect in language that can not be misunderstood.

The power for good that will arise from being directly instrumental in having gained for more than 1,000,000 small cotton farmers and indirectly 90,000,000 Americans a distinct, well-defined financial improvement in their affairs, is worthy of consideration. This power can not be used except for good, for the action of the societies' managers will not only be under the scrutiny of the National Government, but also of the State Government in every State where its operations are carried on; public opinion formed by millions of people who will be interested in its success and the consequent wide publicity of all of its affairs will make it impossible for its managers to get far off the track, even though inclined to do so.

An opportunty, such as those connected in any capacity, high or low, as workers or capitalists, with this society to do a great and good work for their section and country, has seldom before offered itself.

From strictly a business standpoint capital which can be profitably invested in an enterprise in which those who pay the profits are the chief beneficiaries must succeed on account of "good will," which is the principal factor in any permanently successful business. No fear of unfavorable trust legislation or court injunctions when the "good will" of those from whom cotton is bought and those to whom cotton is sold is assured as it is in this system.

The real business and banking interests of this country are not opposed to any plan that will tend to the increased prosperity of the farming classes, but, on the contrary, will gladly cooperate to this end when a plan is shown them by aiding which they can do so safely and without departing from conservative business principles. The farming classes are their most numerous and satisfactory customers. No thoughtful man will therefore doubt the truth of this statement.

IN CONCLUSION.

All classes of Americans will be benefited by the successful operation of this plan, and no one can be against it except the gambling interests and others making up the present system, which is to be superseded by this.

Repeal of Canadian Reciprocity Act.

EXTENSION OF REMARKS

OF

HON. EDGAR D. CRUMPACKER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 30, 1912.

Mr. CRUMPACKER said:

Mr. SPEAKER: I intend to vote for the provision in the pending bill repealing the Canadian reciprocity law that was enacted at the last session of this Congress. I supported the bill for reciprocal trade relations with Canada not only by vote, but by speech. I believed then, and I still believe, that if the arrangement had been carried into effect it would have been beneficial to both countries, and that the farmers of the United States would have received as large a relative share of the benefits of the agreement as any other class of producers. The competition of farmers west of the Mississippi River is in no sense hurtful to farmers east of the river. All of the States constitute one great community, and by cooperating they build up manufacturing centers that employ hundreds of thousands of men who make the chief market for the products of the farm. Iowa, Missouri, and other States west of the Mississippi contribute relatively as much as the States east of the Mississippi toward the creation and maintenance of great industrial centers. The Canadian Government refused to ratify the agreement. One of the arguments used on the other side of the line

was that the benefits of the arrangement would go chiefly to the American people, while the chief argument against it in our own country was that it was a "jug-handled proposition," and that the Canadian people would derive all the benefits. At any rate, the Canadians peremptorily refused to enter into the bargain, and it is not likely that the subject will again be seriously considered by either country for at least a quarter of a century.

The measure as proposed by the representatives of this country and Canada had the unqualified approval of such distinguished and influential statesmen as Col. Theodore Roosevelt, Hon. Albert J. Beveridge, and others. Col. Roosevelt gave the proposition his approval in two public speeches while it was pending before Congress. It is true that in his campaign for the nomination for President before the Republican convention he declared to an audience of farmers in the State of Illinois that when he approved the measure he did not know exactly what it contained. President Taft, however, showed by correspondence between himself and Col. Roosevelt that before the proposition was made public he sent a copy of it to Col. Roosevelt to be examined, and asked his opinion on it.

The colonel examined the measure and submitted it to his associate editors of the Outlook and wrote President Taft an unqualified approval of the proposition. He declared in his letter that he always was in favor of absolute free trade with Canada. His attitude doubtless influenced a number of Congressmen to vote for the measure when it was up for consideration. He never intimated that his approval was given under a misunderstanding of the character of the proposition until he got into the campaign and was bidding for delegates to the national convention. His denial in his Illinois speech that he understood the measure before indorsing it can be excused, perhaps, on the ground that he was out gunning for delegates when he made it. It would be a strange procedure for a man occupying such a conspicuous position in the politics of the country as Col. Roosevelt occupies to give a measure of that importance an unqualified indorsement without knowing what it was.

Mr. Beveridge, the day after the proposition was made public by the President, gave an interview to a correspondent of the Indianapolis Star, declaring in the most fervid rhetoric his unequivocal indorsement of the measure. He also made two speeches for it while it was pending in the United States Senate. He has not yet declared that when he gave the measure his indorsement he did not understand its provisions. Furthermore, after the expiration of his term as Senator, he went over to Canada and spent two or three weeks doing missionary work among Canadians in behalf of the agreement.

I was for the measure because I thought it was right and I believe I fully understood its provisions when I supported it, but it was rejected by the people of Canada. The law stands now upon our statute books and Canada might some time in the future, although it is not likely, conclude to accept the proposition, and should she do so it would become at once operative. I do not believe in keeping the option alive any longer.

It is not businesslike to permit it to run on indefinitely. The law should be repealed without delay, and then if at any time in the future the two countries should desire to enter an agreement for closer reciprocal trade relations the people could determine the question in accordance with the character of the arrangement and under conditions that might then exist. I consider the reciprocity question as a dead issue, and that the act of Congress should be repealed so as to leave it altogether where it was before that act was passed. These are some of the reasons why I intend to vote for the provision repealing the reciprocity act.

Workmen's Compensation and Accident Prevention.

EXTENSION OF REMARKS
OF
HON. JOHN E. RAKER,
OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 27, 1912,

On the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. RAKER said:

Mr. SPEAKER: I desire to insert in the RECORD an address made by Carl M. Hansen, of California, before the International Association of Labor Bureau Officials, Factory Inspectors, and Industrial Commissioners at their annual convention at the Raleigh Hotel, Washington, D. C., May 28 to 30, 1912, on "The need of cooperative efforts by all interests affected in future legislation in relation to workmen's compensation and accident prevention."

The address is as follows:

THE NEED OF COOPERATIVE EFFORTS BY ALL INTERESTS AFFECTED IN FUTURE LEGISLATION IN RELATION TO WORKMEN'S COMPENSATION AND ACCIDENT PREVENTION.

[Address by Carl M. Hansen, of California, manager accident prevention and inspection department, Pacific Surety Co., of California, before the International Association of Labor Bureau Officials, Factory Inspectors, and Industrial Commissioners at their annual convention, at the Raleigh Hotel, Washington, D. C., May 28 to 30, 1912.]

Cooperation is the keynote of success in all phases of human endeavor. The old adage, "Unity is strength," is as true to-day as when these words were first written. All great achievements in human progress and civilization can be traced directly to this one word "cooperation." Oneness of purpose displayed in action by all patriotic citizens of a nation confronted with some serious problem has always resulted in a satisfactory solution—satisfactory not alone to one class or portion of society, but satisfactory to all. We find, however, that before such cooperative spirit has become evident individual, ultraprogressive citizens connected with the various interests affected by the problem in question, having seen the graveness of the situation involved, have set about singly or in groups to devise what from their point of view was the true remedy. But in nearly every instance they have forgotten to consider what effect their solution would have upon society in general, with the usual result that when put into practice it was found to work gross injustice to all parties except the particular ones they represented.

The solutions were the outcome of emotions rather than reason, and therefore found impracticable when applied. However, let us not forget that these agitators' efforts and zeal have never been in vain. They have been instrumental in acting as pulsators in setting the rest of society thinking.

This has been strikingly true as regards the problem of compensation to workmen and their dependents for death or injuries sustained in their daily pursuits.

With the possible exception of how we shall properly regulate what is commonly known as "big business" without seriously disturbing the economic equilibrium of the country, there is not a single subject of more vital importance confronting this Nation than that of the enormous army of workmen annually killed and injured in our industries, the lack of efforts (except in a few isolated plants) to prevent any or all of these accidents, and the antiquated, cumbersome medieval court procedure to which we for decades have resorted in order to prove that somebody was or was not responsible for a certain accident, from such responsibility determining whether a workman should or should not be paid compensation for his injury. And I make bold to state that in the proper solution of this problem lies the answer whether we shall or shall not survive as the greatest industrial and commercial nation on earth.

It is but natural that a subject of such paramount importance should have received more than ordinary study and thought by men, and for that matter women, representing all classes of society and walks of life.

Employees, or what we commonly refer to as labor, have for years realized that they were not getting a square deal under the existing liability system. If they went to court with their claims they usually found (if compensation was awarded) that after the lawyer had deducted his share there was little or nothing left for the claimant. Accordingly they have through their organizations and representatives endeavored to have modified the liability laws handed us from the Middle Ages with its vastly different relationship between employer and employees that they might successfully be applied to twentieth-century industrial and economic conditions, and insure them a prompt and fair compensation, without litigation, for injuries sustained in the performance of their daily duties.

Employers, usually termed "capital," have as earnestly and conscientiously been working along the same line with an equitable compensation system in view, eliminating the common employers' liability procedure, with its tendency to create strife between employer and employee, and the everlasting court procedure in its train. And I am disposed to believe that their effort is due also to a realization of their obligations toward the less fortunate toiler whom circumstances have compelled to brave the dangers of the modern workshop, the mine, and the mill.

We may take it for granted that a large majority of both employers and employees are thoroughly dissatisfied with common-law liability, and their anxiety to have it eliminated and substituted with some form of compensation is largely respon-

sible for all the ill-considered and premature legislation enacted in the various States during the past two or three years—legislation which clearly shows that sufficient study and investigation have never been given the subject in order to ascertain whether the measure proposed would meet the conditions as they actually exist.

That some of the new laws and systems are crude is to state a fact mildly. The wording of some of them is ambiguous to such a degree that even the fathers of them do not know their meaning or intent.

The principal error in premise in all consideration of this important subject is that it has in almost every instance been treated as a legal and political issue. Workmen's compensation is neither. It is solely a sociologic and economic problem, and to be dealt with successfully must be dealt with as such. It must be viewed from the point of justice rather than that of constitutionality. If there are constitutional objections to be overcome the logical procedure would be to remove them first. It would appear as though we had made the constitution our master rather than servant in this particular phase of our national life.

In looking over the field we observe so far 11 States have supplanted common liability with some form of workmen's compensation, either elective or compulsory. They are California, Illinois, Kansas, Massachusetts, Michigan, New Hampshire, New Jersey, Nevada, Ohio, Washington, and Wisconsin, and another dozen States have at this time commissions working on data on which to base legislation at their next session.

We are all familiar with the fate of the Wainwright bill in New York. It died a natural death in the court of appeals in that State, and it was presumably to avoid a similar destiny for their laws that other States introduced the elective feature.

In reviewing the acts already placed on the statute books of the various States we note a woeful lack of uniformity in the provisions of the laws themselves as to systems provided, employments covered, amount of compensation for death, amount of compensation for total disability, amount for partial disability, how compensation is payable, in the definition of the word dependents, ad finem. Why such difference?

We will undoubtedly all agree that compensation should be based on a certain percentage of the earning power of the employee at the time and in the location where he was injured, with a maximum and minimum specified. But if 65 per cent of weekly wages is a just compensation in the State of California, 65 per cent and not 50 per cent must of necessity be a just compensation in Kansas, and vice versa. If a difference is made in the amount of compensation provided in the various States, it naturally puts at a disadvantage the manufacturer who is located in the State where the highest compensation is paid, and it is certainly likewise prejudicing the interest of the workmen in the State where the minimum compensation is paid.

Does it not seem incongruous that so many different plans should be promulgated for the solution of a problem so vital to the entire Nation as that of workmen's compensation and accident prevention? Would it not appear as though there was a regretable lack of cooperation, of oneness of purpose for the ultimate good of all? Instead of working out the Washington plan, the Ohio plan, the New Jersey plan, and so forth, would it not seem the better part of wisdom to perfect, under the auspices of our Federal Government, an American plan applicable to all the States? Does it appear rational to attack a common evil from forty different angles without any thought of concerted action or definite plan of campaign? Further, does it not seem the height of inconsistency for the different States to elect and pay legislators to make laws on this subject and then have the judges turn around and annul these same laws on account of being, in their opinion, unconstitutional?

If a sovereign people have the power to adopt a constitution for their guidance, have not the same people the privilege to change it if one part of it should be found not to meet their need?

Noting some of the schemes put into operation, none is more radical than the Washington plan of State insurance. It is presumably based on the Norwegian system, and, according to the promulgators and administrators, is the "acme" of perfection. In claiming such perfection, however, I am constrained to say, they are not alone equaling but far outdistancing the chicken fancier who counted his chickens before they were hatched. From some of the expressions and statements of these worthy gentlemen, it would even seem they were decorating themselves with medals and blue ribbons before the color of the chickens was known. Might it not be pertinent to ask on what they are basing their claims? It can surely not be on experience, because the law has only been in operation six months, and anyone having the least knowledge of the fundamentals of liability and workmen's compensation insurance knows that it takes at least 10 years' experience, over a widely-distributed territory, and a great number of risks of the same nature, to arrive at anything near a true average from which to establish with any degree of certainty what the loss ratio and management expense has been, and from that determine what the proper rates should be.

The Washington plan is deficient inasmuch as it takes little or no cognizance of the important side of the question "accident prevention." The official statistics of the number of accidents reported since the plan went into operation would not indicate that either serious or fatal accidents are of less prevalence than heretofore. Further, the law is compulsory only as regards certain enumerated dangerous occupations, with a proviso that other less dangerous industries can come under it if they choose. This would seem to indicate class legislation. The amount of compensation provided is, in my opinion, too small. The classifications are not correct, which is clearly shown by a big deficiency in some of the classes after an operation of only six months. But aside from all these objections, which we will admit could easily be overcome, the plan of State insurance is in itself objectionable. It is un-American, it is paternal, it is against every principle upon which this Republic was founded, it violates in the grossest form the right of contract and thereby the personal liberty assured under our Constitution, it tends to create a bureaucracy in place of our cherished democracy, it places in the hands of the officials in office a practically unlimited campaign fund to be distributed among the electorate of the State at their discretion, it enables a set of unscrupulous politicians in power to perpetuate themselves there if they so choose.

This, you will understand, is mentioned merely to draw attention to the danger of such misuse, let it not be construed as a reflection on the officials administering the Washington law. I, for one, desire to believe they are actuated only by the highest motives, but I am also convinced that they are laboring under a delusion as to the applicability of their system to conditions in the United States, and I feel constrained to say that to endeavor to have it adopted in other States until they have thoroughly tested it themselves is, to say the least, ill-advised.

As to accident prevention, State insurance in any form will of necessity tend to discourage the careless plant owner from properly safeguarding his establishment. Why should he? The rate charged will be the same whether his plant is good, bad, or indifferent. A politically appointed rating board having no other interest in the matter than their own position never will nor can take the same interest to see that a proper rate is charged a given plant, as will the men who have their own money at stake and whose success and future does not depend upon pleasing the electorate of a State but upon sound business judgment. A great number of our employers of labor have as yet not reached the utopian stage where they will safeguard their plants solely for humanitarian reasons; therefore, any system adopted to be efficacious must make a discrimination in the matter of cost of insurance, the actual condition of the individual plant must be taken into consideration in rating. We must offer an economic advantage to the plant owner who is saving no expense in making his establishment safe for his employees. In other words, to be equitable we must penalize the careless employer, not alone by charging him more for his insurance, but laws carrying other punitive measures, where proper safeguarding has not been effected, should be enacted. In this connection, I wish to say, however, that laws of this nature must apply to the employees as well as employers; that is, it is not sufficient that safeguards and safety appliances are provided, it is as essential that it be made mandatory that they be used and not removed by the workmen. Here is the weakest spot in our factory-inspection laws to-day; they provide nothing in that direction. Hundreds of cases have come under my personal observation where plants have been equipped with safety appliances and guards of the most approved type, and they have as ruthlessly been thrown away by the workmen with the statement that "they interfered with their work."

Leaving the subject of State insurance, let us review for a few moments another scheme which is to-day being considerably agitated—that of trade mutuals or interinsurance on the German plan.

Recently Mr. James A. Emery, of the National Association of Manufacturers, in speaking before the St. Paul Commercial Club and the Minnesota Employers' Association, advanced the idea that it would be wise for us to adopt State insurance until such time that all actuarial problems involved were solved, and then turn the whole thing over to trade mutuals or employers' associations. Let me ask you and every other fair-

minded man, Is that meeting the issue squarely? Positively no. To adopt such a plan would simply be evading the issue; it would by no means be a solution of the employers' liability and workmen's compensation problem, it would merely be the replacing, at the cost of the general tax payers, of one makeshift with another, and on reflection I believe Mr. Emery will see that it would practically be an admittance on the part of the Manufacturers' Association that they are unable to cope with their share of the problem. I am sure that such inference would be a reflection on and be strongly resented by the large majority of employers in this country; and, further, Who are to determine when the actuarial problems are solved? It is admitted by authorities in Germany that they do not expect to reach the maximum rate for workmen's compensation in that country until 1935; that is, the rates are continually on an increase on account of deferred claims. They have had compulsory workmen's compensation insurance for 30 years, and if the solution of their actuarial problem is to be taken as a criterion, we will have ours solved in the year 1960; in other words, Mr. Emory's plan is an advocation of a 50 years' temporary expedient.

What are the advantages of a mutual or interinsurance system. Granted that it has proven partially successful in Germany, it can certainly not be taken as a standard for its application in the United States.

The entire German Empire comprises an area of only 208,840 square miles, with a population of 60,000,000; in other words, a piece of land not by 50,000 square miles the size of the State of Texas. Compared to the entire United States, the area of the German Empire is insignificant. You may ask, What has this to do with mutual insurance? The answer is, Everything. The success of trade mutuals is dependent entirely upon a great number of the same class of industries being located in a limited territory.

Let us imagine a trade mutual being formed which was to embrace all the sawmills and kindred woodworking establishments over the entire United States. The object of forming it in the first place would be, according to the advocates, to provide insurance at a lower rate than what stock companies can offer it for. Will they be able to do it? I am positively convinced "No." Management expenses, the item they presumably are going to reduce, will be prohibitive. If the business is to be properly taken care of, it will be necessary to maintain adjusting and inspection departments in every city in the country, the same as is now maintained by stock companies writing miscellaneous lines. But, mind you, the stock companies are not depending upon the income from their employers' liability business alone; they are all writing other classes of insurance which necessitates the adjusting and inspection departments being maintained, and to which, of course, is charged part of the cost of maintenance. A trade mutual, on the other hand, will have only the premium income from its subscribers to depend upon. If they should establish but one department in a State, the distances that will have to be covered by inspectors and adjusters will necessarily eat up the small premium which, on account of limited number of sawmills and woodworking establishments, will be available in the State. It may be argued, We can combine the trade mutuals and establish joint actuarial, adjusting, and inspection departments, and let each mutual bear its pro rata share. But if such is to be done, why form mutuals at all? For this is precisely what the stock companies are doing to-day; by combining the rating of all the various trades under one roof they are giving the public the benefit of concentration, and a movement is now on foot to carry this cooperation still further in the establishment of joint inspection and possibly adjusting bureaus, thereby reducing management expenses still further.

If we were engaged in a lawsuit we would naturally consult a lawyer. If it were a building that was to be erected we would seek the services of an architect. Were it a railroad we were projecting we would employ the skill of a civil engineer. Now, would it not seem reasonable that if we were to solve successfully the problem of workmen's compensation we would take, at least to some degree, the advice and counsel of men who have made a study and practice of this particular subject, viz, the insurance men of the country? Has such been done? No. On the contrary, wherever the insurance men have come forward with any suggestions everybody has immediately cried, "Wolf." In fact, some of our officials in high public office have even gone so far as charging the liability companies with being responsible for the chaotic conditions as they exist to-day. In his Spring Lake address, a year ago, the Hon. Gov. Hays, of Washington, took occasion to characterize the insurance companies as "fungoid parasites of society." Is such vituperation fair? Might it not be well for the honorable governor to meditate on these words of the greatest Reformer the world has ever known: "He that is without sin among you let him first cast a stone."

There have in times past been public servants who have strayed from "the straight and narrow path," and they may as yet not all have gone out of office, but I feel certain that the honorable governor of Washington would strongly resent being classed among them. There have been and are still quite a number of insurance men whose standard of ethics may not be beyond criticism. I offer no apology for them. But you must all admit that the insurance officials of this country as a class have worked as earnestly as the rest of you for a solution of this problem, and the reason that no more has been accomplished by them is the unwarranted antagonism shown. Even then in that most important field of "accident prevention" they have done more than all other agencies put together. In nearly all States the number of insurance inspectors far exceeds that of the State factory-inspection departments. Are you gentlemen in favor of stopping their good work? I believe not, and neither do I think the public would like to see them eliminated.

From the hundreds of letters on file in the offices of our company I know that the work of our inspectors is appreciated, and from the reduction of the number of accidents effected in plants under the supervision of ours and other insurance companies I know we are getting the desired result in spite of opposition.

This would certainly seem to be no time for vilification or denunciation of the other fellow. Let us rather "bury the hatchet," if there is such a thing, and get together with the one object in view—the proper solution of the problem with equity and justice to all.

A lot of people in this world always know what is not so, and peculiarly enough these are usually the ones who are willing to tell us all about it. The advocates of both mutual and State insurance are telling us that liability companies are fundamentally opposed to workmen's compensation. These assertions are naturally being accepted by a great number of people not knowing the real facts. Let us see what the insurance companies themselves say on the subject. They ought to know their own mind and position in the matter if anybody does.

I shall here quote from a statement issued by the publicity bureau of the International Association of Casualty and Surety Underwriters. The stock-insurance companies engaged in writing liability insurance take the following position with regard to employers' liability and workmen's compensation:

That the present method of compensating injured employees on the basis of common-law damages dependent upon the negligence of employer is unsuited to present industrial conditions and is inequitable and wasteful in its application.

That there is therefore urgent necessity for improving the present method.

That liability insurance companies are not opposed to workmen's compensation. They have not opposed the enactment of workmen's compensation laws and will not oppose such laws.

That the companies are ready to furnish any information or advice based upon their experience in liability business with a view to so perfecting any contemplated law as to render its operation least wasteful. And the companies are, further, ready and willing to furnish data respecting the probable cost of any such proposed law.

That insurance companies should conduct their business along well-considered lines of publicity under appropriate governmental supervision.

Could any position be stated clearer? Does the foregoing not indicate that the insurance companies are willing to meet the employers, employees, and the States halfway? It certainly does, and should eliminate any argument to the contrary.

Another "bogy" often exhibited is that insurance companies comprise a monopoly, and must therefore be legislated out of existence. Now, in the first place, there is not nor can be any monopoly in insurance. An insurance company is one of the easiest enterprises to start. According to Edson S. Lott, of the United States Casualty Co., all there is required to start it is money. He, however, wisely refrains from stating that that is all there is required to run it, which seems to be the impression among certain gentlemen.

A great deal has also been said and written on the presumably exorbitant rates charged by the stock companies for workmen's compensation insurance. It seems to be the general impression that workmen's compensation should cost no more than common liability. I shall briefly show that such is an

entirely erroneous conception. Under common liability a workman was not supposed to be able to recover damages unless it was proven in a court of law that his employer had been guilty of gross negligence. In other words, unless the accident was due to defective machinery or appliances which could have been known by the owner not to be safe. Statistics show us that only 15 to 20 per cent of all industrial accidents can be charged to that account. Therefore under common liability only 15 to 20 per cent of the injuries would be recognized for compensation.

On the other hand, under workmen's compensation we are supposed to overlook that anybody was negligent; all accidents are to be compensated irrespective of fault. Therefore, if under common liability the rate charged was equitable to pay the damages provided thereunder, it would, naturally, require a 500 per cent higher rate to meet the obligations under workmen's compensation—that is, assuming the same number of accidents continue to occur and the same rate of compensation applying, what was formerly paid for the 20 per cent. Now, as a matter of fact, only in a very few instances have the rates been increased nearly that much, the saving which we suppose will be effected in the lessening of court litigation under workmen's compensation has, of course, been deducted, but adjusting and inspecting expenses have perforce increased.

From this it would seem fair to ask, "Who are in the position to know whether the rates charged are commensurate or not?" Manifestly not the public nor the State officials. They admit they have no statistics to verify their assertion. In other words, it is merely guesswork upon their part. They are simply venturing an opinion; and an opinion, when it comes to actuarial or mathematical problems, we will certainly agree, is entirely valueless.

On the other hand, the insurance companies have the statistics on which the rates are based covering a period of 30 years. And, further than that, the insurance companies, realizing that the purchaser is entitled to know whether an exorbitant rate is charged for a commodity, have offered the use of these statistics for the purpose of determining whether the rates demanded are fair or not. I do not say that any special credit is due the insurance companies for such an offer; they are simply doing what is just and right. Workmen's compensation is too vital a problem to society at large to be conducted entirely as a private enterprise. Insurance companies should be as much under governmental control as should the public-service corporations, and their public statement, as quoted before, is specific that they are willing and glad to submit to such supervision.

In view of all this, why all the clamor for new plans and new methods for the carrying of the insurance? Why hew new paths if the ones we already have will serve us to better advantage? The insurance companies have the organizations, extending from the Atlantic to the Pacific, to properly care for the business; and if their promotion is supervised by the State, capitalization supervised by the State, investments supervised by the State, rates regulated by the State, compensation regulated by the State, method of payment regulated by the State, and amount of reserve for unpaid claims regulated by the State, I for one can not see where the objections to the insurance companies come in, except it be a mere desire by a few overzealous public officials and a misinformed public to get them, irrespective of consequences. Such desire, however, would not be indicative of the square-deal practice for which the American Nation is universally known.

As to the integrity of the insurance interests of this country, the rebuilt cities of Baltimore, Chicago, Chelsea, San Francisco, and numerous others, all stand as monuments to the fair dealing and stability of American and foreign insurance companies.

In regard to service which we all admit is the most important part, both as respects employer and employee, competition will take care that the very highest service obtainable will be given. Any company which does not render efficient inspection service and which does not promptly settle its claims when a loss occurs will not have to be legislated out of business; it will be forced to retire through the law of the survival of the fittest.

Any claim that either State or trade mutual insurance can offer the same or better service at less cost than can our already established stock companies, with their perfect organization and trained men, will from pure logic be found to be without any foundation in fact.

Hundreds of other arguments could be advanced against State and interstate insurance as in favor of corporate insurance, but why waste our time? Let us rather devote a few moments in considering a constructive solution of the problem.

We will take it for granted that we can not successfully imitate any European system to meet our needs. Imitation at its best is never progress, and therefore should not be encouraged. The problem is, then, to evolve a system of workmen's compensation and accident prevention based on and applicable to American conditions. It is essential that the cost of such a system be kept at the very lowest figure possible. The whole matter of industrial accidents and their compensation will always be on the liability page of the Nation's ledger; therefore the smaller the amount expended in that direction the better for society in general. To arrive at a minimum we must concentrate our efforts on the elimination of the cause itself. We must from now on pay more attention to prevention of accidents than to compensation.

On Monday morning, April 15, the United States and the entire civilized world were startled by the news flashed by wireless from the middle of the Atlantic Ocean that the world's greatest ship had foundered and carried with it to the bottom about 1,600 victims. We were appalled; we were dumbfounded. It seemed next to impossible that such a catastrophe could happen in this presumably safe age of ocean travel.

It has been established that if there had been lifeboats enough on the steamer most of these people would have been saved. It has further been established that if the shipowners had not wanted to break records the *Titanic* would have taken a more southerly route, thereby obviating the peril of coming in the dangerous paths of icebergs, and the disaster would never have happened. In other words, it was purely a preventable accident. As soon as the facts were made known that these 1,600 lives were lost, the United States Senate immediately ordered a searching investigation for the purpose of establishing the cause and placing the blame and, ostensibly, with the view of preventing future calamities of a similar nature.

I wonder if our honorable Senators and Congressmen know—and, if they do know, realize—that if statistics were kept and all fatalities occurring in the United States reported to the National Government, we would find that every second Monday morning throughout the year a list of killed wage earners equal to and possibly in excess of the terrible record of the *Titanic* could be exhibited. This is not idle talk, but facts that can be substantiated with very little effort; and it would appear that such a situation is grave enough for our National Government to take cognizance of it without having it brought more forcibly to their attention.

It may make a difference in the immediate effect upon public opinion whether 1,600 people are killed at one time, in one place, or whether they are killed at different times, in 1,600 different places, but the actual result in human suffering and economic loss to the Nation must of necessity be the same. It may, further, make a difference in some people's opinion whether the 1,600 killed are all wage earners or whether a number of them, as in the case of the *Titanic* disaster, are renowned captains of industry and finance, but the actual human suffering is greater if they be all wage earners, on account of the greater number of destitute dependents left by them, who in some way or other must be taken care of and who, be it said to our disgrace, often become public charges.

When a calamity like the sinking of the *Titanic* overtakes us, we immediately look for a victim. The public indignantly cries "Vengeance," vengeance on the White Star Line, its officers and managing director. We find a committee composed of Members of the most august legislative body in the world—the United States Senate—spending an entire week endeavoring to determine whether one person had played the rôle of coward in saving his life when 1,600 passengers were left aboard the sinking ship with certain death staring them in the face.

That is not what we are interested in and it has no bearing on the actual case. It does us no good to have rehearsed day after day the horrors attending the sinking of the *Titanic*. All we really want to know is, Could the accident have been prevented? If so, a scientific investigation as to how. This could have been done without having depicted the behavior of all those unfortunate victims in their last moments.

As a matter of fact, we must look far deeper than the White Star Line for the cause of that accident, if we want to prevent future ones. Back of the White Star Line and its managing director stands competition, a public continually clamoring for more speed and luxury. The steamship companies as well as the railroad companies are merely trying to satisfy this desire. Every one of us in sharing the responsibility for the death of these 1,600 persons that Monday morning likewise must bear

part of the blame for each workman killed or crippled in the factories, the mines, and the mills in the United States, because we are not doing our share of work in checking the reckless industrial system, which, as a Nation, we permit to exist. The cry continually is, "Get there! get there! get there!" and we never stop to count the cost.

Wanton recklessness, carelessness, indifference to and disobedience of established safety rules and regulations will continue to claim numerous victims in our industries, this due to a trait in human nature that even with combined efforts it will take generations to eradicate. We can not eliminate all accidents, but why are we spending our time and energy providing compensation for accidents that are due to mechanical defects, and therefore could and should be prevented?

There is no reason why a man should be killed on account of a protruding set screw, a set of unguarded gears, a rapidly moving belt not encased, a defective rope or chain that should have been renewed, the collapse of a structure which has been overloaded or imperfectly constructed, by the falling down a stairway on account of the treads being in bad condition, on account of it being too steep, or no handrail provided, or not sufficiently lighted. And why should any man lose his life because the surrounding air has become poisoned and consumed his vitality to such a degree that it is making him less alert to his duties and danger? Ample fresh air is provided for all if we but avail ourselves of it. Neither is there any reason why thousands of men shall be killed annually in our coal mines through explosions that we know can be prevented if proper precautions are taken in the matter of sufficient ventilation, and, if necessary, with sprinkling. And what about the hundreds losing their lives in our ore mines through the falling of ground that should have been properly supported by timbers, through a premature blast caused by inexpert handling of dynamite, through missed holes that should have been reported to the succeeding shift? Many a man has been killed in American industries on account of speeding by some overofficious foreman who wanted to make a record for himself. There is no excuse for this. The ordinary workman will perform more and better work without speeding than he will with it, and if left alone will subject himself and his surroundings to less danger, but lest we forget there is neither any excuse for the killing or injuring of a workman through his own carelessness or that of a fellow employee, which is responsible for thousands of fatal and serious accidents annually, and which is far more of a problem to solve than that of mechanical defects. To meet it an educational campaign of nation-wide scope must be inaugurated.

The mechanical defects enumerated above and thousands of other causes of accidents can and must be eliminated. I concur with Attorney General Hogan, of Ohio, when he says that it is a crime against society for the employers to be able to insure against accidents resulting from any of these causes, and I have every reason to believe that all progressive liability insurance men in this country are of the same opinion. They realize the inconsistency and inhumanity of such insurance, but they realize as fully that for the ultimate good of all it will pay us to make haste slowly. It would certainly be an injustice to the employers of this country if we at this time deprived them of the right to protect their interests, because their plant did not come up to a standard that as yet has not been determined, and which will take a long time, a great deal of concentrated effort and study by the ablest men throughout the country to formulate. We have permitted the present industrial system to grow for decades, and to attempt to change it over night would result in a chaos far worse than what is at present the case. It would, prima facie, not alone be impracticable but impossible.

We will, however, all admit that it will be easier to change it if all the forces in the 49 States are working in harmony and in the same direction than if they are working in 49 different directions. We must of necessity get better results if all the forces now working for social reform in that phase of our national life are combined than if they are working singly. If we are to achieve success, we must all resolve that the word "cooperation," with which I began this address, is to be the slogan in our campaign. To bring this about I submit the following for your earnest consideration and ask your hearty support on same:

That the President of the United States be asked to recommend a bill to Congress providing for the establishment of a special commission under the supervision of the United States Department of Commerce and Labor, for the purpose of inquiring into the actual needs as regards workmen's compensation and "accident prevention" throughout the entire country, the commission to be composed of men actually representing the various interests affected—that is, employers, employees, insurance companies, State and Federal Governments—the committee to be divided into two bodies working in conjunction—one body to collect data for a uniform compensation act to be recommended for adoption in all States in the Union, the part of the committee to be composed largely of actuaries and men known to have the fundamental knowledge requisite to intelligently investigate and determine what should be the proper amount of compensation, and therefrom what should be the proper rate charged, and what would be the most economic method of distribution, and so forth.

The other part of the commission to be composed of technical experts and men with a demonstrated knowledge of "scientific accident prevention" to devote their energies in the field of accident prevention, to study and report how we can most effectively bring together the various forces now working in that direction, what would be the most efficient method of procedure in the different parts of the country on account of the extreme difference in climatic conditions in, say, for instance, New York and California, Dakota and Alabama, and also on account of the great divergence in the intelligence of the workmen, which is prevalent, and so forth.

That the committee be furnished ample funds to enable it to employ sufficient talent to properly conduct its investigation. Let Congress appropriate a quarter or even a half million dollars, the right solution is cheap at any price. There are Federal commissions maintained to-day on which we are spending amounts far exceeding the above and for whose existence there is far less excuse than would there be for a commission here recommended.

I know there are numerous Congressmen and Senators who would like to stand sponsors for such a bill, and I have every reason to believe that if the matter is put squarely before the President of the United States he will see the justice and necessity of him urging it.

In conclusion I ask in the name of humanity, in the name of civilization, in the name of our country—mine by adoption, yours probably by birth—in the name of common sense, let us stop quibbling as to who is the greatest in the realm of workmen's compensation and accident prevention, State or insurance officials, employers or employees. Let us endeavor to realize that all of us are simply servants of humanity and that the greatest among us is he who is doing the greatest unselfish service in the cause, irrespective of him being a public official or a private citizen.

You may say that such is idealism; probably it is, but I am convinced it is one of these what former President Roosevelt termed "realizable ideals."

In discussing the entire subject I have put myself beyond the pale of prejudice and bias; I have endeavored to look at it from point of principle rather than from that of anyone simply interested on account of being personally affected. I see in any form of compulsory State insurance a disregard of constitutional rights, a violation of personal liberty that should be opposed by all patriotic and liberty-loving citizens; it is a veiled assault on a republican form of government. It is an insinuation that the people of the United States are not capable of self-government. It is an admittance that society can not exist without the contemptible system of bureaucracy, the army of police officials, and the military dictation of private affairs which has been a curse on civilization for centuries. For these reasons I am opposed to compulsory State insurance. I am in favor of and fighting for an equitable system of compensation to our industrial toilers for injuries received, but neither you nor I would like to see them sacrifice their personal liberty in order to achieve it, and if all of us interested will combine our efforts in the solution of the problem such sacrifice will not be necessary. Let us make it a campaign of education rather than legislation, and in this connection I will say I am practicing what I am preaching. Under the auspices of the Pacific Surety Co. I have during the past year given over 50 public illustrated lectures on the subject of "Scientific Accident Prevention," and I am glad to state have always found a responsive audience, showing the interest is awakened.

Political demagogues may insinuate that the Pacific Surety Co. and other insurance companies are conducting this campaign of publicity as a mere deathbed repentance, but men who have kept abreast of the times know that insurance companies' efforts in "accident prevention" date back long before workmen's compensation was thought of in this country, and, as has been fittingly said, it does not hurt you to be called a thief. The misfortune is to be one.

General Deficiency Appropriation Bill.

SPEECH

OF

HON. JOHN A. MAGUIRE,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 26, 1912,

On the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. MAGUIRE of Nebraska said:

Mr. SPEAKER: My position on one of the committees of the House has brought me in touch with a great many claims for relief, many of which are for personal injury to the claimant while acting in some capacity or other, which has caused in many cases a responsibility to arise on the part of this Government to compensate for the injury or disability incurred. The consideration of these cases suggests the much larger questions which are involved in the adoption of employers' liability laws and workmen's compensation acts.

Our Government must be prepared to adopt sooner or later legislation looking to a system whereby the awful disasters that are incident to the operation and management of the great industrial forces of the country may not only be reduced to a minimum, but also that the inevitable and unfortunate cases of human suffering may be adequately compensated. Great advancement in society comes slowly, but here is a field in which the improvement of mankind and the conditions under which labor is compelled to exist will find great promise. The adoption of workmen's compensation acts is not a new movement, but its importance is pressing itself upon the attention of the thoughtful men of our time and will in my judgment meet with the approval of the great majority of our people. In this great advancement for industrial improvement other countries have led the way for 30 years and we have their experience to guide us. The movement for workmen's compensation legislation is simply one more step in the direction of the general improvement of the conditions under which men labor We boast of having the best and most efficient labor in the world and I want to see our American labor the best paid, the best clothed, the best fed, the most intelligent and the happiest of any laboring men anywhere. Labor is and should always remain the most important element in all our industrial life. Labor is dignified and he who spurns honest labor is ignorant of the fundamental basis of our civilization and out of harmony with the institutions of our Government. Much has been done in the years gone by and more still remains to be accomplished in order that cooperation may take the place of antagonism in the strife between capital and labor. Labor through united action and arbitration has won important victories for the men and women who toil everywhere. The demands of labor have been conceded as a matter of justice in granting better wages, more sanitary conditions, shorter hours, and above all, the right to be heard when their own interests are involved.

I desire to call attention to the adoption of workmen's compensation laws in other countries during the past 30 years. In England the movement for workmen's compensation legislation began in 1880, but not until 1897 were the friends of the movement able to secure the adoption of a genuine compensation act. Later—in 1900 and 1906—the act was still further extended in industrial lines to embrace some other occupations. Alberta, Canada, adopted her compensation act in 1908; Austria in 1887; Belgium in 1903; British Columbia in 1902; Cape of Good Hope in 1905; Denmark in 1898; Finland in 1895; France in 1898; Germany in 1884; Greece in 1901; Hungary in 1907; Italy in 1898; Luxemburg in 1902; Netherlands in 1901; New Zealand in 1900; Norway in 1894; Quebec in 1909; Queensland in 1905; Russia in 1903; South Australia in 1900; Spain in 1900; Sweden in 1901; Switzerland in 1881; and the Transvaal in 1907. In view of the universal adoption by other countries of compensation laws there seems little excuse for the United States to delay taking her stand with the great nations of the world on this important matter. Legislation in England and other countries prepared the way for their compensation acts by the adoption of employers' liability laws which sought to modify the law theretofore existing bearing upon the relation of workmen to their employers. Great progress was made in this legislation in the way of eliminating the archaic obstructions which had stood for centuries against the justice of the cause of labor. Within a very few years we have seen these laws both of the States and of the United States upheld in our courts as constitutional. Many of the States already have employers' liability and workmen's compensation laws. In New York, Massachusetts, Washington, Montana, Wisconsin, and Ohio these laws have been construed and upheld in the highest courts of the respective States. In the second employers' liability cases before the United States Supreme Court, at October term, 1911, the Federal employers' liability law was upheld for the first time in this country. Not only was this legislation upheld as constitutional, but, as stated by the court, the rights arising under such law may be enforced in State courts as well as in the Federal courts.

At present the Federal employers' liability laws of the United States are very limited in their scope. Public law 219, Fifty-ninth Congress, first session, affects only common carriers engaged in interstate commerce; public law 100, Sixtieth Congress, first session, deals only with the liability of carriers by railroads in certain cases; public law 117, Sixty-first Congress, second session, amended the preceding act by limiting to two years the time within which to bring an action for damages and by making the cause of action survive to the representative of the deceased in case of death; public law 176, Sixtieth Congress, first session, applies to employees of the United States and gives the right to receive compensation for injuries sustained in working in the Government arsenals, navy yards, rivers and harbors work, fortifications, reclamation projects, and on the Isthmian Canal; public law 101, Sixty-second Congress, second session, extended the terms of the above law to include employment in the Bureau of Mines and the Bureau of Forestry.

Modern law on the subject of employers' liability has had much to overcome. A comparison of the law of to-day with the old common law as to the status of employers and employees would show that we have departed almost entirely from many of the former theories as to the rights of the employees. We find ourselves dealing to-day with new conditions of industry, and the same principles that served to protect the rights of the parties a hundred years ago will no longer work out equity and social justice. For instance, there were certain legal defenses allowable at common law, as it developed, which had to be swept away by modern legislation and by our present ideas of justice and fairness. The old rule of common-law negligence was modified in many respects by the fellow-servant defense, or by the assumption-of-risk defense, or by the contributory-negligence defense. Up to about 30 years ago the attitude of the law had become lopsided and favored capital and the employers of labor more than labor itself.

A workman who was injured in the service of his employers could claim nothing prima facie as a matter of right. Theoretically, the employer was liable only for his own negligence and that of those under his orders as foreman, manager, and so forth. But the injured workman was compelled to show in court the negligence of his employer. Not only that, but the law as it finally became fixed allowed the employer to set up certain defenses to the action for damages by the employee. The employer could invoke the fellow-servant rule, and if the injury was the result of the negligence of a fellow workman no damages could be recovered. Or, again, the employer could invoke the theory of assumed risk and show in defense that the employee when he agreed to work impliedly assumed the risks incident to the employment, and therefore could not hold the employer liable. And, further, the employer could show that the injury resulted from the negligence, in part at least, of the employee himself, and in that case there was no recovery. All this litigation was expensive, and even though judgment were recovered in the final disposition of the case and after successfully avoiding all the defenses allowed to the employer, still there was little left for the injured man and his family after dividing the amount of the judgment with his lawyer. Thus the great burden of industry and all its dangers were placed either directly or indirectly upon the laboring men. This was the legal status of the relation existing between the employer, whose capital was invested, and the laboring men, upon whose skill and energy the industrial world rests. During the past 20 years this unfair legal status has been changed completely in many of the countries to which I have alluded. We are now proceeding upon an entirely different theory. England to-day and most of the nations of Europe have met the problem with marked success. We must proceed as they have upon the human-justice principle. We have come to insist that labor must be treated with even more respect than capital. We proceed upon the sound argument that industry must pay not only for the labor which enters into it, but also for all the risks and resulting injuries that formerly left wreck, ruin, and poverty. Justice demands that industry shall be compelled to charge as an operation expense the compensation for injuries

and death sustained in its course. If a farmer charges the wear and tear of his machinery, the loss of stock and property, against the running expenses of his farm, why not require the employers of men in the great industries to compensate the injured employees and their families for the misfortunes that come in the course of their employment?

When the workmen's compensation act of 1897 was under discussion in the English Parliament the principal arguments advanced against it were that it would cause men to be less self-reliant; that it would reduce wages; that it would increase accidents; that it would put older men out of employment; that it would tax industry too heavily. To answer these arguments is unnecessary, as experience has refuted them and vindicated the wisdom of the act in question. It has been so satisfactory that the scope of its operation was extended in 1900 and again in 1906. Its operation has brought relief to those in poverty and distress as a result of industrial accidents. No reasonable man will deny that when a workman risks his health and life he should receive reasonable compensation if he suffers through that industry. His family is entitled to this consideration from the industrial world with which they have cast their lot. It makes little difference whether the tax burden of a compensation system falls directly on the wages, or upon the industry concerned, or upon the entire community. It will in any case be more equitable than to have the entire burden and misfortune of a serious accident fall upon the victim and his innocent family.

Most of the European countries have passed beyond the stage where they were satisfied with employers' liability laws merely, and have already adopted compensation acts. These various laws have been drawn to fit the conditions in the different countries. In the United States we are about ready to adopt compensation legislation. Our employers' liability laws represent many advances, and especially since the recent decision which gave our Federal liability law vitality.

To illustrate the nature and extent of the typical workmen's compensation act I shall state briefly the substance of the provisions of the English compensation act of 1897 as amended in 1906 and 1907. It covers injuries and accidents resulting in death, or disablement for at least one week. Injury due to willful and serious misconduct is not compensated unless permanent disablement or death occurs. The act covers any employment with salary up to about £250, except manual laborers, for whom there is no limit of salary fixed; also government civilian employees are included. The burden of payment is placed upon the employers. Compensation for death is measured by three years' earnings, but not less than £150 nor more than £300, which goes to those who were entirely dependent on the earnings of the deceased. Medical and burial expenses are allowed to £10. For disability compensation a weekly allowance of 50 per cent of the average weekly earnings during the 12 months previous is allowed, but not more than £1 per week. No pay for the first week is allowed if the incapacity lasts less than two weeks. For partial injury it allows the difference per week between the earning capacity before and after the injury, but not more than 10s. per week. Arrangements can also be made to substitute for weekly payments life annuities of 75 per cent of the weekly payments. The weekly payments may also be revised under regulations of the secretary of state. Insurance may be substituted by an agreement between the employer and employees, providing it is not less favorable to the employees. In case of the bankruptcy of the employer £100 is treated as a preferred claim. In case of disagreements the question may be submitted to the county judge or arbitrator.

This brief outline of the compensation act of England does not differ, except in detail, from the compensation acts of other countries. It will be noticed that in all these laws providing for workmen's compensation the old rules which were enforced to defeat the cause of the employees are no longer recognized as effective in determining the rights of labor as against the industrial system as the problem presents itself to-day. Every consideration of justice demands a change from the old order in which human life and limb were sacrificed without reward. It is not fair, not just, that industry should profit by the sufferings and death of its workmen without some sure and certain provision for making return to the victims and their families. Let the burden fall upon the many who are more fortunate and lift it from the few who represent the toll exacted by industry for its prosperity. All our fraternal insurance societies are based upon the idea that those who live and prosper contribute to those who suffer through common misfortune. Can there be any valid objection to a system which demands that industry share its profits derived from the toll of its workmen, in a small way, by compensating them for death or injury while in the course of their employment? And this compensation should be made, too, not after a long-contested lawsuit, in which court costs and counsel fees absorb the judgment when rendered, but rather by a simple, sure, and quick method by which the interests of both workmen and employers are considered. The appalling disasters in railroading, manufacturing, construction, mining, etc., are so great that the figures shock us. We can not postpone action on this important question. If other countries have led the way, and many of them now have up-to-date workmen's compensation acts, our country can not afford to do less.

The American laborer and workman is the most efficient in the world, and he should have the best treatment that just laws can give him. Our Federal liability laws are good as far as they go, but they are far from adequate to meet present conditions. Industrial life is becoming more complex, machinery more complicated and fraught with more serious dangers. We have paid too much attention to the inanimate and profit side of industrial growth and too little to the human phase of it. It is time for this great Nation to put the American workmen in the position where they will not be compelled to drag their crippled bodies into court and beg a jury to give them damages against an employer. It is time for employer and employee to get together and agree upon a plan whereby the man will count for as much as the dollar at least, and that both labor and capital must bear the burdens incident to our industrial life. When men put their labor into an enterprise they have a right to expect fair wages, but when they go further and risk their lives and limbs they should also have a right without litigation to receive a moderate and fair compensation.

I will not undertake at this time to discuss the merits in detail of the proposed legislation now before Congress and as embodied in S. 5382. The commission appointed to investigate the subject has made a very elaborate report and have recommended the passage of the proposed bill. The President in his message to Congress also urges such legislation. Whatever bill may be agreed upon will be but the beginning in a far-reaching policy for better conditions for the workingmen and doubtless will be extended in its scope as the experience and wisdom of our people seem to suggest.

Wages Here and Abroad.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 27, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Wages paid in the United States and Europe are so often a matter of dispute between Republicans who believe in a protective tariff policy and Democrats who prefer the doctrine of tariff for revenue only, that any information from an authoritative source that throws light upon the subject is valuable and should be preserved. In the Washington Post of this morning is an interesting article headed "Wages here and abroad," and credited to the New York Sun, which deals exclusively with the relative wages paid to railroad employees in the United States and foreign countries.

While the comparison is made in a chart issued by the operating department of the Boston & Maine Railroad the showing, which is doubly favorable to the employees of the United States, is substantially the same as has been reported in other industries by labor statisticians, and also by the British Board of Trade. It thus appears that the so-called nonprotected industries in the United States are equally the beneficiaries of the American protective tariff system as are the textile and other industries directly benefited.

The New York Sun article is well worthy of perusal. It follows:

[From the New York Sun.]

WAGES HERE AND ABROAD—PAY OF AMERICAN RAILWAY MEN, COMPARED WITH FOREIGN SCALE.

In a chart recently issued by the operating department of the Boston & Maine system it is shown that for each dollar of total gross income 44½ cents is expended in wages to employees. The balance is apportioned as follows:

Fuel for locomotives, 10¼ cents; rails and ties, 2¾ cents; other materials, supplies, and expenses, 18½ cents; taxes, 4½ cents; interest on debt and sinking fund, 4 cents; lease rentals, 11¾ cents; car per diem, etc., 2 cents; salaries, 1 cent, leaving three-quarters of a cent applicable to dividends.

In connection with this topic the Railway Employe quotes a report compiled by the bureau of railway economics, which affords an interesting comparison of conditions here and abroad. The report says:

"The average daily compensation of railway employees of all classes for the year 1910, was in the United States, $2.23; in the United Kingdom, $1.05. It was in Prussia-Hesse, 81 cents; and in Austria, 89 cents.

"The lowest paid railway employee in the United States, the ordinary trackman, receives a greater compensation than many of the railway employees of France, even those of higher grades and with responsible duties. The compensation of railway employees is from two to three times as high in the United States as in Italy."

A recent report of the English Board of Trade on railway wages shows that the average weekly pay of enginemen in the United Kingdom in 1907, was $11.17; of firemen, $6.67. In the same year enginemen on American railways received an average weekly compensation of $25.80, counting six days to the week, and firemen, $15.24.

Recent returns make it clear that in 1912 enginemen and firemen in the United States are compensated at rates of pay for specific runs that are two, three, and four times as high as the corresponding rates on representative English railways.

The annual compensation of enginemen in the United States, as reported by two representative railway companies, now ranges from $1,100, in switching service, to more than $2,800 in passenger service, and of firemen from $700, in switching service, to more than $1,700 in passenger service.

For continental Europe official returns in requisite detail are not available for a later year than 1908. The salary and allowances of the typical engineman in Germany amounted, for that year, to $646.88; in Austria, to $870.80; of a fireman in Germany, to $424.59; in Austria, to $532.03.

The annual compensation of enginemen on two of the principal railways of France ranged in 1908, from $505.66 to $906.91, and of firemen from $324.24 to $595.98.

In Italy enginemen received in 1908, salary and allowances included, from $581.10 to $812.70 a year; firemen, from $330.30 to $470.05 a year. In these continental countries the maximum compensation is received only after many years of service.

The average annual compensation of enginemen in the United States in 1908, on the estimated basis of 300 days' service, was $1,335; of firemen, $792. In this country the rate of compensation to these employees does not depend upon the length of service.

In Belgium enginemen received in 1907, from $23.16 to $38.60 a month; firemen, from $17.37 to $23.16 a month; conductors and station employees, from 46 to 96 cents a day. In the United States in the same year, 1907, enginemen averaged, on the basis of 25 days' service, $107.50 a month; firemen, $63.50 a month; conductors, $3.69 a day; station employees, from $1.78 to $2.05 a day.

It is well within the truth to estimate in a broad and general way, that while the cost of living of a railway employee in the United States is less than 50 per cent higher than that of a corresponding employee in the United Kingdom or on the continent, his compensation averages more than twice as much.

Excise Bill.

EXTENSION OF REMARKS

OF

HON. E. R. BATHRICK,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 30, 1912,

On the amendments of the Senate to H. R. 21214, to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Mr. BATHRICK said:

Mr. SPEAKER: I voted against the Canadian reciprocity act last year, and recent developments are crowding each other in justification of the wisdom of that vote. The majority of the Members of Congress in both Houses voted for it, and, as far as America was concerned, it became a law, and it is a law now.

I am glad to have the opportunity which this particular situation affords and shall vote to repeal this law, although the situation is cunningly staged and complicated to impress the mind with a serious alternative.

We are told that the President will veto this excise or income-tax bill if the amendment to repeal reciprocity is attached to it. I favor an income tax, of course, and desire that the burdens of the cost of Government shall rest upon those best able to bear it. I also desire that the menace of a misleading, deceptive bluff at downward revision of the tariff shall not remain among our statutes in the shape of reciprocity which does not reciprocate.

The Executive veto, with reckless daring, slaughtered the free-list bill, which was designed to give relief to the consumers in the city and country when reciprocity had mocked the farmer and temporarily fooled the laborer.

Look at the situation now. The Senate, which by a considerable majority had passed the reciprocity act a little over a year ago, has now by a larger majority voted twice for an amendment to repeal reciprocity. Then they discussed reciprocity as a great principle, but in these few short months the importance of the principle has so dwindled that there appears to be great haste to disavow it.

This amendment proposes to repeal reciprocity and put a tax upon paper, which in the reciprocity law had been put upon the free list. It seems a fateful misfortune to those who seek just relief from the paper makers' extortions that their remedial measure must be forever tied to bad company.

The reciprocity repeal amendment is attached to the excise bill, which is no more or less than a bill for an income tax, and the other similar amendment, considered in the House a few days ago, was attached to the steel bill, which, as it left the House, was honest revision downward. It put barbed wire, sewing machines, nails, anvils, and some other necessities on the free list.

When that steel bill was considered then and a vote on the amendment was taken they said the President would veto the steel bill if the amendment was carried. The gentleman from Nebraska [Mr. NORRIS] proposed an amendment to the amendment which repealed reciprocity but left paper on the free list, and I voted for it. I thought the President might let go of his discarded, stale reciprocity, but I did not think he would dare fling his veto in the face of the newspapers who wanted free paper.

Aside from this, I believed the newspapers were entitled to relief from the Paper Trust, and if lower tariff on paper or pulp had been separated from this false, misnamed reciprocity I would have willingly voted for it.

The Norris amendment was voted down, and when it came to the Senate amendment to repeal both the reciprocity and free print-paper clause, I confess I was afraid. Those who declared that if it was left on he bill the President would veto all had me scared, and I voted for the amendment. In the event of this veto I could see the seamstress paying trust prices for her sewing machine and the farmer paying trust prices for his barbed wire, and I could see other relief for the people in the steel bill nullified also.

But, Mr. Chairman, I am not afraid the President will veto this income-tax bill. It has been passed by a majority of the Senate and the House, and if ever there was legislation on which the people were united this is an example, and I believe the President's sense of justice will prevent him from vetoing it.

If it be true that the President will rebel against wiping out his repudiated reciprocity, his soul will be torn by conflicting emotions when it comes to denying to the poor people of this country the income tax. He is an avowed advocate of the income tax and has favored it openly and powerfully long before he was ever beset by the reciprocity nightmare in the night of this troubled dream. He will not veto the income tax to save the skeleton of reciprocity.

Canada has rejected it in terms so pronounced that there is no need of our retaining it. It is needless to say that our sister in the north did not understand it. That was not the reason she rejected it, for it was palpably to her advantage; but the bugaboo of annexation has sunk into her heart, and it will require years to eradicate that impression.

Why should the President veto this income-tax bill only because repeal of reciprocity is attached to it? The Senators who voted for reciprocity have seen the light and now want to get rid of it. The Members of the House have seen the light and want to be done with it. Those few of us who dared to oppose it at the outset, when the threats of the press and the cajolery of a mistaken city constituency assailed us, also desire its repeal.

The President surely would like to rid himself of this Jonah, and I believe he will.

Mr. Speaker, the farmers and laborers of this country are as keenly alive to what we are doing here as any class of our citizenship. They will watch and know whether we keep faith on our promise to revise the tariff downward or not. They can never be made to believe that reciprocity as it now stands on our statutes is of any use to relieve the burdens of tariff or aid in reducing the high cost of living. The farmers know that in this mongrel kind of reciprocity they are asked to do all the reciprocating; that the Beef Trust, the Flour Trust, and other manufacturers of food products were not asked to do any reciprocating with Canada, but instead were fully protected with a high tariff on their finished products, while the farmer was to furnish them with a cheaper raw material.

The people know that after the Payne-Aldrich bill had been condemned by them as a failure to fulfill the promise of downward revision, there were some protected interests who sought to appease their wrath by misnaming this Canadian reciprocity bill "downward revision." The people were not deceived because the lumber interests complained so loudly about losing

part of their tariff when the farmers were giving up all their tariff. Neither were they deceived by an apparent reduction on "rough" lumber, when it must pass through the hands of the Lumber Trust to be made "smooth" before it was ready for use.

Neither was labor, who had justly cried out against the increase in the cost of living, deceived by the reciprocity bill when they learned that while it might reduce the price of wheat that it did not reduce the price of flour; that while it reduced the price of live cattle, sheep, and hogs, it did not reduce the price of meat, and left the control of that necessity of life in the hands of the Beef Trust protected by a prohibitive tariff.

It has been my pleasure to participate in the passing of many laws in this House that bear marks of genuine benefit and relief to an overburdened people. It has been my pleasure and privilege to vote to reduce the tariff tax of woolen manufactures from 90 per cent to 45 per cent; to reduce the tariff tax of cotton manufactures by more than one-half; to remove the tariff entirely from sugar, thereby hoping to relieve the people of a burden equal to $115,000,000 per year; to reduce the tariff on agricultural implements, boots and shoes, fence wire, meats, flour, bread, lumber, and many other necessities of life, hoping thereby that I may feel that I have done something to lighten the load of my fellow men. No man who knows my record in this House can say that I have not kept the faith and honestly tried to meet these questions with a mind open and receptive to the desires of the great mass of the people. But I think I know farce legislation when I see it, and if ever the people of this country were fooled, and if ever my honest, well-meaning colleagues were fooled, it was when they supported the Canadian reciprocity bill.

Agricultural Credit Banks.

EXTENSION OF REMARKS

OF

HON. RICHMOND P. HOBSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 26, 1912,

On the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. HOBSON said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD, I include as a part thereof an article on agricultural banks appearing in the June issue of the Journal of the Institute Bankers of London.

The article is as follows:

AGRICULTURAL CREDIT BANKS—AN EXAMINATION OF THE VARIOUS SYSTEMS OF AGRICULTURAL CREDIT BANKS IN OPERATION ON THE CONTINENT, WITH THE OBJECT OF ASCERTAINING IF ANY SUCH SYSTEMS ARE APPLICABLE TO THE CONDITIONS EXISTING IN ENGLAND.

[By O. R. Hobson, M. A., associate of the Institute of Bankers, being the essay for which the first prize was awarded at the annual general meeting, held on May 8, 1912.]

An agricultural credit bank, as its name implies, is a bank the main object of whose existence is to grant credit to those engaged in agriculture. It is, in fact, the function of the agricultural bank to finance agriculture in just the same way as the ordinary joint-stock bank considers it at any rate part of its business to finance industry. The large joint-stock bank is chiefly the product of the industrial revolution which, consequent upon the invention of machinery and the discovery of steam power, largely increased the importance of capital as a factor of production at the expense of labor, thus replacing the small producer by the wealthy capitalist and the joint-stock company. Of the agricultural credit bank, on the other hand, it would be more true to say that it was the cause than the effect of an agricultural revolution; for its growth was due rather to the wisdom of those who saw that the methods of financing industry might with advantage be applied to agriculture than to any demand on the part of agriculture itself for credit as a means to increasing the productivity of the soil. But, though it is true that capital can be used in agriculture as well as in industry, the evolution of the agricultural credit bank has not been, and can not be, similar to that of industrial credit banks.

In the first place, the industrial credit bank can with advantage do business with a large number of different industries, while the agricultural credit bank must, in the probable absence of any other form of business, confine itself almost exclusively to agriculture. Secondly, while industrial production has fallen chiefly into the hands of the large capitalist, agriculture has, to a very large extent, whether for social or economic reasons, continued to be carried on by small men, and it is thus chiefly with the small and poor man that the agricultural credit bank has to deal.

Agricultural credit banks may plainly be organized on three different principles, namely, (1) as State-controlled institutions; (2) as joint-stock, or private, profit-earning companies; (3) cooperatively, as cooperative societies.

As this essay will be concerned mainly with the discussion of banks included in the third category, it will not be out of place to indicate at the outset the general grounds for rejecting those of the first two classes as unsuitable, amplifying and illustrating them later from the experience of countries in which such institutions exist and flourish.

(1) The objections to the management or control by the State of agricultural credit banks are in the main those which apply to all State enterprise of a commercial character. Institutions managed by the State are liable, owing to the absence of competition and the lack of incentive on the part of its employees, to be conducted without that regard for efficiency and economy which is essential to the success of private industrial undertakings. This is a defect which is probably inseparable from State trading; and though there may in many cases be countervailing reasons which will justify the State in undertaking for itself, to the exclusion of private firms or persons, the production of certain commodities or the supplying of certain wants, it will scarcely be maintained that agricultural banking is one of these. For the agricultural credit bank is concerned, as we have seen, with the granting of credit to men of little substance engaged in a notoriously uncertain occupation, and for this reason extreme vigilance and economy of management are above all things essential for its success.

The State may, indeed, carry on the business at a loss, but such protection granted to one industry at the expense of the others is scarcely likely to conduce to its real benefit, but is calculated rather to lead it to rely more and more on artificial support, till it becomes finally incapable of existing without it. This criticism will apply also to State doles and bounty feeding, even though the channels through which they are dispensed are not controlled by the State. Credit can be as usefully employed by the agriculturist as by the industrialist, but only if it be obtained in the way of business at its market value. A farmer who pays the market rate for his loans will consider carefully and think long whether the result is likely to justify the outlay—whether, for example, the fertilizer, which a loan will enable him to put in, is likely by the increased crop of next year to yield him a margin of profit after he has paid the interest. If, however, a bountiful but misguided Government literally thrusts upon him any sum he may choose to name at an absurdly low rate of interest, a very small knowledge of human nature will show that it is more than probable that he will evolve his schemes for improvement with a light heart and end them with a lighter purse.

Assistance of this kind merely puts a premium on incompetence. It is fairly claimed that facilities for credit will, in addition to the material profit they afford, have the moral effect of stimulating confidence and independence, but this result will only follow if such credit is demanded and given as a matter of business on business terms. This does not mean that the State can not do much to facilitate the establishment of a system of agricultural credit banks, but it is submitted that the true criterion of any measure of assistance is this: Is the proposed aid a temporary expedient for the purpose of tiding the system over the critical period of youth, to be dispensed with as soon as it reaches a more mature age, or is it calculated rather to reduce it to a permanent condition of weakliness and dependence?

(2) It may appear surprising at first sight that the joint-stock banking system, which in the course of the last 80 years has established itself so impregnably throughout the civilized world, should be deemed incapable of adapting itself to the needs of the small agriculturist. That it has not succeeded in doing so adequately will probably be admitted. This fact is itself prima facie evidence that it is not fitted for such a task, for with the ever increasing pressure of competition so obvious a development of banking business would assuredly not have escaped notice had it been capable of successful exploitation. There is no need, however, to strain the point, since the reason for this failing on the part of the joint-stock bank is not far to seek. In point of fact the agricultural credit bank does not pay in the ordinary commercial sense of the word. The banking transactions of the class of men with whom it deals are on so small a scale that in any case it would be a matter of difficulty

for a commercial enterprise to undertake them with success. But the crux of the situation lies in the fact that these small agriculturists have for the most part no security of the kind acceptable to a banker to offer as cover for their loans. In the case of the small proprietor a mortgage of his farm may, of course, be available, though such a proceeding is in many cases too expensive and cumbersome; but the tenant farmer has usually no collateral whatever to offer, save possibly the hypothecation of future crops or of cattle or plant. Neither expedient, though useful on occasion, is very desirable nor likely to find favor in the eyes of a banker. In the majority of cases, in fact, the lender will have little more substantial to rely on than the personal security of the borrower, supplemented, perhaps, by the guaranty of a friend or two not much better off financially than himself. It is evident, therefore, that the professional banker will be unable to any large extent to accommodate this class of customer. His existing branches in the smaller towns are not so remunerative that he will easily be induced to establish numerous further offices in country villages, while the supervision of loans, covered by the type of security we have described, is a task which would severely tax the powers of the most vigilant and capable of managers.

Further, the periods for which loans will frequently be required are much longer than that for which the joint-stock bank cares to part with its funds. Agricultural credit must in general be long-term credit. The farmer does not as a rule turn his money over nearly so rapidly as the manufacturer or tradesman. For few agricultural purposes is a loan for less than six months of much use, and where it is required for the purchase of a fertilizer or the erection of buildings the necessary period may run into years.

We may conclude, then, that the joint-stock banking system, through no fault of its own, but owing to the inherent difficulties which the task involves, can not hope to succeed in adapting itself to the needs of the small agriculturist.

(3) The cooperative society is defined by Mr. Fay as "an association for the purposes of joint trading originating among the weak and conducted always in an unselfish spirit, on such terms that all who are prepared to assume the duties of membership may share in its rewards in proportion to the degree in which they make use of their association." ("Cooperation at Home and Abroad," p. 5.) The cooperative bank is a cooperative society for the purpose of carrying on the trade of banking. It is, in fact, a bank in which the proprietors and the customers are one and the same body of people. The qualification for membership of a credit society is the subscription of one or more shares of small amount which are not transferable (ibid., Appendix) but may be refunded when membership ceases. The liability of a member for the debts of the society may be limited to the amount of the paid-up share or to a multiple of it, or, as is more usual, may be without limit. Subject to the payment of this share, with possibly a small entrance fee, anyone who can give proof of satisfactory personal character is freely admitted.

What grounds have we for supposing that such an association of men of small means, utterly without training in the business they are to conduct, will succeed, where the State, with its unlimited financial resources and the professional banker with his expert knowledge are, as we have suggested, doomed to failure? What qualifications for the task do these pigmies possess which the giants of the financial and political worlds can not claim with a hundred times more plausibility?

These are questions which a statement of claim on behalf of cooperation will at once call forth. They are questions to which à priori reasoning can supply no answer half so convincing as the actual history of the movement. Before passing, however, to the consideration of the systems themselves from the dynamic point of view, we may indicate briefly wherein it is that the strength of the cooperative rural credit society lies. We shall find that it lies mainly in two directions, the one peculiar to itself, the other shared with other forms of cooperation.

It has already been pointed out that the small agriculturist, while he needs credit, and can put it to good use, suffers from the great disadvantage that he has no adequate security of the type usually required to offer. Now, the place of material security can only be taken by personal security, by a system, in fact, by which the borrower will borrow on the security of his own character, together with that of a number of his friends who may be willing to back their good opinion of him by guaranteeing the payment of his loan. For the success of this plan it is manifestly essential for the members of the society in general, and the guarantors of a loan in particular, to keep a sharp watch on the borrowing member, to see that the loan is duly applied to the purpose for which it was granted, and that its repayment is not jeopardized by the folly or incompetence of the borrower. The situation is summed up with characteristic Gallic felicity by M. Décharme, of the French Ministère d'Agriculture, when he describes credit banks of his country as being "in communities where everybody knows everybody else, and they always ask what the man wants to borrow for, and if he says he wants 400 francs to buy a cow, they watch him, and if, four or five days afterwards, he has no cow, they know it." (Interviews on the Banking and Currency Systems of England, Scotland, etc.; U. S. Monetary Commission.)

The system is, in fact, an extension of the cash credit system of Scotland, to which, in the words of Macleod, "the marvelous progress and prosperity of that country is mainly due." Its fundamental characteristic is that the supervision of loans is conducted without expense, and conducted efficiently because it is to the interest not only of guarantors but of all the members of a society to exercise the strictest vigilance.

The second important asset of the cooperative bank—that which it possesses in common with cooperative supply and sale societies—is the power of collective bargaining. As the cooperative supply society can buy at wholesale rates and sell to its members at less than retail prices, owing to the elimination of middlemen's profits, so the cooperative credit society is able to command loans and deposits at moderate rates on the joint security of its members, relending to the latter at lower interest than they can individually obtain.

The combined effect of these two factors, inexpensiveness of management and collective bargaining, is that the cooperative bank can grant credit on cheaper terms than the joint-stock bank, while making the business pay where the latter can not.

With this brief preliminary indication of the nature and methods of the agricultural credit society, we must proceed to consider the actual systems in existence, beginning with those of Germany, the pioneer of the movement.

GERMANY.

It was in 1848, the year in which the acute distress of the poor at last found vent in revolutions and uprisings throughout Europe, that the seeds were first sown of that great system of cooperative credit whose influence on the agricultural world it would be difficult to overestimate.

The movement in Germany, in contrast with the pretentious but ill-fated scheme of Proudhon in France, started unostentatiously enough. Its pioneers were two, Schulze and Raiffeisen, burgomasters respectively of Delitzsch in Saxony and the district round Neuwied on the Rhine.

The circumstances which called forth their energies were the same in each case, namely, the helpless distress of the poor. They saw, as others did, that it was the economic waste caused by want of capital which lay at the root of the evil. But they alone were able, in the face of general incredulity, to devise a remedy. The first efforts of both were of the nature of individual attempts to relieve distress in their districts. And when experience taught them that permanent amelioration could only come through self-help, it was in the direction rather of cooperative supply than cooperative credit that they set out. They organized small cooperative societies for the purchase of necessities of life and raw materials. This, however, they soon saw was not sufficient, because the poor were already deeply in debt to money lenders. It was the presence of the money lender in their midst that led the way to cooperative credit. Relief measures were of little avail while the burden of debt remained. Their efforts were thus directed toward the establishment of credit societies; and as the outcome we have two distinct systems, differing, if not essentially as the more fanatical adherents of either would have us believe, yet in details sufficiently important to justify a brief examination of each. The points of difference will be found to be due mainly to the slightly different functions which the two systems perform, but partly also to the different spirit which animated their founders.

The Raiffeisen banks are purely agricultural banks, drawing their members very largely from the class of small farmers and agricultural laborers. Each bank serves a very small area, an area limited, in fact, by the practical requirement that all the members should know each other. The Schulze banks, on the other hand, are situated chiefly in urban districts. Their business lies among small men of every class—industrialists and shopkeepers as well as farmers—and the area from which their members are drawn is far less restricted than under the Raiffeisen system. In fact, the Schulze-Delitzsch banks are commonly called town banks (Fay, op. cit., p. 19), and in so far as that is the case they are outside the scope of our survey. The description, however, would seem to be hardly quite accurate, since of their members the largest class, about 27 per cent of the whole, is classified as "independent agriculturists." (Fay, op. cit., p. 42). In view of this and the further fact that they

have always regarded the Raiffeisen banks as competitors we should not be justified in excluding them from consideration.

Membership and organization. (1) Schulze-Delitzsch banks.—The governing idea in Schulze's mind was that his banks should be quite above suspicion of any connection with charity and still more with religion. They were to be self-sufficient, independent, profit-making concerns, only differing from joint-stock banks in that the members alone were to have an interest in profits earned. Accordingly, admission to membership must not be made too easy. The amount of the share was therefore fixed at a comparatively high figure, the minimum being about £6, while the average is no less than £17. (Fay, op. cit., p. 22; Wolff, "People's banks," p. 87.) Payment by installments within a reasonable time is allowed. Over and above this there remains the unlimited liability of each member—limited liability—first allowed by the law of 1868, being a feature of only few societies. Thus, no effort was spared to secure members of thrifty and industrious character, and also to establish the societies from the first on a sound basis. For this latter purpose, also, strict rules were laid down as to the building up and administration of the reserve fund. For the first year or two all profits are allocated to reserve, and thereafter 15 to 20 per cent.

The administration of the banks is closely analogous to that of the ordinary joint-stock company. It consists of (1) the Aufsichtsrat, or directorate, elected by the general meeting of members, and (2) the Vorstand, or management committee, three in number, appointed by the Aufsichtsrat. The managers, in strict accordance with Schulze's theory of the noncharitable, businesslike nature of his banks, are paid officials, a weak feature of the scheme being the commission allowed to them on business transacted. The Vorstand, of course, superintends the actual working of the bank and also deals with the applications for advances, subject to the possible intervention of the Aufsichtsrat in special cases. The Aufsichtsrat determine questions of policy and act also as an audit and inspection committee.

(2) Raiffeisen banks.—The Raiffeisen banks were organized to supply the needs of a far poorer class of people than those of the Schulze-Delitzsch system—a class to which the subscription of even a moderate share was an utter impossibility. Accordingly, Raiffeisen laid even more stress than Schulze on the necessity of temperance and good character as qualifications for membership, while he dispensed with such material evidence of their presence as ability to subscribe a share, by having neither shares nor entrance fee. The subscription of shares and the payment of dividends were indeed made compulsory by the law of 1889, but the Raiffeisen societies continued to observe the spirit of their founder's teaching by making the shares as small as possible—10 marks being a usual figure—and by voting their dividends once for all to a second reserve, or "Stiftungsfond." The ordinary indivisible reserve fund is administered on the same lines as in the Schulze banks, though it is as a rule smaller even in proportion to the size of the banks, as it has been the custom to apply part of the profits of working to the reduction of the rate of interest on loans, which, for this reason, stands, on an average, about 1 per cent less in the country than in the towns. (Fay, op. cit., p. 44.)

Unlike Schulze, Raiffeisen laid much stress on the moral and religious character of his banks. Owing to this and to the smaller business transacted, the administration is almost entirely unpaid. The management rests in the hands of a committee of five, while to a council of inspection is intrusted the duty of auditing accounts and supervising the committee. Both bodies are elected for a period of years by the members, and on both the richer members, on whom in case of failure would fall the chief burden of the liability, are allowed by tacit consent to take the leading part. The services of the members of both committee and council are given without remuneration of any kind, the only paid official being the "Rechner," or accountant, a nonmember appointed by the committee.

Funds and advances.—The funds with which both systems of banks carry on their business consist of (1) share capital and reserve funds, (2) deposits, (3) loans from central banks.

As regards the first item, the proportion derived from this source is, of course, far larger in the case of the Schulze than the Raiffeisen banks. Deposits, which are received both from members and from nonmembers, may be either small savings accounts, deposits proper ("Depositen"), or drawing accounts. The first type form a steady and comparatively cheap source of working capital. (In 1904 popular savings deposited in cooperative banks were computed at no less than 115,000,000 sterling out of a total of 961,000,000. Wolff, "Cooperative banking," p. 135.) The rate of interest allowed averages about 3 to 3½ per cent, varying with the length of notice of withdrawal. This is usually considerable, and rightly so, as the class from which these deposits are drawn is one that is peculiarly prone to panic. Their great merit is that being largely the savings of nonborrowers they are not so likely to be withdrawn just when they are most required. Deposits proper differ from savings deposits in being usually of larger amount and subject to shorter notice of withdrawal. The current account is increasingly used in the Schulze banks, but, as might be supposed, is of very small importance in the country banks.

Deposits are the mainstay of the German cooperative banks, and the ability to attract them is generally regarded as the surest sign of the stability and efficiency of a bank. But it is not to be expected that purely local banks, as both Schulze and Raiffeisen societies are, can always command deposits sufficient to satisfy the demand for credit, or, again, can always find among their members an outlet for all the funds at their disposal. They are thus constrained in the one case to borrow from outside and in the other to lend their surplus funds where money is required. For these purposes a system of central banks has been evolved, whose business lies almost entirely among cooperative banks. These are a very important feature of the cooperative banking system, and will be considered further presently. The need for them, it may be noted, is more felt by Raiffeisen than by Schulze banks, because the former—drawing their deposits, as they do, very largely from a single class, and doing their loan business with the same class—are liable to greater fluctuations in the demand for credit than the latter, which deal with a variety of different industries and can thus hope to play off a boom in one against a slump in another.

Loans are principally granted against the personal pledge of one or two friends of the applicant. The successful manipulation of this form of security is the greatest achievement, as it is the sine qua non of cooperative banking. It is only possible when the bank's operations extend over only a small area, where the character and business transactions of the parties concerned are common knowledge; and its success is greatly facilitated where the area in question is served by but one bank, in which case the danger of "cross firing" by mutual guarantee is easily avoided. In cases where this form of security is not available, owing to the applicant being a newcomer in the district, or for any other sufficient reason, loans against negotiable securities or land mortgage may be resorted to. The Schulze banks also grant occasionally blank credits where the stability of the borrower is beyond question.

The form of the loan is either the promissory note of the borrower or else simply a bond or undertaking to repay. The former plan is often preferred, as, in case of failure to repay, the legal process of recovery is simpler, while the note, being negotiable, can, if necessary, be rediscounted with the central bank. The Schulze banks also discount trade bills and grant cash credits on current account, but such forms of advance are of course little required in purely agricultural districts.

The normal term for loans in the Schulze banks is three months, renewals being, however, frequently allowed. In the Raiffeisen banks, for reasons which have already been considered, the periods are much longer, the minimum being about a year, while loans for as long as 10 years are not unknown. An important feature of the Raiffeisen system, however, is that loans can always be called at four weeks' notice, though this right is never enforced except when repayment is seriously endangered by gross extravagance on the part of the borrower or misapplication of the money lent. Members of the Raiffeisen banks, when applying for loans, are always required to state the purpose for which the money is wanted, and if the application is granted it is so on the distinct understanding that the money is used for the purpose stated, and for no other. Loans are commonly repaid by installments, covering both principal and interest, on a plan of amortization. (Fay, op. cit., p. 48.)

Central banks.—The functions of central banks have already been touched upon. Their establishment was found necessary both for the purpose of balancing the resources of the banks of the system, at the head of which they stand, lending to those which require money and borrowing from those which have it to spare, and also, as the business of the local banks developed, to act as clearing and collecting agents.

Raiffeisen instituted the first central bank (bulletin of the Bureau of Economic and Social Intelligence, July, 1911, article on "Central banks"), the Rheinische landwirtschaftliche Genossenschafts Bank, as a registered association with unlimited liability, like the individual societies, in 1872. This bank was, at the instigation of Schulze-Delitzsch, dissolved by the courts. Schulze opposed the foundation of central banks both generally, on the ground that cooperative societies should be self-sufficient, autonomous bodies, and in particular because it was undesirable that cooperative societies should themselves become members of

other cooperative societies organized likewise on the basis of unlimited liability. Raiffeisen accordingly, in 1876, founded the Landwirtschaftliche Centraldarlehenskasse für Deutschland at Neuwied as a limited-liability company. His action was indorsed by the law of 1889, which specifically allowed cooperative associations to become members of similar societies, provided the latter were organized on the basis of limited liability. In addition to the Centraldarlehenskasse and its branches, a number of provincial central banks (Provinzialkassen) have since come into existence. The Centraldarlehenskasse does no other business beyond that with the local societies, and its expenses are defrayed out of the margin between the 3½ per cent charged for loans and the 3¼ per cent (Wolff, "People's banks," p. 143) allowed on deposits.

In 1895 a State central bank, the Preussische Central Genossenschaftskasse was established for cooperative societies—productive as well as credit societies—in the Kingdom of Prussia. Its purpose was to become the head of the existing "thus far headless" organization—for besides the Central Loan Bank there were a number of other central banks for different groups of Raiffeisen banks. (The term "Raiffeisen banks" is used here, and indeed throughout, to include banks of the Raiffeisen type, such as the Haas banks, not actually adhering to the Raiffeisen organization.) The Central Genossenschaftskasse does business not with individual societies, but only with Provinzialkassen.

The Schulze-Delitzsch banks have never developed an elaborate centralizing organization such as that of the Raiffeisen system, but do business individually with the Dresdner Bank, which has absorbed their earlier central bank, the Deutsche Genossenschaftskassebank. The relations of the individual societies to the Dresdner Bank, are, however, far looser than those of the Raiffeisen societies to the Prussian Central Bank. The Dresdner Bank does not insist that societies should deal with it exclusively, though it prefers that they should. (U. S. Monetary Commission, Volume of Interviews.) The Prussian Bank, on the other hand, makes it a condition that banks dealing with it should deal with no other independent bank.

An interesting feature of the higher organization of the Raiffeisen societies is the close connection between the banks and noncredit societies. The credit society is, in fact, used as the channel for the supply and sale of agricultural commodities, though in the case of larger districts where business is on a sufficiently large scale, the departments are often kept separate. Cooperative dairies, however, and other productive societies are kept distinct. The great advantage of this interconnection of credit and noncredit cooperative associations is, of course, the economizing of expenditure. But where the two forms of activity can profitably be worked separately, this would seem the better course, on the general principle of "ne sutor ultra crepidam," and also for the economic reason that while the operation of the banks must be confined to a single parish, that of supply or sale societies, may more profitably embrace a larger area.

Finally the questions arise, How far have the German credit banks succeeded? How far have they justified the hopes of their founders that through them credit would become accessible to the poor man as to the millionaire?

In the first place, as regards mere material success there can not be two opinions. Out of the few small banks which Raiffeisen and Schulze started midway through the nineteenth century, there has grown up a vast system of more than 15,000 separate offices, of which over 13,000 are of the Raiffeisen type. The ordinary commercial standards of prosperity hardly apply, but as a whole the management has been efficient, and most of the banks are on a sound financial footing, while it is claimed that there has not in either system been a single failure—a truly remarkable achievement in view of the difficulties which they have had to contend with. In the case of the Raiffeisen banks, however, it must be admitted that the policy of the management has not always been free from blemish, the mistakes which have occurred being chiefly due to unwisdom of the very kind of which mention has just been made, namely, that of combining cooperative purchase with credit.

The question as to how far the banks have succeeded in keeping themselves accessible to the poor man is more controversial. The Schulze banks have, in particular, been charged with falling away from the ideals of their founder in this respect. There would seem to be some justice in this accusation, for the banks have come to fill in some degree the place occupied in English provincial towns by the branches of joint-stock banks. Perhaps, too, it would have been wiser had the banks passed a self-denying ordinance limiting dividends to, say, 5 per cent, though it can not be said that dividend hunting has been the practice, still less that it has been pursued at the expense of reserve funds. The fact, however, remains that these banks lend at a rate nearly 1 per cent higher than that charged by the Raiffeisen banks. To the strong religious spirit with which Raiffeisen inspired his organization this tribute at least must be paid, that his societies have never turned to profit-seeking at the expense of their poorer members, while the Haas societies, which seceded on the religious question, have in this respect remained faithful to the teaching of their founder.

FRANCE.

Unlike the agricultural credit-society system of Germany, which, as we have seen, grew up gradually by natural evolution from small beginnings, to develop finally into a complex organism of societies, provincial unions, and central banks, the French Crédit Agricole was the creation of a moment, issuing, Minervalike, fully equipped from the brain of the statesman.

The Crédit Agricole was not, indeed, by any means the first attempt which had been made in France to solve the problem of agricultural credit. Numerous schemes had been evolved, all to be overtaken by failure, except perhaps the least ambitious, that of M. Durand (Wolff, People's Banks, p. 429 et seq.), which therefore deserves passing notice. M. Durand's system of credit societies is a close imitation of the Raiffeisen system, and like it, is permeated with religion. M. Durand is a pronounced Roman Catholic, and it is, according to Mr. Wolff, the well-known attitude of the State toward Romanism in France which has impeded the growth of the system. However that may be, it seems to have reached the limit of its expansion, though it has reached a position of not inconsiderable importance and continues to prosper. (Wolff, loc. cit., gives the number of banks as about 800, with an average membership of about 40.)

The State-endowed Crédit Agricole Mutuel was founded as recently as 1899, and while it is thus impossible to estimate its results with any finality, its unique constitution renders it of great importance to the student of agricultural credit. The groundwork of the system consists of a number of individual societies organized on the principle of Raiffeisenism. In the large majority of cases the liability of members is unlimited, though limited liability is allowed. Each member takes up one or more shares of 20 francs, on which only 5 francs need be paid up at the start. The sphere of operation of these societies or "caisses locales" is a commune. Each society when it is founded makes over the whole of its capital to the central bank or "caisse régionale" of the Department in which it is situated. These caisses régionales are, unlike the individual societies, actually established by the State. They are under the control of the Crédit Agricole, which appoints officials to inspect them and to which they send their accounts and copies of the minutes of their boards.

The funds for the financing of the scheme are largely supplied by the State, which as a condition of the renewal of the charter of the Banque de France in 1897 enacted that the bank should lend, without interest, a sum of 40,000,000 francs for the purposes of agriculture, and should, in addition, furnish a further annual sum by way of tax for the same purpose. The amount of this latter contribution, which depends on the average bank rate for the year, amounts usually to about 5,000,000 francs. These funds are dispensed through the channel of the regional banks. The latter, as we have seen, receive their capital from the local banks, and as soon as this is made over to them they are entitled to a loan free of interest from the State of four times the amount subscribed. From these funds the regional banks lend to the local offices at 3 per cent, and the local offices in their turn lend to their members at 3½ to 4 per cent. The process by which this is done is as follows: An application for a loan is considered in the first instance by the "conseil," or administrative committee, of the local office, which is elected by the members. If approved, the application is then submitted to the committee of the regional bank, which is elected by the representatives of the local banks in its district. If the latter finally pass the loan, the applicant draws a bill on himself for the amount sanctioned. This bill is then indorsed on behalf of the local office and discounted by the regional office. Should the latter, however, not have sufficient funds for the purpose, it may again indorse the bill, which will now have three names and can therefore be rediscounted with the Bank of France. Thus the funds at the disposal of the regional office are not limited to the amount furnished by the Government. It should be noticed, however, that the process of discounting with the bank leaves no margin of profit to the regional office. These bills usually run for three months, but may be renewed for further periods of three months provided the total period of the loan does not exceed two years and that one-half is paid off at the end of the first year.

It will be apparent from this sketch of its machinery that the Crédit Agricole is a highly centralized State-endowed institution, and, skillfully though it has been managed, it does not

escape from the defects natural to such a system. In its desire to force the pace the Government has been compelled to rely as little as possible on the inexperience of the farmers, and has therefore formulated stringent rules governing the granting of credit. Loans are granted solely for agricultural purposes, which are set forth in elaborate schedules, together with the amounts appropriate to each. Little encouragement is thus given to the members of the societies to appreciate the true value of money or to acquire experience in the management of the bank. Again, the finance of the scheme leaves something to be desired. The "caisses régionales" are intrusted not merely with a State contribution of four times the amount of their capital; they may increase their liabilities almost indefinitely by discounting with the Bank of France. M. Décharme himself gives an instructive example of this (loc. cit., p. 513) when he describes how, during a recent crisis in the wine-growing district of Montpellier, the regional bank, with a capital of a million francs, lent in all sixteen millions, being eleven millions over and above its own capital and the proportion lent by the State. M. Décharme quotes this incident with evident approval, but whatever be the merits of the particular case, it is difficult to believe that such a policy might not lead to a dangerous collapse. It is true that the "conseil" of the regional office watches over the local banks and that the regional office itself is subject to the supervision and inspection of the department, but it is doubtful whether such surveillance from a distance is as effective as the interested vigilance of the aufsichtsrat of the Raiffeisen society.

It would seem, however, that the authorities are not insensible to the dangers of State endowment, for the hope is expressed that the bank's loan of forty millions, though not the yearly contribution, will ultimately be repaid. To do this a large increase in the deposits, which at present are small, is essential, and this, in view of the well-known thrift of the peasantry, should not be impossible if the inveterate habit of hoarding can gradually be broken.

In spite, however, of the defects of the system the results are not discouraging. There are now regional banks in every department and the local offices number nearly 3,000, with an average membership of between 40 and 50. The average credit per member per annum is about 500 francs, but the whole amount placed at the disposal of the Crédit Agricole by the State has not been required, and it has been necessary to find other outlets for it.

OTHER COUNTRIES.

We have considered the German and French systems in some detail—the former not only because it was the first in the field and has reached a higher pitch of development than that of any other country, but also because every other system of agricultural banks has been to a large extent consciously modeled upon it and derived from it—the latter because it is the example par excellence of a State-controlled system. Several other European countries, however, notably Italy, Belgium, and Austria-Hungary, are provided with more or less efficient, if as yet inadequate, systems of credit societies. These all follow the Raiffeisen type closely and can only be briefly alluded to here.

The experience of Italy is interesting, because in no other country, probably, has Raiffeisenism had such overwhelming difficulties and obstacles to contend against. The poverty and ignorance of the peasantry were and still are almost incredible, while everywhere the land was in the grip of the usurer. In spite of this, however, the system has won its way with notable success. It was in 1883 that Wollemborg, the Raiffeisen of Italy, started the first "cassa rurale," with 32 members, at Loreggia. Since then great progress has been made, and there were in 1908 at least 1,500 banks (Wolff, "People's Banks," p. 331), a large proportion of them of Catholic foundation, having loans outstanding of over a million and a half sterling and deposits of no less than two millions. Each member subscribes a share of 1 or 2 lire, and pays also a small entrance fee, this latter feature being a departure from strict Raiffeisenism. The total share capital amounted in 1908 to nearly £20,000 and the indivisible reserve funds to more than twice as much.

In Belgium, too, Raiffeisenism has been finally adopted as the solution of the agricultural credit question. An earlier attempt was made, somewhat after the fashion of the French Crédit Agricole, to pump down credit by means of the Comptoirs Agricoles, which are agricultural commissions acting as intermediaries between the National Savings Bank, which provides the funds, and the small farmer who is to be thus tempted to borrow. This institution, however, has failed altogether to reach the small man, and its business now consists in providing mortgage credit for well-to-do landowners. The first Raiffeisen bank was founded in 1892 by the Abbé Mellaerts, and the system has rapidly spread since then. In 1908 there were (Ibid. p. 382) 584 "caisses locales," mostly, as in Italy, of Catholic complexion, with an average membership of between 40 and 50. There are also seven "caisses centrales," or central banks, which perform the two functions of inspecting the local banks affiliated to them and acting as agents between the latter and the Caisse générale d'Epargne, which lends to them on bills indorsed by the "caisse centrale." Only the largest of these central banks—the "Boerenbond"—has become a Centralkasse, in the German sense, receiving deposits from and making advances to the local banks without the aid of the savings bank. It may be remarked that the State makes a grant of 100 francs to each bank toward its foundation expenses besides contributing annually 25 francs to pay for inspection and audit.

We have now completed our brief survey of the systems of rural credit existing in the chief European countries. We find that in every case the basis of the system is the Raiffeisen credit society, but that the superstructure, the organization by which the individual societies are coordinated, differs considerably in the various instances, both in point of development and in the degree of control exercised by the State.

THE CASE OF ENGLAND.

We come now to the case of England. In England there is, as yet, nothing which can be dignified with the name of a system of agricultural credit banks. "The few societies," says Conrad, "exist really only on paper." (Conrad, Handwörterbuch der Staatswissenschaften; sub. tit., Darlehnskassenvereine.) The same remark applies also to noncredit agricultural societies. The state of affairs is not that of Denmark, where cooperative societies for supply and for sale of produce abound, but banks are unknown. In England, the country of Robert Owen and Holyoake, the birthplace of urban cooperative societies, strange as it may seem, agricultural cooperation has hitherto been a failure.

We are thus faced with the question, Why is it that in England alone of the important countries of Europe rural cooperation has not succeeded? The answer to this question will carry us some distance at least toward the solution of the further questions with which we are most concerned, namely, Do the conditions which have hitherto prevented the establishment of an agricultural credit system still prevail? And, if not, What kind of system is most suited to the present conditions?

The most important circumstance which has militated against the development of agricultural cooperation in England is the system of land tenure which prevailed throughout the nineteenth century. England is a country of large properties, and of large holdings. During the first half of the last century, when corn growing was the most profitable form of agriculture in western Europe, large holdings were economically most suitable, and England was consequently looked upon as the model agricultural country. With the opening up of the trans-Atlantic markets, however, the competition of the United States, Canada, and the Argentine cut severely into the profits to be derived from the growing of cereal crops in Europe. Hence in England large tracts of arable land were converted into pasture. The quantity of live stock and the output of dairy and market garden produce have increased during the period, but even here, in consequence of improved methods of transport and storage, the effects of competition are severely felt. The conversion of arable land is, in the opinion of competent authorities, not likely to go much further, owing to the curtailment of the proportion of grain available for export from North America; but it is becoming increasingly apparent that the English farmer "has his only assured market in products like milk and high-class fresh fruits and vegetables, which must be supplied close to the place of consumption." (Quarterly Journal of Economics, May, 1910, article by C. R. Fay on Small holdings and agricultural cooperation in England.)

Now, it is in the producing of just this class of commodity that the small holding has economic advantages over the large holding. In the normal case the large farmer can produce more profitably than the small farmer for just the same reasons that the large manufacturer can produce more profitably than the small manufacturer, namely, because he has a larger command of capital, because he can effect economies in working, and because he is in a better position for bargaining. But where the individual care of plants is such that it can not well be left to subordinates, or where the operations can not be reduced to rule, the economic positions may be reversed. It is generally held by agricultural economists that this argument applies to the case in question. So cautious a thinker as Prof. Marshall, for instance, says: "Very small holdings have great advantages whenever so much care has to be given to individual plants that machinery is out of place; and there is reason for hoping that they will continue to hold their own in raising vegetables, flowers, and fruit." (Economics of Industry, book 6, ch. 10.)

That this analysis of the economic forces is substantially correct is borne out by the fact that the large farms of 300 acres and over are giving place, particularly in the eastern counties, to a smaller type of from 50 to 300 acres, chiefly devoted to cattle raising and dairy farming, while the still smaller class of 5 to 50 acres has, at any rate, ceased to diminish. Further, this change in the agricultural conditions has found expression in the increasing demand for small holdings, to which legislative effect has recently been given by the small holdings and allotments act of 1907. This act empowers the county councils to acquire, compulsorily if necessary, land suitable for small holdings (5 to 50 acres) and allotments (under 1 acre), which the applicants hold as tenants of the county council. It is impossible to say at present to what extent the act will be successful, but numerous applications have been approved and not inconsiderable areas acquired.

Thus the case of England, as regards land tenure, stands in sharp contrast to that of the chief continental countries, where, in the face of adverse economic conditions, small proprietorship was kept alive by the legislature for social reasons, while with the opening up of the New World it has been favored by the circumstances we have just mentioned.

It is obvious that in a country of large holdings cooperative credit banks are not likely to succeed. Well-to-do farmers have no need of special facilities for obtaining credit; they are strong enough to make use of the town banks, and, as experience has proved, they are averse to cooperative methods. (See Fay, Cooperation, p. 206.) We have thus one very cogent reason why cooperation, so successful under continental conditions, has failed in the past in England. Our reasoning also gives us prima facie ground for supposing that with the changing conditions in the latter country, the impediments to cooperation are passing away. Another point, however, remains for consideration. The small tenant farmers of England are not in the same position as the small proprietors of the Continent. The former are normally without security of tenure. Their tenancy is liable to be ended at short notice. In many cases, no doubt, this possibility is remote, and a tenant may in practice have reasonable fixity of tenure, together with, perhaps, actual advantages over the small proprietor. In other cases, however, the possibility is much less remote, and the effect of its existence is to deter tenants from spending that amount of labor and of capital, whether borrowed or otherwise, on their holdings which they would spend were the conditions of tenure otherwise. But here, again, the recent course of events has introduced changes. In the first place, tenants of the county councils under the small holdings act are likely to have considerable security of tenure, as the land they occupy has been acquired and must be used solely for the purpose of small holdings; secondly, recent legislation has instituted compensation for improvements. A tenant who improves the value of his holding by his own care and at his own expense, is no longer faced with the risk, perhaps varying in the direct ratio of his efficiency, of losing his holding and with it the capital sunk in it, or, in the alternative, of paying rent upon his own improvements.

It would appear, therefore, that the agricultural conditions in England are becoming very much more suited to the growth of a system of cooperative banks than they were in the past. Indeed, it is urged with much plausibility that without cooperation, both for credit and other purposes, the small-holdings movement is doomed to failure, for it is only by noncredit cooperation that the small holder can profitably convey his produce to the markets and secure a fair price for it on its arrival, and it is only by cooperative credit that he can find adequate capital to develop his land and can withhold his goods from the market during a period of temporary depression.

It is very possible, however, that agricultural credit banks will not reach the pitch of importance which they have attained in Germany and elsewhere, and it is certain that their progress, if healthy, can only be slow. Experience has shown that the chief difficulty which those who have attempted to establish such banks have had to contend against is the suspicion with which they are regarded by those who have most to gain from them. The average farmer does not like his business dealings or his financial position to be known by his fellows, and the better-class man has a rooted and very intelligible objection to borrowing. A writer with a wide experience of these matters writes of one particular attempt. "The usual difficulty is, however, encountered, the tenants dislike having to find sureties, and the publicity involved in an application for a loan to a committee." (Miss L. Jebb, "Small Holdings," p. 227.) Conrad goes so far as to suggest that the English character (Volkscharakter) is unfavorable. (Loc. cit.) This, however, is a dangerous line of argument. Little progress of any kind would be possible were natural conservatism always magnified into an insurmountable obstacle. Probably educational work would do much to smooth over these difficulties. There is no reason why the small farmer should not learn—as the small business man has long since learned—the difference between borrowing for productive purposes and borrowing for consumption. And as to the publicity involved it can only be urged that its unpleasantness, which should not be so very great in a properly conducted society, is far outweighed by the advantages of the system. Still the difficulties must not be underrated, especially as in England to-day the driving force of necessity will render less aid than it did to Raiffeisenism in its early days.

We come now to the practical question, granting the desirability of providing credit facilities for agriculture, What type of bank is best suited to English conditions? A complete answer to this question is from the nature of the case impossible, for a social institution of organic character can only grow up gradually, advancing along the line of least resistance. Little, therefore, can be said of the higher organization of the system, which should come into being, as in Germany, by a natural process of evolution as the need for it is felt, not, as in France, on a predetermined plan to which the societies must learn to adapt themselves. Possibly a modus vivendi with the joint stock banks may be established by which needless competition and duplication of machinery may be avoided to the mutual benefit of both parties. As regards the societies themselves, it would seem fairly plain that they must approximate closely to the Raiffeisen type. As we have seen, this type of society has been universally adopted on the Continent, and in every case it has succeeded, while attempts on different lines have always sooner or later met with failure. In fact, the experience of other countries has no alternative model to offer. The Schulze-Delitzsch type of bank, though many of its members are agriculturists, does not really meet the case. It is only suited to more or less populous urban districts and for success requires a strong industrial element among its members. Nor does it satisfy the needs of the really "small" man with whom we are here most concerned, while in England it would stand no chance in face of the competition of the already established joint stock banks. The Raiffeisen system has this further advantage that it has in recent years been tried with success in Ireland, while in England, too, such banks as exist are based upon this model.

The experience of Ireland is in some respects more valuable for England than that of continental countries, for in spite of differences of racial character and land tenure the general conditions obtaining in the two countries are not dissimilar, while the legislation governing cooperative societies is identical. The Irish societies are organized closely on Raiffeisen lines. Applicants are admitted to membership if they are known to be sober, honest, and industrious. Poverty, provided it is not the result of the absence of these qualities, is no bar. The members are jointly and severally liable for all the debts of the society and liability continues for a year after cessation of membership in respect of debts incurred before that event. (Report of select committee of H. L., 1910, p. 12.) Borrowers must be members of the society and must state the purpose for which the loan is required. The usual security required is the bond of two sureties guaranteeing the repayment of the loan with interest at maturity or immediately in the event of its misapplication. The funds of the societies are derived from three sources: Firstly, deposits of members and others which receive interest usually at 3½ per cent; secondly, from joint-stock banks which have advanced money at 4 per cent irrespective of bank-rate fluctuations; thirdly, from the department of agriculture and the congested-districts board. (Ibid., pp. 22, 27.) In 1908 the sums received by the banks from these sources were £20,000 from depositors, £15,000 from joint-stock banks, £1,000 from the department, and £6,000 from the board. (Debate in House of Commons, July 7, 1910, speech of Mr. Hugh Barrie.) The societies in that year numbered 268, with an aggregate membership of 17,400.

The English societies were, at the end of 1910, 40 in number. They are nearly all affiliated to the Agricultural Organization Society, and the rules by which they are governed are much the same as those of the Irish societies. The journal of the board of agriculture for December, 1911, gives figures relating to 31 of these societies. The aggregate membership of these was 663 in 1910, an average of 21 as compared with the Irish figure of 65 for 1908 and the German figure of 88 for 1905. The average amount of credit per member granted during the year was little more than £2, comparing with about £25 for the Raiffeisen banks in Germany. Two or three of the older societies appear to be in a flourishing condition, and have accumulated considerable reserves, but in the large majority of cases the

results are as yet very meager. It is, however, only fair to point out that all except six of the societies have been founded since 1904, while the three years 1908–10 have seen the birth of 27 societies. On the other hand, the report referred to deals only with existing societies, and gives no indication of the number of those which have failed to survive their infancy. The funds of the societies are derived almost wholly from deposits of members and others and from advances by the joint-stock banks, the proportions for 1910 being £1,089 from depositors and £488 from the banks. In England no funds have as yet been received from Government sources, though to judge from a recent speech of Lord Carrington (at Crystal Palace, Oct. 18, 1911) large amounts are likely to be placed at the disposal of cooperative societies from the development fund. This policy is also foreshadowed by the agricultural credit and insurance societies' bill, introduced during the past session in the House of Lords, which provides that the board of agriculture may out of the small-holdings account "make grants upon such terms as the board may determine toward the cost of formation of the society or the payment of the expenses of management of any recently formed society." (Section 2 (1).) This proposal has been strongly opposed by Mr. Wolff and the other leaders of the movement, and, if a permanent subsidy is intended, it would seem, in accordance with the opinion already expressed in this essay, to merit their condemnation. The section of the agricultural credit societies' bill just quoted, however, certainly implies that the grant is intended merely to encourage the formation of societies without holding before them the prospect of any further assistance when once they are in full working order. If this principle be rigidly adhered to we may, perhaps, on the analogy of the "infant-industry" argument, regard such aid as free from objection. Probably there would be less risk of abuses in this connection were the concluding words of the section omitted and the proposed assistance granted only "toward the cost of formation of the society." As a further safeguard the grant might be withheld till the end of the first year's working of the society, being then allowed, conditionally upon efficient management and promise of success, as a contribution toward the extinction of the probable initial deficit.

A more satisfactory feature of Lord Carrington's speech was his announcement that he had been assured by the representatives of the principal joint-stock banks that they would be prepared to lend money to the credit societies. It would undoubtedly be better from the point of view of the ultimate good of the societies themselves were they to supplement the deposits intrusted to them from this source rather than by means of State loans carrying a low rate of interest. No doubt the English banks would make the same concession as the Irish banks, of lending at a fixed rate independent of market fluctuations; and under the overdraft system the societies would be able to satisfy their requirements without keeping any considerable sum lying idle, which, of course, they could not afford to do. It is significant that in Ireland the board of agriculture has in several instances failed to secure the repayment of its advances, while no such difficulty has been experienced by the joint-stock banks. It is suggested that Irish agriculturists are disposed to regard a Government loan as a Government grant, and possibly this sentiment might be found not to be confined to Irishmen. Be that as it may, it can not be too strongly urged that it is only if they are regarded as businesses and not as charitable institutions that cooperative credit banks can hope to achieve lasting success. Accordingly, let the Government promote their success as far as it can by the establishment of technical colleges, by the demonstration of scientific methods and model holdings, and by educational work in general, but as little as possible by the promise of financial support.

As has already been pointed out, both the Irish and the English credit societies—excluding those which add to their main non-credit business that of granting credit to members—are organized in accordance with strict Raiffeisenism on the basis of unlimited liability. Raiffeisen laid great stress on this for two reasons—first, because the peasants with whom he had to deal were so poor that they were unable to subscribe even small shares, and their liability to the extent of their property, representing in most cases little more than the "equity of redemption" of their heavily mortgaged farms, was therefore the only asset on which to raise the necessary capital; and, secondly, because by this means he hoped to instill into them a fit sense of responsibility and caution. Undoubtedly in the circumstances in which he found himself Raiffeisen was right. But it is by no means so certain that the English cooperators are right in following him in this respect. The German farmers, among whom Raiffeisen worked, were so deeply involved in debt already that they had no hesitation in pledging the little that was left to them in return for the chance of freeing themselves from the clutches of the money lender. The English farmer, on the other hand, is comparatively unversed in credit dealings, and for that reason the more afraid of unlimited liability. Evidence is not lacking to support the view that men who have kept free from debt are apt, however poor they are, to shrink from making themselves liable without limit, however dazzling the prospect of gain may be. For instance, in the case of the Italian and Belgian "banques populaires," which are banks of the Schulze-Delitzsch type, the attempt to introduce unlimited liability proved a failure (Wolff, "People's Banks," pp. 258, 361), while in France, as we have mentioned, the caisses locales of the Crédit Agricole may be of limited liability. Nor does the fact that the unlimited-liability type of bank has succeeded in Ireland prove anything to the contrary, for there the usury of the "gombeen" man was widespread, and the conditions in that respect more akin to those with which Raiffeisen had to deal.

It would therefore seem not improbable that a system of limited-liability banks with partly paid-up shares would have the best chance of success in England. This arrangement would have the advantage of giving the bank a small capital to begin with, while there is no reason why the uncalled portion of the capital should not be sufficient security upon which to borrow. Indeed, there is an instance upon record in which a large provincial bank offered to advance money to a cooperative society (Soham Small Holders (Ltd.); *see* Quarterly Journal of Economics, May, 1910, loc. cit.) on the conditions that the latter should issue £1 shares with 2 shillings paid up, the number of shares taken up by each member to vary according to the acreage of his holding. If, then, the joint-stock banks are content to follow this example and lend to this type of society, we may rightfully claim to have disposed of one of the two main arguments of the strict Raiffeisenist in favor of unlimited liability, namely, that it is essential for the raising of funds. The other argument is that without unlimited liability the members of a society might become careless as to whom they elected as members or selected to serve on the committee or inspection council (Report of Select Committee of H. L., p. 11). As against the system of limited liability with fully paid shares this argument is no doubt valid, but in view of the very considerable, though strictly limited, liability to which every member would be exposed under the system mentioned it will hardly apply to that case.

It may be pointed out here that if on experiment this type of society proved more congenial to the English farmer, as we have suggested it may do, the need for legislation in the direction suggested by the committee of the House of Lords would no longer exist. A credit society which desires to combine the business of supply or sale with its banking business can not register itself as a "specially authorized society" under the friendly societies act, under which act all existing societies are registered. It may, however, register under the industrial and provident societies act, but in that case it must be a limited-liability society. The committee came to the conclusion that it was desirable that small societies should have this power of combining banking with trading, and in order to give effect to their decision were forced to recommend the amendment of the law in the direction either of granting trading powers to specially authorized societies under the friendly societies act or of permitting unlimited-liability societies to register under the industrial and provident societies act. They chose the former alternative, but the provisions of the agricultural credit societies bill indicate that the latter was preferred by the Government. It will be seen that there is nothing to prevent limited-liability credit societies from carrying on a trading business at present, and were they to displace the unlimited-liability societies the proposed amendment of the law would be unnecessary. Its adoption, however, would have the advantage of allowing the two types to exist side by side under the same act until the "fitter" of the two ousted the other by a process of natural selection.

Within the limits of this essay it has been, of course, impossible to deal even cursorily with all the details connected with the organization of a system of agricultural credit banks which deserve discussion. The question of the relative merits of the limited and the unlimited liability society has been treated at some length, because it is not impossible that a modification of strict Raiffeisenism in this respect would be justified in England, though such modification would in no way amount to the invention of a new system. One further point, however, seems to deserve passing mention because of its paramount importance. This is the question of the proper inspection and audit of accounts. It has been found difficult to impress upon the small agriculturist the necessity for the punctual and accurate keeping

of accounts, particularly in the case of the smaller societies in which transactions are not of very frequent occurrence. A considerable number of the Irish societies were reported to the department of agriculture as unsatisfactory on this very ground. (Report of Select Committee, p. 36.) The dangers of carelessness of this kind would be still greater in societies which combined a trading business with banking, and as it is only the smaller societies which are likely to carry on this combined business, it is evident that the need for proper inspection is very great. The Raiffeisen machinery for the performance of this office has already been described, but in Ireland the necessity for the committee of inspection has not been duly appreciated, while the Raiffeisen system of a union of societies for mutual inspection has not been adopted. (Ibid., p. 14.) The experience of Ireland, therefore, would tend to show that independent inspection by a Government official is the most satisfactory way of dealing with the question, at any rate until the societies are numerous enough and strong enough to combine for this purpose.

Finally, we may sum up once again the chief reasons for regarding Raiffeisenism as the only possible solution of the problem of agricultural credit. The Raiffeisen system alone has been able to utilize satisfactorily the only security which the small agriculturist has to offer, namely, his personal pledge to repay, supported by the guaranty of men of his own class and standing. It alone has been able to perform all that is demanded of an agricultural credit bank without subsidy from charity or the State; not, indeed, without the assistance of the man of education and the philanthropist, but at least without his financial assistance, which alone could deprive it of that spirit of robust independence in which lies half its value. And this it has done, not in one country alone, or even in Europe alone, but throughout the civilized world wherever it has been tried, with a success that is beyond question, and has all but silenced criticism. In this essay we have been concerned only with Europe, but we may conclude with the advice of one (F. A. Nicholson, "Report regarding the possibility of introducing land and agricultural banks into the Madras Presidency")—a civil servant of repute, be it noted, and no fanatic or blind reformer—who has spent years in establishing the same system among the ryots of India, "Find Raiffeisen."

The Excise Tax—Protection v. Free Trade.

SPEECH

OF

HON. LUTHER W. MOTT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 31, 1912.

Mr. MOTT said:

Mr. SPEAKER: The discussion of the proposed reciprocity arrangement with Canada, which it is now proposed to repeal, brought out a very important fact, which is of the greatest importance to the farmers of this country. It has been said that the protective tariff is mainly of value to the manufacturers; it is, however, of equal value to the consumers, a very large class of whom are farmers. When the Canadian reciprocity agreement was pending, the prices of farm products, particularly in the Northwest, which would have been most affected by Canadian competition, declined, while on the other side of the line, at Winnipeg and other Canadian points, the prices rose. When the Canadians rejected the proposed arrangement, prices declined in Canada and rose in America, thus showing the value of the tariff to farmers.

A reputable Toronto newspaper figured that the Canadians in the northwest Provinces lost some $20,000,000 in a few weeks by the rejection of reciprocity. American farmers must have profited by this to the same extent. This has a most important bearing, as showing the value of protection to farmers as well as to workmen and people in general.

Great Britain is the only important nation that has free trade, and she collects almost as much for every inhabitant at her customhouses as does the United States, but British duties are imposed on so-called luxuries, such as tea, coffee, sugar, currants, tobacco, and so forth, while we admit tea, coffee, and other necessary articles not produced in this country free and impose duties to protect American workmen and develop new industries.

Judging from the way tariff legislation has been rushed through the House as a result of caucus rule and gag law, discussion of the subject is not palatable to the party in control. Days and weeks are spent in consideration of comparatively insignificant bills, but as soon as a tariff bill was brought in, under caucus rule, the time for its consideration was limited to such an extent as not to permit of free discussion, and even night sessions were sought to hasten the departure of the measure to the other end of the Capitol. If there were any possibility of accomplishing anything by that course, other than to shut off debate, there might be some excuse, but there clearly was no other purpose than to prevent, as much as possible, exposure here of the glaring inconsistencies and shameless disregard of public interests by those measures. The Nation is suffering from tariff agitation, for the reason that no one knows how disastrous may be the consequences of any bill that might become a law with the sanction of the majority of this House. There was no such unfortunate situation when the Dingley or the existing tariff laws were under discussion. Producers knew that their interests, as well as those of consumers and workmen in general, would not be ruthlessly slaughtered, as would happen were any one of these Democratic tariff bills put in the statute books.

REDUCTION IN RATES BY THE EXISTING LAW.

The average ad valorem rate of duty on all imports for the fiscal year of 1911 was 20.29 per cent, the lowest since 1861, when the imports per capita were only one-half what they are now. The percentage of free imports for the month of April of this year was 54.5 per cent, and was nearly that for 10 months, while in 1909, under the Dingley law, the percentage was 45.70. Nearly 9 per cent has been added to the value of free imports by the existing law. The average rate for all dutiable imports was 43.15 per cent for 1909 and 41 per cent for 1911. The imports per capita for the first year under the new tariff were $16.54 as compared with an average of less than one-third that amount in the "befo' the war" period. This will give some idea of the great increase in imports and the large reduction by the existing law of tariff rates. There can be still further reductions, but they should be made in accordance with the facts as reported by the Tariff Board, after thorough inquiry, and not in the haphazard, slipshod way that has been attempted by our Democratic friends. It does not follow that an article is cheaper to the consumer because of tariff reduction. For instance, hides were put on the free list, but the price increased. The duty on boots and shoes was lowered by the existing law, but prices increased; the duty on lumber was reduced, and the Government lost $1,250,000 in revenue, but there was no reduction in prices to consumers. Our Canadian friends pocketed that reduced tariff rate and charged the same, if not more, for their lumber than before the new law took effect. Printing paper and wood pulp coming from Canada were put on the free list, but there has been no reduction in price, and our Canadian friends continue to impose a duty of from 10 to 25 per cent on the same class of articles when imported into that country from the United States.

PRICES REDUCED UNDER A PROTECTIVE TARIFF.

If an industry is well established in the United States, with competition between home producers, the price for such an article is not only reduced but continues to fall to a point a little above the cost of production. The Democratic assertion that the duty is added to the price of an article does not rest on facts. When the duty on wire and nails was 2 cents per pound, such nails sold in the market at retail at 1.65; handsaw files, on which the duty was 75 cents per dozen, sold at retail for 48 cents per dozen; bunting, on which the duty was 22 cents a yard, sold at retail for 20 cents; lead pencils, with a duty of 60 cents per gross, sold at retail for 45 cents; playing cards, with a duty of 50 cents a pack, sold for 19 cents; and calico, with a duty of 5 cents a yard, sold at from 3¾ to 5 cents. That illustrates the fact that the duty is not added to the price of an article, and the Tariff Board has reported the same fact in regard to the woolen schedule. It states, after a thorough investigation, that woolen goods sell in this country at very much less than would be charged if the duty were added to the price.

In the metal bill, which the Democrats passed in the House without any report from the Tariff Board, and without taking the testimony of anyone, so far as the public knows, there is furnished a good illustration of their proposed method of tariff legislation. Machine tools, linotype machines, typewriting machines, printing presses, sewing machines, and so forth, were put on the free list in that bill, but the raw materials out of which these highly finished articles are produced are made dutiable—from 10 to 25 per cent. In other words, the proposed law would discriminate against the production of such articles in this country, because the foreign manufacturer could get his raw materials free and his labor at less than one-half the cost in the United States. It is self-evident that a manufac-

turer of this country could not continue to produce those articles under such conditions in competition with his foreign competitors.

Of machine tools there are $40,000,000 worth produced in this country. At one time we were greatly in advance of any other nation in the production of such articles, but the patents have expired, and, as shown by Government investigation, foreign machine shops are equipped with the same kind of tools as those used in producing such articles in the United States. At one time it was said that the efficiency of labor in this country was greater than in Europe, but that theory is now exploded, and our manufacturers have no advantage over their European competitors.

AMERICAN FACTORIES IN GREAT BRITAIN.

The largest sewing-machine corporation in this country has a factory in Great Britain, where it employs several thousand men. There is no duty on sewing machines in that country, consequently if they can be produced at their factory in the United States at as low a cost as in Great Britain there would have been no object in establishing that factory in Glasgow. And that is true of many other things produced in Europe by American manufacturers. If our Democratic friends have their way, sewing machines will be on the free list, and they will cease to be produced in this country because of the lower cost in Europe and the low water transportation rates, with which manufacturers in this country could not compete. The same thing can be said of typewriting machines, printing presses, linotype machines, and so forth. Such legislation is not only disastrous to great industries in this country, employing many thousands of men, but it means ruin to other industries. This same metal bill puts hoops and bands of iron and steel in scrolls or long lengths on the dutiable list at 15 per cent ad valorem, but when they are cut into shorter lengths, including cotton ties, they are to be admitted free. In other words, when more labor is expended on them they are to be admitted free, but when put up in long lengths they are to be dutiable. This is a discrimination against the American laborer and manufacturer in favor of the foreign competitor. Again, bolts and nuts are dutiable, but when the nuts are imported separately they are to be free. Wire and wire rods are dutiable under that bill, but nails and spikes made from the rods are to be free of duty.

In other words, our Democratic friends want to discriminate against the American producers so as to compel the nails and spikes to be manufactured in Europe. Beams, structural steel, and sheets are dutiable at 15 per cent, but when fabricated into various articles the same rate of duty is imposed. Of course, they would not be imported to be fabricated in this country at higher wage cost when that could be done in Europe or elsewhere without paying any higher rate of duty. In the same way, fabricated steel, punched and riveted, is to be admitted at the same rate of duty as plain steel coming from the mills. Barbed wire and wire for fencing is to be admitted free, but the pig iron, steel billets, open-hearth billets, chrome, ferromanganese, ferrosilicon, lead, spelter, sulphuric and nitric acids, all of which are used in the production of barbed and other wire, are dutiable; in other words, the finished article is to be free, but the raw material out of which it has to be manufactured is to be dutiable. Of course that would stop the manufacture of such articles in the United States. "Wire for fencing" is a term that would practically include all wire, because of the great variety of wire used for that purpose. Zinc ore is put on the free list, which would close all of the western mines for the reason that wages in the zinc mines in Mexico and Spain are a mere fraction of the rates paid in Idaho, Utah, Colorado, and elsewhere in this country for similar work.

STRIKING AT THE CUTLERY AND OTHER INDUSTRIES.

The bill reduces the rates on cutlery, of which two-thirds of the quantity now consumed in this country is imported to such an extent as practically to destroy the industry in this country. The estimated increase in imports, as made by the Ways and Means Committee under their proposed reduced rate, would practically equal almost the quantity now produced in American factories, and therefore would necessarily close them unless wages could be reduced to the European level. Spikes, nails, and washers, which are put on the free list, and the raw materials of which they are made are dutiable, and consumed largely by railroad corporations. They do not ask for any such legislation, and the purpose of our Democratic friends seems to be that of striking a hard blow at American workmen.

Horseshoes are put on the free list, although the raw materials would be dutiable and consumers would get no benefit from the closing up of American factories. The price charged now at retail for a horseshoe is a mere fraction of its cost, consequently the consumer would derive no benefit from putting this article on the free list. Electrical machinery is reduced greatly in duty, though the Westinghouse and General Electric Cos. now have factories in England and elsewhere. They have protested against this reduced rate, but that has no effect with our Democratic friends.

There are 28,000 persons engaged in producing typewriting machines in this country, to whom $9,000,000 are paid in wages annually. The basic patents on these machines have expired, and they are now copied in Germany and sold in South America and elsewhere at prices with which the American producers can not compete. If placed on the free list, the production abroad would enormously increase and necessarily meet the demand for such articles in this country, unless our manufacturers could reduce wages and produce at the low cost of their German competitors. Ferromanganese is a raw material used in the production of steel. The United States Steel Corporation, otherwise known as the Steel Trust, produces this article for its own use, but all other steel manufacturers have to import it. The Democratic metal bill more than doubles the duty on ferromanganese, to benefit no one except the Steel Trust and to make it harder for all other steel producers to compete with that trust. But, on the other hand, on ferroalloys, which are made in this country, the duty is reduced by the Democratic bill. Such legislation for the benefit of this gigantic trust is inexplicable on any sane ground. In the same way the Democrats passed a sugar bill in the House, putting sugar on the free list, which would benefit the Sugar Trust and the cane-sugar refineries and destroy the beet-sugar industry, which competes with the trust in this country. Then the Democrats put bone black, which the sugar refineries use, on the free list. It is made in this country, but owing to the low cost of production abroad, if put on the free list for the benefit of the Sugar Trust, its production in this country would cease.

A blow was also struck at the lead-mining industry in this country, which is a great industry, giving employment to many thousands of men. The workers in this industry in the Western States average $3.50 a day, but in Mexico the pay is from 26 to 78 cents a day, and in Spain from 30 to 50 cents a day. Canada pays a bounty on its lead production; but the Democrats apparently want to help all those foreign producers at the expense of the American workmen and manufacturers.

TIN PLATES AND AUTOMOBILES.

Tin plates, on which the Democrats propose to reduce the duty below the productive point, is another of the illustrations of the wonderful benefits that flow from a protective tariff. When it was proposed to start this industry in the United States the Democrats could hardly find words enough in the dictionary to express their contempt for the proposition. Even Grover Cleveland, after he was reelected President, leveled his shafts of ridicule at this industry. But what has been the result? Before the McKinley law was passed we were dependent on Wales for our tin plate. In 1891 we paid $35,746,920 to Great Britain for tin plates. Last year, 1911, we paid only $1,082,417, and then these tin plates were all used for coverings on goods exported and a drawback of the duty was allowed. Last year we produced 800,000 tons of tin plates, valued at $52,000,000, and paid out in that industry over $27,000,000 in wages. The price of tin plates averaged, from 1879 to 1891, $4.81 a box. The duty was imposed in 1891, and the price has gradually declined since, so that from 1909 to 1911 the average price was $3.38 a box, although block tin was 2 cents a pound higher, because of its control by an English trust. If our market is opened to the "dumping" process of the British manufacturers, the magnificent development of this industry will be stopped and foreigners will again get control of our market and prices will be advanced just as they were before we began the production of tin plates in this country, or wages will go down more than one-half. More satisfactory evidence of the beneficial effect of a protective tariff could not be found than in this tin-plate industry, and what has been accomplished has been in the face of the most bitter and determined opposition of the Democratic Party.

The automobile industry is still another illustration. When the Dingley tariff was passed in 1897 this industry was not sufficiently developed to be mentioned. Hence, automobiles were imported under a general clause as manufactures of metal. The value of the products of this industry in 1899 was $4,748,000 and in 1909, $194,722,000, an increase of 608 per cent in the annual value of new machines in 10 years. The increase has been at a more rapid pace since 1909, as the machines are used more and more for business purposes. The manufacture of automobiles began in Europe, and they were imported into this country to the extent of $4,000,000 worth a year at one time, but the industry has developed here to such an extent that we exported last year over $16,000,000 worth. This large ex-

portation is the result of the enormous development of the industry, so that we produce a cheaper machine for general use than is produced in Europe. But our European competitors are rapidly adopting American improvements, and if aided by Democratic legislation will soon greatly increase their exports to this country. Foreign manufacturers have another advantage in that they can take out patents in the United States without producing their machines here, while the American manufacturers, to hold a patent in England or France and elsewhere, must have their machines, for which they hold such patents, made in those countries. But with all these disadvantages the enormous growth of this industry under a protective tariff is the best possible evidence of the wisdom of maintaining that protection which our Democratic friends want to destroy.

DEMOCRATS FOR FREE TRADE.

Speaker CLARK has declared himself in favor of wiping out every vestige of a customhouse, and that is the Democratic doctrine. As Henry Watterson has declared, "The Democratic Party is a free-trade party or it is nothing." The Democratic national convention declared that "protection is a fraud," and further asserted that "the Federal Government has no power to impose and collect tariff duties except for revenue only." That is the Democratic doctrine, however much they may undertake to sugar coat it, and what it means is well illustrated in what took place under Cleveland's administration, when they took steps in the direction of carrying that doctrine into effect, and threw 3,000,000 men in the United States out of employment and caused probably more loss than was produced by the Civil War.

WONDERFUL DEVELOPMENT OF THE BEET-SUGAR INDUSTRY.

The beet-sugar industry, like the tin-plate and various other industries, owes its existence to the tariff. Previous to the passage of the McKinley tariff law there were only two beet-sugar factories in operation in the United States, producing in 1889 some 2,600 tons of sugar. The development of this industry was stopped under the Democratic administration, but when the Dingley law was passed the industry began to develop rapidly. In 1911 604,800 short tons of beet sugar were produced, with a value of considerably over $50,000,000. Instead of sending that much to foreign countries to pay for sugar, we kept the money at home and paid it out largely for labor. In the words of Abraham Lincoln, "We had both the money and the sugar." Secretary Wilson, of the Department of Agriculture, thinks that we should produce all of the sugar that we consume, and why not? The department has demonstrated conditions of soil and climate favorable to beet culture in an area of at least 274,000,000 acres, and it will only take one acre out of every two hundred of that total to produce all the sugar we now import from foreign sources. In the fiscal year of 1910 we paid $106,349,000 to foreign countries for sugar. If that money were kept at home and paid to American farmers and workmen we would add vastly to the comfort of the Nation. The beet-sugar factories are scattered over 16 States and 1 Territory. Secretary Wilson says that wherever factories have been successfully operated the value of farm lands has risen very decidedly, as beet culture improves the land and educates the farmer. The operation of a factory leads to the investment of capital in many industries more or less related to beet-sugar production. The by-products, pulp and molasses, are fed to stock, and their use has largely increased the amount of live stock kept in most factory districts. The industry would have developed in a still greater degree except for the unfair opposition of the Sugar Trust. Beet sugar does not go through the trust refineries, as is the case with cane sugar, hence the warfare waged against the beet product. In 1897 there were 322,087 short tons of cane sugar produced in this country and only 42,040 of beet sugar, but last year there were several times as much of beet as of cane sugar.

European countries, with the exception of England, have developed the beet-sugar industry, so that Germany, Austria-Hungary, Russia, and other countries not only produce all they consume, but have large quantities for export. The United States has better land and more of it for producing beet sugar than any other nation, and it only needs continued protection to develop the industry here to the extent that we will not have to pay a dollar to any foreign country for sugar, and our farmers will be enormously benefited as well as everybody else. Under free trade in Great Britain, they not only have lost a large share of their refining industry, but they do not produce any beet sugar, although their land is well adapted to that purpose, as experiments have shown. Germany, under its protective tariff, has made a tremendous success of its beet-sugar product. We have as productive land for beets as Germany, and a vast deal more of it, and all we need is the same protection, relatively, as Germany has had, to cease our dependence on foreign countries for sugar.

DEMOCRATS HELP THE SUGAR TRUST.

There is another element of profit and that is that beet sugar makes impossible the perpetuation of the Sugar Trust. The sugar refineries have been carrying on a warfare over all the country against the beet product, and have been hiring men to get up petitions for the purpose of influencing Congress against the beet product. They have succeeded to the extent of getting a bill passed by the House of Representatives to put sugar on the free list, which would kill the beet-sugar industry, and place this country wholly under the influence of the refiners of cane sugar, but the people of the United States will surely not approve by their votes in November such an outrageous injury to themselves as is proposed by the Democratic Party.

With the development of the beet-sugar industry, the price of sugar in this country has declined, and when the American product comes on the market there is a lowering of rates by the cane refiners, who put up prices as soon as the beet product has disappeared, giving unmistakable proof of the value of the home production in keeping down prices. The average price of granulated sugar in 1890 was 6.27 cents a pound; in 1900 it was 5.32 cents; and in 1910, 4.97 cents. The Sugar Trust has absorbed a large part of the 20 per cent reduction made on Cuban sugar, under the reciprocity treaty, the consumers in this country not getting the benefit of the reduction. The trust buys the Louisiana product under similar conditions. As the producers in that State have to sell to the cane refiners in this country, they are at their mercy. The producers are compelled by contract to sell to the Sugar Trust as soon as their sugar is ready for market, at the New York price, less transportation cost to New York. As the trust has a refinery in New Orleans it pockets that transportation cost, and as it knows when the Louisiana and Texas product will be in the market, it can put down prices in New York temporarily and profit at the expense of the southern producers. They have been seeking to free themselves from trust exactions, and are just finding out how to do so. Last year, by the use of improved methods, sugar was produced at Adeline, La., ready for consumption without going through a trust refinery. The planters have taken steps to increase the production of such sugar, whereupon the trust seeks to extinguish their industry, and extraordinary as it is, the Democratic Party in this House has passed a bill to accomplish that end.

IMPROVEMENT OF THE SOIL FROM BEET SUGAR.

The improvement of the soil by the cultivation of beets is seen in every sugar-producing country. Germany, for instance, produced an average of 30 bushels of wheat to the acre in 1909, as compared with 15 bushels in the United States. Oats, barley, rye, and so forth, all show a great difference in favor of Germany. There has been a marked increase in the productiveness of the soil in the United States devoted to beet-sugar cultivation. If the yield of the soil here were increased to the extent that is now shown in Germany, at existing prices, it would mean over a billion dollars more to American farmers. That is the way to reduce the cost of living, instead of increasing it by striking at the farmers, as the Democrats propose to do.

The Agricultural Department reported 419 projects for new beet-sugar factories in 26 States, all of which, with the exception of 64, have been temporarily abandoned because of the threatened destructive tariff legislation. If only 218 of the abandoned projects had materialized, this country would to-day be producing all the sugar it consumes, and we should have cheaper sugar at all seasons of the year. This shows what will be accomplished whenever an end has been put to this Democratic attempt to destroy numerous industries by free-trade tariff legislation. Germany has paid in direct bounties to beet-sugar producers over $60,000,000 and in 20 years paid $290,000,000 in export bounties, and the Germans are proud of what they have accomplished. A report of the Agricultural Department shows that land in this country devoted to sugar-beet culture increased in value per acre in California $59, in Colorado $49, in Utah $39, in Oregon $24, in Michigan $10, in Nebraska $18, and so on with other States.

If sugar were put on the free list it would mean the removal of our countervailing duties, and then Russia, which pays heavy export bounties, could flood this market with bounty-paid sugar, crush out the home industry, or make us dependent on foreign producers or trusts. What that may lead to can be seen in the case of coffee. It was put on the free list and the foreign producers, or syndicates, got the benefit. To-day we are paying $50,000,000 a year tribute to the capitalists who contro-

the coffee market and who have doubled the price of that product. If we had maintained the duty we would have had a weapon of defense. Now we are powerless.

WHAT THE CENSUS RETURNS SHOW.

The census returns of 1909 show that the product of the manufacturing industries, for which returns were obtained in that year, aggregated in value $20,672,052,000, a gain of $5,878,159,000 in five years, as compared with a gain of $3,386,976,000 for the preceding five years. No nation in the history of the world has ever shown such progress in the same length of time. In the 10 years from 1890 to 1900, which included the four years under the Democratic administration of President Cleveland, the gain was only $3,631,963,860 as compared with $9,265,135,000 in the following 10 years under the Dingley law. But the latter gain was really greater, as governmental establishments were excluded from the last census and included in the former one. This particularly small gain for the 10 years from 1890 to 1900 shows the disastrous effect of tariff changes and tariff agitation, particularly when that is in the direction of destroying the industries of the country. The value of all the farms, including buildings and live stock, doubled between 1899 and 1909, their value aggregating nearly $40,000,000,000. There was an increase of 80 per cent in the expenditure for farm labor and an increase of 108.07 per cent in the average value per acre of farm land alone. The farmers prosper along with the manufacturers. When the latter are depressed and workmen are out of employment, there is less demand for farm products and prices are naturally lower. Hence a protective tariff is just as valuable to the farmers as to any other class of people.

HOW FREE TRADE AFFECTS FARMING IN GREAT BRITAIN.

The effect of free trade on the farming industries is well illustrated in the United Kingdom. The assessment of the land in Great Britain was in value nearly £60,000,000 sterling in the seventies and only £42,000,000 sterling in 1901, a loss of $90,000,000 in the value of farm land in something over 20 years, instead of a large increase, as in the case of Germany and other protected European nations. In the United States farm values trebled in 10 years. There was an increase of only 5 per cent in farm wages in England in 10 years, notwithstanding a large decrease in the number of farm laborers employed. The decline in the number of acres cultivated appears by the official returns to be continuous in the United Kingdom. The number of owners who cultivated their own land, never large, is also decreasing. In 1888 the returns show 15.09 per cent of owner-farmed land and in 1905 only 13 per cent. There was an increase in 10 years of 77,212 uninhabited houses in England and Wales. In 1874 there were 13,178,412 acres in Great Britain, excluding Ireland, returned as "permanent pasture," and in 1910 the returns show an increase of 4,298,459 acres devoted to the same purposes; in other words, that much land has gone out of cultivation. It naturally follows that there has been a large increase in the number of paupers, the total in Great Britain amounting to over 1,000,000, while Ireland has another 100,000, and this notwithstanding the large emigration, which aggregated nearly 400,000 in 1910.

In Ireland the situation is still worse. With over 100,000 births every year the population of that island was 345,426 less in 1909 than in 1890. Notwithstanding the old-age compensation law in Great Britain and other measures to improve the condition of the poor, there were 152,477 more paupers in England and Wales in 1909 than in 1900, and 116,581 more in Scotland in 1910 than in 1900, but in Ireland there were 4,834 less. The large emigration and decline in the population of that island probably accounts for that change. This is in striking contrast to the conditions in Germany and France, which have no advantages over the United Kingdom except from a protective tariff, and where the value of the land has greatly increased and the number of paupers decreased.

FREE TRADERS WRONG NOW AS IN THE PAST.

Free traders are no more nearly right now than they were a century ago. Adam Smith, the author of the Wealth of Nations and the British free-trade saint, wrote:

Even the freest importation of foreign corn (wheat) could very little affect the interests of the farmers of Great Britain. They have nothing to fear from the freest importation.

John Ramsay McCulloch, another British economist, said in 1842:

Is it not the extreme of childishness to suppose that the value of stock is to be seriously depressed and the breeders and graziers ruined by the proposed relaxation of restrictions on importations from abroad? The delusion in the case of corn (wheat) is quite as great as in the other case.

Richard Cobden, in 1843, said:

I have never been one who believed that the repeal of the corn laws (tariff acts) would throw an acre of land out of cultivation. I verily believe that if the principles of free trade were fairly carried into effect they would give just as much stimulus to the demand for labor in the agricultural as in the manufacturing districts.

Again, in 1844, Mr. Cobden said:

So far from throwing land out of use or injuring the cultivation of poorer soils, free trade in corn (wheat) is the very way to increase the production at home and stimulate the cultivation of poorer soils. We expect to have a great increase in production and consumption.

Cobden secured free trade to the United Kingdom, and so far as agriculture is concerned the result is pretty well known. The Earl of Denbigh, writing for a book recently published, summarized some of the facts in these words:

While there is no denying the boon of cheap food to the poor, we must not forget the price we have had to pay for it. The shrinking in the number of those employed in agriculture in England and Wales from 2,000,000 to less than half that number; the laying down to grass of some 4,500,000 acres that 50 years ago were cultivated; the steady transfer of workers from the country to the towns; and the deterioration of our national physique are all a part of the price paid by the nation. We formerly grew enough wheat for 24,000,000 people; we now only produce enough for 4,500,000. In other words, only one in ten of our 45,000,000 people are fed by British-grown food.

Since Germany adopted the protective tariff in 1879, notwithstanding her contracted area, emigration has almost ceased, and agriculture as well as other industries has made great advancement. No nation under protection has gone backward, and practically every nation of importance is protected by a tariff except the United Kingdom. The Fortnightly Review, published in London, in a recent issue said:

The royal commission on agriculture, in its report published in 1897, estimated that the loss caused to Great Britain through the decay in its rural industries since 1874 amounted to £1,000,000,000 (about $5,000,000,000). In 1905 Sir Inglis Palgrave estimated that loss at £1,700,000,000 (about $8,500,000,000), and it is estimated to reach at this time £2,000,000,000 (about $10,000,000,000). To save an imaginary farthing on the loaf the free traders have destroyed capital sufficient to build and equip all the railways in the United States, and have driven more than 1,200,000 agricultural laborers and several hundred thousand farmers and their families, in all about 10,000,000 people, into the slums of towns and over the sea.

The United States has received a good share of those emigrants and is glad of the fact, though sorry for their brethren who have suffered at home. This country does not want to inflict any loss, great or small, on its agricultural population by the adoption of a policy that has proved so disastrous wherever tried. While we do not want excessive protection, we want enough to save from disaster our farmers as well as our workmen and all other classes.

WAGES AND COST OF LIVING AT HOME AND ABROAD.

The British Government has been investigating the wages paid and the cost of living in the United Kingdom, France, Germany, Belgium, and the United States. It has employed expert and experienced men in doing that work. After spending considerable time in this country the British commission reported that the average rate of wages in the United States was two and one-third times greater than in England, two and five-sixths times greater than in Germany, three and one-eighth times greater than in France, and three and three-fourths times greater than in Belgium.

The commission also reported that the average of hours was shorter in the United States than in Great Britain or elsewhere, and their conclusion was based on reports taken in the United States from employers, workmen, and others, without any regard to trades-unions, while in Great Britain only trades-union wages and hours of labor were taken into consideration. If the same method had been followed in this country the difference in wages and in hours would have been much greater than that reported. The commission reported that in building trades in the United States the average hourly earnings rated at 273 as compared with 100 in Great Britain. As to the cost of living, leaving out bakers' bread and some other things which British workmen use almost altogether and which American workmen do not use to any great extent, the difference in the cost of food did not vary much in either country, while it is conceded that Americans live much better and have better living accommodations and are in much better condition generally.

Notwithstanding these much higher wages and shorter hours, our Democratic friends want to make the American workmen compete with the British workers largely on a free-trade basis, which can only result in a reduction of wages in this country to the British level and in compelling our workmen to live in the same manner as the British report shows is done in that country. The British commission in its report said:

The money earnings of the workmen in the United States are many times as great as in England and in Wales, and since there is no proof that employment is more intermittent in the United States, a much greater margin is available, even when allowance has been made for increased expenditure in food and rent.

The commission admitted that the increased cost of living in this country is due to a higher standard than that prevailing in the United Kingdom. This British report on wages and cost of

living, while not as favorable to this country because of the trades-union standard alone considered in Great Britain, nevertheless indisputably shows that American workmen can not compete with European workers without a protective tariff.

EFFICIENCY OF LABOR IN THIS COUNTRY AND IN EUROPE.

The Finance Committee of the Senate has recently taken the testimony of hundreds of manufacturers and others in regard to the cost of production in this country and the efficiency of labor as compared with European, and there was no variation in the statement that labor was just as efficient in Europe as in this country. That stands to reason. A very large proportion of workmen in the manufacturing industries in the United States are emigrants from Europe. A large percentage of them are not skilled workers, but the workers in those industries in Europe are trained and remain in the same industry for generations. For free traders to hold that American workmen are more efficient does not stand to reason. But our Democratic friends use that and all other flimsy pleas to remove the tariff on American products and admit similar products from Europe. They started in that direction at the last session of Congress and were only restrained because of a Republican President. But they have kept up the same destructive work at this session, and will continue to do so as long as they have power to legislate in that direction. Manufacturers have testified that their mills are running on short time or are closed because of the uncertainty of the future, and not until it is known that the Democrats will not elect the next President will full prosperity be restored. It is a repetition of what took place when the Democrats were last in power and 3,000,000 workmen, according to Mr. Gompers, were thrown out of employment.

BUSINESS DEPRESSION IN THIS COUNTRY AND "BOOM" TIMES IN EUROPE.

Business in Europe has been enjoying what is known as a "boom" for the last two or three years. Manufacturers there have been unable to fill their orders promptly. This, with good prices, has had the effect of retarding exports to the United States, but under the tariff of 1909, which reduced duties very largely, there was an increase in imports for the 12 months ending last March of $362,946,919, as compared with the corresponding 12 months ending with March, 1909, under the old tariff law; and yet notwithstanding this enormous increase in imports, which means loss in wages and loss of employment to many thousands of American workmen, there is still this vigorous onslaught on the tariff by the free-trade Democrats.

The "boom" times in Europe and the difficulty by manufacturers there in many lines in supplying the demand promptly has aided our manufacturers in exporting their surplus products. This surplus is much greater now than ever before, because of the lessened demand at home, owing to this Democratic tariff agitation. But when business in Europe is not as good as at present there will be a great effort on the part of the European manufacturers to export to this country, which will mean less demand abroad for our products. Hence we will suffer in greater imports and in lessened exports. Manufacturers testified before the Senate Finance Committee that they were using every effort to sell goods abroad, even though they only got cost prices for them, in order to keep their mills going and their workmen employed. It is well understood that if a mill is running at its full capacity it can produce at a lower cost than when running at much less than full capacity. The cost, except for raw material, is the same for producing $500,000 worth of goods in a mill as when producing about one-half that amount. Hence if the part of the product not in demand in this country can be sold abroad at cost, then the remaining one-half can be sold for lower prices at home, because it cost less to produce it. That explains why many manufacturers are now exporting without profit.

NEW YORK STATE MANUFACTURES.

The value of the product of the New York State manufactures in 1909 was $3,369,490,000 as compared with $1,871,831,000 in 1899. That enormous increase in value, which took place in 10 years under the Dingley tariff law, was a greater increase in manufactures than that of any corresponding population in any country of the world for a similar period of time. The greatest industry in value in New York State is that of manufacturing clothing. The value of men's clothing produced in factories in the State in 1909 was $266,075,000 as compared with $148,844,000 in 1899. In the production of women's clothing the total was $272,518,000 in 1909, a gain of $165,626,000 in 10 years. In printing and publishing the value of the product in the last census year was $216,946,000, a gain of $98,875,000 in the 10 years. In value of product those were the leading industries of the State, but many industries showed a still greater percentage of increase in the 10 years.

In the production of artificial flowers and feathers the value quadrupled in the 10 years; in corks, matting, and in corsets there was in each case a quadruplication of value. Automobiles increased from $456,000 in 1899 to $31,000,000 in 1909. Cordials and sirups increased in value over seven times, and dentists' materials eight times. Emery and other abrasive materials increased from $74,000 to $2,561,000; iron and steel blast-furnace products from $5,046,000 to $26,621,000, and steel works and rolling-mill products from $8,813,000 to $39,531,000; photographic apparatus and materials, in round numbers, from $4,000,000 to nearly $19,000,000; wire from $194,000 to over $10,000,000; boots and shoes from $28,117,000 to $48,186,000; while many other industries in the State made like gains in that 10 years. For instance, hoisery and knit goods increased over $31,000,000 in the value of the product in the 10 years, reaching $67,130,000, while lumber and timber products showed a gain of over $20,000,000; wood pulp and paper, $22,000,000, and other paper goods, $6,000,000. Slaughtering and meat packing increased from $58,000,000 to $127,000,000. That will give some idea of what has been the growth of manufactures in the State of New York alone in 10 years, and every one of these industries and many more benefited from the protective tariff.

In the city of Oswego, the value of the product in 1899 was $7,487,000, and in 1909 it was $10,413,000, with an invested capital of $11,249,000, giving employment to 4,247 persons. The small industries are not taken into consideration in the last census returns, as was the case in 1899.

The city of Fulton had products to the value of $7,867,000 in 1909, with an invested capital of $11,033,000, giving employment to 3,014 persons. There was no separate return for Fulton in 1899, as it did not then have 10,000 inhabitants.

Watertown, in my congressional district, had, in 1899, an invested capital of $7,938,000, and in 1909 of $18,662,000, and the value of its product was $6,888,000 in 1899 and $8,527,000 in 1909, giving employment to 3,834 persons.

HOW MANUFACTURES DEVELOP UNDER PROTECTION.

There was a gain in the annual value of the automobiles produced in this country in five years of 729 per cent. In the same period, from 1904 to 1909, there was a gain of nearly 100 per cent in the value of the beet sugar produced; 107 per cent in motor cycles and bicycles; 104 per cent in buttons; 138 per cent in cars produced by street-railroad companies; 140 per cent in cash registers and calculating machines; 111 per cent in cement; 136 per cent in supplies for dairymen, poultrymen and apiaries; 104 per cent in food preparations; 101 per cent in watches; 103 per cent in rubber goods; 122 per cent in wire products, and so on, with the various other industries in the country, all bearing testimony to the wonderful effect of the tariff.

The metal schedule in all its branches embraces an invested capital of $3,157,385,329 and gives employment to 1,171,824 persons and distributes an annual wage payment of $662,109,633. That is the schedule which the recent metal bill passed by our Democratic friends in the House would slaughter to an enormous extent. Under the existing tariff law duties in the metal schedule were reduced an average of about 50 per cent. In the first year under this law the imports in that schedule increased $17,400,000 in value. But not satisfied with that large increase in imports, which distributes such an enormous additional sum each year abroad, throwing thousands of workmen out of employment in this country, the Democrats propose a further and much greater cut in duties without securing any additional information and without waiting for a report from the Tariff Board, which was designed to gather all the facts in regard to an industry so that legislation affecting it can be conducted intelligently.

The combined textile industry shows an increase in the value of the products of 68 per cent in 10 years, the value being $1,592,482,000 in 1909 as compared with $886,883,000 in 1899. The number of persons employed increased 31 per cent and their salaries and wages 54 per cent. Cotton goods led in the value of product, reaching $629,699,000, exclusive of hosiery and knit goods, which were valued at $200,143,000, an increase of over 100 per cent in 10 years. The value of the woolen goods produced was $507,219,000; of silk goods, $196,475,000; and of cordage and twine and linen goods, $19,531,000. The increase in all these textiles under the operation of the Dingley tariff law was very great, but with the threat of Democratic tariff legislation many mills have closed and others are running on short time, while imports from Europe have increased.

In the cotton industry the spindles in the South in operation increased enormously in the census period, the cotton consumed showing a gain of nearly 68 per cent as compared with a little over 12 per cent in New England and 23 per cent in all the other States. But the Democratic cotton bill, which was passed without any report from the Tariff Board and without any testimony gathered from manufacturers or anybody else, although justly vetoed by the President, did great harm to the

industry, and still has that effect, because no one can know until after the next election what may become of the industry in the future.

In the same way the chemical bill passed by the House without any investigation or report from the Tariff Board, would further do injury by taxing indigo and other dyeing materials used in the industry and now on the free list and lowering rates on finished products.

AD VALOREM AND SPECIFIC RATES.

One of the peculiarities of the Democratic tariff legislation is the substitution of ad valorem for specific rates. Every important country in the world has adopted specific rates, for the reason that they do not admit of fraud to any such extent as is possible under ad valorem rates. With an ad valorem rate the highest duty is imposed when prices are the highest and the lowest duty when the prices are the lowest. In that way when protection is needed the most, because of low prices abroad, there is the least afforded. Then foreign manufacturers consign their goods to their own agents in New York, and for that reason can make their invoices far below the real value and escape payment of the just duty, with a corresponding gain to themselves. Under specific rates that can not be done, as the rate is so much per yard or pound and does not admit of undervaluation in the same way. Many foreign houses manufacture for sale only in the United States market, consequently there is no foreign market price for their goods, which makes it easy for them to undervalue and thus not only cheat the Government but gain an unfair advantage over their competitors in this market. Specific rates stop these frauds, relieve our courts of an enormous number of cases, facilitate prompt entry of goods, and are in every way advantageous, which accounts for the fact that France, Germany, and other countries have adopted such rates. Every Secretary of the Treasury with the exception of one has advocated specific rates. Secretary Manning, under President Cleveland, was a vigorous advocate of specific rates, but Secretary Walker, in 1845, a southern cotton grower, who was vigorously opposed to protection in any form, advocated ad valorem rates as an indirect way to end a protective tariff, and the southern Democrats, with the same object in view, are to-day following in the footsteps of Secretary Walker.

GREAT BRITAIN FALLS BEHIND UNDER FREE TRADE.

Not many years ago the United Kingdom produced more iron and steel than any other country in the world. Under a protective tariff the United States long ago took the lead of the United Kingdom in production, and now Germany, under her protective tariff, has forged ahead of Great Britain both in production and in exports. In 1897 Great Britain exported 3,318,000 tons of iron and steel products and Germany 768,000 metric tons. In 1910 Great Britain exported 4,594,000 tons, while Germany exported 4,868,000. Germany does not have coal and other advantages equal to those of Great Britain for the production of iron and steel, but under her protective tariff she is rapidly going ahead of the United Kingdom, and is now taking the lead in supplying the world's markets, though, of course, her production is far behind that of the United States.

TRUSTS IN EUROPE.

The trade of all the European countries is largely controlled by syndicates and cartels, though we would call them trusts in this country. In that way Germany pays bounties for exports; that is, these trusts do so, and there are international agreements including producers in England, France, Belgium, and other European countries by which prices and exports are regulated. The Tariff Board in its report on the German chemical industry says:

The German chemical industry knows practically no competition between individual establishments. The elimination of competition and the general tendency toward combination observable in all industrial countries, but especially pronounced in Germany, has in that country gone further in the chemical and allied industries than in any other manufacture. This has been accomplished by the formation of "syndicates," "cartels," "selling associations," and to a lesser degree by the absorption of or amalgamation with rival concerns, formed secretly or openly, for the purpose of controlling output and prices. The law puts no obstacle in the way of such consolidation, and in several instances governmental agencies operating large chemical establishments form a party to the agreements. The potash syndicate, in which several States of the Empire participate, amounts to a virtual monopoly. Practically all of the important manufactures of the chemical industries and many products of lesser importance are under some form of syndicate control as to production, prices, supply of raw materials, or division of territory. Quite a number of these organizations are bound by agreements of some kind to international "cartels," the object of which is to control the international markets.

The Tariff Board, reporting on the same subject in regard to the United Kingdom, says:

The tendency to eliminate competition that is seen in Germany is displayed for identical reasons in the United Kingdom. The United Alkali Co., for example, is a consolidation of some forty-odd individual establishments engaged in the manufacture of not only alkalies, but of chemicals of various kinds, managed by a single agency. It has, in another form, a nominal competitor which also controls a number of corporations. Other combinations with a national or international scope are known to exist.

Speaking of the industry in France, the Tariff Board reports:

The general tendency toward concentration is unmistakable. It is known that certain branches of French chemical manufactures are fairly consolidated as to their management and ownership.

The board then goes on to tell of one corporation that operates 17 establishments in France alone. And it adds that—

of corporations engaged in the manufacture of chemicals, if not quite as extensively as the one mentioned, but yet doing an enormous business, several others are mentioned by Prof. Witt.

INTERNATIONAL TRUSTS.

International trusts exist for the control of iron and steel products in Europe, and there are numbers of such organizations in free-trade United Kingdom. To destroy the protection to American producers and open our markets to those foreign trusts simply means to give them control, which, when once obtained, will result in higher prices in this country, the same as took place when tin plate was admitted at a revenue duty, and the same as now exists with coffee, which is on the free list, indigo, and many other products. There is nothing more clear than the fact that the tariff does not build up the trusts. The greatest trust in this or any other country—the Standard Oil trust—was built up with its product on the free list, and the United States Steel Corporation and the Sugar Trust care nothing for the protective tariff. The Sugar Trust has been working to have the tariff on sugar repealed in order that it can have more effective control of the American market.

COMPETITION FROM CHINA AND JAPAN.

China and Japan are developing manufactures, particularly the latter country, which has a protective tariff. China has large iron and steel works, and when that country is in a settled condition, so as to invite foreign capital, the production of iron and steel will increase enormously. Wages are only one-fourteenth part in China those paid in the same industries in the United States. China has all the raw material, and when once fully started in this manufacture the United States can not compete and does not do so now in pig iron on the Pacific coast. When the Panama Canal is open, so as to afford better transportation to the eastern coast, Chinese iron and other products will find entrance into those markets also.

Japanese products are coming into this country in increasing quantities. A Japanese manufacturer of flies for fishing is selling them in this country for 45 cents a gross, although it costs seven times that amount to produce them in this country. But if our Democratic friends have their way and destroy the protective tariff, our doors will be opened to Chinese and Japanese products, although our Democratic friends pretend to be in favor of excluding Chinese and Japanese laborers. Japan increased her production of pig iron in 1910 50 per cent above the average of the previous 10 years. The imports of iron and steel on the Pacific coast increased 153 per cent in 1911 under the reduced rates of the new law. But under the proposed Democratic bill they would be much greater and reach farther into the interior than is the case now.

COST OF LIVING INCREASING IN GREAT BRITAIN—WAGES STATIONARY.

Bonar Law, the conservative leader in the British Parliament, in a recent speech stated that the cost of living was steadily rising in the United Kingdom, while wages were stationary and emigration was increasing. He said that the English Government returns showed a great increase in wealth in 10 years, but the condition of the working classes had deteriorated. He declared that more English capital had gone abroad in 5 years than in the preceding 20 years. A British Government commission reported about the chronic unemployment in that country, which was only relieved by emigration, and yet we have a great party in this country anxious to imitate the British revenue system, which results in such a disastrous condition for that country.

The London Times not long ago printed a census of wages, hours of labor, and so forth, of railroad workers in the United Kingdom, showing that one-third of the whole number employed received $5 or less a week; 107,000 received from $5 to $7.50 a week, and only 78,000 received more than $7.50 a week. Contrast that with the pay of railroad workers in this country, and some idea may be gained of what the Democrats are inviting by exposing our labor to the competition of that in free-trade Great Britain. It was stated recently in the House of Commons that the purchasing power of a sovereign (the equivalent of 20 shillings) is now only equal to 17 shillings 10 years ago. This will show how the cost of living is increasing in Great Britain, and according to the London Times there has been an enormous increase in the last five years; and yet we are asked to imitate the British system.

PROPOSED TARIFF WOULD BRING RUIN TO PORTO RICO AND HAWAII.

One of the unfortunate features of this free-trade legislation is its effect on Porto Rico, Hawaii, and other of our insular possessions. With sugar on the free list, Hawaii would soon be bankrupt. We have prevented the islands from employing Chinese labor, as was formerly done, and according to the testimony of the manager of one of the largest sugar plantations there it costs them now 3.29 cents a pound to land sugar in New York, whereas the cost before annexation was 2.15 cents. With sugar on the free list, Hawaii could produce very little, unless we permitted it to import Chinese labor, as it did before annexation. Porto Rico would be ruined in the same way, sugar being its greatest crop and its coffee crop being sold in Cuba, which market it would lose with sugar on the free list. It could not compete with the labor of Java and other such sugar-producing countries.

SLAUGHTER OF THE CHEMICAL INDUSTRY.

The most extraordinary piece of tariff legislation is that in relation to chemicals. The bill that passed the House, while reducing the duty on finished products put vast millions of dollars worth of raw materials now admitted free on the dutiable list. To call such a bill one "to encourage the industries of the United States" is worse than preposterous. In some cases efforts have been made to help minor southern industries, for instance, by putting a duty on resin (rosin), now on the free list, and which is used by soap manufacturers. It is a residue from the distillation of turpentine. Turpentine is on the free list, but this resin, the sale of which is controlled by the Standard Oil Co., is put on the dutiable list. That would affect every man who uses laundry soap, but it would help the Standard Oil Co., and that seems to be one aim of this Democratic tariff legislation. Coconut oil, palm oil, soja-bean oil, palm-kernel oil, bergamot, and various other ingredients necessary in the manufacture of soap are taken from the free list and made dutiable. The additional cost of soap by such duty would amount to 21 cents a box. Every cake of soap would have to be sold at an additional cent, or, as a manufacturer says, the size of the cake reduced. And yet this bill is alleged to be in the interest of the workingman. Alizarin and anthracene, and dyes derived from the same, including indigo, are taken from the free list and made dutiable. They are not made in this country and have been on the free list for a long period of time. They are used in the production of denims, from which shirts and overalls are made, chambrays for dresses and aprons, and cheviots and ginghams, from all of which the greater part of the clothing of the working people is made; and putting these dyes on the dutiable list would add, manufacturers say, about 7½ per cent to the cost of such articles. This would be a serious blow to the cotton industry, but that is the method taken by our Democratic friends to build up the industries of the United States.

GERMANY FORGES TO THE FRONT.

Germany takes the lead of all nations in the production of chemicals, although Great Britain was formerly far ahead of any other country. But under a protective tariff, established in 1879, Germany has gone to the front, and with relatively similar protection the United States would easily lead Germany, but our Democratic friends propose to destroy the industry in this country and make us more dependent than ever on Germany and other countries for a large proportion of the chemicals we use. As an example of this wonderful legislation, caffeine is made dutiable at the rate of 23.80 per cent on the present price of the article, but tea waste, tea siftings, etc., the otherwise worthless raw material, now on the free list, is made dutiable at about 40 per cent of its actual value, or nearly double the duty on the finished product. That would, of course, utterly destroy the caffeine industry in this country.

Dextrines are made dutiable at three-fourths of a cent a pound, but potato starch, from which dextrines are made, is to be dutiable at 1½ cents a pound, or twice as much duty on the raw material as on the finished product. The concentrated product, made from sulphide of sodium, is made dutiable at one-fourth of a cent a pound, but the sulphide of sodium crystals, from which that product is made, is dutiable at the same rate, making the duty on the raw material as much as on the finished product. That is a sample of Democratic legislation. Several hundred articles are taken from the free list and made dutiable, in every case interfering with the production of manufactured articles in this country. We now import $6,000,000 worth of coal-tar dyes. This country is better supplied with the raw material for the production of coal-tar products than any other nation, but such of the raw material as we do not have is now on the free list, still we produce only $1,500,000 worth of the coal-tar products consumed in this country. Our Democratic friends are going to encourage the industry by taking all the raw material not found in this country from the free list and make it dutiable and then reducing the duty on the finished product. That is the Democratic method of helping American industries. In several cases this chemical bill puts a higher duty on the raw material than on the finished product. As these foreign products are largely in the control of trusts, the opening of the American markets to them by destroying the protection to the home producer is a crime of such magnitude, for it can hardly be called less than a crime, as to call for the most severe condemnation that could be uttered against it.

Germany exported over $189,000,000 worth of chemicals and allied products in 1910, as compared with $84,588,644 in the United States. But one-third of our exports were cottonseed oil, fats, and other such things which might better be classified somewhere else than in the chemical schedule. The American market is the most valuable in the world, and ought to be preserved for our own people. But we are under disadvantages now, and they will be enormously increased should such a shameless measure as that of the Democratic tariff bill become a law.

PRICES WOULD BE INCREASED.

The only excuse put forward for destroying our industries is that consumers will be able to get things cheaper, but experience shows that to be without foundation. Putting things on the free list, such as coffee, for instance, instead of resulting in lower prices has caused much higher rates. Home competition is the best way to reduce the cost of any article, as experience shows. Opening the door to foreign trusts and manufacturers for "dumping" purposes may result in cheaper articles at first, but in the long run prices will be higher. For instance, we have heard a great deal about the high cost of steel rails in the United States. Whether or not they are too high in price is a question I will not go into, but responsible testimony before the Senate Finance Committee shows that the average price of steel rails in the United States for the last 10 years has been lower than in Europe, and that our railroads have paid less for their steel rails than European roads paid. That is the result of a steady price in this country as compared with the fluctuating price abroad, which rates we would be subject to except for the protective tariff. And the same thing holds true of other products. What this thoughtless tariff tinkering means may be gathered from the fact that in the cotton bill, which the President vetoed and which affected an industry in which 1,713 mills are engaged in the United States, little change was made in the rates on low-cost goods, in some cases increasing the duty, because such goods are chiefly made in the South, while on the best class of goods, where rates should be the highest and which are produced in the North, an average cut of 50 per cent was made.

The duties on the tanning extracts, linings, bindings, and other articles going into a shoe, except uppers or vamps, were retained in the Democratic bill, but the finished article was put on the free list. That is the way the Democrats treated an industry producing $512,000,000 worth of footwear in 1909. Under a clause in the cotton bill the duty on alcohol, in the form of preservatives (brandied peaches, and so forth) was placed at 10 cents a gallon, while the domestic producer would be required to pay $1.20 a gallon internal-revenue tax. The American producers of drugs, perfumes, foods, biological specimens, and so forth, in which large quantities of alcohol as a preservative are necessary, would have been driven out of business by that measure had not the President saved them by a veto. That merely illustrates the haphazard method of legislation on the tariff followed by the Democrats. We had a similar experience under their law of 1894, which threw 3,000,000 workmen out of employment. But that Wilson bill was more considerate of the cotton, woolen, and other manufacturing industries than the Democratic legislation of this Congress, and yet we do not forget the calamitous effect of the Wilson bill.

A QUESTION OF LABOR.

It is really a question of labor, as the Hon. Abram S. Hewitt, a distinguished New York Democrat, stated in Congress in the following words:

> The value of any manufacture is made up entirely of the wages paid to the producer. Coal and iron in the mines cost nothing. They are free gifts of God. But they are excavated by the pick and shovel of the workingman; by him they are wheeled, carted, boarded to market; by the workingman they are carried to the mill; by the workingman the furnace is heated and charged; by him the iron is puddled, rolled, put up in market, carried thereto and sold. It is labor that constitutes every addition to the value of the article, and it is the man who furnishes that labor who should enjoy the fruits thereof.

But it is proposed to rob him of those fruits by Democratic tariff legislation. Wages in the South Atlantic group of States are 40 per cent below the average in the United States, and yet that is where this great pressure comes from for free-trade legislation.

Homestead Lands in Oregon.

EXTENSION OF REMARKS
OF
HON. A. W. LAFFERTY,
OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 1, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: Believing that the passage of the three-year homestead bill, which recently became a law, will arouse new interest in the remaining public lands that are worth settling upon I have prepared from the General Land Office records the following table, which shows by counties the amount of lands still subject to homestead entry in Oregon.

Lands subject to entry.

COUNTIES.	Acres.
Baker	427,180
Benton	6,427
Clatsop	6,259
Clackamas	8,389
Columbia	40
Coos	23,819
Crook	559,251
Curry	36,224
Douglas	41,532
Grant	423,285
Gilliam	105,880
Jackson	53,436
Harney	4,309,873
Hood River	840
Josephine	55,725
Klamath	868,193
Lake	2,581,450
Lane	20,028
Lincoln	57,592
Linn	19,037
Malheur	5,500,958
Marion	40
Multnomah	2,360
Morrow	80,240
Polk	451
Sherman	57,320
Tillamook	29,976
Umatilla	115,960
Union	58,960
Wallowa	172,000
Wasco	235,015
Washington	360
Wheeler	297,080
Yamhill	4,287
Total	15,959,377

BUT 2,000 CLAIMS LEFT IN WESTERN OREGON.

It will be seen from the foregoing table that nearly all of the vacant public lands in Oregon, which constitute a little more than one-fourth of the State's area, are situated east of the summit of the Cascade Mountain Range, or, in other words, in what is known as eastern Oregon, and over two-thirds of that vast amount of vacant land is located in the three counties of Harney, Lake, and Malheur. In western Oregon it will be observed that only 350,000 acres remain subject to entry, or about 2,000 claims of 160 acres each.

EASTERN OREGON HAS 50,000 CLAIMS VACANT.

The 15,600,000 acres of vacant public lands in eastern Oregon would furnish 320-acre homesteads for 50,000 entrymen. Nearly all of these eastern Oregon lands are subject to entry under the enlarged-homestead act, which permits a claim of 320 acres. The exact location of the vacant lands in any given township may be ascertained by procuring a blue-print map of that township from some abstractor having access to the local land office records and who brings his blue prints down to date each day as the lands are entered. The short residence period of three years will hereafter apply to all homesteads alike, whether of 160 acres in western Oregon or 320 acres in eastern Oregon, and the law expressly provides that the entryman and his family may be absent from the land five months out of each year. This latter provision will make it much easier to acquire a homestead in the future than it has been in the past. When final proof is made, at the end of three years, no money is paid to the Government for the land. The only cash paid the Government is the local land office fees, amounting to about $16 at date of entry and not more than that at the date of final proof. After the entryman has lived on a homestead of 160 acres or less continuously for 14 months he may make a sort of premature proof, called a commutation proof, and by paying the Government $1.25 per acre receive his patent upon that proof. The commutation law does not apply to 320-acre homesteads.

HOMESTEAD LAW BEST FOR POOR MAN.

Some of the semiarid lands of eastern Oregon may be taken either under the desert-land act, in tracts of 320 acres, or under the homestead act, in tracts of the same size. The only difference is that in the case of the desert claim the entryman is not required to live on the land, but he is required to irrigate most of it and to expend the equivalent of $1 per acre on the land per year for three years, when he may acquire his patent. Besides, a desert-land entryman pays the Government $1.25 an acre for his land. The homestead entryman is not required to irrigate at all, as his dry-land farming will answer the requirements of the homestead law, coupled with his residence. A married woman may take a desert claim of 320 acres.

No person, however, can take both a desert claim of 320 acres and a homestead, because there is a law which limits to 320 acres the total amount of public land that any one person may acquire. Some of the 15,959,377 acres of unreserved public lands in Oregon have timber upon them, but even in such cases a poor man would better take them under the homestead law. The old timber-and-stone act, under which people used to buy timber claims from the Government at $2.50 per acre, without any residence or improvements, is still a law, but it has been so changed by construction of the Interior Department that it is no longer of any use to a poor man seeking to acquire a tract of public land. Under existing regulations the department appraises all claims applied for under the timber-and-stone act and requires the applicant to pay the full market value of the claim. There is nothing in that for the entryman, because he could buy all the timberland he desires from private owners on those terms. Therefore the homestead law is the law for the poor man.

ALL VACANT NONMINERAL LANDS SUBJECT TO HOMESTEAD ENTRY.

It should be remembered that every acre of nonmineral public land that remains vacant and unreserved may be taken up under the homestead lak. A homestead may be taken on desert land. A homestead may be taken on the heaviest timberland that can be imagined. All that is required in either case is that the entryman shall reside upon and improve the claim and cultivate a reasonable portion of the same for the period required by law. Some people have the erroneous idea that a homestead can not be taken on timberland. This error grew out of the fact that an entryman under the old timber-and stone act was required to swear that his claim was chiefly valuable for timber and unfit for agriculture. But the opposite of that proposition is not true. The homestead entryman is not required to swear that his claim is not valuable for timber or that it is chiefly valuable for agriculture. He is simply required to prove that he has made it his home for the required period and has improved and cultivated the same.

RAILROAD LANDS FOR SETTLERS.

I am now confident that the Oregon & California Railroad Co. will be forced by the pending suits to open up to settlement the 2,300,000 acres of unsold railroad-grant lands in western Oregon. That will make available 15,000 additional tracts of 160 acres each in the best part of the State.

The law making the grant to the railroad company reads that the company shall sell the lands to actual settlers only, in quantities not greater than 160 acres to any one settler and for prices not exceeding $2.50 per acre. That law has never been amended or repealed. According to my interpretation of that law, it gives to any citizen who so desires the right to go upon the lands and pick out a claim not exceeding a quarter section and to settle upon it without let or hindrance from the railroad company. It then becomes the duty of the settler to pay the railroad company (Oregon & California Railroad Co., by name), which has its offices in the Wells-Fargo Building, Portland, Oreg., the sum of $2.50 per acre for the land settled upon, and it becomes the duty of the company to accept the money and give the settler a deed. When the company refuses, the settler has done all he is required to do, and no lawful power can put him off the land. Of course, the settler would have to make his payment of the $2.50 per acre at any later date that it might be demanded, but he would not have to vacate while the company was making up its mind whether it would accept or not. A few settlers are now on the railroad lands. They have defied the railroad company to put them off. The railroad company will not attempt to do so, because a suit of ejectment against a settler would bring up before the court for immediate decision the very question that the company is trying to stave off as long as possible, to wit, whether a settler has the right to take the law to mean what it says.

Anti-Injunction Bill.

SPEECH

OF

HON. ADAM B. LITTLEPAGE,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 1, 1912,

On the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 7, 1911."

Mr. LITTLEPAGE said:

Mr. SPEAKER: I believe that a man should be as honest in politics as he is in business, and when he becomes a public servant by the suffrage of his people he should at all times look after, to the very best of his skill and ability, those things which will prove beneficial as well as pleasing to the people by whom he is elected to fill the exalted position of membership in the American Congress.

It is an honor to any man to serve a people as their representative and public servant here in this great body of men, and to speak in this presence is not only an important but a very sacred privilege. The truth, the whole truth, and nothing but the truth should be uttered here.

What a wonderful influence for good the whole membership of this Congress can exert in behalf of our entire country and the great masses of our 92,000,000 people; and when I think of my earlier environments of life and realize, as I think I do, the wants of the people of my district as well as the people in other districts in this "land of the free and home of the brave," I have felt at all times since my election that I did not have one idle moment to spare, and every moment of my time, as long as I could struggle mentally as well as physically to render myself a faithful public servant, I should not lose a moment or opportunity to render proud the people who sent me here, in compensating them, if I can, by my services for the very great honor they have conferred upon me, and which I shall feel grateful for as long as life lasts.

There are three great classes of business and avenues to business developments that are traversed by the ambition of men; one channel by the wealthier element of the country, men who, it is said, do and accomplish things, and are seeing to it every minute that their own nests in life are being feathered; that wherever they place a dollar they try to get two back, whether it is in the development of territory, mineral interests, railroads, shipbuilding, banking, merchandising; and it seems in recent years this element of our people, not being able to live upon each other, because they are practically all investors alike, have all commenced to live on the middle classes that travel and exist in another avenue or sphere in life, and through the middle classes reach the struggling or wage-earning classes of the country, until both the wealthier and the middle classes in life are to-day living upon the brawn and sweat of the toilers of this land. And, in my judgment, this class constitutes the most deserving of all the classes, as you find among them less business deception and a more commendable disposition to help one another. The Army saves the Republic, the Empire, the Kingdom from invasion by a foreign foe; guarantees and protects the liberties of the people; so it is with the toiling masses—by their services, by their labor, their earning capacity they are to-day supporting the middle class, who is doing, as it were, a commission business, buying from the rich, selling to the poor at a profit, and also enabling the rich to become richer; and the rich men of this land have so systematically enthralled the opportunities of the toiling masses to exist that they have them all over this land in a state of almost complete subjugation, so far as social conditions are concerned.

God Almighty never intended one man to domineer over another, nor one set of men to domineer over another set. I would not array, if I could—and I have never tried to do so in my life—one class of our people against another, nor would I have my utterances on this occasion so construed. I would like to see business men—and every man is a business man who tries to make a living in life, pays his debts, and is honest in his undertakings—get closer together and love each other more; but I want to demonstrate, if I can, the necessity upon the part of this Congress to reach out the friendly hand of effective legislative enactment to so protect the toiling masses of this country as against the encroachment of the rich, the powerful, and in some instances the unscrupulous, as to keep them from destroying the opportunities of poor men to make a living and become independent in life, educate their children, and lay up a competency for after life.

According to the trend of affairs in recent years in this Republic it is becoming harder for poor men to live every year and every day of the year. The tide is drifting, and they are drifting with it; their destiny they know not.

Bankers have the right to organize for the promotion of their own interests, and they have organized; lawyers have the right to organize local bar associations, and they have so organized, and then they have organized a national bar association; ministers have done likewise; merchants have done likewise; doctors have organized; railroads have organized; steamship companies have organized; canal companies have organized; coal companies have organized; governments have organized; armies have organized—all for the protection of those engaged in the organization. This is an era of organization.

If all these things be true, why have not the toiling masses of this Republic the right to organize? And who is the man to challenge that right? To organize for their own protection; organize that their condition in life may be improved and their opportunities to make a living may be better; that their wives and children may, through them, obtain just a little better living. And it is in relation to the toiling men, the poor, struggling masses of this Republic that I want to take up as my theme in this discussion.

Twenty years ago it was very rare indeed that we heard of injunctions being issued by Federal courts in labor controversies. Ten years ago there were not so many; but within the past 10 years there is hardly a Federal court in the land, but there is one case after another now instituted by the powerful against the weak—instituted to carry out and perfect the plan of subjugation; instituted by those who use the Government's power and influence to browbeat, maltreat, and humiliate the weaker men in life; instituted that some one may laugh at another's misfortune; instituted that the rich may become richer and the poor grow poorer, until the time has come in this Republic when, in my judgment, unless some fair and reasonable Federal legislation is enacted—and I think this is a Congress that is obligated to so enact a Federal statute to control and to prescribe the manner in which, as well as the grounds upon which injunctions in labor controversies may be obtained and awarded—that it will not be long until this Republic, in my judgment, will be following rapidly in the footsteps of the French Revolution. Men will spill their blood for those whom they love, and it has been demonstrated to the world quite recently that American manhood can and will die that others may live.

Now, I want my position to be perfectly understood by employers and employees of this country. They each have rights. The employer has a perfect right to control his own property and manage his own property in any manner most suitable to him so long as the management of his own property does not infringe upon the rights of others.

If railroad companies, timber companies, coal companies, or other companies desire to do so, they have the right to spend their money as they will or please. They have a legal right to employ whom they please; they have the legal right to employ an army of guards, if they so desire, for the protection of their property, but I challenge the right of any concern to employ armed guards for the purpose of intimidating employees of the company employing the guards.

What does government by injunction mean? We hear of it on every hand when clashes come between capital and labor. When did the expression "Government by injunction" first arise in this country, and what does it signify? Every lawyer understands perfectly that if one man or a set of men or hendreds of men, who have no legal right to go upon private property, if they undertake to go upon it, they can be enjoined. That is one of the functions of the injunction remedy. If a man undertakes to do an act which is within itself lawful, and then rescinds that act when once it is completed with another, and which rescission works a hardship and irreparable injury to one of the contracting parties, and there is no other adequate remedy at law, the necessity for the writ of injunction becomes imperative.

I would not, therefore, if I could—nor would any other public official who has at heart the best interests of his country and who desires to see the rights of any persons, whether involved in litigation or not, preserved—advocate the suppression of the important injunction remedy; nor is it the sense of the persons who lately have been most affected by an application of the injunction remedy that the writ itself should be abrogated. It is only the manner in which the injunction remedy has been resorted to and applied which has caused such widespread discussion of the writ and remedy itself, and because, as I conceive, the many instances in which the power of this

writ has been unnecessarily, if not recklessly, invoked in controversies between capital and labor, and in practically all instances against the toilers, which has contributed more than anything else to the sentiment which has recently sprung up in this country relative to the recall of the judges in the performance of those public functions, it is being so vehemently asserted all over the country, as well as here in Washington, in a now celebrated but unsettled case that has contributed, at least in part, to the spread of socialism throughout the country.

No good citizen would, if he could, authorize the invasion in point of public sentiment to the extent of wanting to cripple or render at least ineffective the judiciary department and system of our Government, which is above all the most important, as it deals with life, liberty, and property, as well as the pursuit of happiness; but it is urged all over the country that in many instances judges are appointed as the result of political influence or personal favoritism, and in many instances such judges, who, because of their environments during their lives as practitioners, naturally lean, though it may be inadvertently so, to the side of the rich and powerful as against the poor and lowly, which naturally gives to the corporations the whip handle in dealing with labor controversies within the jurisdiction of such a judge.

Within such a jurisdiction the corporation files its bill, alleging that Richard Roe and John Doe and perhaps 500 other defendants whose names may not be known to the relator, which bill is usually sworn to by some willing witness, if not handy tool, and in which bill the allegations are made such that it gives a chancellor or court of equity jurisdiction, and the necessity arises for the issuance of restraining orders inhibiting and restraining the defendants named and all others from in anywise trespassing upon the relator's property, or interfering with the relator's employees, or from meeting upon the relator's property, or in close proximity thereto, and prohibiting the defendants from doing the things alleged in the bill, out of which may grow irreparable injury, and so forth.

The clerk of the court, as required by law, being directed by temporary decree of the judge, makes copies of the order, signs it in his official capacity, and attaches the seal of the court thereto, places the same in the hands of the sheriff, deputy sheriff, United States marshal or deputy marshal, as the case may be, who goes with a bundle of these copies and distributes them among the defendants, named and unnamed, and it is often the case that whether a person is named as one of the defendants or not, if he is regarded by the sheriff or the marshal as an agitator, whether he is on his road to church, hunting or fishing, or pursuing in a quiet, orderly manner his daily course in life, if some member of the company or corporation interested alike with the relator in the bill, or the counsel for the complainant, points out such a person as is regarded as an agitator, a copy of the restraining order is promptly placed in his hands, or is left at his "usual place of abode," that he may be notified of the existence of the temporary restraining order.

Then it is that the men so served meet in groups to read and have read the order of the court, that all may understand it. It is so often the case that these poor men do not have as good legal advice as the complainant in the bill has, for usually the corporations have the very best lawyers in the land constantly retained, and no one complains of their right to have the best lawyers in the country employed. The average man is a patriotic man, and every patriotic man—that is, to make it plain—every man who loves his country and his country's institutions respects the order of the court. In some instances overtures are made to the men named as defendants, on whom the restraining order has been served, or schemes are devised in order that the order may be violated, whether intentional or not, and straightway a willing messenger is sent to the lawyer for the complainant. This lawyer immediately prepares an affidavit which is sworn to by the messenger, which affidavit is presented to the judge by the lawyer, and thereupon a rule is issued by the direction of the judge which goes out of the clerk's office citing the named and unnamed defendants in the bill to appear and show cause why they should not be fined and imprisoned for having violated the restraining order. A day is fixed for the hearing before the judge who issues the original restraining order, and information may be communicated to him, and, I dare say, in many cases it is, that the defendants so cited to appear when the order was served upon them tore it up and stamped it under their feet, cursed the judge, and used violent expressions, all of which, whether true or not, tend to prejudice the judge before whom the men are to be tried, and prejudices him against them. I do not say this is invariably the case, but I have known of instances of this kind.

The final day comes on; the men appear, by counsel likely hastily employed, and the trial proceeds; the hearing of evidence is gone through with, pro and con; the defendants may go upon the stand upon their own defense, as, thank God, they have not been deprived yet of that right in this country, and they may swear until they are "black in the face" that they never violated the order either directly or indirectly, yet the complainant may have a number of witnesses who are interested to the extent of retaining their jobs, to give evidence most favorable to the company and against the men. The judge becomes convinced that his restraining order has been "ruthlessly and wantonly" violated, and adjudges the defendants guilty of contempt, sentences them to pay fines or to imprisonment, or both, the money with which to pay fines they hardly ever have, tears them away from their families, casts them into jail, thereby humiliating them for life.

Now, the Constitution of the United States provides, among other things, that no person shall be deprived of life, liberty, or property without due process of law and the judgment of his peers. The "judgment of his peers" has been construed by the Supreme Court of the United States to mean a trial by and verdict of a jury. All the toiling masses of this country want is to live under the provisions of the Constitution of their Government. This means that where their liberty is at stake they shall have the right of trial by jury, and when the men are cited to appear before the judge to show cause why they shall not be fined and imprisoned they simply want to have the right then and there, in the inception of that trial or hearing, to demand a trial by a jury of their country. If the relator in the bill has a case, a jury will find the men guilty; if it is a trumped-up case for the purpose of humiliating men, and can be so shown by the evidence, then the jury will find them not guilty, and the man who is afraid to submit his case, whether he be plaintiff or defendant, to a jury for trial is himself a man who should never go into court.

I am referring in this address to "indirect contempt" proceedings and not to "direct contempt" proceedings, as in the first instance, the contempt, if committed at all, is without the presence or knowledge of the judge, away from the courthouse, and in the country. In the latter case, the direct contempt is committed in the immediate presence of the court, and I can see wherein a judge ought not to be hampered with reference to the management of his own court, his court-room attachés, and the conduct to be observed by the public as well as litigants in the immediate presence of the judge and while the court is in session; and as a rule it is the lawyers engaged in the trial of causes who violate the dignity of the court, and if the lawyers themselves would just one time be convicted by a judge for direct contempt and be punished, as punishment is so often administered to toiling men who are members of labor organizations, there would, indeed, be fewer applications made by them for their clients to courts for injunctions to restrain toiling men.

We have, each one of us, taken an oath before God and the American people that we would uphold and sustain and defend the Constitution of the United States, and I repeat that the Constitution provides as follows:

> No person shall be deprived of liberty, life, or property without due process of law and the judgment of his peers.

The Supreme Court of the United States has held, in construing the meaning of the words "and judgment of his peers," to mean a trial by and verdict of a jury, and I take it that every Member within the sound of my voice is just as anxious to observe that official oath as I am; and I submit to you in a spirit of fairness, to all people in the land, that there is no escape for us except to listen to the petition, the demands, and the prayers of the people who in part sent us here to legislate for the benefit of the people of this Republic, without reference to station, politics, religion, or position in life, that we must stand for the right of trial by jury in labor controversies in "indirect contempt" cases, and to this extent I trust the Judiciary Committee of the House will very soon report the bill, which I understand is under consideration and is looked upon with favor, authorizing and directing the trial by jury in indirect contempt cases. When this has been done, the bill passes the Senate and receives the signature of the President, or becomes the law without his signature, as the case may be, you are going to find that the spread of socialism in this country

will be checked; that the toiling man of this Republic will have greater love for his Government; will honor his public servants and repose continued confidence in them.

A bill of this character is in the interest of humanity, in the interest of justice, and gives hope, encouragement, and ambition to the toilers of the land. It will say to organized labor throughout this country that this American Congress is in favor of a fair deal, is opposed to oppression, believes in the encouragement of men, believes in protecting men when they are right, and causes them to realize that so long as they are peaceful, law-abiding, liberty-loving, and respect the rights of others they have a Federal statute that is constructed upon the principle of fairness, justice, and equality, and one which is calculated to place men upon an equality before the law, a statute so long wanted in this Government, in order that the powerful shall not crush to death and destroy the weak, in order that Federal judges, where they are inclined to do so, shall not arrogate to themselves; that while they have life positions or positions to be held by them during good behavior, they shall not be too quickly moved by the interested demands made upon their official time by those who would desire to dictate and to rule with an iron hand the destiny of those who are helpless. And let me say to you, to the Democratic majority of this House, in the friendliest possible spirit, yet with a sincere desire to live up to the Democratic creed, abide by and carry out the Democratic platform pledges, that we are bound to enact a Federal statute of this character; and when you carry out that promise and the rank and file of the people realize that your great party will practice what it preaches, that great Jeffersonian principle of "equal rights to all and special privileges to none," by seeing to it here in Washington, in this Congress, that the rich and powerful in this Government shall not destroy or oppress the poor and the weak, but that every man shall have his rights and "day in court," and that the struggling men of this Republic shall thereby be given hope, protection, and guaranteed their civil rights under the Constitution, then, I say to you now, that you will have achieved an accomplishment in the interest of humanity which will redound to the benefit of your great party and the eternal glory of our free institutions of this land.

I love my Government and its people, and I want to see every man prosper. I want to see the toiling man have renewed hope in life. I want him to remember that there is a God in Israel. I want him to appreciate that the Democratic Party stands for equal rights of the people before the law. I want him to know that so long as he struggles onward and upward, is law-abiding, and struggles to maintain and sustain the institutions of this Republic, the Democratic Party of the land will stand by him and lend him an encouraging, lifting hand.

I realize the necessity of corporations in the land. I realize the necessity of organized capital to float important and great propositions. I do not want to cripple them; I never have and never shall. I want to see them protected, encouraged, and prosperous; but before the God who created us all, I never have stood and never shall stand for one man or set of men, whether they be organized or unorganized, whether they be powerful or not, domineering over another man or set of men. This is repulsive to my nature and foreign to my very existence. Let us do what we believe to be right before the country which is looking upon us with exacting scrutiny. Let us so legislate as to lend hope and happiness throughout the country. Let us so legislate that the rank and file of the people will love their Government and realize that it is not lost to them, and that there are men here who believe in justice—a square and fair deal.

The Democratic Party is not responsible for the deplorable living conditions which the people of this country are confronted with and are living under. The people themselves are responsible, and as long as they continue voting for the party of trusts and special interests their condition will continue to grow from bad to worse.

We have witnessed recently an awful spectacle throughout the United States, and something no man ever contemplated. Even in the memorable campaign between Lincoln and Douglas, which involved stupendous propositions, nothing occurred then, before that time or since, that equals the spectacle recently vividly exhibited, to the eternal discredit of this Republic, of one man who has been President of the United States twice, wants a "third term," and another man, who is President of the United States now, going about over the country saying to the people, their people, of each other that the other is officially corrupt. God knows whether they are telling the truth on each other or not, but if so, it would have been better for the moral integrity of the Republic at home and abroad that the things said by these two great men should never have been said about each other.

Nothing in the civilized world has ever happened, so far as my knowledge of history has gone, to equal that which the people of the United States have witnessed between ex-President Roosevelt and President Taft during the last 60 days. Think about it, my countrymen. If these men are telling the truth on each other, and we must give credence to what they say, where is the country drifting to; and whenever in the history of the Republic have men so lost their heads as to let the country know the terrible things which have been going on? Is it any wonder that the Republican Party is divided in Washington and throughout the land? Is it any wonder that the people in 1910 overthrew as far as they could the political administration of the land? Is it any wonder that times have grown hard, that money has become scarce, that living conditions have become desperate, that prices have been going up, fixed by the trusts that each of these men are accusing the other of fostering? Never in the history of the civilized world has such a picture been drawn before the minds of a Christian, liberty-loving, God-fearing people; and it seems the end is not yet.

Let me say to the Democrats again, do, I pray you, let us be cautious and careful. Do, I pray you, let us legislate to equalize conditions as near as may be. Let us legislate in the interest of a long suffering, humiliated Republic. Let us do that which is for the best interest of this Government and its institutions. Let us say to the people that the memory of Thomas Jefferson still lives, and is shining with luster throughout the land. Let us say to the people that if there is ever a time in the history of this Republic when there should be a change in political conditions, when Thomas Jefferson's creed—the Democratic creed—"Equal rights to all and special privileges to none," should be observed, it is now. And if we do this, my word for it, the people in grateful acknowledgment of that which we have tried to do—legislate in the interest of the people—will show their gratitude, and they will say by their votes in the coming election, We will not stand for corruption in politics. Our country is good. Our country's history is more important to us than the principal or political ambition of any man, and we will give to men who are at the head of public, political, fiscal affairs such a spanking as will cause the generations of the future to ever be mindful of the fact that God intended that the people guided by Him should rule; that God still lives and in His image the rank and file of the American people, in their effort to emulate His example, they will at least sacrifice personal ambition for the general good of all. And when this sentiment prevails in this country, when this sentiment prevails throughout and in this Government, in the minds and hearts of all patriotic men this Government will be saved. The "money changers" will be driven out of the Capitol, the "money changers" will be driven out of this Government, justice and equal rights before the law, in view of the Constitution, shall be guaranteed to every man, woman, and child in the land, and I do pray God that from the innermost recesses of the hearts of the membership of this House shall emanate that sentiment of the greatest good to the greatest numbers, and that the same shall be exemplified by the legislation contemplated.

Let it be said of me—and let it be said of us all—when we shall have passed out of this Chamber forever, where our countrymen have paid us such distinguished honor by electing us and sending us here, that we kept the faith; that we have been put in the scales and weighed and have not been found wanting. Let the best impulses of our nature control our action in bringing, if we can, the strong and the weak, the rich and the poor into closer bonds of brotherhood, to the extent that they each shall recognize and appreciate the other's rights; and when we shall have done here those things which are honest in the sight of God and man and return to our beloved people, they will say, Well done, thou good and faithful public servant. We welcome you home; we love you for the good things you tried to do; we honor you for the good things you accomplished. And when this shall take place mortal man can expect no more on earth, and when this shall take place on earth and in this Congress, when we pass over the River of Time there we will be entitled to sit before the judgment bar of God and make answer that we tried to do our best in the interest of humanity, justice, and our country. Man could have no greater reward; his people can have no greater comfort when he is gone; and he will leave a memory behind him which all men will revere as long as civilization shall exist and history endure.

Pension Legislation.

SPEECH

OF

HON. MARTIN A. MORRISON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 31, 1912.

Mr. MORRISON said:

Mr. SPEAKER: I am taking the benefit of the liberal rules of the House governing general debate for the purpose of submitting to the House a statement in relation to pension legislation.

It is not my purpose to present an argument in favor of higher pension rates. That question has been thoroughly discussed and the public mind is made up. The people at large believe in liberal pension laws. It is not necessary for one to justify such increases as have been made. It is incumbent upon Members of the House to explain to their constituents why the increases that have been granted are substantially less than had been promised in platform pledges and in campaign speeches.

I shall give a statement of my own promises and the way in which I attempted to carry them into execution. I do not present this record as being peculiar. Indeed, it is but one of many which run in practically parallel lines. If any good has been accomplished and any credit is due, the credit should go to the entire number of those who used all endeavor to make good the pledges they had given to the people of their respective districts. It required the combined efforts of many such to accomplish the partial success that has been attained.

On January 4, 1910, I introduced a dollar-a-day pension bill. It was prepared by the soldiers of Howard County, Ind. They had given to the subject much investigation and study. Their bill appealed to me then, and still does, as being the best solution of the pension question that has yet been proposed. The Howard County bill was not reported out by the House Committee on Invalid Pensions, nor was any other of the dollar-a-day bills that were pending before it.

The committee did report out the Sulloway bill, based exclusively upon age. It passed the House by much more than a two-thirds majority, and I cast my vote for it.

The Sulloway bill failed to pass the Senate. Why it failed and by whose fault is a question as to which men do not agree. As to it I express no opinion. It failed to pass, and the bill died with the Sixty-first Congress on March 4, 1911. That is the only fact that is important, and it left the pension question a vital one to be dealt with by the present Congress.

On June 14, 1910, in an address in this House, I took occasion to express my views on the pension question. Among other things I said:

> Immediate retrenchment in our national expenditures is demanded from the standpoint of sound financial policy and practical good sense. It becomes a sacred duty in the light of the present and pressing needs of the men who fought the battles of the Republic. Most of the old soldiers have reached the age when they can no longer earn a living by manual labor Many of them are broken in health even to the condition of helplessness. I speak advisedly and to our shame when I say that thousands of the men who followed the flag into the very jaws of death to preserve the Nation's life are now being ill housed, ill clad, and ill nourished. There are less than one-half a million soldiers on the pension roll. They are dying at the rate of almost a thousand a week. In 10 years from to-day a very large proportion of these men will have entered each into his "low green tent whose curtain never outward swings." It is said that "he gives doubly who gives quickly." In this case what we grant quickly is granted for a few days or weeks, or possibly for a few years. What we do not grant quickly we withhold forever. The pension question is of paramount importance now and will be for just a few years. All too soon the ranks of the veterans will melt away before the last great enemy of mankind. Our one regret then will be not that we voted too much money for pensions but that we did not vote more. I am in favor of passing the pension appropriation bill first, and then using the argument of financial necessity to reduce extravagant expenses in other directions.

In 1910, when the Democratic convention in the ninth district of Indiana met, it expressly indorsed the pension bill which I had introduced, but did not undertake to bind its nominee to it as against other bills containing similar provisions. The declaration of the convention on that subject was as follows:

> The question of the enactment of a new general pension law is of immediate importance. The death rate among the surviving soldiers of the Civil War is so great that, so far as many of them are concerned, to delay relief is to deny relief. We favor the enactment at once of the dollar-a-day pension law introduced into the lower House of Congress on January 4, 1910, by the Representative of the ninth Indiana district, or the immediate enactment of such other bill containing like provisions as the Committee on Invalid Pensions shall prefer to report to the House for its action. We condemn said committee for its refusal thus far to permit action by the House on any of said pension bills.

After the adoption of its platform the convention nominated the present Representative of the district for a second term. In his speech of acceptance he declared his hearty approval of the platform adopted by the convention, including the declaration for a pension of a dollar a day for all veterans of the Civil War who had served 90 days or more and had been honorably discharged. In order to meet the contingency which he feared might arise and which did arise during the present session of Congress, he made the further declaration that in the event of the failure of Congress to enact the dollar-a-day law he would "give his support to the most liberal pension bill that had a living chance to become a law."

After the organization of the present Congress, on June 9, 1911, I reintroduced the Howard County soldiers' dollar-a-day bill. It became H. R. 11412 and is as follows:

> A bill granting pensions to certain persons on account of military and naval service rendered to the United States.
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> *Be it enacted, etc.*, That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, may be placed on the pension roll and shall be entitled to receive a pension in the sum of $1 per day, the same to be payable at the end of each successive period of three calendar months.
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> SEC. 2. That no person who elects to accept the benefit of this act shall receive any pension under any other law for any portion of the period for which he shall receive a pension under this act. Every pension granted under this act shall date from the day on which the same is granted: *Provided, however*, That any pension granted hereunder to a person not receiving a pension under any other law shall date from the time of the filing of his application for such pension under this act.
>
> SEC. 3. That any person to whom a pension has been granted under this act and who is suffering from disabilities growing out of his said military or naval service may cause two reputable physicians, who shall be regularly licensed as such and entitled to practice medicine and surgery within the county in which such pensioner resides, to make a physical examination of the person of such pensioner and to make report in writing to the Commissioner of Pensions setting forth all physical conditions, ailments, and symptoms disclosed to them by such examination. Said report shall be submitted to the Commissioner of Pensions, and he is hereby authorized to grant such pensioner an additional pension in such sum as he shall deem just and right under all the facts and circumstances appearing to him from such report of said practicing physicians: *Provided, however*, That the total pension granted under this law to any one person shall in no event exceed the sum of $50 per month, the whole thereof to be payable as above provided for.
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> SEC. 4. That the services of local examining boards, special examiners, and other like agencies employed under existing pension laws shall not be required in the administration of the provisions of this act.
>
> SEC. 5. That this act shall not be construed so as to repeal any other law now in force in relation to pensions, but shall be deemed to be independent of and in addition to the same. The provisions of this act shall not affect the rights of any pensioner unless and until he shall file a written application for a pension under the provisions of this act.

Again, the House Committee on Invalid Pensions failed to report out for the consideration of the House any of the dollar-a-day bills that had been introduced.

At this session of Congress the chairman of the House Committee on Invalid Pensions has been the gentleman from Ohio, the Hon. ISAAC R. SHERWOOD, who has the honorable distinction of being, among the Members of Congress, the ranking officer of all the ex-soldiers who served in the Union Army during the Civil War. He will also be long remembered and much revered as the first Member of this House who declared for, and staked his political fortunes upon, the proposition of a dollar-a-day pension for Civil War veterans. He and the members of the committee undertook to ascertain the sentiment of the country as to the provisions that ought to be incorporated in a new general pension law. They reached the conclusion that the country at large favored a bill based on service. The entire committee, Republicans and Democrats, were of one mind, and all joined in reporting to the House with a favorable recommendation H. R. No. 1, introduced by Gen. SHERWOOD, and now commonly referred to as the Sherwood dollar-a-day bill.

On December 12, 1911, and while the Sherwood bill was under consideration in the House, the gentleman from Indiana, Hon. FINLY H. GRAY, of the sixth Indiana district, offered as a substitute for the Sherwood bill a straight dollar-a-day provision, substantially in the language of that provision in the Howard County soldiers' bill. I voted for this substitute, but it failed. This vote was taken in Committee of the Whole House and is not of record officially. The votes cast by Mr. GRAY and other Indiana Members, including myself, are recorded, unofficially, in the issue of the Indianapolis Star bearing date of December 13, 1911, on page 2 and column 3 thereof.

Afterwards, and when the Sherwood bill was put on its final passage, I voted for it. This vote is officially recorded in the CONGRESSIONAL RECORD of December 12, 1911, at page 248.

The Sherwood bill as it passed the House was in the following words:

> An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico.
>
> *Be it enacted, etc.*, That any person who served in the military or naval service of the United States during the late Civil War or the

War with Mexico, and who has been honorably discharged therefrom, and all members of State organizations that are now pensionable under existing law shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension, as follows:

For a service of 90 days or more in the Civil War or 60 days or more in the War with Mexico, and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided*, That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, $30 per month.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

SEC. 3. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 4. That rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after this act takes effect.

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

In the Senate the Sherwood bill was amended by striking out all after the enacting clause and inserting in lieu thereof the so-called "Smoot substitute."

Hon. BENJAMIN F. SHIVELY and Hon. JOHN W. KERN, United States Senators from the State of Indiana, both voted against the proposed substitution. They both favored the Sherwood bill as it passed the House, "because it is the nearest approach to a dollar-a-day pension that is attainable, and because it settles once and for all the much-mooted pension question."

When the amended Sherwood bill was placed on its final passage they both voted for it. Their arguments and votes are recorded in the CONGRESSIONAL RECORD for March 29, 1912, and at page 4238 thereof and pages immediately preceding.

The Sherwood bill as amended by the Smoot substitute and as it passed the Senate was as follows:

An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Be it enacted, etc., That the act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907, be, and the same is hereby, amended to read as follows:

"SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; six months, $13.50 per month; one year, $14 per month; one and a half years, $14.50 per month; two years, $15 per month; two and a half years, $15.50 per month; three years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; six months, $15.50 per month; one year, $16 per month; one and a half years, $16.50 per month; two years, $17 per month; two and a half years, $17.50 per month; three years or over, $18 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; six months, $19 per month; one year, $20 per month; one and a half years, $21 per month; two years, $22 per month; two and a half years, $23 per month; three years or over, $24 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; six months, $22.50 per month; one year, $24 per month; one and a half years, $25.50 per month; two years, $27 per month; two and a half years, $28.50 per month; three years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

"All of the aforesaid pensions shall commence from the date of filing the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

"SEC. 4. That the Commissioner of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences, of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made. And that no person shall receive a pension under this act who is or shall be in receipt of an income of $2,400 per year."

When the amended Sherwood bill returned to the House the House refused to concur in the Senate amendments, and the adjustment of all differences between the two Houses was referred to a joint committee of conference. For almost six weeks the House conferees insisted on the provisions of the Sherwood bill as it passed the House. In the meantime they carried on an immense correspondence for the purpose of ascertaining the sentiment of the country. The letters that reached them were practically all to one effect—they urged the House conferees to get every possible concession at an early day, but at an early day to accept what they could get and enact the Sherwood bill into law. Yielding to this well-defined public sentiment, they obtained concessions that will be of real benefit to many soldiers but that left the bill far from satisfactory, and joined in a report to the two Houses carrying such concessions and recommending the enactment of the Sherwood bill into law with such amended provisions. Both Houses adopted the conference report, and the bill was sent to the President. He approved the act without delay, and House bill No. 1, the Sherwood bill, became the Sherwood pension law, bearing the name of Gen. SHERWOOD, but carrying many provisions that do not meet his approval or satisfy his sense of justice to the veterans.

The amended Sherwood bill as it became a law, May 11, 1912, is as follows:

That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years, $17 per month; 2½ years, $18 per month; 3 years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21.50 per month; 2 years, $23 per month; 2½ years $24 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month; 1½ years, $27 per month; 2 years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

SEC. 4. That the benefits of this act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension under this act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments.

On the adoption of the report of the committee of conference, I voted to sustain the committee and send the bill to the President. This vote is of record in the CONGRESSIONAL RECORD for May 10, 1912, and at page 6545 thereof.

I have made this orderly statement of the history of the new pension law, not to challenge the motives of anyone, but to present the facts in a convenient form.

When the convention that nominated me in 1910 declared for the dollar-a-day bill, it voiced the sentiment of a large majority of the people of the district which I have the honor to represent. When I cast my vote for the dollar-a-day proposition, I truly represented the ninth district of Indiana and gave expression to the judgment and wish of a large majority of all the people of the district. After diligent inquiry, I am convinced that I was executing the popular will of the district when I voted to concur in the final report of the committee of conference and send the bill to the President for his approval.

Before many weeks the Democratic convention of the ninth Indiana district will again convene. Its delegates will come from every community in the eight counties that comprise the district, bringing first-hand information as to the present will of the people. They will probably make a declaration on the pension question, and it is needless to say that I shall be greatly pleased if the convention shall approve my record in that regard.

I shall not enter the field of prophecy, nor undertake to foretell the action and attitude of the convention. I shall not, however, be surprised if it shall reaffirm the declaration contained in the platform of 1910. Nor shall I be surprised if, in view of the action of a Democratic House of Representatives and of the two Democratic United States Senators from Indiana, the convention shall so far modify its former platform as to declare for the immediate enactment of the Sherwood bill as it originally passed the House. I earnestly hope that it will declare for one or the other of these two propositions, and that it may soon be enacted into law.

It would be the final solution of the pension question, so far as concerns a vast majority of the surviving Union veterans of the Civil War, and would take that issue out of politics forever.

The Excise Bill.

SPEECH

OF

HON. WILLIAM M. CALDER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 30, 1912.

The House having under consideration a Senate amendment to the excise bill repealing the act authorizing reciprocity with Canada—

Mr. CALDER said:

Mr. SPEAKER: In a speech to the people of my district nearly two years ago I made a statement of my attitude toward a number of public questions, some of which were then pending in Congress and others of which were soon to come before this body for action. I believe it is the duty of a Representative in Congress to render an account of his stewardship to his constituents, and no time can be more appropriate than that which apparently marks the approaching end of a session at which have been considered numerous important bills affecting the people and their Government in many ways.

Briefly I wish to review some of these measures and the position which I took and the votes which I cast concerning them.

TARIFF.

I voted at this session of Congress for a material reduction in the duty on wool and woolen goods, based upon an exhaustive report by the Tariff Board. The majority in the House, however, passed a woolen bill providing for a duty much lower than that justified by the Tariff Board's report, and also passed other tariff bills which, if enacted into law, would have had the effect of completely destroying a number of industries in this country. For those ill-considered bills I did not vote.

I favor a permanent nonpartisan tariff commission, composed of experts, who shall report to Congress whenever called upon to do so, and furnish it with information as to the cost of producing or manufacturing all articles in the United States and foreign countries. A tariff based upon such reports should fairly measure the difference in the cost of production at home and abroad and make allowance for a reasonable profit to the American producer and manufacturer. Such tariff is demanded both by employer and employee for their mutual prosperity. The present House has refused to establish such a nonpartisan commission.

I voted in this Congress and the last for Canadian reciprocity. I believe in the principle which that bill represented, and I am in favor of reciprocity with foreign countries where it can cheapen to the American consumer necessities of life without undermining our own industries. Particularly do I favor reciprocity which will enable us to bring here articles which we can neither produce nor manufacture in exchange for the opportunity of selling abroad American articles which our foreign neighbors can neither produce nor manufacture. Judicious tariff adjustment by reciprocity and careful consideration of commercial conditions is wise, and may be found helpful, but promises of low prices through reckless tariff reduction are dangerous and may prove disastrous.

LABOR.

I have advocated labor legislation which shall be fair both to employer and employee. I voted at this session for a universal eight-hour law, which shall apply to all Government contracts. The bill has been enacted. I favor a workingmen's compensation bill, with a more progressive provision for the liability of the employer. I am opposed to child labor. I believe that labor of women should be carefully regulated and restricted. I believe in rigid inspection of all railroad apparatus and favor the use of improved safety appliances.

PUBLIC HEALTH.

I voted in this Congress for the Children's Bureau bill, and I favor all sound progressive legislation which has for its purpose the safeguarding and improving of the health and well-being of our people. I favor a bureau of public health. I believe it to be the duty of this Government to look after its citizens as carefully as it does after its revenues, its finances, and its whole administrative machinery.

COST OF LIVING.

I believe that progress may be made toward a solution of this problem—perhaps the greatest which now confronts us—through a thorough and world-wide investigation of economic, industrial, and home conditions. To this end I favor the creation of a commission by this country and an invitation to other nations to establish like commissions and join with us in an effort to gather facts bearing upon living costs here and abroad, with a view to the discovery of a remedy for burdensome conditions.

RAILROADS.

I favor a physical valuation by the Government of the railroads of this country, including their terminals. The committee of which I am a member has reported such a bill. I believe such a valuation to be imperative in ascertaining what rates the railroads may fairly charge. Those rates should be so fixed by the Interstate Commerce Commission as to yield a reasonable return on the value of each road, and no more.

PARCEL POST.

I favor the establishment of a parcel-post system. Such a system should not be operated by the Government for purposes of revenue, but as a service to the people, and its rates should be made as low as possible without loss to the Government.

PANAMA CANAL.

I favor free tolls for American merchant ships using the Panama Canal when engaged in American trade. I was one of 4 members of the Committee on Interstate and Foreign Commerce, representing the minority against a majority of 17, who voted for this provision in committee. I spoke for it on the floor of the House when it was inserted in the bill. This bill will probably become a law before adjournment of the present session.

This I regard as the most important immediate step which can be taken toward restoring our merchant marine to its former supremacy.

NAVY.

I believe in a strong American Navy. I have always voted for the construction of two battleships each year and shall continue to do so. This is the most moderate program consistent with national safety. It is false economy to reduce it and I firmly believe would in the end prove folly and extravagance. I believe in Government-built ships whenever it is possible to obtain them at a fair cost, as compared with private-built ships.

DIRECT ELECTION OF SENATORS.

I voted for the constitutional amendment providing for direct election of United States Senators by vote of the people. This amendment was passed at the present session and is now ready for submission to the several States.

CAMPAIGN CONTRIBUTIONS.

I voted for the bill which provides for the publicity of campaign contributions and expenses, both at primaries and general

elections, in the cases of all candidates for Senator and Members of Congress.

WATERWAY IMPROVEMENT.

I believe in a settled policy for river and harbor improvements. Comprehensive legislation of this character will do much for the development of American commerce. I believe in liberal expenditures for such improvements, with careful safeguards against waste and extravagance. A scientific and progressive system of improvements will cure many evils now charged against our present method of legislation.

ABROGATION OF THE RUSSIAN TREATY.

I introduced on the opening day the first concurrent resolution in the present Congress, calling for the abrogation of our treaty with Russia relative to American citizens sojourning in that country. This was the basis for legislation subsequently enacted.

TITANIC DISASTER.

I introduced at this session the first concurrent resolution calling for a conference of the maritime nations of the world for the purpose of establishing a uniform system of steamship inspection and regulation, so as to prevent, if possible, another disaster such as that which befell the *Titanic*. Action by Congress to this end was based upon that resolution.

NAVY-YARD WORK.

In cooperation with my associates from Brooklyn in the House of Representatives, I assisted in securing a provision in the naval appropriation bill for the construction of a collier at the Brooklyn Navy Yard. This will mean $1,500,000 to the workmen and mechanics employed at that yard.

POST-OFFICE MATTERS.

I advocated on the floor of the House and voted for an amendment to the post-office bill providing for an eight-hour workday for all postal employees, and also a provision in the same bill forbidding their employment on Sundays.

CONCLUSION.

There are many public questions upon which I have not touched. The trust question, for instance, is one. It is a tremendous issue, which can only be wisely met after careful study and investigation. I do not believe that the Sherman antitrust law fully meets the present situation, yet I say frankly that I am not now prepared to make a suggestion for its strengthening and improvement. Upon this and several other matters my views are not fully matured. I have no panacea for the trusts or for some other problems that confront us. I simply hope and believe that by thoughtful study the Members of Congress may in the near future be able to agree upon a program of legislation which will benefit our people, and I am carefully studying every plan presented in or out of Congress.

I desire that the people of my district shall come to me at all times for information as to where I stand on public matters, for they have a right to know. I shall be glad to answer them fully and frankly whenever they ask me.

Eight-Hour Law.

EXTENSION OF REMARKS

OF

HON. A. W. LAFFERTY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 31, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: On July 25, 1912, the Progressive Party of Oregon met in convention at Portland and adopted a platform. While I am a Republican, I heartily agree with that platform, and I desire to include as a part of my remarks a portion of a press report, which includes the platform referred to. The press report contains the following statements:

Harry Yanckwich introduced a resolution which provided for the naming of a complete ticket, from constable in each county to United States Senator. The resolution read as follows:

Whereas the major political parties of the Nation have such heterogeneous and antagonistic forces in their composition and control that the one element therein is constantly neutralizing the effect of the other and thereby stopping the wheels of progress; and

COMPROMISES ARE HIT.

Whereas it has been demonstrated that whenever the people have a particular point considerations have been given and concessions made the hostile force in order to win at the following election: Be it therefore

Resolved, First, that the demand of the hour for the people of Oregon and the Nation is a distinct political party, progressive in character, progressive in personnel and control, and progressive in candidates, and not an adjunct to either the Republican or Democratic Party; second, that it is the sense of this convention that only those candidates be supported for any office in the gift of the people who subscribe to the principles of the Progressive Party and who agree to support its candidates, and to that end an entire ticket of the party be placed in the field throughout the State.

No sooner had the resolution been read by Secretary Lepper than Dr. H. W. Coe was on his feet making a plea to the convention to down the resolution. "Let us be fair," he shouted. "Let us stand by our basic principle of a square deal. Let us be fair to those who have been honestly nominated on the Republican ticket by the voters of this State. The process of building up a new party such as this is slow, usually, and we can not be hampered by making enemies at the start. Let us concentrate our efforts in electing a President and then with that as a foundation let us proceed to carry the other tickets to victory."

The hall was dotted with other aspiring speakers almost before Dr. Coe had taken his seat, each calling for the recognition of the chairman. One speaker in the rear of the house started to make a heated talk on the evil of the chairman allowing the consideration of the resolution and was hooted until he took his seat.

J. Frank Burke then secured the floor and delivered an address in favor of the resolution. "The reason for this new party," he shouted, "is not because Theodore Roosevelt was robbed at the Chicago convention, but it is because he represents the principles which we all believe in, while President Taft and the others believe in the principles which we dislike. If this were a party founded on the alleged theft of the Republican presidential candidacy we would go no further than the November election, because we would be snowed under so deep that we could never get out. But that is not the idea. We are fighting for principles. This is to be a new party representing these ideals, and if it is to live we must have a full set of candidates in the State and in the counties to represent our principles. I implore you to adopt these resolutions and place the new progressive ticket in the field on a firm basis and not as a ticket based on the election of Mr. Roosevelt merely because he was not nominated in Chicago."

RESOLUTIONS VOTED DOWN.

Harry Yanckwich secured the floor and pleaded for the adoption of the resolutions. He declared that the progressive cause necessitates a full ticket.

No sooner had he finished than there was another wild acclaim for the floor on the part of aspiring orators. One man managed to get the eye of the chairman and amidst the general shouting moved for the adoption of the resolutions. There was an uproar of voices, some shouting "good," others shouting "question," and others shouting equally loudly "no." Chairman Rodgers finally gave the floor to Bruce Dennis, who climbed to the speaker's stand and pleaded for the downing of the resolutions.

Again there was an uproar as Mr. Dennis took his seat. At this junction Chairman Rodgers rushed to the front and saved the day. Some one in the back of the house moved to place the resolutions on the table. There was wild applause on the part of some and resentment from others.

The motion was presented for vote, and a rising vote taken. Those opposed to the motion were defeated.

All the delegates to the Chicago convention and the full list of resolutions and the party platform were ratified by the convention by acclamation.

ORATORY FLOWS FREELY.

The rest of the evening's program was given over to oratory. F. W. Mulkey, ex-United States Senator, took up the questions of the recall of judicial decisions and the necessity of a party which will take up the fight for the common people. "If the country is to be a good place for any of us, it must be a good place for all of us," he said. "We must have a national party which will do something to solve in behalf of the people the great economic problems of the day."

Bruce Dennis said: "We are here to-night to resent the action of the steam roller at Chicago. There would be no gathering of this kind if a crime had not been committed.

"Why are you standing for the man we want to-day for President? Do you expect a Federal job like Thomas McCusker? You are for him because you believe he is a man, a 100 per cent man. It is immaterial to me whether McCusker is appointed to a Federal job in Oregon or not. But no man has a right to accept the franchise of the people of Oregon and be elected as a delegate and then to go back to the national convention and trade off the people of Oregon for those prizes.

"This is not hearsay. It is fact. Ralph Williams, the steamroller committeeman from Oregon, told me in Phil Metschan's hotel that he could be elected national committeeman with the

help of McCusker, and he could get him. I asked how he would get him. He said, 'Never mind, McCusker wants a job.' I am not saying McCusker was promised a job, but I know he voted for Williams."

PROMISES WERE ALLEGED.

Dennis said Williams promised Daniel Boyd and A. V. Swift positions in the land office at The Dalles and as surveyor general, respectively, if they would vote for him, which they refused to do. He said Dr. Coe and C. W. Ackerson have been misrepresented.

Dr. Henry W. Coe said: "There are millions of people in the country who believe in Theodore Roosevelt and who will fight for him." The national convention at Chicago was scored, the doctor referring to the members of the national committee as 40 thieves. He said further:

Those gray wolves of bad business had sent into the convention the gray wolves of bad politics, and they had said, "We are centering to continue control of this country, to issue watered stock on which the people must pay a percentage and which is issued as fast as the printing presses can turn it out.

With a vote of thanks to the chairman and another to the board of education, the convention adjourned.

The platform was drafted by a committee consisting of George W. Joseph, Multnomah, chairman; W. K. Newell, Washington; W. D. East, Marion; M. Telford, Clackamas; L. W. Wells, Douglas; John Robson, Linn; D. J. Cooper, Wasco; T. J. Cherrington, Polk; and S. W. Phillips, Josephine. It follows:

THE PLATFORM.

Whereas the persons in control of the national convention recently held at Chicago prevented by fraudulent methods the fair expression of the people of the United States as their choice of a nominee for the great office of President of the United States; and

Whereas we believe that the perpetuation of our Republic rests upon the free and fair exercise of the elective franchise; and

POPULAR WILL DEFEATED.

Whereas we believe that the fraud committed against the people at the Chicago convention was a direct blow at popular government and expressly as to the system now enjoyed in the State of Oregon, and was an attempt to control the political organization of the Nation in the interest of the few and to the detriment of the many, and that by reason of such fraud the action taken by such convention has created no obligation on behalf of the voters to support the nominees thereof; and

Whereas we deem it just to our people that the fraud of such convention be annulled, and that they be given an opportunity of selecting a nominee for the office of President of the United States, and, further, that we make known our political principles: Now, therefore, be it

Resolved as follows: That we hereby repudiate the acts of the national convention held at Chicago on the 18th day of June, 1912.

That the proper procedure be taken in the State of Oregon to allow the citizens thereof to choose a nominee for the office of President of the United States, to be elected at the following November election; and for this purpose that this mass meeting elect five delegates and five alternate delegates to attend the national convention to be held at Chicago on the 5th day of August, 1912, and also nominate for election five persons, each qualified for the office of presidential elector, who shall become candidates for such office at the next election thereof.

ROOSEVELT IS WANTED.

That the delegates to the national convention to be elected by this mass meeting be, and they are hereby, pledged to use every honorable means to secure the nomination of Hon. Theodore Roosevelt for the office of President of the United States;

That the Oregon system of elections and legislation, including the initiative, the referendum, and the recall, be adopted in national elections and legislation;

That the President and Vice President of the United States be nominated and elected by direct vote of the people;

That the recall will curb official dishonesty which heretofore has honeycombed governmental administration, making impractical the exercise by the Nation of any but governmental functions, and will make it not only practicable but desirable for the Nation to own and operate the properties of certain public-service corporations to which the people are paying an unjust tax, and the iniquities of which corporations can not be successfully corrected or prohibited;

That our natural resources which produce public necessities should be so conserved as to prevent individual exploitation thereof to the great loss of the public, and that to this end, where practical, the Government undertake the development of such natural resources, and especially do we recommend the experiment by the Government of developing the vast coal fields of Alaska that the public may be furnished coal at the least cost and without tribute to any individual or private corporation;

That the Government should establish a universal parcel post, extend the postal savings bank system, and own and operate express and telegraph services;

PROTECTIVE TARIFF WANTED.

That no tariff should be laid on any article which can be manufactured at home and sold at a reasonable profit in competition with foreign made, and any tariff on such should be forthwith removed, but none of our industries should be destroyed by removal of the tariff, and the tariff, if any is necessary to permit the existence of our factories, should be regulated so as to prevent our manufacturers from realizing more than a reasonable profit from sale of their wares, thus preserving all the benefits of our industries and preventing the exaction of exorbitant prices for tariff-protected articles;

That women should have the same right as men to exercise the right to vote at all elections;

That the powers of the Interstate Commerce Commission be enlarged;

That a permanent tariff commission be created, with power to investigate and regulate the tariff;

That by and through the trusts the predatory rich have debauched our national elections and have alienated and estranged the love and respect of the people for the institutions of our Government, and we recommend Federal regulation of all corporations, whereby the trusts shall be compelled to deal justly with the people;

That we recognize the honesty and integrity of Theodore Roosevelt in his political career, and that we adopt his example and recognize honesty as exemplified by him as one of the main issues before the people.

The enumeration of the foreging principles shall not be considered as excluding any others for the public welfare.

Mr. Speaker, I also desire to include as a part of my remarks the following correspondence with Mr. Roosevelt:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 16, 1912.

Hon. THEODORE ROOSEVELT,
Oyster Bay, N. Y.

DEAR MR. ROOSEVELT: I am for you and desire to contribute in every way possible to your election.

The right platform at Chicago August 5 and a hot fight for the following 90 days will do the work.

Let the platform be short but complete. Straddling declarations are to the people as a red rag in a bull's face. Therein lies the weakness of the Wilson platform.

Ignore Taft. Make the issue direct with Wilson from the sounding of the gong.

Put this query prominently to the people: What reason have we to believe that another Democratic Congress would be any more progressive than the present one, which has voted down a parcel post and refused to even consider bills offered by Roosevelt Congressmen for physical valuations? Democrats confidently expect to win by promising to give us these two things next year, both of which they have refused to give us this year.

Let our platform also declare for an income tax, an inheritance tax, limitation of maximum prices upon commodities controlled by monopolies, sympathy for the initiative, referendum, and recall in the several States, and our allegiance to the precedents limiting any citizen to two elective terms to the Presidency.

If I can help, let me know.

Sincerely,

A. W. LAFFERTY.

THE OUTLOOK,
New York, July 19, 1912.

Hon. A. W. LAFFERTY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAFFERTY: Hearty thanks for your letter. I feel exactly as you outline in your letter all along the line. As to the Presidency, Senator BRISTOW has made a suggestion that I think worth while considering. Will you talk to him about it?

Faithfully, yours,

T. ROOSEVELT.

Repeal of the Reciprocity Act and Creation of a Permanent Tariff Board.

EXTENSION OF REMARKS

OF

HON. CHARLES E. FULLER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 30, 1912.

On the amendments of the Senate to H. R. 21214, to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Mr. FULLER said:

Mr. SPEAKER: I think the House should concur in the amendments proposed by the Senate to this bill and let it go to the President in its present form. I believe he would promptly give it his approval and it would become a law. I desire to emphatically declare my entire approval of the Senate amendments repealing the reciprocity act and creating a permanent tariff commission. Canada, by vote of her people, has refused to accept the reciprocity proposals, and I am convinced that the overwhelming sentiment in this country is opposed to any proposition that would admit agricultural products from Canada, or any other country, free of duty. When the bill was before us in the Sixty-first Congress I voted against it. When it was reintroduced at the special session of the present Congress, and owing largely to the fact that it had the earnest approval of President Taft and of ex-President Roosevelt, in the judgment of both of whom I had great confidence, I reluctantly, and rather against my own judgment, voted with the majority for its passage. I confess my mistake in so doing, and would now like to see the obnoxious act wiped off from the statute books forever.

I believe in the doctrine of protection to all American industries, including the products of the farms, the factories, and the mines. Reciprocity sounds well, but when we come to think of it, there can be no such thing as real reciprocity in

competing products. This country is entirely competent to make its own tariff laws and to say on what terms the productions of any other country may be marketed here. On such things as we do not and can not produce we might make concessions to other countries for like concessions from them. But on all competing products our own people should be given the advantage always and all the time. This is true Republican doctrine as I understand it.

As to the amendment providing for a permanent tariff board there should be no controversy whatever. Every Republican favors it, and every Democrat, if he desires an honest and fair revision of the tariff, should favor it. I hope that before this session of Congress adjourns this bill may become a law with these two amendments made a part of that law.

Portland's Drawbridges.

EXTENSION OF REMARKS

OF

HON. A. W. LAFFERTY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 1, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: On July 25, 1912, I introduced the following bill, having for its object the conferring of power upon the State legislatures to regulate the hours for the closing of drawbridges across navigable waters, which power is now vested exclusively in the Secretary of War:

A bill (H. R. 25972) to amend section 5 of an act of Congress approved August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide for the regulation by the State or States in, through, or between which navigable rivers flow of the drawbridges now built or hereafter to be built across such rivers.

Be it enacted, etc., That section 5 of the act of Congress approved August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built or which may hereafter be built across the navigable rivers and other waters of the United States to open or cause to be opened the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open or cause to be opened the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $2,000 nor less than $1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided: *And provided further*, That whenever any State or States in, through, or between which such navigable rivers or other waters of the United States flow shall by legislation, in which all of the States interested in the control of such rivers or waters shall concur, provide rules and regulations governing the opening of drawbridges over and across such rivers and waters for the passage of boats and other water crafts, such regulations so provided shall supersede and take the place of any regulations prescribed by the Secretary of War. Any State or States shall be deemed to be interested, within the meaning of this act, in the regulation and control of any drawbridge whenever the river or other water across which such drawbridge is constructed shall flow in, through, or along any boundary of such State or States before reaching such drawbridge, and no legislation shall be effective for the purpose of regulating any drawbridge unless the same shall be concurred in by all of the States so interested therein."

Mr. Speaker, on June 15, 1911, I secured an order from the Secretary of War authorizing two half-hour closed periods of evenings for the drawbridges across the Willamette River at Portland, which was in addition to the closed periods of mornings which had previously been ordered by the War Department.

But these closed periods are not sufficient. Ninety people of every one hundred in Portland would like to see the drawbridges closed by order of the Secretary of War for two hours each morning and two hours each evening, during the rush hours.

At the same time the people of Portland do not wish to cause inconvenience to our river and ocean commerce. But we do insist upon reasonable regulations for the comfort of our people, when we know that such reasonable regulations will not in any way interfere with nor hamper the use of the harbor.

The Secretary of War has thus far declined to give us regulations as liberal as we feel ought to be given. The bill I have introduced would confer the power upon the State to pass laws regulating the closed periods. The Constitution gives to Congress the power to regulate interstate commerce. Commerce on a navigable river is largely of an interstate character. But at the same time a State undoubtedly has the right to regulate its own commerce, and probably the State of Oregon now has the power to pass a law requiring the drawbridges at Portland to remain closed for two hours each morning and evening, during the rush of traffic across the bridges, which are highways of the city of Portland and of the State of Oregon.

But we do not wish any conflict with the Federal Government if it can be avoided. Therefore this bill has been introduced to bring the matter prominently before Congress and the Secretary of War in a formal and official way. The bill will be referred to the War Department for its recommendations, and in that way we will at least impress upon that department our needs at Portland.

The Army engineers having in charge the expenditure of appropriations for the improvement of our rivers, have been very kind to Oregon in every way except in the matter of making reasonable recommendations as to the closing of these drawbridges. I have only praise for these Army engineers stationed at Portland. By their recommendations the Oregon delegation has been enabled to have appropriations included in this year's river and harbor bill for over $2,000,000 for the improvement of Portland's commerce. I would be ungrateful not to acknowledge credit where it is so justly due.

At the same time I must insist that the city of Portland be fairly treated by the War Department in the matter of the closing of the drawbridges. To have these bridges swinging open every few minutes during the rush hours is a loss of time to both river traffic and to the bridge traffic. If known in advance that the bridges would be closed from 7 to 9 a. m. and from 5 to 7 p. m. river traffic could easily accommodate itself to those hours. For the present, at least, I would favor the bridges being opened even during those hours for ocean-going vessels.

Doubtless other cities are having the same trouble as Portland, and probably something will come of the bill in the way of a remedy. When the bill is reached for consideration at the December session I shall certainly insist that Portland shall have relief in one way or another.

The remainder of my remarks are adapted from a memorandum on the subject prepared at my request by Arthur I. Moulton, of the Portland (Oreg.) bar, who was formerly associated with me in the practice of law in Portland.

By an examination of the proposed bill it will be seen that the same would not change existing law covering the regulation of drawbridges over navigable waters in any respect until the State or States interested in the control of any particular drawbridge had passed adequate legislation on the subject.

It is at least questionable whether the Federal Government has the right to assume authority which takes from the States the police power to provide regulations of this character. It certainly is contrary to the spirit of the Constitution for questions largely of local import to be regulated by fiats or decrees of Cabinet members in cases where the States interested desire to exercise authority over such questions. It is true that by the Constitution Congress is vested with power and authority to regulate commerce between the States and with foreign countries. But it does not follow that Congress may delegate that power and authority to an executive official, and permit him to enact such laws as shall, in his judgment, fit the necessities of the case. Nor does it follow that by the provision of the Constitution referred to the police power of the States in respect to rivers and other waters within their borders is wholly destroyed.

For an example of this last proposition it may be said that it would scarcely be urged by anyone that because Congress has the power, and has in many ways exercised it, to regulate interstate commerce on railroads, the States may not properly enact police regulations governing the running of trains through thickly settled communities or providing for the fencing of railroads or the like.

The States have inherent power to provide in any reasonable way for the protection and convenience of its citizens, and if the matter were made one of judicial inquiry, it is not improbable that the States would be held to have power to provide for the closing of drawbridges in large cities during short periods of the day when the traffic across such bridges is heaviest, as a reasonable exercise of the power of protecting and providing for the comfort and convenience of its citizens. In other words, the power of Congress to provide for free intercourse between the States ought not to be held to reach to the extent of preventing the States taking reasonable steps for the protection of their citizens.

This bill is simply designed to obviate any question of a conflict between State laws and the regulations of the War Department, and to obviate the necessity for litigation to test the right of the State to regulate drawbridges. The author of the bill is particularly interested in the drawbridges over the Willamette River at Portland, Oreg. It may be said in explanation that there are at this time constructed and in course of construction five drawbridges over the Willamette River, all of which have been built under the regulations of the War Department. Four of these bridges are operated by the county court of Multnomah County, Oreg., and the fifth is owned and operated by the Oregon-Washington Railroad & Navigation Co., and its top span is leased by the county of Multnomah for use as a highway. In the construction of these bridges every precaution has been observed for the convenience of traffic. They all have ample draws to admit of the passage of virtually any sort of water craft, and the last two undertaken are being so built as to accommodate river traffic without the necessity of opening the draws, except for exceedingly high vessels, each of them having a clearance of approximately 80 feet for the passage of vessels at ordinary low water. No question of any serious obstruction of river traffic is involved here. No one interested in the passage of this bill desires to interfere with the passage of all or any manner of craft up and down the river.

But while a large number of vessels pass up and down the river daily, the traffic across the river on the bridges is correspondingly much heavier than that on the river. The chief business portion of the city of Portland is built on the west side of the river. Something like two-thirds of the residence portion of the city and a considerable portion of the business of the city is located east of the river. The bridges are busy thoroughfares all day long, as a great many pedestrians and vehicles constantly pass back and forth across them. But in the morning, from about 7 o'clock until about 9 o'clock, and in the evening, from about 5 o'clock until about 7 o'clock, the bridges are continually crowded to their capacity. Whenever the draws open during these rush periods the street cars, vehicles, and pedestrians form a solid mass for several blocks back from the approach to the bridge whose draw is open. The War Department has granted some relief by its rulings, but the congestion is still great. A great majority of the citizens of the city feel that a longer closing period, both morning and evening, should be granted. It is believed that the river traffic could, without loss, accustom itself to a longer closing period. It is also believed that a great portion of the vessels that traverse the river could make some arrangement for the lowering of their smokestacks, so that the draws would not be required to open to admit of their passage.

The draws are most frequently opened for the passage of tugs drawing barges and other vessels engaged in business which does not require them to go to sea or to leave the port of Portland more than a few miles. It is believed by a great majority of the citizens of the city of Portland that, in view of the great inconvenience resulting to thousands of people daily from the passage of these vessels through the draws, it would not be unjust or improper to require these vessels to be so constructed that they could pass under the draws when closed at all times except at extreme high water. The draws are sufficiently high to admit of vessels constructed on a reasonably low plan passing at all times except at extreme high water. Extreme high water only prevails a few days each year. There is nothing whatever in the nature of the business conducted by these vessels making it necessary for them to be built on a high plan or to have extremely high smokestacks. In fact, many of the vessels are built on a low plan and are as successful in the business as those constructed on a higher plan.

But a great deal of the business is carried on by old vessels, constructed many years ago, with nothing in mind but cheapness of construction. Little or no attempt has been made until the past few years to construct the river vessels so that they can pass under the bridges without the opening of the draws. The chief opposition that is now urged to the proposal that they be constructed lower is the immediate cost of lowering those already built.

If these interport vessels, and vessels carrying on a strictly local business, were required to be so constructed that they could pass under the bridges without requiring the draws to be opened, the problem of regulation would be comparatively simple. Other vessels could readily, and without inconvenience, accommodate themselves to closed periods. Neither would any considerable inconvenience be encountered if ordinary vessels arriving in port were required to time their arrivals to closed periods, which would be known in advance.

This situation is stated here in brief that an idea of conditions may be had. It is not believed that Congress ought to be required to take evidence, or enter into a detailed consideration of the merits of the controversy between the citizens of Portland and the interests which oppose closed periods for these draws, and the regulation of the height of vessels doing local business. If Congress attempts this in one port, it will be required to do so in others, and endless difficulty and confusion will arise. It is not conceived that the Federal Constitution either requires or authorizes Congress to enter upon a consideration of local questions of this character. The Nation was too large at the time of the adoption of the Constitution to admit of one legislative body acquainting itself with the needs of every locality, and it is many times larger now. A question which is of gigantic importance to a locality may be but trivial when addressed to the Congress of the United States. Congress has never attempted to regulate, by direct and positive enactment, the opening and closing of drawbridges, or the height of vessels which shall pass through them. It was never intended, by the Constitution, that it should be required to do so.

But if Congress can not decide these local questions, to what authority shall they be submitted? These problems are clearly legislative ones. They are not questions of fact of such character that they should be submitted to the judiciary for decision or regulated by executive officials.

The relation of State and Federal Governments is considered directly and at great length in the case of Gilman against Philadelphia, reported in 70 United States, 3 Wallace, at page 713, wherein Mr. Justice Swayne, speaking for the court, said:

> It must not be forgotten that bridges which are connecting parts of turnpikes, streets, and railroads are means of commercial transportation as well as navigable waters, and that the commerce which passes over a bridge may be much greater than would ever be transported on the water it obstructs.
>
> It is for the municipal power to weigh the considerations which belong to the subject, and to decide which shall be preferred and how far either shall be made subservient to the other. The States have always exercised this power, and from the nature and objects of the two systems of government they must always continue to exercise it, subject, however, to the paramount authority of Congress, whenever the power of the States shall be exerted within the sphere of the commercial power which belongs to the Nation.
>
> The States may exercise concurrent or independent power in all cases but three:
>
> 1. Where the power is lodged exclusively in the Federal Constitution.
> 2. Where it is given to the United States and prohibited to the States.
> 3. Where, from the nature and subjects of the power, it must necessarily be exercised by the National Government exclusively. (Houston *v.* Moore, 5 Wheaton, 40; Federalist No. 32.)
>
> The power here in question does not, in our judgment, fall within either of these exceptions.
>
> "It is no objection to distinct substantive powers that they may be exercised upon the same subject." It is not possible to fix definitely their respective boundaries. In some instances their action becomes blended; in some the action of the State limits or displaces the action of the Nation; in others the action of the State is void because it seeks to reach objects beyond the limits of State authority.
>
> A State law requiring an importer to pay for and take out a license before he should be permitted to sell a bale of imported goods is void (Brown *v.* Maryland, 12 Wheaton, 419), and a State law which requires the master of a vessel engaged in foreign commerce to pay a certain sum to a State officer on account of each passenger brought from a foreign country into the State is also void (Passenger's cases, 7 Howard, 273), but a State, in the exercise of its police power, may forbid spirituous liquors imported from abroad or from another State to be sold by retail or to be sold at all without a license (License cases, 5 Id., 504) (and it may be here added that by later cases it is held that the State may forbid any sale whatever of such liquors), and it may visit the violation of the prohibition with such punishment as it may deem proper (Id.). Under quarantine laws a vessel registered or enrolled and licensed may be stopped before entering her port of destination or be afterwards removed and detained elsewhere for an indefinite period, and a bale of goods upon which duties have or have not been paid, laden with infection, may be seized under "health laws," and if it can not be purged of its poison may be committed to the flames.
>
> The inconsistency between the powers of the States and the Nation, as thus exhibited, is quite as great as in the case before us, but it does not necessarily involve collision or any other evil. None has hitherto been found to ensue. The public good is the end and aim of both.
>
> If it be objected that the conclusion we have reached will arm the States with authority potent for evil and liable to be abused, there are

several answers worthy of consideration. The possible abuse of any power is no proof that it does not exist. Many abuses arise in the legislation of the States which are wholly beyond the reach of the Government of the Nation. The safeguard and remedy are to be found in the virtue and intelligence of the people. They can make and unmake constitutions and laws, and from that tribunal there is no appeal. If a State exercise unwisely the power here in question, the evil will fall chiefly upon her own citizens. They have more at stake than the citizens of any other State. Hence there is as little danger of abuse of this power as of any other reserved to the States.

And in an appendix to volume 70 of the United States Reports, from the manuscript of Third Wallace, Jr., beginning at page 782 of the volume and referring particularly to page 789 of the volume, is found the following observation of Mr. Justice Grier in reference to the Passaic bridges:

That the proposed bridges will in some measure cause an obstruction to the navigation of the river and some inconvenience to vessels passing the draws is certainly true. Every bridge may be said to be an obstruction on the channel of a river, but it is not necessarily a nuisance. Bridges are highways as necessary to the commerce and intercourse of the public as rivers. That which the public convenience imperatively demands can not be called a public nuisance because it causes some inconvenience or affects the private interests of a few individuals.

Now, if every bridge over a navigable river be not necessarily a nuisance, but may be erected for the public benefit without being considered in law or in fact a nuisance, though certainly an inconvenience affecting the navigation of the river, the question recurs, Who is to judge of this necessity? Who shall say what shall be the height of a pier, the width of a draw, or how it shall be erected, managed, and controlled? Is this a matter of judicial discretion or of legislative enactment? Can that be a nuisance which is authorized by law? Does a State lose the great police power of regulating her own highways and bridges over her own rivers because the tide may flow therein or as soon as they become a highway to a port of entry within her own borders?

It is believed by the proponents of this bill that, even in the present state of the law, if the legislation that is desired were enacted by the Legislative Assembly of the State of Oregon, it would be held to be constitutional and valid, notwithstanding the provisions of the act sought to be amended to the effect that the rules and regulations of the Secretary of War shall have the force and effect of law. It is conceded that executive rules and regulations must in many instances be established and promulgated, and that they have their usefulness in appropriate cases. But it is not believed that it is either proper or competent for Congress to delegate to any executive officer its legislative authority to enact laws. That is the effect of the existing law on the subject.

But by this bill it is proposed to avoid any question of that kind. If this bill be passed, the War Department will have all the power and authority it now has, unless the States shall desire to exercise control.

The consensus of judicial opinion at the time of, and for a long time after, the adoption of the Federal Constitution was that it would be better policy to leave such matters as are covered by this bill to the States. The court can not bind Congress by any mere expression upon questions of policy. But, none the less, these judges had competent authority to interpret the Constitution and they were learned, able, and unbiased men, whose opinions, for their theoretical and logical value alone, are entitled to great weight and ought to be given much persuasive force. It is believed to be wise and just that questions of the character covered by this bill should be submitted to the legislative authority of the States interested. The power and authority asked for in the interest of the States has never been exercised by Congress. By the very act sought to be amended Congress has admitted that local laws of this character are not properly within the scope of its powers and that it can not, and ought not, to undertake to regulate the opening of the draws of such bridges or the height of the smokestacks of vessels passing through such draws. It has left the matter to a Cabinet officer. Would it not be better to leave it to the States?

One-man power is not favored in this country, and it seems that wherever the question comes to be one of such importance that the States interested desire to control it they should have that right. The Supreme Court has declined to assume jurisdiction of these questions, saying they were matters of legislative discretion and should be governed by the legislative department of the Government. Is there not much more reason why the same questions should not be arbitrarily decided by an executive official?

Certainly no law would be enacted by the State of Oregon without due consideration for the interests of everyone concerned. Certainly the Legislature of the State of Oregon would enact no law seriously injuring the commerce of the greatest port in the State. All that is asked by the bill is that the question of regulating drawbridges be left on its merits to the legislative authority of the States interested.

White Oak Point Band of Mississippi Chippewa Indians.

EXTENSION OF REMARKS

OF

HON. CHARLES A. LINDBERGH,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 1, 1912.

Mr. LINDBERGH said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include as a part of my remarks a brief, drawn by John G. Dudley, of Washington, D. C., in support of House bill 22590.

The brief is as follows:

WHITE OAK POINT BAND OF MISSISSIPPI CHIPPEWA INDIANS IN SUPPORT OF H. R. 22590, INTRODUCED MARCH 29, 1912, BY REPRESENTATIVE LINDBERGH.

The White Oak Point Band of Mississippi Chippewa Indians is one of the six tribal bands composing the great nation known as the Mississippi Chippewas, as distinguished from the Chippewas of Lake Superior. The other bands are known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, and Pokagomin and Rice Lake.

The Chippewas were a united nation until the making of the treaty of September 30, 1854 (10 Stats., 1109), which provides for a division of the lands and funds between the Chippewa Indians of Lake Superior and the Mississippi. The Mississippi Chippewas were henceforth to be a separate nation, and there is nowhere found in the treaty any provision for preferential treatment of any of the several bands of the Chippewas of the Mississippi.

The treaty of February 22, 1855 (10 Stat., 1165), between the Mississippi Bands of Chippewa Indians and delegates representing the Pillager and Lake Winnibigoshish Bands and the United States, in article 1 thereof recognizes and makes a clear distinction between those bands designated as the Mississippi, Pillager, and Lake Winnibigoshish. Separate reservations are provided for each of the three bands, with definite and fixed boundaries, and for the purpose of determining the rights of the several bands of Mississippi Chippewas it may be stated that this last-named treaty was intended and actually did settle the rights of the Pillager and Lake Winnibigoshish Bands in so far as concerns the territory set apart for the Chippewas of the Mississippi.

By the treaty of March 11, 1863 (12 Stat., 1249), certain reservations described in the second clause of the second article of the treaty of February 22, 1855, supra, were ceded to the United States and other reservations set apart for the Indians in lieu thereof. This treaty again recognizes the separation and distinction between the Chippewas designated as the Mississippi, Pillager, and Lake Winnibigoshish Bands.

The treaty of May 7, 1864 (13 Stat., 693), provides for further cession of lands to the United States and recognizes the clear distinction between the Mississippi, Pillager, and Lake Winnibigoshish Chippewas, as well as further defines the boundaries of their respective reservations.

The treaty of March 19, 1867 (16 Stat., 719), is made between the United States and the Chippewas of the Mississippi alone, and without any reference to the Pillager and Lake Winnibigoshish Bands. The treaty recites that the lands set apart for the Mississippi Chippewas by the treaty ratified March 20, 1865, having been found not to be adapted for agricultural purposes, the lands are ceded to the United States, except a small tract of definite and fixed boundaries. The lands ceded by this treaty amount to about 2,000,000 acres.

Article 2 of the treaty attempts to provide a reservation suitable and sufficient for all the Mississippi Chippewas, but, as a matter of fact, discriminates against all bands except those known as White Earth and Rice Lake, as will be more particularly shown by subsequent legislation of the Congress and administrative action by the Department of the Interior.

The provision was made in the treaty last above mentioned for allotments of land for each and every member of the band known as the "Chippewas of the Mississippi" in the quantity specified in article 7 of the treaty, and which entitles every man, woman, and child of this band to 160 acres of land each. Many of the enterprising members of the band, now divided into several separate bands, have acquired certificates and title to land in the quantity as therein specified—160 acres.

After the passage of the act of Congress of January 14, 1889 (25 Stat., 642), much speculation arose regarding the proper construction of the law, especially with reference to the allotment of lands to the White Earth Band of Mississippi Chippewas.

Pursuant to the authority of the act of 1889 the President appointed three commissioners to negotiate with *all* of the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment of all their title and interest in and to the reservations of these Indians in that State, except the White Earth and Red Lake Reservations, and to all or so much of these reservations as in the judgment of these commissioners *is not required for allotments under existing laws.*

The general allotment act of Congress of February 8, 1887 (24 Stat., 388), prescribes the amount of land to be allotted thereunder, as follows:

"To each head of a family, one-quarter of a section; to each single person over 18 years of age, one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section; and to each other single person under 18 years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *And provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President in making allotments upon such reservation shall allot the lands to each indi-*

vidual Indian belonging thereon in quantity as specified in such treaty or act: And provided further, That when the lands allotted are only valuable for grazing purposes an additional allotment of such grazing lands in quantities as above provided shall be made to each individual."

Section 3 of the act of January 14, 1889, supra, provides that after the census of the Indians has been taken and the cession of land made as required by section 1 of the same act—

"All of the said Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth Reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on Red Lake Reservation and to all the other of the said Indians on the White Earth Reservation in conformity with the act of February 8, 1887, entitled 'An act for the allotment of lands in severalty to Indians on the various reservations, and to extend protection of the laws of the United States and the Territories over the Indians, and for other purposes,' and all allotments heretofore made to any of said Indians on the White Earth Reservation are hereby ratified and confirmed, with the like tenure and condition prescribed for all allotments under this act."

Section 1 of the act of February 28, 1891 (26 Stat., 794), which act is amendatory of the act of February 8, 1887, supra, provides:

"That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart same for their use, the President of the United States be, and he hereby is, authorized whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot to each Indian located thereon one-eighth of a section of land: *Provided,* That in case there is not sufficient land in any of said reservations to allot to each individual in quantity as above provided, the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions: *Provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: Provided further,* That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February 8, 1887, or in quantities substantially as therein provided, allotments may be made in quantity specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require: *And provided further,* That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes such lands shall be allotted in double quantities."

The instructions to the commissioners appointed by the President under the act of January 14, 1889, supra, provides that, under the authority of section 1 of the act of February 28, 1891, supra, the Mississippi Chippewas, as a tribe, will receive more land than under the general allotment act of 1887, and that it was considered best to allot 80 acres to each of those Indians who consent to removal to White Earth, but, if they so desire, "they have the right under the act to take allotments and remain upon the reservation where they now are if they shall not be satisfied to go to White Earth."

Subsequently, on August 17, 1891, at the request of the commissioners, the Mississippi Chippewa Indians were further advised by the Indian Office, quoting article 7 of the treaty of 1867, heretofore referred to, that—

"In all cases where Indians affected by the said article of the treaty had cultivated land and had either received or were entitled to receive certificates covering the same prior to January 14, 1889, the date of the approval of the act ratifying the Chippewa agreement above referred to, the holdings of such Indians should be respected by the commission, and allotments should be made in accordance with the said provision of the treaty.

"In all other cases the commission will proceed with the work making the allotments required in accordance with your instructions of July 11 last."

It is an interesting fact that before the Indians would sign the cessions of land to the Government as provided by the act of January 14, 1889, supra, they insisted upon certain promises from the commissioners appointed by the President, one of which was that to each man, woman, and child there should be made an allotment of 160 acres of land. The Indians even required the commissioners to raise their arm toward high heaven and declare in the most solemn manner that the promises made to them would be truly and faithfully carried out.

The White Earth Indians refused to accept allotments of land of 80 acres, and the Commissioner of Indian Affairs, upon having the matter referred to him, held that the promise of 160 acres was made especially to the Indians of the White Earth Reservation. Everyone who was connected with the transactions in question knows that the promise was made to all bands of Mississippi Chippewa Indians and not to the White Earth Band alone, and that the Indians would never have ceded the 2,000,000 acres described in the treaty of March 19, 1867, supra, unless they had expected to receive for each man, woman, and child of the tribe a full allotment of 160 acres of land.

By the provision of article 7 of the treaty of March 19, 1867, supra, the Indians were to receive, each, patents to 160 acres upon certain conditions, which conditions, whether complied with or not, did not affect the United States, for the reason that the Indians in their tribal relations held all that remained of the 36 townships of land which they received from the Government in exchange for the 2,000,000 acres of far greater value, acre for acre. The Indian title endured in these lands whether they were alloted in severalty under article 7 of the treaty or not, and the time for complying with the conditions imposed in article 7 are without limit, and as no penalties were named none attached, and no forfeiture could be anticipated or enforced.

The Chippewas of the Mississippi, at the time of the making of the treaty of 1867, understood that not only each individual was entitled to 160 acres in severalty but, in addition, to every foot of land that remained of the 36 townships purchased from the United States.

The treaty of 1867 and the Dawes Act of 1887 were not in anywise affected by the negotiations contemplated by the act of January 14, 1889, supra, except giving permission to other Indians theretofore having no interest in the reservation to settle thereon.

During the negotiations the commission had no doubt as to the correctness and the construction given to the treaty of 1867 and the acts of 887 and 1889. The Secretary of the Interior coincided with the construction placed upon these treaties and these acts, and the President approved this procedure. The Indian office had first executed the law as interpreted by the commission, but later applied the provisions to the White Earth Indians alone and refused to allot the Indians of the band known as the White Oak Point Band of the Mississippi more than 80 acres of land unless they were removed to the White Earth Reservation, which was and is a clear attempt at coercion, neither warranted nor justified by the treaty and the laws and a reasonable interpretation thereof.

Notwithstanding the fact that there was sufficient land to allot every member of their band of Mississippi Chippewas 160 acres each, the Department of the Interior and the Indian office refused to allot the Indians of the White Oak Point Band of Mississippi Chippewas more than 80 acres each, and, without the consent of the Indians, took a large part of contiguous territory which belongs to the Mississippi Chippewas and, by executive order, created the Minnesota National Forest.

The first chairman of the Chippewa Commission, appointed by the President under the act of January 14, 1889, the late Hon. Henry M. Rice, had no doubt regarding the interpretation of the treaty laws and expressed himself forcibly to the Indians and the Indian Office upon the subject. (See Exhibit A.)

While the treaty of March 19, 1867, supra, ceded over 2,000,000 acres of land belonging to the Mississippi Chippewas to the Government, it purported to set apart the White Earth Reservation as a home for *all* the Mississippi Chippewas. At the same time there was provision for the Indians who desired to do so to remain where they had made their homes and to take allotments of land there. The White Oak Point Band of Mississippi Chippewa Indians—that is to say the large majority of them—have elected to remain upon their old reservation, and a large number of them have received allotments upon what is now, by Executive order, the Minnesota National Forest; but, because the White Oak Point Band of Mississippi Chippewa Indians have elected to remain in their old home, they have, both by the acts of the Congress and the administrative action of the Department of the Interior, been penalized, in that they have only been allowed to receive 80 acres for their allotment of land, while the White Earth Band and other bands having no connection with them, and who were not even parties to the treaty of 1867, have been given rights upon the White Earth Reservation. Particular attention is invited to the fact that the Otter Tail Pillager Indians have been given rights upon the White Earth Reservation to the exclusion of Mississippi Chippewas, who are entitled to the full allotment of 160 acres each, both under the treaty of 1867 and the Steenerson Act of April 28, 1904 (33 Stat., 539). See opinion of Assistant Attorney General of the Department of the Interior, October 31, 1904 (Exhibit B).

The White Oak Point Band of Mississippi Chippewa Indians, on the 6th day of September, 1889, met the members of the commission appointed by the President under the act of January 14, 1889, supra, and signed the cession provided by the act and relinquished their right, title, and interest in and to the lands therein described for the purpose of receiving allotments of 160 acres each for every man, woman, and child of the White Oak Point Band. The records of the councils held with the Mississippi Chippewa Indians indicate that members of the White Oak Point Band were present at many of the deliberations and heard, first hand, the promises made by the commission to allot the Indians 160 acres each. One hundred and seventy-two of the White Oak Point Bands of Mississippi Chippewa Indians, being adult males over 18 years of age, signed the relinquishment and cession. (See pp. 43, 160, Ex. Doc., H. R. 247, 51st Cong., 1st sess.)

The White Earth Band of Mississippi Chippewa Indians refused to be satisfied with the allotments of 80 acres each, and by the protests of their chiefs and the old and young men of the tribe they succeeded in getting the Department of the Interior and the Congress to increase their allotments from 80 to 160 acres each. This matter was passed upon by the Assistant Attorney General of the Department of the Interior, Hon. George H. Shield, April 28, 1892, in an opinion to the Secretary of the Interior, in which the Assistant Attorney General held that there was an abundance of land reserved to give these Indians 160 acres as *promised,* and said that "it would seem to be equity and justice that additional legislation be had granting the right to allot the Indians 160 acres without conditions." (See Exhibit C.)

An examination of the acts of Congress and the treaties and agreements made with the Mississippi Chippewa Indians fails to disclose the reason for a clear discrimination in favor of the White Earth Bands of Mississippi Chippewas, but any person who is familiar with the facts as they exist will not deny that all Mississippi Chippewas who have not removed to White Earth, but who have by authority of law remained upon the old reservation and in their old home, have been denied the rights and increased allotments which have been allowed to the Mississippi Chippewas of the White Earth Bands and others who have become allied with those bands, to the exclusion of those rightfully entitled to share in the lands.

Land is available in the Minnesota National Forest Reserve, as provided in section 2 of the bill H. R. 2250, which belongs to the Chippewa Indians, for the allotment to the White Oak Point Band of Mississippi Chippewas of 160 acres to each man, woman, and child. We understand that this land is held as a forest reserve by the Government, but Congress having the sole and exclusive power of final disposition of the public domain has the right to direct the allotment of our people upon the lands desired.

Section 3 of the bill provides for an adjustment and accounting of all funds and moneys held by the Government belonging to the Chippewa Indians of Minnesota and the payment to the White Oak Point Band of Mississippi Chippewas their just share. This is necessary in order that our people may have moneys with which to build homes and improve their allotments.

We believe we have demonstrated the legal right of the White Oak Point Band of Mississippi Chippewa Indians to have and receive 160 acres of land for each person, and we have shown that the Mississippi Chippewas and even others have received on the White Earth Reservation 160 acres of land, which action on the part of the Government has been and still is a clear discrimination against the White Oak Point Band of Mississippi Chippewas.

We pray your honorable body for early and favorable consideration of H. R. 22590, and believe that a careful examination of the laws and facts will demonstrate the justice and right of our claim.

CHAS. A. WAKEFIELD,
WILLIAM H. LYONS,
Authorized Delegates of the White Oak Point Band of Mississippi Chippewa Indians.
JOHN G. DUDLEY,
Attorney for White Oak Point Band of Mississippi Chippewa Indians.

EXHIBIT A.

ST. PAUL, MINN., *April 4, 1892.*

Hon. T. J. MORGAN,
Commissioner of Indian Affairs,
Interior Department, Washington, D. C.

DEAR SIR: In reply to your communication of March 28 ultimo (Lands), I have to say that by the provisions of article 7 of the treaty of March 19, 1867 (16 Stat., 719), between the United States and the Chippewa Indians, the Indians were to receive, each, patents to 160 acres upon certain conditions, which conditions, whether complied with or not, did not affect the United States; neither did they the Indians, except so far as to allot 160 acres in *severalty*, they holding in their *tribal relations* all that remained of the 36 townships which they received from the Government in exchange for about 2,000,000 acres of far more value, acre for acre. Under this treaty some had already complied with the conditions and received patents therefor; but as the time for complying with the conditions imposed was limitless and no penalties attached, forfeiture could not be anticipated or enforced.

The act of February 8, 1887, section 1, authorizing allotments of 160, 80, and 40 acres, expressly says "That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty *in quantities in excess of those herein provided*, the President, in making allotments upon such reservation, *shall* allot the land to each individual Indian belonging thereon *in quantity as specified in such treaty or act*," which is confirmatory of the position taken by the Chippewa commission.

The Chippewas of the Mississippi, at the time of the making of the treaty of 1867, understood that not only each individual was entitled to 160 acres in severalty, but, in their *tribal relations*, to *whatever might remain of the 36 townships* which they had purchased from the United States.

The treaty of 1867 and the act of 1887 were not affected by the negotiations contemplated by the act of January 14, 1899, except giving permission to other Indians, *having no interest* heretofore in said reservation, to settle thereon.

During the negotiations the commission had no doubts as to the correctness of the construction by them given to the treaty of 1867 and the acts of 1887 and 1889, *and, with the approval of the President*, they believed the case was closed.[s] There were doubts as to the payment of the $90,000 and as to the clause of the act of January 14, 1889, providing for "the payment of the interest that may accrue on the permanent fund." The commission found it necessary to give their construction as to the intent of the act, in which the honorable Secretary of the Interior coincided, and the President approved, and as to the first, your office executed the law as interpreted by the commission. To the President, by the act of January 14, 1889, was to be submitted the proceedings appertaining to the negotiations, which were submitted through the honorable Secretary of the Interior in full, with the report and recommendations of the commission, and after all had been carefully examined and by the Secretary indorsed, were approved by the President, which, in the minds of the Indians, was conclusive.

The acts of February 8, 1887, and January 14, 1889, in no way curtailed the number of acres to the individual parties to the treaty of 1867, as the quantity of land owned by them was, beyond question, largely in excess of the requirements; but if there remained not enough to give to those admitted to participate by their acceptance of the act of January 14, 1889, viz, 160, 80, and 40 acres each, *they* were to receive pro rata of what remained, but in no event were the original owners to prorate with the recent participants.

The promises made to the Indians were based upon the provision of the treaty of 1867, upon the acts of February 8, 1887, and of January 14, 1889, and as the promises made and explanations given could not have escaped the attention of the President, after his approval I suppose the construction given and promises made were binding, and now see no reason to change the views then entertained.

I intended the Indians should understand by the representations made exactly what I said, viz, that those party to the treaty of 1867 should have in severalty 160 acres each; that those admitted as participants in the remaining part of the reservation should have under the act of 1887 160, 80, and 40 acres, *provided* there should be land enough; but if not, they should receive each his pro rata share.

If, however, in this I am in error, and in view of their unsettled condition and the retarding of the work of the Chippewa Commission, caused by instructions from your office of July 11 and August 17, 1891, allotting to each person 80 acres, I think it "expedient with the present demand of the Indians," and that this be done as speedily as possible, for the disquiet now existing will seriously interfere with their progress, especially in removal, as well as in planting and other necessary work.

Respectfully,

HENRY M. RICE,
Late Chairman Chippewa Commission.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
October 31, 1904.

The SECRETARY OF THE INTERIOR.

SIR: I received by reference of September 22, 1904, with request for further consideration and opinion thereon, the claim of the Otter Tail Pillager Indians to additional allotments, to make the aggregate of 160 acres each, on the White Earth Reservation, Minn., under the act of April 28, 1904 (33 Stat., 539), and protest of the Mississippi Chippewa Bands against the same, subject of my opinion of August 29, 1904. In that opinion, under reference of August 3, 1904, I found that the question referred was not clearly stated, and defined it as then understood to be:

"Whether the Mississippi Chippewas are entitled to full allotments to make, with former allotments, a total of 160 acres, prior to allotments to members of the Otter Tail Pillager Band, leaving to the Otter Tail Band only such residue as may remain; or shall the lands be prorated per capita to members of both bands."

The Indian Office letter of September 20, 1904, states that this was not the question intended to be referred, and defines it to be:

"Are the Otter Tail Pillagers, in view of the agreement of the Mississippi Chippewas of July 5, 1872, * * * entitled equally with the Mississippi bands to the additional allotments of 80 acres each, as provided for in the said act of April 28, 1904?"

The act of January 14, 1889 (25 Stats., 642), provided for allotment of the White Earth Reservation lands "in conformity with" the act of February 8, 1887 (24 Stat., 388), which gave to each head of family one-quarter section, each single person over 18 years of age and each orphan child under 18 years one-eighth section, each other person under 18 one-sixteenth section. This act was amended February 28, 1891 (26 Stat., 794), to give each Indian located on a reservation to be allotted one-eighth of a section of land, with the proviso, among other things:

"That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided, the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: *Provided further*, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February 8, 1887, or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require."

The White Earth Reservation was created pursuant to the treaty of March 19, 1867 (16 Stat., 719), article 7 of which, in respect to allotments, provided that when—

"any Indian of the bands parties hereto, either male or female, shall have 10 acres of land under cultivation such Indian shall be entitled to receive a certificate showing him to be entitled to the 40 acres of land, according to legal subdivision, containing the said 10 acres, or the greater part thereof, and whenever such Indian shall have an additional 10 acres under cultivation he or she shall be entitled to a certificate for additional 40 acres, and so on until the full amount of 160 acres may have been certified to any one Indian."

The Pillager Band is not mentioned in the treaty and appears not to have been party thereto. May 29, 1872 (17 Stat., 165, 189), Congress appropriated—

"to enable the Secretary of the Interior to carry on the work of aiding and instructing the Indians on the White Earth Reservation, in Minnesota, in the arts of civilization, with a view to their self-support, conditioned upon the assent of the Mississippi Band of Chippewas, first expressed in open council in the usual manner, to the settlement of the Otter Tail Band of Pillagers upon the White Earth Reservation, with equal rights in respect to the lands within its boundaries, $25,000."

Pursuant to this act, July 5, 1872, the Mississippi Chippewa Indians, in council, made and signed a written invitation or assent, as follows:

"We, the chiefs and head men of the Mississippi Chippewas, in open council hereby, for ourselves and our bands, invite the Otter Tail Band of Pillager Indians to come and settle upon the White Earth Reservation with equal rights in respect to the lands within its boundaries."

The Otter Tail Pillager Band then settled on the White Earth Reservation and has since occupied it with the Mississippi band. The Indian Office states that each Otter Tail Pillager has been allotted 80 acres of land, which indicates that the allotments were made under the act of 1889 as amended in 1891. The act of April 28, 1904 (33 Stat., 539), called the Steenerson bill, authorized allotments—

"to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty or laws of the United States, in accordance with the express promise made to them by the commissioners appointed under the act of Congress entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, and to those Indians who may remove to said reservation who are entitled to take an allotment under article 7 of the treaty of April 18, 1867, between the United States and the Chippewa Indians of the Mississippi, 160 acres of land: * * * *Provided*, That where any allotment of less than 160 acres has heretofore been made, the allottee shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed 160 acres: *And provided further*, That if there is not sufficient land in said White Earth (diminished) Reservation subject to allotment, each Indian entitled to allotments under the provisions of this act shall receive a pro rata allotment."

May 31, 1904, the chief of the Otter Tail Pillagers residing on the White Earth Reservation wrote the Indian Office, claiming under this act an equal right for members of his band with those of the Mississippi band by virtue of the above agreement of July 5, 1872. The claim was submitted by the Indian Office to a council of the Mississippi Chippewas, who, July 14, 1904, protested, stating that the action of July 5, 1872, *supra*—

"was prompted, not for the monetary consideration involved, but through the hospitable spirit of charity and compassion and to relieve the then existing destitute circumstances and homeless condition of the said Otter Tail Pillagers. But it was not the intent or purpose of those signatory to said instrument to extend or confer unlimited rights or unrestricted privileges to the members of the said Otter Tail Band; neither was it the purpose to elevate them to a plane of equality with the members of the Mississippi band in the matter of 'treaty privileges then existing or that might thereafter be inaugurated between the latter band and the United States Government, especially such rights as related to the proprietary rights of 'tribal relation.'"

They show, as further argument favoring their contention, that the Otter Tail Pillagers classed themselves with the Leech Lake Pillagers in settlement of the Mississippi Reservoir flowage damages, and also in the negotiations between the several Chippewa bands and the United States, under the act of January 14, 1889; that an express promise of allotments of 160 acres was made to the Mississippi band by the commission negotiating the cession under the act of 1889, *supra*, and that neither they nor the commission understood that the rights granted by article 7 of the treaty of 1867 were to be anywise impaired, as is shown by Executive Document No. 247, House of Representatives, Fifty-first Congress, first session, and the letter of April 4, 1892, by the former chairman of the commission to the Commissioner of Indian Affairs, which, among other things, says:

"The Chippewas of the Mississippi, at the time of the making of the treaty of 1867, understood that *not only each individual was entitled to 160 acres in severalty*, but in their *tribal relations to whatever might remain of the 36 townships* which they had purchased from the United States.

"The treaty of 1867 and the act of 1887 (24 Stat., 388) were not affected by the negotiations contemplated by the act of January 14, 1889, except giving permission to other Indians having no interests heretofore in said reservation to settle thereon."

I am informed there are not enough lands in the diminished White Earth Reservation to fill allotments due Indians removed thereto under the act of 1889 and to give the additional allotments under the act of 1904 to both the Mississippi and the Otter Tail Bands; hence the Mississippi Bands object to the claim made.

By article 7 of the treaty of 1867, *supra*, the Mississippi Bands were promised allotment of 160 acres to each person whenever they became qualified by bringing into cultivation the stipulated area. The United States became thereby morally bound not to reduce the reservation be-

low an area sufficient to fill such allotments without provision in some other way to discharge the obligation. But the treaty band might, with consent of the United States, vest in other Indians a right to share with them, thus reducing their own rights. That they did consent is the necessary effect of the words "equal rights in respect to the lands." Whatever rights the treaty Indians had these words were sufficient to confer upon the Otter Tails, whether that were a mere possessory one or a fee. As the words were adequate to convey, and the United States sufficiently consented by soliciting it upon a consideration of money appropriated and paid, it is clear that the Otter Tail Indians acquired equality in all existing right held by the treaty bands. That the Otter Tails so understood it is clear by the words of Sturgeon, at the fourth Leech Lake council, August 12, 1889 (Ex. Doc. 247, *supra*, p. 125), that—

"At the time the White Earth Reservation was set aside, and the Mississippi Indians removed there, there was a sum of $25,000 appropriated to pay for it, giving the Otter Tail Pillagers a right on the White Earth Reservation. We think that that land which was paid for at that time belongs to the Otter Tail Indians. We wish to have the Otter Tail Indians here (Leech Lake) with us to participate in interest with whatever might accrue to the Pillager Indians. We wish them to stand with us in all business matters. The Otter Tail Indians ought to have land separate for themselves."

That the Mississippi White Earth Bands also understood that the negotiations under the act of 1889 must necessarily result in lessening their interests in the reservation lands "in their tribal relation" is clear by the whole discussion at the White Earth councils, reported by the commission (Ex. Doc. 247, *supra*, pp. 85 to 116). Wah-Ban-ah-quod, spokesman for the Mississippi Bands, at the ninth council at White Earth, July 29, 1889 (Ex. Doc., *supra*, pp. 11, 112), compared the different effect upon the Red Lake Indians, who were not required to receive more Indians on their reservation and upon themselves, and said:

"But we now open our reservation to all those who have a right to come, which is the understanding with which we sign. Our understanding was that we opened it to Indians as well as mixed bloods belonging to our bands and being related to us; but come to find out, we are opening the reservation to the whites also.

"There are a great many Indians who will remove here, because they are destitute of means and because they will be free from taxes."

He was complaining against intrusion of white men, but the context preceding and his remarks here show that he fully understood that other Indians than those then on the reservation were to be thereto removed and given allotments from these lands, and that this would affect the residual tribal property. Mistake as to the extent to which their rights would be affected can not invalidate the act, so far as it affected the rights of others, even though the United States and the Mississippi Bands erroneously supposed there was land enough on the reservation to satisfy all obligations to the Mississippi Bands after satisfying the claims of those to be removed there.

The titles to the White Earth Reservation lands remained in the United States, subject to disposal of Congress as sovereign and guardian over the dependent Indian communities residing upon it. No right of property in, or title to the land, was created by the treaty or later acts of Congress up to the act of 1889. All that the Mississippi Bands had under the treaty of 1867 was a right of occupancy and a promise that title to 160 acres in severalty would be certified to each member whenever the claimant individual complied with the conditions imposed and became qualified thereby to demand title in severalty. As this was all the right they had, it was all the right they could or did confer upon the Otter Tails. But that they did confer such right and with full consent of the United States was the necessary effect of the act of May 29 and the agreements of July 5, 1872.

When, however, the act of 1889 was enacted and a large number of other Indians were to be removed to the White Earth Reservation to be given allotments there, this, being the then latest disposal of Congress, was necessarily controlling, entitling the newcomers to the allotments to which they were entitled, even to the exclusion of right of former occupants, so far as they had not become qualified to demand the allotments promised under the treaty of 1867. In other words, the substance and effect of the act of 1889 and negotiations and cession thereunder were to close the transactions under the treaty of 1867, so far as the members of the treaty bands had not complied with the conditions of the seventh article of the treaty, and to substitute other rules contained in that act for disposal of the remaining reservation lands in severalty.

While the letter of the chairman of the commission, April 4, 1892, above quoted, gives color to the contention of the Mississippi Band, it is but the opinion of one member of the commission, expressed several years after the event, and can not be regarded as an authoritative construction of the intent and effect of the cession, and still less as an authoritative construction of the act of 1889, under which the commission acted and from which it derived its powers.

The rule established for disposal of the lands of the White Earth Reservation in severalty by the act of 1889 was, by section 3, that all Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation and those who elected to take allotments on the reservations where they resided, were to be—

"removed to and take up their residence on the White Earth Reservation, and thereupon shall * * * be allotted lands in severalty to all the other of said Indians on White Earth Reservation in conformity with the act of February 8, 1887, * * * and all allotments heretofore made to any of said Indians on the White Earth Reservation are hereby ratified and confirmed with the like tenure and condition prescribed for all allotments under this act: *Provided, however,* That the amount heretofore allotted to any Indian on White Earth Reservation shall be deducted from the allotment to which he or she is entitled under this act."

In other words, the new rules for disposal of the White Earth Reservation lands was that (1) the number of Indians was greatly increased; (2) the condition of reducing land to cultivation was waived and the area of allotments was to be governed by the act of 1887, which, as amended in 1891, limited the area to 80 acres to the individual, unless a larger area was fixed by the law or treaty creating the reservation; and (3) prior allotments to White Earth Indians were to be deducted from the amount to which such allottee was entitled under the act of 1889. This last provision, that "the amount heretofore allotted to any Indian on White Earth Reservation shall be deducted from the amount to which he or she is entitled under this act," indicates that the intent of Congress was, so far as was consistent with making allotments to those about to be removed to the White Earth Reservation, not to interfere with the former obligations of the United States to the Indians already there, entitled by article 7 of the treaty of 1867 and the act and agreement of May 29 and July 5, 1872, *supra*, to allotments of 160 acres upon compliance with the conditions respecting cultivation of land. It follows that under the act of 1889 the right of both the Mississippi and the Otter Tail Bands to allotments in excess of 80 acres remained as they were before, dependent upon their compliance with the terms of the treaty of 1867, to which the Mississippi Bands were party, and to equal right under which the Otter Tail Band was admitted by the act of May 29 and agreement of July 5, 1872, such right, however, being necessarily postponed to the right of the new arrivals.

The act of April 28, 1904, authorizes additional allotments to two classes of persons: (1) To each Chippewa Indian legally residing April 28, 1904, upon the White Earth Reservation under treaty or laws of the United States, in accordance with the express promise made to them by the commissioners appointed under the act of January 14, 1889; and (2) to those Indians who after April 28, 1904, may remove to that reservation and are entitled to allotments under the treaty of 1867. The Otter Tail Pillagers are Chippewa Indians, and so far as they were residents of the White Earth Reservation April 28, 1904 were legally residing thereon under the act of May 29, 1872, and entitled to equal right with the treaty bands. They come within the first class described in the act, unless excluded therefrom by the words "in accordance with the express promise made to them by the commissioners appointed under the act of January 14, 1889."

Having recourse to the report of the councils held by the commission with the Indians, included in Executive Document 247, *supra*, pages 85–86, it appears that at the first council at White Earth Commissioner Whiting presented the act of 1889, saying:

"Men of White Earth, in obedience to the request of our distinguished chairman, I invite your careful attention to this paper."

The act was read and the chairman addressed those assembled, and, referring to the treaty of 1867 and the precedent condition for cultivation, said:

"Under the present act, as soon as these negotiations shall have received the approval of the President, we are authorized to give to every man, woman, and child 160 acres of land as an allotment, and in case of the death of any person who has received such an allotment the land passes to his or her legal representatives."

Bishop Marty (p. 89), of the commission, third White Earth council, said:

"By the former treaty you would receive only 160 acres per head of family, and the balance of you 80 or 40 acres each; but under this act every man, woman, and child gets 160 acres. Would you take less when more is offered?"

Again (p. 104), at the eighth White Earth council, Mr. Rice said:

"Our duty under instructions is to allot to each individual, each man, woman, and child 160 acres, with good title, so that when one dies after having taken such an allotment the property will go to the family."

There is nothing in these proceedings at the White Earth councils to show that these promises were confined to the members of the Mississippi Bands alone, to the exclusion of other Indians lawfully residing on the White Earth Reservation. On the contrary, they are addressed to "The men of White Earth." There were Pembinas residing in one township of the White Earth Reservation who attended the councils there, as appears by the record of the seventh White Earth council (ib., p. 98), when the chief of the Mississippi Bands wanted an explanation about the Pembinas having signed and gone home, Rice, chairman, explained. So it appears that the Pembinas were "Men of White Earth," lawfully residing on, and expecting to take allotments on, the reservation within the particular township given to them. It does not so clearly appear whether the Otter Tail Band participated in the White Earth councils or not. But it is clear that they were legally resident on the White Earth Reservation under pledge of both the United States and of the Mississippi Band of an equal right in the land and were "Men of White Earth" Reservation.

These pledges to the chiefs and men of White Earth are not the only express promises made by the commission. At the fourth Red Lake council Mr. Rice (ib., p. 73) said:

"At White Earth they have taken allotments; one here and one there, scattered over the reservation. Under this act the Pillagers, the White Oak Point, and the Mille Lac Indians are allowed to do the same."

This was not express as to area, but at the sixth Leech Lake council (ib., p. 134) Mr. Rice said:

"We are empowered to give you allotments with the title to them. You are to have the first choice. Go and take whatever you please. Take it and it will be given to you. Not given to hold as you hold this land now, but the patent will be given you. Every head of a family takes 160 acres, which is a very large farm. Every single man and woman takes 80 acres, and every child takes 40 acres. * * * Every orphan who is not of age receives 80 acres."

The same, in substance, was promised at the first Cass Lake council (ib., 150); at the third council with the Mille Lacs (ib., 168); the Grand Portage council (ib., 178); and at the second Bois Forts council (ib., 182) the argument was made for their consent to the cession that their lands there were not sufficient to give more than "160 acres to a family," thus implying something more by their removal. It is thus clear that there was an "express promise" of allotments of 160 acres to classes of Indians other than to the people resident upon or "Men of White Earth" Reservation.

Search has also been made of the proceedings of the two Houses of Congress and of the committees' reports respecting the object of the bill, but nothing there appears to indicate that it was intended for the benefit of the Mississippi Bands of Chippewa Indians to the exclusion of the Otter Tail Pillager Band, who also are Chippewa Indians, residing on the White Earth Reservation.

I am therefore of the opinion that the protest of the Mississippi Bands against the claim of the Otter Tail Pillager Band to benefit of the act can not be sustained and that the Otter Tail Pillager Band is within the class described as "Chippewa Indians now residing on the White Earth Reservation, in accordance with the express promise made to them by the commissioners appointed under the act of January 14, 1889," etc., and are entitled to the benefits of the act of April 28, 1904.

I deem it proper here to notice that Senate Executive Document 99, Fifty-second Congress, first session, page 6, discloses that the Indian Office, April 20, 1892, was of opinion that the Otter Tail Band of Pillagers "are entitled to the same allotments as the Mississippi Chippewas," and, further, that—

"Insomuch as the promises that were made by the Chippewa Commission were made to all the Indians of the White Earth Reservation, it is the opinion of this office that the Pembinas should be given the same allotments as the other Indians on the White Earth Reservation."

And my predecessor, April 28, 1892, in an opinion of that date, making reference to this same matter, then pending before Congress in form substantially the same as the act of April 28, 1904, now under consideration, clearly referring to all the Indians residing on the White Earth Reservation and not the Mississippi Bands alone, said:

"The representations (expressed promise) of the commissioners were undoubtedly made in good faith under a construction of the law which, in my view, is erroneous. * * * It would seem to be equity and

justice that additional legislation be had granting the right to allot the Indians 160 acres without conditions."

The matter was thus originally presented to Congress in the behalf of all White Earth Chippewa Indians. It has been renewed from Congress to Congress until its passage, April 28, 1904, without ever being so defined as to be applicable to the benefit of the Mississippi Band alone. I am clearly of opinion that it can not be so narrowed by construction.

Very respectfully, FRANK L. CAMPBELL,
Assistant Attorney General.

Approved: October 31, 1904.
E. H. HITCHCOCK, *Secretary.*

EXHIBIT C.

ALLOTMENTS TO CHIPPEWA INDIANS ON THE WHITE EARTH RESERVATION, MINN.

DEPARTMENT OF THE INTERIOR,
Washington, April 28, 1892.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by your reference of the 23d instant, of a communication, with accompanying papers, from the Commissioner of Indian Affairs, dated the 20th instant, relative to the quantity of land to be allotted to the Chippewa Indians of Minnesota under the provisions of the act of Congress approved January 14, 1889. (25 Stat., 642.)

By said reference my opinion is asked "as to (the) proper construction of the law authorizing these allotments, and particularly whether there may not be allotted 160 acres to each under the construction and promises of the commissioners who negotiated with the Indians."

By said act of 1889 the President appointed three commissioners to negotiate with all of the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in said State, except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of said commissioners is not required for allotments under existing laws.

On March 19, 1867, the United States concluded a treaty with the Chippewa Indians of the Mississippi, which was ratified with an amendment on April 8, 1867, and proclaimed on the 18th of the same month. (16 Stat., 719.) By article 2 thereof there were set apart certain lands for farming purposes, and by article 7 of said treaty (p. 721) it was provided:

"As soon as the location of the reservation set apart by the second article hereof shall have been approximately ascertained and reported to the Office of Indian Affairs the Secretary of the Interior shall cause the same to be surveyed in conformity to the system of Government surveys, and whenever, after such survey, any Indian, of the bands parties hereto, either male or female, shall have 10 acres of land under cultivation such Indian shall be entitled to receive a certificate showing him to be entitled to the 40 acres of land, according to legal subdivision, containing the said 10 acres or the greater part thereof, and whenever such Indian shall have an additional 10 acres under cultivation he or she shall be entitled to a certificate for additional 40 acres, and so on, until the full amount of 160 acres may have been certified to any one Indian; and the land so held by any Indian shall be exempt from taxation and sale for debt, and shall not be alienated except with the approval of the Secretary of the Interior, and in no case to any person not a member of the Chippewa tribe."

The general allotment act of Congress approved February 8, 1887 (24 Stat., 388), prescribes the amount of land to be allotted thereunder as follows: "To each head of a family, one quarter of a section; to each single person over 18 years of age, one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section; and to each other single person under 18 years now living or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: * * * *And provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act."

By section 3 of said act of 1889 it is provided that after the census of the Indians has been taken and the cession made as required by section 1 of said act:

"All of said Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth Reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on Red Lake Reservation, and to all the other of said Indians on White Earth Reservation, in conformity with the act of February 8, 1887, entitled 'An act for the allotment of lands in severalty to Indians on the various reservations, and to extend protection of the laws of the United States and the Territories over the Indians, and for other purposes,' and all allotments heretofore made to any of said Indians on the White Earth Reservation are hereby ratified and confirmed with the like tenure and condition prescribed for all allotments under this act."

By section 1 of the act of February 28, 1891 (26 Stat., 794), said act of February 8, 1887, was amended so as to read:

"That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land"—

with the same proviso relative to the allotment of lands where the amount subject thereto for each allottee was greater than that designated in said amended section.

In the instructions to said commissioners they were advised that under said amendatory section of 1891 the Indians, as a tribe, would receive more land than under said general allotment act of 1887, and that it was considered best to allot 80 acres to each of those Indians who consent to remove to White Earth, but that if they so desire "they have the right under the act to take allotments and remain upon the reservation where they now are if they shall not be satisfied to go to White Earth." Subsequently, on August 17, 1891, at the request of the commissioners, they were further advised by the Indian Office, quoting said article 7, that—

"In all cases where Indians affected by the said article of the treaty had cultivated land and had either received or were entitled to receive certificates covering the same prior to January 14, 1889, the date of the approval of the act ratifying the Chippewa agreement, above referred to, the holdings of such Indians should be respected by the commission, and allotments should be made in accordance with the said provisions of the treaty.

"In all other cases the commission will proceed with the work of making the allotments required in accordance with your instructions of July 11 last."

It appears that under said instructions allotments of 80 acres each were made to some of the Indians on the White Earth Reservation which they decline to accept, claiming that by said article 7 the Chippewas of the Mississippi are each entitled to an allotment of 160 acres. The Indians further claim, and the record so shows, that the commissioners promised to each man, woman, and child an allotment of 160 acres each, and they allege that if such promise had not been made they would not have signed said agreement, and they now absolutely decline to accept allotments of only 80 acres each.

The Commissioner of Indian Affairs finds that the promise of allotments of 160 acres each was made specially to the Indians of the White Earth Reservation; and inasmuch as the promise was made to all the Indians on said White Earth Reservation, the Pillagers and Pembinas, settled thereon, should be given allotments of equal quantity with the other Indians on said reservation.

He further asks, in view of the action of the department and the commission above recited, "to be instructed as to the proper course to pursue in the matter," and recommends that, if it be held that said construction of the commissioners as to the quantity of land to which each Indian is legally entitled is erroneous, a bill should be prepared and submitted to Congress providing for the allotment of 160 acres each to all the Indians affected by the said act of January 14, 1889, in accordance with the promises of the commission made to the Indians of the White Earth Reservation. There can be little serious question in my judgment as to the quantity of land each Indian mentioned is entitled to under said article 7. The quantity was expressly stated and the conditions precedent, namely, cultivation of certain amounts of land, were explicitly defined. The Indians were not guaranteed absolutely the allotment of any number of acres, but upon condition that they had placed under cultivation 10 acres or more of land, they should receive a certificate for 40 acres for every 10 acres or the greater part thereof so placed under cultivation, not exceeding 160 acres for any one Indian. The act of 1889 expressly protected the allotments made under said article 7, and declared that all other allotments should be made under said act of 1887, which was subsequently amended by said act of 1891.

The instructions to the commission, dated July 1 and August 17, 1891, were approved by the department on July 13 and August 19, same year, and correctly construe said acts as to the quantity of land the Indians were entitled to under said acts. These instructions were express adjudications of the department after the report of the commissioners had been received, giving in detail all of their proceedings in the premises.

There is no principle of law better settled than that the legislative department of the Government alone has the power of disposition of the public lands of the United States and to regulate intercourse "with the Indian tribes."

Article I, section 8, clause 3, and Article IV, section 3, clause 2, of the Constitution of the United States; Bagnell *v.* Boderick (13 Peters, 436); United States *v.* Gratiot (14 Peters, 526); Pollard *v.* Hagan (3 How., 212); Irvine *v.* Marshall (20 How., 558); Gibson *v.* Choteau (13 Wall., 92, 99); Van Brocklin *v.* State of Tennessee (117 U. S., 151, 168).

The commissioners had no authority to promise the Indians a larger allotment than the law prescribed, and any such promises would not bind the United States. (106 U. S., 196, 230.)

I am therefore of opinion, and so advise you, that under the proper construction of said acts there can not be allotted to each Indian 160 acres of land.

The representations of the commissioners were undoubtedly made in good faith and under a construction of the law which, in my view, is erroneous. There is abundance of land reserved, according to the letter of the Indian Commissioner, to give these Indians 160 acres, as promised, and it would seem to be equity and justice that additional legislation be had granting the right to allot the Indians 160 acres without conditions.

The papers submitted are herewith returned.

Very respectfully,

(Signed) GEO. H. SHIELD,
Assistant Attorney General.

Memorial Day.

EXTENSION OF REMARKS
OF
HON. RICHARD W. AUSTIN,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,

Monday, June 3, 1912.

Mr. AUSTIN said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks an able and patriotic address delivered by my colleague, the gentleman from Kentucky, Mr. LANGLEY, on Decoration Day at Glenwood Cemetery, in the city of Washington, D. C.

The address is as follows:

ADDRESS OF HON. JOHN W. LANGLEY, OF KENTUCKY, AT GLENWOOD CEMETERY, WASHINGTON, D. C., MAY 30, 1912.

"Veterans of the Civil War, members of the Woman's Relief Corps, ladies and gentlemen, little boys and girls, I am deeply indebted to you for giving me the privilege and honor of participating in these exercises. I compliment those of you who

have had immediate charge of the arrangements upon your thoughtfulness and good taste in having these little children participate, so that they may begin learning thus early in their lives the great lesson of patriotism which our observance of this day teaches. To me it was a sublime spectacle when they marched into this hall, each carrying a little American flag, both flag and bearer being alike the hope and reliance of our beloved Republic. I like to see children carrying the flag. If we instill into their minds due reverence for this sacred emblem we need not worry about the future of our country.

"To pay tribute to the memory of the men who offered their lives that their country might live, we, in common with millions of our fellow citizens throughout the land, are gathered here to-day in this beautiful garden of peace, and with speech and song, with silent tears and fragrant flowers, to testify our appreciation of what they did. This day is sacredly dedicated to our country's heroes, and Columbia bows proudly, but reverently and affectionately, over their graves. In the language of the Kentucky poet, Col. John A. Joyce:

"We bow this grand Memorial Day
Above the graves of Blue and Gray;
With Union for our right of way
And freedom with eternal sway.
Above the altars of this land
Where North and South, with heart and hand,
Must ever feel and understand
That they are one fraternal band.

"To the imperious mandate of the patriot's conscience—the call of duty—they lent instant and willing obedience. When their country was in danger of disruption, when the fate of the Union of the States trembled in the balance, when the cry went forth for men to pledge 'their lives, their fortunes, and their sacred honor' to preserve it, they rallied round the flag and helped to make that Union safe.

"How true it is that—

"He who maintains his country's laws
Alone is great, or he who dies in the great cause.

"Out of the chaos of war these heroes wrought the blessings of an enduring peace. It is no small debt that posterity owes them. It is a great obligation laid upon us all so to live and act that we may prove ourselves worthy sons and daughters of such sires. Mere praise of them does not avail. In our every action, in private as well as in public life, we must so bear ourselves that the spirits of these heroic dead, looking down upon us, may approve. The memory of their valor, their unselfish heroism, their patriotic ardor, should stimulate us to noblest thought and action, and the lesson their lives and deaths have taught should never be forgotten.

"It is especially appropriate that services like these should be celebrated here in the Capital of the Nation, because that Capital typifies the unity of the country, to establish which these men offered and many of them gave their lives. A half century ago there was not that harmony of interest that exists to-day among the people of the different sections. There was a union of States, but not the Nation as we of to-day see it and know it. The people of the North knew the people of the South as neighbors, but not as members of a common family. The West was almost a stranger to the East. Different interests and different aims and purposes animated these sections. That which was bread to one was poison to the other. The historian wonders not, and we wonder no more, that from this admixture of unequal elements strife had to come. In the crucible of war alone could they be fused into a homegeneous whole.

"And just as in the chemist's melting pot the dross is separated from the gold, so from the alembic of the conflict waged by titanic forces the greater and nobler Nation was to emerge. From that memorable hour at Appomattox when Lee sheathed his sword and Grant said to the southern legions, 'Go in peace, my brethren,' this Nation began a new life. True, there were dark days even after that. The sun does not shine in all its splendor right after the night. First the dawn, and then gradually the light spreads over the earth and gives added vigor to all things that live. In time the gray clouds that followed the hideous night of war were rolled away and the blue light of the new day cheered our people on to new endeavors. And how fruitful these endeavors have been! Never in all the history of nations has there been such marvelous growth as that which has occurred in the United States since that time. What a country we have to-day! Great, free, and glorious, with the sunlight of destiny resting upon her forehead. More than ever it is the haven of the oppressed of all lands. Her institutions typify more than ever the highest aspirations of mankind. The story of her progress is indeed a wondrous story whose every chapter thrills the American who reads it. God bless the soldiers, dead and living, who preserved the Union.

"Truly, it is a new life upon which our country has entered. What lesson does it hold for us? The answer comes from every mound that cover's a soldier's dust. It is the lesson of duty. They who laid down their lives upon their country's altar heard duty's call and with heart and hand responded to it. So must we. Upon each and all of us that bond is laid. We owe to ourselves and to our fellow men the duty of right living. We owe to our country the duty of guarding her good name, of obeying her laws, and of promoting her every interest. Not one of us is absolved from that duty; not one but can discharge it in his own sphere and according to the opportunities that come to him.

"To honor all that our heroes battled for, even as we honor them, is the heritage they have bequeathed to us. Their silent behest is that we uphold the dignity of our Government and of our people under all circumstances and conditions. We are sometimes prone to forget that the Government is the creature of the people, and that every American in his acts as a citizen reflects credit or brings shame upon the fame of the Republic. In our day and generation we are apt to let the fires of civic pride burn too low. We allow ourselves to neglect our duty to the State if the performance of that duty interferes with our private business or our pleasure. We rail at the shortcomings of legislatures and officials, and do not for a moment reflect that we ourselves are to blame for them because of our indifference. Every American citizen is individually responsible for the Government of his city, or county, or State, or of the Nation. Each is what it is because the citizens have made it. None but they are entitled to credit for the good that is wrought; none but they to blame for whatever evil is brought forth.

"Great privileges impose great obligations. We who enjoy the privilege of living under a benign form of government are morally bound to help preserve what is good, to make better what can be made better, and to eradicate what is bad. This is the duty of each of us, and not merely the duty of those in places of temporary power or authority. The institutions of our Government are great, but not perfect. They may never reach ideal perfection, but each of us can do his share in the great work of upbuilding, and each must do no less than the best that is in him, if he is to be counted a factor worth while in the aggregate achievement. By so doing he not only benefits those who live in his day, but likewise the millions that will come after him. By thus jealously guarding the good name of the Republic, so far as in our power lies, by keeping in mind constantly the sacrifices of those whose dust lies under these mounds, we shall make ourselves worthy of the honor that their deeds reflect upon the American name.

"We are assembled primarily to do honor to the memory of those who have already passed away. Some of them sleep in great marble cities, with their graves guarded by the Nation's vigils; some sleep in shallow trenches, made at midnight; some in old fields and beside quiet streams; some in unknown graves. Wherever they sleep a Nation's love is with them to-day, and their memory will ever be cherished by their posterity.

"On fame's eternal camping ground
Their silent tents are spread,
And honor guards with solemn round
The bivouac of the dead."

"And while we are thus honoring the dead, let us resolve again that those yet living who fought with them shall not lack the comforts of life, and that their widows shall not fail to realize, in the evening of their lives, that a grateful Republic remembers them too.

"The surviving soldiers of that great war are rapidly passing away. The few surviving are making their last march, moving steadily onward. Slowly, inevitably, the members of the Grand Army of the Republic are nearing the frontiers of the great beyond, and soon the last one must pass over. Let us leave nothing undone that can be done to make them know before they go that the proud citizens of the great Republic which they preserved are not lacking in gratitude, and that they will never cease to cherish the memory of their noble deeds.

"I would like to see a handsome monument erected over the grave of every soldier of the Union, and upon it inscribed O'Hara's immortal words:

"Rest on, embalmed and sainted dead,
Dear as the blood ye gave;
No impious footsteps here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While fame her record keeps,
Or honor points the hallowed spot
Where valor proudly sleeps.

"Yon marble minstrel's voiceful stone
In deathless song shall tell,
When many a vanished year hath flown,
The story how ye fell;
Nor wreck, nor change, nor winter's blight,
Nor time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb."

Regulation of Injunctions.

SPEECH

OF

HON. HENRY D. CLAYTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912.

INJUNCTIONS.

The House having under consideration H. R. 23635, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911—

Mr. CLAYTON said:

Mr. SPEAKER: The Committee on the Judiciary gave very extensive hearings on the subject matter involved in the pending bill. Those who favor the further regulation of the process of injunction as well as those who oppose any further regulation of this extraordinary remedy were heard at length. The committee has given much study to the subject, and I believe has proposed wise reformatory legislation in the measure now under consideration.

Mr. Speaker, the demand for this legislation is not new. It has come to Congress year after year for a long time. Some of the features, at least in substance, of the pending bill have heretofore had favorable consideration in this Chamber.

It is not contemplated by this measure to destroy the writ of injunction or to subtract from its usefulness. It is proposed to further regulate the process of injunction so that this extraordinary remedy will not be abused, but that its rightful use may be further safeguarded.

As evidence of the fact that this bill is not revolutionary and as evidence of the fact that there is and has been demand for this legislation we have abundant proof. Take the last platform of the Republican Party and you have this declaration and demand:

The Republican Party will uphold at all time the authority and the integrity of the courts, State and Federal, and will ever insist that their power to enforce their process and to protect life, liberty, and property shall be preserved inviolate.

We believe, however, that the rules of procedure in the Federal courts with respect to the issuance of the writ of injunctions should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice except where irreparable injury would result from delay, in which case a speedy hearing should be granted thereafter.

In further support of this proposed legislation let me read what President Taft said on December 7, 1909, in his message to Congress:

I recommend that in compliance with the promise thus made appropriate legislation be adopted. The ends of justice will best be met and the chief cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice and a reasonable opportunity to be heard on behalf of the parties to be enjoined; unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

My judgment is that the passage of such an act, which really embodies the best practice in equity and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective.

In addition, Mr. Speaker, to the platform demand of the Republican Party and the message of the President, attention has been called to the platform demand of the Democratic Party, which latter demand I need not repeat. So we have not only the platform demands of both of the great political parties for the further regulation of the process of injunction, but under the high sanction of his official oath the President of the United States has advised Congress that such legislation would be wise and salutary. Not only has his experience and observation as Chief Magistrate of the Republic called his attention to the necessity for such reformatory legislation, but doubtless he carried with him in reaching that conclusion his large experience derived when he discharged the duties of one of the judges of an appellate Federal court. Moreover, Mr. Speaker, former President Roosevelt recommended legislation in line with at least a large part of that proposed in the pending bill, for he said in his messages to Congress December 3, 1906:

There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof—even when authority can be found to support the conclusions of law on which it is founded—may often settle the dispute between the parties; and, therefore, if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction, and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process in habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition.

Again, on December 3, 1907, he said:

Instances of abuse in the granting of injunctions in labor disputes continue to occur, and the resentment in the minds of those who feel that their rights are being invaded and their liberty of action and of speech unwarrantably restrained continues likewise to grow. Much of the attack on the use of the process of injunction is wholly without warrant; but I am constrained to express the belief that for some of it there is warrant. This question is becoming more and more one of prime importance, and unless the courts will themselves deal with it in an effective manner, it is certain ultimately to demand some form of legislative action. It would be most unfortunate for our social welfare if we should permit many honest and law-abiding citizens to feel that they had just cause for regarding our courts with hostility. I earnestly commend to the attention of the Congress this matter, so that some way may be devised which will limit the abuse of injunctions and protect those whose rights from time to time it unwarrantably invades.

On January 31, 1908, he again declared:

It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and the necessity of organized effort on the part of the wage earners, and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends.

Mr. Speaker, under the permission of the House I shall have printed in the RECORD of to-day Report No. 612, which was presented by me when this bill was brought back to the House with the recommendation that it be passed. It will be found that this report reviews very fully the Federal statutes in regard to injunctions and many of the decisions of the courts relative to this process. I invite the attention of the Members of the House to the report, inasmuch as I shall not attempt to discuss this bill as fully as it is discussed in the report itself.

Mr. Speaker, section 263 of the Judicial Code is the existing statute upon which it is proposed to build the further legislation set forth in the bill now before the House. This section is in the following words:

Whenever notice is given of a motion for an injunction out of a district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

Now, that is the statute which party platforms and at least two Presidents of the United States have said should be amended. Let me read the bill line by line and analyze it as we go on. Section 263 of the Judicial Code, which relates to notice, will, if this bill is enacted into law, read as follows. I read from the bill:

That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance—

Is there anything wrong or revolutionary about that?—

shall be forthwith entered of record—

Is there anything wrong about that?—

shall define the injury and state why it is irreparable and why the order was granted without notice—

Is not that good practice?—

and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice

to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

Is that unreasonable or revolutionary?

Now, Mr. Speaker, one of the objects of this proposed law is to get rid of midnight injunctions—that is, injunctions issued without proper consideration by a judge—and blanket injunctions—that is, injunctions couched in too vague and too general terms and including, in some instances, people who have nothing to do with the matter in controversy out of which the injunction has come. It has been asserted, and I believe truthfully said, that some judges have not only improperly issued injunctions, but have done so without so much as having read the application for the injunction, and have signed the order for injunction, which was prepared in advance, without ever having considered or even read such order. This bill requires the judge to be responsible for his action, and the reason for his action to be entered of record in every case where an injunction has been issued without previous notice, with the reasons why the threatened injury is irreparable and the reasons for the issuance of this extraordinary writ. This section does another wise thing. It fixes a limit upon the life of a temporary restraining order. The office of the temporary restraining order has in some instances been abused and made to take the place of a permanent injunction. Every party enjoined by a temporary restraining order without previous notice given to him ought to have the right to be heard at an early date and to have such order considered and revoked if justice shall so demand. At least the party defendant should be entitled to be heard at an early day and not have his right to a hearing postponed indefinitely, as is sometimes the case under the bad practice sometimes tolerated by some of the judges.

Again, Mr. Speaker, under section 266a of this bill it is provided:

That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

Is not that a wise provision to write into the law? I do not know exactly what the rule is that obtains in most of the States in this Union, but I believe that is the rule that obtains in most of our States. I know that is true so far as my own State is concerned, a State that adheres very largely to the old English chancery practice, that has the separate courts, that has the chancery court and a presiding judge over that court called a chancellor, who has no jurisdiction except of equity cases. I know that you can not get an injunction in that State in a State court without giving bond and security for the costs and the damages, and that would be a wise rule to require here. It would work no hardship in the multitude of cases where injunctions have been improperly issued. It would make the people applying for these injunctions perhaps a little more careful before obtaining that extraordinary writ if they were required to give bond and security for the payment of costs and damages in case the injunction should be dissolved after having been heard.

And, Mr. Speaker, section 266b provides:

That every order of injunction or restraining order shall set forth the reasons for the issuance of the same—

Repeating somewhat the same language of the section of the bill that I have already read, and it—

shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained.

Is not that reasonable? When you apply for an extraordinary writ of injunction, telling a man he shall not do this or that, is it not right and proper to tell him in the body of that notice what he is not permitted to do, instead of saying, "You are forbidden to do those things mentioned in bill No. 517 on file at the court," naming the place where the bill is filed—maybe miles away from the poor man, maybe in a place where he can not get a copy? He does not know what he is enjoined from doing. He is charged with the responsibility of knowing it, and he has no means of actually knowing what he is forbidden to do.

Now, this prevents that abuse and requires the notice or order enjoining him to specify what he must not do. Is not that right and proper? Ought a man in New York to be bound by an order down in West Virginia that he knows nothing about? Ought a man remote from the court, with no means of knowing, be held to know what is in that order?

Mr. REES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Kansas?

Mr. CLAYTON. I wish the gentleman from Kansas would let me conclude my statement, because I have such a little time. I have promised most of the time on this side.

The SPEAKER. The gentleman declines to yield.

Mr. CLAYTON. This bill provides that it shall be binding only upon the parties to the suit. Now, is there anything shocking about that, that nobody should be bound in any suit in equity or any other suit unless he is a party to it? Does not that square with your own old-fashioned notions of English and American jurisprudence and the law of right?

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Will the gentleman permit me to finish? The bill provides that it—

shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, or who shall by personal service or otherwise have received actual notice of the same.

So that if the actual parties are not enough, this bill includes their agents, their servants, employees, and attorneys, or those in active concert with them.

Now, who else should be bound by the equity proceedings, by the injunctive process, except the parties to the suit, their agents, their servants, their employees, their attorneys, or those in active concert with them? Should anybody else be bound?

Mr. CANNON. If a thousand men were advancing upon the gentleman's house for the purpose of burning it, it being his house and his property, does the gentleman say that the law ought to be so amended that he could not secure an injunction against them unless he named them all?

Mr. CLAYTON. The fertile imagination of the gentleman has led him off to a case that never has happened and never will happen.

Mr. CANNON. Well, we will make it a hundred men, then.

Mr. CLAYTON. Or any other number. That case never has happened and never will happen; and if such a case happened, who has ever heard of the injunctive process stopping the incendiary from committing arson? The gentleman requires too much of the injunctive process. We have other laws, other remedies, and other means.

Mr. CANNON. The gentleman evades a frank answer to the question.

Mr. CLAYTON. I thought I had answered the gentleman fairly and squarely on his imaginary case. I should like to consider the bill that we have before us. I should like to try the abuses of the injunctive process of which we have heard complaint, not a purely imaginary matter.

The SPEAKER. The gentleman from Alabama has consumed 25 minutes.

Mr. CLAYTON. Now, Mr. Speaker, after I have spoken for 10 minutes more please advise me. Section 266c provides:

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application.

Is there anything wrong in that? Why should the courts, at the instance of great corporations, readily lend themselves to the corporate side of the dispute and put the heavy hand of the injunctive process upon laboring men, especially when all platforms, all writers, judicial and otherwise, and all publicists say that laboring men have the right to demand shorter hours, increased wages, better sanitary conditions, and other things for the physical betterment and for the moral uplift of workingmen. All publicists say that to this end the laboring men may peacefully strike, that they may refuse to work, that they may persuade others to join them. It is only by their united action than they can possibly cope with the powerful combinations which seek to oppress them.

Are you ready to say that the laboring man shall be denied by the abuse of the injunctive process the right to improve his condition, shall be made to labor against his will? Every court that has passed upon it has been compelled to say, if the question was squarely presented, that involuntary servitude in this country is, thank God, abolished forever, and that even the courts, with the powerful writ of injunction, could not make one man serve another against the will of the man whom it is sought to make serve. Otherwise, if we are not to look to a civil contract, if by the process of injunction we can make a man labor against his will or under conditions that are not satisfactory to him, then you have converted this injunctive process into a means whereby you have repealed the thirteenth amendment to the Constitution of the United States, which abolished slavery. [Applause.]

This bill preserves the idea that there is no adequate remedy at law. Then it could not be issued.

This bill provides that the property or property rights must be described with particularity in the application for the injunc-

tion and that it shall be sworn to either by the applicant or his agent or attorney. That is the best practice obtaining in the courts now. Then, if it is asked why is it necessary to put this in the bill the answer is because unfortunately some of the Federal judges have forgotten the wise and good practice, and they loosely issue injunctions—improvidently issue them—in cases where they should not have been issued.

Now, the learned gentleman from Pennsylvania [Mr. MOON] who prepared the views of the minority took occasion to say that there are no cases where the injunctive process has been abused. Why, Mr. Speaker, go and read the reports and you will find case after case that has been appealed from the district courts to the appellate courts, and the injunction has been modified, changed, and sometimes dissolved.

I will give you one illustrative of the modification of an injunction. I quote from the case of Arthur *v.* Oakes, and I would like on this proposition to have discussed in going along many of them that I have mentioned in the reports of the committee. I would like to consider them and read from them, but time will not permit me to do so. Perhaps, after all, to the laymen here present the statement of what I conceive to be in these opinions would serve a better purpose than to read from the text. But I am going to read a few lines from Arthur *v.* Oakes, in the Sixty-third Federal Reporter, from an opinion rendered in the appellate court of the circuit court of appeals by the late Mr. Justice Harlan.

After reviewing the facts of that case, the scope of the injunction, the blanket nature, its improvident nature, its inconsiderate nature, the result of this view is that the court below should have eliminated from the writ of injunction these words:

And from so quitting the service of said receiver with or without notice as to cripple the property or prevent or hinder the operation of said railroad.

I can multiply the instances where appellate courts have admonished the inferior courts for the abuse of the injunctive process. Now I will go on to the last subdivision of this section, 266c of the bill:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relations of employment or from ceasing to perform any work or labor.

Is there anything shocking to the sense of a free American to say what we know to be the law, the common heritage of all American people? Is there any criticism to come to us because we write that into the form of a statute? But it may be asked, Why put it in the statute if it is already in the law? This is the reason: Because the courts have sometimes come very near saying that workingmen should not quit the employment. In a controversy between a street railroad company and its employees in Iowa, I believe, some months ago, a mandatory injunction was issued to the railroad employees compelling them to remain in the employment of the railroad company. Let me read further from the bill:

Or from ceasing to perform any work or labor.

The right to terminate the relation of employer and employee is a recognized right and the language just quoted is but an affirmation of this right. Again quoting from the bill:

Or from recommending, advising, or persuading others by peaceful means so to do.

This is stating in statutory form recognized law.

The gentleman from Illinois, the former distinguished Speaker of this House, has come in contact with this right of persuasion often—that right belonging to every American citizen to persuade his neighbors to join him in a movement he thinks good and wise. Not personally, but politically my regret is that his neighbors did not have persuasive power enough to persuade enough of the voters of his district to send a Democrat here in his place. [Laughter and applause.] Again I read from the bill:

Or from attending at or near a house or place where any person resides or works or carries on business or happens to be for the purpose of peacefully obtaining or communicating information or of peaceably persuading any person to work or to abstain from working.

That is the right of assembly. Is there anything wrong in saying in a statute that people have the right to peacefully assemble? And again I read from the bill:

Or of peacefully persuading any person to work or refrain from working or from seeking to patronize or to employ any party to such dispute.

Who of us has not often and often exercised that right and privilege of the American freeman? Why, you let some shopkeeper in this town to-morrow insult a Member of this House, treat him roughly or dishonestly, and you would have but to say to your fellow Member "That man, that shopkeeper, is dishonest and you ought not to trade with him." Right then you would be exercising no more and no less than is specifically named in this bill.

Mr. PROUTY. Will the gentleman yield?

Mr. CLAYTON. I hoped that the gentleman would let me conclude.

Mr. PROUTY. This is a vital question, and I am not hostile to the bill.

Mr. CLAYTON. Then I hope the gentleman will ask it.

Mr. PROUTY. Under this bill does not this clause that the gentleman has just read legalize what is commonly called blacklisting?

Mr. CLAYTON. I do not think it does. I think it merely does what the bill says it can do. I think when you go into the blacklisting business it may partake of a criminal conspiracy, and this does not undertake to deal with that.

Mr. PROUTY. What is the meaning of the words—

or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do?

Mr. CLAYTON. Yes; I think that is no more than a man has a right to do now. And this bill does not interfere with any legal redress that a man may have.

Mr. PROUTY. Will that give the right to a man to say, "I will not employ you and I will advise all the railroads not to employ you."

Mr. CLAYTON. I hardly think it does. If the railroad enters into a conspiracy against a man for that purpose I think it will be called a conspiracy.

Mr. PROUTY. But if he just simply says, "I will not employ you and I advise everybody else not to employ you."

Mr. WILSON of Pennsylvania. Is not it true that all this does is to inhibit the equity court from issuing an injunction and leaves it to the law courts?

Mr. CLAYTON. That is right, as I said awhile ago, that it in nowise legalizes a conspiracy and does not exempt a man responsible in a criminal conspiracy case.

Mr. GARNER. If I may ask the gentleman, this does not then exempt a labor union in any way from the Sherman antitrust law?

Mr. CLAYTON. It does not subtract from the Sherman antitrust law, and it does not prevent the operation of any criminal law. I have never heard of any labor-union man desiring an organization to be legalized to do any wrong. The laboring men merely ask that they be relieved from wrong sometimes done under the color of law by the wrongful use of legal authority. [Applause.] Every laboring man asks that when contests arise between capital and labor that the courts of equity treat labor fairly and let employer and employee deal with each other at arm's length in all their disputes.

Mr. GARNER. Then, the gentleman from Alabama does not indorse the proposition that some have advanced, that you should exempt certain individuals in this country from every criminal statute.

Mr. CLAYTON. It is not necessary, I want to say to the gentleman from Texas, that the gentleman from Alabama should pass upon that question, because it is not in this bill.

The bill goes on to say—

Or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value.

Mr. Speaker, here is an important thing in this bill and ought to be enacted into the law. What is the strike benefit for? Now, these laboring men have a right to strike in order to better their conditions; everybody has recognized that. They lay up a fund to be used in that sort of an emergency. What has happened? Some manufacturers have persuaded some men, treacherous to their organization, to contribute to the strike benefit, and then when the strike is on and the men are out of employment and the men have to feed themselves, their wives, and children, some traitorous member or members of the organization applies to the court, and the court enjoins the payment of the strike benefit.

And then what? Either the strikers must go back to work or they must starve. Now, that was set forth in two instances in the State courts, Reynolds *v.* Davis (198 Mass., 294) and A. S. Barnes & Co. *v.* Chicago Typographical Union (232 Ill., 424), and they have held that if the purpose of a strike was unlawful the officers and members of unions should be enjoined from giving financial aid in the form of strike benefits in furtherance thereof. But in the only case of the kind disposed of by a Federal court an entirely different conclusion was reached. In A. S. Barnes & Co. *v.* Berry (157 Fed. R., 883) it was held without exception or qualification that an employer against whom a strike was in operation could not have enjoined the officers of a union from giving its striking members strike benefits. The reason assigned was—I quote:

The strike benefit fund is created by moneys deposited by the men with the general officers for the support of themselves and families in

times of strike, and the court has no more control of it than it would have over deposits made by them in the banks.

This decision is in harmony with two recent English decisions, Denabey, and so forth, Collieries *v.* Yorkshire Miners' Association and Lyons *v.* Wilkins.

Again I read from the bill—

or from peaceably assembling at any place in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

Mr. YOUNG of Kansas. Will the gentleman yield for a question?

Mr. CLAYTON. I will.

Mr. YOUNG of Kansas. I am rather inclined to be friendly to your bill, but I would like to know from its author whether, in your judgment, if enacted into law it would legalize what is known as the public picketing business?

Mr. CLAYTON. I will answer the gentleman frankly. Peaceful picketing now is not contrary to law.

We believe we have brought you a good bill in the interest of the correct administration of justice, in behalf of fair play between man and man, placing the laboring man upon the same terms of equality before the law that the capitalist enjoys, and strengthening the courts as the indispensable and impartial arbiters doing justice in the controversies which arise between our fellow citizens. [Loud applause.]

APPENDIX.

[House Report No. 612, Sixty-second Congress, second session.]

REGULATION OF INJUNCTIONS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 23635:

The Committee on the Judiciary, having had under consideration H. R. 23635, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back with the recommendation that the bill do pass.

The too ready issuance of injunctions or the issuance without proper precautions or safeguards has been called to the attention of the Congress session after session for many years. The bill now reported seeks to remedy the evils complained of by legislation directed to those specific matters which have given rise to most criticism. These matters are so segregated in various sections of the bill that they may be separately discussed.

I.

The first section of the bill amends section 263 of the judicial code, which relates to two distinct steps in the procedure, namely, notice and security. But the amended section relates only to the notice, leaving the matter of security to be dealt with by a new section, 266a.

FORMER STATUTES.

In order to fully understand the subject of notice in injunction cases it is necessary to give an historical résumé of the subject. In the judiciary act of 1789, which was passed during the first session of that year, Congress having created the different courts according to the scheme outlined by Chief Justice Ellsworth, conferred upon the courts power to issue all writs, including writs of ne exeat (a form of injunction), according to legal usages and practice. In 1793, however, there was a revision of that statute, and, among other things, the same powers, substantially, were conferred upon the judges as before; but at the end of the section authorizing the issuance of injunctions, was this language: "No injunction shall be issued in any case without reasonable previous notice to the adverse party or his attorney."

The law stood thus until the general revision of 1873, during which period the law expressly required reasonable notice to be given in all cases. But the will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts. The question frequently arose. The courts got around it in various ways, but usually by holding that it did not apply to a case of threatened irreparable injury, notwithstanding that its language was broad and sweeping, plainly covering all cases. Another form of expression often used is found in Ex parte Poultney (4 Peters C. C. C., 472):

"Every court of equity possesses the power to mold its rules in relation to the time of appearing and answering so as to prevent the rule from working injustice, and it is not only in the power of the court, but it is its duty to exercise a sound discretion upon this subject."

The court found a similar method of evading the sweeping prohibition of the revision of 1793, with respect to notice in Lawrence *v.* Bowman (1 U. S. C. C., Alester, 230).

But the earliest provision requiring notice came before the Supreme Court in 1799, in New York *v.* Connecticut (4 Dall., 1). Its constitutionality was not questioned. The only issue was as to the sufficiency of the notice, Chief Justice Ellsworth, for the court, saying: "The prohibition contained in the statute that writs of injunction shall not be granted without reasonable notice to the adverse party or his attorney, extends to injunctions granted by the Supreme Court or the circuit court as well as to those that may be granted by a single judge. The design and effect, however, of injunctions must render a shorter notice, reasonable notice, in the case of an application to a court than would be so construed in most cases of an application to a single judge, and until a general rule shall be settled the particular circumstances of each case must also be regarded."

Here was a case in which, although no point was made by counsel on any question of constitutionality, the Supreme Court accepted the comprehensive requirement of the act of 1793 as binding on all the Federal courts.

Now we come to the present law, found in section 263 of the Judicial Code, and reading thus:

"Whenever notice is given of a motion for an injunction out of a district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge."

This was the law as contained in section 718 of the Revised Statutes, said section having been enacted in 1872. It simply embodies the practice of the courts with respect to notice, a practice established notwithstanding the nonconformity of the practice to the positive requirement of the act of 1793.

PROPOSED CHANGES.

But it will be seen that the giving of notice and requiring security, left by the present law to the discretion of the court, is by this bill a positive duty, except where irreparable and immediate injury might result from the giving of a notice or the delay incident thereto, in which case the court or judge may issue a temporary restraining order pending the giving of the notice. The concluding part of the amended section has an effect to safeguard parties from the reckless and inconsiderate issuance of restraining orders. Injuries compensable in damages recoverable in an action at law are not treated or considered by the courts as irreparable in any proper legal sense, and parties attempting to show why the injury sought to be restrained is irreparable would often disclose an adequate legal remedy. This provision requires the reason to appear in the order, but it should be read in connection with the new section 266b, requiring the order to be made by the court or judge to be likewise specific in other essentials, and section 266c, requiring that every complaint filed for the purpose of obtaining the order, in the cases there specified, shall contain a particular description of the property or property right for which the prohibitive power of the court is sought, and that such complaint shall be verified.

A valuable provision of the amendment is one that a restraining order issued without notice "shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record."

A legislative precedent for such legislation is found in the act of 1807, wherein it was provided that injunctions granted by the district courts "shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction be issued by a district judge in any case where a party has had a reasonable time to apply to the circuit court for the writ." (U. S. Stat. L., vol. 2, p. 418.)

If the views of President Taft on this subject have not changed, he will welcome an opportunity to approve a bill containing such provisions as those in the amendment governing notice, because in his message of December 7, 1909, to the regular session of the Sixty-first Congress, after a quotation from the Republican platform of 1908, he said:

"I recommend that in compliance with the promise thus made appropriate legislation be adopted. The ends of justice will best be met and the chief cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice and a reasonable opportunity to be heard on behalf of the parties to be enjoined; unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

"My judgment is that the passage of such an act, which really embodies the best practice in equity and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective."

II.

Section 266a simply requires security for costs and damages in all cases, leaving it no longer within the discretion of the courts whether any such security or none shall be given.

Prior to the said act of 1872 (contained in the revision of 1873) there appears to have been no legislation on the matter of security in injunction cases; but that security was usually required is a fact well known to the legal profession. It seems clearly just and salutary that the extraordinary writ of injunction should not issue in any case until the party seeking it and for whose benefit it issues has provided the other party with all the protection which security for damages affords.

It appears by the authorities, both English and American, to have been always within the range of judicial discretion, in the absence of a statute, to waive security, though better practice has been to require security as a condition to issuing restraining orders and injunctions.

The new section, 266a, takes the matter of requiring security out of the category of discretionary matters, where it was found by the Committee on Revision and permitted to remain.

For a discussion of the existing law on the question of security, we refer to Russell *v.* Farley (105 U. S., 433).

III.

Section 266b is of general application. Defendants should never be left to guess at what they are forbidden to do, but the order "shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained." It also contains a safeguard against what have been heretofore known as dragnet or blanket injunctions, by which large numbers may be accused, and eventually punished, for violating injunctions in cases in which they were not made parties in the legal sense and of which they had only constructive notice, equivalent in most cases to none at all. Moreover, no person shall be bound by any such order without actual personal notice.

EXISTING LAW AND PRACTICE.

There was heretofore no Federal statute to govern either the matter of making or form and contents of orders for injunctions. Of course, where a restraining order is granted that performs the functions of order, process, and notice. But the writ of injunction, where

temporary, is preceded by the entry of an order, and where permanent by the entry of a decree.

The whole matter appears to have been left, both by the States and the Federal Government, to the courts, which have mostly conformed to established principles.

The most important of these was that the order should be sufficiently clear and certain in its terms that the defendants could by an inspection of it readily know what they were forbidden to do.

See Arthur v. Oakes, 63 Fed. Rep., 310, 25 L. R. An., 414; St. Louis Min., etc., Co. v. Co. c. Montana Min. Co., 58 Fed. Rep., 129; Sweet v. Mangham, 4 Jur., 479; 9 L. J. Ch., 323, 34 Eng. Ch., 51; Cother v. Midland R. Co., 22 Eng. Ch., 469.

It should also be in accordance with the terms of the prayer of the bill. (State v. Rush County, 35 Kans., 150; McEldowney v. Lowther, 49 W. Va., 348.) It should not impose a greater restraint than is asked or is necessary (Shubert v. Angeles, 80 N. Y., App. Div., 625; New York Fire Dept. v. Baudet, 4 N. Y. Supp., 206), and should be specific and certain. (Orris v. National Commercial Bank, 81 N. Y. App. Div., 631; St. Rege's Paper Co. v. Santa Clara Lumber Co., 55 N. Y. App. Div., 225; Norris v. Cable, 8 Rich (S. C.), 58; Parker v. First Ave. Hotel Co., 24 Ch. Div., 282; Hackett v Baiss, L. R., 20 Eq., 494; Dover Harbour v. London, etc., R. Co., 3 De G. F. & J., 559; Low v. Innes, 4 De G. J. & S., 286.)

So it appears that section 266b really does not change the best practice with respect to orders, but imposes the duty upon the courts, in mandatory form to conform to correct rules, as already established by judicial precedent.

That such provision is necessary and timely will appear upon an inspection of some orders which have issued.

For instance, take the case of Kansas & Texas Coal Co. v. Denney, decided in the district court for Arkansas in 1899. And here, as in most of such cases, no full official report of the case can be obtained, but a mere memorandum. In this case the defendants (strikers) were ordered to be and were enjoined from "congregating at or near or on the premises of the property of the Kansas & Texas Coal Co. in, about, or near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or preventing said employees from tendering service to the Kansas & Texas Coal Co. from inducing or coercing by threats, intimidation, force, or violence any of said employees to leave the employment of the said Kansas & Texas Coal Co., or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas & Texas Coal Co. in the operation of its coal mines at or near said town of Huntington, or elsewhere."

It will be observed that a defendant in that suit would render himself liable to punishment for contempt if he met a man seeking employment by the company in a foreign country and persuaded him not to enter its service.

The bill further provides that it shall be "binding only upon parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same." Unquestionably this is the true rule, but unfortunately the courts have not uniformly observed it. Much of the criticism which arose from the Debs case (64 Fed. Rep., 724) was due to the fact that the court undertook to make the order effective not only upon the parties to the suit and those in concert with them, but upon all other persons whomsoever. In Scott v. Donald (165 U. S., 117) the court rebuked a violation by the lower court in the following language:

"The decree is also objectionable because it enjoins persons not parties to the suit. This is not a case where the defendants named represent those not named. Nor is there alleged any conspiracy between the parties defendant and other unknown parties. The acts complained of are tortious and do not grow out of any common action or agreement between constables and sheriffs of the State of South Carolina. We have indeed a right to presume that such officers, though not named in this suit, will, when advised that certain provisions of the act in question have been pronounced unconstitutional by the court to which the Constitution of the United States refers such questions, voluntarily refrain from enforcing such provisions; but we do not think it comports with well-settled principles of equity procedure to include them in an injunction in a suit in which they were not heard or represented or to subject them to penalties for contempt in disregarding such an injunction. (Fellows v. Fellows, 4 John. Chan., 25, citing Iveson v. Harris, 7 Ves., 257.)

"The decree of the court below should therefore be amended by being restricted to the parties named as plaintiff and defendants in the bill, and this is directed to be done, and it is otherwise."

IV.

Section 266c is concerned with cases between "employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment."

The first clause of the new section 266c relates to the contents and form of the complaint. It must disclose a threatened irreparable injury to property or to a property right of the party making the application for which there is no adequate remedy at law. And the property or property right must be described "with particularity."

These requirements are merely those of good pleading and correct practice in such cases established by a long line of precedents, well understood by the profession and which should be but perhaps have not been uniformly applied. To show this it is only necessary to briefly state the applicable rules, citing some of the numerous authorities.

As the granting of an injunction rests in some degree in the discretion of the chancellor, allegations in the complaint should show candor and frankness. (Moffatt v. Calvert County Comm'rs, 97 Md., 266; Johnston v. Glenn, 40 Md., 200; Edison Storage Battery Co. v. Edison Automobile Co., 67 N. J. Eq., 44; Sharp v. Ashton, 3 Ves. & B., 144.)

The omission of material facts which, in the nature of the case, must be known to the plaintiff will preclude the granting of the relief. (Sprigg v. Western Tel. Co., 46 Md., 67; Walker v. Burks, 48 Tex., 206.)

An injunction may be refused if the allegations are argumentative and inferential. (Battle v. Stevens, 32 Ga., 25; Warsop v. Hastings, 22 Minn., 437.)

The allegations of the complaint must be definite and certain. (St. Louis v. Knapp Co., 104 U. S., 658.)

The complaint must set forth the facts with particularity and minuteness (Minor v. Terry, Code Rep. N. S. (N. S.), 384), and no material fact should be left to inference. (Warsop v. Hastings, 22 Minn., 437; Philphower v. Todd, 11 N. J. Eq., 54; Perkins v. Collins, 3 N. J. Eq., 482.)

Facts, and not the conclusions or opinions of the pleader, must be stated. (McBride v. Ross (D. C.), 13 App. Cas., 576.)

An injunction should not ordinarily be granted when the material allegations are made upon information and belief. (Brooks v. O'Hara, 8 Fed. Rep., 529; In re Holmes, 3 Fed. Rep. Cases, No. 1, 562.)

The complaint must clearly show the threats or acts of defendant which cause him to apprehend future injury. (Mendelson v. McCabe, 144 Cal., 230; Ryan v. Fulghurn, 96 Ga., 234.) And it is not sufficient to allege that the defendant claims the right to do an act which plaintiff believes illegal and injurious to him, since the intention to exercise the right must be alleged. (Lutman v. Lake Shore, etc., R. Co., 56 Ohio St., 433; Attorney General v. Eau Claire, 37 Wis., 400.)

The bill must allege facts which clearly show that the plaintiff will sustain substantial injury because of the acts complained of. (Home Electric Light, etc., Co. v. Gobe Tissue Paper Co., 146 Ind., 673; Boston, etc., Ry. Co. v. Sullivan, 177 Mass., 230; McGovern v. Loder (N. J. Ch., 1890), 20 Atl. Rep., 209; Smith v. Lockwood, 13 Barb., 209; Jones v. Stewart (Tenn. Ch. App., 1900), 61 Sev., 105; Spokane St. R. Co. v. Spokane, 5 Wash., 634; State v. Eau Claire, 40 Wis., 533.) And it is not sufficient to merely allege injury without stating the facts. (Gifting v. Gibb, 2 Black, 519; Spooner v. McConnell, 22 Fed. Cases No. 13245; Bowling v. Crook, 104 Ala., 120; Grant v. Cooke, 7 D. C., 165; Coast Line R. Co. v. Caben, 50 Ga., 451; Dinwiddie v. Roberts, 1 Greene, 363; Wabaska Electric Co. v. Wymore Co., Nebr., 199; Lubrs v. Sturtevant, 10 Or., 170; Farland v. Wood, 35 W. Va., 458.)

Since the jurisdiction in equity depends on the lack of an adequate remedy at law, a bill for an injunction must state facts from which the court can determine that the remedy at law is inadequate. (Pollock v. Farmers' Loan & Tr. Co., 157 U. S., 429; Safe-Deposit, etc., Co. v. Anniston, 96 Fed. Rep., 661.)

If the inadequacy of the legal remedy depends upon the defendant's insolvency the fact of insolvency must be positively alleged. (Fullington v. Kyle Lumber Co., 139 Ala., 242; Graham v. Tankersley, 15 Ala., 634.)

An injunction will not be granted unless the complaint shows that a refusal to grant the writ will work irreparable injury. (California Nav. Co. v. Union Transp. Co., 122 Cal., 641; Cook County Brick Co., 92 Ill. App., 526; Manufacturers' Gas. Co. v. Indiana Nat. Gas, etc., Co., 156 Ind., 679.) And it is not sufficient simply to allege that the injury will be irreparable, but the facts must be stated so that the court may see that the apprehension of irreparable injury is well founded. (California Nav. Co v. Union Transp. Co., 122 Cal., 641; Empire Transp. Co. v. Johnson, 76 Conn., 79; Orange City v. Thayer, 45 Fla., 502.)

The plaintiff must allege that he has done or is willing to do everything which is necessary to entitle him to the relief sought. (Stanley v. Gadsley, 10 Pet. (U. S.), 521; Elliott v. Sibley, 101 Ala., 344; Burham v. San Francisco Fuse Manufacturing Co., 76 Cal., 26; Sloan v. Coolbaugh, 10 Iowa, 31; Lewis v. Wilson, 17 N. Y. Supp., 128; Spann v. Sterns, 18 Tex., 556.)

The second paragraph of section 266c is concerned with specific acts which the best opinion of the courts holds to be within the right of parties involved upon one side or the other of a trades dispute. The necessity for legislation concerning them arises out of the divergent views which the courts have expressed on the subject and the difference between courts in the application of recognized rules. It may be proper to notice, in passing, that the State courts furnish precedents frequently for action by the Federal courts, and vice versa, so that a pernicious rule or an error in one jurisdiction is quickly adopted by the other. It is not contended that either the Federal or the State courts have stood alone in any of the precedents which are disapproved. The provisions of this section of the bill are self-explanatory, and in justification of the language used we content ourselves with submitting quotations from recognized authorities. We classify these authorities by quoting first the clauses of the bill to which they have particular reference.

The first clause:

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do."

In Allis Chalmers Co. v. Iron Molders' Union (C. C., 150 Fed. R., 155), Judge Sanborn said:

"The conclusion to be drawn from the cases, as applicable to this controversy, is, I think, that the combination of the defendant unions, their members, and the defendant O'Leary, to strike, and to further enforce the strike, and if possible to bring the employers to terms by preventing them from obtaining other workmen to replace the strikers, was not unlawful, because grounded on just cause or excuse, being the economic advancement of the union molders, and the competition of labor against capital."

In Arthur v. Oakes (63 Fed. R., 310, 317), Justice Harlan, for the court, said:

"If an employee quits without cause, and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform. And it may be assumed for the purposes of this discussion that he would be liable in like manner where the contract of service, by necessary implication arising out of the nature of the circumstances of the employment, required him not to quit the service of his employer suddenly, and without reasonable notice of his intention to do so. But the vital question remains whether a court of equity will, under any circumstances, by injunction, prevent one individual from quitting the personal service of another? An affirmative answer to this question is not, we think, justified by any authority to which our attention has been called or of which we are aware. It would be an invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States, or in any place subject to their jurisdiction. Courts of equity have sometimes sought to sustain a contract for services requiring special knowledge or skill by enjoining acts or conduct that would constitute a breach of such contract.

* * * * * * *

"The rule, we think, is without exception that equity will not compel the actual, affirmative performance by an employee of merely

personal services, any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for service of that character. The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services. Relief of that character has always been regarded as impracticable."

Sitting with Justice Harlan at circuit in that case were other learned jurists, but there was no dissent from these views.

In this connection we cite from the luminous opinion by Judge Loring delivering the opinion in Pickett *v.* Walsh (192 Mass., 572), a clear exposition of our views here expressed. We regret the necessity of limiting the quotation, because the whole opinion could be studied with profit.

"The case is one of competition between the defendant unions and the individual plaintiffs for the work of pointing. The work of pointing for which these two sets of workmen are competing is work which the contractors are obliged to have. One peculiarity of the case, therefore, is that the fight here is necessarily a triangular one. It necessarily involves the two sets of competing workmen and the contractor, and is not confined to the two parties to the contract, as is the case where workmen strike to get better wages from their employer or other conditions which are better for them. In this respect the case is like Mogul Steamship Co. *v.* McGregor (23 Q. B. D., 598; S. C., on appeal (1892); A. C., 25).

"The right which the defendant unions claim to exercise in carrying their point in the course of this competition is a trade advantage, namely, that they have labor which the contractors want, or, if you please, can not get elsewhere; and they insist upon using this trade advantage to get additional work, namely, the work of pointing the bricks and stone which they lay. It is somewhat like the advantage which the owner of back land has when he has bought the front lot. He is not bound to sell them separately. To be sure, the right of an individual owner to sell both or none is not decisive of the right of a labor union to combine to refuse to lay bricks or stone unless they are given the job of pointing the bricks laid by them. There are things which an individual can do which a combination of individuals can not do. But having regard to the right on which the defendants' organization as a labor union rests, the correlative duty owed by it to others, and the limitation of the defendants' rights coming from the increased power of organization, we are of opinion that it was within the rights of these unions to compete for the work of doing the pointing and, in the exercise of their right of competition, to refuse to lay bricks and set stone unless they were given the work of pointing them when laid. (See in this connection Plant *v.* Woods, 176 Mass., 492, 502; Berry *v.* Donovan, 188 Mass., 353, 357.)

"The result to which that conclusion brings us in the case at bar ought not to be passed without consideration.

"The result is harsh on the contractors, who prefer to give the work to the pointers, because (1) the pointers do it by contract (in which case the contractors escape the liability incident to the relation of employer and employee); because (2) the contractors think that the pointers do the work better, and if not well done the buildings may be permanently injured by acid; and, finally, (3) because they get from the pointers better work with less liability at a smaller cost. Again, so far as the pointers (who can not lay brick or stone) are concerned, the result is disastrous. But all that the labor unions have done is to say you must employ us for all the work or none of it. They have not said that if you employ the pointers you must pay us a fine, as they did in Carew *v.* Rutherford (106 Mass., 1). They have not undertaken to forbid the contractors employing pointers, as they did in Plant *v.* Woods (176 Mass., 492). So far as the labor unions are concerned, the contractors can employ pointers if they choose, but if the contractors choose to give the work of pointing the bricks and stones to others the unions take the stand that the contractors will have to get some one else to lay them. The effect of this in the case at bar appears to be that the contractors are forced against their will to give the work of pointing to the masons and bricklayers. But the fact that the contractors are forced to do what they do not want to do is not decisive of the legality of the labor union's acts. That is true wherever a strike is successful. The contractors doubtless would have liked it better if there had been no competition between the bricklayers' and masons' unions on the one hand and the individual pointers on the other hand. But there is competition. There being competition, they prefer the course they have taken. They prefer to give all the work to the unions rather than get nonunion men to lay bricks and stone to be pointed by the plaintiffs.

"Further, the effect of complying with the labor unions' demands apparently will be the destruction of the plaintiff's business. But the fact that the business of a plaintiff is destroyed by the acts of the defendants done in pursuance of their right of competition is not decisive of the illegality of the acts. It was well said by Hammond, J., in Martell *v.* White (185 Mass., 255, 260), in regard to the right of a citizen to pursue his business without interference by a combination to destroy it: 'Speaking generally, however, competition in business is permitted, although frequently disastrous to those engaged in it. It is always selfish, often sharp, and sometimes deadly.'

* * * * * * *

"The application of the right of the defendant unions, who are composed of bricklayers and stonemasons, to compete with the individual plaintiffs, who can do nothing but pointing (as we have said) is in the case at bar disastrous to the pointers and hard on the contractors. But this is not the first case where the exercise of the right of competition ends in such a result. The case at bar is an instance where the evils which are or may be incident to competition bear very harshly on those interested, but in spite of such evils competition is necessary to the welfare of the community."

To the same effect is Allis-Chalmers Co. *v.* Iron Molders' Union (C. C.) (150 Fed. Rep., 155), per Sanborn, J.

The consensus of judicial view, as expressed in these cases and others which might be cited, is that workingmen may lawfully combine to further their material interests without limit or constraint, and may for that purpose adopt any means or methods which are lawful. It is the enjoyment and exercise of that right and none other that this bill forbids the courts to interfere with.

The second clause:

"Or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working."

This language is taken from the British trades dispute act of 1906, the second section of which is as follows:

"It shall be lawful for one or more persons acting on their own behalf or on behalf of an individual, corporation, or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from work."

This, it has been said, "might well be termed a codification of the law relating to peaceful picketing as laid down by a majority of the American courts." (Martin's Law of Labor Unions, sec. 173.) Upon the general subject the same author says:

"There are some decisions which hold that all picketing is unlawful, and it has been said that from the very nature of things peaceful picketing is of rare occurrence and 'very much of an illusion,' yet the view taken by the majority of decisions, and which is best supported by reason, is that picketing, if not conducted in such numbers as will of itself amount to intimidation, and when confined to the seeking of information such as the number and names and places of residence of those at work or seeking work on the premises against which the strike is in operation, and to the use of peaceful argument and entreaty for the purpose of procuring such workmen to support the strike by quitting work or by not accepting work, is not unlawful, and will furnish no ground for injunction or an action at law for damages. * * * That the views set forth in this section are correct does not admit of doubt. Indeed, it may readily be seen that the right almost universally conceded to striking workmen to use peaceable argument and persuasion to induce other workmen to aid them in their strike might, and very probably would be, most seriously hampered if the right of picketing were denied. 'The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain who are the men that their late employer has persuaded or is attempting to persuade to accept employment.' While it is true that in the guise of picketing strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault, yet it can always be determined from the evidence whether the efforts of the pickets are limited to getting into communication with the new men for the purpose of presenting arguments and appeals to their free judgment." (Martin's Modern Law of Labor Unions, sec. 169, pp. 233, 234, and 235.)

The third clause:

"Or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do."

The best opinion to be gathered from the conflicting opinions on this matter has been well summarized in the most recent textbook on the subject, as follows:

"It is lawful for members of a union, acting by agreement among themselves, to cease to patronize a person against whom the concert of action is directed when they regard it for their interest to do so. This is the so-called 'primary boycott,' and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men the union has a right to say that its members will not patronize him. A combination between persons merely to regulate their own conduct and affairs is allowable and a lawful combination, though others may be indirectly affected thereby. And the fact that the execution of the agreement may tend to diminish the profits of the party against whom such act is aimed does not render the participants liable to a prosecution for a criminal conspiracy or to a suit for injunction. Even though he sustain financial loss, he will be without remedy either in a court of law or a court of equity. So long as the primary object of the combination is to advance its own interests and not to inflict harm on the person against whom it is directed it is not possible to see how any claim of illegality could be sustained. (Martin's Modern Law of Labor Unions, pp. 107, 108, and 109.)

"It is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands, and the same rule applies where the employer has locked out his employees. These acts may be consummated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injure, by threats and coercion, the property rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott. In applying the principles stated it has been held that the issuance of circulars by members of a labor union notifying persons engaged in the trade of controversies existing between such members and their employer and requesting such persons not to deal with the employer is not unlawful and will not be enjoined where no intimidation or violence is used." (Martin's Modern Law of Labor Unions, pp. 109 and 110.)

Said Mr. Justice Van Orsdel, in his concurring opinion in Court of Appeals of the District of Columbia (the American Federation of Labor et al., appellants, *v.* the Buck's Stove & Range Co., No. 1916, decided Mar. 11, 1909):

* * * * * * *

"Applying the same principle, I conceive it to be the privilege of one man or a number of men to individually conclude not to patronize a certain person or corporation. It is also the right of these men to agree together and to advise others not to extend such patronage. That advice may be given by direct communication or through the medium of the press, so long as it is neither in the nature of coercion or a threat.

"As long as the actions of this combination of individuals are lawful, to this point it is not clear how they can become unlawful because of their subsequent acts directed against the same person or corporation. To this point there is no conspiracy—no boycott. The word 'boycott' is here used as referring to what is usually understood as

'the secondary boycott,' and when used in this opinion it is intended to be applied exclusively in that sense. It is, therefore, only when the combination becomes a conspiracy to injure by threats and coercion the property rights of another that the power of the courts can be invoked. This point must be passed before the unlawful and unwarranted acts which the courts will punish and restrain are committed.

"The definition of a boycott given by Judge Taft in Toledo Co. v. Pennsylvania Co. (54 Fed., 730) is as follows: 'As usually understood, a boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse through threats that, unless those others do so, the many will cause similar loss to them.' In Gray v. Building Trades Council (91 Minn., 171) the word 'boycott' is defined as follows: 'A boycott may be defined to be a combination of several persons to cause a loss to a third person by causing others against their will to withdraw from him their beneficial business intercourse through threats that unless a compliance with their demands be made the persons forming the combination will cause loss or injury to him, or an organization formed to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and thereby cause him through fear of resulting injury to submit to dictation in the management of his affairs. Such acts constitute a conspiracy and may be restrained by injunction.' In Brace Bros. v. Evans (3 R. & Corp. L. J., 561) it is said: 'The word itself implies a threat. In popular acceptation it is an organized effort to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and they coerce him, through fear of resulting injury, to submit to dictation in the management of his affairs.'

"It will be observed that the above definitions are in direct conflict with the earlier English decisions and indicate a distinct departure by our courts. This undoubtedly is in recognition of the right of a number of individuals to combine for the purpose of improving their condition. The rule of the English common law, from which we have so far departed, is expressed in Bowen v. Hall (6 Q. B. Div. 333) as follows: 'If the persuasion be used for the indirect purpose of injuring the plaintiff, or of benefiting the defendant at the expense of the plaintiff, it is a malicious act, which is in law and in fact a wrong act, and therefore a wrongful act, and therefore an actionable act if injury ensues from it.'

"From this clear distinction it will be observed that there is no boycott until the members of the organization have passed the point of refusing to patronize the person or corporation themselves and have entered the field where, by coercion or threats, they prevent others from dealing with such persons or corporation. I fully agree with this distinction.

"So long, then, as the American Federation of Labor, and those acting under its advice refused to patronize complainant, the combination had not arisen to the dignity of an unlawful conspiracy or a boycott."

In Hopkins v. Oxley Stave Co. (83 Fed. R., 912), Judge Caldwell, in a dissenting opinion, said:

"While laborers by the application to them of the doctrine we are considering, are reduced to individual action, it is not so with the forces arrayed against them. A corporation is an association of individuals for combined action; trusts are corporations combined together for the very purpose of collective action and boycotting; and capital, which is the product of labor, is in itself a powerful collective force. Indeed, according to this supposed rule, every corporation and trust in the country is an unlawful combination, for while its business may be of a kind that its individual members, each acting for himself, might lawfully conduct, the moment they enter into a combination to do that same thing by their combined effort, the combination becomes an unlawful conspiracy. But the rule is never so applied.

"Corporations and trusts and other combinations of individuals and aggregations of capital extend themselves right and left through the entire community, boycotting and inflicting irreparable damage upon and crushing out all small dealers and producers, stifling competition, establishing monopolies, reducing the wages of the laborer, raising the price of food on every man's table and of the clothes on his back and of the house that shelters him, and inflicting on the wage earners the pains and penalties of the lockout and the black list, and denying to them the right of association and combined action by refusing employment to those who are members of labor organizations; and all these things are justified as a legitimate result of the evolution of industries resulting from new social and economic conditions, and of the right of every man to carry on his business as he sees fit, and of lawful competition. On the other hand, when laborers combine to maintain or raise their wages or otherwise to better their condition or to protect themselves from oppression or to attempt to overcome competition with their labor or the products of their labor in order that they may continue to have employment and live, their action, however open, peaceful, and orderly, is branded as a 'conspiracy.' What is 'competition' when done by capital is 'conspiracy' when done by laborers. No amount of verbal dexterity can conceal or justify this glaring discrimination. If the vast aggregation and collective action of capital is not accompanied by a corresponding organization and collective action of labor, capital will speedily become proprietor of the wage earners as well as the recipient of the profits of their labor. This result can only be averted by some sort of organization that will secure the collective action of wage earners. This is demanded, not in the interest of wage earners alone, but by the highest considerations of public policy."

In Vegelahn v. Gunter (167 Mass., 92) Justice Holmes, now of the Supreme Court of the United States, delivering the opinion, said:

"It is plain from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination, and that the organization of the world, now going on so fast, means an ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it is, or detrimental, it is inevitable, unless the fundamental axioms of society and even the fundamental conditions of life are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is potent and powerful. Combination on the other is a fair and equal way. * * * If it be true that the workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has, to support their interest by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control."

The logic of Justice Sherwood, of the Supreme Court of Missouri, in Marx & Haas Co. v. Watson (56 L. R. A., 951), appears unanswerable. He discussed the question from a constitutional standpoint, taking for his text the Missouri bill of rights, substantially the same as the first amendment to the Federal Constitution, saying (p. 956):

"The evident idea of that section is penalty or punishment, and not prevention, because if prevention exists, then no opportunity can possibly arise for one becoming responsible by saying, writing, or publishing 'whatever he will on any subject.' The two ideas—the one absolute freedom 'to say, write, or publish whatever he will on any subject,' coupled with responsibility therefor, and the other idea of preventing any such free speech, free writing, or free publication—can not coexist."

The opinion continues, after citing authorities, Federal and State, as follows:

"Section 14, supra, makes no distinction and authorizes no difference to be made by courts or legislatures between a proceeding set on foot to enjoin the publication of a libel and one to enjoin the publication of any other sort or nature, however injurious it may be, or to prohibit the use of free speech or free writing on any subject whatever, because wherever the authority of injunction begins there the right of free speech, free writing, or free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom."

The fourth clause:

"Or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value."

In at least two instances State courts (Reynolds v. Davis, 198 Mass., 294, and A. S. Barnes & Co. v. Chicago Typographical Union, 232 Ill., 424) have held that if the purpose of a strike was unlawful the officers and members of unions should be enjoined from giving financial aid in the form of strike benefits in furthernnce thereof. But in the only case of the kind disposed of by a Federal court an entirely different conclusion was reached. In A. S. Barnes & Co. v. Berry (157 Fed. R., 883) it was held without exception or qualification that an employer against whom a strike was in operation could not have enjoined the officers of a union from giving its striking members strike benefits. The reason assigned was that—

"the strike-benefit fund is created by moneys deposited by the men with the general officers for the support of themselves and families in times of strike, and the court has no more control of it than it would have over deposits made by them in the banks."

This decision is in harmony with two recent English decisions—Denabey, etc., Collieries v. Yorkshire Miners' Assn. (75 L. J. K. B., 384); Lyons v. Wilkins (67 L. J., ch. 383).

The fifth and sixth clauses:

"Or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

After all that can be asserted against the provisions of section 266c, or any provision of the bill elsewhere found has been said, we can truly say that it does not transcend or contravene the clear and conclusive statement of the law as stated in National Fireproofing Co. v. Mason Builders' Assn. (169 Fed. Rep., 260). Delivering the opinion of the court in that case, Judge Noyes said (p. 265):

"As a general rule it may be stated that when the chief object of a combination is to injure or oppress third persons it is a conspiracy, but that when such injury or oppression is merely incidental to the carrying out of a lawful purpose it is not a conspiracy. Stated in another way: A combination, entered into for the real malicious purpose of injuring a third person in his business or property, may amount to a conspiracy and furnish a ground of action for damages sustained or call for an injunction, even though formed for the ostensible purpose of benefiting its members, and actually operating to some extent to their advantage. But a combination without such ulterior oppressive object entered into merely for the purpose of promoting by lawful means the common interests of its members is not a conspiracy. A laborer, as well as a builder, trader, or manufacturer, has the right to conduct his affairs in any lawful manner, even though he may thereby injure others. So several laborers and builders may combine for mutual advantage, and so long as the motive is not malicious, the object not unlawful nor oppressive, and the means neither deceitful nor fraudulent, the result is not a conspiracy, although it may necessarily work injury to other persons. The damage to such persons may be serious, it may even extend to their ruin, but if it is inflicted by a combination in the legitimate pursuit of its own affairs it is a damnum absque injuria. The damage is present, but the unlawful object is absent. And so the essential question must always be whether the object of a combination is to do harm to others or to exercise the rights of the parties for their own benefit."

Any attack upon the policy of this section of the bill must be directed at its specific prohibitions; nor will any mere general criticism, or any attack which does not particularize herein, be worthy of serious attention. The ready and perfect defense to all such is at hand, and imposes no difficult task. Is there any reason why the complainant, seeking an injunction against workingmen, should not describe with particularity in his cause of complaint the nature of the threatened injury, and the property or property right involved, as in other cases? Is there any reason why an injunction should issue at all involving or growing out of the relation created between employer and employee to prevent the termination of the relation, or advising and persuading others to do so, or to prevent the unrestricted communication and exchange of information between persons, or the giving of aid by financial contributions in any labor affair or dispute? Is there any reason, after a labor dispute has arisen and a socially hostile attitude has been created, for an injunction to prevent abstinence in patronizing or service by one party for the other's benefit, or the exercise of the right of free speech in advising or inducing such abstinence on the part of others? Is there, in short, any good reason why, after a dispute has arisen and the parties are "at arms length," a court of equity should interpose its strong arm merely because such dispute has arisen?

At its hearings the committee had the benefit of learned and illuminating arguments against the several bills. Counsel in opposition were patiently and respectfully heard, and the committee profited largely by having heard them, as is shown by the results of its labors. The bill does not interfere with the Sherman Antitrust Act at all; it leaves the law of conspiracy untouched, and is not open to effective criticism on any constitutional ground. The subject of the constitutionality of such legislation was exhausted at the hearings on the contempt bill (H. R. 22591), returned to the House with a separate report in which all constitutional objections are fully met.

NO QUESTION OF CONSTITUTIONALITY INVOLVED.

This bill does not, any more than does the contempt bill, invade the jurisdiction of the courts or attempt legislatively to exercise a

judicial function. It merely limits and circumscribes the remedy and procedure. While we here enter into no elaborate discussion of the authorities on this topic, yet, for convenience of reference, we insert a synopsis. On point of inconsistency between our theory of government and exercise of arbitrary power see Yick Wo *v.* Hopkins (118 U. S. Rep., 369). For a case in which Congress was held to have constitutionally exercised power to take away all remedy see Finck *v.* O'Neill (106 U. S., 272); and for a case where a statute taking away the power to issue an injunction in a certain case wherein the jurisdiction had been previously held and exercised was recognized without question as of binding force see Sharon *v.* Terry (36 Fed. Rep., 365). For a general statement of the proposition that the inferior courts of the United States are all limited in their nature and constitutions and have not the powers inherent in courts existing by prescription or by the common law see Cary *v.* Curtiss (3 How. (U. S.), 236, 254). The same principle still more elaborately stated and applied, Ex parte Robinson (19 Wall. (U. S.), 505).

Many decisions on the question of injunctive process and jurisdiction in labor cases are greatly influenced by, and, indeed, sometimes founded upon, precedents established when to be a wage earner was to be a servant whose social and legal status was little above that of slavery. But even England has preceded us in new views and policies herein. The English act of 1906, set forth at length in the hearings, goes further than it has yet been deemed possible to go in this country in relieving labor, and especially organized labor, of legal burdens and discriminations. The Supreme Court has more than once protested against attempts by any branch of the Government to exercise arbitrary power, and the courts should, and probably will, welcome the definite limitations contained in this bill if it should be enacted.

The idea has been advanced, and ably supported in argument, by one of the proponents of this legislation that liberty, and more of it, is safe in the hands of the workingmen of the country. We are convinced of the merit and truth of that contention. The tendency toward freedom and liberation from legal trammels and impediments to progress and to a great social advance is seen in nearly all civilized nations. It is an unpropitious time to oppose a reform like that embodied in this bill, in view of the fact that the abuses of power which it seeks to terminate have been admittedly numerous and flagrant.

[H. R. 23635, Sixty-second Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES,
April 22, 1912.

Mr. CLAYTON introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

Contests Over Seats in the Republican National Convention.

Thou shall not bear false witness against thy neighbor.

EXTENSION OF REMARKS
OF
HON. JOSEPH HOWELL,
OF UTAH,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 2, 1912.

Mr. HOWELL said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD, I include as a part of my remarks a summary of the statement of Charles D. Hilles, relating to contests over seats in the Republican national convention.

The statement is as follows:

Summary of the statement of Charles D. Hilles relating to contests over seats in the Republican National Convention.

The total number of delegates summoned to the convention under its call was 1,078, with 540 necessary to a choice. Mr. Taft had 561 votes on the first and only ballot and was declared the nominee. There were instituted against 238 of the delegates regularly elected for Taft, contests on behalf of Roosevelt. These contests were avowedly instigated not for the purpose of really securing seats in the convention, not for the purpose of adducing evidence which would lead any respectable court to entertain the contests, but for the purpose of deceiving the public into the belief that Mr. Roosevelt had more votes than he really had, as the conventions and primaries were in progress for the selection of delegates. This is not only a necessary inference from the character of the contests, but it was boldly avowed by the chief editor of the newspapers owned by Mr. Munsey, who has been Mr. Roosevelt's chief financial and newspaper supporter. The 238 contests were reduced by abandonment, formal or in substance, to 74. The very fact of these 164 frivolous contests itself reflects upon the genuineness and validity of the remainder. The 74 delegates include 6 at large from Arizona, 4 at large from Kentucky, 4 at large from Indiana, 6 at large from Michigan, 8 at large from Texas, and 8 at large from Washington, and also 2 district delegates each from the ninth Alabama, the fifth Arkansas, the thirteenth Indiana, the seventh, eighth, and eleventh Kentucky, the third Oklahoma, the second Tennessee, and from each of nine districts, the first, second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth of Texas.

CONTESTED DELEGATES AT LARGE.

ARIZONA.

In the Arizona convention there were 93 votes. All the delegates—6 in number—were to be selected at large. The counties were entitled to select their delegates through their county committee or by primary. In one county, Maricopa, a majority of the committee decided to select its delegates and a minority to have a primary. In other counties there were some contests, and the State committee, following the usage of the national committee, gave a hearing to all contestants in order to make up the temporary roll. There was a clear majority of the Taft delegates among the uncontested delegates. The committee made up the temporary roll, and then there was a bolt, 64 remaining in the hall and 25 withdrawing therefrom. The case of the Taft majority was so clear that it is difficult to understand why a contest was made.

INDIANA.

In Indiana the 4 Taft delegates at large were elected in a State convention to which Marion County, in which Indianapolis is situate, was entitled to 128 votes. A primary was held in Indianapolis at which Taft polled 6,000 and Roosevelt 1,400 votes. This gave Taft 106 delegates in the State convention from Marion County, and if they were properly seated the control of the convention by a large majority was conceded to Taft. Attempt was made to impeach the returns from Marion County by charges of fraud and repeating. These charges were of a general character without specification, except as to 1 ward out of 15 wards, and then the impeaching witness admitted he could not claim fraud enough to change the result in that ward. The national committee, upon which there were 15 anti-Taft men, rejected the Roosevelt contestants and gave the Taft delegates their seats by a unanimous vote. Senator BORAH and Mr. Frank B. Kellogg, both Roosevelt men, made speeches in explaining the votes in which they said that the case turned wholly on the Marion County primary, and as there was no evidence to

impeach the result certified the title of the Taft delegates was clear. This is the convention whose proceedings called forth such loud charges of theft and fraud from Mr. Roosevelt.

KENTUCKY.

In Kentucky, a contest was filed against only three of the four delegates at large. The fourth Taft delegate's seat was uncontested. The three contestants admitted they were not elected by the convention which sent the Taft delegates or by any other. They only contended that if the Roosevelt forces had had a majority they would have been elected. There were 2,356 delegates summoned to the convention by its call. There were 449 of these whose seats were contested. If all of these had been conceded to Roosevelt it would have made the Roosevelt vote 297 votes less than a majority. The appeal to the committee on credentials from the decision of the national committee was abandoned, as it ought to have been.

MICHIGAN.

In Michigan the State convention had in it about 1,200 delegates. There were only two counties in dispute or contest. One was Wayne County, in which Detroit is situated, and the other was Calhoun County. The evidence left no doubt that the Taft men carried by a very large majority Wayne County, but it was immaterial whether this was true or not, because, leaving out both Wayne County and Calhoun County, the only counties in contest, the Taft delegates outnumbered by several hundred the Roosevelt delegates, and they had a clear majority out of the total number of votes that should have been in the convention. The contest was so weak as to hardly merit recital.

TEXAS.

In Texas there were 249 counties, of which 4 have no county government. The 245 counties under the call of the convention were allowed to have something over 1,000 delegates representing them, who were given authority to cast 248 votes. Of the 245 counties there were 99 counties in which the total Republican vote was but 2,000, in 14 of which there were no Republican voters, in 27 of which there were less than 10 each, and in none of which was there any Republican organization, and in none of which had a primary or convention been held. It was shown that Col. Cecil Lyon, to whom had been assigned as referee the disposition of the patronage of the national Republican administration for 10 years in the State, had been in the habit of controlling the Republican State convention by securing from two Federal officeholders in each of these 99 counties a certificate granting a proxy to Col. Lyon, or a friend of his, to represent the county, as if regularly conferred by a Republican county organization. The national committee and the committee on credentials and the convention, after the fullest investigation, decided that these 99 counties in which the Republican vote was so small and in which there was no Republican Party, no convention, no primary, no organization, was not the proper source for a proxy to give a vote equal to that to be cast by the other 146 counties in which there was a Republican organization and in which primaries or conventions were held. The two committees therefore held such 99 proxies to be illegal and not the basis of proper representation. The two tribunals who heard the case decided that they should deduct the 99 votes from the total of 245 and give the representation to those who controlled the majority of the remainder. The remainder was 152 votes, and out of that the Taft men had carried 89 counties, having 90 votes. This gave to the Taft men a clear majority in the State convention and with it 8 delegates at large.

WASHINGTON.

The contest in Washington turned on the question whether the Taft delegates appointed by the county committee in King County, in which Seattle is situate, were duly elected to the convention or whether a primary, which was subsequently held and at which Roosevelt delegates were elected, was properly called, so that its result was legal. Under the law the county committee had the power to decide whether it would select the delegates directly or should call a primary. In some counties of the State one course was pursued and in other counties the other. In King County the committee consisted of 250 men, the majority of whom were for Taft, and that majority, acting through its executive committee, selected the Taft delegates to the State convention. Meantime the city council of Seattle had redistricted the city. It before had 250 precincts. Now, substantially, the same territory was divided up into 381 precincts. The chairman of the county committee was a Roosevelt man. He had been given authority by general resolution to fill vacancies occurring in the committee. A general meeting of the committee had been held after the city council had directed the redistricting of the city, in which it was resolved, the chairman not dissenting, that representatives could not be selected to fill the 331 new precincts until an election was held in September, 1912. Thereafter and in spite of this conclusion the chairman assumed the right by his appointment to add to the existing committee 131 precinct committeemen, and with these voting in the committee it is claimed that a primary was ordered. There was so much confusion in the meeting that this is doubtful. However, the fact is that the Taft men protested against any action by a committee so constituted, on the ground that the chairman had no authority to appoint the 131 new committeemen. They refused to take part in the primary, and so did the La Follette men. The newspapers reported the number of votes in the primary to be something over 3,000.

The Roosevelt committee showed by affidavit the number to be 6,000 out of a usual total Republican vote of 75,000. The action of the chairman of the committee in attempting to add 131 precinct men to the old committee was, of course, beyond his power. The resolution authorizing him to fill vacancies, of course, applied only to those places which became vacant after they had been filled and clearly did not apply to 131 new precincts. It could not in the nature of things apply to a change from the old system to a complete new system of precincts created by the city council, because, if they were to be filled, the entire number of 331 new precincts, different from the old, must be filled. One system could not be made into the other by a mere additional appointment of 131 committeemen. No lawyer will say that such action by the committee thus constituted was legal. Therefore the action which the lawful committee of 250 took in electing Taft delegates who made a majority in the State convention was the only one which could be recognized as valid.

CONTESTED DISTRICT DELEGATES.

NINTH ALABAMA DISTRICT.

The ninth Alabama contest turned on the question whether the chairman of a district committee had power to fill vacancies, whether a committeeman who had sent his resignation, to take effect only in case he was not present, being present, should be prevented from acting as committeeman; and third, on the identity of another committeeman. The written resolution under which the right of the chairman to appoint to vacancies was claimed, showed on its face that the specific authority was written in in different writing and different colored pencil between the lines. A number of affidavits were filed by committeemen who were present when the resolution was passed to show that the resolution contained no such authority. This gave rise to a question of fact, upon which a very large majority of both the national committee and the committee on credentials held that the lead-pencil insertion was a forgery; that the chairman did not have the authority, therefore, to appoint to the vacancies, and, therefore, the action of his committee was not valid. This made it necessary to reject the contestants. The committee decided the two other issues of fact before them in favor of the Taft contention, although the first decision was conclusive.

FIFTH ARKANSAS DISTRICT.

In the fifth Arkansas the question was one of the identity of one faction or the other as the Republican Party. This convention followed the example of the convention of 1908, in holding that what was known as the Redding faction was not the Republican Party; that it was a defunct organization, and had only acquired life at the end of each four years for the purpose of using it in the national convention. The contestants were therefore rejected. It was shown that the other, or Taft, had been in active existence as the Republican Party, had nominated a local ticket, and had run a Congressman.

FOURTH CALIFORNIA DISTRICT.

The fourth California presented this question: Under the State law the delegation, two from each district, was elected on a general ticket in a group of 26. Each delegate might either express his presidential preference or agree to vote for the presidential candidate receiving the highest number in the State. In the fourth district the two candidates from that district on the Taft ticket expressed a preference for Taft, but did not agree to vote for the candidates having the highest State vote. These Taft delegates in the fourth district received a majority of 200 more than the Roosevelt delegates in that district. The national call forbade any law or the acceptance of any law which prevented the election of delegates by districts. In other words, the call of the national convention was at variance with the State law. The State law sought to enforce the State unit rule, and required the whole 26 delegates to be voted for all over the State, assigning two to each district on the ticket to abide the State-wide election, while the Republican national convention has insisted upon the unit of the district

since 1880. That has been the party law. This convention recognized the party law and held it to be more binding than that of the State law, and allowed the two delegates who had received in the fourth district a vote larger than their two opponents assigned to that district, to become delegates in the convention. This was clearly lawful, for a State has no power to limit or control the basis of representation of a voluntary national party in a national convention. The fact that President Taft, by telegram, approved all the 26 delegates as representing him is said to be an estoppel against his claiming the election of 2 of those delegates in their fourth district. What is there inconsistent in his approving the candidacy of all his delegates and the election of two of them? Why should he be thus estopped to claim that part of the law was inoperative, because in conflict with the call of the convention?

THIRTEENTH INDIANA DISTRICT.

In the thirteenth Indiana there was no question about the victory of the Taft men, because the temporary chairman, representing the Taft side, was conceded to have been elected by one-half a vote more than the Roosevelt candidate. This one-half vote extended through the riotous proceedings, and although it was not as wide as a barn door, it was enough. The chairman put the question as to electing the Taft delegates, and, after continuous objection lasting three hours, declared the vote carried. The Roosevelt men thus prevented a roll call and then bolted.

SEVENTH KENTUCKY DISTRICT.

In the seventh Kentucky district the total vote of the convention was 145. There were contests from 4 counties, involving 95 votes. According to the rules of the party in Kentucky, where two sets of credentials are presented those delegates whose credentials are approved by the county chairman are entitled to participate in the temporary organization. On the temporary roll the Taft chairman was elected by 98 votes, and 47 votes were cast for the Roosevelt candidate. The committee on credentials was then appointed, consisting of one member named by each county delegation. The majority report of the committee was adopted unanimously by the convention, no delegation whose seats were contested being permitted to vote on its own case. As soon as the majority report of the credentials committee had been adopted the Roosevelt adherents bolted. There was not the slightest reason for sustaining the contest for Roosevelt delegates.

EIGHTH KENTUCKY DISTRICT.

The eighth Kentucky district was composed of 10 counties, having 163 votes, of which 82 were necessary to a choice. There was no contest in 5 of the counties, and although the Roosevelt men claimed that there was one in Spencer County no contest was presented against the seating of the regularly elected Taft delegates from that county. This gave the Taft delegates 84 votes, or 2 more than were necessary for a choice. In other words, assuming that the Roosevelt men were entitled to all the delegates from the counties in which they filed contests in the district convention, there remained a clear majority of uncontested delegates who voted for the Taft delegates to Chicago.

THIRD OKLAHOMA DISTRICT.

In the third Oklahoma district the question of the validity of the seats of the delegates turned on the constitution of the congressional committee, which was made up of 12 Taft men and 7 Roosevelt men. The chairman, Cochran, was a Roosevelt man and attempted to prevent the majority of the committee from taking action. The chairman was removed and another substituted, and thereupon the convention was duly called to order on the temporary roll prepared by the congressional committee, which was made the permanent roll, and the two Taft delegates to Chicago were duly selected. Every county in the district had its representation and vote in the regular convention, and no person properly accredited as a delegate was excluded or debarred from participating in its proceedings. Cochran and his followers bolted after his deposition. Assuming that all the committee who went out with him had the right to act on the committee, it left the committee standing 12 for Taft and 7 for Roosevelt, so it was simply a question whether a majority of the committee had the right to control its action or a minority. The bolting convention which Cochran held was not attended by a majority of the duly elected delegates to the convention. It did not have the credentials from the various counties, and its membership was largely made up of bystanders who had not been duly accredited by any county in the district. Its action was entirely without authority.

SECOND TENNESSEE DISTRICT.

In the second Tennessee district there were 59 delegates uncontested out of a possible total of 108 in the convention. There were 49 contested. The Roosevelt contestants in the 49 refused to abide the decision of the committee on credentials and withdrew, leaving 59 uncontested delegates. These 59 delegates, part of whom were Roosevelt men, remained in the convention, appointed the proper committees, settled contests, and proceeded to select Taft delegates. There can be no question about the validity, therefore, of their title.

TEXAS.

FIRST DISTRICT.

The only remaining districts are the 9 districts from Texas. Of these, the first district was composed of 11 counties, each county having one vote, except Cass County, which had two. The executive committee, composed of one representative from each county, made up the temporary roll, and in the contests filed from two counties seated both delegates with one-half vote each. The convention elected the two Taft delegates, giving them 10½ votes. Each county was represented in this vote. A minority representing 1½ votes bolted the regular convention and held a rump meeting. The national committee by unanimous vote decided the contest in favor of the Taft delegates.

SECOND DISTRICT.

In the second Texas district there were 14 counties. Two counties were found not to have held conventions and one county to have no delegate present. The convention was then constituted by the delegations that held regular credentials. The report of the committee on credentials was accepted upon roll call, and then the representatives of five counties withdrew from the hall. The representatives of four of these counties held a rump convention. The regular convention remained in session several hours, appointed the usual committees, which retired and made their reports, which were accepted, and elected two Taft delegates to the national convention, and certified their election in due form to the national committee, which, without division asked for, held them properly elected.

FOURTH DISTRICT.

The fourth Texas district consists of five counties, each having one vote in the district convention under the call. One county, Rains, chose an uncontested delegation, and that one was for Taft. The other four counties sent contesting delegations. The contesting delegations appeared before the congressional executive committee to present their claims, but the committee arbitrarily refused to hear anybody. Having exhausted every effort to secure a hearing, the four contesting delegations, together with the only uncontested delegation of the convention, withdrew to another place and held a convention and elected Taft delegates to the Chicago convention. The congressional convention which elected the Taft delegates was composed of more than a majority, and, indeed, of practically all the regularly elected delegates. The national committee held the title of the Taft delegates to their seats valid by viva voce vote without calling for a division.

FIFTH DISTRICT.

The fifth district of Texas is composed of Dallas, Ellis, Hill, Bosque, and Rockwall Counties. Dallas County cast more Republican votes than all the other counties of the district put together. The call for the congressional convention allowed each county to send not to exceed four delegates, but made no reference to the basis of representation of the respective counties composing the district. There was a contest from Dallas County, but the Taft delegates were seated. Taft delegates were seated on the temporary roll from two counties and Roosevelt delegates from the three counties, and the representation in the convention was fixed at one vote for each county without regard to the number of delegates in the convention or the number of Republican votes cast in such county. A minority report of the district committee was presented, protesting against the ratio of representation adopted. The chairman of the convention objected to the presentation of this minority report. Failing in this he abandoned the platform and left the hall.

The convention thereupon elected a new chairman and a new secretary, appointed a committee on credentials, which recommended the seating of the Taft delegates from Hill County and the adoption of the minority report of the district committee as to the basis of the representation in the convention. Both these recommendations were adopted, and Taft delegates to the national convention were thereupon elected by a vote of 8 to 3. The Roosevelt men thereafter retired to the south end of the hall, where they organized a meeting, at which it was claimed the Roosevelt delegates to the national convention were elected. The Republican vote for the district for 1908 was as follows: Dallas County, 2,068; Ellis, 594; Hill, 414; Bosque, 266; Rockwall, 38. Both the national committee and the committee on credentials sustained the Taft delegates.

SEVENTH DISTRICT.

The seventh congressional district of Texas is composed of the following counties: Anderson, Chambers, Galveston, Houston, Liberty, Polk, San Jacinto, and Trinity. Polk, San Jacinto, and Trinity were without proper party organization. In Texas county chairmen must be elected by the voters in each party. No such election was held in any of these three counties. In two of them Col. Lyon assumed to appoint chairmen, which he had no right to do. Lyon himself had classed these three counties as unorganized and without party organization.

The convention met in Galveston. The executive committee met prior to the meeting of the convention to make up the temporary roll of delegates. The executive committee had before it the question of having the three unorganized counties represented in the convention. The executive committee refused to recognize them. When this action was taken by the executive committee a delegate from Houston County and the alleged representatives from the three unorganized counties withdrew from the meeting and proceeded to organize another convention, and upon this is based the contest, which was rejected by both committees—the national committee and the credentials committee.

EIGHTH DISTRICT.

In the eighth congressional convention a split occurred over the majority and minority reports of the executive committee as to the temporary roll. The Roosevelt followers controlled the executive committee but did not have a majority in the convention, which adopted the minority report and gave Taft 5½ votes and Roosevelt 2½ votes. This resulted in the election of the Taft delegates, who were seated by both the national committee and the credentials committee.

NINTH DISTRICT.

In the ninth district the district committee was called by Mr. Speaker, a member of the committee, and not by the chairman. The chairman refused to convene the committee because he claimed that all the delegates from Texas to the national convention must be elected in the State convention; that Col. Lyon, his superior, had thus directed him. The district committee was called. Seven members attended the meeting. The district convention was called on the 15th of May. Eleven counties out of the 15 responded to the call and took part in the convention. Three counties were not represented, and in one of these there was no election. After this convention had been called the chairman of the district committee changed his mind and called a meeting of the committee for April 17. This committee called a congressional convention to be held on the 18th of May. But there was no publication of the call, which had to be 30 days before the convention, until April 21. The Taft convention seems therefore to have been duly and regularly convened, while the Roosevelt convention was not. The Taft delegates were seated.

TENTH DISTRICT.

In the tenth district the decision turned largely upon the bad faith with which two members of the district committee voted in the seating of delegates and upon the bad faith with which one of them used the proxy intrusted to him. The Taft delegates in this case bolted and left the hall and immediately in the same building organized another convention which consisted of delegates from six counties. Proceedings were regularly held, a permanent organization effected, the report of the committee on resolutions adopted, and delegates pledged to Taft were elected. The undisputed evidence indicated that a flagrant attempt had been made to deprive Taft of this district, to which he was justly entitled. The national committee sustained the title of the Taft delegates and alternates by a practically unanimous vote.

FOURTEENTH DISTRICT.

In the fourteenth district there were 15 counties in the district. When the executive committee met at San Antonio to make up the temporary roll there were 10 members of the committee present whose right to act was undisputed, of whom 6 were for Taft and 4 for Roosevelt. There were 4 other Roosevelt men present, whose right to vote was disputed and who were clearly not entitled to represent their county at that meeting. One of them held the proxy of the committee man from Kendall County, who was dead, and the proxies from three other counties were held, two by postmasters and one by an assistant postmaster, while under the election law of Texas no one who holds an office of profit or trust under the United States shall act as a member of an executive committee, either for the State or for any district or county. The temporary roll was made up by Taft members, having a clear majority without permitting these men to act under their proxies. There was a contest over the delegation from Bexar County, which contains the city of San Antonio. Full consideration was given to this contest, but the testimony was overwhelming that Taft carried the county by a vote of four or five to one. On the proper basis the total vote in the district convention was 67, of which the number instructed or voting for Taft was 37½; the number voting or instructed for Roosevelt, 28½; not voting, 1. The Taft delegation was therefore seated at Chicago.

CONCLUSION.

The purpose of this résumé of the contests in which there was any shadow of substance has been to inform those who have not time or inclination to read the longer and more detailed account of them contained in the larger pamphlet. It is not essential to make Mr. Taft's title indisputable that all men agree on every one of the issues raised. They were decided by the tribunals which uniform party usage had made the proper tribunals to decide such contests. If those tribunals acted in good faith, a mistaken judgment would not invalidate their decisions. As a matter of fact, an examination of the facts show that the tribunals were right in every instance. There is not the slightest evidence that they were moved by other than a mere desire to reach a right conclusion. On the other hand, the action of the Roosevelt men in bringing 160 contests that they promptly abandoned strongly tended to show the lack of good faith in the prosecution of all of them. Those who support President Taft can well afford to stand on the record in this case and to asseverate without fear of successful contradiction that the delegates whose seats were contested were as fairly seated in this convention as in any in the history of the party.

The Tariff.

EXTENSION OF REMARKS

OF

HON. EBENEZER J. HILL,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 2, 1912,

On the bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. HILL said:

Mr. SPEAKER: On the 4th day of July, 1789, President George Washington approved the first tariff act passed by the American Congress. The first section of that act began as follows:

SECTION 1. Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and *the encouragement and protection of manufactures*, that duties be laid on goods, wares, and merchandise imported, be it enacted, etc.

On July 2, 1912, a Democratic national convention sitting at Baltimore, Md., adopted a party platform, the first section of which begins as follows:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government, under the Constitution, has no right or power to impose or collect tariff duties except for the purpose of revenue.

In that first Congress were the fathers of the Republic, the men who had helped to make the Constitution under which the Government has continued for 123 years, through the storms of war, through financial panics, through social and industrial development, until now we are at peace with the world and enjoying a prosperity which is unparalled in all history.

Among the men who made the first declaration were John Adams and Fisher Ames, of Massachusetts; Frederick A. Muhlenberg and Robert Morris, of Pennsylvania; Oliver Ellsworth and Roger Sherman, of Connecticut; Abraham Baldwin, of Georgia; James Monroe and James Madison, of Virginia; Charles Carroll, of Maryland; and Rufus King, of New York.

Among the men who made the second declaration was one who wrote the platform, prescribed the time of its adoption, presented it to the convention, and dictated the candidate who was to stand upon it, a man who had three times been defeated for the Presidency, William Jennings Bryan, of Nebraska.

If the declaration of the Democratic Party is right, then that of the first American Congress is wrong, and every general tariff act from the beginning of the Nation's life has been in flat violation of its fundamental law, and the builders of the Nation's greatness through all these years have been successfully planning in ignorance and gloriously achieving without right or power. Never during these years has any man brought to a final judicial decision the claim now made, never but twice has the question been raised by any of the partners to the original agreement.

NULLIFICATION—FREE TRADE.

In 1832 the State of South Carolina declared that the protective tariff acts of 1828 and 1832 were—

unauthorized by the Constitution of the United States and violated the true intent and meaning thereof, and were null and void and no law, nor binding upon the State of South Carolina.

In the address of the South Carolina convention to the people of the United States they declared—

the fixed and final determination of the State in relation to the protecting system—

And—

that it remains for us to submit a plan of taxation in which we would be willing to acquiesce in a liberal spirit of concession, provided we are met in due time and in a becoming spirit by the States interested in manufactures.

That equitable plan was that—

the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States.

If the South Carolina construction of the Constitution was right, their definition of a tariff for revenue only was absolutely right, and the declaration of the Democratic platform of 1912 is now in strict accord with it.

But Andrew Jackson agreed neither with the legal construction nor the tariff definitions of the South Carolina convention, for in his first message to Congress in 1829 he had declared that—

the general rule to be applied in graduating the duties upon articles of foreign growth and manufacture is that which will place our own in fair competition with those of other countries, and the inducements to *advance even a step beyond this point* are controlling in regard to those articles which are of prime necessity in time of war.

That is good Republican doctrine now, and if the doughty old general were alive to-day he would be forced to stand with the Republican Party and repudiate the declaration of modern Democracy that—

the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue.

The second attempt by any of the partners to the original constitutional agreement to publicly set forth their construction of it is found in article 1, section 8, of the constitution of the Confederate States in 1861. It reads as follows:

Article 1, section 8, the Congress shall have power to lay and collect taxes, duties, imposts, and excises for revenues necessary to pay the debts, provide for the common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the treasury, nor shall any duties or taxes be laid to promote or foster any branch of industry, and all duties, imposts, and excises shall be uniform throughout the Confederate States.

But nullification and free trade went down into a common grave with slavery and secession, and it was not till 1892 that the Democratic Party again denied the constitutional power of this Nation to encourage and protect its industries. That declaration was followed by the most disastrous industrial panic which this country has ever seen.

Indeed, the fear of what such a policy might bring to the expanding industries of the Nation was worse than the reality itself, and with the passing by of the financial troubles of 1893 to 1895, the struggling industries took on new life and courage, and gradually became ready for the quickening impulse given them by the real protective tariff of 1897.

DEMOCRATIC INCONSISTENCIES.

No man can read the tariff planks of the 11 Democratic platforms formulated since the Civil War and not reach the conclusion that the party has during these years been without any fixed principles in dealing with the subject, and that its only aim and purpose has been to adjust candidates to platforms and platforms to candidates, with the sole purpose of catering to what seemed to be the momentary popular impulse. Taken together they make a peddler's pack of inconsistencies of public policies offered by a great party in exchange for a lease of power. The American people paid the price once, in 1894, and have never forgotten or ceased to regret that sore experience.

In 1868, under Horatio Seymour, they declared for incidental protection and the promotion and encouragement of the industries of the country.

In 1872, under Horace Greeley, the discussion of irreconcilable differences was remitted to congressional districts.

In 1876, under Tilden, the demand was for a tariff for revenue only.

In 1880 a tariff for revenue only, and Hancock declared it to be a local issue.

In 1884, under Cleveland, they declared that American labor must be protected against foreign labor, and that the increased cost of production, because of higher wages here, must be amply covered in any reductions which might be made.

In 1888, under Cleveland again, revision with due allowance for the difference in the wages of American and foreign labor.

In 1892, under Cleveland again, a flat denial of the constitutional power to impose tariff duties, except for the purpose of revenue only.

In 1896, under Bryan, opposition to any agitation of tariff revision until the money question was settled.

In 1900, under Bryan again, amend the existing law by putting trust products on the free list.

In 1904, under Parker, a gradual reduction of the tariff.

In 1908, under Bryan again, a gradual reduction of duties to a revenue basis.

In view of these varying, conflicting, and sometimes meaningless declarations of the past half century, the absurdity of the Democratic platform of 1912 is at once manifest, but it is also clear and plain that in the delusive hopes inspired now by a temporary gain of a part of the legislative power, the dominant controlling principles of old-time Southern Democracy have taken on new life and power, and that a straight-out free-trade platform was the only one fitted to a candidate who through all his life has believed and taught that doctrine, and who now declares that the whole Republican policy of protection is "ignorant and preposterous."

THE PROTECTIVE POLICY.

The Republican Party was born as a protest against slavery and the degradation of labor, whether white or black.

With its protest made and its mission established it chose Abraham Lincoln as its leader, and declared "that sound policy required such an adjustment of import duties as to encourage the development of the industrial interests of the whole country and a policy of national exchanges which would secure to workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the Nation commercial prosperity and independence."

It was the declaration of 1789 broadened and adapted to the wants and necessities of a larger national life.

It meant that what our people could do they should have the chance to do.

It meant that we should not be content to grow cotton and corn and produce food and raw materials for foreign nations and then pay tribute to them for the finished products. It meant that industrial independence should supplement and glorify political freedom.

From the day of its birth until now the Republican Party has kept that faith, never wavering, never faltering, but, standing squarely on the principle of protection to American industry, it has dignified labor, established and maintained the best wage scale in all the world, and with it a distinctively American standard of living and American home.

Imbued with this principle, party and leaders alike have stood together. Lincoln, Grant, Hayes, Garfield, Harrison, and McKinley, and when William McKinley died he had seen the battle fought and the victory won at home, and was looking out into a larger field and forward to still greater victories.

TARIFF FOR REVENUE ONLY.

What of the future? To-day the issue is joined again, and it is protection or free trade, for a tariff for revenue only is nothing but free trade with a handicap, an actual burden upon production with all protection eliminated.

The phrase "a tariff for revenue" means nothing, for that is one of the purposes of all tariffs, but "a tariff for revenue only" means death to the policy of protection. Of all civilized nations Great Britain alone now has a tariff for revenue only, and yet of all nations Great Britain has the highest average rate of duty on its dutiable imports and raises far more per capita from customs revenue than the United States does. She is known as a free-trade nation and the United States as a protective Nation.

The distinction is not found in the rate of taxation, but in the method of its adjustment. Great Britain has very high rates on a very few things and everything else is imported free of duty. The things she does tax are not produced there, or, as in the case of spirits and beer, the duty on the imported article is offset by an internal-revenue tax on the domestic production. Her system is precisely that already referred to as demanded by the South Carolina Nullification Convention, by the Confederate Congress, and now by the Democratic platform of 1912.

Protection is not possible under it.

A PROTECTIVE TARIFF.

A protective-tariff nation puts its customs taxes on those things which are imported, the like of which are produced within its own borders, and the Republican Party, in 1908, declared that the true measure of such protection should be the difference in the cost of production at home and abroad. Where the cost of production is less here, or where there is no difference, or when the like of the imported article is not or can not be produced here, the protective policy admits it free. Under the operation of this principle a billion dollars' worth of foreign products came into our ports last year without paying one cent of tax and went direct into domestic consumption.

The present free list covers chemicals in great variety and amount; animals for breeding purposes; anthracite coal; coal tar and its derivatives; tea, coffee, and cocoa; copper and tin; cotton; drugs, natural and uncompounded; all fish, the products of American fisheries; furs, undressed; grease, fats, and oils; guano; manures; hides and hair of cattle; india rubber; indigo; ivory tusks; licorice root; manganese ore; Brazil nuts and cocoanuts; a great variety of oils, including petroleum, kerosene, benzine, naphtha, and gasoline; ores of gold, silver, and nickel; paper stock; phosphates; platinum; raw silk; spices; tar; logs and round timber; pulp wood; tropical woods in great variety; $14,000,000 worth of bananas last year; and hundreds of other things, mostly used as raw materials in every conceivable manufacturing process.

Under the present law the free list last year covered 53.32 per cent of all of our importations, and during the entire 35 months since the law has been in operation the average of free importations has been 51.2 per cent of all imports, or greater than ever before in the Nation's history, except for the four years with free sugar under the McKinley law.

Of our total importations 46.68 per cent was taxed at the customhouse. It included luxuries and the like of those things which are the products of our farms, our forests, our factories, and our mines.

The plain purpose of the duties laid upon these things at the customhouse was not only to help defray the expenses of maintaining the Government, but to give to our own people a fair reward for the labor employed in their production, and an equal chance with foreign producers in this market place, and to make this Nation self-reliant in all things where, with our climate, soil, and skill, industrial independence is possible.

The avowed policy of the Republican Party for the past two years has not only been to this end, but it has voluntarily pledged itself to the American people to submit each and every schedule of the present law to the careful, intelligent, and patient investigation of a permanent, nonpartisan, independent tariff board to be named by the President and confirmed by the Senate, and to adjust the rates in accordance with the Republican policy of true protection, and in the light of the facts shown by such investigations.

Its platform declaration for 1912 is as follows:

THE TARIFF.

We reaffirm our belief in a protective tariff. The Republican tariff policy has been of the greatest benefit to the country, developing our resources, diversifying our industries, and protecting our workmen against competition with cheaper labor abroad, thus establishing for our wage earners the American standard of living. The protective tariff is so woven into the fabric of our industrial and agricultural life that to substitute for it a tariff for revenue only would destroy many industries and throw millions of our people out of employment. The products of the farm and of the mine should receive the same measure of protection as other products of American labor.

We hold that the import duties should be high enough while yielding a sufficient revenue to protect adequately American industries and wages. Some of the existing import duties are too high and should be reduced. Readjustment should be made from time to time to conform to changed conditions and to reduce excessive rates, but without injury to any American industry. To accomplish this correct information is indispensable. This information can best be obtained by an expert commission, as the large volume of useful facts contained in the recent reports of the Tariff Board has demonstrated. The pronounced feature of modern industrial life is its enormous diversifications. To apply tariff rates justly to these changing conditions requires closer study and more scientific methods than ever before. The Republican Party has shown by its creation of a Tariff Board its recognition of this situation and its determination to be equal to it. We condemn the Democratic Party for its failure either to provide funds for the continuance of this board or to make some other provision for securing the information requisite for intelligent tariff legislation. We protest against the Democratic method of legislating on these vitally important subjects without careful investigation.

We condemn the Democratic tariff bills passed by the House of Representatives of the Sixty-second Congress as sectional, as injurious to the public credit, and as destructive of business enterprise.

DEMOCRATIC PLATFORM PLEDGE.

If the Democratic Party complies with its platform declaration that the "Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue," it must do one of two things:

First. In accordance with the theory of John C. Calhoun and the South Carolina convention, it must transfer the entire tariff tax from the competitive imports, which comprise 46.68 per cent of the whole, to the imports, which, under the present law, are free of duty and which comprise 53.32 per cent of the whole. In this case every cent of the tax would be added to the cost of the imported article where there is no like domestic product to control the price. In addition to that, it would throw open our entire domestic production to the unrestricted competition of the product of much lower foreign wages and consequent lower standard of living, for the 46.68 per cent of competing importations which now constitute the dutiable list must become the free list or the Democratic Party would repudiate its own platform.

Or second. Accepting the modern conception of tariff for revenue only, first make duties on competitive importations at rates clearly below the protective point and so encourage larger importations at the expense of the domestic product. Then make up deficiencies in revenue by extending the tax over the free list. This was the plan adopted by the Democratic majority in the Sixty-second Congress in revising the chemical schedule. In that case they cut the duties on finished competing products and then put a duty on $41,667,000 worth of chemicals which were free under the law in 1911, with the result that where the rate on the same articles average 14 per cent under the Payne law, it averaged under the Democratic conception of a tariff for revenue only 16.66 per cent.

If the bill had become a law it would have increased the cost of the imported raw materials which are now free and hence have added to the cost of the finished domestic product. At the same time it would have opened wide the door into this market to five great legalized trusts in Germany for their finished products.

This proposition was put through the House of Representatives under the dictation of the Democratic caucus, controlled absolutely by the votes of the Southern States, as indeed all tariff legislation in the Sixty-second Congress has been, but it was too radical for any type of Republican thought. It practically consolidated Republican opposition in the House and was finally defeated by a united Republican vote in the Senate.

NO HALFWAY HOUSE.

With Republican protection measured by the difference in the unit cost of foreign and domestic production, and that difference shown by an independent, nonpartisan Tariff Board lower duties than that can only mean the stoppage and transfer of some of our industries abroad or a reduction of wages and other conditions to the level of the competing foreign producers, so that it is manifest that on the two schedules of wool and cotton, upon which reports have been made, there is no halfway house between English free trade with English industrial conditions, or else duties based upon the Tariff Board report, which will equalize costs and at least maintain and certainly not lower industrial conditions here. Disguising a lower duty by calling it a tariff for revenue only, or by any other name, does not alter the fact that the quality of the product being equal the cheaper producer will control the market.

It is useless to discuss the efficiency of machinery or the relative superiority of foreign or domestic labor, for all of this is taken into account by the Tariff Board and the unit cost of the unit of product is the basis upon which the board has made its reports.

DEMOCRATIC WOOL BILL.

In the report on the wool bill passed through the House by the Democratic majority, they say, "The rates of duty worked out by the committee were fixed without any reference whatever to protection." That is undoubtedly true, for by their own estimate they provided for an increased importation of wool in the grease and in fabrics of nearly 200,000,000 pounds. This could only result in the substitution of foreign for domestic wool by a like amount.

Could this be done without injury to the woolgrowing industry in the United States?

The Democratic bill looked to an increase of importations of $40,773,633 worth of foreign woolen fabrics. As the total importation for 1910 amounted to only $23,057,357, or 4.2 per cent of the home consumption, it is perfectly clear that the increase to more than sixty millions meant the transfer of so much of the industry to foreign factories and the labor of 25,000 men needed to produce it taken away from our people. And this result was to be achieved with a net loss of revenue of $1,348,349.

So much for a Democratic wool schedule in the first session of the Sixty-second Congress, based on guesswork months before the Tariff Board report was made, and persisted in in the second session, as a tariff for revenue, in utter disregard of the board's report submitted to Congress in December, 1911.

REPUBLICAN WOOL BILL.

The Republican members of the Ways and Means Committee presented a substitute bill, which received the united support of the Republican Representatives. It was based squarely on the report of the Tariff Board and was in accord with the facts found after an investigation of the industry throughout the world, made by the best experts that could be found, an investigation costing a quarter of a million dollars and two years' time of a large force of men, and resulting in a unanimous report of a board consisting of three Republicans and two Democrats.

They were Henry C. Emery, professor of economics, Yale University; Alvin H. Sanders, editor of the Breeders' Gazette; James B. Reynolds, ex-First Assistant Secretary of the Treasury; William N. Howard, ex-Member of Congress from Georgia; and Thomas W. Page, professor of economics, University of Virginia.

First. The board had shown the utter absurdity of the claim in the Democratic report that the entire domestic product was increased in price by the amount of the duties and that 96 per cent of domestic consumption was controlled by the 4 per cent of importations.

They had shown that domestic competition had forced home prices down to, and in many cases below, the difference in the unit cost of the product and that many of the existing rates of duty were useless, unnecessary, and ineffective for protective purposes.

On this subject the board said, as follows:

> On the other hand, prices in this country on the fabrics just referred to are not increased by the full amount of the duty. A collection of representative samples was made in England of goods ranging from those which can not be imported at all to those which are imported continually. These were then matched with a collection of samples of American-made cloths, which were fairly comparable, and the mill prices compared for the same date. It is found that on goods entirely excluded the nominal rates of duty would reach an ad valorem rate of 150 or even over 200 per cent, but that the American fabric is actually sold in the market at from only 60 to 80 per cent higher than similar goods sold abroad.
>
> On 16 samples of foreign goods, for instance, none of which are imported, the figures are as follows:

Total of foreign prices	$41.84
Duties which would have been assessed had they been imported	76.90
Foreign price, plus the duty, if imported	118.74
Actual domestic price of similar fabrics	69.75

> Thus, though the nominal duties on such fabrics equal 184 per cent, the actual excess of the domestic price over the foreign price on similar fabrics of this kind is about 67 per cent. This is the result of domestic competition.

The excessive duties were at once discarded and the new bill was based on the difference in conversion cost as ascertained by the Tariff Board.

Second. The board had shown that the compensatory duties on the wool imported in the fabric were greater than would have been collected if the wool required to make the fabric had been imported in the raw state, and that a pound rate on wool had applied to the entire weight of the fabric, including the cotton or other material contained therein.

The compensatory rates ascertained by factory tests made by the board were at once accepted precisely as reported and made to apply only to the wool contained in the imported fabric. The other practice of years is still unchanged in the Democratic bill.

Third. The board had shown that carpet wool, which constituted 60 per cent of all wool imported, was no longer produced in this country, and was therefore a noncompetitive importation.

It was at once made practically free by a drawback of 99 per cent of the duty when used in carpet manufacture and the duty on the finished carpets was reduced by more than one-half accordingly. The Democratic bill continued a duty of 20 per cent on carpet wool for revenue purposes.

With these and other changes, the rate on Schedule K as a whole in the Republican bill was made materially lower than the Democratic so-called revenue bill, and yet by a fair and just application of rates on competitive importations only, based upon the Tariff Board report, it was kept protective in every item.

THE COTTON SCHEDULE.

As on wool, so on cotton, the Democratic bill was purely guesswork, reported and passed on a vote of a Democratic caucus. Neither bill ever had a public hearing, and both were the outcome of private conferences between Democratic Members and interested parties with no opportunity for cross-examination by Republican members of the committee. This was in direct contrast with the procedure in preparing the Payne bill three years ago, when 8,000 printed pages of testimony was taken in public hearings in the presence of manufacturers, importers, consumers, and before the full committee.

When the Democratic bill was before the House Mr. HINDS, of Maine, asked Mr. UNDERWOOD if it was a fact that the bill left out entirely the principle of protection, and he replied "Absolutely, so far as my knowledge is concerned." It was well adapted to its purpose as enunciated by a Congressman from North Carolina, when he said, "We in the South intend to make New England mills come and put their mills in the South or else go out of business." Without regard to merit, or necessity for protection, it put unnecessarily high duties on plain woven low-grade products, the principal product of one section of the country, and low duties on high-grade cloths and knit goods, the special products of other sections.

The sum and substance of it was high duties and no revenue from the cloth fabrics used by the poor; on the fine knit fabrics used by the rich low duties, large revenues, and a young and growing industry strangled.

The report of the Tariff Board on the cotton schedule was a revelation to the whole world except the Democratic members of the Ways and Means Committee, who promptly repudiated it and reintroduced in the second session of the Sixty-second Congress, the identical bill which had been the product of guesswork the year before.

Again, as on the wool bill, the Republican vote of the House of Representatives was united in favor of a revision of the cotton schedule made in accordance with the report of the Tariff Board and in cooperation with its members and experts.

The Republican bill showed a reduction of taxation on the schedule as a whole very considerably below the Democratic bill, but by the adjustment of rates on more or less competitive importations according to the facts shown in the board's report the principle of protection, based on the difference in cost of production, was maintained as to every item in it.

The report in this case, as on wool, showed the effective power of domestic competition when unhampered and uncontrolled by combinations to regulate the domestic selling price of the products of a developed industry, and fully justified the removal of duties which had been necessary in the formative period of cotton manufacturing, but which now have become inoperative both as to maintaining prices or preserving markets. It was a clear demonstration of the benefits of the protective policy to the consumer and producer alike.

"PROTECTION" OR "REVENUE ONLY."

Comparison of the Tariff Board schedules on wool and cotton presented by the Republicans in the House with the chemical schedule for revenue only presented by the Democrats, to which reference has previously been made, proves the irreconcilable conflict between the two tariff systems.

Under the protective policy, as illustrated in the wonderful progress of the cotton industry, as domestic costs are lessened it follows that the free list of finished products can be gradually enlarged, or tariffs materially reduced, and at the same time the American wage scale and standard of living maintained, or, what is better yet, tariffs reduced in part and a higher wage scale and better standard of living made possible for the men and women employed in industrial pursuits.

Under the "revenue-only" policy, with raw materials increased in cost by a revenue duty and with rates on the finished product cut below the difference in cost of production, there is no possible place from which that reduction can come except from the wages of labor.

It is not a question of the amount of taxation, for in the aggregate that must be the same in either case, for the expenses of government must be met. It is simply and solely whether in applying those taxes it shall be done in such a way as to encourage and develop our own industries or the industries of Europe.

It is whether we shall make life better and better worth living here or sacrifice our own people to the uplifting of the people of other lands.

It is a question of plenty of work and good wages or no work or low wages, and it is for the American people to decide which of these policies they wish to apply to themselves.

PROGRESS OF PROTECTION.

No man better understood the fundamental meaning of the protective policy than William McKinley, and his last public

declaration of vision and prophecy at Buffalo on September 5, 1901, was an inspiration to the American people for a change of methods but an adherence to the principle of protection, for which he had fought for a lifetime.

He said:

We have a vast and intricate business built up through years of toil and struggle, in which every part of the country has its stake, which will not permit of either neglect or undue selfishness. No narrow, sordid policy will subserve it. The greatest skill and wisdom on the part of manufacturers and producers will be required to hold and increase it. Our industrial enterprises which have grown to such great proportions affect the homes and occupations of the people and the welfare of the country. Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain. * * * The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. * * * If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

With uplifted hand and solemn vow, Theodore Roosevelt pledged himself to the American people to continue the policies of his martyred predecessor, but new issues were brought to the front and for three and one-half years no action was taken looking toward "new markets and the expansion of our trade and commerce."

In 1904 the Republican Party declared "its belief in the adoption of all practical methods for the further extension of our foreign markets, and intrusted this great question to the President and Congress," but again new issues were raised and the political energies and activities of the people were turned in other directions.

In 1908 the Republican Party declared unequivocally for tariff revision and fixed the date, and under the leadership of William Howard Taft began this work. Three years have passed and in the clear light of actual results the measure of that work can now be taken by the comparison with other legislation, which is here submitted, and following that by a showing of the operations of the Dingley law for its last two years and of the Payne law from its enactment to July 1, 1912.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
July 15, 1912.

Comparison of entire period of tariff laws from Oct. 6, 1890, to July 1, 1912.

[Imports of merchandise into the United States, showing the percentage thereof free of duty, customs receipts, and average ad valorem rate of duty during the 35 months' operation of the Payne tariff law, Aug. 5, 1909, to June 30, 1912, compared with like results under the entire operation of the McKinley, Wilson, and Dingley tariffs, respectively.]

Entire period of—	Imports.			Per cent free.	Customs receipts.	Average ad valorem on—	
	Free.	Dutiable.	Total.			Dutiable.	Total imports.
	Million.	*Million.*	*Million.*		*Million.*	*P. ct.*	*P. ct.*
McKinley law, 47 months[1]	$1,642.1	$1,454.0	$3,096.0	53.0	$684.8	47.1	22.1
Monthly average	34.9	30.9	65.8	.....	14.6	.....	.....
Wilson law, 35 months[2]	1,080.4	1,132.7	2,213.1	48.8	485.0	42.8	21.9
Monthly average	30.9	32.4	63.3	.....	13.9	.....	.....
Dingley law, 144 months[3]	5,428.5	6,821.5	12,250.0	44.3	3,121.8	45.8	25.5
Monthly average	37.7	47.4	85.1	.....	21.7	.....	.....
Payne law, 35 months[4]	2,368.2	2,256.9	4,625.1	51.2	928.8	41.2	20.1
Monthly average	67.7	64.5	132.2	.....	26.5	.....	.....

[1] Includes Oct. 1 to 5, 1890, under act of 1883; and Aug. 28 to 31, 1894, under act of 1894.

[2] Excludes last four days of August, 1894, included under McKinley law, and includes July 24 to 31, 1897, under act of 1897.

[3] Excludes last eight days of July, 1897, included under Wilson law; excludes Aug. 1 to 5, 1909, included under Payne law.

[4] Includes Aug. 1 to 5, 1909, under act of 1897.

NOTE.—A reduction of about $55,000,000 was caused in customs receipts under the McKinley Act, due to reduced imports in the closing months under that act in anticipation of passage of Wilson tariff, whose revenues were correspondingly increased. Likewise a reduction of about $45,000,000 was caused in customs receipts under the Dingley law, due to heavy imports in the closing months under the Wilson law, whose revenues were correspondingly increased. The high percentage of free imports under the McKinley law was largely due to the fact that under that act sugar was on the free list. Of merchandise other than sugar imported under the McKinley law, 30.56 per cent was free of duty.

Comparison of last two years of Dingley law with entire period of Payne law to July 1, 1912.

Years ended June 30—	Total exports, domestic and foreign.	Total imports.	Free of duty.	Per cent free.
	Dollars.	*Dollars.*	*Dollars.*	*Per ct.*
1908	1,860,773,346	1,194,341,792	525,603,308	44.01
1909	1,663,011,104	1,311,920,224	599,556,639	45.70
1910	1,744,984,720	1,556,947,430	755,311,396	48.53
1911	2,049,320,199	1,527,226,105	776,972,509	50.87
1912	2,204,222,088	1,653,426,174	881,743,144	53.32

Years ended June 30—	Dutiable.	Average rate of duty on dutiable only.	Ad valorem rate of duty on free and dutiable.	Customs receipts.
	Dollars.	*Per ct.*	*Per ct.*	*Dollars.*
1908	668,738,484	42.78	23.96	286,113,139
1909	713,363,585	42.21	22.92	300,711,934
1910	801,636,034	41.63	21.43	333,683,445
1911	750,253,596	41.92	20.59	314,407,071
1912	771,683,030	40.34	18.82	311,257,348

What are the results?

Never but two years in the whole history of the Nation has the percentage of free importations been as great as in 1912, and those two years were with free sugar under the McKinley law.

Never but five years in our history has the rate of duty on all importations been as low as in 1912.

Never in any year since the beginning of the Civil War in 1861, when governmental expenses were enormously increased, has the rate of duty on all importations been as low as in 1912.

That rate for the year 1912 is 18.82 per cent, which is less than the rate for the entire period of the Dingley law by 26.1 per cent, less than that of the Wilson law by 14.06 per cent, and less than that of the McKinley law, even with free sugar, by 14.8 per cent.

Never since the close of the Civil War has any year shown so low a rate on dutiable importations only as 1912, except in 1873 and 1874 under a Republican tariff and in 1896 under a Democratic one.

The rate on dutiable importations only for 1912 was 40.34 per cent, which was 11.9 per cent less than for the whole period of the Dingley law, 5.7 per cent less than the Wilson law, and 14.3 per cent less than the McKinley law.

MAXIMUM AND MINIMUM SYSTEM.

Under the maximum and minimum system of rates, provided for the first time in our history by the Payne bill, President Taft at once began negotiations with all of the commercial nations of the world for the admission of our products into their market places on equal terms with other countries, and in 1912 this Nation sold abroad $2,204,224,088 worth of its products, as against $1,663,011,104 worth in 1909, an increase of $541,210,984.

In 1912 we bought from other nations $1,653,426,174 worth of their products, as against $1,311,920,224 worth in 1909, an increase of $341,505,950.

Including the trade of the Philippines, Porto Rico, and Hawaii, the foreign trade of the United States for 1912 will total more than $4,000,000,000, and of the importations more than $1,000,000,000 worth went straight to the consumer without one cent of tax upon it.

The prophecy of William McKinley is being fulfilled and the "period of exclusiveness is past."

Under the Payne bill the customs court was established, by which speedy and economical adjustment of all disputed customs questions are now made.

TARIFF BOARD.

But more than all and inaugurating a new system of tariff making, the Payne bill provided for a Tariff Board, at first a partisan body, named to assist the President in instituting the maximum and minimum tariff system. It was promptly followed by a demand from the business organizations of the country for the establishment of a nonpartisan, permanent Tariff Commission, to be appointed by the President and confirmed by the Senate. Men of all shades of political opinion, commercial, industrial, and agricultural associations, united in

the request and a Republican House and Senate gave it hearty support, but the proposition was defeated by a Democratic filibuster in the closing hours of the Sixty-first Congress.

William Howard Taft at once met the situation by adding two Democrats to the Tariff Board of three Republicans previously named, and it is from this board of five men that the unanimous reports on the cotton and wool schedules have come and upon and in accordance with which revision of both schedules has been attempted by the Republicans and defeated by the Democrats in the House of Representatives.

It is under such a system that the tariffs of Europe are now made. Germany went 27 years, from 1879 to 1906, without a general tariff revision. Meanwhile trade agreements with other nations and many single changes were made.

Great Britain has had no general tariff revision in 66 years, but single changes have been made almost every year as a part of the financial budget.

France went 18 years without a general revision, and during that time, under the supervision of a tariff commission, 38 separate acts affecting 348 rates were passed, and the business interests of France never knew it, so far as any commercial disturbance was concerned. It ought to be so here, and would be with an independent, nonpartisan, permanent tariff commission, such as the Republican Party has declared for in its platform and which the Democratic Party has repudiated, even starving to death the present Tariff Board by refusing any appropriation in this Congress for its continuance. Here we have had four general tariff revisions in 20 years, and now in a time of marked prosperity, with the promise of abundant crops, with an expanding domestic trade and a foreign commerce increasing by leaps and bounds, a fifth revision is demanded by the Democratic Party, with the distinct announcement that the protective policy of 50 years shall be reversed on the ground that this great Nation has no constitutional right or power to adjust its own system of taxation to the rule laid down by Andrew Jackson, that "the duties upon articles of foreign growth and manufacture should be so applied as to place our own in a fair competition with those of other countries."

Over against this is the solemn pledge of William Howard Taft in accepting the Republican nomination for the Presidency, in the White House in Washington on August 1, 1912:

> The American people may rest assured that should the Republican Party be restored to power in all legislative branches, all the schedules in the present tariff, of which complaint is made, will be subjected to investigation and report by a competent and impartial Tariff Board, and to the reduction or change which may be necessary to square the rates with the facts.

Between these two policies and the inevitable results of each, the American people must choose in the coming election.

Summary of domestic industries, Democratic tariff legislation attempted in Sixty-second Congress, and disposition of same.

Articles.	Number of establishments.[1]	Capital invested.[1]	Wage earners employed.[1]	Annual wages paid.[1]	Annual production.[1]	Democratic party action.[1]	Final disposition.
		Dollars.	*Number.*	*Dollars.*	*Dollars.*		
Agricultural implements	640	256,281,086	50,551	28,608,615	146,329,268		
Bagging for cotton, burlaps, and bags or sacks, etc.	(2)	(3)	(3)	(3)	3,889,613		
Cotton ties of hoop or band iron, and wire for baling hay, etc.	(2)	(3)	(3)	(3)	10,429,681		
Leather, boots and shoes, harness, saddles and saddlery, etc.	5,728	259,231,312	309,766	155,110,878	992,713,322	Free trade by committee recommendation, approved by Democratic caucus, and passed by Democratic House.	Vetoed by the President at extra session.
Barbed and other fence wire, wire rods, strands, rope, etc., suitable for fencing.	(2)	(3)	(3)	(3)	103,932,416		
Fresh and preserved meats	1,641	383,249,170	89,728	51,644,720	1,370,568,101	These two items, except from Canada, subsequently stricken out on motion of the Democrats, and before the free list bill went to the President.	
Flour, meal, bran, middlings, cereals, and bread	35,617	562,061,362	139,669	80,815,772	1,280,449,249		
Timber, lumber, laths, shingles, etc.	40,671	1,176,675,407	605,019	318,739,207	1,156,128,747		
Sewing machines, and parts of	47	33,103,704	19,296	11,102,026	28,262,416		
Salt	124	29,011,792	4,936	2,531,446	11,327,534		
Total	84,468	4,099,613,833	1,308,965	648,552,664	5,104,030,647		
Schedule A of tariff: Chemicals, oils, and paints	7,869	647,031,693	110,275	54,778,542	803,858,980	Tariff for revenue only; rates on finished products reduced; duties imposed on $41,667,000 worth of imported articles taken from Payne tariff law free list; average ad valorem rate on total schedule increased 2.66 per cent; Democratic estimate of increase in importations, $3,899,151.	Passed by Democratic House. Defeated in Senate.
Schedule C: Metals and manufactures of	28,119	4,965,624,394	1,481,494	901,471,865	4,626,890,528	Tariff for revenue only; proposed reduction in average ad valorem rates 12.09 per cent; Democratic estimate of increase in importations, $24,815,801.	First bill vetoed by President at extra session. Aug. 7, 1912, no final action at this date on new bill, which passed the House.
Schedule I: Cotton manufactures	9,601	1,316,963,606	771,139	303,174,239	1,450,818,711	Tariff for revenue only; proposed reduction in average ad valorem rates 21.06 per cent; Democratic estimate of increase in importations, $10,746,358.	Vetoed by the President at extra session.[4]
Schedule K: Wool and manufactures of	8,912	804,766,196	458,706	202,486,649	1,114,543,768	Tariff for revenue only; proposed reduction in average ad valorem rates 47.55 per cent; Democratic estimate of increase in importations, $63,831,000.	Do.[4]
Schedule E: Sugar, molasses, and manufactures of	2,235	351,121,970	65,368	27,907,556	462,167,693	Free trade; proposed reduction in average ad valorem rates 54 per cent.	Aug. 7, 1912, no final action by Congress at this date.
Grand total	141,204	12,185,121,692	4,195,947	2,138,371,515	13,562,310,327		

[1] Figures from the census of 1909 furnished by the Census Bureau.
[2] Figures given are taken from reports of the Ways and Means Committee.
[3] No data available.
[4] Disregarding the report of the Tariff Board on the wool and cotton schedules, the same bills were again passed by the House in the second session.

NOTE.—Total estimated revenue lost on—

Free list	$10,028,983
Metal schedule	823,597
Cotton schedule	3,074,801
Wool schedule	1,348,349
Sugar schedule	52,700,000
Total decrease	67,975,735
Chemical schedule, increase	3,095,549
Estimated net decrease in revenue	64,880,187

At the beginning of the Sixty-second Congress Democratic leaders assured the country that no tariff legislation would be attempted which would injure any legitimate industry.

At its close, with full knowledge of what had been attempted, their candidate, in his speech of acceptance, says:

It is obvious that the changes we make should be made only at such a rate and in such a way as will least interfere with the normal and healthful course of commerce and manufacture; but we shall not on that account act with timidity, as if we did not know our own minds, for we are certain of our ground and of our object.

THESE ARE THE PROMISES.

What is the performance thus far?

A change to absolute free trade on industries represented by 10,104 establishments, using capital to the amount of $4,450,735,803, employing 1,374,333 wage earners, to whom $676,460,220 of wages are annually paid, and now turning out annually $5,566,198,340 worth of American products.

In addition the avowed elimination of protection and a reduction to a basis of revenue only on other industries represented by 131,100 establishments, using capital to the amount of $7,734,385,889, employing 2,821,614 wage earners to whom $1,461,911,295 of wages are annually paid, and now turning out annually $7,996,111,987 worth of American products.

In view of these facts the American people are commended to a prayerful consideration of Luke, chapter 23, verse 31, which reads:

For if they do these things in a green tree, what shall be done in the dry?

Good Roads.

EXTENSION OF REMARKS
OF
HON. PAUL HOWLAND,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 1, 1912.

Mr. HOWLAND said:

Mr. SPEAKER: At the present time the agitation for Federal aid for good roads is assuming such proportion and is backed by such a substantial sentiment that sooner or later the Federal Government will undoubtedly respond to the insistent demand of the people and lend substantial assistance to the good roads movement of the country. In this connection it is refreshing to note the spirit of cooperation that is manifesting itself in the various States, and the fact that the various States are not insisting that the entire burden should be borne by the Federal Government, but are willing to bear their share, or, we might say, the major portion of the burden, speaks well for the ultimate success of the movement for better roads throughout the entire country. I am pleased to note the fact that my own State is now seriously considering a proposed amendment to the constitution of the State authorizing the legislature in its discretion to issue bonds up to $50,000,000 to be used for the improvement of the roads of the State. If the proposal is adopted by the voters of Ohio it will render available a fund covering a series of years, and the wise expenditure of that fund in the improvement of the State roads ought to mark an epoch in the development and progress of the State.

In my judgment, the question of transportation is the great problem that is confronting the present generation. The splendid development of rail and water transportation has taken care of the long hauls in a reasonably satisfactory manner, but the short hauls, which are a necessity, must still be made over the old dirt roads, and these have been sadly neglected in our plans of development. In the immediate vicinity of Cleveland and in Cuyahoga County we have made exceptional progress in the matter of improving our roads, but even in this county there still remains large room for improvement. The problem of cheaper transportation becomes one of the most vital in importance to the consumers of our cities in its relation to the cost of living, and any action looking toward cheaper transportation from the producing districts immediately adjacent to the large cities will necessarily result in material reductions in the retail price of the necessaries of life, which are being transported to the city markets. The cost of this improvement, although large in amount as contemplated by the proposal, when apportioned throughout the State will be an infinitesimal burden as compared with the substantial benefits that must necessarily accrue, particularly in cheapening the cost of the necessaries of life to the consumer and substantially raising the market value of farm lands rendered available by the improvement of the roads.

In this connection I wish to print a communication received from the Hon. Martin Dodge, bearing upon this proposition, a gentleman who has made a lifelong study of the subject and who is considered one of the greatest experts in the country:

Hon. PAUL HOWLAND, M. C.,

Cleveland, Ohio.

DEAR SIR: The pending proposal to amend the constitution of Ohio, so as to authorize the issue of $50,000,000 in bonds, to build and maintain public highways in and by the State, is of such great importance, both to the State and the Nation, that I wish to submit some reasons why that proposal ought to be supported by the people.

First of all, there is a high and ancient duty resting on every State to build and maintain public highways. This is a duty which has always been recognized by every civilized State. The duty of providing public education for its people, though common with us, has not always been recognized, but no State in the history of civilization has ever formally or practically denied its obligation or alienated its right to build and maintain public highways in some form and to some extent. States have often delegated this authority temporarily, and in specific instances, but the right to exercise the power is inalienable, and so also is the duty.

This duty is a burden which rests upon the State of Ohio, and every other State in the Union, and they must bear it either individually or collectively or by some method of cooperation which corresponds with the composite nature of our Government. The duty of which I speak is a duty of sovereignty and, as I said, an inalienable duty; but to the extent that a State in the Union loses her sovereignty to the General Government, to that extent the duty of building and maintaining the highway system is transferred to the General Government, and on that account the entire question becomes to some extent a national question. In other words, a system of highways must be built and maintained either by the various States or by the General Government, or by both.

The various States have generally assumed the burden. The General Government, however, built the great national road from Cumberland through Maryland, Pennsylvania, Ohio, Indiana, and Illinois to St. Louis, a distance of substantially 700 miles, though never entirely completed to the western terminus. This is the longest straight road ever built by any Government in the world, and I mention it to show that both in theory and practice the duty of building roads and maintaining them in this country has been assumed both by the States and by the Nation.

Neither the right nor the duty to do this can be denied, but our difficulty arises over the question of distribution of the burden of cost in an equitable manner, so that the burdens and benefits shall be justly apportioned. Various methods have been tried, but it is a notable fact that in the entire history of civilization no system of permanent, enduring highways has ever been built and maintained without the aid of the State or General Government of that country. Our own land furnishes no exception to the rule.

When the present constitution of Ohio was formed, an opinion prevailed that the railroad system then being rapidly introduced by private enterprise would supersede the necessity of public roads, except for entirely local purposes, and in order to prevent the State aiding in railroad building as a private enterprise, the constitution put a nominal limit on the issue of bonds for public improvements of every kind. This law for a time served the purpose intended, but has long since outlived its usefulness, and the limit should be raised, as indicated by the proposal, as follows:

"ARTICLE 8.

"SECTION 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly or at different periods of time, shall never exceed $750,000; and the money, arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever: *Provided, however,* That laws may be passed to contract debts and authorize issues of bonds to an amount which in the aggregate of all issues shall not exceed $50,000,000 for the purpose of constructing, rebuilding, improving, and repairing a system of intercounty wagon roads throughout the State. Not to exceed $10,000,000 of such bonds shall be issued in one year, and there shall be levied and collected annually by taxation an amount sufficient to pay the interest on said bonds and to provide a sinking fund for their redemption at maturity, and laws shall be passed to provide for the maintenance of said roads. Such wagon roads shall be determined under general laws and cost of constructing, rebuilding, improving, repairing, and maintaining the same shall be paid by the State. The provisions of this section shall not be limited or controlled by section 6 of Article 12."

Two questions naturally arise in passing on this question: First, is it necessary? Second, is it just? The necessity of it is found, partly in the fact that the burden is too great to be borne by local authority alone, and partly in the fact that the Commonwealth can be increased in no other way to such an extent and with such a uniform distribution among the citizens of the State. Bear in mind that no State at any time has succeeded in producing a permanent system of highways, except by the aid and authority of the State, and also that nothing does so much to increase the wealth of the State as easy means of transportation.

Macaulay says there are three things that make a nation great—fertile fields, busy workshops, and easy means of transportation. Ohio is blessed with fertile fields and busy workshops, but lacks the easy means of transportation for short distances over the country roads of the State. In fact it costs as much per ton per mile to-day to transport the products of her fields over these country roads on the average as it did a hundred years ago, and that fact has more to do with the decline of agriculture in the past and the high cost of living in the present than any other fact, and I am not sure than all other facts combined.

Nothing which we can do will aid so much in reducing the cost of food products in the market and in distributing the wealth of the State equitably among its people as to correct this ancient error of resting the entire burden of improving the highway system upon the shoulders of the local community. The theory and practice heretofore has been to require the local community to assume the entire burden of the cost of construction and maintenance. This they have been unwilling or unable to do, except in a few places, as in Cuyahoga County, for instance, where the wealth of the city of Cleveland has come to be as great as the wealth of many a State. By reason of

building the roads of the county out of a general fund the city contributed about 90 per cent, and it was possible to produce the remarkable system we have in Cuyahoga County. Nobody doubts the beneficial results of this or questions that the money so expended has added to the wealth of the community many times the amount so expended. Let the State imitate this example and it will reap a proportionate benefit.

Wise and thoughtful men in the early history of the State of Ohio introduced the canal system or public works, and all students of the progress of the State agree that this great undertaking contributed very largely to the rapid development of the State in the early days.

When the State was admitted to the Union there was a provision in the act requiring that 5 per cent of the proceeds of the sale of public land in the State should be applied to the construction of the national road from Cumberland to and through the State of Ohio. The beneficial results of these two great enterprises—that is to say, the national road and the canal system—were such in the evident development of the State that in 1825, when Lafayette visited Ohio, he declared it to be the eighth wonder of the world.

Our latter-day statesmen have withdrawn their hands from the public works of the State, and we have nothing of value in the way of public works to aid in transportation either by land or by water. The public works undertaken in the early days were limited to the use of water by the canal for transportation. The time has come when the public works should extend over land rather than water, and so relieve our people of the intolerable burden of cost, an average of 25 cents per ton per mile, for moving their products from the fields of agriculture over the country roads.

There will be no injustice resulting to any part of the State by reason of shifting the burden heretofore borne by the different localities so that it shall be borne by the State at large. The necessity and equity of this proposed change is found in the changed condition of our population and wealth. In the early days, when the laws now in vogue had their origin, the population and wealth were distributed quite equally throughout the various counties and townships, but at the present time more than half the population and nearly seven-eighths of the wealth is concentrated in the cities of the State or is controlled from such places. Under the heretofore prevailing system this major portion of our population and wealth contributes nothing to the construction and maintenance of the highways of the State, but under the proposed plan they would contribute to this great enterprise, and they would all be benefited by it.

It has been often claimed that those living in cities have no abiding interest in the improvement of the highways of the country, but we are constantly reminded by the high cost of living that every consumer of food products is interested in reducing the cost of transportation of the food production to the market places and especially interested in bringing the producer closer to the consumer. That end can be attained very largely through the present proposal, and I think our citizens should be encouraged to support it, because in every instance where State aid has been applied to the road problem the most beneficial results have been obtained.

A few years ago the State of New York voted favorably on a similar proposal, and agreed by an overwhelming majority to issue $50,000,000 in aid of road construction in the State. This has been followed by the most beneficial results, and it is especially noted that the cities and great interests of the State of New York contributed as much as 90 per cent of this State fund, all of which is used to aid in the construction of roads in rural districts. Under the proposed plan of building roads out of the bond issue in Ohio probably 80 per cent of the fund will be contributed by those who now contribute nothing to the highway system of the State as a whole.

I do not forget that several counties in the State have already expended large sums of money in improving the local roads of their counties. I do not forget that the city of Cleveland has contributed largely to the roads of Cuyahoga County, but there is no county in the State and no city in any county that will be injured by reason of its contribution to the State fund as proposed, because out of that fund they will receive in benefits by the expenditure of these general funds much more than the sums they contribute. I do not mean the exact amount of money contributed to the general fund would be expended in the county or city which contributed it, but I do mean to say that the general benefits resulting to each community will be many times the amount of its contribution. Of course the issue of bonds contemplates their payment at a future time, and it is practically safe to say that the increase of wealth and population in the State on account of the contemplated improvement will be sufficient to increase the grand tax duplicate of the State so that it will not be necessary to raise the rate of taxation in order to meet the increased obligation conemplated.

Respectfully submitted by

Yours, truly, MARTIN DODGE.

I also print in this connection, bearing particularly upon the proposed constitutional amendment, an editorial in the Cleveland Plain Dealer under date of August 1, 1912:

GOOD ROADS—PROPOSAL NO. 29

There is no more argument against good roads than there is against good government. Both are self-evident. Differences of opinion concern methods, never results.

The twenty-ninth amendment to the Ohio constitution, now pending, is called the good-roads proposal. To the present provision limiting the State debt to $750,000 is added this condition:

"*Provided, however*, That laws may be passed to contract debts and authorize issues of bonds to an amount which in the aggregate of all issues shall not exceed $50,000,000 for the purpose of constructing, rebuilding, improving, and repairing a system of intercounty wagon roads throughout the State. Not to exceed $10,000,000 of such bonds shall be issued in one year, and there shall be levied and collected annually by taxation an amount sufficient to pay the interest on said bonds and to provide a sinking fund for their redemption at maturity, and laws shall be passed to provide for the maintenance of said roads. Such wagon roads shall be determined under general laws and cost of constructing, rebuilding, improving, repairing, and maintaining the same shall be paid by the State. The provisions of this section shall not be limited or controlled by section 6 of article 12."

This would give the legislature five years in which to build a system of intercounty highways, a period deemed adequate by men familiar with the situation. It would not interfere with efforts already made and making by counties and townships in improving roads. State and local authorities would simply cooperate to the same good end.

The necessity for improved highways becomes more pressing as a country develops. A system connecting the principal cities in all the counties and comprehending the entire State would be of untold value to the people of Ohio. These roads would make more easy the task of getting supplies from the city and of marketing the product of the farm. There is a close and certain relation between good roads and the cost of living.

No proposal in the convention received more thorough discussion than this. Ohio has long had a strong sentiment for keeping the State out of debt, and only a firm conviction in favor of good roads could have succeeded in breaking over the old debt limitation.

Experts agree that the bonds to be issued by authority of this amendment would probably become a popular investment for citizens of the State and the interest could be kept largely at home. They would be redeemed through the accumulation of a sinking fund, and when redeemed no others may be issued in their place. Many of the bonds might be paid before the last of the issue had been sold. This is a modern way of financing and is sound.

The cost for this system would be trivial to the average citizen, merely adding a few cents per thousand to the tax rate. Pennsylvania proposes to spend double the Ohio sum. The good-roads proposal is one that merits the hearty support of every voter. It ought to be adopted.

The Seamen's Bill.

EXTENSION OF REMARKS

OF

HON. WILLIAM E. HUMPHREY,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 3, 1912.

Mr. HUMPHREY of Washington said:

Mr. SPEAKER: I have been urged by telegrams and by letters, most of them inspired, to be sure, to vote for the so-called seamen's bill. I do not question the good intent or the faith of those who communicated with me, but they did not know what the effect of the bill would be. Of this I am certain. This bill in the popular mind is supposed to free the American sailor from involuntary servitude. Of course the sailor is not in any such condition. The Supreme Court of the United States has long since so decided. The sailor simply signs a contract voluntarily to perform certain work under certain conditions. When he breaks that contract and deserts his ship in a foreign port under certain conditions he may be arrested and returned to the vessel. Imprisonment for desertion has been abolished in the American coastwise trade for many years. We have but little foreign trade and practically no American sailors.

If a Member of this House fails to stay here and attend to his duties he may be arrested and brought here on the floor of the House and compelled, as it were, to carry out the implied contract that he has made with the public. If a sailor is a slave, then so is a Congressman. If foreign countries would carry out the same ideas with relation to Congressmen that we are trying to enforce in relation to seamen, some philanthropist would have foreign legislators pass a law to free us from this involuntary servitude. This would be in line with what we are doing, for remember that this bill is not for the benefit of the American sailor, but for the foreign sailor. However, no one objects, so far as I know, to the abolition of punishment for desertion. I am in favor of it and have been for many years, so far as the American sailors are concerned, both in the coastwise trade and the foreign trade.

But I do think that we are overanxious to free the foreign sailors from oppression of which they have not complained, by their own country, that they continue voluntarily to serve. If they are slaves, why do they not come under the American flag? If we could "free" the foreign sailor without injury to ourselves, then there would be no objection to it, except that of trying to attend to other people's business without any invitation on their part to do so.

This bill not only holds out every inducement for foreign sailors to desert in our ports, but it imposes other restrictions that would be absolutely ruinous to American shipping everywhere, and would be resented, and justly so, by every other commercial nation of the world. I will only call attention to a few of its provisions. It provides that 75 per cent of all the seamen in all departments shall be able to understand any order given by the officers. What would be the effect of this provision and of the provision allowing sailors to desert in our ports? Remember that the other nations of the earth do not permit the desertion of foreign sailors in their ports.

What would be the result upon the Pacific Ocean? First take San Francisco. There is an American line and a Japanese line running from San Francisco to the Orient. Both lines carry cheap oriental crews. In this respect they are on an equality, but the American vessels carry American officers. The Japanese vessels carry Japanese officers. The wages of the American officers are much higher than those of the Japanese officers.

Each Japanese vessel receives a subsidy of $100,000 in gold from the Japanese Government for each round trip. The American vessel does not receive a cent of Government aid. Here is a clear advantage of $100,000 each trip in favor of the foreign vessel. If this bill goes upon the statute books, the Japanese vessel will retain cheap oriental crews. The American vessels would be compelled to employ English-speaking crews. This would mean an increase in the cost of operation, approximately, of $100,000 for each round trip for each American vessel. Counting the Government subsidy and cheap oriental crews, each Japanese vessel would have an advantage over each American vessel of $200,000 for each round trip. No sane man need be told what the result would be. The American ship would disappear.

These great vessels that have so long carried the Stars and Stripes would lower their colors for all time, discharge their American officers, renounce their allegiance to this Government, and take the Japanese flag. With one exception, the *Minnesota*, these are the only American vessels upon the Pacific Ocean suitable for transports in time of war. These would then be lost to the Government. No man can doubt that this would be the result. No man who has studied the question can deny it. Who will be benefited by this change? Any American sailor? No. Any American interest? No. The whole benefit would be to the Japanese sailor and to the Japanese interests. I am not yet ready to prefer Japan to my own country.

What of the situation on Puget Sound—at Seattle and Tacoma? What would be the result of the passage of this bill there? Four regular foreign lines come into Puget Sound, two English, two Japanese, and one German, and one American vessel, the *Minnesota*, the only vessel on the ocean running exclusively in the foreign trade under the American flag without receiving a subsidy. All these foreign vessels I have named, except, possibly, the German line, carry cheap oriental crews, and the German line also carries a cheap mixed crew of various nationalities. The *Minnesota*, the American vessel, runs in competition with these Japanese lines, one of which receives about $25,000 in gold and the other about $50,000 in gold for each round trip for each vessel. If the *Minnesota* was subsidized in the same degree according to size and character, she would receive about $150,000 for each round trip, but she receives no aid whatever. Under this bill the *Minnesota* must take a high-priced, English-speaking crew that would add to her cost of operation more than $100,000 each round trip. The Japanese vessels would make no change. They could continue the cheap crews which they now have. What would be the result? The owners of the *Minnesota*, being business men of at least ordinary judgment, will not try to run her a single trip under the American flag if this bill goes upon the statute book. They would immediately discharge their American officers and take the Japanese flag or else change the home port from Seattle to Vancouver, British Columbia. In either event this great vessel would be lost to this country in time of peace and in time of war. This would be the last American flag on the Pacific. From that time on our commerce would be entirely in the control and at the mercy of foreign ships.

But so far as Puget Sound is concerned, I have only told half the story. The English lines and the German line would have to give up their cheap crews if the came either to Seattle or Tacoma, but they could stop at Vancouver, British Columbia, which is as near to the Strait of Juan de Fuca as either of the American cities. By doing this these lines would save approximately $50,000 to each ship each time it came into port. Does anyone doubt what they would do? Not only would they save this great sum of money by stopping at the Canadian port, but if they were to come on to Seattle or Tacoma their crews could be induced to desert, which would cause great trouble and additional cost. To any normal mind the statement of these facts demonstrates the result. There are as great facilities in every way at Vancouver as is offered at either Seattle or Tacoma. These vessels going into Vancouver would not be at a single disadvantage. They could send their cargoes into all ports of the United States with just the same facility and for the same cost that they could have if they came either to Seattle or Tacoma. Vancouver is the western terminus of the Canadian Pacific Railway. The Great Northern has terminals there. So has the Northern Pacific. The Milwaukee and the Southern Pacific soon will have. Not only would the English and the German lines change their terminus to Vancouver, but the Japanese lines would also. That country would certainly and justly so resent our abrogating our treaties with her without notice, and she would further resent any attempt on our part of telling her how to man her own vessels, how she should pay her own sailors, and what contract she should make with her own citizens. In addition, she would not dare to send her vessels to Seattle and Tacoma for fear her crews would desert. In such event these Japanese ships would be helpless, for the crew could not be forced to return under this bill, and the vessel would not be permitted to depart until she has secured a Japanese crew. This would be practically an impossibility in any of the Puget Sound ports.

Sailors are not subject to our general immigration laws and can come ashore at any of our ports. In this bill they could desert and could not be returned to their ship. This bill leaves a loophole in our immigration laws that would cause a large number of Japanese laborers who pretend to be sailors to come into this country. This would be true also of the sailors of various other nations at all the ports of the country. I do not believe that it is to the best interests of this country or of American labor to have this foreign labor come into this country in violation of our immigration laws. As I have before stated, this bill is in every respect to the advantage of the foreigner and to the disadvantage of the American.

This bill would absolutely drive every ship, domestic and foreign, engaged in the deep-sea trade from Puget Sound. It would absolutely destroy Seattle and Tacoma as ports of the world and would make Vancouver the greatest city of the Pacific coast. I challenge any man to show that this result would not follow. This would be the result just as certain as human selfishness shall continue. I want every man from the Pacific coast to understand this situation, so that when he votes he can not therefore plead ignorance of the result. Knowing what the result must be, I shall refuse to vote to place every American ship on the Pacific Ocean under the Japanese flag. I shall refuse to vote to injure Seattle and Tacoma, Bellingham and Everett, and other Puget Sound cities solely for the benefit of Vancouver. I shall refuse to vote against my own country and in the favor of Japan and Canada.

Democracy's Lost Opportunity.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: That the campaign for the Presidency is not yet over but has just started is very clearly shown in a remarkable statement written by a former Member of this House who has always been distinguished in Democratic circles, and which may be found in this evening's New York Evening Journal. It has been such easy sailing thus far for the Democratic majority in the Sixty-second Congress that the thoughtful, far-seeing, and sometimes caustic words of the Hon. William Randolph Hearst, the writer of the statement, must prove a decided shock to their fancied hopes and assurances. Up to this time no member of the majority would have dared to scorn the approval and support of the Hon. William Randolph Hearst. His influence has been potential in Democratic circles. He has been a molder of public opinion through the newspapers and magazines which he controls, and many upon that side have been grateful for the recognition he has given them.

With the rank and file of the Democratic Party Mr. Hearst has wielded a power pronounced and subtle, the effect of which has been so far-reaching that its ramifications have encompassed the four corners of the earth. Although he has differed from the Hon. William Jennings Bryan, to whom the doubtful honor of swaying the Baltimore convention has been accorded, Mr. Hearst has been in a position to say "the last word," and will probably maintain that attitude, so far as Mr. Bryan and the Baltimore platform are concerned, until this campaign is over. He is therefore a factor to be reckoned with.

DEMOCRATIC PLATFORM A FAILURE.

Mr. Hearst was a delegate to the Baltimore convention and is in a position to speak with authority concerning its platform. He is not in favor of that platform, and frankly and with exceptional clearness and eloquence defines his reasons. Indeed, it is not unfair to say that Mr. Hearst denounces the Democratic platform as adopted at Baltimore in scathing terms.

"This platform as a whole," says Mr. Hearst, "is no platform for a progressive to stand on. It is a compromise from beginning to end. It is a cowardly evasion in nearly every plank. It lacks courage and it lacks constructive policy."

The English language can not make more plain a Democratic denunciation of a Democratic platform. But Mr. Hearst does not stop with this.

"Its policy throughout," he continues, "is a policy of opposition, without the substitution of a practical plan to any policy it opposes.

"Whether this is due to ignorance or insincerity is immaterial. It deprives the progressives of all hope in the Democratic Party. It deprives the citizens of the country of all confidence in the Democratic Party."

Thus runs the narrative, than which none more interesting has come from the pen of any writer in this campaign. Full of epigrams which pillory the platform makers of Baltimore, Mr. Hearst's pronunciamento runs keenly and forcefully along condemning the weaknesses and the insincerity of those who framed the platform of this Bryan-ruled convention. He tells Dr. Wilson, the nominee, blunty, but politely, that—

"A party without a popular policy will be a party without popular support."

And he advises Dr. Wilson to repudiate the wretched political expression of the Democrats at Baltimore and write a platform of his own. This, he declares, is absolutely essential to Democratic unity and Democratic success.

MR. HEARST SPEAKS TO MILLIONS.

But I intend to let Mr. Hearst speak for himself. In my judgment no one man has so well and so succinctly stated his views upon current issues as has Mr. Hearst in this new platform of progressive Democracy. And since Mr. Hearst is well able to spread his views broadcast and is usually cultivated by orators and statesmen who desire to have their views presented to the public, his declaration of principles may be profitably read by Republicans and Democrats alike. Mr. Hearst belongs to the great "Fourth Estate," and in no political campaign of recent years has any wise leader discounted the influence and the power of that great fraternity. If it is worth a candidate's while to have the support of the newspaper combinations, it is also worth his while to put on his armor against that opposition which he may expect from the newspapers. When Mr. Hearst speaks, it is not as a Congressman who has "leave to print," nor as one who speaks to empty seats in the House. He addresses hundreds of thousands, yes, millions, of voters throughout the land. He talks to them every day and several times a day. What he has already said in the declaration to which I refer has already gone into the homes of millions of people and will be read with avidity.

CONSTRUCTIVE POLICIES ABSENT.

Mr. Hearst tells the workingman, as he tells the employer, that the Democratic platform adopted at Baltimore is neither constructive nor progressive. That in its main planks it is unstable and insincere. There are certain phases of the declaration which are almost prophetic. There are others so clearly indicative of Democratic incompetency as to be startling in their directness. Mr. Hearst plainly sees, what every patriotic American imbued with common-sense notions believes, that if we are to have a better standard of living in the United States, we can not attain it by striking down the revenues or destroying our industries. Mr. Hearst is also broad enough in his Democracy to concede that the Republican Party has aided in effectuating constructive measures, even though he concedes that nothing constructive can be expected of the Democratic Party on the platform adopted by it at Baltimore.

Mr. Hearst's forceful declaration is headed—

"The Democratic platform and the opinion of the Nation."

It is subheaded with the following suggestion and admonition to the Democratic nominee for President:

"It is more than Dr. Wilson's privilege to reject the platform which misrepresents the Democracy and embarrasses himself; it is his duty both to himself and to the citizens."

The whole text of Mr. Hearst's declaration, with the addition by me of subheads inserted for the convenience of the reader, is as follows:

MR. HEARST'S DECLARATION.

"Mr. Wilson is being advised to reject part of the Democratic platform. He might well be advised to reject practically all of it. The Democratic House has ignored or repudiated the most commendable planks of the platform, and there is no reason why Wilson should be burdened in the coming campaign by the ramshackle remaining planks. The Democratic platform declared that 'our pledges are made to be kept.' The Democratic House, the one branch of the National Government which the Democrats control, has already proven that the best provision in the platform was made only to be broken.

"With the Navy plank and one or two other Democratic and desirable planks eliminated, the platform is left undemocratic, unprogressive, and unsound. It is absurdly extreme in one point and scandalously inadequate in nearly every other point. It is absolutely without constructive policy or comprehensive understanding of the urgent needs of the people and the irresistible tendencies of the times.

EMBARRASSING TO DR. WILSON.

"The platform, though made by Bryan, was made for Wilson. The usual procedure at conventions was reversed, and the platform was made after the nomination of the candidate. It was Mr. Bryan's idea, and a characteristic one, that the principles of the Democratic Party should be modified to suit the candidate rather than the candidate selected to fit the principles of the Democratic Party. Yet this platform can not suit the candidate, for there is hardly a word in it that conforms to Dr. Wilson's recent utterances since he ceased to be a reactionary and became a militant progressive. The country demanded a progressive candidate and a progressive program.

"The Democracy has given the country as its candidate a convert to progressive principles, yet there are but few planks in the platform which echo his progressive sentiments or express the progressive spirit of this progressive age. The country expected, and had a right to expect, from a conscientious and courageous Democrat a constructive platform; yet there is hardly a paragraph in the platform which is constructive.

CRITICIZES, BUT SUGGESTS NO REMEDY.

"There is hardly a paragraph which offers a satisfactory solution of the conditions it criticizes or proposes a practicable remedy for the evils of which the citizens so justly complain.

"The platform is Bryan's, and is a characteristic combination of Bryan's ignorance and egotism. He has sacrificed the real issues of progressive Democracy to substitute his own visionary views and fantastic fancies. It is more than Dr. Wilson's privilege to reject a platform which misrepresents the Democracy and embarrasses himself; it is his duty both to himself and to the citizens.

"Dr. Wilson is in a peculiar and a delicate position before the country. There are many devoted Democrats still in doubt as to his actual attitude and his permanent position upon the leading issues of the day. A platform, therefore, which does not express accurately and aggressively Wilson's actual views must prove embarrassing to him and to the Democracy as well, since those skeptical citizens who doubt the genuineness of Dr. Wilson's conversion to progressive principles will have their doubts confirmed by a platform which contains few positive or progressive utterances other than the unsound and extreme plank on the tariff.

REFLECTS BRYAN'S FREE-TRADE VIEWS.

"The tariff plank reflects Bryan's free-trade views and recalls Bryan's attitude as a Congressman. At that time he called the manufacturers 'robbers' and the workingmen 'beggars' when they came before the Ways and Means Committee to present their arguments in favor of the principle of protection.

"Evidently Bryan's views have not changed. Always violent and always visionary, he is more ready to destroy than resourceful to construct.

"The most positive plank in the platform is the tariff plank. That plank declares that the Federal Government has no right or power to collect tariff duties except for the purposes of revenue.

"That plank repudiates the whole protective theory and concludes with an appeal to the American people 'to support us in our demands for a tariff for revenue only.'

INDIFFERENT TO WAGE CONDITIONS.

"There is some modification of this declaration in the text of the plank, but as a whole the tariff plank boldly brings into question the whole theory of protection and makes the Democratic fight a fight on the basis of a tariff for revenue only against the Republican idea of a tariff for protection and development of American industries.

"The Democratic plank declares that protection does not tend to increase the wages of American workmen, but that those wages are determined by the competitive system.

"If, however, the tariff tends to develop new industries and in that way to give employment to a greater number of men, it will be difficult for the Democrats to argue that the tariff does not increase the demand for labor, and, therefore, tend to increase the price of labor.

INDUSTRIES ESSENTIAL TO LABOR.

"If the reduction of the tariff to the point of the basis of revenue only would tend to eliminate any considerable number of American industries it would be difficult for the Democrats to argue that the men employed in those industries thrown out of work and thrown upon the labor market would not tend to reduce the price of labor, which is wages, through the very competitive system which the Democrats allude to.

"True enough, the greater the demand for labor the higher the price of labor.

"But the demand for labor is made through the number and extent of the industries requiring labor and employing labor. And when that demand is lessened through the elimination of any considerable number of those industries, then the competition for employment is increased and the price of labor is reduced.

"For the Democrats, therefore, to make their proposition sound they must prove that the protective tariff does not tend to increase the number of industries in this country and the employment of labor by those industries.

"The plank contains, however, proper criticism of President Taft for his veto of the farmers' free list, the woolen schedule, and other reasonable and legimimate and moderate plans of tariff reduction proposed by the Democratic House of Representatives under the leadership of CHAMP CLARK.

HIGH COST OF LIVING UNIVERSAL.

"The second plank in the Democratic platform relates to the high cost of living and says that the high cost of living is due to the high tariff laws enacted and maintained by the Republican Party and to the trusts and commercial conspiracies fostered and encouraged by such laws.

"The high cost of living is not confined to the United States and, therefore, can not be wholly due to any strictly American institution, not even to the Republican Party.

"The high cost of living is complained of in England and has brought about many strikes and much discontent in that country.

"The high cost of living is complained of in France and has brought about riots in that country.

"The high cost of living is complained of in Germany and has brought about discontent and disturbance in that country.

REPUBLICAN PARTY NOT RESPONSIBLE.

"The Republican Party of the United States does not exercise much influence in England or France or Germany.

"Neither do our tariff conditions nor any other tariff conditions, because England is a free-trade country and Germany is a protection country.

"The high cost of living must, therefore, be due to other and broader propositions than those discovered by the Democrats, such as assembled at Baltimore.

"It must be due to universal conditions, for in every country of the world the cost of living has increased enormously.

"What are those universal conditions? First, the greater cheapness of money, the enormous production of gold, and the general extension of credits. These conditions have made the medium of exchange so much cheaper that a dollar to-day does not buy what 50 cents or even 25 cents would have bought a few years ago.

"The dollars themselves, on account of the quantity of them, being less valuable, it takes many more of those dollars to buy the same thing than it took a few years ago. That is one of the main reasons for the increased cost of living.

FARMERS PROSPER, WORKMEN SHARE.

"Another important and universal reason for the increased cost of living is the better compensation given in these days to the producing classes for their work and for their products.

"The greater intelligence and the greater efficiency of the workingmen and the farmer and other producers have enabled them to get a more rightful reward for their effort, a higher reward for labor, a greater payment for their product.

"All inteligent citizens want the farmers to be well to do, yet they can not be well to do unless they are paid high prices for their products, and they can not be paid high prices for their products without compelling a high cost of living to the consuming public.

"All intelligent citizens want the workingman to receive high wages, but the workingman can not receive high wages without increasing the cost of production of the articles on which he labors, and the cost of production of those articles can not be increased without increasing the high cost of living.

"The cost of living will never be reduced in these particulars. Money will remain cheap, and, in all probability, become cheaper. Farmers will continue to be well paid for their work, and will become even better paid.

WANT GOOD WAGES CONTINUED.

"Laborers will continue to secure higher wages, and should continue to secure higher wages.

"This means that the cost of living will not be materially reduced, except in certain forced and unnatural cases of combinations to secure unjust and unreasonable prices.

"If, then, the cost of living is not to be reduced, the remedy is to increase the income of the individual to enable him to meet the increased cost of living.

"The evil of extortion of high prices might be overcome by Federal incorporation to supervise and to regulate all trusts and combinations and by empowering the Government to fix the prices of the products of such trusts and combinations.

"This phase of the situation the Democratic platform does not go into, and the other phases of the high cost of living, due to the greater cheapness of money and to the greater reward to the producing classes, the Democratic platform does not seem to comprehend.

"To lay to the Republican Party the blame for the conditions which exist all over the world is an absurdity.

"And to fail to have a constructive plank on one of the most important issues before this country and all other countries is an evidence of ignorance and incapacity.

ANTITRUST "IGNORANCE AND INCAPACITY."

"A further evidence of ignorance and incapacity is exhibited in the antitrust plank, the third plank of the Democratic platform. The policy of the Democratic Party is apparently Mr. Taft's policy of enforced competition, the policy which proved so disastrous to business and so absolutely valueless to the consuming public when pressed to its ultimate conclusion under the Taft administration.

"The dissolution of the Oil Trust and the Tobacco Trust resulted in no benefit to the consumer whatever.

"It resulted only in an apparent advantage to these companies and an enormous increase in the value of their securities.

"Competition has not been restored because competition can not be compelled.

"Prices have not been reduced, but, on the contrary, have been increased.

"The only advantage to business, or to the community, has come through a certain security and stability to those business interests affected, and a certain confidence due to the conviction that they are now conducting their combination along legal lines.

"Nothing, however, has been accomplished for the consuming public, and nothing will be accomplished until the Government is empowered to supervise and regulate the formation of combinations and further empowered to fix prices.

"The fundamental importance of this fact is not recognized or understood by the Democrats who wrote the platform at Baltimore, and the platform has no practical constructive policy in this third important issue before our country.

FEDERAL INCORPORATION AND STATES RIGHTS.

"The fourth plank in the Democratic platform discusses States rights.

"There has been considerable Democratic outcry about the invasion of States rights and very little to justify the outcry. The rights of the States and the Federal Government are very clearly defined by the Constitution.

"The Federal influence can only proceed to a certain point.

"In many cases it ought, for the benefit of the whole community, to be able to proceed further.

"But it will not be able to proceed further on account of the very definite restrictions of the Constitution.

"To take a concrete example, there can be State incorporation acts and Federal incorporation acts for the regulation and supervision of trusts. But the State incorporation acts can be made to apply only to combinations existing and operating within the State, while the Federal incorporation act can only apply to trusts and combinations engaged in interstate commerce.

"Of course, all trusts and combinations engaged in interstate commerce should be compelled to go under the Federal incorporation act for the sake of uniformity and to prevent them from taking advantage of the lax laws of certain States to the injury of the community.

"Still, with all the advantages of Federal incorporation, trusts and combinations operating merely within the State can not be compelled to come under such an act.

"Therefore, obviously enough, the field and the power of Federal and State rights are clearly and sufficiently defined.

DEMOCRATIC OBJECTION BASELESS.

"The objection of the Democrats to the legitimate exercise of Federal powers, where they exist and are guaranteed by the Constitution, is a baseless one.

"As a matter of fact, in the conduct of the business of this great country, the Federal Government should often have greater powers than it has and can have under the Constitution. And in order to secure a uniformity of laws in the different States as the best possible substitute for Federal laws, where Federal laws are not possible, the cooperation of all the States should be encouraged and such expedients as the congress of governors begun under Mr. Roosevelt's administration should be continued with a view to securing that end.

"It is unfortunate that the Democratic platform did not make some such recommendations as these.

"The Democratic platform next approves of the income tax and popular election of Senators by the people and applauds those who have acted toward putting these measures in effect.

"These measures, inaugurated by the Populists, incorporated then into three successive Democratic platforms, and finally indorsed and enforced by the Republican administration, are matters of universal congratulation.

"The Democrats have done their share toward advancing these measures to fulfillment, and can properly take a good part of the credit for their success.

"It is unfortunate, however, that in this so-called progressive platform the only measures distinctly and definitely recommended are the measures which are already, for the most part, achieved.

PRESIDENTIAL PRIMARIES PLANK "WORSE THAN WORTHLESS."

"The next plank in the Democratic platform declares for presidential primaries in the election of delegates to the national convention.

"This plank is inadequate and unprogressive. It is worse than worthless, since it merely pretends to offer a solution. Its suggestion is not a solution.

"It proposes a remedy which will not remedy the conditions that the people object to; yet offers the stone of pretense instead of the bread of performance.

"The uselessness of presidential primaries followed by a convention in which the delegates may defy the expressed will of the people has been shown by the convention at Baltimore.

"A vast majority of delegates elected by presidential primaries to that convention were elected to vote for CHAMP CLARK and instructed to vote for CHAMP CLARK.

"But Mr. Bryan, like many other delegates in that convention, repudiated his instructions, denied the right of the people to express their choice through presidential primaries, assumed a superior right for himself, and not only refused to vote for CHAMP CLARK, but did his worst to defeat CHAMP CLARK, the choice of the people of his State and his district.

DEFEATING THE WILL OF THE PEOPLE.

"There will be other delegates to other conventions as discreditable as Mr. Bryan, with as little morality and as little sense of right and decency as Mr. Bryan.

"Other delegates elected by presidential primaries, perhaps following Mr. Bryan's leadership and citing Mr. Bryan's example, will refuse to accept the instructions of their constituents, will refuse to vote according to the expressed will of the people in presidential primaries, and will take it upon themselves to defeat the will of the people and to vote according to the will of the corporations expressed in a more material form.

"For a presidential primary to be effective there must be no convention, no delegates with so much power and so little character as to fail to carry out the popular will.

"The next President must be nominated by direct primaries, without any convention and without any delegated power to unscrupulous and unreliable representatives.

"The next President must be nominated by direct primaries, and the man who gets the greatest number of votes according to the electoral vote of the State must be the nominee of the party.

"When the Democratic convention failed to declare in favor of such a just and genuine direct primary it failed conspicuously to be progressive or even to be Democratic.

CAMPAIGN CONTRIBUTIONS PRETENSE.

"The next plank of the Democratic platform relates to campaign contributions. The plank pledges the Democratic Party to the enactment of a law prohibiting any corporations from contributing to a campaign fund. The only objection to such laws is their inadequacy.

"As a matter of fact, neither this proposition nor the following one, where any individual is prohibited from contributing an amount above a reasonable maximum, is of any particular value.

"If an individual desires to contribute a large sum, he can always do it through various other individuals, and the beneficiaries of special legislation can always manage to return courtesies by liberal campaign contributions, in spite of restrictions of this kind.

"The only method of preventing corruption in elections is not to try to limit contributions, but actually to limit expenditures.

INADEQUATE AND APPARENTLY INSINCERE.

"What is needed is a law which will allow expenditures for literature, speeches, and other means of informing the people, which will allow expenditures for any legitimate appeal to the intelligence and conscience of the public, but which will not allow any other expenditure whatsoever and which will define any other expenditure as bribery and punish it as such.

"When we have a law of that kind we shall have clean elections. There will be no objection to spending money if it is spent merely for the information of the voters, but there will be no need for any great expenditure of money on such a basis.

"If any other expenditure of money is made, the individual so expending it or causing it to be expended can be arrested and imprisoned as a briber and deprived of his seat if elected to office.

"Serious nations like England, who really desire to prevent the use of money corruptly in politics, have such laws and have destroyed corruption in politics through them.

"The proposition in the Democratic platform is ridiculously inadequate and apparently insincere.

THE SIX-YEAR TERM.

"The next plank relates to the term of President, and favors a six-year term in accordance with the expressed desire of every trust and every criminal corporation in the United States.

"A President elected one term without hope of reelection need have no consideration for the people whatever. He can not be punished by the people; he can not be rewarded by the people.

"There is no better Democrat than Thomas Jefferson, the founder of the Democratic Party, and in discussing this question he said:

"My opinion originally was that the President of the United States should have been elected for seven years, and be forever ineligible afterwards. I have since become sensible that seven years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway who is doing wrong.

"It is obvious that Jefferson considered the four-year term in the nature of a recall. It gave the people in the midst of a presidential term an opportunity to approve or disapprove of the President's performances up to that time. It made him subject to the will of the people and continually mindful of the wishes of the people.

UNDEMOCRATIC AND REACTIONARY.

"This plank in the Democratic platform is worse than undemocratic, worse than reactionary. It removes the President from the control of the people and makes him more than ever in the control of the privileged interests. It is an absolute contradiction of the progressive plan to place the Government more directly in the hands of the people.

"It is contrary to the expressed declaration of the founder of the Democratic Party. It is a concession to the desires of the special interests. It brings into strong contrast the Democratic policies of Jefferson and the unsound and insincere policies of William Jennings Bryan.

"Jefferson was a man of practical experience and sound common sense, genuinely devoted to the people.

"Bryan is an unsound theorist, without definite policy and without genuine concern for anything but his own advancement, trimming, and trading, and compromising, and evading to make a momentary point at the expense of a permanent policy and a recognized right.

BACKED WATER ON THE NAVY.

"The paragraph referring to the Navy and pledging the Democratic Party to a Navy adequate to the needs of the Nation and to the support of the principle of the Monroe doctrine is exceedingly important not only as a profession of Democratic faith, but as an evidence of Democratic sincerity.

"The question of an adequate Navy has already come before the Democratic House of Representatives. This Democratic platform, at its conclusion, says: 'Our pledges are made to be kept when in office as well as relied upon during the campaign.'

"The Democratic Party, wholly in power in the House of Representatives, failed utterly to carry out its pledge in regard to an adequate Navy. It has, therefore, absolutely destroyed the confidence of the country in any of the few positive promises and progressive utterances of its platform.

"The Senate reported a bill which provided for an adequate Navy. A good part of the Democrats in the Senate voted for that bill.

REPUDIATED THEIR ONE GOOD PROMISE.

"But the Democratic Party is not in control of the Senate. It is, however, in full control of the House of Representatives and will surely be held to account for the irresponsible and unpatriotic action of its majority in the House of Representatives, when the platform of the Democratic Party declared for an adequate Navy, and when the platform definitely stated 'Our pledges are made to be kept.'

"When, in the face of these positive utterances, the promise of an adequate Navy is not kept how can the intelligent citizens

of this country believe that any plank or promise of the Democratic platform will be kept?

"The Democrats themselves digged the pit into which they have fallen. They created the opportunity to prove their sincerity or their utter insincerity. Their action in promptly repudiating the most meritorious plank of their platform is discredited both from party professions and from patriotism.

MR. BRYAN'S "UNSOUNDNESS AND INSINCERITY."

"The paragraph relating to railroads, express companies, telegraph and telephone lines is not a progressive utterance in any particular.

"There is nothing of any importance advocated in that paragraph that is not already in operation, and nothing demanded that is not a dodge or a straddle or an evasion of the actual issue.

"This paragraph, like so many other paragraphs of the platform, is meaningless and worthless; where the opportunity occurs for a statement of progressive principles the platform dodges it in a cowardly manner.

"This is another evidence of Mr. Bryan's unsoundness and insincerity. At one time he goes to the extreme length in one direction of Government ownership of everything, and now he swings to the discreditable length in the other direction of abandoning even the proper, practicable proposition of the Government ownership of telegraphs.

UNSOUND ON BANKING REFORM.

"The next plank in the platform deals with banking legislation, and here the Democratic Party is absolutely without plan or policy or program.

"It opposes the Aldrich bill, probably without actually knowing what the Aldrich bill provides in its amended form.

"But assuming that its opposition to the Aldrich bill is genuine and sound, what plan is substituted for the Aldrich bill? What proposition has the Democratic Party to make to improve the financial conditions which are universally conceded to need improvement?

"The last panic demonstrated the absolute necessity of new banking legislation, and yet the Democratic Party, with all its knowledge of past history and with all its recent experience, has nothing to offer in the way of a plan, has nothing to say except to condemn a plan which has been offered by the opposition party.

"The Democratic Party can not expect the people of this country to have confidence in it or respect for it unless it gives some evidence of thought and intelligence and of careful consideration and genuine intention on this and other important matters before the country and demanding solution.

A FEW PASSABLE SUGGESTIONS.

"The plank in the platform in regard to rural credit is proper enough, although not a very positive or definite statement of a policy.

"The best plank in the platform is the next one, which relates to the waterways. This can be commended throughout.

"The plank regarding the post roads is an excellent one and might have been made more vigorous and effective in its statement.

"When a Democratic Member of Congress I introduced a bill to this effect, which did not at that time secure the support of the Democratic minority.

"The Democratic plank on the rights of labor is a good plank, and if the nominees for President and Vice President will adhere strictly to this plank they will do much to overcome the weakness of their personal labor records.

CONSERVATION PROGRAM DISCOURAGING.

"The Democratic plank on conservation is another discouraging evidence of the lack of true progressive principle and true Democratic principle of many planks in the platform.

"This plank is composed of more or less meaningless generalities.

"It does not declare in favor of Government ownership or control of the water powers, which is one of the main issues in the progressive conservation program of this time.

"It is astonishing that this country and that a pretended progressive party of this country should lag behind all parties of other countries in such important and essential progressive matters.

"In Canada the necessity for the Government controlling the water powers has already been recognized and acknowledged. Neither party in Canada would fail to admit and to state this necessity, and, as a matter of actual fact, the Canadian Government will no longer grant water powers to private individuals in outright ownership, but will only lease them or sell the power developed from them.

COWARDICE IN SPITE OF OPPORTUNITY.

"It is obvious that electric power developed by water power is to be the motive power of the future, and the immediate future, and a pretended progressive platform which does not deal with this vital question is not progressive, not worthy of consideration by genuine progressives.

"Again, in these conservation planks no attack is made upon the timber thieves and the plunder of the public domain by the railroads who exchanged thousands of worthless sections of desert land for the most valuable timberland in the United States.

"This section of the platform exhibits the same cowardice which disgraces so many other sections, and which prevents the platform from being considered in any way an honest progressive document.

"The plank in regard to agriculture is harmless enough and meaningless enough, for that matter. Such recommendations as it makes should properly be made, and many others that it does not make should properly be made.

UTTER LACK OF CONSTRUCTIVE POLICY.

"The plank in regard to the merchant marine shows an utter lack of constructive policy or constructive ability.

"It declares in favor of a merchant marine without giving the slightest evidence of how it is to be developed or encouraged.

"It opposes the granting of subsidies without substituting any other plan.

"It does not even declare for the old Democratic policy of preferential duties.

"After a few harmless and meaningless declarations about the civil service and law reform, the Democratic platform takes up the question of the Philippines, and, influenced by the small Americanism of William J. Bryan, suggests that the Philippines be abandoned.

"Here again we have a contrast between the practical Democracy of Thomas Jefferson, who added the whole of the Louisiana territory to the area of the United States, more than doubling that area, and the visionary ideas and narrow views of William Jennings Bryan, who desires to abandon what the country already possesses and to limit the nation's growth to the petty boundaries of his own prejudices.

"A party with a policy of contraction abroad and reaction at home can not hope for the support of either progressive or patriotic citizens.

SOME CREDIT DUE TO MR. TAFT.

"Arizona and New Mexico are welcomed by the Democracy into the United States, and while these States were admitted under a Republican administration, their admission was largely due to the activity of the Democrats in Congress in their behalf.

"The plank in the Democratic platform in regard to Alaska is an excellent one and every effort should be made to make its provisions speedily operative.

"The plank in regard to the Russian treaty should in common justice and generosity include a compliment to President Taft for his splendid work in abrogating that treaty.

"The question involved is a question which affected every American citizen and affected the dignity and honor of the Nation as a whole. The Jews might have been more intimately affected than any other class of our citizenship, but every citizen was affronted by the failure of Russia to recognize the passport issued by our Government to any citizen.

"Mr. Taft may have earned the special gratitude of our Jewish citizens, but he has also earned to a high degree the approval and applause of every patriotic American citizen who feels that the dignity of our country should be upheld and the honor of our Government sustained throughout the world.

THE "RULE OF THE PEOPLE" INSULT.

"In the plank on the parcel post and rural delivery the Democrats might again, in justice and genorosity, have praised President Taft, under whose administration the rural delivery and parcel post are being developed.

"And in the plank on the Panama Canal Exposition the Democrats could properly have arisen above party lines and paid some compliment to the Taft administration, which did so much for the Panama Exposition, and to the Roosevelt administration, which made the Panama Canal possible.

"The platform concludes with an empty plank and hollow utterance relating to 'the rule of the people,' which could have emanated only from William Jennings Bryan, and which it would be an insult to attribute to any other member of the platform committee.

"The whole progressive program is based upon a genuine and sincere policy of restoring the power of government to the

hands of the people. Without this power of government reposed in the hands of the people it is impossible for the people to accomplish any of the reforms which this platform or more genuine platforms may declare for.

"The failure, therefore, to restore the power of government to the people, or to indicate means by which the power of government can be restored to the people, is high treason to the progressive cause.

A TRADING, TRIMMING, TRAITOROUS PRODUCTION.

"No trading, trimming traitor ever evolved a more treasonable plank than the one which concludes the Democratic platform.

"As far back as five years ago William Jennings Bryan declared in a speech in Brooklyn that the fundamental principles of progressive Democracy were the initiative, the referendum, the recall, and direct primaries, and that no Democrat could be recognized as a Democrat who did not believe in these principles.

"And yet Mr. Bryan puts forth this professed progressive Democratic platform without one reference to the initiative, the referendum, the recall, or even direct primaries.

"This is either contemptible cowardice or disgraceful treachery and should be branded as such.

"It must be, and may be meant to be, particularly embarrassing to Dr. Wilson, who but lately became a convert to the cause of progressive Democracy and to the principles of the initiative, the referendum, the recall, and direct primaries.

CONFUSING THE NOMINEE.

"Dr. Wilson has, however, advocated these principles with the ardor of a new convert and has convinced many of his sincerity.

"How will Dr. Wilson stand on this plank in this platform? Will he be compelled to return to his former reactionary views, or will he repudiate Bryan and Bryan's treasonable plank and declare boldly and bravely for direct primaries and direct legislation, the essential principles of the progressive cause?

"This platform as a whole is no platform for a progressive to stand on. It is a compromise from beginning to end. It is a cowardly evasion in nearly every plank. It lacks courage and it lacks constructive policy.

"Its policy throughout is a policy of opposition, without the substitution of a practicable plan to any policy it opposes.

PROGRESSIVES DEPRIVED OF ALL HOPE.

"Whether this is due to ignorance or insincerity is immaterial. It deprives the progressives of all hope in the Democratic Party. It deprives the citizens of the country of all confidence in the Democratic Party.

"A party without a popular policy will be a party without popular support.

"It is Dr. Wilson's opportunity and Dr. Wilson's duty to write a platform which will do justice to himself and to the Democratic Party, which will arouse the enthusiasm of all genuine Democrats and invite the support of all genuine progressives.

"WILLIAM RANDOLPH HEARST."

The Tariff Question.

EXTENSION OF REMARKS

OF

HON. WILLIAM SULZER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912.

Mr. SULZER said:

Mr. SPEAKER: The tariff issue will be a live question in this campaign. It will not down. The more the Republicans in Congress explain and apologize for their protection legislation the more apparent the hypocrisy of the proposition becomes. The Democrats must keep the tariff to the front. It will never be settled until it is settled right—and it never will be settled right until it is settled by the friends of the consumers. If the Republican Party, for political exigencies, must stand for the protected industries of the country, then the Democratic Party, for patriotic purposes, should stand for the rights of the plain people of the land. The tariff issue is well defined; the people know; and the political result of the coming contest must be Democratic victory.

THE PAYNE-ALDRICH ACT INCREASES TAXES.

The Republicans promised that they would revise the tariff downward; they told us that they would reduce oppressive taxes; but the Payne-Aldrich law does not do it. On the contrary, it increases taxation and is a revision upward. That act convicts the Republican Party of its plutocratic copartnership with the criminal trusts and the tyrannical monopolies and demonstrates the hollowness of Republican promises when it comes to tariff reductions on the necessaries of life in the interest of the plain people of the country. The Republicans gave the people a solemn pledge that if they were kept in control of the Government they would reduce these taxes in order to lighten the burdens of the consumers and cheapen the cost of living; but the Republicans have not done so. On the contrary, the Payne-Aldrich Act increases the taxes on the necessaries of life, and is worse in many respects than the old Dingley law. The Payne-Aldrich tariff is so bad, in fact, that it is repudiated everywhere by conscientious Republicans who have a decent regard for justice and the opinions of mankind.

PROTECTION FOR PROTECTION INDEFENSIBLE.

We know to-day beyond all contention that the tariff is a tax, and beyond all dispute that the consumers pay the taxes. The most hide-bound standpatter can not successfully dispute this proposition. Ultimately all the burdens of protective taxation fall upon the consumers of the country. Protection for protection's sake is a system of indirect taxation, which robs the many for the benefit of the few—a policy which levies tribute on the masses for the classes, and does it all under the cloak of a discriminating and indefensible law.

Let the wage earners think; let those living on fixed incomes consider; and the toilers of the land who earn their bread in the sweat of their face ponder on these facts. They can not be successfully controverted. They are as true as the polar star and as fixed as the granite hills. The Republican doctrine that protection to American industries benefits the toilers is all moonshine. If that were its object, the selfish beneficiaries of protection would whistle it down the wind, and as a political policy it would soon be abandoned and disappear forever. Protection for the sake of protection is robbery—undemocratic, un-American, and absolutely indefensible. No party that stands for the best interests of all the people can support it, especially where it fosters trusts, shelters monopolies, and saddles the great burdens of government on the farmer and the wage earner of the country.

WHAT THE PEOPLE MUST PAY.

The tax duties levied on the consumers of the country by the Payne-Aldrich tariff law are in the nature of a surrender of the taxing power of the people to favored special interests which the Government clothes with power to levy tribute on the great body of our consumers. To illustrate: We import annually under the Payne-Aldrich tax law probably about $500,000,000 worth of highly protected products which will pay an average rate of duty of at least 50 per cent, while the domestic producer, by reason of the restrictive duties of the law, raises to the duty line the selling price of more than $10,000,000,000 worth of like domestic products yearly to the consumers of this country. In other words, the Payne-Aldrich tax law not only imposes high duties upon $500,000,000 of imports, but in practical effect permits a few thousand protected manufacturers in the United States to make 95,000,000 consumers pay them a tribute every year of $5,000,000,000 in the enhanced price of their goods. France hastened the Revolution by exempting her nobles in the eighteenth century from taxation, while the peasants and the middle classes defrayed the expenses of government. The Republicans go further, and delegate to a few thousand favored manufacturers the exclusive privilege of practically taxing for their own benefit every consumer in our land. What an injustice!

THE PAYNE-ALDRICH LAW UNJUST.

The Payne-Aldrich law is unjust in its discriminations against the toilers; it is unfair in its impositions on the producers; and it is unconscionable in its tyrannical exactions on the consumers of the country. The Democratic Party is opposed to the Payne-Aldrich tariff law. It is an imposition on the people. It is a mockery and a sham. It is the highest protection measure ever placed on our statute books. It increases the taxes on almost every necessary of life. It saddles additional burdens on the oppressed taxpayers of the land beyond the calculation of the human intellect. It is against the people and for the monopolies. It protects idle wealth and heaps high the burdens of government on the poor man's breakfast table.

TAX WEALTH, NOT POVERTY.

The Payne-Aldrich tax law discriminates against the many for the benefit of the few and violates every principle of equality and of justice and of democracy. It is a revision of

the tariff upward and not downward. It repudiates the platform of the Republican Party, refutes the promises of the Republican leaders, and laughs at the professions of President Taft in the last campaign. It is a protection measure from end to end. No monopoly in the country opposed it. No standpatter repudiated it. The measure was quite satisfactory to every "interest" but the interest of the plain people, who must pay all the taxes in the long run. It is a law to tax poverty and not wealth, and as an equitable tariff measure it is the saddest disappointment of the century.

THE DEMOCRATIC PARTY OPPOSED TO PAYNE-ALDRICH LAW.

The Democratic Party is opposed to the Payne-Aldrich Tariff Act. It is opposed to Republican discriminations in favor of the few and against the rights of the many. These discriminations must cease. Wealth as well as brawn must be taxed and pay its just share of the burdens of the Government. Our party favors true reform in tariff taxation—a revision that will do substantial justice to all interests concerned and not rob the many for the benefit of the few by saddling all the burdens of government on the poor man's back. The selfishness of the beneficiaries of protection and the arrogance of the men who have waxed fat during the past quarter of a century through these unjust discriminations of Republican tariff policies were never better illustrated than in the Payne-Aldrich law.

PROTECTION NO BENEFIT TO LABOR.

When we demand an equitable revision of unjust tariff discriminations the Republican standpatters contend that they are all in the interest of labor; that this exorbitant protection is for the benefit of the wage earner; but every intelligent man in the country knows the absurdity of the proposition. Protection for the sake of protection does not materially benefit labor. Labor comes in free from every country on earth except China and Japan, and successfully competes here with the skilled labor of the world. Labor receives no protection. Tariff taxation has nothing to do with the price of labor. Capital is not charitable. Capital buys labor, like everything else, as cheaply as it can. Wages are regulated by the inexorable law of supply and demand. Whenever you find two employers looking for one workman, wages will be high, and whenever you find two workmen looking for one employer wages will be low. When the demand is greater than the supply wages go up, and when the supply is greater than the demand wages go down. Tariff taxes have little or nothing to do with the price of labor. In all prosperous communities labor is sought and not turned aside.

FRIEND OF THE WORKINGMAN.

I am now, always have been, and always will be, the friend of the workingman; my record for 18 years in this House testifies to the fact. The American wage earner is the greatest producer of real wealth in all our country. He is the best artisan and the best mechanic on earth. Of course, he gets more wages than the foreign workman. And he should, because he can do more work and better work and in less time than the foreigner, and it costs the American workman at least twice as much to live here as it does the foreign workman to live in other countries. On an average during the past 10 years the cost of living in the United States has increased 49 per cent, and wages have remained, with few exceptions, about the same. The American wage earner pays twice as much for the necessaries of life as the foreign wage earner. In the end he can not save much. If the American workman is a little better off than the foreign workman, he has no one to thank but himself, no agency to praise for his improved condition but his loyal brothers in the trades-unions of the country, which have done more than all other things combined to promote his progress, protect his interests, and benefit his welfare.

THE INCREASING COST OF LIVING.

For more than 10 years the increasing cost of living, mounting higher and higher each succeeding year, has been the most immediate, the most pressing, and the most universally observed fact about economic conditions in this country. During all this period, while wages have remained practically the same and the cost of the necessaries of life have grown more and more oppressive, the promise has been held out by the Republicans that when they got around to tariff revision something would be done to remedy these inequitable conditions. But what was the result? The mockery of the Payne-Aldrich law—making matters worse instead of better.

THE PEOPLE TIRED OF REPUBLICAN PROMISES.

Ever since 1896 the average man has been gradually losing his hold on the means of physical existence. The political party in power all this time can not escape responsibility for these conditions. The people no longer trust Republican promises. They no longer blindly believe in the efficacy of Republican policies. They have lost confidence in the willingness of invested capital to divide up on an equitable basis with productive labor. Sad experience has taught them better. The tremendous development of the trusts; the annual multiplication of multimillionaires; the heaping up of what has been so aptly called "swollen fortunes"; the systematic overcapitalization of all kinds of enterprises; the consolidation of management and the centralization of ownership; the stationary fixity of the wage of toil; the advancing of prices, in too many cases out of all reason, of the necessaries of life—all these things have caused a widespread distrust of Republican doctrines and the philanthropic assertations of the greedy beneficiaries of Republican protection. A continuance of these evils is a menace to our civilization. It is the duty of Democracy to remedy them, and the Democratic Party welcomes the opportunity.

WHY THE REPUBLICAN PARTY IS DOOMED TO DEFEAT.

The Republican Party has failed to meet the just expectations of the people, and in the coming campaign is doomed to defeat. It has refused to respond to the earnest demands of the overburdened consumers of the country. It has sneered at the sincere appeals of the taxpayers. It has scorned the patriotic petitions of the toilers. It has legislated for the few and against the many. It has "stood pat" for high protection and failed to reduce the exorbitant tariff taxes. It has studiously avoided, wherever possible, the ratification of the income-tax amendment to the Constitution, so that idle wealth as well as honest toil shall bear its just share of the burdens of government. It has ignored every effort to pass an honest law to aid the American merchant marine. It has failed to carry out its promises to the people; and, take it all in all, it has spent more of the taxpayers' money and given the people less to show for it than any other political party in all the history of our existence.

WHAT THE REPUBLICAN PARTY STANDS FOR.

The Republican Party to-day stands for tariff taxation that makes living a struggle for existence; for ship subsidies that rob the many for the benefit of the few; for economic heresies that paralyze industrial freedom; for centralization in government that destroys the sovereignty of the States; for political usurpations that subvert the Constitution; for reckless extravagance little less than criminal; for political policies that create monopoly and enslave the masses; for special legislation that tramples under foot the rights of man; and for a restrictive military government in our insular possessions that violates the basic principle of the Declaration of Independence.

DEMOCRATIC SUCCESS ASSURED.

The success of Democracy is assured. The Republican Party has failed to redeem its promises; it has disappointed the people; it has been weighed in the balance and found wanting; its tenure of official life is short; on every issue of political importance before the people to-day it is in the minority. The stars in their courses are fighting for Democracy. The record is against the Republican Party—the people are with Democracy—and all we have to do from now on is to act wisely, use ordinary political sagacity, and the Democratic Party will sweep the country in the coming election.

THE ISSUES WITH DEMOCRACY.

The issues are now with Democracy. The political pendulum is swinging toward the party of Jefferson. The finger on the dial plate of political destiny points to the Sage of Monticello. As Hamiltonism wanes and passes in the shadow, the heroic figure of the founder of our party looms larger and larger on the horizon of the hour. The Republicans have failed to make good. They promised much, but did little. They said they would revise the tariff taxes downward to lessen the burdens of toil and reduce the cost of the necessaries of life. They revised the tariff upward and increased the cost of living to a lamentable degree. They said the tariff must be reformed by its "friends," and it was reformed with such a vengeance that the people want to annihilate these "friends." They said the ultimate consumer was a myth; but every election held since the Payne-Aldrich Tariff Act went into effect demonstrates that the ultimate consumer is a reality and tired of being humbugged.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD some data regarding Democratic clubs and young men in politics.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PATRIOTISM—TO A YOUNG MAN ABOUT TO CAST HIS FIRST VOTE.

(By the Rev. Newell Dwight Hillis.)

Text: "Quit you like men. Be strong."

On Tuesday, November 5, over 1,000,000 young men will go to the polls and cast their first vote for their country's weal or woe. For this great army of youth the day will be a high day and its memory will make a golden page in their book of life. Unfortunately the polling

place may be adjacent to the saloon, crowds of half-drunken men with little groups of "regulators" may stand about, and the atmosphere may seem unwholesome and wholly out of harmony with the dignity of so great an event. For the Athenians of the olden time the act of voting was all but a sacrament. On the day when the freemen were to give their judgment on the future of Athens, its people, and its institutions, all work was ended. At 9 o'clock in the morning a procession was formed of citizens, judges, with all heroic leaders and noble priests. Having clothed themselves in fresh and spotless garments the citizens marched toward the Parthenon, while the priests carried burning incense and the people chanted some hymn of patriotism. When they reached the Parthenon, made sacred by the feet of Plato and Pericles, the citizens took a solemn oath to put away all selfish considerations and personal interest and pledged themselves to vote for the highest welfare of their beloved Athens. The sacrament made a ballot like unto a golden leaf torn from the book of the gods. The youth voted under the spell and presence of the heroes of the Marathon. Their fathers had been patriotic. They had lived and died for their country. The fathers had been disinterested scholars and heroes. The past had made vows for them. To vote in a venal and commercial spirit, to vote in a light and frivolous mood, to vote without reflection, sobriety, and under the loftiest sentiments of patriotism, would be a sacrilege and a sin. The history of the great epochs for republics, therefore, lends added importance and dignity to the act of voting for the multitudes of young men who will this year assume for the first time the rights and duties of citizenship.

APPROACH THE DAY WITH REVERENCE.

Every thoughtful young American will approach this high day with reverence and with feelings of pride. Indeed, there is that in the history of the Republic that justifies fully the loftiest sentiment. To-day Englishmen the world round are boasting of Trafalgar and Nelson's great victory. What soldiers too, have been theirs—men like Wellington and Cromwell! What rulers like Victoria and Edward and Elizabeth! What poets like Shakespeare and Milton! What orators and jurists have been theirs! How glorious the solemn Abbey at Westminster, with its Pantheon of noble dead! Little wonder that the Englishman says, "I am a part of this great nation." The leaf may be only a leaf, but it helped build the tree monument; and the citizen may stand alone, but he is part of his country and its institutions. But how much more reason for pride on the part of the American youth who will this year for the first time lay his hand on the lever of political influence. What country hath resources, with lake and valley and river, in pasture and meadow, in forest and mine, that are comparable to the natural resources of our country? How brief its history in contrast to the 1,500 years of the older nations. And what achievements on the pages of the book that history hath written. How glorious the names of heroes from the Pilgrim Fathers to Washington and Lincoln and Grant and McKinley! What institutions are these, named the Constitution, the Declaration, and the emancipation proclamation! What towns and cities have been created! What colleges and galleries; what halls of science and temples of religion! How many happy homes! How is the Republic suddenly lifted up for wonder and admiration before the eyes of all the world by reason of our victory for peace. Every American youth ought to say, 'This country is my country. The achievements of Washington and Hamilton and Jefferson were my fathers' achievements; the language of Lincoln is my language; the battle fields all stained with blood, and the banners red with victory, are mine. Never will I be the unworthy son of a great past. Never will I vote for money, never will I vote in a frivolous spirit, but only as a citizen of the great Republic, who understands the meaning of the words, "I, too, am an American." For this day, when the youth casts his first vote, must henceforth stand out as one of the most solemn and glorious days in the book of human life.

PATRIOTISM AND DISINTERESTED SPIRIT.

Not less important is it for the youth to vote if necessary against his own selfish interests. That word "detachment" is a great word. Now and then a man must stand aloof, and from afar scrutinize his actions and his own interests. It must be remembered that comparatively few of our people have the right of suffrage. Women, except in a few States, and children do not vote. Men under 21 and old and infirm men do not vote. Foreigners, whether Aryan or Indian or Asiatic, do not vote. The result is that in comparison only a small number of the people enjoy this privilege and exercise this high prerogative. Free institutions assume that the youth will vote intelligently, as one who has informed himself on the political or economic or financial aspects of the question at issue. Our fathers also assumed that the young citizen would vote in a high and disinterested spirit. No inventor named George Stephenson would build a great locomotive and put it into the hands of a careless and ignorant youth, knowing that through incompetency he would throw the engine from the track, or run into a collision, or bring his passengers into peril. And yet, when a youth casts his vote, he casts it not simply for one but probably two homes, so determining the fortune and prosperity or bad fortune and adversity of women and children in every relation of factory and store and home through bad government or good government. In view of all these facts one would think that for months before voting the whole Nation would be turned into a vast school for one evening a week to ask and to have the great men of each community answer questions on the welfare of the city.

LIVING, NOT DYING, FOR ONE'S COUNTRY.

Our fathers fronted great crises for liberty, and it was given to them to die for the State, but it is the duty of the young men now entering the political stage to live for the State. Some years ago I heard the governor of a Western State tell about a great patriotic meeting in St. Louis, when a speaker in connection with the world's fair reviewed the history of our country. When the orator had finished the governor turned to find the man next to him bathed in tears. The rich citizen stretched out his hands to his friend and exclaimed with broken voice, "Oh, what a country is ours. I feel that I could die for my country a hundred times." Three months passed. One day the governor was astounded to discover that this rich citizen, who longed to die for his country, was not willing to live for her. He was quite willing to die for her, but he had bribed city aldermen, he had debauched legislators, he had stuffed pay rolls, he had looted his community of its corporate wealth. Between that hour when this rich citizen shed profuse tears over the glory of the Republic and expressed an earnest desire to die for her and the hour when he stood in the prisoner's dock, exposed as an enemy of the Republic, lay only three brief months. Just now the cause of corruption in public affairs seems to be commercial and venal voting. Men go about as agents of the corporations, buying votes on the right and on the left. Young men are debauched by retainers' fees. Aldermen and legislators are hired as counsel to keep them quiet when the steal comes up in the legislative body. The country seems to be going through a period of political disease that is similar to the diseases of childhood. History seems to tell us that every nation has passed through these epochs. There was an era for England when cabinet ministers, members of Parliament, lord mayors, and city rulers gave their days and nights to pillaging the State and robbing the people. Now that era has passed, and now we have an age when all the aldermen of England's great cities are retired men, who are rich in honors, and who serve the State and the city without pay merely that they may receive the approbation and honor of their fellows. Our own country also is now approaching that new era of municipal purity and national righteousness. Young men of the loftiest ideals are coming forward. Gifted leaders are being raised up to serve the State. The hope of the Republic is in its young men who will cast their first vote this year. If these young men betray the Republic through ignorance, through venality, and through selfish regard for their own advancement, free institutions will come to nothing, and their fall will be the saddest fall that history has ever known. But better times are coming. A new spirit of patriotism is abroad in the young men of the land. The ultimate victory and triumph of the Republic is to be the greatest triumph and victory in the annals of time. [Published by the National Democratic League of Clubs.]

The next President of the United States must be a Democrat!
The next Congress must be Democratic in both branches!
The campaigns of 1910 and 1911 are history.
The national campaign of 1912 is now under way.

In the last two campaigns the Democratic forces were organized and united. Everywhere Democratic clubs were organized by the young men of the country, and these clubs, acting through the various State leagues or federations of Democratic clubs and the National Democratic League of Clubs, and with the regular party organizations, conducted active, aggressive, and systematic campaigns; did very effective work, with gratifying results. In some States there was a change of fully 50 per cent in the vote, due to the influence of these organizations; while in other States the result of the election in some instances was attributed largely to their efforts. These organizations are potent factors and powerful influences for Democratic success. This is the age of the young man, and the results of these two campaigns prove conclusively what can be accomplished through organization and unity of effort.

The late Gov. John A. Johnson, of Minnesota, said: "Democratic defeat has been due to lack of organization in the Democratic party, and Republican success to unity of effort in Republican ranks." The campaigns of 1910 and 1911 prove this.

It is hard for the leopard to change his spots or for an old dog to learn new tricks. There are exceptions, but as a rule an aged man never learns anything. His prejudices as well as his habits are fixed. He still believes in the pit of burning sulphur and grinning imps with pitchforks, and he will always vote the Republican ticket because he or his wife's second cousin on her father's side "fit" in the war.

With the young men it is different. They are able to see the wrongs in government and the good and bad points in political parties, and they are fair and honest and wise enough to act upon their own judgment.

Gov. Plaisted, of Maine, the first Democratic governor Maine has had in 30 years, recently said:

"The young men of Maine and of the rest of the country won't be slaves to parties as their fathers have been.

"The young men of Maine woke up, just as they are waking up all over the country.

"The young men of Maine supported us, voted for us, and put us in power. It was their campaign, their election, and they won it. They can't be delivered. They won't be slaves to partisanship as the older generation has been. They refuse to be herded submissively into the Republican pasture because their fathers have always stayed there.

"Did it look like a miracle to you folks outside when we Democrats carried Maine? Well, with Maine's young men in their present temper that miracle is apt to be repeated pretty frequently. The Republican solidity of this State is gone. Maine is progressive, and she will continue to be progressive and independent."

The story of Maine is simply the story of what took place in other States and what is being done by the young men of the country every day. For instance, there is New Jersey, which gave President Taft over 82,000 plurality in 1908; two years later it elected Woodrow Wilson as governor by nearly 50,000 majority. It was the progressive young men of courage and independence who brought about a political revolution in New Jersey. When I tell you that in the State of New Jersey there are nearly 350 Democratic clubs or organizations composed largely of enthusiastic, intelligent, and progressive young men, affiliated with the New Jersey Federation of Democratic Clubs, with an enrolled membership of nearly 40,000, and that nearly every meeting held throughout the State during the last campaign was under the auspices of these clubs, which furnished the hall, the music, the speakers, the audience, the enthusiasm, and the votes on election day, you will not marvel at the result. The young men of the country did valiant service in the last campaign. They will do heroic service this year.

I have great faith in the young men of this country. The young men of to-day will be our leaders and governors to-morrow. The party that offers the greatest opportunities to the young men is the party that will command their support.

According to the census statistics there will be nearly 1,000,000 young men who will cast their first vote this year. These young men have it in their power to determine the result of the election. These young men should be encouraged to join our ranks.

For nearly four years the National Democratic League of Clubs has been conducting a campaign of organization, education, and agitation for the upbuilding of the Democratic Party and to increase its voting strength. The league is a union or federation of Democratic clubs and associations in all parts of the country. It is now in its fourth year. I know something about this movement, because I was one of its organizers and take an active interest in its affairs. The good that this organization has done the party can not be overestimated. It points with pride to a record of achievement—victories that have been won. The National Democratic League of Clubs is all that its name implies. It is the original and only truly national organization or federation of Democratic clubs extant. Its membership now embraces every State, Porto Rico, and Alaska. State leagues or federations of Democratic clubs have been undertaken in 26 States, and over 1,200 clubs, with a membership of nearly 800,000 Democrats, are identified with this movement. The officers of the league, all of whom were elected at the biennial meeting held in Indianapolis, Ind., April 13, 1910—which I personally attended with Gov. Marshall, of Indiana; Gov. Shafroth, of Colorado; Senator KERN, of Indiana; ex-Gov. Folk, of

Missouri; Col. James Hamilton Lewis, of Illinois; ex-Congressman Lentz, of Ohio; ex-Congressman Lafe Pence; and other distinguished Democrats from all parts of the country—are:

Hon. William C. Liller, president, Albuquerque, N. Mex.; Hon. JOHN WORTH KERN, United States Senator, first vice president, Indianapolis, Ind.; ex-Gov. Joseph W. Folk, second vice president, St. Louis, Mo.; Hon. HOKE SMITH, United States Senator, third vice president, Atlanta, Ga.; Hon. Frederick B. Lynch, fourth vice president, St. Paul, Minn.; Capt. Frank S. Clark, general treasurer, 71 Lombard Building, Indianapolis, Ind.; Hon. Robert J. Beatty, general secretary, 604 Union National Bank Building, Columbus, Ohio; Hon. Harry B. Darling, manager press bureau, Laporte, Ind.; Col. John I. Martin, sergeant at arms, St. Louis, Mo.

NATIONAL DEMOCRATIC LEAGUE OF CLUBS.

General headquarters, suite 116 Colfax Building, Indianapolis, Ind.
Secretary's office, Union National Bank Building, Columbus, Ohio.

General executive board: Hon. Lafayette Pence, Washington, D. C.; Gov. John F. Shafroth, Colorado; Gov. Thomas R. Marshall, Indiana; Gov. James B. McCreary, Kentucky; Gov. William C. McDonald, New Mexico; Gov. John Burke, North Dakota; Gov. Judson Harmon, Ohio; ex-Gov. Newton C. Blanchard, Louisiana; ex-Gov. David R. Francis, Missouri; ex-Gov. A. E. Spriggs, Montana; ex-Gov. Ashton C. Shallenberger, Nebraska; ex-Gov. Robert B. Glenn, North Carolina; ex-Gov. James H. Higgins, Rhode Island; ex-Gov. William A. McCorkle, West Virginia; ex-Gov. John E. Osborne, Wyoming; Hon. OBIDIAH GARDNER, United States Senator, Maine; Hon. FRANCIS G. NEWLANDS, United States Senator, Nevada; Hon. CHARLES A. CULBERSON, United States Senator, Texas; Hon. Robert S. Hudspeth, New Jersey; Hon. JOHN E. RAKER, Member of Congress, California; Hon. WILLIAM SULZER, Member of Congress, New York; Hon. James Hamilton Lewis, Illinois; Hon. George H. Hodges, Kansas; Hon. John J. Lentz, Ohio; Hon. Charles G. Heifner, Washington; Hon. James H. Caldwell, Pennsylvania; Hon. Granville Jones, South Dakota; Hon. John W. Shea, New York; Hon. Whitfield Tuck, Massachusetts.

These men are among the ablest and most influential men in our party. They take an earnest interest in its welfare and are always ready and willing to assist by counsel or otherwise in successfully carrying out the league's program.

On April 13, 1911, the league held a Jeffersonian banquet at Indianapolis, Ind. The large banquet hall—the largest in the city—was filled to overflowing and hundreds were turned away. This banquet is conceded to have been one of the largest and most harmonious Democratic gatherings held in years and admitted to have done more to bring about harmony and unity in the party than any other agency.

The league is not organized for the purpose of either advocating or opposing any Democrat before he shall have been chosen by the constituted bodies or of furthering the interests of any man, or set of men, before being indorsed by the party, but for the attainment and preservation of unity, the upbuilding of the party, and the promotion of its principles. Nor is it intended that any club or the League of Clubs shall usurp the functions of the several State, county, or district committees, but rather work in harmony and cooperation with them.

I speak advisedly when I say that the National Democratic League of Clubs is one of the most potent factors in arousing the young men of the country and stimulating them to greater activity by arousing public interest in national affairs. Through the league's activities the young men of the country have been organized and enlisted under the banner of Democracy, so that within 60 days nearly 2,000,000 young men can be relied upon to render efficient service. This army of young men can not be ignored or overlooked. Altogether, these young men have been quietly, but effectively, carrying on a group of activities of the highest usefulness to the party. They have been earnest in advocating higher standards and effective in suggesting ways and means for improvement of conditions.

The National Democratic League of Clubs aims—

To make loyal Democrats of young men who are about to cast their first votes;

To explain clearly to the foreign-born voters the practical helpfulness and patriotic purposes of the Democratic Party and to enlist the newmade citizen in its ranks, thus making them good Democrats and therefore better Americans;

To confirm in the wavering an inclination toward Democracy and to make a habit of party fealty;

To preach early and late, day in and day out, the politics of Jefferson and Jackson; and

To enlist voters regardless of previous party affiliations in the cause of Democracy by every honorable means.

These are the purposes and ambitions of the National Democratic League of Clubs and the various affiliated State leagues or federations of Democratic clubs, and to become the vote-getting auxiliary of the Democratic Party is its practical aim.

Unquestionably the League of Democratic Clubs represents a field for most useful effort in the present campaign in cooperation with the Democratic national committee and the executive committees of the various States. We need the young men of the country. We need all of them. They can do great work. Organized work in every State gives an impetus and awakens interest in the man on the outside. Organization is what is necessary to give effect to effort. There is not the slightest necessity for their work to conflict with that of the national organizations. This movement should be encouraged and supported by every Democrat who wishes to see our party win this year.

We must meet the forces of corruption and intimidation in politics this year by thorough organization. A Democratic campaign club or society should be organized in every city, town, village, and precinct in the United States.

Democrats, and all who are in sympathy with the principles of the Democratic Party as set forth in the Baltimore platform, are earnestly urged to join Democratic clubs, or, when none exist, to assist in organizing them. This work of uniting the forces of law and liberty and the perpetuity of American institutions into one great systematized civic army should be carried on simultaneously in every part of the country and without delay.

No patriotic citizen can ignore the attacks which are being made upon the very foundation of our present form of government.

This year every citizen should be a politician. Clubs and societies should at once communicate with the "Secretary, National Democratic League of Clubs, Indianapolis, Ind.," so that the united membership may work systematically in defense of the Republic as the fathers made it.

Well-organized clubs are most potent forces in practical politics—powerful and legitimate forces that should be employed without delay and to the fullest extent by the Democrats of this Nation in the impending great battle against the combined forces of organized greed, intrenched privilege, and lawlessness.

It costs a club nothing to be enrolled as a member of the National Democratic League of Clubs, and by so doing it will enjoy advantages that it might not otherwise secure. Charters will be issued to all clubs or societies upon the application of the president or secretary of such organization. There are no dues, fees, or charges of any kind attendant upon membership in the league, and no possible interference with local independence and method in campaign work.

Ex-Gov. Newton C. Blanchard (and late justice of the supreme court), Louisiana:

"The National Democratic League of Clubs should receive the unqualified indorsement and approval of all Democrats. Democratic victory in 1912 will come as the result of organizations such as that of the league of clubs and the work they will do."

Hon. Granville Jones, South Dakota:

"There is nothing that appeals to me, in a political way, more than this organized effort to band together the Democrats of the Nation, especially the young men, for organized work. There never was a time when men knew so little or cared so little for the fundamental principles on which this Government was founded. For 40 years we have been running on a theory of government exactly contrary to that held by all great statesmen of all parties in the Nation. Under this theory the vast resources of our country are being rapidly garnered into the hands of a few men, comparatively, who are the favorites of national legislation. Whatever may be our theory of equal rights, as a matter of fact the day of equal opportunities is passing. If the young men of America could be led to understand that the continuation of the present system would close every avenue of distinction to the young man without means it would rally the youth of the country under the banners of Democracy. Therefore, the work undertaken by the National League of Democratic Clubs is of far-reaching importance and certain to redound to the welfare of the party."

Gov. John F. Shafroth, Colorado:

"I appreciate to the fullest measure the good, beneficial, and effective work the National Democratic League of Clubs has done and is doing. The zealous, unselfish, and disinterested support and cooperation of the men who compose it means more for the party than almost any other kind of support. Our party is truly fortunate at this time in having able and loyal Democrats to work for it in the spirit that the National Democratic League has shown from time to time in the past.

"Nothing is more essential to party success than unity of effort and action, and no agency is more conducive to bring about this condition than the Democratic club organization.

"The efforts of the league, directed as they are to interesting the young men who are about to cast their first vote and enlisting them in the cause of Democracy, can not be overestimated. The importance of the aggressive volunteer work which the league is doing is beyond question."

Gov. John Burke, North Dakota:

"The North Dakota League of Young Men's Democratic Clubs (affiliated with the National Democratic League of Clubs) has rendered very efficient service to the party in recent campaigns in this State, taking an active interest not only in spreading Democratic principles, but in making arrangements to receive and entertain speakers during the campaigns and in bringing other young men into the Democratic fold. It is hard to estimate the value of the services of such an organization. The more organization, especially among the young and energetic, the more widely and securely do we disseminate and perpetuate Democratic principles and the more permanently do we promote the interests and growth of the Democratic Party."

Hon. William Jennings Bryan:

"I believe in the club. The club is a democratic institution. Back in the days of Jefferson the political club was employed as a means of propagating political truths.

"There is nothing that increases a man's interest in the party's success more than the work that he himself does. When a man joins a club and enrolls himself as a worker his own enthusiasm is increased. The consciousness that he is serving the party is in itself a stimulus to greater service. Then, too, the club gives a unity of purpose and of action. When men meet together in the clubroom and exchange views they are not only better informed upon the questions which are being discussed, but they concentrate their efforts and work more effectively.

"The most valuable contribution that a Democrat makes to his party is in the service that he renders by cooperation with other Democrats. The larger the clubs the better the impression made; the larger the club the greater the amount of work done; the larger the club the more enthusiasm.

"And I am satisfied that if the Democrats will join these clubs and, having joined, will help circulate literature, help raise the campaign fund, help get out the vote, and help to secure the count of the vote the members will be so pleased with what they have done, so satisfied with their work, that when the 4th of March comes they will feel that they are justified in going to Washington to see the consummation of their hope and prayers."

Ex-Gov. John A. Johnson, Minnesota (1909):

"I assume that it will be superfluous for me to express my hearty sympathy with this movement and to assure you of my desire to cooperate with every consistent effort to strengthen and extend the work of the National Democratic League of Clubs. In recent campaigns there has been lack of organization in the Democratic Party and unity of organization in Republican ranks."

Hon. Melville E. Ingalls, Ohio:

"Club organizations make unity of purpose, strengthen the party, and deserve unqualified support. I desire to cooperate with every consistent effort to bring success to the party."

Hon. WILLIAM SULZER, Member of Congress, tenth New York district:

"The Democratic clubs of the country do much good. Through their agency our principles and policies are discussed and made known to the people. Success to the young men in the Democratic club movement."

Gov. Jarvis's stirring letter to the young men of North Carolina:

Ex-Gov. Thomas J. Jarvis, of North Carolina, called the "grand old Roman," thrilled the hearts of thousands of young men throughout his State when he sounded the "call to arms" and addressed the following letter to the young men of North Carolina:

"I have associated much with the young people, and to this fact I attribute much of the continued active, hopeful, happy life I lead.

"Because of these things, I do not feel that I am violating the rules of propriety in these words of advice and encouragement to the young men of my State.

"I can not and do not advise you to become politicians and seekers after office, but I do insist that you owe a duty to your State and to society that you can only discharge by an active participation in public affairs.

"But how shall you discharge these public duties?

"In the first place, you should set a high standard of public morality and public service and insist that those who seek the favors of the public shall measure up to them. Set high ideals and strive to live up to them yourselves and teach your fellows by precept and example to do likewise. In public matters seek only the public good and use only methods that are honest and just. Avoid the man who would prostitute the public service to his private gain.

"But ours is a government by party. Whether we would have it so or not, the fact is that party policies and party practice largely determine the policy and practice of the Government. So if you purpose to take an active part in public affairs in our State, it is necessary for you to ally yourself with one or the other of the two political parties which seek control of the Government. Which shall it be?

"The principles of the Republican Party as a national party are fundamentally wrong. It teaches that the power to levy taxes and collect revenues for the support of the Government carries with it the power to distribute the burdens of supporting the Government unequally. Under the guise of protecting certain industries the Government may make laws to enrich one class of men at the expense of another class. Democracy says that the burdens and blessings of government should be distributed on all alike. Republicanism says not so; but that these burdens and blessings should be distributed according to the sweet will of the few who dictate the making of the laws.

"It is the privilege and the duty of the young men to stand with the party which stands for equality of opportunity in the race of life. I warn you against the seductive appeal that is sometimes addressed to you to join this or that party on the plea that it may offer personal advantage. Public service and human welfare are the considerations that ought to weigh with a high-minded manhood.

"When the young men come to form their party affiliations in this State, not one should have the slightest difficulty in making his selection between the Democratic and Republican Parties. The Democratic Party has ever stood for high ideals and has wrought magnificent results. The Republican Party has stood for low ideals, and when it was given power has wrought wreck and ruin in its wake and shame and disgrace upon the State.

"I became a worker in the Democratic Party in the days just preceding the war, and I saw its victories and achievements then. I assisted in its reorganization after the war, and I have worked with it and for it ever since. I have seen it go down in defeat twice during these long years from 1865 to 1910, and, oh, what dark and damnable pages were written in my State's history during these two Republican administrations. There can not be one among you who would not wipe out those blots upon the fair name of our dear old State if you could. That can not be done, but I will tell you what you can do. You can unite with the party that has twice redeemed the State from unworthy rule.

"I have seen the Democratic Party take charge of the government of the State when she lay prostrate under Republican oppression, when her people were poor and almost hopeless, when the schoolhouses were closed and the teacher was silent, when ruin and despair seem to brood over the land. And under Democratic rule I have seen dark clouds pass away and hope revive. I have seen the schoolhouses opened and the teacher abroad in the land. I have seen good government take the place of bad government and law and order hold sway everywhere. I have seen poverty give way to prosperity and the mourning of the people turned into joy. I have seen the State rise from the wreck and ruin wrought by Republican misrule and take her place under Democratic rule among the foremost States in this great Union of States.

"It is into the ranks of this great and glorious party whose records are so full of magnificent achievement that I invite my dear young friends to come and share with us in labors and triumphs in upbuilding in the State."

Constitution and By-Laws for Democratic Clubs.

The following short form of constitution and by-laws is respectfully submitted for the use of clubs:

ARTICLE 1.

The name of this organization shall be (name of organization).

ARTICLE 2.

The objects and purposes for which this organization is formed are:

The members of this organization, believing that in the fundamental principles of the Democratic Party is found the true basis for the only practical and just rules and policies under which a free people can successfully maintain self government, and realizing the necessity for organized efforts among those who desire the success of Democratic principles, have associated themselves together for the purpose, in the hope and under the belief that the great army of voters who are in sympathy with Democratic principles and policies, if thoroughly organized, will insure a majority of votes for the Democratic Party, and so believing, desire to enlist as volunteers in the army of true Democracy and contribute to the election of Wilson and Marshall.

ARTICLE 3.

Section 1. (Officers of clubs may be designated as "chairman," "recorder," etc., as the club may determine.) The elective officers of this organization shall consist of a president, two (or more) vice presidents, a sergeant at arms, a marshal, a secretary, an assistant secretary, and a treasurer.

Sec. 2. The duties which usually devolve on like officers in other organizations shall be those of the officers of this organization.

Sec. 3. The term of office shall be one year and vacancies shall be filled by election of a member after two weeks' public notice of time and place of such election being given.

Sec. 4. The president is authorized to appoint all committees; such appointments, however, shall be ratified by a majority of the members present and voting at a regular meeting of the organization.

Sec. 5. The president shall be ex officio a member of all committees, and the vice presidents, secretary, and treasurer shall also be members ex officio of the executive committee.

Sec. 6. The following-named committees shall be appointed:

An executive committee.
A finance committee.
A membership committee.
A headquarters committee.
A speakers committee.
A marching club committee.
A music and decoration committee.
A transportation committee.
A registration and polling committee.
A press committee.
A first voters' committee.

ARTICLE 4.

Section 1. The regular meetings of this organization shall be held at (insert time and place of meeting) at least once each week during campaigns.

Sec. 2. The president is authorized to call special meetings whenever occasion requires. In the absence of the president and vice presidents, or in case of their refusal to act, the executive committee is authorized to call special meetings.

Sec. 3. (Each club will determine the numbers of members that shall constitute a quorum.) ——— members present at any regular or special meeting shall constitute a quorum to transact business.

ARTICLE 5.

Section 1. Any qualified voter who is known to be a Democrat and in sympathy with the objects and purposes of this organization shall be eligible to membership.

Sec. 2. In order to become a member of this organization the applicant for membership must sign the membership roll.

Sec. 3. Each member shall be entitled to vote on all questions which come before the club at any regular or special meeting and a majority vote shall be necessary to sustain or defeat any proposed measure, except amendments to the rules of this organization.

Sec. 4. The rules or laws of this organization may be amended at any regular meeting, on a vote of two-thirds of members present and voting, notice of such proposed amendment first having been given by the secretary not less than two weeks prior thereto by notice of the same being posted at the headquarters of the club.

Plan of Campaign to be Conducted by Democratic Clubs.

The campaign committee of the National Democratic League of Clubs submits the accompanying program of proposed work as suggested to the various clubs of the league, and hopes that so far as possible the plan will be carried out by all the clubs, in order that there may be harmony and unity of effort. The committee realizes, however, that owing to the different character and circumstances of different clubs a certain amount of venture in the effort to be undertaken will be necessary. Clubs should endeavor to work in harmony at all times with the regular party organizations in order that there may be no conflict in campaign work but unity of effort and cooperation all along the line. The local situation and the character, strength, and activeness of the local Democratic organization must also determine the work of each club. Where the local organization is strong, efficient, and reliable, the club will naturally not duplicate the ordinary machinery of campaign work, and will seek to find the most important field for successful effort, which the regular organization is not likely to undertake. Where, however, the regular organization is weak and the club is strong, as is the case in many places, it is earnestly hoped that the club will supplement the work of the regular organization by thorough and efficient attention to the minute details of campaign work. In all cases it would seem that effort might be made to secure a complete poll of all voters, to find out and influence doubtful voters, particularly those independent voters who might not be easily influenced by appeal of the regular organization, and to see that these voters find their way to the polls on election day—that is, provided the effort made previous to election day is thought to have produced an attitude of mind favorable to the Democratic ticket.

The program of work then takes into consideration the condition and character of our individual clubs, the political situation with which the club must deal, and the condition and character of other local organizations.

Outline of Proposed Work for Clubs Affiliated with the National Democratic League of Clubs.

First. Each club will certainly appoint a campaign committee, composed, as far as possible, of those who have had campaign experience and who are able and willing to give a certain amount of work during the campaign.

Second. Such campaign committee will be divided into subcommittees in accordance with the work to be undertaken by the club. Among others, the following committees will naturally be appointed: Press and literature, finance, poll of registration, first voters, canvass, watchers, election-day workers.

Where the time which members can give is limited, it will be found necessary to subdivide the work, even at the cost of some deficiency, in order that the whole field of effort may be covered.

Where, however, a club is so fortunate as to secure a few capable workers who can give considerable time during the campaign the duties of two or more of the committees suggested will doubtless be combined under one committee.

To economize and further promote efficiency a small executive committee of the campaign committee may wisely be organized, which shall be in touch with all the subcommittees of the campaign committee. If the subcommittees are large it will probably be found desirable either to organize subcommittees of these committees with more or less general power to act, or to place such power in the hands of the chairman of such subcommittees.

Without suggesting in detail the work of the different committees, since the detail sufficiently indicates the general character of their work, the committee ventures to offer suggestions relating to the work of one or two of the proposed committees.

To the committee on press and literature your committee urges caution in the publication of special campaign documents. We believe that money is often wasted on literature which is either not used or produces no effect. In the desire to form new and original documents the time of such committees is too often taken in the preparation of documents and the discussion of their contents, with the result that little time is given to their distribution.

We believe that from now on the committee on press and literature should regard as its greatest responsibility the placing of well-selected literature in the hands of voters likely to read the documents distributed. One good document, carefully and thoroughly distributed, is worth half a dozen documents which some ambitious writer may think will have a peculiar influence over the local situation.

Let it constantly be borne in mind that our appeal is to the intelligence and broad-minded interest of the people in their State and country's welfare.

Watchers, First Voters and Workers' Committees.

It should be constantly borne in mind that while the distribution of literature and enthusiastic Democratic meetings, addressed by able and earnest speakers, are valuable contributions to a successful campaign, by far the most important work is the reaching of the individual voter

who will not attend public meetings and is not likely to read our campaign literature. Other things being equal, the party which makes the most thorough canvass of voters by capable workers will certainly win, and the contribution which the clubs of the league can make to the efficiency of this work, while it may be weak in ostentation, is of the greatest value.

The campaign committee, therefore, urgently recommends that the committee of each individual club, having each a canvass of voters, should be composed of experienced, energetic workers, who are willing and able to give time to the canvass, and we further urge that whatever work may be undertaken by each club, direct effort shall be made to reach voters in their homes.

The recommendations of the committee are therefore as follows:

First. Organization of appropriate campaign committees.

Second. Special attention to new voters and to the poll or registration of voters.

Third. The reaching of as many independent voters as possible, and the placing in their hands of carefully selected campaign literature as a supplement of earnest personal appeal.

Woodrow Wilson.

EXTENSION OF REMARKS

OF

HON. ALBERT S. BURLESON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912.

Mr. BURLESON said:

Mr. SPEAKER: In pursuance of the authority given by the House, I submit for printing in the RECORD the speech of Judge John W. Wescott, of Camden, N. J., nominating Gov. Woodrow Wilson for President of the United States before the Democratic national convention which assembled at Baltimore, Md., on June 25, 1912; also the seconding speeches of the Hon. THOMAS P. GORE, of Oklahoma, and the Hon. A. MITCHELL PALMER, of Pennsylvania.

When the State of New Jersey had been reached on the call of States by the secretary of the convention, Mr. John W. Wescott, of New Jersey, rose.

The PERMANENT CHAIRMAN (Senator-elect OLLIE M. JAMES). Gentlemen of the convention, I now present Judge Wescott, of New Jersey.

NOMINATING SPEECH OF MR. JOHN W. WESCOTT, OF NEW JERSEY.

Mr. Chairman and gentlemen, New Jersey, once bound, but by the moral energy and intellectual greatness of a single soul now free, comes to this historic convention, in the glory of her emancipation, to participate in your deliberations, aid in formulating your judgment, and assist in executing your decrees. The New Jersey delegation is in no sense empowered to exercise the attributes of proprietorship. On the wreck and ruin of a bipartisan machine a master hand has erected an ideal Commonwealth in less than two years. [Applause.] New Jersey is free. Therefore, the New Jersey delegation is commissioned to represent the great cause of Democracy and to offer as its militant and triumphant leader a scholar, not a charlatan; a statesman, not a doctrinaire; a profound lawyer, not a splitter of legal hairs; a political economist, not an egotistical theorist; a practical politician, who constructs, modifies, restrains without disturbance or destruction; a resistless debater and consummate master of statement, not a mere phrasemaker; a humanitarian, not a defamer of characters and lives; a man whose mind is at once cosmopolitan and composite of all America; a gentleman of unpretentious habits, with the fear of God in his heart and the love of mankind exhibited in every act of his life. [Applause.] Above all, a public servant who has been tried to the uttermost and never found wanting—peerless, matchless, unconquerable in the performance of his duty; the ultimate Democrat, the genius of liberty, and the very incarnation of progress. [Applause.]

New Jersey has reasons for her course. Let us not be deceived in the essentials of the premises upon which this convention will build, if it builds successfully. Campaigns of villification, corruption, and false pretense have lost their usefulness. The evolution of national energy is toward a more intelligent morality in politics and in all other relations. [Applause.] The line of cleavage is between those who treat politics as a game and those who regard it as the serious business of government. The realignment of political parties will be on this principle. The situation admits of no dispute and no compromise. The temper and purpose of the American people will tolerate no other view. The indifference of the American public to its politics has disappeared. Any platform and any candidate on that platform not fully responsive to this vast social, political, and economical behest will go down to ignominious defeat at the polls. [Applause.] Platforms are too often mere historic rubbish heaps of broken promises. Candidates are too often the unfortunate creatures of arrangements and calculations. Exigencies, conditions, national needs and necessities make better platforms and produce greater leaders than does the exercise of proprietorship. [Applause.] Hence it is that a disregard of the premises will bring our dreams crashing in ruins next November.

Again, the eternal conflict between equal opportunity and special privilege is upon us. Our fathers wrote the issue of that struggle in our Constitution. They declared all men to be free and equal. In a single century that principle developed the North American Continent, leavened the world with its beneficence, inspired all nations with hope, and made the United States the asylum of all mankind. [Applause.] Yet America at this very hour presents the most stupendous contradiction in history—a people politically free, while economically bound by the most gigantic monopolies of all time, and burdened with a system of taxation which exploits millions to enrich a few. We have preserved the forms of freedom, but are fast losing its substance.

The evils of this condition are felt in a thousand ways throughout the land. Therefore it is that America is awake. Therefore it is that a mistake in our premises will be fatal. Therefore it is that the situation, the national exigency, the crisis, call for the right man. Therefore it is that a silent and resistless revolution demands our patriotic and best judgment. Individuals are as nothing, and personal ambitions are worse than nothing. Impersonality should be the majesty of this convention. If the chosen candidate fails in any sense or in any degree fully and completely to meet the call of the Nation, he is doomed to defeat. [Applause.]

Men are known by what they say and do. Men are known by those who hate them and those who oppose them. [Applause.] Many years ago the great executive of New Jersey said: "No man is great who thinks himself so, and no man is good who does not strive to secure the happiness and comfort of others." [Applause.] This is the secret of his life. This is, in the last analysis, the explanation of his power. Later, in his memorable effort to retain his high scholarship and simple democracy in Princeton University, he declared: "The great voice of America does not come from seats of learning. It comes in a murmur from the hills and woods and the farms and factories and the mills, rolling on and gaining volume until it comes to us from the homes of common men. Do these murmurs echo in the corridors of our universities? I have not heard them." A clarion call to the spirit that now moves America. Still later he shouted: "I will not cry peace so long as social injustice and political wrong exist in the State of New Jersey." [Applause.] Here is the very soul of the silent revolution now solidifying sentiment and purpose in our common country.

The deeds of this moral and intellectual giant are known to all men. They accord not with the shams and pretenses of diseased and disorganized politics, but make national harmony with the millions of patriotis determined to correct wrongs of plutocracy and reestablish the maxims of American liberty in all their regnant beauty and practical effectiveness. [Applause.] New Jersey loves her governor not for the enemies he has made but for what he is. All evil is his enemy. He is the enemy of all evil. The influences opposing him have demonstrated his availability and fitness on the one hand and exposed the unavailability and unfitness of certain others on the other hand. The influence that has opposed him blights and blasts any cause and any person it espouses. That influence has appealed to the sordid, the low, and the criminal. That influence fattens and gorges itself on ignorance and avarice. Any man that accept the aid of that influence would be more fortunate had a millstone been tied about his neck and he had been cast into the depths of the sea. [Applause.] New Jersey believes that the opposition to her governor, such as it has been and such as it is, necessitates and secures his triumph.

Similar necessities, causes, and motives impel all men similarly the world over. The same necessities, causes, and motives which draw, as by omnipotence, all New Jersey about this great and good man are identically the same necessities, causes, and motives that are in resistless motion in every State in the Union. [Applause.] Its solidarity can not be disintegrated. False argument falls broken against it. A revolution of intelligent and patriotic millions is the expression of these same necessities, causes, and motives. Therefore, New Jersey argues that her distinguished governor is the only candidate who can not only make Democratic success a certainty, but secure the electoral vote of almost every State in the Union. [Applause.] New Jersey herself will indorse his nomination by a majority

of 100,000 of her liberated citizens. What New Jersey will do every debatable State in the Union will do. [Applause.] We are building, not for a day, or even a generation, but for all time. Let not the belief that any candidate may succeed rob us of sound judgment. What would it profit the Democratic party to win now, only to be cast out four years hence? The Democratic party is commissioned to carry on a great constructive program, having for its end a complete restoration of the doctrine of equal rights and equal opportunity—without injury or wrong to anyone. Providence has given us, in the exalted character of New Jersey's executive, the mental and moral equipment to accomplish this reincarnation of Democracy.

New Jersey believes that there is an omniscience in national instinct. This instinct centers in her governor. He is that instinct. [Applause.] How can his power in every State be explained? He has been in political life less than two years. He has had no organization of the usual sort; only a practical ideal, the reestablishment of equal opportunity. [Applause.] The logic of events points to him. The imperial voice of patriotism calls to him. Not his deeds alone, not his immortal words alone, not his simple personality alone, not his incomparable powers alone, not his devotion to truth and principle alone, but all combined, compel national faith and confidence in him. [Applause.] Every crisis evolves its master. Time and circumstance have evolved the immortal governor of New Jersey. The North, the South, the East, and the West unite in him. Deep calls to deep; height calls to height.

> From peak to peak, the rattling clouds among,
> Leaps the live thunder. Not from one lone cloud,
> But every mountain now hath found a tongue
> And Jura answers through her misty shrouds
> Back to the joyous Alps, who call to her aloud.

The lightning flash of his genius has cleared the atmosphere. We know where we are. The thunder of his sincerity is shaking the very foundations of wrong and corruption. [Applause.]

This convention stands between ninety millions of people and a thousand monopolies. It stands between ninety millions of people who need a free and fair opportunity and a thousand trusts that have special privileges. The great issue is to restore to the people equal opportunity, at the same time to compel monopolies and trusts to proceed upon the same principle. This issue can not be solved by a platform. Thousands of platforms will not solve it. The man on the platform alone can solve it. If he has the moral force, and personal courage, and mental ability, he will solve it because 90,000,000 of confiding men, women, and children stand behind him. [Applause.] Such is the meaning of the appearance of the governor of New Jersey at this time in the history of the Nation. [Applause.] From the roar and struggle and strife preceding this convention and now involving it, there arises in majesty one character, unsullied and unsoiled. He has made but one compact. That compact was with his conscience. He has made but one agreement. That agreement was with his country and his God. [Applause.] He is under but one obligation. That obligation is to the eternal principle of truth and right. It requires no sophistry to explain either his position or his character. He stands in the eternal light of truth, a brave, fearless, patriotic soul. [Applause.] If Providence could spare us a Washington to lay deep in the granite of human need the foundations of the United States; if Providence could spare us a Jefferson to give form and vitality to the most splendid democracy the sun ever shone upon; if Providence could spare us a Lincoln to unite these States in impregnable unity and brotherhood, New Jersey appeals to the patriotism and good sense of this convention to give to the country the services of the distinguished governor of New Jersey, that the doors of opportunity may again be opened wide to every man, woman, and child under the Stars and Stripes, so that, to use his own matchless phrase, "their energies may be released intelligently that peace, justice, and prosperity may reign." [Applause.]

New Jersey appreciates her deliverance. New Jersey appreciates the great constructive results of her governor's efforts during the past two years, but New Jersey appreciates more than that the honor which she now has, through her freely chosen representatives sitting before me, of placing before this convention as a candidate for the presidency of the United States the seer and philosopher of Princeton, the Princeton schoolmaster, Woodrow Wilson. [Applause.]

The secretary resumed the calling of the roll, and Oklahoma was called.

Mr. THOMAS P. GORE, of Oklahoma, rose.

THE PERMANENT CHAIRMAN. Gentleman of the convention, I now present Senator GORE, of Oklahoma. [Applause.]

SPEECH OF THOMAS P. GORE.

Mr. THOMAS P. GORE, of Oklahoma: Gentlemen of the convention, I have too much respect for this great Democratic convention to levy a high tax upon your patience at this unseemly hour. I speak in behalf of a portion of the Oklahoma delegation. The Democracy is as united as one man in desiring the election of a Democratic President. The Democracy is as united as one man in desiring the nomination of a man who is able to win and who is worthy to win. We have a splendid array of talent and of statesmanship from which to make our selection. We differ temporarily in our choice between these distinguished and deserving Democrats, but our differences are only transient. They are as fleeting as the clouds, as evanescent as the mists of the morning. When the morrow comes, the Democracy will be not only united but will be unanimous in support of the choice of this convention. [Applause.]

But more important than the candidate is the cause which he represents. More important than the President himself are the principles for which he stands and which he would enforce. We must, my fellow Democrats, nominate for the presidency a man who embodies the very spirit of Jeffersonian Democracy, one who believes in the divine right of the people to govern themselves, one who is opposed to the existing system of tariffs and trusts, which enables one set of men to get something for nothing, while obliging other men to part with something for nothing. We must nominate a man who, in the great struggle between the privileged classes upon the one hand and the unprivileged masses upon the other, stands for equal and exact justice to all and favoritism to none; one who believes that the supreme object of human government is to secure justice among men; one who believes that unto every man should be rendered his due, who will see to it that the high and the mighty get their dues, nothing more; who will see to it that the poor and the humble get their dues, nothing less.

We must nominate a man who knows that—

> Through the ages one increasing purpose runs
> And the thoughts of men are widened with the process of the suns.

But it is not sufficient to nominate a man who deserves to win. We have done that twice, thrice, four times in the recent history of this Republic, and yet we have failed. We must nominate a candidate in whom ability unites with availability. Let us concede that these distinguished Democrats all possess the requisite ability. The only point for us then to consider and determine is their respective availability.

My fellow Democrats, availability consists of two elements, the capacity of the candidate to poll the full strength of his own party and his capacity to win votes from the opposing party. We ought to nominate a candidate who can secure the entire Democratic vote of the Nation, for we can not afford to trade Democratic votes even for Republican votes. We must have boot when it comes to bargaining of that description.

But admit that all the candidates can poll the full Democratic vote in the United States. That still is not sufficient. During the last four campaigns we have had the best principles, we have had the best platforms, we have had the best cause, we have had the best candidates, we have had everything that we needed, excepting only votes, and, I might add, campaign funds. [Applause.]

The candidate whose nomination I shall second I believe equally with any other can secure the united vote of a united Democracy, and I believe more than any other candidate perhaps can secure the independent vote of the Republic, that vast section of independent voters who occupy the borderland between the Democratic and the Republican Parties, and who have elected our Presidents in the past and will elect them in the future. The candidate whose nomination I second can, I believe, more than any other, best secure the disaffected Republican votes in the United States; and, blessed be God, there are many disaffected Republicans in the United States to-day, and I trust that the Lord will increase their tribe. [Applause.]

During the last three and one-half years President Taft has been as busy as a bee carrying out the policies of Theodore Roosevelt—on a stretcher. [Laughter.] Why do I say that the candidate whose nomination I second can secure the disaffected Republican independent voters? I say it because he has secured their votes. In the State of New Jersey he converted a Republican majority of more than 82,000 into a Democratic majority of more than 41,000. [Applause.] When I hear Republican Senators say that they will support Wilson against Taft I am persuaded of his availability. When I hear Republican Senators saying that Republican States will go for Wilson by 30,000 over Taft, I am convinced of his availability. [Applause.]

My fellow Democrats, I want this country to go Democratic from the eastern to the western sea. I want Maine to go Democratic, I want Massachusetts to go Democratic, I want Michigan and Minnesota to go Democratic, I want the Dakotas, Montana, Idaho, and Washington to go Democratic. I want Colorado, Illinois, Iowa, and Pennsylvania to go Democratic. [Applause.]

If you will nominate Woodrow Wilson there will be only six safe Republican States in the United States of America. [Applause.] The rest will either be Democratic or doubtful.

My fellow Democrats, I am looking deeper into the future than the pending contest. Ruin and disintegration have been the fate of every conservative party in the history of this Republic. The Federalist Party was overwhelmed by the rising tide of Jeffersonian Democracy. Jefferson deliberately planned the execution of the Federalist Party. The Whig Party was engulfed by the rising tide of progress and of liberalism in the United States. The proud, imperious Republican Party, whose word but yesterday might have stood against the world, now lies so poor that none will do it reverence. The proud, arrogant, and omnipotent Republican Party is to-day stranded, broken between the rock of Taft standpatism on the one hand and the whirlpool of Rooseveltian radicalism on the other. There must be and there will be a progressive party in the United States. Shall that party be the Democratic Party or shall it be the Roosevelt Party? Either the Democracy or the Roosevelt Party will be the progressive party of the Nation. Which shall it be? This convention must answer that question whether it would answer it or not. You can not escape the answer. If we adopt a progressive platform and nominate a candidate who is neither a reactionary upon the one hand nor a revolutionary upon the other, a candidate who opposes the conservatism which means stagnation, as he opposes the radicalism which means convulsion, one who will not embrace the new on account of its novelty nor reject the old on account of its antiquity; one who embodies and typifies that spirit of progress which has led the race from the cave dweller unto the summit of modern civilization. If we meet our duty we can fulfill our destiny.

It is not for me to suggest, but it is for you to consider if you will: If to the distracted and tormented Republican Party we desire to present a united and triumphant Democracy, conceding the splendid record represented here by all the candidates, then nominate Wilson for the Presidency; nominate one of the other candidates for the Vice Presidency, and advance another to the Speakership of the House. That is for you to determine. The Democracy is united, and united it is triumphant.

Nominate for the Presidency, my fellow Democrats, a man who is devoted to the right against the wrong, who is devoted to justice against injustice, who is devoted to liberty against slavery, who is devoted to man as against mammon, who is devoted to good government as against the grafter and his graft. Nominate for the Presidency of the United States this day a man who will consecrate the highest talents with which the Lord God Almighty has endowed him to the service and glory of this the grandest Republic that ever stood upon "this bank and shoal of time."

Such a man I tender to you in Gov. Woodrow Wilson of the State of New Jersey. [Applause.]

The Secretary resumed the calling of the roll, and the State of Pennsylvania was called.

The PERMANENT CHAIRMAN. Gentlemen of the convention, I present Congressman PALMER, of Pennsylvania.

SPEECH OF A. MITCHELL PALMER, OF PENNSYLVANIA.

Mr. Chairman and gentleman of the convention, I rise to second the nomination of Woodrow Wilson. Born in the Old Dominion, whose proudest boast proclaims her the mother of Presidents, reared to manhood in the Empire State of the South, trained in the science of government in this border city, where four Democratic Presidents have been named, he brought the Democracy of his early environments and education to the attainment of truer American ideals for a great institution of learning in the North and the accomplishment of real government of the people in the most sorely despoiled Commonwealth upon this continent.

The State of Pennsylvania, long pillaged by the blighting hand of privilege and now shamefully browbeaten in the name of reform, emerging from the dark hour which surely precedes the dawn, turns with hope and confidence to the rising sun, where the "scholar in politics" has lighted up the whole horizon. We adopt Woodrow Wilson as our own, and with him to lead, Pennsylvania can and will be redeemed. [Applause.]

Pennsylvania's appeal should not be measured by results in the throttled past, but by the assurance of the open future. Without hope of reward or expectation of victory, a half million men in that State have remained true to the historic principles of the Democratic Party, and now with the organization responsive to the people's will and in full sympathy with the progressive sentiment of the State, it becomes no mere figure of speech to voice the prophecy that Pennsylvania will resume her early place among Democratic States. [Applause.]

But I shall make my appeal not alone in the name of the progressive Democracy of the State for which I speak, but in the name also of the young men everywhere, whose ideals, purposes, and accomplishments in every State will parallel those of the young men of Pennsylvania who have recently shown their tremendous power in effecting clean politics and honest government.

The most significant condition in present day American politics is the tendency of the rising generation of men to blaze a new trail for political action in the future.

Let no man deceive himself as to the meaning of the movement which swept like the torrent of a tidal wave across the country in the fall of 1910 and maintained its height practically unshaken in the elections of 1911. It was no partisan victory in the old fashioned sense. Let no great leader of any party or faction lay the flattering unction to his soul that then the country responded with loud resounding voice to his appeal for the enforcement of the ancient principles of either of the great political parties.

The fact is—and the old men may as well accept it for the young men know it—that the political party of yesterday is not the party to-day. [Applause.] We are asking for a leader whose promise and performance will appeal to the rising generation of American men who are now changing the political alignment of American citizenship. The destiny of the country is in the hands of the young men of the land, who have come upon the stage of action since the great problems of to-day have beckoned for solution to the men of clean minds and strong hearts who have a higher regard for the welfare and prosperity of their children than they have for the political dogma of their fathers. [Applause.]

These young men of independent thought and action are being told by many party leaders that the principles laid down before the present day problems arose to challenge the judgment of statesmen are the unbending and absolute test to measure the remedies for ailments of which men of 50 years ago never dreamed, and which, because human like ourselves, they could not foresee. They are being told there is no such thing as a new Republicanism or a new Democracy, and that the two great parties are planted in the soil tilled by our fathers after deep thought and strenuous labor, and that it is political heresy to preach the doctrine of a new, an up-to-date, a twentieth century political creed. [Applause.]

But every sign points to the fact that the young men of the country are persisting in that heresy. They hold more lightly every year the tie which binds them to any party which will not accommodate itself to new conditions. They would leave, without compunction, any political organization when once they are convinced that its leaders are so hidebound to the faith of the fathers that they are blind to the significance of the battle now being waged on every side by rising men with new ideas, and deaf to the present demand for better conditions in politics and truer performance in government. They would be faithful to the ideals of the fathers, but they do not shrink from that elastic interpretation of party principles which permits the solution of to-day's problems without regard for yesterday's conditions.

A veneration for ancient landmarks which is too devout, a respect for the work of dead men which is too holy, will blind the party to the crying needs of a living present and an imperishable future. History is a teacher, not a master. Yesterday is gone, to-day is only an opportunity to prepare for the morrow, which is crowding on its heels. That statesman will be the greatest leader of his time of whom it can be truest said by the rising generation of men, "His mind is in the past, but his hand is on the present, and his eye is on the future." [Applause.]

The young men in both the great parties, whose habits of thought have not been stunted by blind adherence to party names, or powers of speech silenced by the loud noise of party shibboleths, are looking for an instrument to work their will. They will eventually, but certainly, go into that political organization which measures up with the truest fidelity to the gigantic task of bringing order out of the chaos which has resulted in the business world from disobedience to the law of the land. They will make themselves a mighty power to demand just distribution of the benefits of government instead of the favoritism which has resulted from law-made prosperity for a privileged class at the expense of a heavily burdened people. They will tie themselves only to that party which gives the best promise to bring home closer to the people all the operations of government by a stricter regulation of business affairs and a closer surveillance of political activities. [Applause.]

They will no longer tolerate either the bipartisan political machine, long reigning in many States, or its natural out-

growth, the partnership between political and business organizations, now powerful in Executive Chamber, in the Senate, and on the bench.

In their search for a leader of the new thought in the old Democracy, the young men have turned to Wilson. [Applause.] We choose him for what he is and for what he is not. We follow him because of what he stands for as well as what he stands against. We believe in him because his performance has squared with his promise to the last inch of the specifications.

He voices the aspirations of the young men who seek the ideals of the twentieth century Democracy, but he promises fulfillment of their hopes with methods tested by time. He is a conservative on the move. He stands for radical measures to be accomplished in a conservative and orderly fashion. He appeals to independent men, but attracts most quickly those in the front ranks of advanced thought. He carries no flaming torch of discontent and makes no appeal to passion or prejudice. He holds aloft the steady lamp of knowledge and makes his appeal to the reason and intellect of patriotic men. [Applause.]

The easy line of least resistance has never been his pathway. As a public servant, he has accepted the people's verdict, always treading the straight line from judgment to execution.

When he denied to the "board of guardians" of New Jersey the right to rule the State, he gave his bond for the faithful conservation of the people's rights when called to higher place. When he refused, as the party's chosen leader, to permit a self-named boss to betray the people's will, he entered security that under him no act of party dishonor will ever soil the record of a Democratic administration. When he made his own political path more difficult by breaking the friendship of years to prevent the grip of Wall Street from tightening upon him, he measured up to the supreme test of unselfish devotion to the public interest.

Give us such a leader, standing upon the platform of progress which he personifies, and all the power of presidential patronage, plutocracy, and political piracy will be of no avail to defeat your cause. [Applause.]

Roosevelt's Confession of Faith.

EXTENSION OF REMARKS

OF

HON. A. W. LAFFERTY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 7, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: Under the right given me to extend my remarks in the RECORD, I desire to incorporate as a part of my remarks the speech of Theodore Roosevelt, delivered before the national convention of the Progressive Party at Chicago, August 6, 1912, and at the same time to announce that I shall take great pleasure in casting my vote for Roosevelt and Johnson at the coming election.

As I view it, our laws have not kept pace with the evolution of our Republic, and the present demand for progressive measures is well founded.

God never intended that any man should slave his life away, receiving only the most meager living in return. The wooded hills, the rivers, the mountains, and the rolling surf invite all mankind to a reasonable period of rest and recreation each year. And our very natures remind us that in our youth, and in the prime of life, we should lay by a competency for old age. Any righteous system of Government will permit of all these things to every man who works.

In the beginning every man pursued the game, and gathered the fruit to sustain himself and his dependents. And in the early days of our own country each family was practically independent of the rest of the world. In those days few laws were needed. But as our numbers have increased and commerce has come to be controlled by gigantic corporations licensed by law to exercise that privilege, laws are absolutely necessary to protect individuals from the selfish greed of these combinations.

The Government and the States have the inherent right to say to those who have thus been permitted in their corporate capacities to deal with our people that they shall not work men, women, or children more than eight hours a day, that they shall not exact of the public for their wares or services more than a reasonable profit, and that they shall pay the reasonable value of the services of those whom they employ.

Without such restraint it is easy to see that any great combination can charge the public just such prices as it sees fit to charge; that it can work our people just such hours as it sees fit to work them; and that it can pay them just such wages as it sees fit to pay.

Special privilege to-day is unregulated and unrestrained. It is willing to spend millions to elect legislators and Congressmen who will permit it to continue in the future as in the past. But if it shall be permitted to continue without just regulation, it will make paupers of our people, except those who are substantial stockholders in special-privilege corporations.

It is outrageous that our lawmakers have so long delayed the passage of laws for the protection of our people. The reason is not hard to find. They have in most instances been put in office by the interests, and they feared to serve the public lest the interests should defeat them at the next election.

The Roosevelt platform is ten times more progressive than the Baltimore platform, but it is none too progressive to meet the demands of the public for a square deal. I agree heartily with every utterance contained in the subjoined speech of Mr. Roosevelt. He could have made his speech even stronger without being in the least revolutionary or radical. I do not regard a plain demand for the observance of common honesty as radicalism, socialism, or anarchy. It is only denominated as such by those who wish to continue to exercise an unfair advantage over the public.

I favor the following laws, which, though simple and easily understood, would completely remedy the situation in this country, in my opinion, namely: Physical valuations and the fixing of rates accordingly; a limitation upon the maximum prices of commodities when controlled by a monopoly; an income tax; an inheritance tax; a parcel express; asset currency; a mandatory eight-hour law; and a minimum-wage law. The minimum-wage and maximum-rate and price laws could be enforced through State and Federal commissions similar to the Interstate Commerce Commission.

The enlightened State of Massachusetts already has a minimum-wage law, and California has an 8-hour-a-day and 48-hour-a-week law for women. Several of the States already have public-service commissions with full power to fix the rates and prices of public-utility corporations, and every State ought to have such a commission. And the Nation should have a similar commission to regulate the rates and prices of monopolies doing an interstate business.

Mr. Roosevelt promises such control. Neither Mr. Taft nor Mr. Wilson are willing to go that far. They promise to restore competition by bringing prosecutions under the antitrust law, and say that then we will need no control of prices. Those of us who believe that governmental control of natural monopolies is necessary naturally oppose the program of Messrs. Taft and Wilson to limit the activities of the Government to the bringing of a few tedious lawsuits.

All agree that the rates and prices of natural monopolies like railroads, express, telegraph, telephone, electric light, gas and street railway companies ought to be controlled by law. Yet this has not been done in many instances up to this time. I favor taking such action in all such cases and without delay. The Interstate Commerce Commission has not fixed any basic rates, because it is powerless to say what would be reasonable until Congress shall give it the power to make physical valuations. It has asked Congress for this power in its last three annual reports and Congress has failed to confer the power. The Interstate Commerce Commission now only fixes a rate where, by comparison with the rate on some other commodity, the rate is deemed too high or too low. It is powerless to deal with the question with any degree of efficiency. Many people do not know this is the case. Many persons are resting under the false impression that the Interstate Commerce Commission now has full power in fixing rates.

We Progressives also favor conferring the power on State and governmental commissions to fix maximum prices of commodities when found to be controlled by a monopoly. By this we do not mean to abandon the antitrust law. We favor enforcement of the antitrust statutes to the end that no combinations shall be formed in restraint of trade, and we favor making it a felony to form such a combination. We favor maintaining fair competition and restoring competition wherever it can be done by the strict enforcement of the antitrust law. But it will be years, at least, before competition will be fully restored in many industrial lines—the steel business, for example—and meantime we favor giving to the Government an additional weapon with which to protect the people, to wit, the power to fix maximum prices in certain cases of monopoly.

We would not relinquish any rights that the Government now has. We would simply confer the price-fixing power as a cumulative remedy. At least these are my views on the subject.

Mr. Roosevelt has referred to his Chicago speech as his "confession of faith." It is, in my opinion, the greatest political speech ever delivered in this country. It is as follows:

ROOSEVELT'S CONFESSION OF FAITH.

To you, men and women who have come here to this great city of this great State formally to launch a new party, a party of the people of the whole Union, the National Progressive Party, I extend my hearty greeting. You are taking a bold and a greatly needed step for the service of our beloved country. The old parties are husks, with no real soul within either, divided on artificial lines, boss ridden and privilege controlled, each a jumble of incongruous elements, and neither daring to speak out wisely and fearlessly what should be said on the vital issues of the day.

This new movement is a movement of truth, sincerity, and wisdom, a movement which proposes to put at the service of all our people the collective power of the people, through their governmental agencies, alike in the Nation and in the several States.

We propose boldly to face the real and great questions of the day, and not skillfully to evade them as do the old parties. We propose to raise aloft a standard to which all honest men can repair, and under which all can fight, no matter what their past political differences, if they are content to face the future and no longer to dwell among the dead issues of the past.

We propose to put forth a platform which shall not be a platform of the ordinary and insincere kind, but shall be a contract with the people; and, if the people accept this contract by putting us in power, we shall hold ourselves under honorable obligation to fulfill every promise it contains as loyally as if it were actually enforceable under the penalties of the law.

NO HOPE FOR THE OLD PARTY MACHINES.

The prime need to-day is to face the fact that we are now in the midst of a great economic evolution. There is urgent necessity of applying both common sense and the highest ethical standard to this movement for better economic conditions among the mass of our people if we are to make it one of healthy evolution and not one of revolution. It is, from the standpoint of our country, wicked as well as foolish longer to refuse to face the real issues of the day.

Only by so facing them can we go forward; and to do this we must break up the old party organizations and obliterate the old cleavage lines on the dead issues inherited from 50 years ago.

Our fight is a fundamental fight against both of the old corrupt party machines, for both are under the dominion of the plunder league of the professional politicians, who are controlled and sustained by the great beneficiaries of privilege and reaction. How close is the alliance between the two machines is shown by the attitude of that portion of those northeastern newspapers, including the majority of the great dailies in all the northeastern cities—Boston, Buffalo, Springfield, Hartford, Philadelphia, and, above all, New York—which are controlled by or representative of the interests which, in popular phrase, are conveniently grouped together as the Wall Street interests.

The large majority of these papers supported Judge Parker for the Presidency in 1904; almost unanimously they supported Mr. Taft for the Republican nomination this year; the large majority are now supporting Prof. Wilson for the election. Some of them still prefer Mr. Taft to Mr. Wilson, but all make either Mr. Taft or Mr. Wilson their first choice; and one of the ludicrous features of the campaign is that those papers supporting Prof. Wilson show the most jealous partisanship for Mr. Taft whenever they think his interests are jeopardized by the Progressive movement—that, for instance, any electors will obey the will of the majority of the Republican voters at the primaries, and vote for me instead of obeying the will of the Messrs. Barnes-Penrose-Guggenheim combination by voting for Mr. Taft.

INTERESTS OPPOSE NEW PARTY.

No better proof can be given than this of the fact that the fundamental concern of the privileged interests is to beat the new party. Some of them would rather beat it with Mr. Wilson; others would rather beat it with Mr. Taft; but the difference between Mr. Wilson and Mr. Taft they consider as trivial, as a mere matter of personal preference. Their real fight is for either as against the Progressives. They represent the allied reactionaries of the country, and they are against the new party because to their unerring vision it is evident that the real danger to privilege comes from the new party, and from the new party alone.

The men who presided over the Baltimore and the Chicago conventions, and the great bosses who controlled the two conventions—Mr. ROOT and Mr. Parker, Mr. Barnes and Mr. Murphy, Mr. PENROSE and Mr. Taggart, Mr. GUGGENHEIM and Mr. Sullivan—differ from one another, of course, on certain points. But these are the differences which one corporation lawyer has with another corporation lawyer when acting for different corporations. They come together at once as against a common enemy when the dominion of both is threatened by the supremacy of the people of the United States, now aroused to the need of a national alignment on the vital economic issues of this generation.

Neither the Republican nor the Democratic platform contains the slightest promise of approaching the great problems of to-day either with understanding or good faith; and yet never was there greater need in this Nation than now of understanding, and of action taken in good faith, on the part of the men and the organizations shaping our governmental policy.

Moreover, our needs are such that there should be coherent action among those responsible for the conduct of national affairs and those responsible for the conduct of State affairs, because our aim should be the same in both State and Nation—that is, to use the Government as an efficient agency for the practical betterment of social and economic conditions throughout this land.

There are other important things to be done, but this is the most important thing. It is preposterous to leave such a movement in the hands of men who have broken their promises as have the present heads of the Republican organization—not of the Republican voters, for they in no shape represent the rank and file of Republican voters.

These men, by their deeds, give the lie to their words. There is no health in them, and they can not be trusted.

But the Democratic Party is just as little to be trusted. The Underwood-Fitzgerald combination in the House of Representatives has shown that it can not safely be trusted to maintain the interests of this country abroad or to represent the interests of the plain people at home.

The control of the various State bosses in the State organizations has been strengthened by the action at Baltimore; and scant, indeed, would be the use of exchanging the whips of Messrs. Barnes, PENROSE, and GUGGENHEIM for the scorpions of Messrs. Murphy, Taggart, and Sullivan. Finally, the Democratic platform not only shows an utter failure to understand either present conditions or the means of making these conditions better, but also a reckless willingness to try to attract various sections of the electorate by making mutually incompatible promises which there is not the slightest intention of redeeming, and which, if redeemed, would result in sheer ruin. Farseeing patriots should turn scornfully from men who seek power on a platform which with exquisite nicety combines silly inability to understand the national needs and dishonest insincerity in promising conflicting and impossible remedies.

If this country is really to go forward along the path of social and economic justice, there must be a new party of nation-wide and nonsectional principles; a party where the titular national chiefs and the real State leaders shall be in genuine accord; a party in whose counsels the people shall be supreme; a party that shall represent in the Nation and the several States alike the same cause—the cause of human rights and of governmental efficiency.

At present both the old parties are controlled by professional politicians in the interests of the privileged classes, and apparently each has set up as its ideal of business and political development a government by financial despotism, tempered by make-believe political assassination.

Democrat and Republican alike, they represent government of the needy many by professional politicians in the interests of the rich few. This is class government, and class government of a peculiarly unwholesome kind.

RIGHT OF THE PEOPLE TO RULE.

It seems to me, therefore, that the time is ripe, and overripe, for a genuine progressive movement. Nation-wide and justice-loving, sprung from and responsible to the people themselves, and sundered by a great gulf from both of the old party organizations, while representing all that is best in the hopes, beliefs, and aspirations of the plain people, who make up the immense majority of the rank and file of both the old parties.

The first essential in the Progressive program is the right of the people to rule. But a few months ago our opponents were assuring us with insincere clamor that it was absurd for us to talk about desiring that the people should rule, because, as a matter of fact, the people actually do rule. Since that time the actions of the Chicago convention, and to an only less de-

gree of the Baltimore convention, have shown in striking fashion how little the people do rule under our present conditions. We should provide by national law for Presidential primaries. We should provide for the election of United States Senators by popular vote. We should provide for a short ballot; nothing makes it harder for the people to control their public servants than to force them to vote for so many officials that they can not really keep track of any one of them, so that each becomes indistinguishable in the crowd around him.

There must be stringent and efficient corrupt-practices acts, applying to the primaries as well as the elections; and there should be publicity of campaign contributions during the campaign. We should provide throughout this Union for giving the people in every State the real right to rule themselves and really and not nominally to control their public servants and their agencies for doing the public business, an incident of this being giving the people the right themselves to do this public business if they find it impossible to get what they desire through the existing agencies.

NO COMMUNITY HAS RIGHT TO DICTATE.

I do not attempt to dogmatize as to the machinery by which this end should be achieved. In each community it must be shaped so as to correspond not merely with the needs but with the customs and ways of thought of that community, and no community has a right to dictate to any other in this matter.

But wherever representative government has in actual fact become nonrepresentative there the people should secure to themselves the initiative, the referendum, and the recall, doing it in such fashion as to make it evident that they do not intend to use these instrumentalities wantonly or frequently, but to hold them ready for use in order to correct the misdeeds or failures of the public servants when it has become evident that these misdeeds and failures can not be corrected in ordinary and normal fashion.

The administrative officer should be given full power, for otherwise he can not do well the people's work; and the people should be given full power over him.

I do not mean that we shall abandon representative government; on the contrary, I mean that we shall devise methods by which our Government shall become really representative. To use such measures as the initiative, referendum, and recall indiscriminately and promiscuously on all kinds of occasions would undoubtedly cause disaster; but events have shown that at present our institutions are not representative—at any rate in many States, and sometimes in the Nation—and that we can not wisely afford to let this condition of things remain longer uncorrected.

We have permitted the growing up of a breed of politicians who, sometimes for improper political purposes, sometimes as a means of serving the great special interests of privilege which stand behind them, twist so-called representative institutions into a means of thwarting instead of expressing the deliberate and well-thought-out judgment of the people as a whole. This can not be permitted. We choose our Representatives for two purposes. In the first place, we choose them with the desire that as experts they shall study certain matters with which we, the people as a whole, can not be intimately acquainted, and that as regards these matters they shall formulate a policy for our betterment.

SHOULD HAVE RIGHT TO VOTE DISAPPROVAL.

Even as regards such a policy and the actions taken thereunder, we ourselves should have the right ultimately to vote our disapproval of it, if we feel such disapproval. But, in the next place, our Representatives are chosen to carry out certain policies as to which we have definitely made up our minds, and here we expect them to represent us by doing what we have decided ought to be done.

All I desire to do by securing more direct control of the governmental agents and agencies of the people is to give the people the chance to make their Representatives really represent them whenever the Government becomes misrepresentative instead of representative.

I have not come to this way of thinking from closet study or as a mere matter of theory; I have been forced to it by a long experience with the actual conditions of our political life.

A few years ago, for instance, there was very little demand in this country for presidential primaries. There would have been no demand now if the politicians had really endeavored to carry out the will of the people as regards nominations for President. But, largely under the influence of special privilege in the business world, there have arisen castes of politicians who not only do not represent the people but who make their bread and butter by thwarting the wishes of the people.

This is true of the bosses of both political parties in my own State of New York, and it is just as true of the bosses of one or the other political party in a great many States of the Union. The power of the people must be made supreme within the several party organizations.

RESORTED TO THIEVERY TO CARRY POINT.

In the contest which culminated six weeks ago in this city I speedily found that my chance was at a minimum in any State where I could not get an expression of the people themselves in the primaries. I found that if I could appeal to the rank and file of the Republican voters I could generally win; whereas if I had to appeal to the political caste—which includes the most noisy defenders of the old system—I generally lost. Moreover, I found, as a matter of fact, not as a matter of theory, that these politicians habitually and unhesitatingly resort to every species of mean swindling and cheating in order to carry their point. It is because of the general recognition of this fact that the words "politics" and "politicians" have grown to have a sinister meaning throughout this country.

The bosses and their agents in the national Republican convention at Chicago treated political theft as a legitimate political weapon.

It is instructive to compare the votes of States where there were open primaries and the votes of States where there were not. In Illinois, Pennsylvania, and Ohio we had direct primaries and the Taft machine was beaten two to one. Between and bordering on these States were Michigan, Indiana, and Kentucky. In these States we could not get direct primaries, and the politicians elected two delegates to our one. In the first three States the contests were absolutely open, absolutely honest. The rank and file expressed their wishes and there was no taint of fraud about what they did. In the other three States the contest was marked by every species of fraud and violence on the part of our opponents, and half the Taft delegates in the Chicago convention from these States had tainted titles.

The entire Wall Street press at this moment is vigorously engaged in denouncing the direct primary system and upholding the old convention system, or as they call it, the "old representative system."

They are so doing because they know that the bosses and the powers of special privilege have tenfold the chance under the convention system that they have when the rank and file of the people can express themselves at the primaries.

NOMINATION OF TAFT GAINED BY FRAUD.

The nomination of Mr. Taft at Chicago was a fraud upon the rank and file of the Republican Party; it was obtained only by defrauding the rank and file of the party of their right to express their choice, and such fraudulent action does not bind a single honest member of the party.

Well, what the national committee and the fraudulent majority of the national convention did at Chicago in misrepresenting the people has been done again and again in Congress, perhaps especially in the Senate and in the State legislatures. Again and again laws demanded by the people have been refused to the people because the representatives of the people misrepresented them.

Now my proposal is merely that we shall give to the people the power, to be used not wantonly but only in exceptional cases, themselves to see to it that the governmental action taken in their name is really the action that they desire.

The American people and not the courts are to determine their own fundamental policies. The people should have power to deal with the effect of the acts of all their governmental agencies. This must be extended to include the effects of judicial acts as well as the acts of the Executive and legislative representatives of the people.

Where the judge merely does justice as between man and man, not dealing with constitutional questions, then the interest of the public is only to see that he is a wise and upright judge.

Means should be devised for making it easier than at present to get rid of an incompetent judge; means should be devised by the bar and the bench, acting in conjunction with the various legislative bodies, to make justice far more expeditious and more certain than at present. The stick-in-the-bark legalism, the legalism that subordinates equity to technicalities, should be recognized as a potent enemy of justice.

SHOULD NOT BE ABOVE PEOPLE'S CONTROL.

But this is not the matter of most concern at the moment. Our prime concern is that in dealing with the fundamental law of the land, in assuming finally to interpret it, and therefore finally to make it the acts of the courts should be subject to and not above the final control of the people as a whole. I deny that the American people have surrendered to any set of men,

no matter what their position or their character, the final right to determine those fundamental questions upon which free self-government ultimately depends.

The people themselves must be the ultimate makers of their own Constitution, and where their agents differ in their interpretations of the Constitution the people themselves should be given the chance, after full and deliberate judgment, authoritatively to settle what interpretation it is that their representatives shall thereafter adopt as binding.

Whenever in our constitutional system of government there exist general prohibitions that, as interpreted by the courts, nullify, or may be used to nullify, specific laws passed, and admittedly passed, in the interest of social justice, we are for such immediate law, or amendment to the Constitution, if that be necessary, as will thereafter permit a reference to the people of the public effect of such decision, under forms securing full deliberation, to the end that the specific act of the legislative branch of the Government thus judicially nullified, and such amendments thereof as come within its scope and purpose, may constitutionally be excepted by vote of the people from the general prohibitions, the same as if that particular act had been expressly excepted when the prohibition was adopted.

This will necessitate the establishment of machinery for making much easier of amendment both the national and the several State constitutions, especially with the view of prompt action on certain judicial decisions—action as specific and limited as that taken by the passage of the eleventh amendment to the National Constitution.

DECRYING OF COURTS ENACTED AT CHICAGO.

We are not in this decrying the courts. That was reserved for the Chicago convention in its plank respecting impeachment. Impeachment implies the proof of dishonesty. We do not question the general honesty of the courts. But in applying to present-day social conditions the general prohibitions that were intended originally as safeguards to the citizen against the arbitrary power of government in the hands of caste and privilege, these prohibitions have been turned by the courts from safeguards against political and social justice and advancement.

Our purpose is not to impugn the courts, but to emancipate them from a position where they stand in the way of social justice, and to emancipate the people, in an orderly way, from the iniquity of enforced submission to a doctrine which would turn constitutional provisions which were intended to favor social justice and advancement into prohibitions against such justice and advancement.

We in America have peculiar need thus to make the acts of the courts subject to the people, because, owing to causes which I need not now discuss, the courts have here grown to occupy a position unknown in any other country, a position of superiority over both the Legislature and the Executive. Just at this time, when we have begun in this country to move toward social and industrial betterment and true industrial democracy, this attitude on the part of the courts is of grave portent, because privilege has intrenched itself in many courts, just as it formerly intrenched itself in many legislative bodies and in many executive offices. Even in England, where the constitution is based upon the theory of the supremacy of the legislative body over the courts, the cause of democracy has at times been hampered by court action.

QUOTES FROM BOOK OF ENGLISH LIBERAL.

In a recent book by a notable English Liberal leader, L. T. Hobhouse, there occurs the following sentences dealing with this subject:

> Labor itself had experienced the full brunt of the attack. It had come, not from the politicians, but from the judges; but in this country we have to realize that within wide limits the judges are, in effect, legislators, and legislators with a certain persistent bent which can be held in check only by the constant vigilance and repeated efforts of the recognized organ for the making and repeal of law.

It thus appears that even in England it is necessary to exercise vigilance in order to prevent reactionary thwarting of the popular will by courts that are subject to the power of the legislature.

In the United States, where the courts are supreme over the Legislature, it is vital that the people should keep in their own hands the right of interpreting their own Constitution when their public servants differ as to the interpretation.

I am well aware that every upholder of privilege, every hired agent or beneficiary of the special interests, including many well-meaning parlor reformers, will denounce all this as "Socialism" or "anarchy"—the same terms they used in the past in denouncing the movements to control the railways and to control public utilities.

As a matter of fact, the propositions I make constitute neither anarchy nor Socialism, but, on the contrary, a corrective to Socialism and an antidote to anarchy.

JUSTICE TO WAGEWORKERS.

I especially challenge the attention of the people to the need of dealing in far-reaching fashion with our human resources, and therefore our labor power. In a century and a quarter as a Nation the American people have subdued and settled the vast reaches of a continent; ahead lies the greater task of building upon this foundation, by themselves, for themselves, and with themselves, an American Commonwealth which in its social and economic structure shall be foursquare with democracy.

With England striving to make good the human wreckage to which a scrap-heap scheme of industrialism has relegated her, with Germany putting the painstaking resources of an empire at the work of developing her crafts and industrial sciences, with the Far East placing in the hands of its millions the tools invented and fashioned by Western civilization, it behooves Americans to keep abreast of the great industrial changes and to show that the people themselves, through popular self-government, can meet an age of crisis with wisdom and strength.

In the last 20 years an increasing percentage of our people have come to depend on industry for their livelihood, so that today the wageworkers in industry rank in importance side by side with the tillers of the soil.

As a people we can not afford to let any group of citizens or any individual citizen live or labor under conditions which are injurious to the common welfare.

Industry, therefore, must submit to such public regulation as will make it a means of life and health, not of death or inefficiency. We must protect the crushable elements at the base of our present industrial structure.

FIRST CHARGE ON INDUSTRIAL STATESMANSHIP.

The first charge on the industrial statesmanship of the day is to prevent human waste. The dead weight of orphanage and depleted craftsmanship, of crippled workers and workers suffering from trade diseases, of casual labor, of insecure old age, and of household depletion due to industrial conditions are, like our depleted soils, our gashed mountain sides and flooded river bottoms, so many strains upon the national structure, draining the reserve strength of all industries and showing beyond all peradventure the public element and public concern in industrial health.

Ultimately we desire to use the Government to aid, as far as can safely be done, in helping the industrial tool users to become in part tool owners, just as our farmers now are. Ultimately the Government may have to join more efficiently than at present in strengthening the hands of the workingmen who already stand at a high level industrially and socially and who are able by joint action to serve themselves. But the most pressing and immediate need is to deal with the cases of those who are on the level, and who are not only in need themselves, but, because of their need, tend to jeopardize the welfare of those who are better off.

We hold that under no industrial order, in no Commonwealth, in no trade, and in no establishment should industry be carried on under conditions inimical to the social welfare.

The abnormal, ruthless spendthrift industry or establishment tends to drag down all to the level of the least considerate.

SHOULD PLACE BEYOND QUIBBLE AND DISPUTE.

Here the sovereign responsibility of the people as a whole should be placed beyond all quibble and dispute.

The public needs have been well summarized as follows:

1. We hold that the public has a right to complete knowledge of the facts of work.
2. On the basis of these facts and with the recent discoveries of physicians and neurologists, engineers, and economists, the public can formulate minimum occupational standards below which, demonstrably, work can be prosecuted only at a human deficit.
3. In the third place, we hold that all industrial conditions which fall below such standards should come within the scope of governmental action and control in the same way that subnormal sanitary conditions are subject to public regulation and for the same reason—because they threaten the general welfare.

To the first end, we hold that the constituted authorities should be empowered to require all employers to file with them for public purposes such wage scales and other data as the public element in industry demands. The movement for honest weights and measures has its counterpart in industry. All tallies, scales, and check systems should be open to public inspection and inspection of committees of the workers concerned. All deaths, injuries, and diseases due to industrial operation should be reported to public authorities.

WOULD ESTABLISH WAGE COMMISSIONS.

To the second end, we hold that minimum wage commissions should be established in the Nation and in each State to inquire into wages paid in various industries and to determine the standard which the public ought to sanction as a minimum; and we believe that, as a present installment of what we hope

for in the future, there should be at once established in the Nation and its several States minimum standards for the wages of women, taking the present Massachusetts law as a basis from which to start and on which to improve.

We pledge the Federal Government to an investigation of industries along the lines pursued by the Bureau of Mines, with the view to establishing standards of sanitation and safety; we call for the standardization of mine and factory inspection by interstate agreement or the establishment of a Federal standard.

We stand for the passage of legislation in the Nation and in all States providing standards of compensation for industrial accidents and death, and for diseases clearly due to the nature of conditions of industry, and we stand for the adoption by law of a fair standard of compensation for casualties resulting fatally which shall clearly fix the minimum compensation in all cases.

In the third place, certain industrial conditions fall clearly below the levels which the public to-day sanction.

We stand for a living wage. Wages are subnormal if they fail to provide a living for those who devote their time and energy to industrial occupations.

The monetary equivalent of a living wage varies according to local conditions, but must include enough to secure the elements of a normal standard of living—a standard high enough to make morality possible, to provide for education and recreation, to care for immature members of the family, to maintain the family during periods of sickness, and to permit of reasonable saving for old age.

WOULD PROHIBIT CHILD LABOR.

Hours are excessive if they fail to afford the worker sufficient time to recuperate and return to his work thoroughly refreshed. We hold that the night labor of women and children is abnormal and should be prohibited; we hold that the employment of women over 48 hours per week is abnormal and should be prohibited.

We hold that the seven-day working week is abnormal, and we hold that one day of rest in seven should be provided by law.

We hold that the continuous industries, operating 24 hours out of 24, are abnormal, and where, because of public necessity or of technical reasons—such as molten metal—the 24 hours must be divided into 2 shifts of 12 hours or 3 shifts of 8, they should by law be divided into 3 of 8.

Safety conditions are abnormal when, through unguarded machinery, poisons, electrical voltage, or otherwise, the workers are subjected to unnecessary hazards of life and limb; and all such occupations should come under governmental regulation and control.

Home life is abnormal when tenement manufacture is carried on in the household. It is a serious menace to health, education, and childhood, and should therefore be entirely prohibited. Temporary construction camps are abnormal homes and should be subjected to governmental sanitary regulation.

The premature employment of children is abnormal and should be prohibited; so also the employment of women in manufacturing, commerce, or other trades where work compels standing constantly, and also any employment of women in such trades for a period of at least eight weeks at time of childbirth.

WOULD AVOID RUSH PERIODS OF WORK.

Our aim should be to secure conditions which will tend everywhere toward regular industry and will do away with the necessity for rush periods, followed by out-of-work seasons, which put so severe a strain on wageworkers.

It is abnormal for any industry to throw back upon the community the human wreckage due to its wear and tear, and the hazards of sickness, accident, invalidism, involuntary unemployment, and old age should be provided for through insurance.

This should be made a charge in whole or in part upon the industries—the employer, the employee, and, perhaps, the people at large to contribute severally in some degree.

Wherever such standards are not met by given establishments, by given industries, are unprovided for by a legislature, or are balked by unenlightened courts, the workers are in jeopardy, the progressive employer is penalized, and the community pays a heavy cost in lessened efficiency and in misery.

What Germany has done in the way of old-age pensions or insurance should be studied by us and the system adapted to our uses with whatever modifications are rendered necessary by our different ways of life and habits of thought.

Working women have the same need to combine for protection that workingmen have; the ballot is as necessary for one class as for the other; we do not believe that with the two sexes there is identity of function; but we do believe that there should be equality of right, and therefore we favor woman suffrage.

WOULD GIVE BALLOT TO THE WOMEN.

In those conservative States where there is genuine doubt how the women stand on this matter I suggest that it be referred to a vote of the women, so that they may themselves make the decision. Surely if women could vote they would strengthen the hands of those who are endeavoring to deal in efficient fashion with evils such as the white-slave traffic, evils which can in part be dealt with nationally, but which in large part can be reached only by determined local action, such as insisting on the widespread publication of the names of the owners, the landlords, of houses used for immoral purposes.

No people are more vitally interested than workingmen and working women in questions affecting the public health. The pure-food law must be strengthened and efficiently enforced.

In the National Government one department should be intrusted with all the agencies relating to the public health, from the enforcement of the pure-food law to the administration of quarantine.

This department, through its special health service, would cooperate intelligently with the various State and municipal bodies established for the same end. There would be no discrimination against or for any one set of therapeutic methods, against or for any one school of medicine or system of healing; the aim would be merely to secure under one administrative body efficient sanitary regulation in the interest of the people as a whole.

THE FARMER AND PEOPLE'S INTERESTS.

There is no body of our people whose interests are more inextricably interwoven with the interests of all the people than is the case with the farmers. The Country Life Commission should be revived with greatly increased powers; its abandonment was a severe blow to the interests of our people. The welfare of the farmer is a basic need of this Nation. It is the men from the farm who in the past have taken the lead in every great movement within this Nation, whether in time of war or in time of peace.

It is well to have our cities prosper, but it is not well if they prosper at the expense of the country.

I am glad to say that in many sections of our country there has been an extraordinary revival of recent years in intelligent interest in and work for those who live in the open country. In this movement the lead must be taken by the farmers themselves; but our people, as a whole, through their governmental agencies, should back the farmers.

Everything possible should be done to better the economic condition of the farmer, and also to increase the social value of the life of the farmer, the farmer's wife, and their children.

The burdens of labor and loneliness bear heavily on the women in the country; their welfare should be the especial concern of all of us. Everything possible should be done to make life in the country profitable, so as to be attractive from the economic standpoint, and also to give an outlet among farming people for those forms of activity which now tend to make life in the cities especially desirable for ambitious men and women.

There should be just the same chance to live as full, as well rounded, and as highly useful lives in the country as in the city.

The Government must cooperate with the farmer to make the farm more productive. There must be no skinning of the soil. The farm should be left to the farmer's son in better and no worse condition because of its cultivation.

AID IN PRODUCTION FOR THE FARMER.

Moreover, every invention and improvement, every discovery and economy, should be at the service of the farmer in the work of production; and, in addition, he should be helped to cooperate in business fashion with his fellows, so that the money paid by the consumer for the product of the soil shall to as large a degree as possible go into the pockets of the man who raised that product from the soil.

So long as the farmer leaves cooperative activities with their profit sharing to the city man of business, so long will the foundations of wealth be undermined and the comforts of enlightenment be impossible in the country communities.

In every respect this Nation has to learn the lessons of efficiency in production and distribution, and of avoidance of waste and destruction; we must develop and improve instead of exhausting our resources. It is entirely possible by improvements in production, in the avoidance of waste, and in business methods on the part of the farmer to give him an increased income from his farm, while at the same time reducing to the consumer the price of the articles raised on the farm.

Important although education is everywhere, it has a special importance in the country. The country school must fit the

country life; in the country, as elsewhere, education must be hitched up with life.

The country church and the country Young Men's and Young Women's Christian Associations have great parts to play. The farmers must own and work their own land; steps must be taken at once to put a stop to the tendency toward absentee landlordism and tenant farming; this is one of the most imperative duties confronting the Nation.

The question of rural banking and rural credits is also of immediate importance.

BUSINESS AND CONTROL OF THE TRUSTS.

The present conditions of business can not be accepted as satisfactory. There are too many who do not prosper enough, and of the few who prosper greatly there are certainly some whose prosperity does not mean well for the country.

Rational Progressives, no matter how radical, are well aware that nothing the Government can do will make some men prosper, and we heartily approve the prosperity, no matter how great, of any man, if it comes as an incident to rendering service to the community; but we wish to shape conditions so that a greater number of small men who are decent, industrious, and energetic shall be able to succeed, and so that the big man who is dishonest shall not be allowed to succeed at all.

Our aim is to control business, not to strangle it—and, above all, not to continue a policy of make-believe strangle toward big concerns that do evil, and constant menace toward both big and little concerns that do well.

Our aim is to promote prosperity and then see to its proper division. We do not believe that any good comes to anyone by a policy which means destruction of prosperity; for in such cases it is not possible to divide it because of the very obvious fact that there is nothing to divide.

We wish to control big business so as to secure, among other things, good wages for the wageworkers and reasonable prices for the consumers. Wherever in any business the prosperity of the business man is obtained by lowering the wages of his workmen and charging an excessive price to the consumers we wish to interfere and stop such practices.

We will not submit to that kind of prosperity any more than we will submit to prosperity obtained by swindling investors or getting unfair advantages over business rivals. But it is obvious that unless the business is prosperous the wageworker employed therein will be badly paid and the consumer badly served.

SELF-INTEREST OF THE WAGE EARNER.

Therefore, not merely as a matter of justice to the business man, but from the standpoint of the self-interest of the wage worker and the consumer, we desire that business shall prosper; but it should be so supervised as to make prosperity also take the shape of good wages to the wageworker and reasonable prices to the consumer, while investors and business rivals are insured just treatment, and the farmer, the man who tills the soil, is protected as sedulously as the wageworker himself.

Unfortunately, those dealing with the subject have tended to divide into two camps, each as unwise as the other. One camp has fixed its eyes only on the need of prosperity, loudly announcing that our attention must be confined to securing it in bulk, and that the division must be left to take care of itself.

This is merely the plan, already tested and found wanting, of giving prosperity to the big men on top, and trusting to their mercy to let something leak through to the mass of their countrymen below—which, in effect, means that there shall be no attempt to regulate the ferocious scramble in which greed and cunning reap the largest rewards.

The other set has fixed its eyes purely on the injustice of distribution, omitting all consideration of the need of having something to distribute, and advocates action which, it is true, would abolish most of the unequalities of the distribution of prosperity, but only by the unfortunately simple process of abolishing the prosperity itself.

This means merely that conditions are to be evened, not up, but down, so that all shall stand on a common level, where nobody has any prosperity at all. The task of the wise radical must be to refuse to be misled by either set of false advisers; he must both favor and promote the agencies that make for prosperity, and at the same time see to it that these agencies are so used as to be primarily of service to the average man.

MUST KEEP ANTITRUST LAWS ON THE BOOKS.

Again and again while I was President, from 1902 to 1908, I pointed out that under the antitrust law alone it was neither possible to put a stop to business abuses nor possible to secure the highest efficiency in the service rendered by business to the general public. The antitrust law must be kept on our statute books, and, as hereafter shown, must be rendered more effective in the cases where it is applied.

But to treat the antitrust law as an adequate or as by itself a wise measure of relief and betterment is a sign not of progress but of toryism and reaction. It has been of benefit so far as it has implied the recognition of a real and great evil, and the at least sporadic application of the principle that all men alike must obey the law.

But as a sole remedy, universally applicable, it has in actual practice completely broken down; as now applied it works more mischief than benefit.

It represents the waste of effort—always damaging to a community—which arises from the attempt to meet new conditions by the application of outworn remedies instead of fearlessly and in common-sense fashion facing the new conditions and devising the new remedies which alone can work effectively for good.

The antitrust law, if interpreted as the Baltimore platform demands it shall be interpreted, would apply to every agency by which not merely industrial but agricultural business is carried on in this country; under such an interpretation it ought in theory to be applied universally, in which case practically all industries would stop. As a matter of fact it is utterly out of the question to enforce it universally; and, when enforced sporadically, it causes continual unrest, puts the country at a disadvantage with its trade competitors in international commerce, hopelessly puzzles honest business men and honest farmers as to what their rights are, and yet as has just been shown in the cases of the Standard Oil and the Tobacco Trust it is no real check on the great trusts at which it was in theory aimed, and indeed operates to their benefit.

Moreover, if we are to compete with other nations in the markets of the world as well as to develop our own material civilization at home we must utilize those forms of industrial organization that are indispensable to the highest industrial productivity and efficiency.

QUOTES FROM BOOK BY UNIVERSITY HEAD.

An important volume, entitled "Concentration and Control," has just been issued by President Charles R. Van Hise, of the University of Wisconsin. The University of Wisconsin has been more influential than any other agency in making Wisconsin what it has become, a laboratory for wise social and industrial experiment in the betterment of conditions. President Van Hise is one of those thoroughgoing but sane and intelligent radicals from whom much of leadership is to be expected in such a matter.

The subtitle of his book shows that his endeavor is to turn the attention of his countrymen toward practically solving the trust problem of the United States. In his preface he states that his aim is to suggest a way to gain the economic advantages of the concentration of industry, and at the same time to guard the interests of the public and to assist in the rule of enlightenment, reason, fair play, mutual consideration, and toleration.

In sum, he shows that unrestrained competition as an economic principle has become too destructive to be permitted to exist, and that the small men must be allowed to cooperate under penalty of succumbing before their big competitors; and yet such cooperation, vitally necessary to the small man, is criminal under the present law. He says:

> With the alternative before the business men of cooperation or failure, we may be sure that they will cooperate. Since the law is violated by practically every group of men engaged in trade, from one end of the country to the other, they do not feel that in combining they are doing a moral wrong. The selection of the individual or corporation for prosecution depends upon the arbitrary choice of the Attorney General, perhaps somewhat influenced by the odium which attaches to some of the violators of the law. They all take their chance, hoping that the blow will fall elsewhere. With general violation and sporadic enforcement of an impracticable law we can not hope that our people will gain respect for it.
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> In conclusion, there is presented as the solution of the difficulties of the present industrial situation concentration, cooperation, and control. Through concentration we may have the economic advantages coming from magnitude of operations. Through cooperation we may limit the wastes of the competitive system. Through control by commission we may secure freedom for fair competition, elimination of unfair practices, conservation of our natural resources, fair wages, good social conditions, and reasonable prices.
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> Concentration and cooperation in industry in order to secure efficiency are a world-wide movement. The United States can not resist it. If we isolate ourselves and insist upon the subdivision of industry below the highest economic efficiency, and do not allow cooperation, we shall be defeated in the world's markets. We can not adopt an economic system less efficient than our great competitors—Germany, England, France, and Austria. Either we must modify our present obsolete laws regarding concentration and cooperation so as to conform with the world movement or else fall behind in the race for the world's markets. Concentration and cooperation are conditions imperatively essential for industrial advance; but if we allow concentration and cooperation there must be control in order to protect the people, and adequate control is only possible through the administrative commission. Hence concentration, cooperation, and control are the key words for a scientific solution of the mighty industrial problem which now confronts this Nation.

DEMOCRATS OFFER NO WAY OF REMEDY.

In his main thesis President Van Hise is unquestionably right. The Democratic platform offers nothing in the way of remedy for present industrial conditions except, first, the enforcement of the antitrust law in a fashion which, if words mean anything, means bringing business to a standstill; and, second, the insistence upon an archaic construction of the States' rights doctrine in thus dealing with interstate commerce—an insistence which, in the first place, is the most flagrant possible violation of the Constitution to which the members of the Baltimore convention assert their devotion, and which, in the next place, nullifies and makes an empty pretense of their first statement. The proposals of the platform are so conflicting and so absurd that it is hard to imagine how any attempt could be made in good faith to carry them out; but, if such attempt were sincerely made, it could only produce industrial chaos.

Were such an attempt made, every man who acts honestly would have something to fear, and yet no great adroit criminal able to command the advice of the best corporation lawyers would have much to fear.

What is needed is action directly the reverse of that thus confusedly indicated. We progressives stand for the rights of the people. When these rights can best be secured by insistence upon States' rights, then we are for States' rights; when they can best be secured by insistence upon national rights, then we are for national rights. Interstate commerce can be effectively controlled only by the Nation. The States can not control it under the Constitution, and to amend the Constitution by giving them control of it would amount to a dissolution of the Government.

WORK OF NATION WOULD BE INEFFECTIVE.

The worst of the big trusts have always endeavored to keep alive the feeling in favor of having the States themselves, and not the Nation, attempt to do this work, because they know that in the long run such effort would be ineffective. There is no surer way to prevent all successful effort to deal with the trusts than to insist that they be dealt with by the States rather than by the Nation, or to create a conflict between the States and the Nation on the subject.

The well-meaning ignorant man who advances such a proposition does as much damage as if he were hired by the trusts themselves, for he is playing the game of every big crooked corporation in the country.

The only effective way in which to regulate the trusts is through the exercise of the collective power of our people as a whole through the governmental agencies established by the Constitution for this very purpose.

Grave injustice is done by the Congress when it fails to give the National Government complete power in this matter; and still graver injustice by the Federal courts when they endeavor in any way to pare down the right of the people collectively to act in this matter as they deem wise; such conduct does itself tend to cause the creation of a twilight zone in which neither the Nation nor the States have power.

Fortunately, the Federal courts have more and more of recent years tended to adopt the true doctrine, which is that all these matters are to be settled by the people themselves, and that the conscience of the people, and not the preferences of any servants of the people, is to be the standard in deciding what action shall be taken by the people. As Lincoln phrased it: "The question of national power and State rights as a principle is no other than the principle of generality and locality. Whatever concerns the whole should be confided to the whole—to the General Government; while whatever concerns only the State should be left exclusively to the State."

COMMERCE COURT A FAILURE.

It is utterly hopeless to attempt to control the trusts merely by the antitrust law or by any law the same in principle, no matter what the modifications may be in detail. In the first place, these great corporations can not possibly be controlled merely by a succession of lawsuits. The administrative branch of the Government must exercise such control.

The preposterous failure of the Commerce Court has shown that only damage comes from the effort to substitute judicial for administrative control of great corporations.

In the next place, a loosely drawn law which promises to do everything would reduce business to complete ruin if it were not so drawn as to accomplish almost nothing.

As construed by the Democratic platform, the antitrust law would, if it could be enforced, abolish all business of any size or any efficiency. The promise thus to apply and construe the law would undoubtedly be broken, but the mere fitful effort thus to apply it would do no good whatever, would accomplish widespread harm, and would bring all trust legislation into contempt.

Contrast what has actually been accomplished under the interstate-commerce law with what has actually been accomplished under the antitrust law.

The first has, on the whole, worked in a highly efficient manner and achieved real and greater results, and it promises to achieve even greater results, although I firmly believe that if the power of the commissioners grows greater it will be necessary to make them and their superior, the President, even more completely responsible to the people for their acts.

The second has occasionally done good, has usually accomplished nothing, has generally left the worst conditions wholly unchanged, and has been responsible for a considerable amount of downright and positive evil.

MUST BE APPLICABLE TO ALL CONCERNED.

What is needed is the application to all industrial concerns and all cooperating interests engaged in interstate commerce in which there is either monopoly or control of the market of the principles on which we have gone in regulating transportation concerns engaged in such commerce. The antitrust law should be kept on the statute books and strengthened so as to make it genuinely and thoroughly effective against every big concern tending to monopoly or guilty of antisocial practices.

At the same time a national industrial commission should be created which should have complete power to regulate and control all the great industrial concerns engaged in interstate business, which practically means all of them in this country.

This commission should exercise over these industrial concerns like powers to those exercised over the railways by the Interstate Commerce Commission and over the national banks by the Comptroller of the Currency, and additional powers if found necessary.

The establishment of such a commission would enable us to punish the individual rather than merely the corporation, just as we now do with banks, where the aim of the Government is not to close the bank, but to bring to justice personally any bank official who has gone wrong. This commission should deal with all the abuses of the trusts—all the abuses, such as those developed by the Government suit against the Standard Oil and Tobacco Trusts—as the Interstate Commerce Commission now deals with rebates. It should have complete power to make the capitalization absolutely honest and put a stop to all stock watering.

Such supervision over the issuance of corporate securities would put a stop to exploitation of the people by dishonest capitalists desiring to declare dividends on watered securities and would open this kind of industrial property to ownership by the people at large. It should have free access to the books of each corporation and power to find out exactly how it treats its employees, its rivals, and the general public. It should have power to compel the unsparing publicity of all the acts of any corporation which goes wrong.

REGULATION SHOULD NOT BE BY LAWSUIT.

The regulation should be primarily under the administrative branch of the Government, and not by lawsuit. It should prohibit and effectually punish monopoly achieved through wrong, and also actual wrongs done by industrial corporations which are not monopolies, such as the artificial raising of prices, the artificial restriction of productivity, the elimination of competition by unfair or predatory practices, and the like, leaving industrial organizations free within the limits of fair and honest dealing to promote through the inherent efficiency of organization the power of the United States as a competitive nation among nations, and the greater abundance at home will come to our people from that power wisely exercised.

Any corporation voluntarily coming under the commission should not be prosecuted under the antitrust law as long as it obeys in good faith the orders of the commission.

The commission would be able to interpret in advance, to any honest man asking the interpretation, what he may do and what he may not do in carrying on a legitimate business. Any corporation not coming under the commission should be exposed to prosecution under the antitrust law, and any corporation violating the orders of the commission should also at once become exposed to such prosecution; and when such a prosecution is successful, it should be the duty of the commission to see that the decree of the court is put into effect completely and in good faith, so that the combination is absolutely broken up and it is not allowed to come together again, nor the constituent parts thereof permitted to do business save under the conditions laid down by the commission.

This last provision would prevent the repetition of such gross scandals as those attendant upon the present administration's prosecution of the Standard Oil and Tobacco Trusts.

The Supreme Court of the United States in condemning these two trusts to dissolution used language of unsparing severity

concerning their actions. But the decree was carried out in such a manner as to turn into a farce this bitter condemnation of the criminals by the highest court in the country.

NOT ONE PARITCLE OF BENEFIT GAINED.

Not one particle of benefit to the community at large was gained; on the contrary, the prices went up to consumers, independent competitors were placed in greater jeopardy than ever before, and the possessions of the wrongdoers greatly appreciated in value.

There never was a more flagrant travesty of justice, never an instance in which wealthy wrongdoers benefited more conspicuously by a law which was supposed to be aimed at them, and which undoubtedly would have brought about severe punishment of less wealthy wrongdoers.

The progressive proposal is definite. It is practicable. We promise nothing that we can not carry out. We promise nothing which will jeopardize honest business.

We promise adequate control of all big business and the stern suppression of the evils connected with big business, and this promise we can absolutely keep. Our proposal is to help honest business activity, however extensive, and to see that it is rewarded with fair returns, so that there may be no oppression either of business men or of the common people. We propose to make it worth while for our business men to develop the most efficient business agencies for use in international trade, for it is to the interest of our whole people that we should do well in international business. But we propose to make those business agencies do complete justice to our own people.

Every dishonest business man will unquestionably prefer either the program of the Republican convention or the program of the Democratic convention to our proposal, because neither of these programs means or can mean what it purports to mean.

But every honest business man, big or little, should support the Progressive program, and it is the one and only program which offers real hope to all our people, for it is the one program under which the Government can be used with real efficiency to see justice done by the big corporation alike to the wage earners it employs, to the small rivals with whom it competes, to the investors who purchase its securities, and to the consumers who purchase its products, or to the general public which it ought to serve, as well as to the business man himself.

HONESTY AND FAIRNESS ASKED IN BUSINESS.

We favor cooperation in business and ask only that it be carried on in a spirit of honesty and fairness. We are against crooked business, big or little. We are in favor of honest business, big or little. We propose to penalize conduct and not size.

But all very big business, even though honestly conducted, is fraught with such potentiality of menace that there should be thoroughgoing governmental control over it, so that its efficiency in promoting prosperity at home and increasing the power of the Nation in international commerce may be maintained and at the same time fair play insured to the wageworkers, the small business competitors, the investors, and the general public. Wherever it is practicable we propose to preserve competition, but where under modern conditions competition has been eliminated and can not be successfully restored, then the Government must step in and itself supply the needed control on behalf of the people as a whole.

It is imperative to the welfare of our people that we enlarge and extend our foreign commerce. We are preeminently fitted to do this, because as a people we have developed high skill in the art of manufacturing. Our business men are strong executives, strong organizers. In every way possible our Federal Government should cooperate in this important matter.

Anyone who has had opportunity to study and observe first-hand Germany's course in this respect must realize that their policy of cooperation between government and business has in comparatively few years made them a leading competitor for the commerce of the world. It should be remembered that they are doing this on a national scale and with large units of business, while the Democrats would have us believe that we should do it with small units of business, which would be controlled not by the National Government but by 49 conflicting State sovereignties.

POLICY OUT OF KEEPING WITH PROGRESS.

Such a policy is utterly out of keeping with the progress of the times and gives our great commercial rivals in Europe—hungry for international markets—golden opportunities of which they are rapidly taking advantage.

I very much wish that legitimate business would no longer permit itself to be frightened by the outcries of illegitimate business into believing that they have any community of interest.

Legitimate business ought to understand that its interests are jeopardized when they are confounded with those of illegitimate business; and the latter, whenever threatened with just control, always tries to persuade the former that it also is endangered. As a matter of fact, if legitimate business can only be persuaded to look cool-headedly into our proposition, it is bound to support us.

There are a number of lesser, but still important, ways of improving our business situation. It is not necessary to enumerate all of them; but I desire to allude to two, which can be adopted forthwith. Our patent laws should be remodeled; patents can secure ample royalties to inventors without our permitting them to be tools of monopoly or shut out from general use; and a parcel post, on the zone principle, should be established.

PROTECTIVE TARIFF AS A PRINCIPLE.

I believe in a protective tariff, but I believe in it as a principle, approached from the standpoint of the interests of the whole people, and not as a bundle of preferences to be given to favored individuals. In my opinion, the American people favor the principle of a protective tariff, but they desire such a tariff to be established primarily in the interests of the wageworker and the consumer. The chief opposition to our tariff at the present moment comes from the general conviction that certain interests have been improperly favored by overprotection. I agree with this view.

The commercial and industrial experience of this country has demonstrated the wisdom of the protective policy, but it has also demonstrated that in the application of that policy certain clearly recognized abuses have developed.

It is not merely the tariff that should be revised, but the method of tariff making and of tariff administration.

Wherever nowadays an industry is to be protected it should be on the theory that such protection will serve to keep up the wages and the standard of living of the wage worker in that industry with full regard for the interest of the consumer.

To accomplish this the tariff to be levied should, as nearly as is scientifically possible, approximate the differential between the cost of production at home and abroad. This differential is chiefly, if not wholly, in labor cost. No duty should be permitted to stand as regards any industry unless the workers receive their full share of the benefits of that duty.

In other words, there is no warrant for protection unless a legitimate share of the benefits gets into the pay envelope of the wageworker.

The practice of undertaking a general revision of all the schedules at one time and of securing information as to conditions in the different industries and as to rates of duty desired chiefly from those engaged in the industries, who themselves benefit directly from the rates they propose, has been demonstrated to be not only iniquitous but futile. It has afforded opportunity for practically all of the abuses which have crept into our tariff making and our tariff administration.

LOGROLLING TARIFF DAYS MUST END.

The day of the logrolling tariff must end. The progressive thought of the country has recognized this fact for several years, and the time has come when all genuine progressives should insist upon a thorough and radical change in the method of tariff making.

The first step should be the creation of a permanent commission of nonpartisan experts whose business shall be to study scientifically all phases of tariff making and of tariff effects. This commission should be large enough to cover all the different and widely varying branches of American industry. It should have ample powers to enable it to secure exact and reliable information. It should have authority to examine closely all correlated subjects, such as the effect of any given duty on the consumers of the article on which the duty is levied; that is, it should directly consider the question as to what any duty costs the people in the price of living.

It should examine into the wages and conditions of labor and life of the workmen in any industry, so as to insure our refusing protection to any industry unless the showing as regards the share labor receives therefrom is satisfactory. This commission would be wholly different from the present unsatisfactory Tariff Board, which was created under a provision of law which failed to give it the powers indispensable if it was to do the work it should do.

It will be well for us to study the experience of Germany in considering this question. The German tariff commission has proved conclusively the efficiency and wisdom of this method of handling tariff questions.

NONPARTISAN BOARD TO SOLVE PROBLEMS.

The reports of a permanent, expert, and nonpartisan tariff commission would at once strike a most powerful blow against the chief iniquity of the old log-rolling method of tariff making.

One of the principal difficulties with the old method has been that it was impossible for the public generally, and especially for those Members of Congress not directly connected with the committees handling a tariff bill, to secure anything like adequate and impartial information on the particular subjects under consideration. The reports of such a tariff commission would at once correct this evil and furnish to the general public full, complete, and disinterested information on every subject treated in a tariff bill.

With such reports it would no longer be possible to construct a tariff bill in secret or to jam it through either House of Congress without the fullest and most illuminating discussion. The path of the tariff "joker" would be rendered infinitely difficult.

As a further means of disrupting the old crooked, logrolling method of tariff making, all future revisions of the tariff should be made schedule by schedule as changing conditions may require. Thus a great obstacle will be thrown in the way of the trading votes which has marked so scandalously the enactment of every tariff bill of recent years.

The tariff commission should render reports at the call of Congress or of either branch of Congress and to the President. Under the Constitution Congress is the tariff-making power. It should not be the purpose in creating a tariff commission to take anything away from this power of Congress, but rather to afford a wise means of giving to Congress the widest and most scientific assistance possible, and of furnishing it and the public with the fullest disinterested information.

Only by this means can the tariff be taken out of politics. The creation of such a permanent tariff commission, and the adoption of the policy of schedule by schedule revision will do more to accomplish this highly desired object than any other means yet devised.

WOULD PLUNGE COUNTRY INTO WIDE DEPRESSION.

The Democratic platform declares for a tariff for revenue only, asserting that a protective tariff is unconstitutional. To say that a protective tariff is unconstitutional, as the Democratic platform insists, is only excusable on a theory of the Constitution which would make it unconstitutional to legislate in any shape or way for the betterment of social and industrial conditions. The abolition of the protective tariff or the substitution for it of a tariff for revenue only, as proposed by the Democratic platform, would plunge this country into the most widespread industrial depression we have yet seen, and this depression would continue for an indefinite period.

There is no hope from the standpoint of our people from action such as the Democrats propose.

The one and only chance to secure stable and favorable business conditions in this country, while at the same time guaranteeing fair play to farmer, consumer, business man, and wageworker, lies in the creation of such a commission as I herein advocate.

Only by such a commission and only by such activities of the commission will it be possible for us to get a reasonably quick revision of the tariff, schedule by schedule—a revision which shall be downward and not upward—and at the same time secure a square deal not merely to the manufacturer, but to the wageworker and to the general consumer.

HIGH-LIVING COST GIVEN ATTENTION.

There can be no more important question than the high cost of living necessities. The main purpose of the Progressive movement is to place the American people in possession of their birthright, to secure for all the American people unobstructed access to the fountains of measureless prosperity which their Creator offers them. We in this country are blessed with great natural resources, and our men and women have a high standard of intelligence and of industrial capacity. Surely, such being the case, we can not permanently support conditions under which each family finds it increasingly difficult to secure the necessaries of life and a fair share of its comforts through the earnings of its members.

The cost of living in this country has risen during the last few years out of all proportion to the increase in the rate of most salaries and wages; the same situation confronts alike the majority of wageworkers, small business men, small professional men, the clerks, the doctors, clergymen.

Now, grave though the problem is, there is one way to make it graver, and that is to deal with it insincerely, to advance false remedies, to promise the impossible. Our opponents, Republicans and Democrats alike, propose to deal with it in this way. The Republicans in their platform promise an inquiry into the facts. Most certainly there should be such inquiry.

But the way the present administration has failed to keep its promises in the past, and the rank dishonesty of action on the part of the Penrose-Barnes-Guggenheim national convention makes their every promise worthless. The Democratic platform affects to find the entire cause of the high cost of living in the tariff, and promises to remedy it by free trade, especially free trade in the necessaries of life.

In the first place, this attitude ignores the patent fact that the problem is world-wide; that everywhere—in England and France, as in Germany and Japan—it appears with greater or less severity; that in England, for instance, it has become a very severe problem, although neither the tariff nor, save to a small degree, the trusts can there have any possible effect upon the situation.

In the second place, the Democratic platform, if it is sincere, must mean that all duties will be taken off the products of the farmer; yet most certainly we can not afford to have the farmer struck down.

WELFARE OF TILLER IS ALL IMPORTANT.

The welfare of the tiller of the soil is as important as the welfare of the wageworker himself, and we must sedulously guard both. The farmer, the producer of the necessities of life, can himself live only if he raises these necessities for a profit.

On the other hand, the consumer who must have that farmer's product in order to live, must be allowed to purchase it at the lowest cost that can give the farmer his profit, and everything possible must be done to eliminate any middleman whose function does not tend to increase the cheapness of distribution of the product; and, moreover, everything must be done to stop all speculating, all gambling with the bread basket, which has even the slightest deleterious effect upon the producer and consumer.

There must be legislation which will bring about a closer business relationship between the farmer and the consumer.

Recently experts in the Agricultural Department have figured that nearly 50 per cent of the price for agricultural products paid by the consumer goes into the pockets not of the farmer, but of various middlemen; and it is probable that over half of what is thus paid to middlemen is needless, can be saved by wise business methods—introduced through both law and custom—and can therefore be returned to the farmer and the consumer.

Through the proposed interstate industrial commission we can effectively do away with any arbitrary control by combinations of the necessities of life. Furthermore, the Governments of the Nation and of the several States must combine in doing everything they can to make the farmer's business profitable, so that he shall get more out of the soil, and enjoy better business facilities for marketing what he thus gets. In this manner his return will be increased, while the price to the consumer is diminished.

URGES ELIMINATION OF MIDDLEMAN.

The elimination of the middleman by agricultural exchanges and by the use of improved business methods generally, the development of good roads, the reclamation of arid lands and swamp lands, the improvement in the productivity of farms, the encouragement of all agencies which tend to bring people back to the soil and to make country life more interesting as well as more profitable—all these movements will help not only the farmer but the man who consumes the farmer's products.

There is urgent need of nonpartisan expert examination into any tariff schedule which seems to increase the cost of living, and, unless the increase thus caused is more than countervailed by the benefit to the class of the community which actually receives the protection, it must of course mean that that particular duty must be reduced.

The system of levying a tariff for the protection and encouragement of American industry so as to secure higher wages and better conditions of life for American laborers must never be perverted so as to operate for the impoverishment of those whom it was intended to benefit.

But in any event, the effect of the tariff on the cost of living is slight; any householder can satisfy himself of this fact by considering the increase in price of articles, like milk and eggs, where the influence of both the tariff and the trusts is negligible. No conditions have been shown which warrant us in believing that the abolition of the protective tariff as a whole would bring any substantial benefit to the consumer, while it would certainly cause unheard-of immediate disaster to all wageworkers, all business men, and all farmers, and in all probability would permanently lower the standard of living here.

In order to show the utter futility of the belief that the abolition of the tariff and the establishment of free trade would remedy the condition complained of, all that is necessary is to look at the course of industrial events in England and in Germany during the last 30 years, the former under free trade, the latter under a protective system.

During these 30 years it is a matter of common knowledge that Germany has forged ahead relatively to England, and this not only as regards the employers, but as regards the wage earners—in short, as regards all members of the industrial classes.

Doubtless many causes have combined to produce this result; it is not to be ascribed to the tariff alone, but, on the other hand, it is evident that it could not have come about if a protective tariff were even a chief cause among many other causes of the high cost of living.

AGREES THAT TRUSTS ARE RESPONSIBLE.

It is also asserted that the trusts are responsible for the high cost of living. I have no question that, as regards certain trusts, this is true. I also have no question that it will continue to be true just as long as the country confines itself to acting as the Baltimore platform demands that we act.

This demand is, in effect, for the States and National Government to make the futile attempt to exercise 49 sovereign and conflicting authorities in the effort jointly to suppress the trusts, while at the same time the National Government refuses to exercise proper control over them. There will be no diminution in the cost of trust-made articles so long as our Government attempts the impossible task of restoring the flintlock conditions of business 60 years ago by trusting only to a succession of lawsuits under the antitrust law—a method which it has been definitely shown usually results to the benefit of any big business concern which really ought to be dissolved, but which cause disturbance and distress to multitudes of smaller concerns.

Trusts which increase production—unless they do it wastefully, as in certain forms of mining and lumbering—can not permanently increase the cost of living. It is the trusts which limit production or which, without limiting production, take advantage of the lack of governmental control and eliminate competition by combining to control the market that cause an increase in the cost of living.

There should be established at once, as I have elsewhere said, under the National Government an interstate industrial commission, which should exercise full supervision over the big industrial concerns doing an interstate business into which an element of monopoly enters.

Where these concerns deal with the necessaries of life the commission should not shrink, if the necessity is proved, of going to the extent of exercising regulatory control over the conditions that create or determine monopoly prices.

POSSIBLE TO REMOVE DISTURBING ELEMENT.

By such action we shall certainly be able to remove the element of contributory causation on the part of the trusts and the tariff toward the high cost of living. There will remain many other elements. Wrong taxation, including failure to tax swollen inheritances and unused land and other natural resources held for speculative purposes, is one of these elements.

The modern tendency to leave the country for the town is another element, and exhaustion of the soil and poor methods of raising and marketing the products of the soil make up another element, as I have already shown.

Another element is that of waste and extravagance, individual and national. No laws which the wit of man can devise will avail to make the community prosperous if the average individual lives in such fashion that his expenditure always exceeds his income.

National extravagance—that is, the expenditure of money which is not warranted—we can ourselves control, and to some degree we can help in doing away with the extravagance caused by international rivalries.

These are all definite methods by which something can be accomplished in the direction of decreasing the cost of living. All taken together will not fully meet the situation. There are in it elements which as yet we do not understand. We can be certain that the remedy proposed by the Democratic Party is a quack remedy. It is just as emphatically a quack remedy as was the quack remedy, the panacea, the universal cure-all which they proposed 16 years ago. It is instructive to compare what they now say with what they said in 1896.

WHAT WAS BEING TOLD 16 YEARS AGO.

Only 16 years ago they were telling us that the decrease in prices was fatal to our people, that the fall in the production of gold, and, as a consequence, the fall in the prices of commodities, was responsible for our ills. Now they ascribe these ills to diametrically opposite causes, such as the rise in the price of commodities.

It may well be that the immense output of gold during the last few years is partly responsible for certain phases of the present trouble—which is an instructive commentary on the wisdom of those men who 16 years ago insisted that the remedy for everything was to be found in the mere additional output of coin, silver, and gold alike.

There is no more curious delusion than that the Democratic platform is a progressive platform.

The Democratic platform, representing the best thought of the acknowledged Democratic leaders at Baltimore, is purely retrogressive and reactionary. There is no progress in it. It represents an effort to go back; to put this Nation of 100,000,000, existing under modern conditions, back to where it was as a Nation of 25,000,000 in the days of the stagecoach and canal boat. Such an attitude is toryism, not progressivism.

In addition, then, to the remedies that we can begin forthwith, there should be a fearless, intelligent, and searching inquiry into the whole subject, made by an absolutely nonpartisan body of experts, with no prejudices to warp their minds, no object to serve, who shall recommend any necessary remedy, heedless of what interest may be helped or hurt thereby, and caring only for the interests of the people as a whole.

NEED LEGISLATION TO IMPROVE CURRENCY.

We believe that there exists an imperative need for prompt legislation for the improvement of our national currency system. The experience of repeated financial crises in the last 40 years has proved that the present method of issuing, through private agencies, notes secured by Government bonds is both harmful and unscientific.

This method was adopted as a means of financing the Government during the Civil War through furnishing a domestic market for Government bonds. It was largely successful in fulfilling that purpose; but that need is long past, and the system has outlived this feature of its usefulness. The issue of currency is fundamentally a governmental function.

The system to be adopted should have as its basic principles soundness and elasticity. The currency should flow forth readily at the demand of commercial activity and retire as promptly when the demand diminishes. It should be automatically sufficient for all of the legitimate needs of business in any section of the country.

Only by such means can the country be freed from the danger of recurring panics. The control should be lodged with the Government and should be safeguarded against manipulation by Wall Street or the large interests.

It should be made impossible to use the machinery or perquisites of the currency system for any speculative purposes. The country must be safeguarded against overexpansion or unjust contraction of either credit or circulating medium.

CONSERVATION.

There can be no greater issue than that of conservation in this country. Just as we must conserve our men, women, and children, so we must conserve the resources of the land on which they live. We must conserve the soil so that our children shall have a land that is more and not less fertile than that our fathers dwelt in.

We must conserve the forests, not by disuse, but by use, making them more valuable at the same time that we use them. We must conserve the mines. Moreover, we must insure so far as possible the use of certain types of great natural resources for the benefit of the people as a whole. The public should not alienate its fee in the water power which will be of incalculable consequence as a source of power in the immediate future.

The Nation and the States within their several spheres should by immediate legislation keep the fee of the water power, leasing its use only for a reasonable length of time on terms that will secure the interests of the public.

Just as the Nation has gone into the work of irrigation in the West, so it should go into the work of helping reclaim the swamp lands of the South. We should undertake the complete development and control of the Mississippi as a national work, just as we have undertaken the work of building the Panama Canal. We can the use the plant, and we can use the human experience, left free by the completion of the Panama Canal in so developing the Mississippi as to make it a mighty highroad of commerce and a source of fructification and not of death to the rich and fertile lands lying along its lower length.

In the West, the forests, the grazing lands, the reserves of every kind should be so handled as to be in the interests of the actual settler, the actual homemaker. He should be encouraged to use them at once, but in such a way as to preserve and not exhaust them. We do not intend that our natural resources shall be exploited by the few against the interests of the many, nor do we intend to turn them over to any man who will wastefully use them by destruction and leave to those who come after us a heritage damaged by just so much.

The man in whose interests we are working is the small farmer and settler, the man who works with his own hands, who is working not only for himself, but for his children, and who wishes to leave to them the fruits of his labor.

His permanent welfare is the prime factor for consideration in developing the policy of conservation, for our aim is to preserve our natural resources for the public as a whole, for the average man and the average woman who make up the body of the American people.

Alaska should be developed as once, but in the interest of the actual settler. In Alaska the Government has an opportunity of starting in what is almost a fresh field to work out various problems by actual experience.

The Government should at once construct, own, and operate the railways in Alaska.

The Government should keep the fee of all the coal fields and allow them to be operated by lessees, with the condition in the lease that nonuse shall operate as a forfeit. Telegraph lines should be operated as the railways are. Moreover, it would be well in Alaska to try a system of land taxation which will, so far as possible, remove all the burdens from those who actually use the land, whether for building or for agricultural purposes, and will operate against any man who holds the land for speculation or derives an income from it based, not on his own exertions, but on the increase in value due to activities not his own. There is very real need that this Nation shall seriously prepare itself for the task of remedying social injustice and meeting social problems by well-considered governmental effort; and the best preparation for such wise action is to test by actual experiment under favorable conditions the devices which we have reason to believe will work well, but which it is difficult to apply in old settled communities without preliminary experiment.

In international affairs this country should behave toward other nations exactly as an honorable private citizen behaves toward other private citizens. We should do no wrong to any nation, weak or strong, and we should submit to no wrong. Above all, we should never in any treaty make any promise which we do not intend in good faith to fulfill. I believe it essential that our small Army should be kept at a high pitch of perfection, and in no way can it be so damaged as by permitting it to become the plaything of men in Congress who wish to gratify either spite or favoritism, or to secure to localities advantages to which those localities are not entitled.

BELIEVES IN NAVY.

The Navy should be steadily built up, and the process of upbuilding must not be stopped until—and not before—it proves possible to secure by international agreement a general reduction of armaments. The Panama Canal must be fortified. It would have been criminal to build it if we were not prepared to fortify it and to keep our Navy at such a pitch of strength as to render it unsafe for any foreign power to attack us and get control of it.

We have a perfect right to permit our coastwise traffic (with which there can be no competition by the merchant marine of any foreign nation—so that there is no discrimination against any foreign marine) to pass through that canal on any terms we choose, and I personally think that no toll should be charged on such traffic.

Moreover, in time of war, where all treaties between warring nations save those connected with the management of the war at once lapse, the canal would, of course, be open to the use of our warships and closed to warships of the nation with which we were engaged in hostilities.

But at all times the canal should be opened on equal terms to the ships of all nations, including our own, engaged in international commerce. That was the understanding of the treaty when it was adopted, and the United States must always, as a matter of honorable obligation and with scrupulous nicety, live up to every understanding which she has entered into with any foreign power.

The question that has arisen over the right of this Nation to charge tolls on the canal vividly illustrates the folly and iniquity of making treaties which can not and ought not to be kept. As a people there is no lesson we more need to learn than the lesson not in an outburst of emotionalism to make a treaty that ought not to be and could not be kept, and the further lesson that when we do make a treaty we must soberly live up to it as long as changed conditions do not warrant the serious step of denouncing it.

If we had been so unwise as to adopt the general arbitration treaties a few months ago we would now be bound to arbitrate the question of our right to free our own coastwise traffic from canal tolls, and at any future time we might have found ourselves obliged to arbitrate the question whether, in the event of war, we could keep the canal open to our own war vessels and closed to those of our foes.

There could be no better illustration of the extreme unwisdom of entering into international agreements without paying heed to the question of keeping them.

On the other hand, we deliberately and with our eyes open, and after ample consideration and discussion, agreed to treat all merchant ships on the same basis; it was partly because of this agreement that there was no question raised by foreign nations as to our digging and fortifying the canal; and having given our word we must keep it. When the American people make a promise that promise must and will be kept.

STATES HIS POSITION CLEARLY.

Now, friends, this is my confession of faith. I have made it rather long because I wish you to know just what my deepest convictions are on the great questions of to-day, so that if you choose to make me your standard bearer in the fight you shall make your choice understanding exactly how I feel; and if, after hearing me, you think you ought to choose some one else, I shall loyally abide by your choice. The convictions to which I have come have not been arrived at as the result of study in the closet or the library, but from the knowledge I have gained through hard experience during the many years in which, under many and varied conditions, I have striven and toiled with men. I believe in a larger use of the governmental power to help remedy industrial wrongs, because it has been borne in on me by actual experience that without the exercise of such power many of the wrongs will go unremedied.

I believe in a larger opportunity for the people themselves directly to participate in government and to control their governmental agents, because long experience has taught me that without such control many of their agents will represent them badly.

By actual experience in office I have found that, as a rule, I could secure the triumph of the causes in which I most believed, not from the politicians and the men who claim an exceptional right to speak in business and government, but by going over their heads and appealing directly to the people themselves.

POWER OBTAINED FROM THE PEOPLE.

I am not under the slightest delusion as to any power that during my political career I have at any time possessed. Whatever of power I at any time had I obtained from the people. I could exercise it only so long as and to the extent that the people not merely believed in me, but heartily backed me up.

Whatever I did as President I was able to do only because I had the backing of the people.

When on any point I did not have that backing, when on any point I differed from the people, it mattered not whether I was right or whether I was wrong, my power vanished. I tried my best to lead the people, to advise them, to tell them what I thought was right; if necessary, I never hesitated to tell them what I thought they ought to hear, even though I thought it would be unpleasant for them to hear it; but I recognized that my task was to try to lead them and not to drive them, to take them into my confidence, to try to show them that I was right, and then loyally and in good faith to accept their decision.

I will do anything for the people except what my conscience tells me is wrong, and that I can do for no man and no set of men; I hold that a man can not serve the people well unless he serves his conscience; but I hold also that where his conscience bids him refuse to do what the people desire, he should not try to continue in office against their will.

Our Government system should be so shaped that the public servant, when he can not conscientiously carry out the wishes of the people, shall, at their desire, leave his office and not misrepresent them in office; and I hold that the public servant can by so doing, better than in any other way, serve both them and his conscience.

SAYS THE FIGHT WORTH MAKING.

Surely there never was a fight better worth making than the one in which we are engaged. It little matters what befalls any one of us who for the time being stand in the forefront of the battle. I hope we shall win, and I believe that if we can wake the people to what the fight really means we shall win. But, win or lose, we shall not falter. Whatever fate may at the moment overtake any of us, the movement itself will not stop. Our cause is based on the eternal principles of righteousness; and even though we who now lead may for the time fail, in the end the cause itself shall triumph.

Six weeks ago, here in Chicago, I spoke to the honest representatives of a convention which was not dominated by honest

men; a convention wherein sat, alas! a majority of men who, with sneering indifference to every principle of right, so acted as to bring to a shameful end a party which had been founded over half a century ago by men in whose souls burned the fire of lofty endeavor.

Now, to you men, who, in your turn, have come together to spend and be spent in the endless crusade against wrong, to you who face the future resolute and confident, to you who strive in a spirit of brotherhood for the betterment of our Nation, to you who gird yourselves for this great new fight in the never-ending warfare for the good of humankind, I say in closing what in that speech I said in closing: "We stand at Armageddon, and we battle for the Lord."

Address by Charles Nagel.

EXTENSION OF REMARKS

OF

HON. H. OLIN YOUNG,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 9, 1912.

Mr. YOUNG of Michigan said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include the address by Charles Nagel at Houghton, Mich., August 8, 1911.

The address is as follows:

ADDRESS BY CHARLES NAGEL AT HOUGHTON, MICH., AUGUST 8, 1911.

The cordiality of your reception and the introductory words of your chairman demonstrate how completely you have accepted the explanation of the President's inability to be here. I share the unavoidable disappointment with you, because I know how deeply the President would have appreciated the reception which you had prepared for him. When, however, it is said that I am here as the representative of the President, you must permit me to make a correction. No one has the right to assume to represent the President. I must more especially insist that the President is in no sense responsible for anything that may be said by me from this platform. With that frankness which is so characteristic of the Chief Executive of our country, he permits us to appear before the public and to speak our own minds. We may indulge the hope that if we make a mistake the mistake is ours, and that if by chance we succeed the credit may go to our chief.

I am glad to be with you here in Michigan for many reasons. I love the North, with its strength, courage, and enterprise. I am particularly glad to be with you now, because this section of the country was not afraid to reach out the hand of good luck and mutual success to a foreign country across the border on the north. As I see it, you recognized the true meaning of reciprocity. Treaties of peace, and, indeed, every treaty looking to cordial relations with other countries, are based upon a new attitude in international affairs. There was a time when we were jealous of the success of our neighbors, when we were afraid of their strength, and when we read our prosperity in their failure. Even in our own country we have wasted strength in harboring jealousies of that kind among the several States and cities. The time has come when here at home we recognize that the success of a single State reflects advantageously upon every other State, and that the failure of any section must be paid for by the entire country. Even in international affairs this is true. We see our strength in the strength of civilized neighbors. Our real danger arises from unrest and disturbance away from home.

I have not been able to resist the suspicion that in the consideration of reciprocity too much attention has been given to the mere discussion of schedules. It is difficult enough to prophesy the effect of any new law or system. It is practically impossible to calculate the results of new schedules to govern international commerce. These figures alone constitute a mere factor, frequently a trifling one in the total result. Advantage of position, advantage of soil and climate, strength, confidence, and enterprise of the people must be the controlling factors here as everywhere else.

It is difficult to suppress a suspicion that our protective system, much as it has promoted the welfare and the prosperity of our country, has at the same time forced upon us the price of timidity. We seem to feel that the schedule brings success, whereas it was intended to be nothing more than a guaranty of fair conditions for self-reliant enterprise. No people could have enjoyed the enormous prosperity which we have had, the unlimited resources to which we have been able to resort, without paying a certain price by way of timidity, without yielding to a disposition to rely upon conditions and advantages which we have not earned. It is not too much to say that there is a note of distress in public discussion, as though we were combating conditions forced upon us by outside power, and not of our own making. If we really want to know what political, industrial, or social oppression means, and what a truly oppressed people has to contend with, let us go back and read the history of actual oppression. Go back to France in the days before the Revolution. Read of the struggles of a man like Türgo. Even in those days true opposition to oppression rested more with men than with forms of government. The same was true in Germany in the days of Stein. These men, and others like them in other countries, had to deal with oppressive systems, but for relief they looked to the spirit of men rather than a change in government.

It must be admitted that we have passed the time of the old laissez faire doctrine. Every one of us must recognize that the days of pure individualism are gone. We are no longer satisfied to say that men are not created equal, and that therefore no amount of legislation can make them equal. We confess that there is a certain proportion of people who can not keep up with the procession, who are bound to fall by the wayside, and to whom government must extend its care. But the abandonment of the laissez faire doctrine does not signify that everyone and everything must be regulated by law. It does not mean that conditions of absolute economic and social equality can be created and maintained by law.

I am the last man to say that conditions in this country during the last 20 years have been what they should be. On the contrary, I believe now, as I believed then, that conditions had become intolerable. In my judgment President Roosevelt rendered a distinguished service to our country when he sounded the note of warning, and when, like a man of determination and action, he struck without hesitation at the evils from which we suffered. Commerce, by the very force of competition, had fallen to a condition from which it could not extricate itself. The rules of competition had sunk so low that no one competitor, however strong, could alone raise the standard. In The rules of competition had sunk so low that no one common that it was necessary for the Government to step in and establish a new standard. That is the meaning of the Federal antitrust law and of the railroad legislations. They signify new rules of the game. Within these rules business must be had, and within those rules there must be fair competition. Time was, it is true enough, when our desire for success, our blind admiration for quantity, induced us to let business run the Government. Time is when business runs away from government. One condition is as unwholesome as the other; and there is need for an intelligent, rational, constructive policy which will compel business to obey the rules of the game, but which will also permit business to survive and to prosper within those rules.

This, in my judgment, is the subject to which we should immediately address ourselves. The problem is squarely presented to us, and the question is, Why do we not grapple with it? There is an undeniable disinclination to meet this issue and to take the responsibility of a well-defined decision. There is a disposition to reach out for new and vague issues, calculated to hold the attention of the people, to entertain them in a fashion, and thereby to avoid the responsibility of a definite plan of action.

Instead of knuckling down to work and solving the problem of our own creation, we are disposed to discuss measures for remote relief. We are, it seems to me, slow to undertake what it is for us to do now and quick to listen to what may be done for us hereafter. We hear much, for illustration, of the direct primary, the initiative, the referendum, and the recall. No one will deny that all these suggestions have virtue in some measure. But when they are advanced as universal principles of government, men have the right to wonder and to warn. If it could be shown that these suggestions would really afford the promised relief, that would be the end of the discussion. Once persuaded that they would result in a more immediate and direct expression of mature popular will, there would be few men to oppose them. The question is, Will the relief which has been promised follow? As to that men entertain different opinions; and nothing can be more proper or more necessary than the frank, unreserved expression of opinion in order that the final decision may at least be based upon intelligent argument. For my part I do not believe that the direct primary will give clearer expression to popular will. On the contrary, I am persuaded from my observation that the direct primary will play right

into the hands of the real boss. He will retain his influence, stripped of his responsibility. I am not persuaded that the initiative will promote intelligent, popular legislation. According to my observation there is no lack of initiative. On the contrary, we are suffering from overlegislation, and if any commentary is to be made upon existing legislative bodies it is that they are too ready to respond with hasty and ill-advised legislation to any suggestion that seems to promise immediate popularity. The referendum is a well-recognized principle. It has been adopted for years in this country, whenever a measure of lasting consequence or great importance has been submitted for decision. It has been customary to submit bond issues, city charters, constitutional amendments, and measures of like kind to the voters at large. But in my judgment it is unsafe to argue from this premise that public welfare would be promoted by the possible submission of all legislation, of every ordinance and every legislative measure, to public vote for review. My fear is that the overabundance of elections would discourage us, and that there would be less vigilance instead of more. My suspicion is that good legislation would be subjected to danger and to delay by the combinations of large interests and irresponsible citizenship.

The recall has an attractive sound. It appears to give the voters additional control over their representatives. But, in my judgment, the immediate effect of such a system will be to make the voter still more careless than he has been in the first election, because he will be tempted to rely upon the power to correct his own errors at his will. Furthermore, the great difficulty of popular government now is to obtain the consent of fit candidates. That difficulty this system would accentuate, because very few men of self-respect will be willing to accept the responsibility of office when they know that in the midst of their work, before it can be tested out, they are in danger of being swept out by popular ill will. To extend a position of trust in the spirit of distrust is not calculated to encourage competent men to accept public service. The suggestion of a recall with respect to judges is by many advanced with the same confidence that has attended other civil offices. For my part, I have always wondered why the idea of recall of judges was not carried out to its logical consequences. If we, the people, are to have the right to protect ourselves in this fashion against erring judges, why would it not be more safe to compel a court, before it renders its decision, to announce to the people what it is about to do, in order that opportunity may be given to recall the judges before the mischief is done? That would be consistent with the main idea, and would ultimately dispense with the necessity for having any courts at all.

It is not my intention to discuss these suggestions at length. I am persuaded that now, as heretofore, eternal vigilance is the price of liberty; and neither constitution nor law can provide a substitute for the constant and maintained activity of free citizenship. With that vigilance our system is amply liberal and representative. Without it no system can save us from the consequences of our own selfishness. Beyond that all these suggestions really concern State and city government. No one has so far pointed out how they are to relieve any difficulties under which the general citizenship of this country may labor with respect to the Federal system, although this system is most commonly appealed to for relief in our day.

There is another suggestion which has attracted public attention and invited much favor. It is so very comprehensive in its consequences, and sounds so very simple and direct in its purpose, that naturally it has found adherents in all parts of the country. This is the suggestion to regulate the consumers' prices. I need not say that there is nothing new in such a scheme. It has been applied in the past in the days of monarchy and oppression; and so far it had been abandoned as more liberal forms of government came into control. Now, complaining of our own oppression of ourselves, we are tempted to return to the doctrines of the dim ages. Let us at least reflect and argue out what such a system might ultimately signify. If the Government assumes to regulate the prices at which products shall be sold to the consumer, how can it avoid directly or indirectly fixing the price of the producer? One must depend upon the other. If the Government once undertakes to fix both of these it can not escape the responsibility for the conditions of the factory. Not only the regulation of those conditions which go to the well-being and sanitary protection of the employee and the wholesomeness of the article, but those that go to the cost and efficiency of the factory itself. How can the Government escape the responsibility for wages if it has assumed to determine all other conditions? These are all factors in the ultimate price to the consumer; and when the determining price is so fixed, every other condition must be decided by the same authority. When the Government does that much it virtually exercises the power of ownership. To all intents and purposes he who fixes the income need care very little where the paper title is. And when all this has been done let us not forget that no government can suppress capacity, enterprise, and ability. Whatever the system there will always be leadership. Strong men will always guide or control. If the avenues are fair, they will avail of them; if unfair, they are the more apt to monopolize them. The powerful men who are now accused, and with some justice, of controlling large interests in restraint of trade, will only have the more temptation for controlling the greater system which is now recommended to us.

Finally, in this scheme to have the price fixed by the Government, what government have we in mind? Is it State or National Government? Have we figured out how the National Government would proceed if it undertook such an enterprise? By what right would it establish prices within a State's boundaries? And if the State is to reserve and to exercise the right to fix prices within its own limits, what will be the result with 48 jurisdictions actively competing with each other in this enterprise, and with the National Government standing apart to interpose still further regulations for interstate commerce? How, upon any theory which has been advanced so far, can the National Government ever undertake to fix the price at which the merchant of a particular State shall sell his goods to the citizens of that State?

Again I say, it is not my purpose to discuss these questions exhaustively. But it does appear to me that we are disposed to jump at conclusions; that it would be well to study the history of similar attempts, and to reflect how difficult it is to inaugurate such a system in a country which is governed by a dual authority, National and State. It appears to me, therefore, that instead of reaching out for these vague and novel suggestions, and instead of permitting ourselves to be fed upon veiled and impracticable promises, it is the part of citizenship to face the immediate issues with earnestness and determination. It appears to me that we have too many men who insist upon working the foghorn in fair weather, and that we need more men who are willing to pin their faith to constructive measures of immediate necessity.

No better illustration of the situation can be found than the present condition of Alaska. We are all agreed that conservation is the need of the hour. Indiscriminate waste is our great enemy in public and in private life. We are all agreed that the wonderful resources of Alaska should not be made the subject of monopoly and greed; and we are all bound to recognize that the character of Alaska is such as to encourage the natural opportunities for monopoly. It is undisputed, therefore, that every measure of precaution should be adopted, so that these resources may not fall a prey to centralized power outside of the Government. But is it not equally clear that true conservation means intelligent use, and that nothing is gained by merely tying up these vast resources that lie at our feet? It is not only poor economy to pursue such a lifeless policy, but it is rank injustice to the pioneers of Alaska. It is not only a problem of millions invested in that territory; there is a human phase of this question. He who has seen the men of strength and courage who have gone to that territory, to help conquer it and to cast their personal fortunes with it, can not but feel that every day's delay in a rational development is a crime. When Seward had the sagacity to buy Alaska for $7,500,000 he was burned in effigy in some places in this country. To-day we are prepared to burn in effigy any man who has the courage or intelligence to submit for consideration any plan by which the Alaska problem might be worked out.

This condition of things is but an illustration of a general condition. We are quick to discuss remote propositions, and we are very slow to face immediate problems. Chief among these, in my judgment, is the industrial and commercial condition of this country at this time. This condition is abnormal. We have had a reaction from a system which prevailed too long. We were fortunate in having men of energy and courage to call a halt. We have provided measures which now have been sufficiently interpreted and tested to guarantee a practical control of the extravagances and dangers which had prevailed. But there is another side to the picture which, in my opinion, it is time to consider. At present we boast of the growing exports from our country, and we triumph in the defeat suffered at home by some of the largest exporters. It is perfectly consistent to do both—to rejoice in our growing exports and to admit that our commercial system has not been properly conducted. But we must not close our eyes to the inconsistency. We can not escape the conclusion that we have not provided a system under which the industries and the commerce of our

country, domestic and foreign, can be consistently and legally conducted. Government has provided the arm to punish, but it has not provided the corresponding arm to construct. It has said with emphasis how things shall not be done, but it has so far refrained from saying how things may be done. The system in vogue at the present time is an inevitable development of the conditions that had prevailed. Our industrial and commercial organizations are all the creations of individual States. These organizations are engaged in interstate and international commerce. The necessities of so large and extensive a commerce made combinations between State organizations unavoidable. Any one State might organize a large enough corporation, but no State could guarantee admission into any other State. The combinations organized in consequence were, at least in part, unavoidable. State authorities undertook to regulate and control these industrial and business organizations, whose enterprise was really beyond the reach of any particular State. The result was inevitable failure. Recognizing this, the Federal Government enacted the antitrust laws, invoking the authority to regulate interstate commerce, for the purpose of denouncing improper combinations and monopolies. In other words, the National Government alone was able to cope with what was essentially a national problem.

The difficulty is that the National Government provided only the negative measure and has so far failed to provide the positive measure. One is as essential as the other. If governmental authority undertakes to denounce and to punish what is evil, it must at the same time assume the responsibility to declare what is proper and what will be protected. This the National Government has so far failed to do. If the Federal Government undertakes to dismember organizations engaged in interstate and international commerce because they are combinations in restraint of trade, then that same Government ought to provide the form into which a legitimate national organization may be cast. As the law reads to-day no industrial or commercial organization, existing or prospective, can determine whether it is right or wrong. The very circumstance that it is created by one State, and by reason of its capitalization or for other reasons can not enter an adjoining State, and may be compelled to have a separate organization in that adjoining State, and may, therefore, be compelled to have an association of several separate State organizations, casts upon it the blemish of doubt and suspicion. It has no way of knowing whether it can stand the test or will ultimately be condemned until it has the advantage of a final decree of the highest court of the land. No organization of sufficient importance to be entrusted with interstate or international commerce can be secure until it has been fortunate enough to have the Department of Justice at Washington file a bill against it to have its case tried out and to have the highest tribunal determine what it may do with safety and what it must abandon. The anomalous result is that with this one-sided system there is an arm of the Government to strike and no arm of the Government to protect. The only authority which can to-day issue a proper charter to a commercial or industrial organization of consequence is the Supreme Court of the United States. Commercial charters are issued in the form of decrees.

I submit that this is an unwholesome condition, which presents one of those immediate practical problems to which the statesmanship of the day should address itself. I submit that the industries and the commerce of this country should take heart, make known their wants, point out the anomalous dangers, and insist upon the adoption of some constructive plan under which large business may be done with security. We have been unmindful of the fact that this branch of our Government has not been adequately equipped. Our great competitors across the seas do not suffer in like manner. They have departments of commerce, equal in dignity to any other department, and they have chambers of commerce organized to promote cooperation and the expression of their wants. In our country the corresponding department is a mere suggestion. I need not say that the change can not be wrought in a year, or for that matter in many years. It takes more than a law and more than an appropriation to organize a department of commerce that shall be prepared to cooperate intelligently for the protection of legitimate enterprise, for a commerce that will play the game within the rules and still be strong and enterprising enough to develop the needs of the most promising Nation on earth. We have done such things at home. We have a Department of Agriculture which is spending millions upon millions of dollars every year to spread intelligence about farming; to demonstrate to what uses the soil may be put and in what manner the product may be protected; to show, in other words, how the great agricultural resources of our country may be intelligently, economically, and profitably availed of. In like manner it appears to me a properly constituted department of commerce should be organized to be in touch with the commercial bodies of the country, to gather information abroad and at home, to distribute that information, and to furnish advice not only as to opportunities at home and abroad, but as to measures to be adopted to avail of those opportunities. We need not fear the strength of our neighbors; we may rejoice in it; but we should be organized to make successful competition with the best of them.

It appears to me that there is no time better than this for the inauguration of such a plan. The President of the United States by a fair, frank, and patriotic attitude has given encouragement to the cooperation of all the forces of our country. There has never been a time when the individual State and each particular section has been so prompt to rejoice in the prosperity of every other State and every other section. There has been no time in our history when we have so completely realized our mutual dependence and the real meaning of a union. Whatever may have been true in the past, we all know now that political differences must fade before a common cause such as this is. We all know, for illustration, that if a protective system is found to be advantageous to one section of the country, other sections have not been slow to seek the same advantage. We all understand that if a protective system for the entire country no longer finds sufficient political support in one section to make it secure, there are other sections which by their own needs may be compelled to provide such support as may be lacking. If this is true, more must be true of the problem to which I have attempted to direct attention. With respect to it there is no possibility for political difference. In the last analysis no antagonism between State rights and nationalism is involved. The problem is essentially a national one. Even at home, between the different States, the Federal Government has assumed to denounce what is wrong, and correspondingly must assume to say what is right. Beyond our borders individual States have no jurisdiction at all. Under any construction of the Constitution a purely national question is involved, and we therefore have common ground upon which we may consistently call all sections and all States to cooperate for the consummation of a purpose which is as universal as is the union of our people under the Constitution.

Financial Reform Proposed by the National Monetary Commission.

EXTENSION OF REMARKS

OF

HON. RICHMOND P. HOBSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 9, 1912.

Mr. HOBSON said:

Mr. SPEAKER: In order to meet the demand for information with reference to the financial reform proposed by the National Monetary Commission, I engaged Mr. R. C. Milliken, a monetary expert, in the Bond Building of this city, to prepare a critical analysis of the same, which I incorporate with my remarks. Mr. Milliken has given years of study to monetary science, has had an extensive corporate experience, is widely traveled and closely observing, and being possessed of an analytical cast of mind, he is especially fitted to treat of this important and intricate subject:

AN ANALYSIS OF THE ALDRICH MONETARY PLAN.

[Prepared for Hon. R. P. HOBSON, M. C., by R. C. Milliken, monetary expert, Washington.]

FUNCTIONS OF THE NATIONAL RESERVE ASSOCIATION.

As this is the only corporation called a "reserve association," it is necessary to state its functions as prescribed by its proposed charter in order to classify it. Among other things, it is authorized to "adopt and use a common seal"; "to have succession for a period of 50 years from the date of its certificate"; "to make all contracts necessary and proper to carry out the purposes of this act"; "to sue and be sued, complain and defend in any court of law or equity, as fully as natural persons"; "to elect or appoint directors and officers in the manner hereinafter provided and define their duties"; "to adopt by its board of directors by-laws not inconsistent with this act, regulating the manner in which its property shall be transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed"; "to purchase, acquire, hold, and convey real estate as hereinafter provided";

"to exercise by its board of directors or duly authorized committees, officers, or agents, subject to law, all the powers and privileges conferred upon the National Reserve Association by this act"; to act as the fiscal and disbursing agent and depository for the United States Government; to purchase and sell Government and State securities or the securities of foreign governments; to fix rates of discount; "to deal in gold coin or bullion, to make loans thereon, and to contract for loans of gold coin or bullion"; to purchase from or sell to its subscribing banks checks or bills of exchange arising out of commercial transactions, payable in foreign countries; to open and maintain banking accounts in foreign countries and to establish agencies in foreign countries to purchase, sell, and collect foreign bills of exchange, checks, and prime foreign bills of exchange; and to issue notes. The principal functions of its branches are, viz: (1) to rediscount for any depositing bank notes and bills of exchange having a maturity of not more than 28 days which were made at least 30 days prior thereto; (2) to rediscount for any depositing bank notes and bills of exchange arising out of commercial transactions having more than 28 days but not more than 4 months to run, when such paper is guaranteed through a local association; (3) to discount the direct obligation of a depositing bank, indorsed by its local association and secured by the pledge and deposit of satisfactory securities, provided the governor of the National Reserve Association declares the public interests so require, to be concurred in by the Secretary of the Treasury. The functions of the local associations are to guarantee each other's commercial paper.

I have thus summarized all the important functions of the National Reserve Association, its branches, and local associations, so that the reader may compare them with the functions of the European central banks. I can find no difference myself, nor is there any reasonable excuse for not terming it a central bank.

I object to the Aldrich plan for the following reasons:

1. Because the control is lodged with the banks, which are selling credit for profit, whereas the head of the credit system should be controlled exclusively by such merchants as are neither engaged in speculative enterprises not the sale of credit for profit, as they are the permanent regulators of the interest rate.

2. Because a bankers' controlled head of the credit system is a combination which will surely limit, if it does not absolutely destroy, competition in banking, and thus leave us without an immediate and permanent regulator of the interest on money.

3. Because a bankers' controlled central bank will result in its being used as a "feeder" to a few favored banks (to the great injury of a vast majority of the other banks) instead of as a public service corporation.

4. Because it purposes giving congressional sanction to the most pernicious practice of American corporate management at present, viz, the control of one corporation by another corporation doing the same class of business.

5. Because it is preposterous to think of the fiscal agent of the Government being controlled by men who are personally interested in the purchase and sale of stocks and bonds.

6. Because the blending of the executive, legislative, and inspection departments of this plan not only renders it quite impossible to locate acts of omission and commission, but it will destroy the symmetry which should exist under a properly controlled head of a credit system.

7. Because the control will be in the hands of dummies from directors to governor, as no one of them can own a dollar of the stock of the corporation they can bind for hundreds of millions of dollars.

8. Because the voting units are so numerous and scattered that the ultimate control will fall in the hands of a very few prominent units.

9. Because the very nature of the central bank's business is such (in acting as the reserve agent of the other banks) as will give those in actual control an insight into general monetary movements; and to impart such insight to those engaged in the sale of bank credit for profit is preposterous, and will surely result in scandal, if it does not actually prevent, on many occasions, the central bank rendering effective its discount rate in turning the tide of foreign exchanges. It will make traitors of the few favored bankers in immediate control. If they play the rôle of philanthropists and use such insight for the public good they will be traitors to the stockholders of their private banks they are pledged to serve, and vice versa if they use it for private gain. No honest banker of refined sensibilities would accept such a position and no dishonest one should be permitted to accept it.

10. Because it purposes giving congressional sanction to the legislative monstrosity of the nineteenth century by adopting for this bank our fixed and archaic national bank reserve principle, as a test of solvency, which is unsound and unscientific. It teaches the public two monetary fallacies, viz: (1) That the ratio of a bank's cash resources to its total demand liabilities should be uniform throughout the year, when experience teaches us it fluctuates according to the demands of trade. (2) It gives undue emphasis to the smallest portion of a bank's assets, thereby detracting from the more important factor—the convertibility and character of the whole of its assets.

11. Because there is a manifest distrust in those who are to control the central bank by limiting their authority in such a manner as to render it impossible for them to act for the best good. No corporation can possibly accomplish the best results with such straight-jacket restrictions contained in this plan. The solution is the creation of a "bank parliament" for that institution.

12. Because it is unsafe and unsound to remove so vast an amount of unliquid obligations as the 2 per cent bonds now used for circulation from the shoulders of the national banks with capital and surplus aggregating one and a half billion and place them on a new and untried institution with a capital of only $150,000,000.

13. Because the plan reintroduces a new credit instrument, the domestic bill of exchange, without properly safeguarding against the abuses of it which existed under the old State banking system.

14. Because no provision is made to prevent inflation of credit through bank deposits.

15. Because the institution which should be forced to maintain a sufficient supply of gold for the protection of public and private credit is authorized to redeem its own obligations in "lawful money," which means greenbacks, Treasury notes, and silver certificates. Such provision will prevent our ever establishing a free market for gold.

16. Because it proposes to authorize the national banks to lend on real estate, the most unliquid of securities. Such institutions in all other countries are regarded as loan or debenture companies, and not banks, with limited authority to accept deposits.

17. Because the plan in toto is a currency-reform scheme, when we need bank reform, because the bank check has virtually supplanted the bank note in the United States and in England. There is no "flexibility" in the English bank-note currency, but there is ample flexibility in the English banking system, both in deposits and reserves.

THE EFFECT OF GIVING INCREASED MOTION TO MONEY.

Gilbart says, "To give increased motion to money has precisely the same effect as to increase the amount." That statement is amply verified by the actual experience of our national banks for 42 years, 1867 to 1909. During the first period of 30 years (1867–1897) their total deposits increased from $750,000,000 to $2,000,000,000, as compared with an increase of from $2,000,000,000 to $7,000,000,000 for the second period of 12 years (1897–1909). The average annual increase in deposits during the first period was $43,000,000 as compared with over $400,000,000 for the second, the ratio of increase during the second over the first period being 793 per cent. Now, when we consider that the banks operating under State charters have deposits exceeding $10,000,000,000 it is no wonder to the students of the science of credits that we should have inflation from bank deposits. The statesmanship of France recognized years ago the danger arising from giving velocity to money, through bank deposits, when it caused the organization and safeguarding the control of their caisse (their central bank for savings banks) and the enactment of a law compelling all the savings banks to remit their deposits to the caisse for investment. French statesmanship did not stop there, but went further and enacted a law prohibiting any person from depositing during any one year exceeding $300 in any one or number of savings banks. Thus French statesmanship encourages the patronage of savings banks by their industrial classes until they have accumulated a corporate unit, which with them is 1,000 francs ($200), and then it encourages them to become investors; whereas our statesmanship encourages our industrial classes to use savings banks as investment institutions and thereby retain a demand mortgage on our prosperity instead of becoming investors and being a part and parcel of our prosperity. So long as we retain this system just that long will our prosperity be over a powder keg and subject to be blown to atoms at any moment of unrest.

OUR TOTAL BANK LOANS AND DISCOUNTS.

With a total of seventeen billions of deposits—demand obligations principally—our banking institutions have more than fourteen billions of loans and discounts, while there is less than two and a half billions of money in the country in and

out of banks. If those loans and discounts represented real commercial transactions for productive—as distinguished from speculative and consumptive—credit and were payable at short and fixed periods there would be no inflation of credit resulting from our abnormal banking business, and those institutions would be a great blessing, but the vast majority of those securities are neither convertible nor represent productive commercial transactions.

In proof of this proposition I cite the law announced in the report of the "bullion committee," a committee appointed in 1810 by the House of Commons. That law is recognized by all philosophers of credit as absolutely sound. This is it:

LAW OF THE "BULLION COMMITTEE."

There can be no possible excess in the issue of Bank of England paper, * * * so long as the discount of mercantile bills is confined to paper of undoubted solidity, arising out of real commercial transactions and payable at short and fixed periods.

But Henry Dunning McLeod, the famous Scotch philosopher of credit, in his History of Economics, page 400, says: "Deposits are nothing but bank notes in disguise." If this be true, then the law applicable to bank notes should be applied to bank deposits, because through notes you increase the amount of money, while through bank deposits you give increased motion to money which has precisely the same effect. Before concluding these remarks concerning safe and sound commercial banking as it is practiced in all European States except Germany, let me direct attention to the disastrous financial panics which have occurred in this country. The principal cause of each was speculation and overtrading, and a different credit instrument was employed to produce those conditions.

OUR FIRST PANIC.

Our first panic culminated in 1787, at the formation of the Government. The cause was speculation and overtrading, and the credit instrument employed was "bills of credit" or "promises to pay money" issued by authority of the States and Continental Congress. In 1780 our Continental "bills of credit" were worth 2½ cents on the $1; by 1781 they were valueless. Hence the phrase, "Not worth a Continental." The great statesmen who formed our Government—the greatest number of wise statesmen ever convened in one assemblage of men—did not possess among their number one philosopher of credit who also possessed the constructive faculty. Hamilton was the one delegate who, by his writings, showed he understood the theory of credit, was not a constructive genius. In consequence the Constitution merely empowered Congress to "coin" money, and prohibited the States from issuing bills of credit or making anything a legal tender in the payment of debts except "coin." That was merely declaratory of the monetary policy of the mother country which had never placed her name on a piece of paper to pass current for money. Had those "bills of credit" been issued for productive credit arising out of real commercial transactions to solvent persons furnishing convertible paper payable at short and fixed periods, then no possible harm would have resulted. Instead they were issued as real money for speculative transactions.

OUR SECOND PANIC.

The second panic culminated in 1837, being caused by speculation and overtrading, and the credit instrument employed was the bank note—the notes of the old State banks as well as the second United States Bank. No thought was given to the convertibility of the security back of those notes by the vast majority of the banks issuing them. They were issued for the purchase of land, and in many instances for unproductive lands. Lands are the least mobile of investments, the best of security for those who have capital to tie up in long-time investment, but most unsafe for loans of trust funds held payable on demand.

OUR THIRD PANIC.

The third panic was in 1857, and, like the two previous ones, was caused by speculation and overtrading, and the principal credit instrument employed was the bill of exchange. This purely commercial instrument was used to purchase real estate. Through this credit instrument, the safest credit instrument ever employed in commerce, the banks of that day violated in the most flagrant manner the law of the convertibility of bank securities.

In proof of the fact that the bill of exchange, rather than bank notes, was the effect of the 1857 panic, I have but to refer to the history of Texas, my native State. The Texas Republic gained her freedom from Mexico in 1836 through citizens and former citizens of the United States, who knew from actual experience the evils resulting from inflation of credit through bank notes. Therefore the able and patriotic statesmen who formed the Texas Republic, not one among them being a philosopher of credit, would not create a bank of issue. The people would not accept paper money of any kind until after the panic of 1873, and the first issue bank organized in the State was a national bank after the Civil War. Yet there was inflation of credit in 1857 through the bill of exchange credit instrument. Bills of exchange were in general use during and previous to 1857, and they were accepted by bankers and others for the purchase of real estate and other speculative purposes. It was the abuse of this safe commercial credit instrument in most sections of the United States which caused the authors of our present national banking system to refuse to permit its use by those institutions, and thus it was that our bill markets were destroyed.

OUR FOURTH PANIC.

The fourth panic was in 1873, caused by the wild speculation following the Civil War. The credit instrument employed was our "bills of credit" (greenbacks) and bank notes secured by Government bonds, which were the same as "bills of credit," as all looked to the security and not to the banks issuing those notes for their redemption.

OUR FIFTH PANIC.

The fifth panic was in 1893. Considerable speculation and overtrading preceded this panic, but the principal cause was the lack of confidence on the part of the Government's creditors in our good faith to maintain the gold standard of values. Both of the political parties had been flirting with the "silver question" since 1878. In the latter year the Government embarked in the silver-purchasing business, and when the term of that contract ceased we were given the Sherman silver purchase act of 1890.

OUR SIXTH PANIC.

The sixth panic was in 1907, caused by wild speculation, and the credit instrument was the bank deposit. Our bank deposits were not the cause but only the effect of that panic. We had by that means given too great velocity to our money, and the security behind those deposits was not convertible and represented speculative transactions. The best illustration of the increase of deposit banking in the United States is to compare the years of 1860 and 1910 in New York alone. The deposits of all the banking institutions in New York were only $15,000,000 in 1860, as compared with more than $3,000,000,000 in 1910. Lest the unthoughtful conclude that bank deposits be a criterion of prosperity, I shall remind them that during 1910 the total savings deposits of the six New England States aggregated $1,373,000,000, as compared with only $63,000,000 for the six Western States of Kansas, Nebraska, Minnesota, Wisconsin, Indiana, and Oklahoma. New England has 7 per cent of our total population, whereas those six Western States have 12.6 per cent. No section of the country has been more prosperous during the past five years than those Western States. The difference lies in the character of the investments of the two sections. The wage earners of New England use savings banks as investment institutions, and thereby retain a demand mortgage on the prosperity of their section; whereas those of the Western States are a part and parcel of their prosperity. Under our present credit system speculative and consumptive credit is too cheap and too easily obtained, and productive credit is too high and too difficult to obtain, while under superior credit systems those conditions are reversed.

CAUSES FOR THE ABNORMAL GROWTH OF OUR BANKING BUSINESS.

In this brief pamphlet I can only enumerate the three principal causes for the abnormal growth of our banking business, and it is out of the question to illustrate my propositions with argument and citations to the actual experiences of this country and Europe. Such a task would require a large volume and entail the expenditure of considerable labor. Those causes are:

1. Our failure to organize a permanent regulator of the interest rate.

2. Our failure to maintain immediate regulators of the interest rate. Illustration: The State grants men a bank charter ostensibly to sell credit, but who actually use such charter to collect deposits to be used in their own enterprises. In no country but America and Germany do promoters control the banks of deposit and discount.

3. Our unscientific, unsound, and paternalistic legislation. Illustrations: (a) Of the three methods of raising a banking capital, viz, by issuing of notes; by accepting of bills; and by receiving of deposits, the two former are the safest, and against those two we have placed a legislative embargo. (b) Our paternalistic supervision and guaranty of deposit laws. Capital, like man its creator, is timid, and any law which tends to make it bold is unnatural and will result in injury.

This legislation is based on the false theory that the masses of producers can not have too much idle money hoarded in banks. The inevitable result of such a monetary fallacy is that the wealth produced by the toiling masses will gravitate from the hands of the many into the hands of the few who control those funds.

In 1786 William Paterson, one of the framers of the Constitution and for years a member of the Supreme Court, wrote the following letter:

An increase of paper money, especially if it be a tender, will destroy what little credit is left; will bewilder conscience in the mazes of dishonest speculations; will allure some and constrain others into the perpetration of knavish tricks; will turn vice into a legal virtue; and sanctify iniquity by law, etc.

The same charges may be made with equal force against a bad and abnormal credit system.

REMEDY FOR OUR CREDIT EVILS PROPOSED BY ALDRICH PLAN.

The remedy for our credit evils proposed by the Aldrich plan is the organization of a bankers' controlled head to our credit system, a class which is excluded from the control of every central bank in Europe. The so-called "central bank" is nothing but a bank of commerce, and I can not imagine a real bank of commerce unless it be controlled exclusively by commercial men, not for profit, but as the permanent regulator of the interest on money, and if we are to ever have a monetary system in this country we must place the permanent regulators of interest in control of the head of the system. Let us compare the Aldrich plan with the English system. I take the English system because England and America have employed the bank check more extensively than any other countries. The stability of values in England, so far as banking has to do therewith, rests upon these two facts, viz: (1) That the head of their credit system is controlled by the "great merchants" not for profit, but as the permanent regulator of the interest on money; (2) while their banks of deposit and discount are controlled for the profits to be derived from the sale of bank credit, and the competition prevailing among them is the immediate regulator of the interest on money.

THE PHILOSOPHY OF THE ENGLISH SYSTEM.

The philosophy for this system was first announced by James W. Gilbart 85 years ago in section 11 of the Principles and Practices of Banking in these words:

Now, we can form a judgment as to what portion of his profits a merchant is willing to give for the loan of a sum of money, but we can form no judgment as to the conduct of a profligate rake who wants money to spend on his follies. A king or a government is in the same state. They will borrow money as cheaply as they can; but, at all events, money they will have. We can not, therefore, infer that, because Charles II gave, at times, to the new-fashioned bankers 30 per cent for money, the average rate of profit exceeded 30 per cent. May not, then, those advances to the King have had the effect of raising the interest of money, and thus justify the accusations of Sir Josiah Child?

When a number of commercial men borrow money of one another, the permanent regulator of the rate of interest is the rate of profit; and the immediate regulator is the proportion between the demand and the supply. But when a new party comes into the market, who has no common interest with them, who does not borrow money to trade with, but to spend, the permanent regulator (the rate of profit) loses its influence, and the sole regulator is then the proportion between the demand and the supply. The loans to the king created a much greater demand for money, and the rate of interest consequently rose. These demands were to so great an amount, and were so frequently repeated, that the rate of interest became permanently high. Many individuals would no doubt (as Sir Josiah Child states they did) withdraw their capital from trade, and live upon the interest of their money. And others, who were in business, would employ their superfluous capital in lending it at interest, rather than in extending their business. Those commercial men who now wanted to borrow money must give a higher interest for it than they did before. To enable themselves to do this, they must charge a higher profit on their goods. Thus then, in the artificial state of the money market, it appears reasonable to suppose that the rate of interest may have regulated the rate of profit, instead of the rate of profit regulating the rate of interest, which is the natural state.

Thus wrote Gilbart, a Fellow of the Royal Society, a man who devoted 50 years to the banking business and who was the most profound philosopher of credit of the nineteenth century. He did more to destroy the monopoly of the Bank of England and to give to his country its present banking system than any individual in the United Kingdom. He appeared before more parliamentary monetary commissions during the first half of the last century than any person in the world. His opinion on banking and bank credits was more sought after than that of any person of his age. He was the most prolific writer on monetary subjects of his day, and his "Principles and Practices of Banking" and "Logic of Banking" are classics and translated into the language of every country having international commerce, yet the National Monetary Commission, which gave to the country a vast amount of monetary literature, much of which is not worth shelf room, did not publish a line from him.

PROOF OF UNWORKABILITY OF ALDRICH SCHEME.

In proof of the utter unworkability of the Aldrich scheme I offer the testimony of Sir Felix Schuster, governor of the Union of London and Smith's Bank, taken by the National Monetary Commission and published as "Interviews with European Bankers," pages 49, 50, and 51. To the question "What steps are most effective in attracting gold or in preventing its outflow?" Sir Felix made the following reply:

A. The raising of the discount rate, not only of the nominal Bank of England rate but of the market rate as well. You often have a condition which you describe as the open-market rate—that is, 1 or 2 per cent lower than that of the bank rate—and in those conditions the bank has no influence whatever. What the bank have to do under those conditions, if they wish to attract gold and prevent its leaving, is to pay more in the market for money than other people would; they must artificially raise the value of money outside; they immediately become borrowers and sweep up all floating supplies at a higher rate than a discount broker would pay us. They do not do it themselves. In one instance they have done it direct, but in most cases they employ a broker. They give security for those loans, and in a short time they sweep up the surplus funds, and that becomes effective in raising the discount rate. That again has an influence on foreign exchanges. It is the foreign exchanges that regulate the outflow and influx of gold, and foreign exchanges can only be regulated by the value of money.

In reply to the question "What would you say are the most important functions of the Bank of England?" I quote the following excerpts:

A. At the present time? Not when the bank enjoyed a monopoly and was selling credit for profit, but now when it is controlled by the "great merchants" as the permanent regulators of interest?

Q. Yes.

A. "The Bank of England is the central reservoir of the whole banking system of the United Kingdom," as the reserve agent for all the other banks which choose to make them such. "They can judge better than anybody else from the state of the balances of the joint-stock banks how trade is in the country, whether there is a large demand for money, whether those balances show a tendency to shrink, or whether they show a tendency to accumulate. That in itself gives them an insight, and consequently power."

Suppose the Bank of England were controlled by bankers instead of merchants, as proposed by the Aldrich scheme, then the few bankers in actual control would have the same "insight" into monetary movements as the Bank of England, but the bankers would use such "insight" for private gain instead of for the public good. In the natural order of things some must have an "insight" in advance of others, as it is impossible to impart information to all simultaneously, but it is preposterous to think of giving it to those who would use it for private gain. Such a scheme of special privilege would not only be a crime against the vast majority of bankers not in actual control of the central bank—as well as the millions of the people at large—but it would prevent the bank on many occasions from rendering effective its discount rate and turning the tide of foreign exchanges. What is still worse, it would bring on a panic for many bankers to get into a scramble for gold, as the very inkling of such a condition would cause the public to hoard their money. Sir Felix Schuster states with clearness the Bank of England's modus operandi under such conditions. He says the bank must act quickly—within a week—between bank statements, as well as secretly, through brokers in purchasing the surplus supplies of money in order to render effective their discount rate which will cause an influx of gold, and in making such purchases they are not respecters of persons or institutions, but the greatest supplies are obtained from the banks which sell it in ignorance of the purpose for which it is sought.

HOW SCANDALS WILL OCCUR UNDER ALDRICH BANK.

The banker is the greatest demand debtor known to the business world, and when he needs money he needs it immediately—to-day, not to-morrow. Therefore to place bankers in control of the ultimate reserve agent and impart to the favored few an "insight" into the most vital secrets of competitors would produce scandals the like of which was never experienced in this country. The mere breath of suspicion during panicky times is frequently sufficient to destroy a sound banking institution. Are there not numerous instances in New York during the 1907 panic in which bankers mercilessly destroyed their great rivals? During the same panic the Bank of England, single handed and alone, went to the rescue of a large London bank which all the other banks refused to aid. There was no patriotism in that act on the part of the Bank of England. They knew if that bank failed a panic might ensue and the distress resulting therefrom would be incalculable. They were the owners and possessors of large stocks of merchandise, the styles of 1907–8, which had to be disposed of during that season and not the following season, when they would be supplanted by new styles. It was therefore to the selfish interest of those controlling the Bank of England to supply that bank with immediate cash resources. When the great American merchants assume the responsibility which their vocations naturally fit them to perform, then and not until then will we have true monetary reform.

WHY THE CENTRAL BANK SHOULD NOT ASSOCIATE WITH BANKERS.

Before closing this phase of the subject, I shall again quote from the testimony of Sir Felix Schuster. It is this:

> There is one thing I should like to say; there is no official way of communicating, no regular meeting between the banks and the Bank of England. I, for one, most strongly advocate that there should be periodical meetings. The Bank of England are not members of the clearing house. They do not take part in the ordinary meetings that bankers have amongst themselves; they stand aside. There is no vehicle of communication.

Sir Felix states existing conditions in the banking business of England with force and clearness, but if the last quotation is a fair sample of his ideas of reform I doubt if they will carry much weight. He withholds his reason for the suggestion that the Bank of England have periodical meetings with the London bankers, and as he is the only European banker who suggested such a change to the Monetary Commission, I am a little curious to know his reason. I am free to confess I can not imagine one good reason why the Bank of England should associate with the London bankers, but I can give many reasons why they should not do so. If they should adopt his suggestion, they would surely be charged with playing business politics in tipping "insights" to this and that bank, and that would lose them public confidence and the State would revoke their charter. Both are engaged in the banking business, but for entirely different purposes. The competition between the Bank of England and other banks is so infinitesimal that Sir Felix stated to the commission: "It is very difficult to specialize and to say where they compete with us." No Gary dinners for the Bank of England.

VOTING UNITS UNDER ALDRICH PLAN TOO NUMEROUS.

There are now more than 25,000 banks which may qualify as voting units for the directorate of the Reserve Association. Assuming those banks are controlled, on an average, by 10 stockholders each, then the Reserve Association would have 250,000 voting units. The Bank of France has but 200 voting units, the Bank of Belgium 528, and the Bank of England approximately 300. Not one of those three great banks is stock controlled, their stock being used merely as one of the qualifying factors of the voting unit. As I have heretofore stated, the most important qualifying factor of the Bank of England elector is the "great merchant" interest. Where the voting units are so numerous and scattered, as is contemplated by the Aldrich plan, the control will ultimately fall into the hands of one or a very few prominent units. This statement is amply verified by the control of our so-called "mutual" life insurance companies. The two largest of those companies have, respectively, 1,000,000 and 750,000 voting units (policy holders), and at their 1908 elections there were only 62 and 97 voting units who exercised their right of franchise. Such elections are farcical, because the value of each voting unit is so infinitesimally small that it is a waste of postage to attempt to record them individually; but those on the "inside," by collecting proxies by the thousands through their highly paid and well-organized agency forces, make those voting units most valuable in perpetuating their control of nearly a billion and a half of wealth.

ANALOGY BETWEEN A "MUTUAL" LIFE COMPANY AND THE ALDRICH BANK.

Before pointing out another analogy between the control of our great "mutual" life insurance companies and the Aldrich bank, I shall first contrast a bank with a life insurance company:

1. The object of a bank is to economize capital, while that of a life company is to capitalize human life—the most valuable wealth of any country.

2. A bank is the seeker of deposits, paying the minimum rate of interest, while the life company is the greatest accumulator of cash resources, for which it is the seeker of safe depositories paying the maximum rate of interest.

3. A bank is based on the fickle law of public confidence, while a life company is based on the stable law of mortality. Destroy confidence in an absolutely solvent bank and you ruin it financially, because its obligations are demand obligations and its fabric is a fickle one; but destroy confidence in a sound life insurance company and you make it relatively stronger financially, for its obligations are deferred for years in the future and its fabric is a stable one, the most stable fabric of all corporations.

It will be observed from the foregoing contrast that the life company is the bulwark of a bank, but, as the premiums are collected from the masses, it should become the bulwark behind the banking system of the country instead of some private bank owned by one individual. Those two life insurance companies being "mutual" have no stock, and their direct profits must go to their policy holders. Therefore the only remuneration those in control can receive is by indirect profit, viz, by using them as depositories for their private banks and as "feeders" to their own promoting companies. During the year 1902 one of those companies "purchased" four lots of brand-new securities, aggregating $23,235,000, which were the same year issued from the printing presses of the promoting firm of which the chairman of the finauce committee of the life company was a member. Those securities had no market value, as they had never been placed on the market to establish a value when "sold" or fed to the life company. The same individual who fixed the selling price for the promoting firm also fixed the "purchasing" price for the life company. The indirect profit of the promoting firm in those four transactions exceeded the direct profit paid the policy holders of the life company that year, the policy holders contributing $65,049,944 in premiums that year and the promoting firm contributing nothing.

There is no better comparison than the present control of those so-called "mutual" life insurance companies and the control proposed for the Aldrich central bank. The officers and agents of those life companies advertise to the world that the profits go to the policy holders, just as the distinguished author of that bank contends that its profits will go to the Government. No one doubts that the direct profits of the bank will go to the Government, just as the direct profits of those life companies go to their policy holders; but the indirect profits (graft) of that bank will go to the few in control, because the same antagonistic interests will control that bank as now control those life companies. The same men who are selling bank credit for profit in one institution will pretend to be selling it without profit in another institution, just as those in control of those life companies pretend to act in a spirit of philanthropy and at the same time use those funds as bulwarks behind their own banks and as "feeders" to their own promoting companies. If we had a real bank of commerce in this country to act as the fiscal agent of those life insurance companies we would remove the incentive to control them for indirect profit (graft) and make it possible for their policy holders to control them in a practical and efficient manner. The present political disturbance in this country is the direct result of the exposure of graft in control of the life companies, and if the antagonistic interests in their control are not removed we may expect to have such political and business disturbances repeated in the future. No man can serve two masters.

STRAIT-JACKET RESTRICTIONS OF THE ALDRICH BANK.

I never read a corporate charter with the many restrictions as are contained in that proposed for the Aldrich central bank. The charter comprises a pamphlet of 25 pages, whereas the charter and all the laws pertaining to the banking department of the Bank of England could be printed on one small sheet of paper. The greatest liberty of action is granted to those empowered with the control of the Bank of England, Bank of France, and Bank of Belgium. In consequence, they are never in politics and are free from constant legislative changes. M. Pallain, governor of the Bank of France, stated to the Monetary Commission, on page 189, "Interviews with European bankers," the following:

> No charge has ever been made that the bank favored or aided any political party. There is never any claim that politics enters in any degree into the management of the bank. Except for the renewal of the charter in 1897, no legislation affecting the bank has been enacted since 1857.

The average American thinks it impossible that so important an institution should run half a century without legislation. During those 50 years France had two revolutions and three changes of government, yet the "Peoples' Bank" did not undergo any change whatever from government legislation. The reason for such legislative freedom is plain to thinking persons. The statesmen of England, France, and Belgium who drafted the charters for the heads of their credit systems simply placed natural forces in operation and gave them power to act. The control of those three institutions are divided into three separate and independent departments, viz, executive, legislative, and inspection. No government supervision or inspection of any one of them, yet they are the three best inspected financial institutions in the world.

METHOD OF CONTROL OF EUROPEAN CENTRAL BANKS.

In considering the control of any corporation, especially the head of the credit system, we should not begin with the executive officers or directors (legislative body), but we must go to the very source of control—the voting unit—the flesh and blood which elects the directorate, because the director of a corporation is a business politician and may be relied on to execute the will of those electing him to office. The amount of bank stock required to qualify the electors (voting units) of the banks of

England, France, and Belgium are charter provisions, but the other qualifications are regulated in other ways, usually by by-laws. The bank-stock interest of the Bank of England elector is $2,500 (£500); the Bank of Belgium's, $2,000 (10,000 francs); while that of the Bank of France comprises its 200 largest stockholders not possessing some disqualifying interest. Those stocks are at a premium, and it requires an expenditure of $8,140 to purchase an electorship in the Bank of England and $8,685 in the Bank of Belgium.

OTHER QUALIFICATION OF VOTING UNITS.

The other qualification of the Bank of England elector is the "great merchant" who does not possess some antagonistic interest, namely, one who is not engaged in any speculative enterprise or the sale of bank credit for profit. The amount of mercantile interest required to make a merchant a "great merchant" is difficult to ascertain, in fact it varies, but I do not believe that the least of those "great merchant" electors has less than $100,000 invested in the mercantile business. Each elector has just one vote for the governor and directors. So that £500 of bank-stock interest gives an elector as much voice in control as does £5,000,000. Each elector is required to make an affidavit annually to ascertain his interest.

THE "BANK PARLIAMENT" OF EUROPEAN BANKS.

Each of those three banks has a "bank parliament" to legislate for the guidance of the executive officers, and the executive officers of those banks have more respect for a by-law enacted by their "bank parliaments" than do many American bankers for an act of Congress. The charter "bank parliament" of the Bank of England is composed of its electors and the charter parliamentary sessions are semiannually, but as their number is quite excessive—approximately 300—they delegated such parliamentary duties to the board of directors, composed of 24 persons. In the British Parliament every interest is supposed to be represented, whereas in the "bank parliament" only one interest can sit—the permanent regulators of the interest on money. By reason of the creation of their "bank parliament," the British public do not look to the members of their Government Parliament as monetary experts, as we in this country look to Members of Congress. They have divorced their Government from the banking business, and they have no kindergartens for bank presidents, as is our Treasury Department. No scandals occur in their monetary affairs, as often happens with us. Until we have organized a properly controlled head to our credit system and created for it a "bank parliament," we will continue to have monetary unrest.

HOW TO FORM A "BANK PARLIAMENT" FOR OUR SYSTEM.

We should qualify the voting units for our Bank of Commerce, just as does the Bank of England. Create for it a "bank parliament," composed of 49 members, one to be elected from each of the 48 States and 1 from the District of Columbia by the electors of the States severally. That would place the supreme (corporate) powers of the bank in the States severally. That would decentralize the control. It would be a revolution in the corporate management of the country as it is now conducted. The voting units of all our great corporations at present (the stock) is in New York, and their agents are in the States, and that is true whether the charters of such corporations provide that they shall elect officers and directors residents of the States granting those charters. Let the "great merchants" of Texas elect one of their number as a member of the "bank parliament," and then the commercial interests of Texas will be reflected by the legislation of such bank. That is the only practical method of electing the members of the "bank parliament," for the best merchants of Texas do not know the best merchants of Florida or Maine. Once per annum would be often enough for such "bank parliament" to meet.

REMEDY FOR OUR MONETARY ILLS.

Organize a properly controlled head to our credit system to act as the depository and fiscal agent for the Government and reserve agent for the other banks, to keep on hand an ample supply of gold for the protection of public and private credit, and to become the permanent regulator of the interest on money. It may or it may not be given the note-issue privilege, as such privilege would be worth little to it in performing its duties in America, where the bank check is so highly developed. By denying it such privilege we would avoid the hostility of an ignorant public sentiment which looks on such privilege as one of vast power.

ORGANIZE A SYSTEM OF JOINT-STOCK BANKS.

Organize also a system of joint-stock banks with capital of from $2,000,000 to $100,000,000 each, with authority to establish branches in this and foreign countries, but prohibit the establishment of a branch in this country during the first 10 or 15 years unless it be by absorbing some established bank or trust company. This latter suggestion is made to prevent the hostility of existing banks and thus avoid the powerful lobby which would defeat such legislation. Under this plan no existing bank could be affected for 10 or 15 years without its consent. Furthermore, this would give us a system by evolution rather than by revolution. We must work out of instead of being legislated out of our present condition of inflation.

AUTHORITY OF JOINT-STOCK BANKS.

Authorize these joint-stock banks to do a banking business and accept and indorse commercial bills of exchange. Impose a 10 per cent tax on every other class of banks or trust companies which accept, or indorse without recourse, any bill of exchange.

Now, in the absence of established bill markets in this country, is the time to guard against inflation through the improper acceptance of bills of exchange. The Aldrich plan authorizes national banks to accept bills, but after the establishment of bill markets there will be nothing to prevent every State bank, trust, and loan company from flooding the country with acceptances for speculative purposes. Then when Congress attempts to correct such abuse by imposing a tax this city will be overrun with lobbyists to prevent it. Make it the purpose of these joint-stock banks to sell credit for profit instead of becoming credit "feeders" to other enterprises and do not curse them with legislative fetters as we have done our national banks.

COMMON-SENSE FLEXIBLE RESERVES COMPARED WITH FIXED LEGAL RESERVES.

Ours is the only country having fixed legal reserves for banking institutions. All other countries have common-sense flexible bank reserves. The actual reserves of a bank fluctuate according to the demands of trade, regardless of the law of Congress; and to attempt to legislate a probable science into an actual one violates a natural law the penalty for which is always severe. The commission provides that the national reserve association shall maintain a "legal reserve" of 50 per cent in "lawful money." The principle is unscientific and unsound, because the true test of a bank's solvency depends on the liquidity and soundness of its entire portfolio instead of the extra liquidity of the smallest portion of its portfolio. The Monte de Piedad of Mexico, one of the largest banks of that country, had a specie reserve of 50 per cent of its entire obligations shortly before its failure, but its other assets consisted principally of nonconvertible real-estate mortgage securities. The ratio fixed by the commission is mere guesswork, and in establishing it they ignored the experience of all the great banks in the world as well as the opinions of foreign experts. In proof of this I refer to page 188 of the English Banking System, published by the commission as Senate Document No. 492, Sixty-first Congress, second session, showing the ratio of specie to demand obligations of—

	Per cent.
Bank of England	38.4
Bank of France	75.3
Bank of Germany	37.1
Bank of the Netherlands	58.0
Bank of Belgium	17.4

Those were the specie ratios of those banks at the time the authors were recording that historical data. Had they chosen other dates they would have found different ratios. Not one of those banks operates under a fixed reserve law. They have no such legal bugaboos to frighten the public into panic. During the 1907 panic the New York banks closed their doors when their reserves reached 24.69 per cent, which was nearly 50 per cent in excess of the reserve of the Bank of Belgium when those authors wrote that history. The lowest reserve mark of the New York banks during the 1907 panic was 19.98 per cent, and that for one day only. This is indisputable proof of the fallacy of the specie test of bank solvency.

ANOTHER SERIOUS DEFECT OF THE ALDRICH PLAN.

At the present time we have the gold standard only by declaration of Congress. The declaration for a standard of values and the actual maintenance of a standard of values are two entirely different propositions. As I have said heretofore, one of the most important duties of the head of the credit system is to maintain the standard of values by keeping an ample supply of gold on hand. If they can not buy gold at one price they must buy it at another; but they must buy and keep an ample supply at all times. The Aldrich bank is authorized to redeem its own obligations in "lawful" money, that is, greenbacks, treasury notes, and silver certificates. That provision will enable the bank to lean on the Government instead of the Government forcing the bank to protect our public and private credit. We can never have a free gold market so long as the head of the credit system enjoys such special-privilege legislation.

The Panama Canal.

EXTENSION OF REMARKS
OF
HON. WILLIAM D. STEPHENS,
OF CALIFORNIA,
IN THE HOUSE OF REPRESENTATIVES,

Friday, August 9, 1912.

Mr. STEPHENS of California said:

Mr. SPEAKER: As shippers and receivers of freight, the people of the Pacific coast have for years been held in commercial bondage by the transcontinental railroads. They have long endured exorbitant freight charges under protest, and have looked eagerly to the time when the Panama Canal would be completed, for in that great waterway, they believe, is to be found a permanent means of regulating transportation charges that have always been levied under the railroad rule of "all the traffic will bear."

The Pacific coast is a most remarkable freight field. In the southern half of California alone there were produced in the last year over 46,000 carloads of citrus fruits, 3,200 cars beans, 2,200 cars barley, 2,000 cars celery, 1,600 cars cantaloupes, 1,200 cars potatoes, 700 cars cauliflower, 600 cars cabbage, 400 cars onions, 300 cars dried fruits, 250 cars tomatoes, 150 cars lettuce, 50 cars sweet potatoes, 1,000 cars assorted vegetables, 2,000,000 pounds beet sugar, 3,500,000 gallons wine and brandy, 1,000,000 gallons olives, 500,000 gallons olive oil, 450,000 barrels flour, 800,000 cases canned goods, 8,000 bales cotton, and 75,000,000 barrels petroleum.

The demand for foodstuffs, wearing apparel of every kind, and for building material—Los Angeles builds a new residence every 25 minutes of each working day of the year—for a phenomenally growing population causes more carloads to be shipped in than are shipped out.

The growth of the State is more than remarkable, and of Los Angeles County truly wonderful. Los Angeles City alone grew from 102,000 in 1900 to 375,000 in 1911. Its post-office receipts in 1900 were $258,000; in 1911, $1,646,000. Its harbor net tonnage in 1904, 385,000 tons; in 1911, 2,598,000 tons. Its building permits in 1900 were $2,518,000; in 1911, $23,000,000. Its bank clearings in 1900 were $114,000,000; in 1911, $943,000,000.

Phenomenal as has been our growth, I fully believe the building of the Panama Canal will cause a still larger increase in population and material welfare, and at the same time further develop the Atlantic coast, and to an extraordinary degree build up the whole western interior of the United States.

The railroads, forced through water competition to make lower transcontinental freight rates, will at once begin to plan for a more thickly settled freight producing and consuming territory along each of their cross-country pathways. Scores of new lines will be constructed in the interior, and every producing and shipping resource of the West and Middle West will be rapidly developed, not alone to the good of the people, but to the satisfactory increase of railroad earnings as well.

The Panama Canal, when finished, will have cost about $400,000,000, and to this vast sum every citizen of the United States has, in one form or another, contributed. For such an enormous outlay there must be compensating advantages, or else the great project should never have been undertaken.

The land through which the canal is being dug is ours, the money is our own, the courage and the brains that made it possible were those of an American President—Theodore Roosevelt, the brains to construct were those of American engineers, foremost among them Col. George W. Goethals, and the right to use our own for ourselves by ourselves can not be successfully disputed and would, except by a few, be seldom argued but for railroad influences.

We must afford equal treatment to every other nation and we will do so, and the ships of every nation, including our own foreign-going vessels, will be charged alike. I do not fear any serious protest from any other nation because our ships in coastwise trade are not to pay tolls. We will no doubt receive some complaint, for foreign business houses are as keenly alive to advantages as are our own, and if our coastwise trade were obliged to pay the same tolls as foreign vessels, then indeed would foreign ships be given a remarkable advantage and our American ships be placed at a great disadvantage, for nearly all of the foreign steamship lines are in some manner subsidized by their respective Governments.

The Hay-Pauncefote treaty, ratified in 1902, states in part:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The words "there shall be no discrimination against any such nation" mean that in this as in all other contracts there are two parties to it—the owning nation and the other nations—and that the owning or American Nation must not discriminate against other nations.

Into our coastwise trade no other flag can enter, no other than an American ship can come. Our coastwise trade is all, every dollar's worth, done in American bottoms; therefore we can not possibly discriminate against any other nation by granting free tolls to that part of our own commerce, of which no other nation can ever have the smallest part.

The words "conditions and charges of traffic shall be just and equitable" mean that these shall be imposed by conforming to what is righteous in dealing, and according to natural justice.

Who is there who will say that natural justice would be violated by giving free tolls to our own coastwise steamers?

Deep down in every man and every nation is the love of justice and equity, and surely anything less than free tolls for vessels of the United States engaged in coastwise trade only would be neither just nor equitable toward the owning nation.

Now, as to railroad ownership of steamship lines, I am and have always been opposed to any railroad owning, directly or indirectly, in part or in whole, or exercising control of any steamship or steamship line that could possibly be used to stifle competition. We of California and the whole Pacific coast know what railroad ownership of steamship lines means, and more than any other city Los Angeles has realized for many years how many hundreds of thousands of dollars per annum such ownership costs the people through excessive freight charges.

Millions of dollars has Los Angeles alone paid in excessive overland freight charges because the Pacific Mail Steamship Co., plying the Pacific Ocean between San Francisco and the Isthmus of Panama and forever strangling all competition, was more than half owned and wholly controlled by the Southern Pacific Railroad. For 20 years no steamer of that line stopped anywhere between San Francisco and the Mexican line, would not stop at Los Angeles, which originates more than $200,000,000 value of freight per annum and receives much more; would not stop at San Diego, Ventura, Santa Barbara, although it made some 15 stops along the Mexican coast at towns of 300 to 1,000 population.

Los Angeles people have suffered immeasurably and are all of one mind regarding railroad ownership of steamships using the canal. They will have none of it, as you may judge by the following letter received a few days since:

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., July 31, 1912.

Hon. WILLIAM D. STEPHENS,
House of Representatives, Washington, D. C.

DEAR SIR: It may be interesting to you to know the result of the request for the approval or disapproval of the membership of the Los Angeles Chamber of Commerce of the action of its board of directors in favor of freedom from tolls for American ships passing through the Panama Canal, and in opposition to the operation through the canal of ships owned in whole or in part by railway corporations engaged in the coastwise trade.

On July 18 we sent out a circular, copy of which is inclosed, asking the approval or disapproval of our individual membership of over 3,000. Up to this date we have received 1,074 replies. Of these 1,036 are in approval of the position taken by the chamber and 38 in disapproval.

Very truly, yours,

H. Z. OSBORNE, *President.*

We must have competition, and competition will not exist if the railroads own or control the steamships that pass through the Panama Canal. Do not worry about the cry of "treaty breaking" that fills the air at times. It is in reality only the overland railroads of the United States, using the voice of the Canadian transcontinentals. They are determined that their ownership of steamship lines shall not be disturbed, that their strangle hold on the rates of transportation shall not be loosened, that they shall forever be allowed to charge "all the traffic will bear." The Pacific Mail Steamship Co. is and has been fighting Panama legislation during this entire Congress. Its representatives have been in Washington week after week and month after month. They have accomplished certain temporary changes in bills, but in the end they will fail, for the people will conquer. A new day is upon us and the rule of the people will be firmly established. Railroad ownership of steamship lines that strangle competition is doomed. Soon it will be no more.

Legislators of every degree and public officers everywhere are inquiring the people's, not the bosses' nor the corporations', will to-day. True, there are exceptions, and some politicians ere many months have passed will pay dearly for the latest and perhaps most flagrant exception. The people's primaries, the initiative, referendum, and recall are having their effect. They

act as wonderful deterrents. To you men who are now ready to accept the initiative and a little of the recall I say: "Accept them all—the initiative, the referendum, the recall, and the recall of judges, too—for each is right and just, and all have come to stay." They are cardinal virtues, as is also woman's suffrage, which, I believe, is not only just and equitable, but which will bring about a wonderfully improved administration of public affairs.

Mr. Speaker, for 20 years I have fought the railroad control of Los Angeles Harbor. As president of the Los Angeles Chamber of Commerce and a director and member of its harbor committee for many years it was my good fortune to both lead and follow in battles waged by the people against the Southern Pacific Railroad in its many attempts to bottle up our harbor.

I have found great satisfaction in fighting for the people, fighting without the promise of fee or the hope of reward. I am still fighting, and will continue to do so as long as I may live, not only to keep the railroads from owning or controlling Los Angeles Harbor, but to improve our harbor in every way that will enhance its benefits to the whole people. I fight for the common good.

Don't you ever believe that battles for the right hurt business either, for during these continual battles Los Angeles has grown in population from 53,000 to over 400,000, and its bank clearings from $36,000,000 in 1890 to over $1,100,000,000 in 1912. Its harbor tonnage in the last six years has increased over 800 per cent. The people have been the victors. They have won battle after battle. To-day the harbor frontage is largely owned by the municipality.

Never again in Los Angeles or California or in the United States, if I can help it, will the great corporations exercise, as in the past, almost complete business and political control. Corporations we need, and great corporations we must have. Corporations need control, and great corporations must be, shall be, regulated. Corporations, large and small, should yield a fair profit to investors, having in mind always the good of the people, and should be governed by laws made for them, not by them.

Mr. Speaker, I believe a great majority of the people of this country are in favor of free tolls through the Panama Canal for coastwise steamships.

Besides the railroad-influenced people there are a few who conscientiously oppose the prohibition against railroad ownership, but 95 per cent favor the exclusion of railroad-owned ships from the use of the canal. The sworn duty of Members of this House is to legislate for the welfare of the whole people.

I am for free tolls and against the use of the canal by railroad owned or controlled steamships. I will do my duty now and hereafter by so voting.

The Cotton Worm or Caterpillar.

EXTENSION OF REMARKS

OF

HON. RICHMOND P. HOBSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 10, 1912.

Mr. HOBSON said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD, I include bulletin 164 of the Alabama agricultural experiment station of the Alabama Polytechnic Institute on the cotton worm or caterpillar.

The bulletin is as follows:

[Bulletin No. 164, Aug. 1, 1912. Alabama Agricultural Experiment Station of the Alabama Polytechnic Institute, Auburn.]

THE COTTON WORM OR CATERPILLAR.

(*Alabama argillacea*, Hubn.)

[By W. E. Hinds.]

The name "army worm" is also often applied to this species, as it is to several others, among which the "grass worm" or "fall army worm" of the South is the most common. The distinction between these two species should be kept clearly in mind by the reader, as the two species have quite different habits as to the plants upon which they feed, the general manner of their feeding, and in their manner of transformation from the caterpillar to the moth stage. We are here considering only the cotton worm which feeds upon nothing but cotton and which species has repeatedly done extensive damage to cotton throughout the South during more than a century.

The cotton worm is not a native insect in the United States, as cotton itself is not native here. It comes to us each year that it occurs in the cotton belt from the West Indies and from Central and South America, where cotton grows wild from year to year. The first serious outbreak on record occurred as far back as 1793 in Georgia and South Carolina. Since then cotton worms have been found irregularly, without doubt being dependent upon a certain coincident set of either favorable or unfavorable climatic and food conditions in its winter home as well as here.

During this 119 years there have been seven great caterpillar years, of which 1911 was the last. In Alabama, and perhaps throughout the South, 1873 will be long remembered as marking the climax of a series of three years of increasing damage. Yet in that year but 38 counties in this State reported trouble from worms. In the outbreak of 1911 before the end of the season 66 of the 68 counties in Alabama had been practically stripped by the worms. Careful field studies combined with reports received from all counties indicated that Alabama alone suffered a reduction of between 120,000 and 175,000 bales. This lint, with its seed, would mean at the minimum figure a damage of more than $7,000,000 in this one State. Similar injury occurred in Mississippi, Arkansas, Louisiana, and Texas. The severity of the injury is hidden to a large extent by the record-breaking crop produced in spite of it and was greatly decreased from what was anticipated because of the unusual proportion of the crop of 1911 that was "made" before the end of July. Very little cotton was added to the crop after that.

In the fight against the worms in 1911 it is certain that more arsenical poison was used than has ever been used elsewhere in anything like the same area and in the same space of time. Powdered arsenate of lead was used for the first time against the cotton worm and easily proved its many advantages over Paris green for this purpose. During the first season much more of it was used than there was of Paris green. In Alabama and Mississippi alone, more than 1,000,000 pounds of these two poisons was distributed, and the value of this item in the making of the 1911 crop was therefore all of $250,000. Had the poison been available and planters generally ready and willing to use it promptly and properly, a very large part of the loss estimated above for Alabama could have been prevented.

CONDITIONS INDICATING OUTBREAKS.

A study of the history of cotton worm outbreaks shows that in the years of greatest damage certain conditions have always occurred. Among the most significant of these have been unusually wet seasons which both favored the development of the worms and retarded that of the crop. Cotton was late, or at least in thrifty, vigorous leaf, and the worms first appeared scatteringly before the middle of August in the Middle Gulf States. A condition of frequent showers and of many cloudy days during August and September has increased the outbreak. The generations or "crops" of worms are completed in between three and four weeks with constantly increasing numbers of the worms and their more general distribution. There are then certain to be three generations of worms before the cotton can be picked out. Whenever these conditions are present we may anticipate a serious outbreak of the worms. It is true that subsequent conditions unfavorable to the worms, such as extremely hot, dry weather, may serve to check the outbreak materially, but they are not likely to prevent material damage.

LIFE HISTORY.

The full life history of the cotton worm may be more easily and closely followed by the average man than can that of almost any other insect. All of its four stages are to be found on the cotton plant, all above ground and frequently all stages may be present at the same time. Three of these stages do no damage whatever to the plant.

First stage—The egg.—The egg laid by the cotton worm moth or "candle fly," is of a pale bluish-green color, gradually becoming more nearly white as it approaches hatching time. It is only about one-fortieth of an inch in diameter, but a very pretty shell-like object that can be found only by rather careful hunting on the under sides of the larger leaves around the middle third of the cotton plant. They are not at all hard to see when one becomes accustomed to them. They are always placed singly, although several may occur on one leaf. (See Pl. I, fig. 1.) The egg hatches in two or three days during warm weather, as in August, but requires a little longer time later in the season.

Second stage—The cotton worm.—The caterpillar is the only stage that really injures cotton. On hatching from the eggs, the worms are pale yellowish-green in color and very inconspicuous. They are found only on the under sides of the leaves on which the eggs were laid. As they grow, the markings become more distinct and frequently vary widely, showing an in-

crease in the proportion of black especially. Fully grown cotton worms are very conspicuously marked, and it would seem that once seen abundantly they might always be remembered. They are rather slender and reach a length of about 1½ inches. The caterpillars of the earlier generations usually show much less black than do those of a later period, near the end of the season. The light forms are quite bright yellowish-green in body color, with three narrow white stripes and two rows of conspicuous black spots, each set with a black spine, arranged along its back. In these the black spot is surrounded by a circle of white color. (Pl. II, fig. 1.) The dark-colored specimens are due to the increase of black between the white stripes, and including the rows of black spots which appear in the lighter worms until it forms velvety black stripes with only very narrow white stripes between. The hind pair of legs in the cotton worm stand out very prominently as they rest upon the cotton leaves. When the worms travel they go with a half-looping movement that is quite characteristic of this species. The skin is shed five times in the growth of each worm. The worms are very active and have a peculiar method of protection by jumping quickly to a distance of a foot or two horizontally when disturbed. They may catch upon some other plant in the next row. This whole growth may occur in from 10 to 15 days, usually.

As soon as the growth is complete the worms draw together parts of leaves so as to cover their bodies and spin a very loose silken cocoon within which they transform to the moth stage. In the United States these worms have never been known to develop completely on any plant but cotton.

Third stage—The pulpa.—The beginning of this stage is known to everyone as "webbing up." Within the web the caterpillar changes first through the steps plainly shown in Plate I, figure 5, to the familiar brown conical body that is known by nearly every cotton planter. This always occurs on some plant above the ground, but may be on any weed or grass that can give them the protection desired. This is one respect in which this species differs entirely from the cotton-boll worm and the grass worm or fall army worm, both of which burrow into the ground for protection while they are transforming and never go through this change on the plant. After a week or a little longer in this stage the moths are ready to emerge, and they complete the generation.

Fourth stage—The moth.—Cotton worm moth, or "candle flies," as they are often called, are of the size and general appearance shown in Plate I, figure 3, and enlarged in figure 2. The general color is quite uniform olive-brown, but may vary somewhat. It is frequently a dark tan, sometimes with a purplish tinge. There is a rather distinct small gray or black spot near the middle of each front wing, and faint, irregular, or wavy dark reddish cross lines shown on the front wings. The outer edge of each wing has a narrow white fringe with dark spots on the front pair. The position when at rest is shown best in Plate I, figure 2. The moths hide by day among the cotton and especially around grassy spots. They fly, feed, and lay their eggs at night. When disturbed they move with a peculiar swift darting flight and hide again so quickly that they are hard to capture by hand. As with many other moths, they are strongly attracted to lights, and during outbreaks frequently make it impossible for one to read or work with a lamp in an unscreened house. These moths feed somewhat on nectar produced by many plants, especially by the leaf glands of cotton, and also upon the juices of fruits which they can wound with their slender tongue when it is uncoiled. The moth stage completes the life cycle, and the females begin very soon the deposition of eggs for the next generation.

Within a week or 10 days they may deposit from 400 to 600 eggs and then die, but their powers of flight are such that at the time of their death they may be many hundreds of miles from where they hatched out. A remarkable demonstration of their flight occurred in September, 1911, when store fronts and electric-light poles in Cleveland, Ohio, were thickly covered with moths of this species. They were very numerous also in New Jersey, New York, and Massachusetts, and were taken also in Maine and Canada. But in all this northern country there is no food plant for the species, and all must perish. The instinct for northward flight has carried them too far.

Hibernation.—What has just been said regarding the flight of these moths will help us to understand better than we otherwise could how it is that we may have cotton worms year after year when it is probably true that very rarely, if ever, does a single moth of this species survive the winter within the limits of the United States unless in south Florida and Texas. All immature stages die quickly with but little cold. The species appears to pass the winter where cotton also lives through and mainly perhaps in the West Indies and South America. From these far-distant regions the moths fly northward with each succeeding generation until they overspread the cotton States and many others where cotton does not occur.

Feeding habits of worms.—For the first few days of their active life the young worms feed only on the under side of the leaf on which they hatch. They do not eat clear through but leave the thin upper tissue of the leaf uncut—probably partly as a measure of protection. These "skinned spots" quickly turn brown and are quite characteristic of young leaf-worm work. They are a good guide to follow when hunting for young worms. After they have shed their first skin the worms become large and strong enough to eat through the leaves and then usually begin to move toward the more tender foliage at the top of the plant. Up to this time the young worms can hardly be poisoned by any dust method. After they move to the top they become one of the easiest leaf-eating caterpillars to destroy. They prefer the tops of the plants and the thin blade of the leaf, and these are exactly the parts where poison is most easily distributed for their destruction.

The first "ragging" begins only when many worms are about half grown—that is, about 5 to 7 days old. After that the rate of destruction of the leaves depends upon the number of worms at work. It may take a week or only two days to strip a field. In 1911 it was a very common matter to hear men tell of first discovering a few worms "ragging" their cotton on Saturday afternoon and finding early Monday morning, when they would go out to poison, that there wouldn't be enough leaf left to put poison on. Treatment for cotton worms must therefore be made just as soon as the first signs of their work appear. There may be no time thereafter to send off for poison, even if ordered by telegraph and shipped by express. The only safe way is to be prepared even before worms appear, with the dusting outfit made and some stock of poison kept on hand. Some illustrations of cotton-worm work are shown in Plates II and III. When pushed for food the worms commonly destroy all squares, small bolls, and even many of those that are fully grown, and gnaw the bark from the stalk. They may then leave the stripped field in hordes, marching for a fresh food supply; hence the name (improperly applied) "army worm."

Generations.—As shown in the account of its life history the life cycle is completed in about three weeks. There are therefore really some six or more generations of these worms somewhere on cotton during our usual growing season. It is customary for planters to speak of that generation which does the first noticed "ragging" as being "the first crop" and the succeeding "crops" are numbered accordingly. We usually have three destructive generations in years of severe outbreaks. In Alabama in 1911 the first stripping occurred toward the latter part of July. In other fields there was more general stripping before the 10th of August. By the middle of the month 58 counties reported worms. Up to this time the damage might be considered local rather than general. From the moths that were very numerous between August 10 and 15, the next generation was expected to and did strip cotton generally during the last 10 days of August, and the next generation appeared about the middle of September. The most favorable and effective time to poison these worms is at the time the first worms of each generation move to the tops and "ragging" begins, provided a poison like arsenate of lead is used that will adhere to the leaves in spite of rains for a sufficiently long time to kill practically all worms in the generation as fast as they become large enough to eat through the leaves. Generations become less clearly defined and the difference in time between the first and last members in each becomes greater with each successive "crop" of worms.

Enemies.—The cotton worm has a number of natural enemies, some of which are quite important as aids in destroying them. Among these are some of the small brown ants, known as "fire ants," ground beetles, wasps, and predaceous bugs; parasitic flies and wasps upon the eggs, the worms, or the pupæ; birds, etc. All of these help, but even when most effective it is hardly possible for them to prevent the multiplication of the worms to a point where it will not require the application of poison to save the cotton.

POISONING COTTON WORMS.

As has been explained, the feeding habits of these worms are such that it is a very easy species to control by simply dusting an arsenical poison lightly over the top of the cotton plants. The discovery that this could be done is said to have been made in 1872 by an Alabamian living near Mobile. At any rate the use of Paris green for this purpose began at about that time, and it was used quite extensively in 1873, which was such a disastrous year for this State. In 1879, agents of the United States Department of Agriculture working in Alabama made a series of tests of various poisons and established the

superiority of Paris green among all the materials known at that time. Paris green remained the best material known until 1907, when powdered arsenate of lead was first produced for special experiments with it against the boll weevil. In 1911, therefore, occurred the first opportunity for comparing this new material with the more widely known Paris green for cotton worms.

Powdered arsenate of lead.—This is by far the best poison for the control of the cotton worm. There is a "paste" form made which can not be used except for spraying. The other form, known as "powdered" arsenate of lead, is a very fine white powder having about one-half the amount of arsenic in it that is in Paris green, and should therefore be used at least twice as strong as we use Paris green to secure the same killing power. It never burns even if applied to foliage in heavy doses, and sticks to the leaves very well in spite of rains. It seems to be so very fine that it gets into the small depressions on the leaves and the water runs over it. We therefore advise a dose of 3 pounds of powdered arsenate of lead per acre for average cotton when this can be secured in place of Paris green. No flour or any other material is needed in this case. Closely woven flour-bag cloth or unbleached sheeting should be used with this very fine material. It is easier to apply this arsenate of lead evenly than it is Paris green and flour.

Paris green.—For nearly 40 years this has been the best poison known for the cotton worm, and for this reason is still in demand among those who have used it or who have not yet tried the arsenate of lead.

Other poisons.—No other poisons now on the market need be considered. Arsenite of zinc might have value, but has not yet been tested on cotton. London purple is certain to burn badly, and white arsenic is sure to kill every leaf it is put on. Do not waste time and opportunity fooling with untried or unreliable or fake remedies.

Comparisons.—It is a well-known fact that Paris green is very likely to burn cotton foliage in spots even where carefully distributed, and is certain to do so where at all carelessly put out. Many planters know also that it has the effect of checking the setting of fruit when applied to young cotton even where burning of foliage is not apparent. This is a matter for very serious consideration. We can not advise the application of Paris green to any cotton until after the crop of bolls is well made and nearly mature if it be possible to secure the arsenate of lead in its place.

Furthermore it is well known that Paris green, even when applied with flour, is readily washed off the plants by rains and even by heavy dews, so that the effectiveness of an application may be entirely destroyed within 24 hours. In many places there is also a strong prejudice against Paris green because of the fact that it is likely to cause sores on the men and mules using it for any considerable length of time. In some cases in 1911 this resulted in the positive refusal of workmen to continue handling Paris green. The trouble on the plant, workmen, and animals is that Paris green contains four or five times as much water soluble arsenic as does the arsenate of lead, and this is the constituent that burns.

On the other hand, powdered arsenate of lead, even when applied as heavily as 10 pounds or more of the undiluted poison to the acre, does not burn foliage and does not check the setting of fruit. This material adheres to the foliage five times as long as does Paris green. It therefore gives the plants all the advantage of continuous protection and is economical to use, because fewer applications are required. Many hundred thousand pounds of this material were used in 1911 without a single record of its causing sores on men or mules. Therefore, while costing slightly more per acre for the poison, and requiring the application of more powder to the acre than is the case with Paris green, the real saving in the crop and the safety with which it may be applied makes this material the best that we know for application, particularly to cotton before the crop is nearly matured, at which time Paris green could be used if already on hand. Never use white arsenic or London purple on cotton.

Paris-green treatment is cheaper than that with arsenate of lead, if we consider only the first cost of the materials used in each application, but real economy is measured by the saving in crop obtained as compared with the total cost of protecting it to the end. On this basis it may be far more expensive than the lead for any one or all of several reasons: A heavy rain falling within 24 hours after the application will so wash Paris green from the plants that it may be almost wholly ineffective, and the work must therefore be done over at once. That application was therefore entirely wasted. Again, if through its effect on the plant in checking fruiting there results the throwing off or prevention of making of even one boll on every 10 stalks on the average, then it will cost more than the arsenate of lead treatment. The effect would surely be much greater than this.

Analysis with quotation of price.—The large stocks of both Paris green and arsenate of lead in Alabama include the products of several different manufacturers. In all cases, where considering the purchase of either poison, the buyer should insist upon being given a statement of the guaranteed analysis of the poison, together with the quotation as to its cost, just as he would do with a fertilizer like acid phosphate. In this way he can best determine where he can get the maximum of insect-killing value at the minimum cost. Arsenate of lead should contain from 23 per cent to 33 per cent of arsenious oxide, and the cost may vary accordingly. Paris green should have 50 per cent to 56 per cent arsenious oxide. In case of extreme shortage of poison it may be necessary to make use of what stock is available of what is known as "Paris-green residue," which is a low-grade product not ordinarily used as an insecticide. In many localities planters may combine their orders and secure the benefit of lower prices and freight rates. Neither poison loses strength, and they may be kept for years if simply kept very dry.

INFORMATION ABOUT USING POISONS.

Arsenate of lead.—With powdered arsenate of lead we make it the general rule to apply, at each application, as many pounds per acre as the cotton is feet in height. These limits can be drawn in somewhat, as 2 pounds will be needed even on small cotton, and that 6 feet high could be fairly well protected with 4 or 5 pounds. The cost of the poison will probably average close to 25 cents per pound for 25 per cent to 33 per cent powdered arsenate of lead. Multiply this by the number of pounds to be used per acre and add about 5 cents or 10 cents for the labor of application to get at the cost of treatment.

Paris green.—This material can not be applied with any assurance for the safety of the plant stronger than 1 to 1½ pounds per acre. With this we must use some 2 pounds of flour for every pound of Paris green to be applied. The poison will cost also about 25 cents per pound in small lots. To this add the cost of flour and labor.

Number of applications needed.—This depends on which poison you decide to use. With the arsenate of lead it was found, in 1911, that one good dusting applied at the beginning of each "crop" of worms would give the cotton full protection from the entire generation. This material sticks in spite of dews and rains, so that it remains effective for the last as well as the first hatched worms in each generation. Experience has shown, however, that even with this a new application must be made at the beginning of each "crop" of worms. Three treatments with arsenate of lead may be expected to carry the crop through the worst part of even the most serious outbreaks. The stock of poison needed may be closely estimated and purchased at the beginning of the season.

With Paris green so much depends upon the state of the weather that it is simply impossible to tell with any certainty how many applications may be required. In 1911 fields were seen where three and four applications had been made for one "crop" of worms, and the plants were in bad shape then. It will not be safe to count on having to make less than five applications of this material, and even then the protection given the crop may be less complete and continuous than with the other poison.

When to apply poison.—Watch your cotton closely and frequently for the first signs of worm work. These usually occur in the low wet places where the cotton is rank. The cotton worm feeds on no plant but cotton, and few other worms do a similar work in "ragging" the leaves or stripping the plants. The "first crop" of worms will usually appear in spots through the field and not attacking all parts uniformly. The worms should be poisoned at once whenever and wherever they are found to be "ragging" the tops of the plants. At the time of appearance of the "first crop" it will not pay usually to treat the whole field unless the worms are scattered through it. If the "first crop" appears in considerable numbers during the last of July or first of August, and if the season is rather wet and cotton rank and thrifty, then there is great likelihood of extensive damage from the "second crop," which may appear in from 10 to 15 days after the worms of the first crop spin up. Every preparation should be made in advance when such conditions occur, so that the whole cotton crop may be treated without a single hour of avoidable delay. Have the dust poles and bags ready and the stock of poison on hand. Such preparation is essential to the best success in controlling these worms. One dollar expended in poisoning caterpillars during August may save from $10 to $50 loss in the crop. It pays to kill the worms early. (See Pl. III, figs. 1 and 2.)

Sources of poison supply.—These arsenical poisons are manufactured entirely outside of the cotton States. The addresses of manufacturers and wholesale dealers can be obtained from a local druggist or by writing to the State experiment station, and quotations on large quantities thus gotten at bottom prices. Most buyers, however, will not prepare early enough to allow shipments from long distances to reach them in time to save their cotton. They depend upon reaching a near-by center of supply. In each of the larger cities of Alabama may be found one or more firms handling these poisons. They should advertise their stock during every outbreak of worms, so that farmers may know where to get their poison with least delay.

Place your order early. You can not expect a dealer to assume all the responsibility and carry a stock large enough to cover all possible demands in his territory. Bankers, merchants, oil-mill men, and fertilizer men especially should make it certain that an adequate supply of poison can be had by their customers without delay and every assurance given the farmer that he can get this poison at very reasonable cost. Those who have already "advanced" on the crop should insist that their customers apply the poison for the protection of their common interests.

Methods of application.—Either of these poisons can be applied as a spray or a dust. Few cotton planters, however, have equipment for the spraying, and that method of application requires slower work than the dusting. Under the subject "Feeding habits" we have shown why a dust application is unusually simple and effective for the cotton worm, and that is why we recommend the dust treatment.

THE DUSTING TREATMENT.

The simplest possible method for destroying cotton worms is to apply a dry poison like Paris green, or, better, powdered arsenate of lead, dusted through bags carried at the ends of a pole or piece of narrow board by a man riding a mule. This covers two rows at a time, and 15 to 20 acres can be treated by one man in a day. On moonlight nights the work might probably be continued in cases of emergency. Somewhat less uniform but more rapid work can be done by making the board long enough for four rows, or, better, three middles. Two bags should be used on each side, if the board is more than 10 feet long, to give better distribution of the dust. The spring in the longer boards makes it unnecessary to jar them. They may simply be held firmly on the front of the saddle and the mule ridden at a trot, leaving a cloud of dust behind. Where several men are working, they should ride abreast.

The outfit.—To make the dusting outfit, take a piece of 1 by 3 or 1 by 4 inch board and cut it about 18 inches longer than the distance at which the cotton rows are planted. Also cut four blocks off of the same board each about 4 inches long. In each end of the main board bore a 1-inch or larger hole through which the poison can be poured into the finished bags. These holes may be closed with plugs or stoppers after the poison has been introduced. Nail the four blocks on the underside of the board, one at each end and the others about 16 inches from the ends. These blocks thus form the ends of the bags. The long board may be cut down in the middle to a width that is easy to hold in the hands and so as to remove unnecessary weight. (See Plate IV, fig. 3.) For the bags to be used with arsenate of lead or Paris green with two parts of flour such a cloth as unbleached domestic or sheeting answers well. This cloth will distribute about 3 pounds per acre. This should be folded over, stretched, and tacked closely to the side of the board, then around the blocks and to the board on the other side. The amount of poison distributed will depend upon the tightness of weave of the cloth and the jarring given the pole. If with rather continuous jarring not enough poison is being distributed, simply use more-open cloth for the bags. Old flour bags may be used if on hand. Where it is desired to put out 5 or 6 pounds per acre use double cheesecloth for the bags.

With Paris green a closer woven cloth may be needed and "8-ounce duck" may be used for light applications of the pure poison without any flour. It is desirable to use about 2 pounds of flour with each pound of Paris green to increase its sticking to the leaves, and flour bags or sheeting may then be used. Do not try to use old "oat sacks" and think that the work can be done economically.

Suggestions regarding applications.—The best air condition for applying a dust is found when it is still. The worms feed principally at night and in the early morning before they have difficulty in getting enough food. After that they may feed during bright days and are always more generally active during cloudy days. Dust poisons applied toward evening are therefore likely to be on the plant in their maximum strength while the worms are feeding most actively. Dew forming on the poison helps to fix it in place, but very heavy dews that drip from the plants may wash off a large part of the Paris green within a short time even without rains. When dusting while dew is on it is very important to avoid touching the dust bags to the plants, since if the cloth becomes wet the dust can't pass through it. Never attempt poisoning during or just before a rain with Paris green. Arsenate of lead can be put on with assurance that it will stay if it only has time to once dry on the leaves. There is a much greater safe working margin with it than with Paris green in the dosage that can be safely used, the length of time that it can be used before the worms will get to it, and the sureness of the protection obtainable in showery weather.

Keeping track of weight.—A spring balance weighing up to 20 pounds is a convenient help in keeping close track of the amount of poison being put out. Weigh the whole outfit, pole, bag, and poison, after the poison has been put in and it is ready for the rider. After half an acre (an acre is 70 by 70 yards) or any known area is covered, weigh again. The difference in weight shows just exactly how much poison has been put out on that area, and if too much is gone for the rate desired, either use heavier cloth for the bags, add another covering of thin cloth or try lighter jarring. If Paris green is being used the proportion of flour to poison may be increased. If too little poison is going out jar more heavily or use a lighter weight or more open cloth. This means economical treatment.

IS THERE DANGER IN USING POISON?

This is one of the questions most commonly asked by those who have never yet used any. Fortunately the danger is far more imaginary than real. Both fear and danger in the use of poisons for the cotton worm—or other insects—arise almost entirely from ignorance as to their nature and effects. Only when very carelessly handled is there any real danger in using either Paris green or powdered arsenate of lead. Of course both are strong stomach poisons and their value in protecting cotton from the worms lies in this fact. They are not at all likely to produce any serious effects unless taken into the stomach of man or beast in very appreciable quantities. There is no real danger from getting either on the skin. It is true, however, that Paris green is liable to cause rather bad sores on men and mules where they are working with it constantly for several days in succession. This is due to the same quality of paris green that makes it bad to use on thrifty, growing cotton. It usually contains about 3 per cent of arsenic in a form that is soluble in water or in perspiration. This causes the burning of foliage and also the sores on men and mules. This, however, never happens with the arsenate of lead. The only real danger to stock lies in allowing animals to get into freshly poisoned fields and to feed therein for several hours at a time. One case is known to me where cotton was planted on a steep slope nearly encircling a small pool into which it drained. No stream flowed through or from this pool, but it was used as a water hole for some farm stock. Very soon after the cotton was very heavily poisoned with Paris green a heavy shower washed it from the plants and down the steep hillside into the water hole where it was held and concentrated to such an extent that some of the animals drinking there were poisoned. But these conditions would not occur again in many thousands of cases. Every report of the killing of men and of mules that could be investigated in 1911, with only one exception, were found to be mere "rumors" or mistakes. In that case an animal broke into a freshly poisoned field and fed all night, so that it got a fatal dose. There is very rarely need to muzzle mules to protect them during an application. There is no chance whatever of "poisoning the soil" and no danger in letting stock feed, even where arsenate of lead has been used, after a month's time. There is no danger to stock drinking from running streams passing through treated fields nor to cotton pickers at picking time. Poultry may possibly be killed if allowed to feed extensively on worms dying from poison. A few simple, sensible precautions should, however, be observed.

Precautions.—Keep all poison so marked in a plain manner and store it in a dry place out of the reach of children and farm animals. Fill cuts or scratches with vaseline or some grease and tie a cloth over it, or wear gloves. Work toward the wind if it is blowing across the field. Tie a cloth or handkerchief over the mouth and nose if obliged to ride with the cloud of dust to any great extent. Clear the throat occasionally and spit out the accumulation instead of swallowing it. If using Paris green brush off or wash off mules and men after the day's work. If the work extends over several days change men and mules to give each a rest, for it is hard work when followed constantly. Shut up poultry for two or three days when cotton, where they might spend most of their time, has just been treated. In case of accidental poisoning produce vomiting as quickly as possible by running a finger down in the throat.

Hot milk or mustard water will usually start it. Then give milk, raw whites of eggs, or magnesia (magnesium oxide) a rounding teaspoonful in a glass of milk. Get a doctor at once.

LIGHT TRAPS.

Cotton worm moths are readily attracted to lights and may be trapped in large numbers, thus preventing many worms; but at best this can not be considered as a substitute for poisoning. It will be helpful to test the emergence of the moths in this way and thus to know just when to begin the applications of the arsenate of lead.

A lantern or light trap (see Plate IV, fig. 2) may be easily and cheaply made as follows: Arrange in some way by using a box, barrel, or stake with a board on top to raise the trap a foot or two above the tops of the cotton plants. Place on this a shallow pan or a tub containing an inch of water with just enough kerosene or coal oil to form a film over its surface to kill the insects that may fall into it. In the middle of the pan set an ordinary lantern. Let this burn through the night to attract the moths which may come from some little distance to it. No one knows how far this will attract them. Doubtless much depends upon the brightness of the light or the darkness of the night. There is no danger of drawing moths to the field without catching them and thus decreasing their injuriousness. The whole effect is like that of pouring water—it flows only as you lower the surface at some point. Such lights will attract many moths and other insects beside the cotton moth, and the oil will so change the appearance of those caught that one must know the moth well by size, shape, and wing markings to tell them. Bonfires do less good than lanterns as the heat repels the moths before they get singed. Flying against the lantern, they simply drop into the oil and water.

DOES IT PAY TO FIGHT COTTON WORMS?

It seems almost ridiculous to ask such a question, and yet, from the fact that a very large majority of cotton planters will sit quietly by and see their crop eaten up and their season's work largely destroyed without being willing to spend from $1 to $3 per acre to save it, it appears that the average man does not yet believe that it will really pay him to make this fight. Let us therefore consider the question a fair one, and figure out the answer.

On the average field there are at least 5,000 cotton plants, and with most varieties it does not take over 80 bolls to make a pound of seed cotton. One boll to the plant therefore means about 60 pounds of seed cotton, containing about 20 pounds of lint and 40 pounds of seed. At the price of the 1911–12 season this lint is, therefore, worth over $2 and the seed about 50 cents more, giving us a total value of over $2.50 for each boll per stalk per acre. Now, an average application of arsenate of lead will cost about 75 cents for the poison and not over 15 cents per acre for its application—a total of 90 cents per acre for each application, which is only about one-third of the minimum saving in the crop if by the treatment we insure the opening of but one more boll per stalk than would have opened otherwise. One boll per stalk will pay for the three complete poisonings which is the maximum that may be required for the three "crops of worms" which may appear before the cotton is ready to open. Will it pay? Who does not believe that by saving the foliage on his cotton from the worms he can save more than one boll per stalk? In 1911 in cotton fields thought to be so nearly mature that the worms would do them no harm whatever few escaped without the loss of two or three bolls per stalk. In 1911 the average damage throughout Alabama could not have been less than 10 per cent of the crop gathered, or somewhere between 150,000 and 200,000 bales for the State. The cotton worm tax here last year was probably not less than $10,000,000, and would have been far more but for the fortunate fact that in that year between 90 per cent and 95 per cent of our crop was "made" before the 1st of August. Very little increase took place after that time. Our crop of 1912 averages all of three weeks later than that of 1911. The possibility of injury to the 1912 crop is therefore correspondingly greater.

COTTON WORM V. BOLL WEEVIL.

We have here a peculiar case of natural conflict between two exclusive cotton pests attacking normally entirely different parts of the plants. The boll weevil depends absolutely upon the presence of squares and bolls for opportunity to reproduce. When the fields are stripped clean by the cotton worm, nature demonstrates to us on a large scale the value of a practically complete destruction of cotton at an early date as a measure of control for the boll weevil. In seasons of general cotton-worm occurrence the late-developed weevils are so reduced in numbers that the cotton crop of the following year is usually but lightly infested until an unusually late date the following year, with consequent advantage to the crop. One cotton pest—the cotton worm—thus serves to control the other—the boll weevil. The cotton worm may be considered as a friend by the planter in weevil territory when it occurs after the bolls are all practically full grown, because of this effect on the weevil. Whenever the two pests occur together before cotton has reached this stage, poison should be used for the cotton worm, as only thereby can the largest possible crop be secured. As a general rule, in Alabama cotton worms should be poisoned everywhere until the 10th to 15th of September. Cotton should be picked out as promptly as possible after it opens, and then the planter may complete, by deeply plowing under or by plowing out and burning the stalks, the control of the boll weevil that may be begun by the cotton worm.

COTTON WORM APPEARANCE, 1912.

The first appearance of cotton worms in the United States this season was, as usual, in the southern extremity of Texas. This was noticed about the 1st of May. The third generation in that section became mature about the middle of July.

During the first week in June a number of moths were taken at lights in Mobile, Ala. These may possibly have flown across the water from some of the West India Islands. Cotton worms were found in, or reliable reports of their occurrence received from, Alabama counties on the following dates: Mobile, June 6; Conecuh, June 21; Autauga, July 12; Pike, July 18; Geneva, Covington, and Montgomery, July 19; Butler, July 22; Perry, July 24; etc.

On July 24 Prof. R. W. Harned, of Mississippi, reported cotton worms as occurring in Lowndes, Monroe, Oktibbeha, and Noxubee Counties, in that State. We are now having, in coincidence, the conditions that have occurred whenever there have been general outbreaks of the cotton worm, and there is little likelihood that we shall escape this year. At the present time the prospect is for fully as extensive an outbreak and for even more serious injury to the crop than occurred in 1911. We can only hope that by last year's experience we may be more promptly and fully prepared, so that we may make the fight this year more general, more economical, and more effective than any such fight has ever been before. It will pay to poison even as the bolls are opening to keep the lint free from trash and staining, which is frequently a serious matter, as suggested in the view in Plate II, figure 3.

It has been so clearly and abundantly proven that cotton can be completely protected from this pest at very low cost, compared with the loss that is bound to be sustained if the cotton worms are allowed to strip the fields at any time before the crop is fully matured, that no one should hesitate to undertake the fight against the cotton worm.

Speeches of Hon. Woodrow Wilson.

EXTENSION OF REMARKS

OF

HON. ALBERT S. BURLESON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 8, 1912.

Mr. BURLESON said:

Mr. SPEAKER: In pursuance of authority given by the House, I submit for printing in the RECORD certain speeches heretofore made by the Hon. Woodrow Wilson, of New Jersey, the nominee of the Democratic Party for President of the United States of America.

Address of Welcome to the Members of the American Medical Association by Gov. Woodrow Wilson, June 4, 1912.

Mr. President and members of the American Medical Association, ladies and gentlemen, I feel it a privilege, as representing the State of New Jersey, to welcome this great society to its session this year in Atlantic City.

A great many people come to Atlantic City on all sorts of errands, most of them not serious. [Laughter.] The problems that Atlantic City is confronted by is that it is the refuge of the idle, and those who are idle are apt to adjourn the ordinary standards of their lives. [Laughter.] But you are doubly welcome here, because you have not come as idlers but as those who study the more serious problems of our lives, both individually and nationally.

Atlantic City is used now to investigation. [Laughter.] You have come as investigators, not to investigate Atlantic City, except for your intimate knowledge of the make-up, the physical

make-up of all citizens of the community [laughter], and I feel in facing a great association like this that I am facing a body of men and women who have a particularly intimate connection with the life of the country, because you are very much more than physicians individually. You are very much more than the advisers of individuals with regard to the problems of health. You are the guardians of communities. You are the guardians of communities not only with regard to those general sanitary problems which are summed up under the head of sanitation and general hygiene, for example, but of a great many moral problems also. In our day the old story that the physical welfare of man is very closely knit with the moral is very true, and as a man thinks so is he, a thing which comes very much nearer being a physical fact than is usually realized, because there is undoubtedly an air of morale in most of the problems that you have to deal with. At any rate, by way of preliminary determination and as counselors or individuals, you are the arbiters, to some degree, of the life of communities.

I have sometimes wished there might be some way of establishing an official connection between doctors and the State that has been found in the case of lawyers. Lawyers are officers of the court, and are subject to discipline as such. They hold in their hands the honor of obeying and carrying out the laws of the Commonwealth, and they are held amenable on that basis. It is on that basis that men are dealt with for contempt of court and lawyers are held to a code which has nothing to do with their knowledge of the law. Similarly, it seems to me, the doctor, by reason of the license he holds, is reputed to represent morality as well as the knowledge of the community. [Applause.] And the most interesting part of the profession is this, that knowledge is not vital unless it goes hand in hand with honesty and sympathy. I believe you will agree with me that one of the things to be regretted in modern times is that we have been obliged to specialize our professions to so great a degree, because in proportion as the medical profession is specialized, for example, the old family physician disappears.

I remember going over in my memory a single year of my family life with my children when they were small and finding that I had called in consultation 13 different specialists. [Laughter.] There was no ill luck in the 13, because it all came out very happily. But where I had summoned 13 specialists my father would have summoned 1 family physician. My father would not have got as good advice as I got, and yet I lived through it. [Laughter and applause.] But every time he sent for his doctor he was sending for a personal friend. He was sending for a man who had his confidence in a peculiar degree. He was sending for a man who walked along the paths of life with him as a comrade and confidant. There was something very vital, there was something very useful in that relationship, and although we have certainly yielded only to necessity, it is unfortunate that we should have been obliged to specialize so much as we have, and therefore it is necessary, it seems to me, if you will permit me to suggest it, that we regeneralize our sympathies. I remember saying once, when I was following out a certain occupation, that I understood the chief business of a university was to make young men as unlike their fathers as possible. I will hasten to explain that as I did on that occasion. I did not then, nor do I say that now, in disrespect to the fathers, but merely this: By the time a man was old enough to have a son in the university he became so immersed in a special occupation and narrowed to the point of a single calling, it was advisable that his son should be taken out on some place of vantage where he could see the world, instead of seeing a single individual, a single community, a single profession. I understood that to be the business of the university to regeneralize each generation of youngsters, show them the Nation, show them the great infinite variety of human interests, show them the map of the world, so that they would never forget, at any rate, their general geographic relations to the races of mankind. So, it seems to me, every profession, particularly a profession so absorbed as yours is, and bent upon investigations, must find it necessary to refresh its general sympathies by reconnecting itself with the wider questions of our modern life.

As an American I feel that the task of a statesman in our day is analogous to the task of the surgeon. There is a great deal that is necessary to be cut out of modern life [laughter], and yet we must be very careful not to injure any of the sound tissue in cutting it out, and the various processes of politics are not unlike the processes with which you are familiar. The preliminary agitations of a political campaign are a sort of prognosis [laughter] and the platforms are a sort of diagnosis, and then follows the critical part. [Laughter.] Then you have to study your materia medica; then you have to propose a particular operation and determine exactly what you are going to do in following up your diagnosis to remove the disease, or, at any rate, to apply some tonic which will enable nature to assist herself. [Laughter.]

The moral of that sort of thing is that the surgeon should know what he is about, and that rough and ready methods, methods of passion, methods of prejudice, are of all things the most dangerous. [Applause.] They are the methods of the quack; they are the methods of the uneducated, the uninstructed, the unlicensed practitioner, and therefore I have a sort of sympathy with you. [Laughter.] It is very much easier for you to get at the difficulty and the particular phenomenon with which you have to deal than it is for the men who are wandering abroad amidst the general phenomena of society; and yet, it seems to me, that you can be infinitely instrumental in assisting the statesman, because there are a great many evidences and symptoms at this time of hysteria [laughter], and if you will only hurry home from this convention and calm your communities down we may be able to transact business. [Roars of laughter.]

I am very glad to have you all at once in New Jersey, but you can not calm New Jersey down by merely sitting here in Atlantic City. It will be necessary for you to disperse to your homes and get to work on the people you know. I know a great many people whom I would like to get to work on [laughter] if I only knew the proper cure for hysteria, but never having, happily, felt the symptoms myself, I am unsympathetic about it. And yet, seriously, ladies and gentlemen, speaking of the problems of our life, they are all one. The thing I am particularly impatient with, ladies and gentlemen, is dividing our lives and our interests into sections and supposing you know nothing about anything, except one thing. The whole problem of modern society is infinitely complicated, just because it is variously specialized, and it should be our object to avoid the separation of interests; it should be our object to effect a union of purpose, to unite ourselves with one another, not as a body of competing interests, but a body of unified interests, moving forward to the common goal of general service. That, it seems to me, is the problem of all intelligent men in the United States and in the world at large. I can not do better, therefore, than to ask you in your modern occupation to harmonize the various parts of our whole life to one another, so that heat, hostility, and friction may be taken out and all the sweet and wholesome processes of life may be restored. [Loud and prolonged applause.]

Woodrow Wilson on Efficiency.

[Address delivered at banquet of real-estate men of Boston at the City Club, with introduction by the Hon. Richard Olney, Secretary of State during the administration of President Grover Cleveland, Jan. 27, 1912.]

ADDRESS BY RICHARD OLNEY, FORMER SECRETARY OF STATE, INTRODUCING GOV. WILSON.

I recognize the part I am to play on this occasion and will at once relieve you of any apprehension that I am going to occupy any considerable portion of your time.

This club is nonpartisan, which means, I take it, not that a party man is barred out, but only that neither is his opponent or critic barred out. New Jersey has lent us her governor who in less than two years' time has become a national figure of the first magnitude and whose name is now a household word from one end of the country to the other. If I may indicate very generally and briefly the characteristics of so short and yet so distinguished a career, I begin by asking you to note one which every citizen wants to see in every public man, be he of his own party or any other, and that is the capacity for leadership. The speech or the writing or the act even is as nothing to the man behind it and to the impression he makes of sincerity, trustworthiness, and general sanity of mind and thought. Be the merits of the great fight in the New Jersey Legislature of 1911 what they may, it brought out a sturdy and sagacious leadership, which won the admiration and respect of foes and the permanent confidence of friends.

There may be, of course, a wrong leadership as well as a right, and when the leadership of a great political party in a free country is concerned, what will be the evidence that the leadership will be wise, that it will rise to the height of great social and political problems; that on the one hand it will not be led away by the abstractions of the doctrinaire, nor on the other hand fail to recognize and apply the essential principles of all popular government? On that point no other or greater assurance is possible than that the leadership shall be a thor-

oughly educated and informed leadership, a result possible only if the leader shall have made the principles of political science the subject of the closest thought and study and shall have familiarized himself with the history of their application in his own country.

Finally, we live in times when not the foundation but the superstructure of our political house seems to be shaken by the winds of strange doctrines. The foundation is democratic and is solid and means government by the people for the people. But there is intense and widespread dissatisfaction because the claim and belief that our vaunted government by the people for the people is, in fact, government by a class for a class. The present and burning question for statesmanship is, What is the remedy? Is it less democracy or more democracy? Just what shape the prescription shall take—just what measures shall restore to the people their proper power over their own government—is a question over which men may honestly differ, will certainly exhaust the resources of the highest statesmanship, and, perhaps, will never be truly and finally answered until after a period of long and painful experiment.

I am about to present to you a man whose life work thus far is a conspicuous exhibit of the traits and convictions and accomplishments to which I have briefly referred. I am presenting him, not as a high official, nor as a candidate, nor as a Democrat, but as an American citizen entitled to the respect and esteem of men of whatever political faith; as a man who has made good wherever he has been tried; who has proved his possession of the inestimable gift of leadership; who has vindicated the claims to regard of the "scholar in politics"; who, sensible of the abuses which have come to disfigure the administration of popular government, has lost not a jot of faith in popular government itself; and who is of the type of men in whom lies the best hope for the country's future. I may add that he has a capacity and propensity for telling the truth, which is not always to the advantage or satisfaction of those who ask for it.

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ADDRESS OF WOODROW WILSON.

Mr. President, your excellency, your honor, gentlemen of the real estate exchange, I am not going to talk about politics. I am simply going to discuss public questions. And there is a difference, a very great difference, between discussing politics and talking about public questions. Indeed, it is very difficult to talk politics in America now, because you can not be certain where any man you are talking to belongs.

There is what a football man would call a very broken field, and it is almost impossible to classify men any longer in America, at any rate, after you get them out of the field of their own businesses.

You can not classify a man about other things until you have talked to him for a long time; and it is incredible that a thoughtful man in this State should really be a standpatter, because the penalty of being such is that the whole of your generation and your civilization will run away from you if you don't move with it.

The theme of my thought to-night as I came here is that we are not at the beginning of a new age, not at its immediate beginning, but near its beginning, and that everything, whether we wish it to do so or not, wears a new aspect for us. Almost every question which it is imperatively necessary we should consider and discuss is, if not a new question, now developed in such a new aspect for America that we must treat it as if it were a new question.

For example, it seems to me that the most pressing thing in America is the question of conservation, not merely the conservation of so much as remains of our unwasted resources—I do not mean the mere renewal of our forests; I do not mean mere preservation and a more economical use of our water power—I mean the preservation of our energies and of the genius of our people.

Questions of sanitation to me are questions of conservation; questions of morals are questions of conservation. You can not conserve the energy of America unless you give to its exercise the proper moral environment. You can not get the best work our of your workmen unless you make them by honest operations to believe that you regard them, not as your tools, but as your partners; and the whole conservation of America is a question of the supremacy of America, of her right thinking, and of her righteous action. We owe it to future generations that we should not waste or destroy our resources, and we owe it still more to future generations that we should not lower the vitality of our workingwomen, check the vitality of our children, demoralize the processes of our life at any point. And yet how long is it since America troubled herself with questions of conservation? How long is it since we felt in the heyday of thoughtless youth, with so much youth at our hands, that we did not have to be careful in the economy of it; and how constantly did we rejoice that we had put ourselves in a position to be wasteful.

Almost every time public questions are discussed in this day somebody asks the question: "What is the leading question of the approaching political campaign?" Now, I don't know what is the leading question, but I know what is the central question, or at least I think I do, because I find that every road leads to that question, and that is the question of the tariff. The question of conservation leads straight to that same radical origin, to this road of the tariff, because by protecting ourselves from foreign competition—from the skill and energy and resourcefulness of other nations—we have felt ourselves at liberty to be wasteful in our own processes. I believe that it is one of the most serious consequences of the protective tariff that it has made it unnecessary that we should be careful and saving in our own industrial enterprises. I am going to return to that presently, but for the time being let me point out simply this: That we can afford behind the wall of our tariff to pay for business that we are not doing.

What I mean is this: Take almost any modern combination. Suppose that 20 factories are drawn together in a single organization. Those 20 factories are not all of them similarly equipped for efficiency and economy of action, and it constantly happens that after the necessary money is put into the capitalization for the union of those factories under a single organization a number of them are put out of operation rather than brought up to the highest point of efficiency and thereafter are carried as dead enterprises. Now, you could not afford to do that if you had to make every part most efficient in action. You could not afford to carry cold furnaces; you could not afford to carry silent looms; you could not afford to put up shutters and make people to whom you sell your goods pay for what you paid to put up the shutters.

We can afford to carry dead business in this country because we have not exposed ourselves to universal competition with live business. And so, finding it possible to do things of that sort, we have gone further—we are paying for things we have not yet used.

There are combinations in this country, for example, in which men have bought mines which they have never opened and which they are carrying, and probably will carry, until the next generation, while we pay the piper. They don't want anybody else to use the mines, and we are paying for what the next generation will use.

Have you realized the loads, the dead weights, that American business is carrying? You may not have analyzed it in this way, but whether you have analyzed it in this way or not, the prices we are paying for manufactured goods in this country tell the tale of what we have been trying to do. And when we swing our thought back to the question of conservation we see nothing less than this: That now we have got to the point where we have got to do something very different, because the question of trade is a new question in this country.

I have no doubt that the explanations which Gen. Bancroft offers for the falling off in the export business of Boston is one of the explanations for that decrease nationally. I have no doubt that the differential rate in favor of Baltimore has a great deal to do with it, but there is something else that has to do with it.

Have you looked at the general course of the export trade in this country? Don't you know that the export of grain is steadily going down from natural causes? We used to produce so much more grain than we needed ourselves that we could afford to export enough to feed the greater part of the rest of the world.

But with the increase in our population at a greater rate than the productivity of our soil—or, rather, the use of our soil after the productive fashion—the exports of grain are falling because we need more of it ourselves, and during the same period when this has become marked our exports of manufactured articles have been increasing almost in spite of us by leaps and bounds.

While we have been producing less and less grain in proportion to our power of consumption, we have been producing more and more manufactured goods in proportion to our power of consumption, until now we have a surplus of manufactured goods of which we must get rid or else do an unprofitable business.

At this point we discover that we have done something very singular, considering we are Americans. In the first place, by

processes which you know just as well as I do, we destroyed our commercial marine.

I am not going to try to distribute the blame or to consider whether the measures which produced this effect were well considered at the outset or not. We can afford to be indifferent as to whether they were or not, because we are considering the present or future.

The point is now that you are more likely to see the flag of the little Kingdom of Greece on the seas than the flag of the United States. History shows, and this particular part of the country will bear witness to the statement, that whereas we were once noted as the common carriers of the Atlantic, whereas we once furnished the seamen and ships for a very considerable proportion of the commerce of the ocean, we have, for one reason or another, lost that carrying trade, and you also know, if you are merchants, that the nation which carries the world's goods can generally see to it that its merchants get the markets.

When we need markets, therefore, now that we are needing them, we have not the hands by which to reach out and take them. Our merchant seamen are gone. Our ships have disappeared from the sea, our registry lists are short and insignificant, and by the same token, while we had surrounded ourselves with this wall of the tariff and were rejoicing in the great area of free trade which we could enjoy in America under our own vine and fig tree, we were becoming ignorant of the markets of the world.

Where are the great East Indian merchants who used to have offices in Boston? Where are those men who understood the tastes and the needs of the ends of the earth? Where are the men who knew exactly what to send to India in order to exchange for what India could send to us to satisfy our tastes and needs?

The great trading nations of the world are not those who understand only domestic needs and tastes. They are those who understand the foreign needs and tastes. I heard it quoted from a great cotton manufacturer to-day that if we only had 200,000,000 instead of 100,000,000 people in this country we would have enough people to take up the full capacity of the cotton factories of the United States.

Well, lacking the additional hundred million, what are we going to do with our surplus goods? We have got to do something we do not know how to do now to make cotton goods of the kind and pattern that are salable in all quarters of the world, and then to place them there.

But the tariff has made this extremely difficult, and at the same time we are preparing transformations for ourselves. What is the completion of that great ditch now being dug through the Isthmus going to mean to some of the Atlantic seaports? When you take the differential off which will even things between you and Baltimore, how are you going to see your way out—how are you going to prevent the great blood of the economic life of the Nation from running down the Mississippi Valley? Where are you going to be when the arteries run north and south instead of east and west?

And after you have got your dock frontage, how are you going to bring the ships of the world here if the currents of trade are shifting, shifting, shifting in spite of you?

Stand pat when the world is changing? Sit still when everything is altering, whether you want it to alter or not? Tell your politicians to let you alone to the enjoyment of your false security when you are not secured at all? When the world itself is being transformed, will you refuse yourselves to alter your thinking?

There is no such lack of intelligence in this great city of Boston as to dream of the possibility of an inconceivable thing like that. You have got, in order to relieve the plethora, in order to use the energy of the capital of America, to break the chrysalis that we have been in. We have bound ourselves hand and foot in a smug domestic helplessness by this jacket of a tariff we have wound around us. [Applause.] We are not about to change the tariff because men in this country have changed their theories about the tariff. We are going to change it because the conditions of America are going to burst through it and are now bursting through it.

You can not fight a Spanish war and join the family of nations in international affairs and still keep your gaze directed inward upon yourself, because along with the singular change that came upon us, that notably altered or affected the very character of our Government, the Nation itself began to be a different thing. Have you ever thought of the history of our Government, of the history of the Executive part of it? Do you not know that down to the period when we began to shut our doors tight against foreign commercial intercourse the Executive was the most important part of the Government of the United States, and then we went through a long period when, except for the Civil War when there was concentrated energy to be found, the Executive counted for almost nothing and the Congress for almost everything, because every question was a neighborhood question? It was our own. We had not any national spokesman such as the Executive is prepared to serve us. And then came the Spanish War, and since then do you think it is a question that the Executive has again become a conspicuous part of this Government? So soon as a nation must act you must have a body through which it can act. So soon as it becomes a single will you have to have a lodgment for the guiding intelligence, a single will in every nation that is important in international relations—a strong guiding Executive—not because it deliberately chooses to have it, but because it has no choice—it must have it. And so while we have waited and drifted in altruistic fashion into a war for the sake of the Cubans, we altered the center of gravity of our Government. Will we never learn this fact: That you do not make governments by theories? You accommodate theories to the circumstances. Theories are generalizations from the facts. The facts do not spring out of the theories. If they did we would have a very symmetrically ordered series of facts, but the facts break in and ignore the theories—contemptuously smash the theories—and as our life is, as our thought is, so will our Government be.

Very well; our thoughts are concentrated upon ourselves. Now, we are changing our point of view and looking abroad upon the face of the earth, seeking to allow ourselves an outline into the general field of competition, which includes the whole round globe. In the meantime what have we done? Do you really think that the tariff has produced efficiency? Do you believe that combinations, most of which have been made possible by the tariff, have had as their chief effect efficiency and economy? Every tyro knows that, up to a certain point, combination produces economy. But it does not necessarily produce efficiency. That depends upon who runs the combination and on the amount of brains invested, not on the amount of capital pooled; and after you have got your combination, what do you do with it? I do not mean what you say you do with it in public discussions. What do you actually do with it? You have only to ask to look into the testimony before the Stanley Committee; you have only to look into the testimony in the trial of the meat packers; you have only to look in the public records to find what is done with some combinations. There are private understandings with regard to prices. Everybody knows that, and that the penalty of not observing those prices and keeping to them is to be put out of the combination, and it looks—I will not make this as assertion, but I will venture to say—as if the object of some combinations was the prices, not the efficiency, not economy, but the avoiding of the very things that make economy and efficiency absolutely imperative. I do not have to be efficient over and above the point that the men I am in competition with makes it necessary that I should be efficient. If I know enough to know more than the fellow that I am competing with I do not have to increase my knowledge. If I understand the game well enough to checkmate him I do not have to understand it any better, and if I can enter into an understanding with him I do not have to understand it at all. [Laughter.] So that my conviction is—and I think that the admission of every candid mind will be—that in recent decades we have been decreasing our efficiency.

There is only one thing upon which efficiency depends, and that is the whole thing. You can not get efficiency out of your workmen if you overdrive them, any more than you can get it out of your machines if you overdrive them. Did you ever notice how much more tender and considerate of their machines some American manufacturers are than they are of the human beings they employ? Do not you know that every thoughtful manufacturer studies what his machinery will bear, and he will dismiss an employee who puts more on that machine than it can bear or than he ought to put on it? Very well; does he dismiss the same superintendent who puts more on the human muscle and spirit than it can bear? Not often. When you find a manufacturer who is considerate of the strain on his men and who makes them feel that he is taking as much care of them as of his machinery you find the most efficient establishment in the trade. [Applause.]

Would it not be a good idea to draw your cost sheets after a new fashion? Would it not be a good idea to have a cost sheet to show the strain put upon the men in every respect—not merely the physical strain, but a sheet which would show the strain put on them by lack of ventilation in the factory, by the lack of opportunities of amusement, by the absence of the

feeling on the part of the workmen that they are really regarded as essential partners in a mutual undertaking which makes every man just as eager to make the product good as his employer could possibly be? It would be a moral balance sheet of the whole industry of the Nation. Do not you see how I am traveling in a circle? It is a question of conservation. Conservation is a question of efficiency. Efficiency depends upon those finer economies which assemble all the elements of energy, and economy is simply another way of spelling the word honesty, thriftiness, getting out of every ton of coal every unit of energy that there is in it without waste, throwing nothing away, making profit out of everything, but particularly out of your relations with your fellow men.

We have this question to answer, therefore, gentlemen, and this is the central question of all politics and it is a perfectly nonpartisan question: What do you want, the economical adjustment, the moral adjustment, the physical adjustment which will produce these results, or do you want a fetish, called protection, behind which there will be waste, plus security? Do you really want to admit that you can not make the American Nation more efficient than any other nation in the world?

The only reason that America is efficient is that American brains are capable of entering into any competition that you can conceive of. The central thing is that so long as we keep American life relatively what we intended it to be, we have only to import a workman who earns 30 cents a day on the other side of the water and find him in an employ earning $2 a day on this side of the water. A man can not change the dexterity of his fingers or his physical make-up in a month, but he can change his point of view. He can catch the infection of the factory in which he works. He can recognize under the intelligent supervision of the superintendent that through his participation and because he has become a constituent part of the great throbbing American machine that we call civilization he can be an infinitely better workman than he is anywhere else.

When you want to cut down your working force, which of your workmen do you dismiss first? Those that get the smallest wages. You don't dismiss the high-priced men first. If you did you would dismiss the president and secretaries and superintendents, and you can not get on without those who earn the larger salaries. You don't dismiss from the top, but from the bottom, which is your admission that the most economical labor you have is your highest-priced labor. That is what you can not dispense with. It is high priced not because of the tariff. Oh, I wish I had time to explode that ancient myth. No thoughtful economist in the world knows so little as not to be able to explode it. Only business men who will not take the pains to become economists believe it, and some of them do not believe it.

A friend of mine who travels all over the world and sells a certain kind of American machine tells me he can sell $350 machines in competition with an $80 machine that does the same work because the $350 machine is more economical, it produces more in a given time and better goods in a given time, yields more to the intelligence of those who use it in a given time than the $80 machine, and the $350 machine is cheaper, produces a smaller labor cost than the $80 machine.

And the man who earns $10 a day, if he really earns it, is cheaper to you than the $1 a day man. And you can afford nothing so ill as to turn away from the idea, from the conception, that American labor is supreme because it is intelligent and not because it gets higher wages. That is a false reasoning; you are putting the cart before the horse. American labor gets higher wages because it is more valuable. Now, any intelligent labor can compete with any pauper labor, and the intellectual absurdity of "protecting" intelligent men from unintelligent is too patent to need explanation. When I hear the reports that tell of protecting the American laborers that I know of against the pauper labor of Europe I can only smile that my fellow voters are so gullible.

Now, gentlemen, you can not afford to be narrow in the presence of change, and you can not afford to think that your legislators and your executives are bringing change upon you. Neither can you afford to think that you can take no guiding part in the change. We are facing a new age, with new objects, new objects of American trade and manufacture, because the minute you begin to make models for foreign sale you have to change the machinery, the whole point of view. We are facing new objects with new standards, the standards of cosmopolitan intelligence instead of provincial intelligence, and with a new conception of what it means to produce wealth and produce prosperity. The prosperity of America has often been checked, but it has seldom been aided by legislation. I wonder how any man can keep the red corpuscles in his blood from getting up and shouting when he realizes the age that we are entering upon.

I was saying to-day to some of the fellows out at Harvard that I wished I had been born 20 years later, so that I could have had 20 years more of this exhilarating century upon which we have entered, a century which greets the challenge to originative effort. This is no century for any man who looks over his shoulder; it is no century for any man who has no stomach for the facts that change even while he tries to digest them; a century in which America is to prove once more whether she has any right to claim leadership in the world of originative politics and originative economic effort. This is a century just as worth living in as was the eighteenth century, better worth living in than was the nineteenth century.

When I hear men say that you are attacking American civilization by proposing, not rapid, but slow, steady—if necessary, organic—changes to meet the facts, I wonder what they think of when they look at the flag of the United States. The flag of the United States stands for the biggest kick on record.

The flag of the United States, in my imagination, consists of alternate strips of white parchment upon which are written the aspirations of men, and streams of blood poured out to verify their hope, and in the corner of that flag sparkle the stars of those States that have one after another swung into the firmament to show that there is a God in heaven, that men will not abandon hope so long as they have confidence in the God of righteousness, the God of justice, the God of liberty. [Loud applause.]

Address of Gov. Woodrow Wilson, of New Jersey.

[Carnegie Hall speech, Dec. 6, 1911.]

Mr. Chairman and gentlemen, the object of this meeting is not agitation, it is the statement of a plain case in such terms as may serve to arrest the attention of the Nation with regard to a matter which is of no mere local importance, which does not merely affect the rights and essential privileges of our Jewish fellow citizens as freemen and Americans, but which touches the dignity of our Government and the maintenance of those rights of manhood which that Government was set up to vindicate.

The facts are these: For some 80 years a treaty has existed between this country and Russia in which it is explicitly covenanted and agreed that the inhabitants of the two nations shall have the liberty of entering any part of the territory of either that is open to foreign commerce; that they shall be at liberty to sojourn and reside in all parts whatsoever of the territory thus opened to commerce, in order to attend to their affairs; and that they shall enjoy the same security and protection as inhabitants of the country in which they are sojourning, on condition, of course, that they submit to the laws and ordinances there prevailing, and particularly to the regulations there in force concerning commerce. For some 40 years the obligations of this treaty have been disregarded by Russia in respect of our Jewish fellow citizens. Our Government has protested, but has never gone protest. After 40 years of more correspondence the Russian Government naturally does not expect the matter to be carried beyond protest to action, and so continues to act as it pleases in this matter, in the confidence that our Government does not seriously mean to include our Jewish follow citizens among those upon whose rights it will insist.

It is not necessary to conjecture the reasons. The treaty thus disregarded by Russia is a treaty of commerce and navigation. Its main object is trade, the sort of economic intercourse between the two nations that will promote the material interests of both. Important commercial and industrial relations have been established under it. Large American undertakings, we are informed, would be put in serious peril were those relations broken off. We must concede something, even at the expense of a certain number of our fellow citizens in order not to risk a loss greater than the object which would seem to justify.

I for one do not fear any loss. The economic relations of two great nations are not based upon sentiment; they are based upon interest. It is safe to say that in this instance they are not based upon mutual respect, for Russia can not respect us when she sees us for 40 years together preferring our interests to our rights. Whatever our feeling may be with regard to Russia, whatever our respect for her statesmen or our sympathy with the great future in store for her people, she would certainly be justified in acting upon the expectation that we would follow our calculations of expediency rather than our convic-

tions of right and justice. Only once or twice, it would seem, has she ever thought our Government in earnest. Should she ever deem it in earnest, respect would take the place of covert indifference and the treaty would be lived up to. If it was ever advantageous to her, it is doubly and trebly advantageous now, and her advantage would be her guide, as has been ours, in the maintenance of a treaty of trade and navigation.

If the Russian Government has felt through all these years that it could ignore the protest of American ministers and Secretaries of State, it has been because the American Government spoke for special interests or from some special point of view and not for the American people. It is the fact that the attention of the American people has now been drawn to this matter that is altering the whole aspect of it.

We are a practical people. Like the rest of the world we establish our trade relations upon grounds of interest, not sentiment. The feeling of the American people toward the people of Russia has always been one of deep sympathy, and I believe of ready comprehension, and we have dealt with their Government in frankness and honor, wherever it appears that the interests of both nations could be served. We have not held off from cordial intercourse or withheld our respect because her political policy was so sharply contrasted with ours. Our desire is to be her friend and to make our relations with her closer and closer.

But there lies a principle back of our life. America is not a mere body of traders; it is a body of free men. Our greatness is built upon our freedom—is moral, not material. We have a great ardor for gain; but we have a deep passion for the rights of man. Principles lie back of our action. America would be inconceivable without them. These principles are not incompatible with great material prosperity. On the contrary, unless we are deeply mistaken, they are indispensable to it. We are not willing to have prosperity, however, if our fellow citizens must suffer contempt for it, or lose the rights that belong to every American in order that we may enjoy it. The price is too great.

Here is a great body of our Jewish fellow citizens, from whom have sprung men of genius in every walk of our varied life, men who have become part of the very stuff of America, who have conceived its ideals with singular clearness and led its enterprise with spirit and sagacity. They are playing a particularly conspicuous part in building up of the very prosperity of which our Government has so great a stake in its dealings with the Russian Government with regard to the rights of men. They are not Jews in America; they are American citizens. In this great matter with which we deal to-night, we speak for them as for representatives and champions of principles which underlie the very structure of our Government. They have suddenly become representatives of us all. By our action for them shall be tested our sincerity, our genuineness, the reality of principle among us.

I am glad this question has been thus brought into the open. There is here a greater stake than any other upon which we could set our hearts. Here is the final test of our ability to square our policies with our principles. We may now enjoy the exhilaration of matching our professions with handsome performance. We are not here to express our sympathy with our Jewish fellow citizens, but to make evident our sense of identity with them. This is not their cause; it is America's. It is the cause of all who love justice and do right.

The means by which the wrongs we complain of may be set right are plain. There is no hostility in what we do toward the Russian Government. No man who takes counsel of principle will have in his thought anything but purposes of peace. There need be for us in this great matter no touch of anger. But the conquests of peace are based upon mutual respect. The plain fact of the matter is that for some 40 years we have observed the obligations of our treaty with Russia and she has not. That can go on no longer. So soon as Russia fully understands that it can go on no longer, that we must, with whatever regret, break off the intercourse between our people and our merchants, unless the agreements upon which it is based can be observed in letter and in spirit, the air will clear. There is every reason why our intercourse should be maintained and extended, but it can not be upon such terms as at present. If the explicit provisions of our present agreement can not be maintained, we must reconsider the matter in the light of the altered circumstances and see upon what terms, if any, of mutual honor our intercourse may be reestablished. We have advantages to offer her merchants, her mine owners, her manufacturers, which her Government will not despise. We are not suppliants. We come with gifts in our hands. Her statesmen see as clearly as ours. An intolerable situation will be remedied just as soon as Russia is convinced that for us it is indeed intolerable.

The Lawyer in Politics.

[Address of Hon. Woodrow Wilson, governor of New Jersey, before the Kentucky Bar Association, Lexington, Ky., July 12, 1911.]

Mr. President, ladies, and gentlemen, the lawyer is, by very definition, an expert in the law; and society lives by law. Without it its life is vague, inchoate, disordered, vexed with a hopeless instability. At every turn of its experience society tries to express its life, therefore, in law—to make the rules of its action universal and imperative. This is the whole process of politics. Politics is the struggle for law, for an institutional expression of the changing life of society.

Of course, this is the deeper view of politics. It is not the view of the mere party man or of the professional politician. He thinks chiefly, no doubt, of the offices and their emoluments; of the tenure of power; of the choice of policy from day to day in the administration of the various departments of government; of the hundred advantages, both personal and partisan, which can be obtained in a successful contest for the control of the instruments of politics; but even he can not escape the deeper view at last. He must express the policy of his party or the advantage gained by his occupation of office in statutes, in rules of law, imposed in the interest of some class or group, if not in the interest of society at large. He is really, in the last analysis, struggling to control law and the development and use of institutions. He needs as much as the statesman does the assistance of the legal expert, the skill of the technical guide; the lawyer must be at his elbow to see that he plays the game according to the nominal rules.

The lawyer, therefore, has always been indispensable, whether he merely guided the leaders or was himself the leader, and nowhere has the lawyer played a more prominent part in politics than in England and America, where the rules of law have always been the chief instruments of contest and regulation, of liberty and efficient organization, and the chief means of lifting society from one stage to the next of its slow development.

The lawyer's ideal part in this unending struggle is easy to conceive. There is long experience stored up in the history of law. He, above all other men, should have a quick perception of what is feasible, of the new things that will fit into the old, of the experiences which should be heeded, the wrongs that should be remedied, and the rights that should be more completely realized. He knows out of his own practice how pitiful, oftentimes, against how many obstacles, amidst how many impediments, often interposed by the law itself, sometimes interposed by the ignorance of society or by the malevolence of designing men, the men about him make their daily effort to live free from the unnecessary interference or the selfish stupidity or the organized opposition of their neighbors and rivals. He knows what forces gather and work their will in the field of industry, of commerce, of all enterprise. He, if any man, knows where justice breaks down, where law needs amplification or amendment or radical change, what the alterations are that must be effected before the right will come into action easily and certainly and with genuine energy. He should at every turn be the mediator between groups of men, between all contending and contesting interests. He should show how differences are to be moderated, and antagonisms adjusted and society given peace and ease of movement.

He can play this ideal part, however, only if he has the right insight and sympathy. If he regards his practice as a mere means of livelihood, if he is satisfied to put his expert advice at the service of any interest or enterprise, if he does not regard himself as an officer of the State, but only as an agent of private interest, if, above all, he does not really see the wrongs that are accumulating, the mischief that is being wrought, the hearts that are being broken and the lives that are being wrecked, the hopes that are being snuffed out and the energies that are being sapped, he can not play the part of guide or moderator or adviser in the large sense that will make him a statesman and a benefactor.

It is a hard thing to exact of him, no doubt, that he should have a nonprofessional attitude toward law, that he should be more constantly conscious of his duties as a citizen than of his interests as a practitioner, but nothing less than that will fit him to play the really great rôle intended for his profession in the great plot of affairs. He must breed himself in the true philosophy of his calling. It is his duty to see from the point of view of all sorts and conditions of men, of the men whom he is not directly serving as well as of those whom he is directly serving.

This is a matter of character, of disposition, and of training outside the schools of law, in the broader schools of duty and of citizenship and of patriotism. It is a great conception when once a lawyer has filled himself with it. It lifts him oftentimes

to a very high place of vision and of inspiration. It makes of him the custodian of the honor and integrity of a great social order, an instrument of humanity, because an instrument of justice and fair dealing and of all those right adjustments of life that make the world fit to live in.

If I contrast with this ideal conception of the function of the lawyer in society what I may be excused for calling his actual rôle in the struggle for law and progress and the renovation of affairs, I hope that I will not be interpreted as suggesting a view of our great profession which is in any wise touched with cynicism or even with the spirit of harsh criticism. The facts do not justify a cynical view of the profession or even a fear that it may be permanently losing the spirit which has ruled the action of the greater members of the bar and of the immortal judges who have presided at the birth and given strength and fiber to the growth and liberty and human right. I wish to submit what I have to say in all fairness and without color even of discouragement.

The truth is that the technical training of the modern American lawyer, his professional prepossessions and his business involvements, impose limitations upon him and subject him to temptations which seriously stand in the way of his rendering the ideal service to society whch is demanded by the true standards and canons of his profession. Modern business, in particular, with its huge and complicated processes, has tended to subordinate him, to make of him a servant, an instrument instead of a free adviser and a master of justice. My professional life has afforded me a rather close view of the training of the modern lawyer in schools, and I must say that it seems to me an intensely technical training. Even the greater and broader principles of which the elder lawyers used to discourse with a touch of broad philosophy, those principles which used to afford writers like Blackstone occasion for incidental disquisitions on the character and history of society, now wear in our teaching so technical an aspect, are seen through the medium of so many wire-drawn decisions, are covered with so thick a gloss of explanation and ingenious interpretation, that they do not wear an open and genial and human aspect, but seem to belong to some recondite and private science.

Moreover, the prepossessions of the modern lawyer are all in favor of his close identification with his clients. The lawyer deems himself in conscience bound to be contentious, to maneuver for every advantage, to contribute to his clients' benefit his skill in a difficult and hazardous game. He seldom thinks of himself as the advocate of society. His very feeling that he is the advocate now of this, now of that, and again of another special individual interest separates him from broader conceptions. He moves in the atmosphere of private rather than public service. Moreover, he is absorbed now more than ever before into the great industrial organism. His business becomes more and more complicated and specialized. His studies and his services are apt to become more and more confined to some special field of law. He grows more and more a mere expert in the legal side of a certain class of great industrial or financial undertakings. The newspapers and the public in general speak of "corporation lawyers," and of course the most lucrative business of our time is derived from the need that the great business combinations we call corporations have at every turn of their affairs of an expert legal adviser. It is apt to happen with the most successful, and by that test the most eminent, lawyers of our American communities that by the time they reach middle life their thoughts have become fixed in very hard and definite molds. Though they have thought honestly, they are apt to have thought narrowly; they have not made themselves men of wide sympathies or discernment.

It is evident what must happen in such circumstances. The bench must be filled from the bar, and it is growing increasingly difficult to supply the bench with disinterested, unspoiled lawyers, capable of being the free instruments of society, the friends and guides of statesmen, the interpreters of the common life of the people, the mediators of the great process by which justice is led from one enlightenment and liberalization to another.

For the notable, I had almost said fundamental, circumstance of our political life is that our courts are, under our constitutional system, the means of our political development. Every change in our law, every modification of political practice, must sooner or later pass under their scrutiny. We can go only as fast as the legal habit of mind of our lawyers will permit. Our politics are bound up in the mental character and attitude and in the intellectual vigor and vision of our lawyers. Ours is so intensely and characteristically a legal polity that our politics depend upon our lawyers. They are the ultimate instruments of our life.

There are two present and immediate tests of the serviceability of the legal profession to the Nation, which I think will at once be recognized as tests which it is fair to apply. In the first place, there is the critical matter of reform of legal procedure—the almost invariable theme, if I am not mistaken, of all speakers upon this question from the President of the United States down. America lags far behind other countries in the essential matter of putting the whole emphasis in our courts upon the substance of right and justice. If the bar associations of this country were to devote themselves, with the great knowledge and ability at their command, to the utter simplification of judicial procedure, to the abolition of technical difficulties and pitfalls, to the removal of every unnecessary form, to the absolute subordination of method to the object sought, they would do a great patriotic service, which, if they will not address themselves to it, must be undertaken by laymen and novices. The actual miscarriages of justice, because of nothing more than a mere slip in a phrase or a mere error in an immaterial form, are nothing less than shocking. Their number is incalculable, but much more incalculable than their number is the damage they do to the reputation of the profession and to the majesty and integrity of the law. Any one bar association which would show the way to radical reform in these matters would insure a universal reconsideration of the matter from one end of the country to the other and would by that means redeem the reputation of a great profession and set American society forward a whole generation in its struggle for an equitable adjustment of its difficulties.

The second and more fundamental immediate test of the profession is its attitude toward the regulation of modern business, particularly of the powers and action of modern corporations. It is absolutely necessary that society should command its instruments and not be dominated by them. The lawyer, not the layman, has the best access to the means by which the reforms of our economic life can be best and most fairly accomplished. Never before in our history did those who guide affairs more seriously need the assistance of those who can claim an expert familiarity with the legal processes by which reforms may be effectually accomplished. It is in this matter more than in any other that our profession may now be said to be on trial. It will gain or lose the confidence of the country as it proves equal to the test or unequal.

As one looks about him at the infinite complexities of the modern problems of life, at the great tasks to be accomplished by law, at the issues of life and happiness and prosperity involved, one can not but realize how much depends upon the part the lawyer is to play in the future politics of the country. If he will not assume the rôle of patriot and of statesman, if he will not lend all his learning to the service of the common life of the country, if he will not open his sympathies to common men and enlist his enthusiasm in those policies which will bring regeneration to the business of the country, less expert hands than his must attempt the difficult and perilous business. It will be clumsily done. It will be done at the risk of reaction against the law itself. It will be done perhaps with brutal disregard of the niceties of justice, with clumsiness instead of with skill.

The tendencies of the profession, therefore, its sympathies, its inclinations, its prepossessions, its training, its point of view, its motves, are part of the stuff and substance of the destiny of the country. It is these matters rather than any others that bar associations should consider; for an association is greater than the individual lawyer. It should embody not the individual ambition of the practitioner, but the point of view of society with regard to the profession. It should hold the corporate conscience and consciousness of the profession. It is inspiring to think what might happen if but one great State bar association were to make up its mind and move toward these great objects with intelligence, determination, and indomitable perseverance.

The Bible and Progress.

[Address of Hon. Woodrow Wilson, governor of New Jersey, in the Auditorium, Denver, Colo., on the occasion of the tercentenary celebration of the translation of the Bible into the English language, May 7, 1911.]

Mr. President, ladies and gentlemen, the thought that entered my mind first as I came into this great room this evening framed itself in a question, Why should this great body of people have come together upon this solemn night? There is nothing here to be seen. There is nothing delectable here to be heard. Why should you run together in a great host when all that is to be spoken of is the history of a familiar book?

But as I have sat and looked upon this great body of people I have thought of the very suitable circumstance that here upon the platform sat a little group of ministers of the gospel lost in this great throng.

I say the "suitable circumstance," for I come here to-night to speak of the Bible as the book of the people, not the book of the minister of the gospel, not the special book of the priest from which to set forth some occult, unknown doctrine withheld from the common understanding of men, but a great book of revelation—the people's book of revelation. For it seems to me that the Bible has revealed the people to themselves. I wonder how many persons in this great audience realize the significance for English-speaking peoples of the translation of the Bible into the English tongue. Up to the time of the translation of the Bible into English, it was a book for long ages withheld from the perusal of the peoples of other languages and of other tongues, and not a little of the history of liberty lies in the circumstance that the moving sentences of this book were made familiar to the ears and the understanding of those peoples who have led mankind in exhibiting the forms of government and the impulses of reform which have made for freedom and for self-government among mankind.

For this is a book which reveals men unto themselves, not as creatures in bondage, not as men under human authority, not as those bidden to take counsel and command of any human source. It reveals every man to himself as a distinct moral agent, responsible not to men, not even to those men whom he has put over him in authority, but responsible through his own conscience to his Lord and Maker. Whenever a man sees this vision he stands up a free man, whatever may be the government under which he lives, if he sees beyond the circumstances of his own life.

I heard a very eloquent sermon to-day from an honored gentleman who is with us to-night. He was speaking upon the effect of a knowledge of the future life upon our conduct in this life. And it seemed to me that as I listened to him I saw the flames of those fires rekindled at which the martyrs died—died forgetful of their pain, with praise and thanksgiving upon their lips, that they had the opportunity to render their testimoney that this was not the life for which they had lived, but that there was a house builded in the heavens, not built of men, but built of God, to the vision of which they had lifted their eyes as they passed through the world, which gave them courage to fear no man, but to serve God. And I thought that all the records of heroism, of the great things that had illustrated human life, were summed up in the power of men to see that vision.

Our present life, ladies and gentlemen, is a very imperfect and disappointing thing. We do not judge our own conduct in the privacy of our own closets by the standard of expediency by which we are daily and hourly governed. We know that there is a standard set for us in the heavens, a standard revealed to us in this book which is the fixed and eternal standard by which we judge ourselves, and as we read this book it seems to us that the pages of our own hearts are laid open before us for our own perusal. This is the people's book of revelation, revelation of themselves not alone, but revelation of life and of peace. You know that human life is a constant struggle. For a man who has lost the sense of struggle life has ceased.

I believe that my confidence in the judgment of the people in matters political is based upon my knowledge that the men who are struggling are the men who know; that the men who are in the midst of the great effort to keep themselves steady in the pressure and rush of life are the men who know the significance of the pressure and the rush of life, and that they, the men on the make, are the men to whom to go for your judgments of what life is and what its problems are. And in this book there is peace simply because we read here the object of the struggle. No man is satisfied with himself as the object of the struggle.

There is a very interesting phrase that constantly comes to our lips which we perhaps do not often enough interpret in its true meaning. We see many a young man start out in life with apparently only this object in view—to make name and fame and power for himself, and there comes a time of maturity and reflection when we say of him, "He has come to himself." When may I say that I have come to myself? Only when I have come to recognize my true relations with the rest of the world. We speak of a man losing himself in a desert. If you reflect a moment you will see that is the only thing he has not lost. He himself is there. What he means when he says that he has lost himself is that he has lost all the rest of the world. He has nothing to steer by. He does not know where any human habitation lies. He does not know where any beaten path and highway is. If he could establish his relationship with anything else in the world he would have found himself. Let it serve as a picture.

A man has found himself when he has found his relation to the rest of the universe, and here is the book in which those relations are set forth. And so when you see a man going along the highways of life with his gaze lifted above the road, lifted to the sloping ways in front of him, then be careful of that man and get out of his way. He knows the kingdom for which he is bound. He has seen the revelation of himself and of his relations to mankind. He has seen the revelations of his relation to God and his Maker, and therefore he has seen his responsibility in the world. This is the revelation of life and of peace. I do not know that peace lies in constant accommodation. I was once asked if I would take part in a great peace conference, and I said, "Yes; if I may speak in favor of war"—not the war which we seek to avoid, not the senseless and useless and passionate shedding of human blood, but the only war that brings peace, the war with human passions and the war with human wrong—the war which is that untiring and unending process of reform from which no man can refrain and get peace.

No man can sit down and withhold his hands from the warfare against wrong and get peace out of his acquiescence. The most solid and satisfying peace is that which comes from this constant spiritual warfare, and there are times in the history of nations when they must take up the crude instruments of bloodshed in order to vindicate spiritual conceptions. For liberty is a spiritual conception, and when men take up arms to set other men free, there is something sacred and holy in the warfare. I will not cry "peace" so long as there is sin and wrong in the world. And this great book does not teach any doctrine of peace so long as there is sin to be combated and overcome in one's own heart and in the great moving force of human society.

And so it seems to me that we must look upon the Bible as the great charter of the human soul—as the "Magna Charta" of the human soul. You know the interesting circumstances which gave rise to the Magna Charta. You know the moving scene that was enacted upon the heath at Runnymede. You know how the barons of England, representing the people of England—for they consciously represented the people of England—met upon that historic spot and parleyed with John, the King. They said, "We will come to terms with you here." They said, "There are certain inalienable rights of English-speaking men which you must observe. They are not given by you, they can not be taken away by you. Sign your name here to this parchment upon which these rights are written and we are your subjects. Refuse to put your name to this document and we are your sworn enemies. Here are our swords to prove it."

The franchise of human liberty made the basis of a bargain with a king. There are kings upon the pages of Scripture, but do you think of any king in Scripture as anything else than a mere man? There was the great King David, of a line blessed because the line from which should spring our Lord and Savior, a man marked in the history of mankind as the chosen instrument of God to do justice and exalt righteousness in the people.

But what does this Bible do for David? Does it utter eulogies upon him? Does it conceal his faults and magnify his virtues? Does it set him up as a great statesman would be set up in a modern biography? No; the book in which his annals are written strips the mask from David, strips every shred of counterfeit and concealment from him and shows him as indeed an instrument of God, but a sinful and selfish man, and the verdict of the Bible is that David, like other men, was one day to stand naked before the judgment seat of God and be judged not as a king but as a man. Is not this the book of the people? Is there any man in this Holy Scripture who is exempted from the common standard and judgment? How these pages teem with the masses of mankind. Are these the annals of the great? These are the annals of the people—of the common run of men.

The New Testament is the history of the life and the testimony of common men who rallied to the fellowship of Jesus Christ and who by their faith and preaching remade a world that was under the thrall of the Roman army. This is the history of the triumph of the human spirit, in the persons of humble men. And how many sorts of men march across the pages, how infinite is the variety of human circumstance and of human dealings and of human heroism and love! Is this a picture of extraordinary things? This is a picture of the common life of mankind. It is a mirror held up for men's hearts,

and it is in this mirror that we marvel to see ourselves portrayed.

How like to the Scripture is all great literature! What is it that entrances us when we read or witness a play of Shakespeare? It is the consciousness that this man, this all-observing mind, saw men of every cast and kind as they were in their habits, as they lived. And as passage succeeds passage we seem to see the characters of ourselves and our friends portrayed by this ancient writer, and a play of Shakespeare is just as modern to-day as upon the day it was penned and first enacted. And the Bible is without age or date or time. It is a picture of the human heart displayed for all ages and for all sorts and conditions of men. Moreover, the Bible does what is so invaluable in human life—it classifies moral values. It apprises us that men are not judged according to their wits, but according to their characters—that the last of every man's reputation is his truthfulness, his squaring his conduct with the standards that he knew to be the standards of purity and rectitude.

How many a man we appraise, ladies and gentlemen, as great to-day whom we do not admire as noble! A man may have great power and small character. And the sweet praise of mankind lies not in their admiration of the smartness with which the thing was accomplished, but in that lingering love which apprises men that one of their fellows has gone out of life to his own reckoning, where he is sure of the blessed verdict, "Well done, good and faithful servant."

Did you ever look about you in any great city, in any great capital, at the statues which have been erected in it? To whom are these statues erected? Are they erected to the men who have piled fortunes about them? I do not know of any such statue anywhere, unless after he had accumulated his fortune the man bestowed it in beneficence upon his fellow men, and alongside of him will stand a statue of another meaning, for it is easy to give money away. I heard a friend of mine say that the standard of generosity was not the amount you gave away, but the amount you had left. It is easy to give away of your abundance; but look at the next statue, the next statue, and the next in the market place of great cities, and whom will you see? You will see here a soldier who gave his life to serve, not his own ends, but the interests and the purposes of his country.

I would be the last, ladies and gentlemen, to disparage any of the ordinary occupations of life, but I want to ask you this question: Did you ever see anybody who had lost a son hang up his yardstick over the mantelpiece? Have you not seen many families who had lost their sons hang up their muskets and their swords over the mantelpiece? What is the difference between the yardstick and the musket? There is nothing but perfect honor in the use of the yardstick, but the yardstick was used for the man's own interest, for his own self-support. It was used merely to fulfill the necessary exigencies of life, whereas the musket was used to serve no possible purpose of his own. He took every risk without any possibility of profit. The musket is the symbol of self-sacrifice and the yardstick is not. A man will instinctively elevate the one as the symbol of honor and never dream of using the other as a symbol of distinction.

Doesn't that cut pretty deep, and don't you know why the soldier has his monument as against the civilian's? The civilian may have served his State—he also—and here and there you may see a statesman's statue, but the civilian has generally served his country—has often served his country, at any rate—with some idea of promoting his own interests, whereas the soldier has everything to lose and nothing but the gratitude of his fellow men to win.

Let every man pray that he may in some true sense be a soldier of fortune, that he may have the good fortune to spend his energies and his life in the service of his fellow men in order that he may die to be recorded upon the rolls of those who have not thought of themselves but have thought of those whom they served. Isn't this the lesson of our Lord and Savior Jesus Christ? Am I not reminding you of these common judgments of our life, simply expounding to you this book of revelation, this book which reveals the common man to himself, which strips life of its disguises and its pretenses and elevates those standards by which alone true greatness and true strength and true valor are assessed?

Do you wonder, therefore, that when I was asked what my theme this evening would be I said it would be "The Bible and Progress"? We do not judge progress by material standards. America is not ahead of the other nations of the world because she is rich. Nothing makes America great except her thoughts, except her ideals, except her acceptance of those standards of judgment which are written large upon these pages of revelation. America has all along claimed the distinction of setting this example to the civilized world—that men were to think of one another, that governments were to be set up for the service of the people, that men were to be judged by these moral standards which pay no regard to rank or birth or conditions, but which assess every man according to his single and individual value. This is the meaning of this charter of the human soul. This is the standard by which men and nations have more and more come to be judged. And so the form has consisted in nothing more nor less than this—in trying to conform actual conditions, in trying to square actual laws with the right judgments of human conduct and more than liberty.

That is the reason that the Bible has stood at the back of progress. That is the reason that reform has come not from the top but from the bottom. If you are ever tempted to let a government reform itself, I ask you to look back in the pages of history and find me a government that reformed itself. If you are ever tempted to let a party attempt to reform itself, I ask you to find a party that ever reformed itself.

A tree is not nourished by its bloom and by its fruit. It is nourished by its roots, which are down deep in the common and hidden soil, and every process of purification and rectification comes from the bottom—not from the top. It comes from the masses of struggling human beings. It comes from the instinctive efforts of millions of human hearts trying to beat their way up into the light and into the hope of the future.

Parties are reformed and governments are corrected by the impulses coming out of the hearts of those who never exercised authority and never organized parties. Those are the sources of strength, and I pray God that these sources may never cease to be spiritualized by the immortal subjections of these words of inspiration of the Bible.

If any statesman sunk in the practices which debase a nation will but read this single book, he will go to his prayers abashed. Do you not realize, ladies and gentlemen, that there is a whole literature in the Bible? It is not one book, but a score of books. Do you realize what literature is? I am sometimes sorry to see the great classics of our English literature used in the schools as textbooks, because I am afraid that little children may gain the impression that these are formal lessons to be learned. There is no great book in any language, ladies and gentlemen, that is not the spontaneous outpouring of some great mind on the cry of some great heart. And the reason that poetry moves us more than prose does is that it is the rhythmic and passionate voice of some great spirit that has seen more than his fellow men can see.

I have found more true politics in the poets of the English-speaking race than I have ever found in all the formal treatises on political science. There is more of the spirit of our own institutions in a few lines of Tennyson than in all the textbooks on governments put together:

> A nation still, the rules and the ruled,
> Some sense of duty, something of a faith,
> Some reverence for the laws ourselves have made,
> Some patient force to change them when we will,
> Some civic manhood firm against the crowd.

Can you find summed up the manly, self-helping spirit of Saxon liberty anywhere better than in those few lines? Men afraid of nobody, afraid of nothing but their own passions, on guard against being caught unaware by their own sudden impulses and so getting their grapple upon life in firm-set institutions, some reverence for the laws themselves have made, some patience, not passionate force, to change them when they will, some civic manhood firm against the crowd. Literature, ladies and gentlemen, is revelation of the human spirit, and within the covers of this one book is a whole lot of literature, prose and poetry, history and rhapsody, the sober narration of the ecstacy of human excitement—things that ring in one's ears like songs never to be forgotten. And so I say let us never forget that these deep sources, these wells of inspiration, must always be our sources of refreshment and of renewal. Then no man can put unjust power upon us. We shall live in that chartered liberty in which a man sees the things unseen, in which he knows that he is bound for a country in which there are no questions mooted any longer of right or wrong.

Can you imagine a man who did not believe these words, who did not believe in the future life, standing up and doing what has been the heart and center of liberty always—standing up before the king himself and saying, "Sir, you have sinned and done wrong in the sight of God, and I am His messenger of judgment to pronounce upon you the condemnation of Almighty God. You may silence me, you may send me to my reckoning with my Maker, but you can not silence or reverse the judgment." That is what a man feels whose faith is rooted in the Bible. And the man whose faith is rooted

in the Bible knows that reform can not be stayed, that the finger of God that moves upon the face of the nations is against every man that plots the nation's downfall or the people's deceit; that these men are simply groping and staggering in their ignorance to a fearful day of judgment; and that whether one generation witnesses it or not the glad day of revelation and of freedom will come in which men will sing by the host of the coming of the Lord in His glory, and all of those will be forgotten—those little, scheming, contemptible creatures that forgot the image of God and tried to frame men according to the image of the evil one.

You may remember that allegorical narrative in the Old Testament of those who searched through one cavern after another cutting the holes in the walls and going into the secret places where all sorts of noisome things were worshipped. Men do not dare to let the sun shine in upon such things and upon such occupations and worships. And so I say there will be no halt to the great movement of the armies of reform until men forget their God, until they forget this charter of their liberty. Let no man suppose that progress can be divorced from religion or that there is any other platform for the ministers of reform than the platform written in the utterances of our Lord and Savior.

America was born a Christian nation. America was born to exemplify that devotion to the elements of righteousness which are derived from the revelations of Holy Scripture.

Ladies and gentlemen, I have a very simple thing to ask of you. I ask of every man and woman in this audience that from this night on they will realize that part of the destiny of America lies in their daily perusal of this great book of revelations—that if they would see America free and pure they will make their own spirits free and pure by this baptism of the Holy Scripture.

The Banker and the Nation.

[Address delivered by Dr. Woodrow Wilson at the annual convention of the American Bankers' Association, at Denver, Colo., Wednesday, Sept. 30, 1908.]

Mr. President, ladies, and gentlemen: We have witnessed in recent years an extraordinary awakening of the public conscience with regard to the methods of modern business, and of the private conscience also, for scores of business men have become conscious, as they never were before, that the eager push and ambition and competition of modern business had hurried them, oftentimes unconsciously, into practices which they had not stopped, in the heat of the struggle, to question, but which they now see to have been immoral and against the public interest. Sometimes the process of their demoralization was very subtle, very gradual, very obscure, and therefore hidden from their consciences. Sometimes it was crude and obvious enough, but they did not stop to be careful, thinking of their rivals and not of their morals. But now the moral and political aspects of the whole matter are laid bare to their own view as well as to the view of the world, and we have run out of quiet waters into a very cyclone of reform. No man is so poor as not to have his policies for everything. The whole structure of society is being critically looked over, and changes of the most radical character are being soberly discussed, which it would take generations to perfect, but which we are hopefully thinking of putting out to contract to be finished by a specified date well within the limits of our own time.

It is not my purpose on the present occasion to discuss particular policies and proposals. I wish, rather, to call your attention to some of the large aspects of the matter, which we should carefully consider before we make up our minds which way we should go and with what purpose we should act.

What strikes one most forcibly in the recent agitations of public opinion is the anatomy of our present economic structure which they seem to disclose. Sharp class contrasts and divisions have been laid bare—not class distinctions in the old world or the old-time sense, but sharp distinctions of power and opportunity quite as significant. For the first time in the history of America there is a general feeling that issue is now joined, or about to be joined, between the power of accumulated capital and the privileges and opportunities of the masses of the people. The power of accumulated capital is now, as at all other times and in all other circumstances, in the hands of a comparatively small number of persons, but there is a very widespread impression that those persons have been able in recent years as never before to control the national development in their own interest. The contest is sometimes said to be between capital and labor, but that is too narrow and too special a conception of it. It is, rather, between capital in all its larger accumulations and all other less concentrated, more dispersed, smaller, and more individual economic forces; and every new policy proposed has as its immediate or ultimate object the restraint of the power of accumulated capital for the protection and benefit of those who can not command its use.

This anatomizing of our social structure, this pulling it to pieces and scrutinizing each part of it separately, as it it had an independent existence and interest and could live not only separately but in contrast and contest with its other parts, as if it had no organic union with them or dependence upon them, is a very dangerous and unwholesome thing at best; but there are periods of excitement and inquiry when it is inevitable, and we should make the best of it, if only to hasten the process of reintegration. This process of segregation and contrast is always a symptom of deep discontent. It is not set afoot accidentally. It generally comes about, as it has come about now, because the several parts of society have forgotten their organic connections, their vital interdependence, and have become individually selfish or hostile—because the attention of a physician is in fact necessary. It has given occasion to that extensive and radical program of reform which we call socialism and with which so many hopeful minds are now in love. We shall be able to understand our present confused affairs thoroughly and handle them wisely only when we have made clear to ourselves how this situation arose, how this program was provoked, and what we individually and collectively have to do with it.

The abstract principles of socialism it is not difficult to admire. They are, indeed, hardly distinguishable from the abstract principles of Democracy. The object of the thoughtful Socialist is to effect such an organization of society as will give the individual his best protection and his best opportunity, and yet serve the interest of all rather than the interest of any one in particular; an organization of mutual benefit based upon the principle of the solidarity of all interests. But the program of socialism is another matter. It is not unfair to say that the programs of socialism so far put forth are either utterly vague or entirely impracticable. That they are now being taken very seriously and espoused very ardently is evidence, not of their excellence or practicability, but only of the fact, to which no observant man can any longer shut his eyes, that the contesting forces in our modern society have broken its unity and destroyed its organic harmony—not because that was inevitable, but because men have used their power thoughtlessly and selfishly, and legitimate undertakings have been pushed to illegitimate lengths. There has been an actual process of selfish segregation, and society has so reacted from it that almost any thoroughgoing program of reintegration looks hopeful and attractive. Such program can not be thrust aside or defeated by mere opposition and denial; they can be overcome only by wiser and better programs, and these it is our duty as patriotic citizens to find.

The most striking fact about the actual organization of modern society is that the most conspicuous, the most readily wielded, and the most formidable power is not the power of government, but the power of capital. Men of our day in England and America have almost forgotten what it is to fear the Government, but have found out what it is to fear the power of capital, to watch it with jealousy and suspicion, and trace to it the source of every open or hidden wrong. Our memories are not of history, but of what our own lives and experiences and the lives and experiences of the men about us have disclosed. We have had no experience in our day, or in the days of which our fathers have told us, of the tyranny of governments, of their minute control and arrogant interference and arbitrary regulation of our business and of our daily life, though it may be that we shall know something of it in the near future. We have forgotten what the power of government means and have found out what the power of capital means; and so we do not fear government and are not jealous of political power. We fear capital and are jealous of its domination. There will be need of many cool heads and much excellent judgment amongst us to curb this new power without throwing ourselves back into the gulf of the old, from which we were the first of the nations of the world to find a practicable way of escape.

The only forces that can save us from the one extreme or the other are those forces of social reunion and social reintegration which every man of station and character and influence in the country can in some degree and within the scope of his own life set afoot. We must open our minds wide to the new circumstances of our time, must bring about a new common understanding and effect a new coordination in the affairs which most concern us. Capital must give over its too great preoccupation with the business of making those who control it individually rich and must study to serve the interests of the people as a whole. It must draw near to the people and serve them in some intimate way of which they will be conscious. Voluntary cooperation must forestall the involuntary cooperation which

legislators will otherwise seek to bring about by the coercion of law. Capital now looks to the people like a force and interest apart, with which they must deal as with a master and not as with a friend. Those who handle capital in the great industrial enterprises of the country know how mistaken this attitude is. They see how intimately the general welfare and the common interest are connected with every really sound process of business, and how all antagonisms and misunderstandings hamper and disorganize industry. But no one can now mistake the fact and no one knows better than the manipulators of capital how many circumstances there are to justify the impression. We can never excuse ourselves from the necessity of dealing with facts.

I am sure that many bankers must have become acutely and sensitively aware of the fact that the most isolated and the most criticized interest of all is banking. The banks are, in the general view and estimation, the special and exclusive instrumentalities of capital used on a large scale. They stand remote from the laborer and the body of the people, and put whatever comes into their coffers at the disposal of the big captains of industry, the great masters of finance, the corporations which are in the way to crush all competitors.

I shall not now stop to ask how far this view of the banks is true. I need not tell you that in large part it is false. I know that the close connection of the banks with the larger operations of commerce and finance is natural and not illicit, and that the banks turn very cheerfully and very cordially to the smaller pieces of business. Time was when the banks never advertised, never condescended to solicit business; now they eagerly seek it in small pieces as well as big. The banks are in fact and in spirit at the service of every man to the limit of his known trustworthiness and credit, and they know very well that there is profit in multiplying small accounts and small loans. But, on the other hand, they are in fact singularly remote from the laborer and the body of the people. They are particularly remote from the farmer and the small trader of our extensive countrysides.

Let me illustrate what I mean. Roughly speaking, every town of any size and importance in the United States has its bank. But the large majority of our people live remote from banks, are unknown to the officers who manage them, and dispense their credit. Moreover, our system of banking is such that local banks must for the most part be organized and maintained by local capital and have at their disposal only local resources. It is difficult for those of you who do not travel leisurely in the vast rural districts of this country to realize how few and far between the banks are, or how local and petty, and without extensive power to help the community most of them are when you find them. A friend of mine rode through seven counties of one of the oldest of our States before finding any place where he could change a $20 bill; and I myself was obliged one summer, in a thriving agricultural district, to get change for bills of any considerable denomination sent to me by express from banks 50 miles distant. The business of the country was done largely by barter. I do not wonder that the men thereabout thought that the money of the country was being hoarded somewhere, presumably in Wall Street. None of it was accessible to them, though they by no means lacked in this world's goods. They believed in the free coinage of silver, not realizing that the silver, too, would have to be handled by the banks and would be equally inaccessible. It would not have been shipped like ordinary merchandise.

"Where and whose is the money of the country?" is the question which the average voter wants his political representative to answer for him. Bankers can answer the question, but I have met very few of them who could answer it in a way the ordinary man could understand. Bankers, as a body of experts in a particular, very responsible business, hold, and hold very clearly, certain economic facts and industrial circumstances in mind, and possess a large and unusually interesting mass of specialized knowledge of which they are masters in an extraordinary degree. But I trust you will not think me impertinent if I say that they excuse themselves from knowing a great many things which it would manifestly be to their interest to know, and that they are oftentimes singularly ignorant, or at any rate singularly indifferent, about what I may call the social functions and the political functions of banking, particularly in a country governed by opinion. I am not here to advocate the establishment of branch banks or argue in favor of anything which you understand better than I do. But I have this to say, and to say with great confidence: That if a system of branch banks, very simply and inexpensively managed and not necessarily open every day in the week, could be organized, which would put the resources of the rich banks of the country at the disposal of whole countrysides to whose merchants and farmers only a restricted and local credit is now open, the attitude of plain men everywhere toward the banks and banking would be changed utterly within less than a generation. You know that you are looking out for investments; that even the colossal enterprises of our time do not supply you with safe investments enough for the money that comes in to you; and that banks here, there, and everywhere are tempted, as a consequence, to place money in speculative enterprises, and even themselves to promote questionable ventures in finance at a fearful and wholly unjustifiable risk in order to get the usury they wish from their resources. You sit only where these things are spoken of and big returns coveted. There would be plenty of investments if you carried your money to the people of the country at large and had agents in hundreds of villages who knew the men in their neighborhoods who could be trusted with loans and who would make profitable use of them. Your money, moreover, would quicken and fertilize the country, and that other result would follow which I think you will agree with me is not least important in my argument: The average voter would learn that the money of the country was not being hoarded; that it was at the disposal of any honest man who could use it; and that to strike at the banks was to strike at the general convenience and the general prosperity. I do not know what the arguments against branch banks are; but these I know from observation to be the arguments for them, and very weighty arguments they seem to me to be.

That, however, need not concern me. I am not so much interested in argument as in illustration. My theme is this: Bankers, like men of every other interest, have their lot and part in the Nation—their social function and their political duty. We have come upon a time of crisis when it is made to appear, and is in part true, that interest is arrayed against interest; and it is our duty to turn the war into peace. It is the duty of the banker, as it is the duty of men of every other class, to see to it that there be in his calling no class spirit, no feeling of antagonism to the people, to plain men whom the bankers, to their great loss and detriment, do not know. It is their duty to be intelligent, thoughtful, patriotic intermediaries between capital and the people at large; to understand and serve the general interest; to be public men serving the country as well as private men serving their depositors and the enterprises whose securities and notes they hold. How capital is to draw near to the people and serve them at once obviously and safely is the question, the great and now pressing question, which it is the particular duty of the banker to answer. No one else can answer it so intelligently; and if he does not answer it others will, it may be, to his detriment and to the general embarrassment of the country. The occasion and the responsibility are yours.

We live in a very interesting time of awakening, in a period of reconstruction and readjustment, when everything is being questioned and even old foundations are threatened with change. But it is not a time of danger if we do not lose our heads and ignore our consciences. It is, on the contrary, a time of extraordinary privilege and opportunity when men of every class have begun to think upon the themes of the public welfare as they never thought before. I feel that I have only to speak of your social duty and political function to meet with a very instant and effectual response out of your own thoughts and purposes. I think that you will agree with me that our responsibility in a democratic country is not only for what we do and for the way and spirit in which we do it, but also for the impression we make. We are bound to make the right impression and to contribute by our action not only to the general prosperity and well-being of the country, but also to its general instruction, so that men of different classes can understand each other, can serve each other with intelligence and energy. There is a sense in which a democratic country statesmanship is forced upon every man of initiative, every man capable of leading anybody; and this I believe to be the particular period when statesmanship is forced upon bankers and upon all those who have to do with the application and use of the vast accumulated wealth of this country. We should, for example, not only seek the best solution for our currency difficulties, not only the safest and most scientific system of elastic currency to meet the convenience of a country in which the amount of cash needed at different times fluctuates enormously and violently, but we should also seek to give the discussions of such matters such publicity and such general currency and such simplicity as will enable men of every kind and calling to understand what we are talking about and take an intelligent part in the discussion. We can not shut ourselves in as experts to our own business. We must open our thoughts to the country at large and serve the general intelligence as well as the general welfare.

Qualifications for Presidential Electors.

EXTENSION OF REMARKS
OF
HON. JOHN A. STERLING,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 10, 1912.

Mr. STERLING said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD, I include a speech of Hon. HENRY D. CLAYTON, of Alabama, in the House of Representatives Monday, April 27, 1908.

The speech is as follows:

QUALIFICATIONS FOR PRESIDENTIAL ELECTORS.

[Speech of Hon. HENRY D. CLAYTON, of Alabama, in the House of Representatives, Monday, Apr. 27, 1908.]

Mr. CHAIRMAN: Not having had the opportunity at any other time, I avail myself of the courtesy just now extended to me to make some remarks on a subject that I believe to be of interest to the membership of this House and to the thoughtful people of the country. Inasmuch as this is a Presidential year, as it is usually termed, inquiries as to the qualifications of Presidential electors have been made of some of the Members here, and editorials voicing the desire for information on the same subject have appeared from time to time in some of the leading papers of the country. These inquiries and editorials have been directed to obtaining an answer to the proposition of what qualifies a man for and what disqualifies a man from being a Presidential elector.

There has never been very much said or written on this subject, and that is true because, naturally, the rivalry and jealousy existing between the great political parties has forced the leaders of the respective sides to insist in any case of doubt of the qualification of a proposed candidate for elector that he stand aside and let some one else be voted for about whose eligibility there could be no dispute.

I received recently from one of the leading citizens of Alabama, prominent at the bar and in the politics of that Commonwealth, Hon. H. S. D. Mallory, this inquiry:

Ascertain accurately and inform me of the qualifications of Presidential electors and what disqualifies.

I have, Mr. Chairman, made careful examination and I beg leave to submit the result of that examination to the membership of this House, to the lawyers here, and I know from personal conversation with more than a few of them that they have had the same question propounded to them by some of their constituents.

MODE OF SELECTION.

The selection, qualifications, and duties of Presidential electors are regulated in part by Federal and in part by State constitutions and laws.

THE PROVISIONS OF THE FEDERAL CONSTITUTION

And statutes bearing thereon are as follows:

2. Each State shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The Congress may determine the time of choosing the electors and the day in which they shall give their votes, which shall be the same throughout the United States. (U. S. Constitution, Art. II, sec. 1.)

THE FEDERAL LAWS.

Bearing upon the matter of electors are to be found in sections 131 to 151, inclusive, of the United States Revised Statutes, of which it is necessary to cite only:

SEC. 131, Revised Statutes. Except * * * the electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November in every fourth year succeeding every election of a President and Vice President. (Act Mar. 1, 1792, ch. 8, sec. 1, 1 Stat., 293; act Jan. 23, 1845, ch. 1, 5 Stat., 721.)

SEC. 132, Revised Statutes. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President are to be chosen come into office, except that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors the number of electors shall be according to the then existing apportionment of Senators and Representatives. (Act Mar. 1, 1792, ch. 8, sec. 1, 1 Stat., 239.)

SEC. 133, Revised Statutes. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (Act Jan. 23, 1845, ch. 1, 5 Stat., 721.)

SEC. 134, Revised Statutes. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the legislature of such State may direct. (Act Jan. 23, 1845, ch. 1, 5 Stat., 721.)

Section 135, Revised Statutes, superseded by—

Be it enacted, etc., That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct. (Act Feb. 3, 1887, ch. 90, sec. 1, 24 Stat., 373.)

SEC. 2. That if any State shall have provided by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy of contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (Act. Feb. 3, 1887, ch. 90, sec. 2, 24 Stat., 373.)

Now, I turn from the Federal provisions on this subject to the State provisions, for, as I said in the beginning, this matter is controlled in part by the Federal Constitution and laws, and in part, in every case, by the State constitution and statutes of the particular State where the elector is chosen. What I shall say generally of the laws of Alabama, both organic and statutory, are but illustrative of what could be said in a given case of the qualifications and disqualifications of an elector that might arise in the case of an elector chosen or appointed by any other State.

The Alabama State provisions are as follows:

ART. 17. Constitution of Alabama, 1901:

"SEC. 280. No person holding an office of profit under the United States, except postmasters whose annual salary does not exceed $200, shall, during his continuance in such office, hold any office of profit under this State; nor, unless otherwise provided in this constitution, shall any person hold two offices of profit at one and the same time under this State, except justices of the peace, constables, notaries public, and commissioners of deeds.

"SEC. 282. It is made the duty of the general assembly to enact all laws necessary to give effect to the provisions of this constitution."

ART. 8. Constitution of Alabama, 1901:

"SEC. 183. No person shall be qualified to vote or participate in any primary election, [a] party convention, mass meeting, or other method of party action of any political party or faction who shall not possess the qualifications prescribed in this article for an elector or who shall be disqualified from voting under the provisions of this article."

ART. 5. Constitution of Alabama, 1901:

"SEC. 132. No person shall be eligible to the office of attorney general, State auditor, secretary of state, State treasurer, superintendent of education, or commissioner of agriculture and industries unless he shall have been a citizen of the United States at least seven years and shall have resided in this State at least five years preceding his election and shall be at least 25 years old when elected."

ART. 6. Constitution of Alabama, 1901:

"SEC. 154. Chancellors and judges of all courts of record shall have been citizens of the United States and of this State five years next preceding their election or appointment and shall be not less than 25 years of age, and, except judges of probate courts, shall be learned in the law."

ART. 4. Constitution of Alabama, 1901:

"SEC. 47. [State] Senators shall be at least 25 years of age and representatives 21 years of age at the time of their election. They shall have been citizens and residents of this State for three years and residents of their respective counties or districts for one year next before their election if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken, and they shall reside in their respective counties or districts during their term of office."

THE STATE LAW.

Chapter 33, article 2, Code of Alabama, 1907:

"SEC. 1467, (3056), (241), (149), (144), (105)." Persons ineligible to office.

The persons who are ineligible to and disqualified for holding office under the authority of this State are:

"1. Those who are not qualified electors, except as otherwise expressly provided.

"2. Those who have not been inhabitants of the State, etc., the period required by the constitution and laws of the State.

"3. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, or any other crime punishable by imprisonment in the penitentiary, and those who are idiots or insane.

"4. Those who have given, accepted, or knowingly carried a challenge.

"5. Those against whom there is a judgment unpaid for any money received by them in any official capacity, due to the United States, the State of Alabama, or any county or municipality thereof.

"6. Soldiers, seamen, or mariners in the Regular Army or Navy of the United States.

"7. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State; nor shall any person hold two offices of profit at one and the same time under this State, except notaries public."

It will be noted that under the constitution justices of the peace, constables, and commissioners of deeds also are excepted, but by the above paragraph of section 1467 they are made ineligible to hold any other office.

SEC. 1468. (3057), (244), (152), (147), (108). Code of Alabama, 1907:

"All officers must reside in this State."

ART. IV, SEC. 331. (1573), (338), (243). Code of Alabama, 1907:

"The following officers in the State shall be elected by the qualified electors thereof * * * electors for President and Vice President of the United States. (Mar. 6, 1876, p. 103.)"

SEC. 332. (1574), (339), (244). Code of Alabama, 1907:

"General election.—General elections throughout this State shall be held for * * * electors for President and Vice President of the United States. (Mar. 6, 1876, p. 103.)"

SEC. 338. (1579), (343), (248), Code of Alabama, 1907:
"Electors for President and Vice President of the United States shall be elected on the first Tuesday after the first Monday in November, 1902, and every fourth year thereafter. (Mar. 6, 1876, p. 103.)"
ART. XX, SEC. 446. (1653), (435), (342), (388), (339). Code of Alabama, 1907:
"On the day prescribed by this code there are to be elected, by a general ticket, a number of electors for President and Vice President of the United States equal to the number of Senators and Representatives in Congress to which the State is entitled at the time of such election. (Mar. 3, 1875, p. 76.)"
SEC. 450. (1657), (439), (346), (394), (345). Code of Alabama, 1907:
"The electors of President and Vice President are to assemble at the office of the secretary of state at the seat of government at 12 o'clock noon on the second Monday in January next after their election, or on that hour on such other day as may be fixed by Congress, to elect such President and Vice President; and those of them present at that hour must at once proceed by ballot and plurality of votes to supply the places of those who fail to attend on that day and hour. (Mar. 3, 1875, p. 76.)"
SEC. 451. (1658), (440), (347). Code of Alabama, 1907:
"Each elector for President and Vice President shall receive $8 for each day he necessarily attends at the seat of government, and 20 cents for every mile traveled to and from the same, to be estimated in the same manner as is provided by law in relation to members of the general assembly from his county, to be paid on oath of each elector, by warrant on the State treasurer. (Mar. 6, 1876, p. 103.)"

ELECTOR IS STATE OFFICER.

It is clear, therefore, from the foregoing, that the presidential elector is an officer of the State, holding an office of profit, and that the determination of the State, in the manner provided by law (act of Congress, Feb. 3, 1887, 24 Stat., 373), of any controversy or contest concerning the appointment of any or all of the electors of such State is conclusive.

This view is confirmed by the decisions of Federal and State courts in which the question has arisen.

The office of presidential elector is a State and not a Federal office. (In re Green, 134 U. S., 377, 379; McPherson v. Blacker, 146 U. S., 1, 35.)

With the exceptions of the provisions as to the number of electors and the ineligibility of certain persons, which provisons are so framed that congressional and Federal influence might be excluded, the appointment of electors belongs exclusively to the States, under the Constitution of the United States. (McPherson v. Blacker, 146 U. S., 1, and bottom of page 35.)

Mr. HARDWICK. Before the gentleman leaves that point, will it disturb the gentleman if I ask him a question?

Mr. CLAYTON. Not at all.

Mr. HARDWICK. In the decision to which the gentleman has just referred——

Mr. CLAYTON. I have it here on my desk.

Mr. HARDWICK. Is not it true that Congress would have no power whatever to direct the manner in which presidential electors should be selected in the several States except as to the time of choosing them and that the time of choosing them should be uniform?

Mr. CLAYTON. Yes; I think the gentleman is entirely correct, but no person declared ineligible by the provisions of Federal law that I have just referred to can be a presidential elector.

PERSONS DISQUALIFIED.

The Federal exceptions are Senator or Representative, or person holding an office of trust or profit under the United States. (Art. II, Constitution of the United States.)

The State laws exclude every person holding an office of profit under the United States, except postmasters receiving less than $200 per annum compensation, who are ineligible under the Federal Constitution, and every person holding any other office of profit at the same time under the State, except notaries public.

ART. XVII. Constitution of Alabama, 1901.

SEC. 1467. Page 7, Code of Alabama, 1907.

In addition to the above, all the persons disqualified by section 1467, Code of Alabama, 1907 (1-6), are made ineligible to any office.

And the following under Article IV, constitution of Alabama, 1901:

SEC. 60. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the legislature or capable of holding any office of trust or profit in this State.

WHO ARE OFFICERS.

The only question open for discussion is what is an office and who are officers in the meaning of the Federal and State constitutions and laws governing such election.

A United States Senator or Representative in Congress is not an officer of the United States, therefore is provided for eo nomine in the Federal constitutional and statutory exclusions.

Federal officers are appointed by the President, by and with the advice and consent of the Senate, by the courts of law and the heads of departments where Congress has, by law, vested the appointment of such inferior officers.

Article II, section 2 (2), United States Constitution.

As examples, it has been held that an officer of a national bank is not an officer of the United States. He is elected by his fellow stockholders, and his duties are not public. He is not a part of the Government, albeit executing certain functions under its authority. (Branch v. United States, 12 C. Cls., 286; affirmed in 100 U. S., 673.)

On the other hand, the receiver of a national bank has been held to be such officer, because appointed by the Treasury Department. (In re Chetwood, 165 U. S., 443.)

A member of a board of examining surgeons appointed by the Commissioner of Pensions (not the department) is not an officer. (United States v. Van Leuven, 62 Fed. Rep., 62.)

Curiously enough, it may be remarked that a sailmaker at a navy yard, appointed by a warrant under the hand of the Secretary of the Navy and seal of the department, is an officer of the United States. (Sanford v. Boyd, 2 Cranch, C. C., 671.)

A United States commissioner is an officer duly appointed by the United States circuit court, under authority of the Constitution, therefore undoubtedly disqualified, although it has been held that a State justice of the peace, while authorized to arrest and commit persons violating the Federal laws, does not thereby become an officer of the United States (Ex parte Gist, 26 Ala., 156), and such justice of the peace is especially excepted by the State constitution, but disqualified by the code of 1907.

A notary public is not such officer and therefore not disqualified under the State constitution. (Kirksey v. Bates, 7 Porter, 529; Governor v. Gordon, 15 Ala., 72.)

The enrolling clerk of the legislature is only an employee, and not an officer; neither is he an attorney.

A special deputy employed and authorized by the sheriff to execute a particular process is an officer of the State within the generic meaning of the term and of the statute against resisting an officer in the discharge of his duty. (Andrews v. State, 78 Ala., 483; Pentecost v. State, 107 Ala., 91.)

Mayors of cities and incorporated towns have ex officio powers of justice of the peace, and usually hold the police courts; therefore doubtless ineligible on account thereof.

It has been held that the following are officers within the meaning of the Constitution and laws:

A police judge, in Montgomery v. State (107 Ala., 372).

A State printer, in Ex parte Screws (49 Ala., 64).

County solicitor, in Diggs v. State (49 Ala., 326).

It has been held that administrators, general or special, are not such officers, in Michell v. Nelson (49 Ala., 90).

These exceptions are so plain and explicit as to need no elaboration.

The definition of office and officer are many in number, but uniform in character. They will be found collected at pages 4920-4923, Volume VI, Words and Phrases Judicially Defined, and their general tenor is as follows:

(1) A right to exercise a public function or employment and to take the fee belonging to it. Olmstead v. City of New York (42 N. Y. Sup. Ct. (10 Jones & S.), 481, 487).

Quoting 7 Bac. Abr. (Ed. 1879), p. 279. (Office.)

(2) An office consists in a right, and correspondent duty, to exercise a public trust, and to take the emolument belonging to it. (Kent citing Blair v. Marye, 80 Va., 485, and numerous cases.)

(3) It is a right to exercise a public or private employment and to take the fees and emoluments in which one has a property and to which there are annexed duties, and oaths to support the Constitutions of the State and United States. Worthy v. Barrett (63 N. C., 199).

ALL STATE AND FEDERAL OFFICEHOLDERS INELIGIBLE.

Every person holding any office of trust or profit under the United States, or of profit under the State, except notaries public, is specifically excluded from serving as presidential elector. Under the general provision that inhibits any person from holding two offices of profit at one and the same time in Alabama, every other officeholder is made ineligible for elector.

A notary public who is at the same time an ex officio justice of the peace probably would be held to be disqualified also.

In addition to officeholders of every description under the State and the United States, all the persons mentioned in section 60 of the constitution of 1901 and section 1467 of the code of 1907 are disqualified. These embrace all persons not entitled to vote, who have been convicted of crimes involving moral turpitude, who have been concerned in challenges to fight, and against whom is an unpaid judgment for public moneys.

ELECTOR'S QUALIFICATIONS.

For all executive, legislative, and judicial officers in Alabama, the constitution or code seems to require certain age, residence, and so forth, qualifications, but for the office of presidential elector I find no regulation other than that the elector shall be duly qualified to vote at general elections in the State, shall not be

within any of the inhibited classes under either Federal or State constitution or laws hereinabove mentioned, and shall not have been convicted of certain classes of crimes named, owe unpaid public moneys reduced to judgment, nor been concerned in a challenge.

SUMMARY OF QUALIFICATIONS AND DISQUALIFICATIONS.

Without further amplification, the conclusion is that only a person duly qualified to vote in a general election of the State is eligible to be a presidential elector, or to be voted for as such, in the State of Alabama; that United States Senators and Representatives in Congress and every person holding any office of profit or trust under the United States or any office of profit under the State, which includes every person required to take and subscribe to an oath to support the constitution of the State or the United States, is disqualified by law from holding or being voted for for elector for President and Vice President, as well as all the other persons disqualified from holding office generally.

ADVICE.

As even one vote may be important, the least risk should not be taken, but only private citizens, unquestionably disconnected from public office or employment, fully qualified to vote and hold office at the election, should be voted for as elector for President and Vice President.

I thank the House for its considerate attention. [Applause.]

The Contest at Chicago.

EXTENSION OF REMARKS
OF
HON. J. HAMPTON MOORE,
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 12, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: In this period of political doubts and misgivings, when violent statements and charges are made to-day only to be retracted or contradicted to-morrow; when great men who are much in the public eye disregard the elements of true statesmanship for the more seductive and alluring approval of the galleries; when men presumably honest deliberately plan to fool the people and keep them fooled, it is refreshing to have a statement of facts with regard to disputed public questions from one of our own neighbors.

We are fairly familiar with what the "big guns" have had to say about the "thieves, the robbers, and the second-story men" of the Republican convention at Chicago. That such reckless and indiscriminate adjectives do not apply to the great mass of Republican delegates who made up the Chicago convention is being more clearly understood as the popular mind is given the opportunity to cool off and to readjust itself. Indeed, there is something of a revulsion of feeling on the part of many who have wittingly or unwittingly yielded to the belief that more than a thousand picked and representative men of the Republican Party, which has made this Nation the greatest on all the globe, have been so vicious, so unprincipled, and so despicable as a few dozen persons with lusty lungs and ample newspaper support would have the world believe.

In times like these the great mass of the people, momentarily infatuated by the boldness of some new and flashing meteor in the political sky, are prone to forget that after all it is the rank and file of the people who are the real victims of the sporadic outbursts of pretended patriotism which lead only to personal aggrandizement or social dissolution. None of us, in our right senses, I assume, has any thought of being carried off his feet and away from his patriotic moorings, if in the end he shall accomplish nothing more than the overthrow of that progress and protection which is now accorded to us by law, and the substitution therefor of some political boss or other, the vindication of whose policies is our only reward.

It is hard for the truth to catch up with a lie. Once circulated, a lie expands like the ripple on the wave; but "truth crushed to earth shall rise again," and so even though a great national convention be enmeshed for a time in the fabricated maze of misrepresentation, it is still being demonstrated day by day that the Republican convention which nominated William Howard Taft for the Presidency was not only strong and high-minded in its personnel, but apart from the tactics of those who went into the convention "to make trouble" and to establish the groundwork for misrepresentation, was the peer of any body of Republicans ever assembled by the authority of the Republican Party of the Nation to nominate a President.

To the testimony of the leaders who have all spoken with regard to the so-called "contested cases at Chicago" it is therefore agreeable to be able to add the statement of one who did not go to the convention as a leader but as one of the plain people of the Keystone State, an unprejudiced observer so far as the contests were concerned, because his vote in the convention was cast neither for Taft or Roosevelt, but for the Hon. Charles E. Hughes, of New York. The gentleman to whom I refer is William H. Keller, one of the delegates to the Republican convention from the richest agricultural county in the United States, the county of Lancaster, Pa.

It is because we have heard but little from the rank and file of the Republican convention with regard to the so-called Chicago contests that I ask permission to make the comments of Mr. Keller a part of the CONGRESSIONAL RECORD. His address was in the nature of a report to the Republican county committee of Lancaster. A careful perusal of it will help materially to clear away much of the doubt that has lurked in the minds of some Republicans since the convention, with regard to the validity of the action of that body. The text of Mr. Keller's address is as follows:

ADDRESS OF WILLIAM H. KELLER, ESQ., A DELEGATE TO THE REPUBLICAN NATIONAL CONVENTION AT CHICAGO, BEFORE THE REPUBLICAN COUNTY COMMITTEE OF LANCASTER, PA.

Gentlemen of the Republican county committee, I accepted with great pleasure your chairman's invitation to address you this morning for two reasons: First, because I feel that it is right and fitting that, to you, as the representatives of the Republican Party of Lancaster County, we should render an account of our stewardship as delegates to the Republican national convention at Chicago; and, secondly, because it gives us an opportunity to present, through you, to the rank and file of the party, a plain statement, not only of the legality, but also of the rightfulness of the action of that convention, and to assure every member of the party that the nominees of the convention are fairly and justly selected and are deserving of the united support of all its adherents.

I can not but believe that the great mass of Republicans, including most of those who supported Mr. Roosevelt in his candidacy for the nomination, need only to be assured in their hearts that the proceedings of the convention were fairly conducted and the nominations rightly made, in order to win for their ticket their loyal and undivided support.

I can not help but feel also that the time will come, and that shortly, when thinking and reasoning people will tire of the never-ceasing reiteration of charges of fraud and unfairness, and will demand that these charges be supported by competent proof—in other words, that they will insist upon "being shown."

HIS VOTE EXPLAINED.

You will recall that, basing our attitude upon the declaration of this committee, and with an eye solely to the welfare of the Republican Party, my colleague and I did not support either Mr. Taft or Mr. Roosevelt at the convention. We felt that the bitterness engendered by the campaign of personalities between the President and the ex-President was so great, and the wounds of conflict so sore, that it was the part of wisdom for the party to select a third man who could unite the warring factions and bring peace to a divided following, and for that reason we voted for that able and tireless investigator, that fearless and incorruptible executive, that just and upright judge, true progressive and champion of the rights of the people, Charles E. Hughes. Speaking for myself, and not pretending to voice my colleague's views, I do not hesitate to say that I took this step through no lack of confidence in the President, or want of sympathy with his administration. Judged by the actual results accomplished, President Taft, in my opinion, deserved a renomination; but I am one of those who place the party above the man, and when, through no fault of his own, and only in defense of the decent self-respect which every man with good red blood in his veins is bound to maintain, whether he holds official position or not, the primary campaign sunk from principles to personalities, my colleague and I felt that the good of the party called for the nomination of a new man, who had not excited bitter enmities as well as won enthusiastic friends, and who could lead an undivided party to victory against the common enemy, and I feel justified in saying that this result would most probably have been accomplished and a reunited party would now be following to certain victory a leader acceptable to all, whether he were Hughes, CUMMINS, BORAH, or Hadley, had not the man, who had loudly proclaimed his fight to be one of principles and not for personal ambition, acted as if the nomination of anyone

but himself were treason to himself, and thereby placed his personal ambition above the principles for which he had been professedly fighting, and this, by preventing the nomination of any third man acceptable to the rank and file of the party, inevitably brought about the nomination of his most conspicuous rival. But I also have no hesitation in making the statement, based upon personal participation in the convention every minute from start to finish, that the proceedings were fair and just throughout, the majority patient and long suffering in their conduct toward the minority, and that the nominees were fairly and honestly chosen, and are deserving of the support of the whole party as the choice of a majority of the convention.

Let me, for a brief space of time, consider the principal grievances set up by Mr. Roosevelt's supporters as instances of fraud and unfairness sufficient to justify their refusal to abide by the action of the majority.

First of all, and of peculiar interest to Pennsylvanians, was the charge that George W. Newcomer fraudulently and unfairly was permitted to sit instead of Samuel A. Kendall, as alternate for Allen F. Cooper, a delegate from the twenty-third congressional district, who by reason of sickness was unable to attend the convention, and that Mr. Roosevelt had thus been "robbed and cheated" of a vote rightfully his own. As a matter of fact, Mr. Newcomer was the regular accredited alternate for Mr. Cooper, so certified by the secretary of the Commonwealth of Pennsylvania long before Mr. Cooper became sick. I do not know just how these certifications are made, whether on the basis of the respective votes of delegates and alternates or alphabetically, or how; but I do know that they are made systematically and according to some rule. Every alternate from a district is primarily accredited as alternate for a particular delegate, and in case of the latter's absence must be first called before the other alternate is allowed to take any part in the proceedings. For example, Charles A. Grady was certified as alternate for Mr. GRIEST, while Charles S. Whitson was certified as my alternate. In case of Mr. GRIEST's absence from the convention Mr. Grady would have had the first opportunity to take his place, while in case of my absence Mr. Whitson would have first had such right. Now, Mr. Newcomer had been certified by the proper authorities long before the convention met as Mr. Cooper's alternate and was consequently entitled to vote in his place during the latter's absence, just as Kendall would have been entitled to vote had Berkeley, the other delegate from that district, been absent. Furthermore, no injury nor harm was done Mr. Roosevelt by this action, for Mr. Newcomer voted as the regular delegate, Mr. Cooper, would have done had he been present, and thus the alternate was truly representative of his delegate and his constituents. Though a great "howdy-do" was made over this incident by malcontents in the convention who, in a disorderly manner, made the hall ring with cries of robbery and fraud, it is but just to state that no less a person than Hon. Robert K. Young, a Roosevelt delegate to the convention and the present Republican candidate for State treasurer and a gentleman of the highest honor and integrity, admitted to me before the close of the convention that their position had been based on a misapprehension and that the action of the convention in that respect had been right.

THE CRY OF FRAUD FALSE.

Next the cry was that it was unfair for the 72 delegates on the temporary roll of the convention whose seats were contested before the committee on credentials to act as judges in their own cases. None of the persons who so loudly proclaim this truism apparently even read Senator ROOT's ruling as temporary chairman, or learned what was decided on this point. He expressly decided that no delegate whose seat was contested could vote in his own case, or in any case the disposition of which involved his seat in the convention, but permitted him to perform his duty as a sitting delegate in all other respects until his contest was decided. This, he showed, was in accordance with the rules laid down in Robert's Rules of Order and Cushing's Manual and with the rules of Congress, where Mr. Crisp not only exercised his rights as a Member, but acted as Speaker of the House all the while that a contest was pending against him, except that, as to his own particular contest, he took no part. The same rule has been in force in every Republican or Democratic convention ever assembled. It was the rule when Mr. Roosevelt was nominated in 1904 and when he insisted upon the nomination of Mr. Taft in 1908. It was the same rule which was enforced at the Flinn Republican State convention at Harrisburg and the Democratic national convention at Baltimore. The South Dakota delegation at Baltimore, which was unseated when the permanent roll was made up, voted, as I am informed, for Parker instead of Bryan for temporary chairman, and Mr. Diller, of this county, against whom a contest had been filed by Mr. Knox, while it was still pending and before it was withdrawn, voted for Bryan for temporary chairman and later voted to unseat the Clark delegates from South Dakota, who were on the temporary roll, and seat the Wilson delegates in their places. Any other rule would lead to rank absurdity. All Mr. Pickle and Mr. Wenger would have needed to have done to nullify the vote at the primary election, had Mr. Roosevelt's contention in this respect been adopted, would have been to file a contest against Mr. Griest and myself, just as was done, admittedly without a shadow of justification, against 160 other delegates, and our hands would have been effectually tied. Under such a rule as demanded by Mr. Roosevelt's supporters, viz, that the delegates whose seats were contested should take absolutely no part in the convention until after the contests were decided, a minority could always defeat a majority; for if, say, out of 1,000 delegates, one candidate had 600 delegates and the other only 400, the latter could easily win by filing 201 contests against his opponent, which would reduce the latter's vote in the convention to 399, and thus give the minority control.

And, as Senator ROOT pointed out, as a climax of absurdity, by each side filing a contest against every delegate opposing it no business could be done at all, for no one would be left who could organize the convention under such a preposterous plan. As a matter of fact, no delegate acted as judge or jury in his own case, and the records prove it. When the roll call was demanded on the ninth Alabama contest neither of the two contested delegates voted. When the contest over Arizona's six delegates at large was being heard not one of them was permitted to vote. When the vote was had on the California fourth district case neither Tryon nor Meyerfeld, whose seats were in dispute, was allowed to cast his vote. When the right of the eight delegates at large from Washington to their seats in the convention was being tried not one of these delegates whose seats were thus questioned was permitted to take any part in the contest. In view of these facts, it is well to remember that there are other commandments besides the eighth, and that no amount of self-assumed virtue or loudly proclaimed self-righteousness gives anyone the right to lie or bear false witness against his neighbor, even if he be a political opponent.

THE CONTESTS REVIEWED.

And now as to the decision of the contests themselves. It will be remembered that 252 contests were filed with the national committee; that two weeks were given to their consideration and the public press permitted to be present at the hearings. Of these, 19 were decided in favor of Mr. Roosevelt and 233 in favor of Mr. Taft. Of the 238 contests filed on Mr. Roosevelt's behalf 161 were so flagrantly without merit and so fraudulently instituted that they were thrown out unanimously. Every Roosevelt member of the committee voting against the contestants, who had been publicly supported and abetted by McHarg, DIXON, McCormick, and other Roosevelt managers. It was subsequently publicly admitted that these leaders knew all along that there was absolutely no merit in any of these contests, and that they had been instituted only for "psychological effect." There is an old maxim in law, "Falsus in uno, falsus in omnibus"—"False in one, false in all." Why should the unsupported word of men who filed and pressed 161 fake contests admittedly without any merit be taken against the statement, backed up by proof, of men who were guilty of no such trickery, as to the remaining 72 contests, which were relied on as being sufficient to gain control of the convention?

The committee on credentials, chosen not by the temporary chairman nor by the national committee, but made up of one delegate from each State, selected by the delegation from each State—the member from Pennsylvania being Mr. Lex Mitchell, a Roosevelt supporter—sat for 55 hours, practically continuously, heard everything that anybody wanted to say, examined the evidence submitted to the national committee, and heard any new evidence which either party desired to present, and wrote separate reports on each contest, setting forth not only the decision arrived at by the majority, but the facts or reasons supporting such decision. The minority reports, for the most part, gave no reasons nor facts justifying a reversal of the action of the national committee, but, simply, except in a few instances, recommended the seating of the contestants, without explaining why they recommended such action, and in the few cases in which reasons were introduced they proved, to an unbiased mind, wholly unconvincing.

FEW ROLL CALLS DEMANDED.

According to my recollection a roll call was demanded by Mr. Roosevelt's supporters in only four cases, viz: Ninth district Alabama, two delegates; Arizona, at large, six delegates; fourth district California, two delegates; and, I think, Washington, at

large, eight delegates. The Roosevelt leaders apparently considered these four their strongest cases, for they permitted all the rest to be decided viva voce, though they could have demanded a roll call on every one.

The facts in each of these cases were, briefly, as follows:

THE ALABAMA CASE.

(1) The contest in the ninth Alabama district depended upon whether a member of the Republican district executive committee could personally withdraw a resignation given by him to a fellow committeeman to present to the committee in case he should not be present, before it was presented to or acted upon by the committee—as to which there can not be two honest opinions—and, also, as to whether the chairman of the district committee had the power to fill vacancies in the committee caused by death or removal from the district. The chairman, in support of this power, or authority, presented a minute of the committee conferring this privilege upon him, but an inspection of the resolution or minute containing it showed that it was crowded in at the end of another resolution, written in different handwriting and of different color from the rest of the record, and was evidently inserted at a later date.

The majority of the committee denied that any such resolution had been adopted. It was admitted that, if the resolution giving the chairman such authority was spurious, the Roosevelt contestants had absolutely no standing, for the convention which elected them was, in such case, called by a minority of the committee two months after the legally called and constituted convention had selected the delegates whose seats were contested. The member of the committee on credentials from Wisconsin, who was a La Follette supporter, filed a special report, which was concurred in by the member from Idaho, who was a Roosevelt supporter, in which he stated that, after examining the resolution and the testimony with reference to it, he was not satisfied that it had ever been adopted by the committee; in other words, that the alleged resolution was a falsification of the record, if not a forgery. The ballot on this case showed 605 in favor of the seated delegates to 464 for the contestants and 9 (including the 2 delegates whose seats were contested) absent or not voting, or a clear majority for the sitting delegates of 141, and a majority of 71, leaving out altogether the other 70 delegates whose seats were contested in other districts.

ARIZONA CONTESTS.

(2) In Arizona, as the congressional district embraces the whole State, all the delegates, six in number, were selected at large by the State convention, just as was done in Pennsylvania. There was, however, no State-wide primary, but each district could decide for itself whether it would select the delegates to the State convention by committee, convention, or primary. In Maricopa County the majority of the county committee, with whom was lodged the decision of the matter, decided against holding a primary. The minority of the committee, who were supporters of Mr. Roosevelt, without any warrant or authority of law, called a county primary, which was participated in practically by no persons but Roosevelt supporters, and, consequently, resulted in an overwhelming majority in that county in his favor. The primary under the circumstances was wholly without warrant of law and was entitled to no more weight than a newspaper straw vote—nay, not as much, for no one took part in it but the Roosevelt wing of the party. Even without counting the delegates from Maricopa County, Mr. Taft had a clear majority of the delegates to the State convention. Twenty-five out of the ninety-three delegates to the State convention bolted and elected the contesting delegates to the national convention. The situation was about the same as if the anti-Flinn delegates to the last Republican State convention at Harrisburg had bolted and sent a rival delegation to contest 12 seats of the delegates at large from this State. The convention sustained the action of the committee on credentials by a vote of 564 to 497 (17 delegates, including those from Arizona, not voting), a majority of 67, and a majority without counting the other 66 delegates whose seats were contested in other districts.

CALIFORNIA CONTESTS.

(3) The question raised by the contest in the fourth district of California was whether the State of California could, by law, abrogate or nullify the rules of the National Republican Party and force upon it, against its will and settled practice, the odious unit rule. Since 1876 the unit rule has had no place in Republican national conventions. The contest was waged then and decided in favor of district representation—that is, that each congressional district shall have the right to choose its own delegates, who shall represent the Republican voters of that particular district, irrespective of the rest of the State. In other words, that the unit of representation in the national convention shall be the congressional district and not the State. This is unquestionably in accord with real popular government. The subject was fought over again in 1880, when Gen. Grant would have been nominated had the unit rule been upheld; and it was decided, finally and beyond future question, that to compel the delegates from a congressional district to vote against their preferences because a majority in the whole State was opposed to them was un-Republican and would not be tolerated. A Republican convention never has witnessed scenes like those enacted at Baltimore, where a delegate would rise and go through the farce of announcing his preference for President, only to have the chairman direct his vote to be cast contrary to his wishes by reason of the enforcement of the unit rule. In conformity with this well-settled practice, the call of the national committee under which the convention was held expressly provided "that in no State shall an election be so held as to prevent the delegates from any congressional district and their alternates being selected by the Republican electors of that district." The Legislature of California, however, subsequently passed a law providing for a State-wide preferential primary, at which the district delegates, as well as the delegates at large, might express their presidential preferences, and might also, but were not compelled to do so, agree to vote for the presidential candidate receiving the highest vote throughout the State. H. H. Tyron and Morris Meyerfeld, jr., who were candidates for delegates to the national convention from the fourth congressional district, expressed their preference for Mr. Taft, but did not agree to be bound by the State-wide preferential vote. There were 26 delegates to be elected, 22 of whom were named as representing their respective congressional districts and 4 the State at large. In the State-wide primary, at which the names of all the delegates appeared on the ticket, Mr. Roosevelt received a very large majority, just as he did in Pennsylvania, but in the fourth congressional district the Taft delegates above named received 10,507 and 10,531 votes, respectively, as against 10,240 and 10,209 cast for the Roosevelt delegates for that district, viz, Charles S. Wheeler and P. Bancroft, respectively.

The Roosevelt supporters contended that under the law of California, because Mr. Roosevelt had carried the State-preferential primary by a large majority, he was entitled to all 26 of the California votes, even though the voters of the fourth congressional district had cast more votes for the Taft delegates from that district than for the Roosevelt delegates; thus, in effect, enforcing a unit rule which nullified the vote of the fourth congressional district. Had the same rule applied in Pennsylvania, my colleague and myself would have been ousted from the national convention and our opponents, who received less than one-half the number of votes cast for us, would have been seated as delegates. The convention decided that this could not be done against the protests of the delegates from that district; that, while the Legislature of California could impose any law it saw fit to enact upon the several political parties within its borders, so far as concerned purely State politics, it could not force the adoption of such law upon political parties in other States and in the Nation at large contrary to the established rules of those political bodies; that a voluntary political national party could refuse to have its actions circumscribed, its conduct governed, and its rules and laws set aside by the mandate of any particular State; in other words, that the Legislature of California could not dictate to the Republicans of the whole Nation what the basis or unit of representation should be in their national conventions. This is sound Republican doctrine. To hold otherwise would be to permit or allow the law of the Democratic Party to be forcibly incorporated into Republican Party policy.

THE WASHINGTON CASE.

(4) With reference to the contest over the eight delegates at large from Washington, it is admitted that there was no State-wide primary. The delegates at large were elected at a State convention, composed of delegates who were selected by county committees, county conventions, or county primaries, as the proper party authority—that is, the county committees of the respective districts determined. As a matter of interest, it is only fair to state that a majority of the State delegates who were elected by county primaries favored Mr. Taft. In King County, in which the city of Seattle is situated, the county committee decided against electing the delegates by primary, as under the law they had the right to do. A minority of the committee, who were supporters of Mr. Roosevelt, disregarding its action, called an unauthorized and unwarranted county primary. The Taft and La Follette supporters took no part in

this illegal primary, and, consequently, Mr. Roosevelt received an overwhelming majority of the vote. To show that the rank and file of the party paid no heed to the primary as wholly unauthorized by law, it is only necessary to state that Mr. Roosevelt received at this primary only 5,000 votes out of a normal Republican vote of 75,000, or less than 7 per cent of the Republican strength in that county. At the State convention Mr. Taft had a small majority of the delegates. It was learned, however, that the Roosevelt following were threatening to storm the convention and take forcible possession of the hall. The State committee blocked this plan by printing tickets of admission and refusing to admit any delegates without tickets, just as has been the rule at every State convention in Pennsylvania since I can remember. No delegate entitled to a seat in the convention was refused a ticket or admittance to the hall. A minority of the delegates thereupon bolted, rented another hall, and elected the contesting delegates. This bolting convention was properly held by the national convention to have had no standing nor validity, and its action was disregarded and the contest dismissed.

THE INDIANA CASE.

(5) While no roll call was demanded upon the contest for the four delegates at large from Indiana, so much talk has appeared, owing to the prominence of ex-Senator Beveridge and the other contesting delegates, and so many charges of fraud have been made that I feel I ought to briefly discuss that contest also. At the State convention at which these delegates at large were elected Mr. Taft had a large majority over his opponents; in this majority were included the delegates from Marion County, the county seat of which is Indianapolis. The delegates to the State convention from Marion County were elected at a primary at which Mr. Taft received 6,000 votes to Mr. Roosevelt's 1,400, or over four to one. It was charged by the Roosevelt supporters that in several wards of Indianapolis frauds had been perpetrated, but it was not contended that this was sufficient to overcome Mr. Taft's majority of 4,600 votes, or even the votes in those wards. Furthermore, even without the contested delegates from Marion County, Mr. Taft had a clear majority in the State convention. On no better basis than this, a very small minority of the convention—not over fifty to a hundred delegates—gathered by themselves in one corner of the convention hall and attempted to elect the contesting delegation. The contest was disallowed by the national committee by a unanimous vote, the 15 Roosevelt members of that committee (including such men as Senator BORAH and Frank B. Kellogg) concurring in the action, and the convention rightly sustained the action of the committee.

I regret that time forbids the consideration of the other contests. They are fairly stated in the report recently published by the national committee and should be read by every Republican who is anxious to acquaint himself with the facts and is not satisfied by mere clamor. They will show that the charge of fraud and dishonesty at the Chicago convention was a wicked and mendacious falsehood, purposely set up with the deliberate intention of hoodwinking the public; that the cry "Thou shalt not steal," so loudly raised at the convention, was only a variation of the old "Stop, thief," trick, put forth only after the efforts of those who raised it to buy, steal, or bulldoze sufficient votes to control the convention had been effectually thwarted and checked; and that, in the words of the chairman of the committee on notification, the title of our candidate to the nomination for President "is as clear and unimpeachable as the title of any candidate of any party since political conventions began."

After all, it must be remembered that the principal issue at stake in the coming election is not the election of any particular man, but the success of the Republican Party and a continuance of its policy of government.

The platform of the Democratic Party and the record of its candidate both show that the Republican policy of protection to American labor and industry, under which we have so signally prospered as a people, is in grave peril. The Republican Party is, and will be, the only safeguard to the continuance of this truly American policy, and a vote for any other candidate than the nominee of the Republican Party is a half vote in favor of Wilson and the adoption of free trade and a tariff for revenue only.

The Republicans of Lancaster County, who have a record of devoted allegiance to the party not equaled by any rural county in the United States, can not afford, at this crisis, to waver in their loyalty or be half-hearted in their support.

The principles at stake, no less than the future of the party itself, demand, and I have no doubt will evoke, our loyal, wholehearted devotion and support.

Woman's National Democratic League.

EXTENSION OF REMARKS

OF

HON. STEVEN B. AYRES,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912.

Mr. AYRES said:

Mr. SPEAKER: To me one of the most interesting of the phenomena of the day is the concern shown by women in polical matters. Even 25 years ago it would have been thought strange if women of our country had exhibited much interest in the progress and success of political parties. But this year women will vote for the President in six States, and in all the other States they are evincing a very decided interest in all those topics which are properly the subject for political investigation. The women who believe in the candidacy of Gov. Woodrow Wilson are especially active, and it is to afford the Members of Congress some information as to what they are doing to aid the Democratic candidate that I wish to put into the RECORD some samples of the literature they are sending out.

In June of this year many influential women among the congressional circle, and some outside of it, joined in forming what they call the Woman's National Democratic League, and they adopted the following constitution and by-laws:

Constitution of the Woman's National Democratic League.

ARTICLE 1.

NAME.

SECTION 1. This organization shall be called the "Woman's National Democratic League."

ARTICLE 2.

OBJECT.

SECTION 1. The object of the league shall be to promote the principles of democracy and to assist in the election of the regular nominees of the Democratic Party.

SEC. 2. The league shall in no way use its influence in behalf of any person or faction prior to nominations by the Democratic Party.

ARTICLE 3.

MEMBERSHIP.

SECTION 1. The membership of the league shall be composed of individual women of legal age, who shall be members at large, and of Democratic clubs formed exclusively for women.

SEC. 2. Until State organizations have been formed the president of the league shall appoint one State vice president from each State to aid in organizing such clubs.

ARTICLE 4.

OFFICERS.

SECTION 1. The officers of the league shall be a president, three vice presidents (first, second, and third), a recording secretary, a corresponding secretary, a field secretary, a treasurer, an auditor, a historian, and six additional directors.

ARTICLE 5.

EXECUTIVE BOARD.

SECTION 1. The officers of the league, together with the six other directors, shall constitute an executive board for the transaction of business.

ARTICLE 6.

ELECTIONS.

SECTION 1. There shall be annually an election of officers and directors, by formal ballot, upon nominations made from the floor.

SEC. 2. All persons entitled to vote, whether members at large or club delegates, shall be eligible to office. Wives of officeholders shall be eligible as officers, but not as additional directors.

ARTICLE 7.

DUES.

SECTION 1. The annual dues of a member at large shall be $1, which must be paid not later than one month prior to the annual meeting to entitle the member to vote at that meeting. The annual dues of a club shall be at the rate of $1 for every five of its members, which must be paid not later than one month prior to the annual meeting to entitle the club's representative to a vote at such meeting, each dollar so paid entitling the club to be represented by one delegate.

ARTICLE 8.

MEETINGS.

SECTION 1. The annual meeting for the election of officers and additional directors and the transaction of such business as the executive board may designate shall be held in Washington, D. C., on "Andrew Jackson's Day" (January 8th), or when that date shall be Sunday on the day following.

SEC. 2. No resolution or report shall be presented at any annual meeting of the league unless approved by the executive board at its annual meeting.

SEC. 3. Special meetings of the league may be held at the call of the president, or upon the written request of 100 members at large, by notifying each member at large and club entitled to vote by written notice deposited in the mail at least 30 days prior to the date of such meeting.

ARTICLE 9.

AMENDMENTS.

SECTION 1. This constitution may be amended at any meeting of the league by a majority vote of the members and delegates present and entitled to vote; provided that 30 days prior to the meeting written notice, stating the proposed amendment, has been sent to each member at large and to the corresponding secretary of each club enrolled.

By-Laws.

ARTICLE 1.

DUTIES OF OFFICERS.

SECTION 1. The president shall preside at all meetings of the league and of the executive board, perform all other duties pertaining to the office, and be ex officio a member of all committees.

SEC. 2. In the absence of the president the vice presidents, in the order of their standing, shall preside and perform the duties pertaining to the office.

SEC. 3. The recording secretary shall keep the minutes of the meetings of the league and of the executive board and have charge of all papers pertaining to the office.

SEC. 4. The corresponding secretary shall conduct the correspondence of the league and of the executive board, send out all notices, excepting those relating to payment of dues, notify new members of their election, and keep a file of all letters received and a copy of every letter written by her, and a complete membership list.

SEC. 5. The field secretary shall give special attention to arousing the interest and securing the assistance and cooperation of Democratic women throughout the country in the work of the league by means of the press and otherwise.

SEC. 6. The treasurer shall receive all moneys, and deposit same as directed by the executive board, receive all dues, keep a proper record of all receipts, and pay all bills, but only upon written order of the president, together with the signature of the chairman or officer incurring the indebtedness.

SEC. 7. The auditor shall examine and verify the books of the treasurer.

SEC. 8. The historian shall keep a record of such proceedings of interest as are not included in the minutes.

SEC. 9. Each officer shall prepare a written report of her work for the year, to be presented at the annual meeting; such reports must be approved by the executive board at its annual meeting immediately prior.

SEC. 10. The executive board shall manage the affairs of the league, control its property, and work for the advancement of the league and the preservation of harmony; it shall fill all vacancies that may occur in the board or in any office of the league with appointees, to serve until the next election of officers. Its first regular meeting shall be held on the first week day following the adjournment of the Democratic national convention at Baltimore (1912). Special meetings may be held at the call of the president. Failure of a member to attend three consecutive meetings without written acknowledgment of her notification in writing shall be considered equivalent to a resignation, and at the fourth consecutive board meeting the vacancy shall be announced by the corresponding secretary.

SEC. 11. Each officer shall hold her office until her successor is elected, and upon expiration of her term shall turn over to her successor all records, correspondence, and other matter pertaining to the league.

ARTICLE 2.

MEMBERSHIP.

SECTION 1. Any woman of legal age in sympathy with the object of the league may become a member at large upon a majority vote at any meeting of the executive board and payment of annual dues.

SEC. 2. Any Democratic club organized exclusively for women in sympathy with the object of the league may become a member by presenting a copy of its constitution and by-laws upon a majority vote at any meeting of the executive board and payment of annual dues.

SEC. 3. Women eligible as members at large and clubs eligible to membership may become charter members by signing membership blank and payment of dues; the charter membership list must be closed permanently on December 8, 1912.

SEC. 4. Any woman elected to membership may, upon payment of $500, become a life member, and thereafter be exempt from all dues and entitled to vote at all meetings of the league.

ARTICLE 3.

DUES.

SECTION 1. The annual dues shall be payable upon notification of election and thereafter on or before December 8, without further notice.

SEC. 2. The name of a member or club whose dues are unpaid two weeks prior to the annual meeting shall be read at the annual meeting of the executive board and then dropped from the roll.

SEC. 3. A member or club whose name has been dropped from the roll may be reinstated by the executive board at any meeting of said board held after its annual meeting at which the name was dropped.

ARTICLE 4.

ANNUAL MEETING.

SECTION 1. The annual meeting shall be called to order at 11 o'clock in the morning, and shall proceed with business in the following order:

1. Roll call.
2. Reading of minutes of last meeting.
3. Reports of officers.
4. Reports of chairmen of standing committees.
5. Reports of chairmen of special committees.
6. Unfinished business.
7. New business.
8. Roll call.
9. Election of officers and other directors.

SEC. 2. Immediately prior to the election there shall be a call of the roll, and none but members and delegates entitled to vote shall be present during the election. Ballots shall not be signed, and no ballot shall be counted if it contains the name of any person not a regular nominee. No member or delegate shall vote by proxy, and no person shall be nominated whose name does not appear upon the roll of those entitled to vote.

SEC. 3. The annual meeting of the executive board shall be held immediately prior to the annual meeting of the league.

ARTICLE 5.

COMMITTEES.

SECTION 1. The president shall appoint the chairmen of the following standing committees:

1. Committee on ways and means.
2. Membership committee.
3. Reception committee.
4. Press committee.

Each chairman so appointed shall select the other members of her committee and perform such duties as may be prescribed by the president or the executive board.

SEC. 2. The president shall appoint all special committees.

ARTICLE 6.

QUORUM.

SECTION 1. The members present shall constitute a quorum for the transaction of business at all meetings of the league and of the executive board, and Robert's Rules of Order shall govern the proceedings when not in conflict with the constitution or by-laws.

ARTICLE 7.

AMENDMENTS.

SECTION 1. These by-laws may be amended by a majority vote of the members present at any meeting of the executive board.

You will perceive that they have formed an organization which is capable of doing very active and energetic work in behalf of the Democratic candidates.

Of course, the first work of this league is to extend its organization into every State in the Union, and to aid in this they prepared a blank which they are sending widespread and which has already resulted in a very large membership and will doubtless bring in many more. It is as follows:

Woman's National Democratic League (Inc.).

OFFICERS.

Honorary president, Mrs. Woodrow Wilson; honorary vice president, Mrs. Thomas R. Marshall; president, Mrs. John Sherwin Crosby, New York City; first vice president, Mrs. J. C. Linthicum, Baltimore, Md.; second vice president, Mrs. Edward T. Taylor, Glenwood Springs, Colo.; third vice president, Mrs. William A. Cullop, Vincennes, Ind.; recording secretary, Mrs. John E. Raker, Alturas, Cal.; corresponding secretary, Mrs. Steven B. Ayres, Spuyten Duyvil, New York City; field secretary, Mrs. Grace Porter Hopkins, Washington, D. C.; treasurer, Mrs. William Graves Sharp, Elyria, Ohio; historian, Mrs. Silas Hare, Washington, D. C.; auditor, Miss K. M. Dabney, Washington, D. C.

EXTRACTS FROM CONSTITUTION.

OBJECT.

ARTICLE 2, SECTION 1. The object of the league shall be to promote the principles of Democracy and to assist in the election of the regular nominees of the Democratic Party.

SEC. 2. This league shall in no way use its influence in behalf of any person or faction prior to nominations by the Democratic Party.

DUES.

ART. 8. The annual dues of a member at large shall be $1 * * * of a club, at the rate of $1 for every five members.

Any woman of legal age in sympathy with the object of this league is invited to become a charter member.

Name, _____

Address, _____

City, _____; State, _____

Return this membership blank, together with $1, to the treasurer.

Mrs. WILLIAM GRAVES SHARP,
Elyria, Ohio.

To give some knowledge of the personnel of the league, the women have adopted the same plan that is followed by the older national committees of the parties, and are sending to women everywhere a folder which gives some personal history of each of the officers of the league, extracts from the constitution and history of the league itself. It is a 14-page folder, and contents are as follows:

Page 1: Extracts from the constitution of the league. Page 2: Photograph of Mrs. Woodrow Wilson, the honorary president, and her personal history. Page 3: Photograph of Mrs. Thomas R. Marshall, honorary vice president, and her personal history. Page 4: Photograph of Mrs. John Sherwin Crosby, president, and her personal history. Page 5: Photograph of Mrs. John Charles Linthicum, first vice president, and her personal history. Page 6: Photograph of Mrs. Edward E. Taylor, second vice president, and her personal history. Page 7: Photograph of Mrs. Steven B. Ayres, corresponding secretary, and her personal history. Page 8: Photograph of Mrs. William A. Cullop, third vice president, and her personal history. Page 9: Photograph of Mrs. John E. Raker, recording secretary, and her personal history. Page 10: Photograph of Mrs. Grace Porter Hopkins, field secretary, and her personal history. Page 11: Photograph of Mrs. William Graves Sharp, treasurer, and her personal history: Page 12: Photograph of Mrs. Silas Hare, historian, and her personal history. Page 13: Photograph of Miss Katharine M. Dabney, auditor, and her personal history. Page 14: History of Woman's National Democratic League.

Again copying the methods of the older national committees, the Democratic women are using very practical means to secure the resources necessary for carrying on the active campaign in which they are engaged. They have prepared and are sending to women throughout the Nation who are interested in Democratic policies a circular letter containing a request for contributions to aid in their work. This circular letter is as follows:

HEADQUARTERS WOMAN'S NATIONAL DEMOCRATIC LEAGUE.
New York City.

DEAR MADAM: Believing that you are interested in the success of Democratic candidates and Democratic principles as enunciated by our

great candidate for the Presidency, Gov. Woodrow Wilson, we are taking the liberty of suggesting to you that we shall thoroughly appreciate any financial assistance you may feel that you are able to give to the cause for which we are working. We shall be very glad to receive contributions in any amount from $1 upward. We expect this year to expend the larger part of the money which comes to us in work among the women voters in the six States where women have suffrage, but we have also discovered that the work of the league is to be effective also in the older States. Branches of the league have already been established in nearly all of the States, and the organization will be at once completed. We expect to have a meeting of the national committee women from all the States early in the fall, when the operations of the league will be discussed more in detail. Check for any subscription which you may feel able to make should be sent to Mrs. William Graves Sharp, Elyria, Ohio, who will promptly acknowledge it. All subscriptions will be publicly acknowledged in our national organ.

Yours, very cordially,

WOMAN'S NATIONAL DEMOCRATIC LEAGUE,
Per ——— ———.

Mr. Speaker, I think we can all agree that the women of the Democracy have made a splendid beginning. We welcome them into the political arena and believe their work there can only result in a raising of the plane upon which political operations are conducted. We wish them the best of luck.

The Panama Canal and Mississippi Valley.

EXTENSION OF REMARKS
OF
HON. JOSEPH E. RANSDELL,
OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 3, 1912.

Mr. RANSDELL of Louisiana said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include a very interesting address delivered by Mr. O. P. Austin, Chief of the Bureau of Statistics, on the commerce of the Mississippi Valley.

The address is as follows:

THE PANAMA CANAL AND THE MISSISSIPPI VALLEY.

SHORTER ROUTES AND CHEAPER TRANSPORTATION TO MARKETS NOW IMPORTING $2,000,000,000 WORTH OF MERCHANDISE PER ANNUM—THE CANAL WILL REDUCE BY THOUSANDS OF MILES THE TRAVEL ROUTE OF MISSISSIPPI VALLEY PRODUCTS SEEKING MARKETS IN COUNTRIES FRONTING ON THE PACIFIC—ORIENTAL AND LATIN-AMERICAN COUNTRIES REQUIRE THE CLASS OF MERCHANDISE PRODUCED IN THE GREAT CENTRAL VALLEY OF THE UNITED STATES.

[Address delivered before the Deeper Waterways Association, at Chicago, October 13, 1911, by Hon. O. P. Austin, Chief of the Bureau of Statistics, Department of Commerce and Labor.]

The relation of the Panama Canal to the Mississippi Valley may be stated in a single sentence: The Mississippi Valley can not attain complete commercial success without the Panama Canal; the Panama Canal can not attain complete commercial success without the Mississippi Valley, reenforced by deeper waterways from the Lakes to the Gulf.

AN OPEN DOOR FOR THE WORLD'S GREATEST PRODUCING AREA.

What is the Panama Canal? A ditch 50 miles long, 500 feet wide, 40 feet deep, connecting, for purposes of international commerce, the two greatest oceans of the world. What is the Mississippi Valley? The world's greatest single producer of the principal articles forming international commerce. What are you gentlemen gathered here proposing for this Mississippi Valley? A system which shall give to its products through water transportation from the place of production to the Panama Canal and thence direct to the trade centers of countries having half the world's population. Hence the relation of the Panama Canal to the commerce of the Mississippi Valley will be that of the most direct and cheapest route of transportation from the door of the producer to the door of the consumer. May we expect that the opening of the Panama Canal will be followed by an improvement in the trade of this valley with the markets of the Pacific? Undoubtedly. May we expect that the development of deeper waterways from the Lakes to the Gulf will still further improve the commerce of this valley with the markets of the Pacific and, indeed, the markets of the whole world? Beyond any possible doubt.

THE MISSISSIPPI VALLEY AS A PURVEYOR TO WORLD MARKETS.

You will expect of me some reasons for the opinions which I have here expressed. Let me give them to you in brief:

First. The Mississippi Valley is already the world's greatest single producer of a large proportion of the articles entering commerce and required for that commerce.

Second. It has already exceptional facilities for distributing its products to the market fronting upon the Atlantic, and the canal will give it similar facilities for the markets fronting upon the Pacific.

Third. Those exceptional conditions of producing power and opportunities of distribution are so largely the result of natural conditions that we may look upon them when once attained as a permanent part of the world's system of production and interchanges.

What, then, is the Mississippi Valley as a contributor to the world's commerce? First, a great Temperate Zone area, equal in extent to all Europe except Russia, lying between two mountain ranges, with a Great Lakes system at the north and 19,000 miles of navigable rivers flowing to tidewater at the south. These rivers there mingle with those of another river, the Gulf Stream, flowing toward Europe at a speed even greater than that of the Mississippi, while at the western end of the Panama Canal we shall find another ocean current moving westward across the Pacific at the rate of 25 miles a day. In addition to these natural transportation facilities, the art of man has given to this valley 150,000 miles of railway—one-fourth the railway mileage of the world—and every year a larger percentage of this mileage moves its trains in a north-and-south direction, and the percentage of our exports passing out at the ports at the south increases from year to year.

UNITED STATES IN WORLD'S PRODUCTION.

The United States as a whole is the world's largest single producer of many of the articles of the world's requirements. We produce three-fourths of the world's corn, two-thirds of its cotton, nearly two-thirds of its petroleum, one-half of its copper, nearly one-half of its pig iron, two-fifths of its coal, and more than any other country of its wheat and oats and meat and tobacco and lumber and manufactures.

SHARE OF OUR PRODUCTS ORIGINATING IN THE VALLEY.

Of our own production of these articles the Mississippi Valley produces 85 per cent of the corn, 75 per cent of the wheat, 70 per cent of the live stock, 70 per cent of the cotton, 70 per cent of the iron ore, 70 per cent of the petroleum, 50 per cent of the wool, 50 per cent of the copper, 50 per cent of the lumber, 50 per cent of the coal, about 40 per cent of the manufactures, and has nearly 70 per cent of the farm areas and farm values of the country. As a result of these conditions, the plentiful supply of cotton, wool, iron, copper, lumber, coal, petroleum, and food of all kinds, this valley is enlarging its share in the rapidly increasing production of manufactures in the United States. Our country is already the world's greatest manufacturer. The gross value of our manufactures has grown from four and one-fourth billion dollars in 1870 to five and one-third billions in 1880, nine and one-third billions in 1890, thirteen billions in 1900, fifteen billions in 1905, and practically twenty billions in 1910, while the share which the Mississippi Valley has produced of this rapidly increasing total was, in 1870, 27 per cent; in 1880, 30 per cent; in 1890, 35 per cent; in 1905, 38 per cent; and in 1910, nearly 40 per cent. The gross value of manufactures provided in this valley has grown from one billion dollars in 1870 to seven and one-half billions in 1910.

PERMANENCE OF PRODUCING POWER.

May we expect a continuation of the wonderful producing power of this valley? Yes. Once the bed of an ocean, it thus received the basis of a strong and durable soil, and to this the glacial period contributed in the section lying north of the Ohio River additional soil and soil material brought from the far North, while washings from the mountain sides through centuries of time contributed to the soil of the sections farther south. Another contributor to the productiveness, and especially the permanence of production in this valley, is the reliable rainfall, largely due to that great westward air current, a result of the eastward movement of the earth, which crosses the Atlantic near the Equator, where evaporation from the ocean is very great, and deflected northward by the great mountain ranges, passes up the Mississippi Valley, and, cooling as it rises and moves northward, discharges the condensed moisture, giving to this area a more evenly distributed and reliable rainfall than is enjoyed by any other like Temperate Zone area of the world. Thus we may assume that the producing power of the valley as a whole is to continue indefinitely.

PERMANENCE OF VALLEY'S COMMERCE.

Will its status as a contributor to the world's commerce continue? Yes. We have become the world's largest producer of cotton and corn and wheat and meats chiefly through the natural conditions just mentioned, and we may expect that the system of strengthening the soils by an intelligent study of their requirements will continue our producing power indefinitely. While we are requiring for our own use a steadily increasing share of our food products, manufactures are becoming from year to year a larger share of our growing export trade, and

this section is, as I have already shown you, steadily increasing the proportion which it supplies to this growing factor of commerce.

GROWTH OF MANUFACTURING IN THE MISSISSIPPI VALLEY.

The gross value of manufactures produced in the Mississippi Valley has grown, according to the official figures of the Census Bureau, from one billion dollars in 1870 to one and two-thirds billions in 1880, three and one-fourth billions in 1890, four and three-fourths billions in 1900, five and two-thirds billions in 1905, and seven and one-half billions in 1910, and the value of its other products is probably about an equal sum. The gross value of all the products of the Mississippi Valley may then be set down at approximately $15,000,000,000 per annum, a value as great as that of all the merchandise entering the international markets of the entire world.

Thus we may reasonably expect, indeed we may feel an absolute assurance, that the contributions of this valley to the international commerce of the world are not only to continue at their present enormous total, but will increase from year to year and decade to decade.

THE CANAL AN OPEN DOOR TO GREAT MARKETS.

Now, as to the relation which the Panama Canal is to prove to this great and increasing commerce of the Mississippi Valley. It will become an "open door," a direct route to the trade, first, of all the western coast of America; second, of all the eastern coast of Asia; and, third, of that rapidly developing section known as Oceania.

SHORTNESS OF PANAMA CANAL ROUTE.

Look at the map of the world and you will see that the western coast of South America lies due south of the eastern coast of the United States, thus making the Panama Canal the direct route from the Mississippi Valley to all of the western coast of the South American Continent, and, of course, by far the shortest water route to all the western coast of the North American Continent. To Yokohama, the trade center of Japan and one of the great commercial cities of Asia, the distance from New Orleans by way of Panama is 9,268 miles against 14,471 miles via the Suez Canal. To Shanghai, the commercial center of China and one of the most important of the Asiatic ports, the distance from New Orleans via Panama is 10,264 miles against 13,750 miles via Suez. To Hongkong, one of the chief distributors of merchandise of eastern Asia, the distance from New Orleans via Panama is 10,830 miles and via Suez 12,892 miles. To our own Philippine Islands, with which the trade is rapidly increasing under the new relations providing for free interchange between those islands and the United States, the distance from New Orleans via Panama is 10,993 miles against 12,946 miles via the Suez Canal. To Melbourne, one of the largest importing ports of Australia, in which country American goods are especially popular, the distance from New Orleans is 9,427 miles by way of Panama and 14,303 miles via Suez. To Wellington, New Zealand, to which our exports also show a rapid growth, the distance from New Orleans via Panama is 7,939 miles against 15,620 miles via Suez.

CANAL WILL GREATLY SHORTEN ROUTES TO PACIFIC PORTS.

Thus the opening of the Panama Canal will shorten the steamship routes from New Orleans to Manila 1,953 miles; to Hongkong, 2,062 miles; to Shanghai, 3,496 miles; to Melbourne, 4,876 miles; to Yokohama, 5,203 miles; and to Wellington, 7,681 miles. More than that, it will place New Orleans nearer to most of these ports than is London, the great commercial center of our principal rival in the oriental trade. The steamship distance from London via the Suez Canal to Yokohama, as given by an accepted authority, is 11,245 miles, against the distance from New Orleans via the Panama Canal to Yokohama, 9,268 miles; London to Shanghai, 10,650 miles; New Orleans to Shanghai, 10,254 miles; London to Melbourne, Australia, 11,250 miles; New Orleans to Melbourne, 9,427 miles; London to Wellington, New Zealand, 12,615 miles; New Orleans to Wellington, 7,939 miles, thus placing New Orleans 396 miles nearer to Shanghai, 1,723 miles nearer to Melbourne, 1,977 miles nearer to Yokohama, and 4,676 miles nearer to Wellington, New Zealand, than is the chief commercial center of our chief rival in the oriental trade—London, England.

VALUE OF THE MARKETS TO BE REACHED THROUGH THE CANAL.

Thus we may assume that the canal is to bring this valley much nearer than at the present time to practically all the countries fronting upon the Pacific, and considerably nearer than is London to many of them. Now let us see what their trade amounts to, and how much we are at present getting of it, and thus be in position to arrive at some intelligent estimate of the prospective value of the Panama Canal as a shorter route to that trade for the products of the Mississippi Valley. The total value of the merchandise entering the ports of the western coast of America other than the United States now exceeds $300,000,000 per annum, and is rapidly increasing, while the recent completion of a through railway line connecting Argentina with the Pacific coast will, when the Panama Canal shall have been opened, offer a direct route from the Gulf ports to the markets of Argentina, whose imports alone aggregate $300,000,000 per annum. Crossing the Pacific we find the imports of Japan from $250,000,000 to $300,000,000 per annum; China, from three hundred to approximately three hundred and fifty million; Hongkong, estimated at approximately one hundred and fifty million; Australia and New Zealand, four hundred million; and the Philippine and Hawaiian Islands, seventy-five million dollars a year, making the total imports of the foreign countries which are to be brought nearer to you by the Panama Canal about one and one-half billion dollars per annum. Add to this the trade of the western coast of the United States, which you of the Mississippi Valley will be able to reach at less cost of transportation by water through the Panama Canal than by land over the Rocky Mountains, and you get a market approximately $2,000,000,000 per annum, in which the Panama Canal will give you new advantages and new opportunities.

WATER TRANSPORTATION MUCH CHEAPER THAN ON LAND.

And while I need not impress upon you gentlemen the importance of substituting water transportation for that by land, your views in this direction will perhaps be strengthened when I tell you that the charge for transporting wheat by rail from Chicago to New York, a distance of 1,000 miles, has averaged during the last decade a little over 10 cents per bushel, while the average rate per bushel during the same period for the same wheat passing from New York to Liverpool, a distance of 3,000 miles, was 3 cents a bushel. Ten cents per bushel for 1,000 miles by rail; 1 cent per bushel for 1,000 miles by ocean steamer, and that, too, the annual average during the 10-year period, 1900–1910.

PROXIMITY INCREASES OUR SHARE IN SUPPLYING MARKETS.

Now, let us consider the effects of proximity and satisfactory transportation facilities in determining the share which we may obtain of the import trade of these countries—of any country, in fact. To determine this, approximately, at least, we have but to examine the records of our trade with various parts of the world at the present time. Take, for example, the countries lying directly south of us. In all those lying north of the Equator and reached by plentiful steamship facilities, we supply from 30 to 60 per cent of their total imports. The moment, however, we pass to the southern sections of South America the share which we supply of their imports drops to approximately 10 per cent, and this is also true of the share which we obtain of the imports of practically all the Asiatic territory fronting upon the Pacific Ocean. Taken as a whole, we now supply approximately 10 per cent of the imports of the area bordering upon the Pacific, exclusive of that under the American flag. And if our experience with that portion of Latin America which we already reach by direct and plentiful steamship facilities is to be a guide in determining the effect of more direct water communication with the countries fronting on the Pacific, we may expect to greatly increase the percentage which we now supply of their imports.

MANUFACTURES FORM GROWING SHARE OF EXPORTS.

Still another reason why we should, and must, indeed, cultivate these markets is the fact that manufactures form a large part of their imports, and it is in manufactures in which we must make our greatest efforts for enlargement of our exports. The share of our wheat and corn and meats which we can spare for foreign countries is steadily decreasing, and we are also increasing the home consumption of our cotton. We can therefore only expect to maintain the growth in our export trade by increasing our exports of manufactures, and we are doing this. Our exports of manufactures have grown from $180,000,000 in 1890 and $475,000,000 in 1900 to over $900,000,000 in the fiscal year just ended, and the share which they formed of the total exports has increased from 21 per cent in 1890 and 35 per cent in 1900 to 45 per cent in 1911, while the share which foodstuffs form of the exports has fallen from 40 per cent in 1900 to 19 per cent in 1911.

MANUFACTURES CHIEF REQUIREMENT OF PACIFIC MARKETS.

If we are to increase our exports of manufactures it must be by increasing the trade with the sections of the world which require that class of merchandise; and while it is true that manufactures form 45 per cent of our exports as a whole, the fact that they form 75 per cent of the exports to Asia and 85 per cent of those to Oceania and South America and but 35 per cent of those to Europe renders an enlargement of the Pacific trade of

especial importance to the Mississippi Valley which last year produced $7,500,000,000 worth of manufactures, or about 40 per cent of the entire output of the United States.

MUTUAL INTERDEPENDENCE OF THE CANAL AND THE VALLEY.

I therefore close with the assertion with which I began this discussion; the Mississippi Valley can not attain complete commercial success without the Panama Canal, and the Panama Canal can not attain complete commercial success without the Mississippi Valley, reenforced by deeper waterways from the Lakes to the Gulf.

The Late Senator Clay.

EXTENSION OF REMARKS
OF
HON. GORDON LEE,
OF GEORGIA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. LEE of Georgia said:

Mr. SPEAKER: The people of Georgia, by voluntary personal contribution, have caused to be erected at Marietta, Ga., a monument of Georgia marble, on which is placed a heroic statue in bronze of the late United States Senator Alexander Stephens Clay.

As a mark of affection, honor, and gratitude on the part of our people this statue was unveiled with appropriate ceremonies on the 12th day of August, 1912.

On this occasion our colleague, the Hon. WILLIAM G. BRANTLEY, delivered an oration on the life, character, and public services of the late Senator Clay, and by permission of the House I submit the able address as a part of my remarks.

The oration is as follows:

Mr. Chairman, ladies, and gentlemen, the purpose of this assemblage is inspiring and patriotic. It appeals to that which is noble and good and stirs within us pure and ennobling thoughts and lofty aspirations. It does not simply touch the heart by its reminder of an overwhelming personal bereavement nor by its recall of a great loss to our State and Nation. It goes much beyond those things, for it is more than a reminder and an evidence of our days of mourning. We have not met to-day to mourn nor in sackcloth and ashes to lament our loss. Those things we have done and will do again at other times and places, but to-day we have come together to rejoice that he whose memory we honor once lived; to be glad that we knew him; to extol his manly virtues, his courageous spirit, his pure character, his high purpose, and his strong manhood. We have come to give to our State and country, in token of our love for and appreciation of him, a monument to his memory. We have fashioned it in strong and enduring bronze, so that neither time nor sun nor storm can wither or destroy it. We would have it stand a perpetual reminder to us and to those who come after us of a noble, useful, and well-spent life—a life that was honored much in the living and that will long be honored in memory—a life that must ever be an incentive and inspiration to stronger and more resolute effort, to better and higher living, and to purer and nobler purpose.

We have come as serious-minded men and women to pay honor to the memory of Alexander Stephens Clay and to voice the love and esteem that in life we gave him. We have come as patriotic Georgians to perpetuate for all time his name and his fame as a great and illustrious Georgian, as one whom in life his people delighted to honor and who in turn honored them and added to the glory of his State.

If we measure by the eternal years of God, it seems but a moment of time from September 25, 1853, to November 13, 1910, and yet that is the period of time that covered the entire life of Mr. Clay. Within that brief period there is embraced all that he felt and touched and tasted and knew of life. There is written within that period of but little more than 57 years all of his achievements as boy and man. There is written there the joys that gladdened and the sorrows that saddened him, the bright hopes that enthused and the cruel disappointments that disheartened him. There is written there his successes and failures, his pride and his humiliation, his faith and his love, his strength and his weakness, and all of his impulses, plans, and purposes.

One human life is not much in the ocean of humanity, and 57 years of time is but as naught when compared with eternity; and yet his life and the 57 years it covered was sufficiently full and sufficiently long to stamp him as an upright man without guile, a patriot without selfishness and a statesman pure and undefiled. It was sufficiently full and sufficiently long to set him apart, as it were, from his fellows; to distinguish him among them; to carve him out of the struggling mass of humanity for high and signal honors, and when life for him had ended to cause this gathering of his people to preserve and perpetuate his name and the deeds that he wrought.

As the finger dipped into the bowl of water and withdrawn leaves no void to mark its place of entrance, as the murmuring breeze in its passing by leaves naught behind to show its course, so it is with the overwhelming majority of the people of earth. We spring up in the morning, flourish for a brief season, and then are cut down to be soon forgotten by even those with whom we labored and rejoiced. It is only now and then that there rises up a life so pure and sweet that the fragrance of its living lingers long behind. It is only now and then that a life is lived so usefully, so forcefully, and so grandly that its impress sinks too deep upon humanity and the world for time to efface it. When such a life as one of these is lived men do well to take note of it, to study and observe it, and to perpetuate its memory in stone and bronze, in song and story, and in the imperishable records of their country. Man is so constituted that he lives largely by example, and the higher his example the higher will be his ideal and the better he will live. The history of every nation is written in the lives of its people. Place before us the lives of the great men in every period of time, in every nation of the earth, and we will have before us the history of the world, for that which was thought and achieved by all the people is reflected in the lives of these men.

It is character that counts with the nation as with the individual, and the character of the nation is the character of its people. It is not the bustling cities, nor the beautiful buildings, nor the humming factories, nor the mighty commerce of a nation that makes it great. If it be great, it is because its men are strong and clean and brave, and because its women are pure and high-minded and consecrated to God, to home, and country. It is because these men and women have character. We should be careful at all times and places to pay honor to character.

The 57 years, from September, 1853, to November 1910, in which Mr. Clay lived marks the most momentous period in the life of our State, in the life of our Republic, and of the world. Is it any wonder that an earnest and impressionable life lived during that period took on a strong and rugged character and received a coloring and was given an impetus onward and upward that neither trials and temptations, nor ambition, nor failure, nor success could alter, change, or impede?

As a child Mr. Clay saw this Nation baptized in fire and blood; he saw the titantic struggle between the brothers of the North and the South, and he witnessed the unutterable woe and the unspeakable misery of four years of cruel and bloody war.

As a boy he saw and felt the shame and outrage committed upon and the suffering and want of his own proud people as they heroically passed through the horrible days of reconstruction. Is it any wonder that the things he then saw should result in making for the downtrodden and oppressed, so long as he lived, a haven of refuge and protection in his big and sympathetic heart?

As a struggling youth he saw the waste places in Georgia and the South again blossom and glow with animated and enthusiastic life. He saw the swords beaten into plowshares and plenty once more spring from the land. He saw determination conquer oppression and hope succeed despair. He saw the clouds lift from his people and the sunshine of peace and prosperity once more engulf them in its warm embrace. Finally, he lived to see his own beloved Southland no more a prostrate giant, but now erect, its shackles gone, resplendent in its old and with an added glory. He saw it in possession of more wealth than all the Nation had before the darkness of the sixties came, and he saw it proud and conscious of its own achievements and rejoicing in its noble citizenship, once more become a strong and honored part of a great Nation united and harmonious in all its parts. Is it any wonder that, seeing all these things, his heart should glow with a cheerful optimism or that he should believe that with the Nation as with the individual each is the architect of his own fortune, and that each has within him the power of success if only he will use it?

As boy and as man he saw the greatest progress in all the arts of civilization that any 57 years in all the history of the world has ever recorded. He saw the hand of man stretch out and subdue all the elements of nature to his will—the earth, the air, the heavens, and the waters all made to serve mankind. He saw spoken speech flash across unlimited space

in the twinkling of an eye, the nations of the earth in daily and hourly communication the one with the other, a luxury and speed of transportation on land and water that had been unknown, the rivers and the lightning harnessed and their power given to man. He saw the surface of the earth give forth an increase as never before, and unknown and untold riches brought up from the bowels of the earth. He saw a prosperity such as the world had never tasted, and an accumulation of wealth of which avarice had never dreamed. But more than these things he saw such an advance in knowledge that the teachers of to-day become the pupils of to-morrow. He saw schools and colleges multiply in increasing numbers, and ignorance derided and education exalted. He saw church edifices grow in numbers, in beauty, and in size, and religion gloriously expand and extend its beneficent influence. He saw industry rewarded and honored, and charity a virtue and a fact, and he saw the nations of the earth conspiring to abolish war and make a world of peace. Is it any wonder that seeing these things and more like unto them he should believe in the greatness, the glory, and the mercy of the Almighty God, and should carry with him to the end a sublime faith in the Redeemer of the world?

Mr. Clay began life upon a farm and was early schooled to labor and to save. He felt some of the touches of adversity and knew what it was to strive and then to fail, to seek and not to find. There was for him no royal road to success, but the success he won came as all real success must come, as the result of daily toil and unceasing application. He won success because he had the ambition to want it and the courage to try for it. He won because he deserved to win. Following an education that was liberal for his surroundings, he entered upon his chosen profession of the law and at once achieved therein an enviable reputation as a strong and successful advocate. His clients became numerous and covering, as they did, an extensive territory, his fame as a lawyer became more than local, and soon he had a large acquaintance and an ample income. The zeal and fidelity with which he prosecuted every right committed to his charge laid the foundation, not only for his entry into the political arena, but for the wonderful success that he therein achieved.

As a legislator with the great body of the people for his client, he was as zealous and faithful in the prosecution and protection of their rights as he had been for his individual client. He brought into public life the same painstaking care, the same deep concern, the same steady application that had characterized the conduct of his law office. He served in both branches of our State legislature and in each house was made its presiding officer. As speaker of the house and as president of the senate his name became known throughout the State and always with honor and credit to him. He was in much demand as a campaign speaker and during the only struggle of Georgia Democracy that occurred during his manhood, he was called to the chairmanship of the State committee and placed in charge of the Democratic forces. So clean and upright were his methods and so boldly and fearlessly did he perform his duties in this position that he lived to see those whom he then opposed become his staunch and steadfast friends.

Looking back upon his professional and legislative career and his work as chairman of the State committee and seeing the confidence that he everywhere inspired, it is not surprising that in October, 1896, he was elected to the Senate of the United States. And neither is it surprising to those who followed his career in the Senate and who noted the ever-growing love and esteem of the people of Georgia for him to know that in 1902 and again in 1908 he was unanimously reelected a Senator of the United States. Three times he was called by his people to serve them in this the highest station in which they could place him. This is a record that but few Georgians have made and one that stamps him who makes it as a man of strong and unusual parts. But for his untimely death, if we may judge the future by the past, there would have been no cessation of his public service so long as he was willing to serve.

In 1853, the year of Senator Clay's birth, the State of Georgia was represented in the Senate of the United States by the gifted and magnetic Robert Toombs and the wise and learned William C. Dawson. From that year and until the time of the death of Senator Clay, but 12 other Georgians, including Senator Clay himself, were called to that lofty station. The list is made up of Senators Alfred Iverson, Joshua Hill, H. V. M. Miller, Thomas M. Norwood, John B. Gordon, Benjamin H. Hill, Joseph E. Brown, Pope Barrow, Alfred H. Colquitt, Patrick Walsh, Augustus O. Bacon and Alexander Stephens Clay. These were the Georgia Senators during the lifetime of Senator Clay and an honor roll they make. The most of them have long since been called to their reward, but living or dead a large part of the history of Georgia and of the United States is written in their lives. The mention of their names recalls a wealth of interesting and historical events and awakens within us a just pride in our State. Mankind has known no richer eloquence, no purer patriotism, no wiser statesmanship and no riper wisdom than is found in their lives. In all the list not one unworthy name appears and not the least worthy is the name that last appears.

With his environment during the plastic period of his youth to mold and shape his character, with his inherent love of truth and justice, and with the inspiration of the lives of his predecessors—the lives that he saw and knew—Senator Clay could not have been an unworthy Senator even though he had tried to be.

The day that he was first elected a Senator he is reputed to have told the Georgia Legislature that he expected to burn the midnight oil to make himself competent and worthy to fill the great office to which he had been called. Some of the thoughtless were disposed to be critical of this statement and to construe it as an admission of unpreparedness for the office. It may have been such an admission, for he was a modest man, but it was an assurance of entire fitness for the duties he was about to assume, for it revealed the fact that he believed the office he was about to enter—as every public office—was but a place to serve, an opportunity to render service, and not simply an honor to be enjoyed by him who holds it. It showed a resolution upon his part to consecrate himself to the faithful performance of the duties of the office. The promise that day made he truly kept, for he burned the midnight oil until he mastered all the intricacies of national legislation, and he continued to burn it so long as he served. He established in the Senate a reputation for hard and conscientious work that was the admiration of all with whom he served, and so faithful and persistent was he in this work, even after dread disease had fastened itself upon him, that many have testified their belief that he died a martyr to duty—died because he would not abandon duty and take the rest he needed.

Senator Clay did not believe that all the social, moral, financial, and political ills of the people could be remedied by statutes. He did not believe that the road to happiness, peace, and riches lies through legislation alone, nor did he sympathize with those who were ever ready to pile law upon law as a remedy for everything and as a means to every end. He not only knew the constitutional limitations upon the power of our Government, but he recognized the limitations in general upon the power of every government. He knew that there were Divine laws and natural laws far more powerful and far more certain of enforcement than any mere man-made laws, that would from time to time solve many of the problems of the people and would control many things that human laws can never reach.

Oftentimes Senator Clay went among the people during his vacation periods and, discarding any learned talk about international arbitration, currency and tariff reform, labor and capital, State rights, the masses and the classes, he told the people, in simple language, to be honest in their thinking as in their acting, to be fair, to be frugal, to be industrious, to be God fearing and loving, to seek education for their children, to strive for the right, and to be patriotic, and that as they would be blessed by so doing, so would their country be. In homely, earnest fashion he preached these truths as promising more of happiness and more of prosperity than any laws he could cause to be enacted.

Senator Clay has not to his credit a long list of laws enacted upon his individual insistence. Many statutes now upon the books, however, bear the impress of his mind and labor, for as he was always diligent and at his post, there were but few laws enacted during his service that he did not either contribute to their passage or to the effort to defeat them. He believed in increasing the facilities of the people for living and doing business in every possible way consistent with good government, and he contributed much to the improvement of our rivers and harbors, to the building of post offices and other governmental buildings, to increased and better postal facilities, to the improvement of governmental service, to the facilitation of court procedure, and in many other ways that resulted in substantial and practical good to the people whom he ever tried to serve. His energies, however, were by no means confined to practical legislation, for he took a deep interest in all general legislation and in all matters of governmental policy. He became a profound student of many of the Nation's problems, and his illuminating speeches thereon will long be preserved and read. He analyzed the sugar tariff and the business of manufacturing and distributing the sugar of the world as it never before had been done. His speech on a proposed ship

subsidy bill will long be considered a most valuable contribution to that subject. His long and arduous work on the postal commission was a monument to his energy and in the conclusions reached a credit to his brain. He gave much time and expended much energy upon the greatest of all governmental questions, those of taxation and appropriation, and was an authority upon each of them. He was thrown into close and intimate relations with some of the keenest and brightest intellects of our country and daily conferred with those whom the people justly call their statesmen. In all these relations he bore himself with honor and distinction and reflected credit upon his State. He lived in the white light of publicity for many years, and so well did he live that when he died the entire Nation mourned his death. In the Senate and in the House his death came as a great blow, and the grief that was felt can not be portrayed in words. His cheerful optimism, his open candid manner, his quick and active mind, his ready sympathy, his freedom from affectation and hypocrisy, and his zeal and enthusiasm had endeared him to all, and sincere and heartfelt was the sorrow when his death became known. In the eulogies to his memory that later followed, Senator TILLMAN, then broken in health and strength, but when strong of body a veritable pillar of fiery and commanding intellect, declared that he loved him, and that "good men are plentiful in this country, but not so good as Clay."

Senator BAILEY, one of the greatest intellectual forces of his day, declared that he never knew and never loved "a truer or a nobler man than the late Senator Clay." He also said that Senator Clay was a great man in the best sense of that term, because "not one amongst us here erred so seldom as did that splendid man." Senator LODGE, the erudite scholar of the Senate, called him a "lovable man," and spoke of him as the friend he had lost. He said "he was a high-minded, honorable man, a faithful public servant, an honor alike to the State which sent him and to the Senate of the United States." Senator BACON, Georgia's senior Senator, then and now and ever a tower of strength to the Senate and the country, and a colleague throughout the service of Senator Clay, declared that he loved him "as Jonathan loved David," and that in all his long experience as legislator he had "never known a legislator who combined in a higher degree all at the same time the excellence of industry, fidelity, and capacity in the work of legislation." These and similar expressions from others with whom he served that I could quote did time permit, but attest the high place both as man and as Senator that he builded for himself among his colleagues in our highest legislative body. They also attest the fact that we of Georgia are not the only ones who trusted and believed in him, nor the only ones who loved and admired him. He was Georgia's son, but Georgia gave him to the Nation. His name and his fame spread throughout the land, and when Georgia mourned his death the Nation joined in her grief.

He was born in this good county of Cobb, and no truer, nobler son has the county ever claimed, nor has she had one who brought to her more of honor and more of a just and proper pride. It was here that his first ambition was formed; here that there first came to him the inspiration to be of service to mankind—the ambition to be a leader among men. It was here that he received his first encouragement and support, and here that he enjoyed and shared all the honors that he achieved. It is here, too, amid the beloved scenes of a lifetime, among the friends of his boyhood and his manhood, and beneath the shade of the trees that grew with his growth—here in the bosom of his earthly home—that he now sleeps his last sleep, and fitting and proper it is that here should be erected the monument to mark the life he lived and to commemorate the virtues in which he excelled.

In unveiling this monument to him, we do no idle and vainglorious thing. We seek not to gratify him who is beyond our praise, but to gratify ourselves by paying honor where honor is due. We seek to stimulate virtue by preserving the memory of a life that exemplified it and to build character by showing what it can achieve. We seek the performance of duty by showing its reward, and to teach sobriety, frugality, and industry by pointing to the success of the life that practiced these virtues. We seek the honor and glory of Georgia by showing that the people are not ungrateful to those who truly serve them, and we seek to develop the latent powers of all struggling Georgia boys by showing them a life that struggled and won.

As the years pile the one upon the other in the ceaseless roll of time men come and go, and life is made up of many changing and shifting scenes. These scenes run from gay to grave, from jest to tragedy, from splendor to want, and from power to weakness. Ambition lives riotously to-day only to fall to-morrow. Honors come thick and fast soon to be taken away, and the lavishness of wealth is followed by the sting of poverty. But among all these many changes there are certain things that stand fixed and immutable, and among them are the almighty truth of God and the eternal principles of right and wrong. Some men with wisdom from on high know and reverence the truth and dare to do the right. Senator Clay was one of these, and because he was we are here to-day unveiling a monument to his memory. We honor him not because he was a Senator, but because he was a faithful and honorable Senator; not because he won success, but because he deserved to win it; not because he held high station, but because his pure life, his patriotic purpose, and his splendid ability fitted him for high station. A noble Christian gentleman, a pure-minded patriot, a ripe statesman, Alexander Stephens Clay served Georgia nobly and well, and Georgia will not soon forget him.

Andrew Johnson on the Veto Power.

EXTENSION OF REMARKS
OF
HON. RICHARD E. CONNELL,
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. CONNELL said:

Mr. SPEAKER: I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD so as to include what I believe will be of pointed as well as illuminating interest at this time. This House, sent here to pass legislation for the relief of the people from unnecessary tax burdens, has met the public demand by passing two tariff bills, both of which have been vetoed by the President, and both of which have been promptly passed over the President's veto by this the popular branch of the National Government.

Mr. Speaker, on August 2—note the month, if not the exact date—in 1848, Andrew Johnson, of Tennessee, then a Member of this House, addressed himself to the subject of the veto power. In the light of that famous man's experience, his connection with and use of the veto power, an opportunity of which he could not well have dreamed in 1848, I have deemed it of interest to print his speech on that occasion in the RECORD of this week in this House. Refraining from any comment upon the speech of Mr. Johnson, afterwards President of the United States in troubled times, I herewith present the speech as it is found in pamphlet form in the Congressional Library in Washington.

The speech is as follows:

FROM A SPEECH OF ANDREW JOHNSON, IN THE HOUSE OF REPRESENTATIVES, AUGUST 2, 1848.

For the last two or three days, and I may say weeks, the more immediate subjects of discussion have been twofold; the first was the veto power, and the next was the origin, progress, and consequences of the War with Mexico. To these two questions, then, I shall now principally confine myself. And, first, in relation to the veto power. I confess I feel great diffidence in approaching a subject of so much importance, for at one period of my life I entertained some doubts as to the exercise of the veto power myself; but from the best investigation I have become thoroughly satisfied as to the propriety of the creation and establishment of this power by the Constitution.

In the discussion of the veto power and tracing it from the origin to the present time, I may be charged with something of ultraism, for, upon more thorough examination, I find it to be of plebeian origin. Where did the veto power originate? It was established to enable the people to resist and repel encroachments on their rights. The veto power had its origin in old Rome 3507 A. M., and before Christ 497, and from the building of the city of Rome 255; which would make, since its origin, 2,345 years. These dates will show that the people of Rome had been submitting to gradual encroachments 255 years, until further submission was insupportable. At this period of time the levies and laws of the Roman senate were so enormous and oppressive that the people were compelled to resort to some means to resist their further encroachment. The people en masse retired to a mountain 3 miles distant from Rome, since called Monsacer, and were there addressed by Junius Lucius and Sicinius Bellerus, with masculine eloquence, which is always the child of nature, which induced the people to compel the Roman senate to yield the power to them to establish 5 tribunes from among themselves, which, in process of time, were in-

creased to 10, who should be clothed with the veto power. These tribunes were placed at the senate door, and all laws passed by the Roman senate were presented to them for their approval or rejection. If they approved a law it was signed with the letter T; but if not approved, they used the word "veto," which signifies "I forbid." This is the origin of the veto power, and so long as it was exercised by the tribunes or officers immediately responsible to the people for their election or appointment, the end that the people designed was successfully accomplished; that is, resistance to encroachments on their rights. And so long as this power was preserved in its original purity and simplicity, it was exercised to the advancement of the people's rights and interests.

Augustus, 706 years from the building of the city of Rome, or 451 years after the establishment of the veto power by the people, so managed as to have the power in practice conferred upon himself; and here is the first union of the veto power and royalty. The tribunes were still elected and existed nominally, but in fact they exercised no tribunitian power. The tribunes, in fact, continued to exist until the reign of Constantine, which was 933 years from the building of the city, or 678 years from the creation of the veto, when the office of tribune was completely merged in royalty and abolished.

We may now pass on from this period of time to the exercise of the veto power in modern Europe, and from the days of Augustus we will see that the exercise of this power has passed to the opposite end of the line—that is, from the people to the Crown. In England, by resolution of Parliament, this power was conferred upon the King, and has not been exercised by him since 1692, which makes 156 years; and from this an argument is drawn to prove that even the King of England is afraid to exercise the veto power, and therefore it is dangerous and should never be exercised in a democracy or a republic. The King of England is not immediately responsible to the people for the exercise of this power, or responsible to them for the position he holds. He ascends the throne in the course of hereditary succession, and when the power is exercised by him in most instances it is to resist popular will instead of carrying it out; hence the great fear of exercising the veto power in England, lest the popular will should become so strong that it will overturn the throne; and consequently he resorts to the liberal bestowment of immense patronage at his disposal to defeat those measures on their passage which would require the exercise of the veto power as necessary to protect the other prerogatives of the Crown. The same power was also vested with the King of Norway; and in this instance it was exercised twice to sustain the family on the throne, until at last popular will became so strong that it resulted in his overthrow. I might go into detail or more at length in the cases enumerated, and even refer to others, but time will not permit.

I will now pass to a period of time when this power returns to its original source—the people. The patriots and sages of the Revolution, after effecting our separation from Great Britain, who were perfectly familiar with the veto power, as it existed in the colonies and Great Britain, were called upon to form a constitution, and in that Constitution we find the veto power established and to be exercised by the people. This Constitution was submitted to the States, and after mature and deliberate consideration by them, it was adopted. On the 30th of April, 1789, George Washington, the Father of his Country, delegate to and president of the convention that made the Constitution, was inaugurated President of the United States; and for the first time under the Constitution the veto power was exercised—or according to our opponents of this day the "one man" or "despotic power," and that, too, upon the ground of convenience and economy; and the second time upon constitutional grounds. And in this connection, although Mr. Jefferson never exercised the power while President himself, we can adduce proof which shows that he approved of the incorporation of the power into our Constitution, and its exercise afterwards. In his letter, written when he was in Paris, to Mr. Madison, dated December 20, 1787, he takes decided ground in favor of the veto. In his opinion, as written out whilst Secretary of State under Gen. Washington's administration, he urged its exercise upon the ground that its omission might be construed into a nonuser or an official negligence. We find then that these two men, whose patriotism and purity of purpose no mortal man can doubt, were in favor of the veto power as established in the Constitution. James Madison, the third Republican President, and as he is called by some "the great apostle of American liberty," who was a member of the convention that framed the great charter of American liberty, and afterwards President of the United States, and that, too, while all was fresh and green in his memory of the oppressions and outrages that had been committed by the British Government, under every pretense whatever during his eight years' administration, used this power six times. Next we come to Mr. Monroe, and during his administration, it will be remembered that it was called "the era of good will and conciliation of all parties," who, it may be said, came into power almost without opposition, and under whose administration parties were almost merged, a man that no one will charge with possessing the first element of the tyrant or the despot and of whom it might be said that he was the war-hating and peace-loving man. He ventured to exercise this power once.

We then pass over Mr. J. Q. Adams's administration to that of Andrew Jackson, and, notwithstanding he has been denounced as arbitrary and tyrannical, that his will was iron and his nerves were steel, even he, in the exercise of this power, always exercised it in defense of the people's interests and in resisting encroachments on their rights. By this man it was exercised nine times and the people said, "Well done, thou good and faithful servant." We will pass by the administration of Mr. Van Buren to that of John Tyler, called by some, but not by me, in derision, the "Accidency President," who exercised this power four times, and under his administration is the only instance when a law was passed over a veto by two-thirds of the two Houses of Congress since the origin of the Government, and that an unimportant law. Next comes Mr. Polk's administration, and since he came into power it has been exercised three times. Thus, it will be seen that from the origin of the Government to the present time this power has been exercised twenty-five times. The whole number of laws passed from the organization of Government and approved is about 7,000, which would make 1 veto to every 280, a very small proportion, and, I think, I may appeal with confidence to all those who are conversant with legislation here, whether it would have been better for the people and the country if 5,000 out of 7,000 had been vetoed. I have been thus particular in giving the origin and exercise of the veto power to prove that whenever it has been exercised in compliance with the popular will, by a tribune or a President, or by any other name whatever you may think proper to call him, so that he is immediately responsible to the people, it operates well. And to show further that whenever this power is retained in the hands of the people, men entertaining certain principles, without any regard to their party name, make war upon this power when at this end of the line; but whenever it is transferred to the other end and placed in the hands of irresponsible persons they become its defenders and its advocates. And this brings me directly to one of the issues between the parties in this Government. By an examination of the Constitution we find the veto power lodged in another department of the Government as well as with the Executive; and that department is irresponsible to the people. I mean that the judiciary, who are appointed to office during life or, tantamount thereto, during good behavior, exercise the veto power absolutely. They are men and subject to all the prejudices and influences of other men, and, according to their construction of the Constitution, they can veto every act of Congress after its approval by the President, and that veto is final.

Economy and Efficiency in the Public Service—The Pension Agencies Must be Abolished.

EXTENSION OF REMARKS

OF

HON. WILLIAM P. BORLAND,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. BORLAND said:

Mr. SPEAKER: The appropriation bill for the payment of pensions passed by the House at the present session was so drafted as to embody a reform which has been under contemplation for some time. The reform is to abolish the 17 pension agencies outside the city of Washington, and to provide for the payment of pensions to the old soldiers with less delay and less expense than heretofore.

The abolition of the pension agencies will eliminate 17 fat political jobs paying $4,000 a year each. These jobs are regarded as the private perquisite of certain powerful politicians in the States in which the pension agencies are located. A plan to abolish the pension agencies and to consolidate the payment of pensions at Washington was contained in the appropriation bills for the years 1908, 1909, 1910, and 1911. These bills were passed by a Republican majority in the Six-

tieth and Sixty-first Congresses. The plan has also been embodied in the present appropriation bill passed by the Democratic House of Representatives in the Sixty-second Congress. In each instance the pension agencies were restored by the body at the other end of this Capitol. Our Republican brethren of the Sixtieth and Sixty-first Congresses yielded to the superior wisdom of the other branch of Congress and allowed the pension agencies to remain with all the delay and expense incident thereto. This time your conference committee, representing a Democratic House, has refused to yield, and we bring you back a report of disagreement between the conferees appointed on the part of the House and Senate. Agreement has been reached upon all of the Senate amendments embodied in the pending bill except the one providing for the continuance of the pension agencies. We feel bound, as a matter of principle, not to yield upon that point, although we are willing to meet any fair proposal as to the time and details of the abolishment.

In order to get the matter clearly before you I will describe the present method of payment of pensions. All of the records relating to the allowance of a pension are kept in the Pension Department in the city of Washington. The actual payment of the pension, however, is made through the pension agent having charge of the district in which the pensioner lives. There are 18 pension agencies, to wit:

Buffalo, N. Y.; Concord, N. H.; Chicago, Ill.; Des Moines, Iowa; Milwaukee, Wis.; Pittsburgh, Pa.; Indianapolis, Ind.; Knoxville, Tenn.; Louisville, Ky.; New York, N. Y.; Philadelphia, Pa.; Topeka, Kans.; Augusta, Me.; Boston, Mass.; Columbus, Ohio; Detroit, Mich.; San Francisco, Cal.; and Washington, D. C.

These agencies are divided into three groups of six agencies each. The first group makes its payments on July 4, October 4, January 4, and April 4 of each year. The second group makes its payments on August 4, November 4, February 4, and May 4. The third group makes its payments on September 4, December 4, March 4, and June 4. The pensioners paid through these agencies are largely the Civil War pensioners. The naval pensions are paid from Washington over almost the entire southern part of the United States, and from Chicago over nearly the entire northern part of the United States. My recollection now is that Mexican War, War of 1812, Revolutionary War, and special pensions are all paid from Washington.

When a pension is allowed by the Pension Department at Washington or by a special act of Congress, a copy of the pension certificate is recorded in the Pension Department at Washington, together with all the papers on file relating to the case. It then becomes necessary to transmit a copy of the pension certificate to the pension agent in the district where the pensioner lives. At the pension agency another set of records must be kept. When a pension falls due each quarter the pension voucher is prepared in Washington and transmitted to the agent of the district, and he in turn sends the pension voucher to the individual pensioner to be executed and returned to the office of the pension agent. The clerical force of the pension agent's office examines this voucher to see if it is correct, and then sends to the pensioner his check. The checks are printed and prepared in Washington, even the amount being printed on the face of the check. The name of the pensioner is inserted by the clerks in the pension agent's office, and the check is supposed to be signed by the pension agent. It is in fact signed by the chief clerk under a power of attorney. The check is then sent to the pensioner. All of this involves from 2 to 15 days' delay. It also involves considerable expense for printing, stationery, records, correspondence, and clerk hire.

I will now contrast this with the system proposed by the present appropriation bill. The bill contains provision for the payment of pensions by means of a voucher check without the preliminary execution of a voucher. This saves to the old soldier the annoyance of executing a voucher and the expense of the notary's fee. The voucher-check system is now in use by all private business concerns that have large payments to make. The United States Government is notoriously slow in adopting modern business methods. Some time ago the Commissioner of Pensions was requested by the Appropriations Committee to recommend a plan for the use of the voucher check, and he recommended this year a form of check which he stated would be suitable and safe in all ordinary cases. An exception was made in those cases where the pension was not paid directly to the pensioner, but to some institute, guardian, or other person for the benefit of an incompetent pensioner. In these few cases the formal voucher is still authorized to be used. In all other cases a very simple voucher check is to be used, which may be sent out promptly to the pensioner and which he can cash at the nearest bank or store, just as any other check.

The appropriation bill as it passed this House provided that this system should go into effect the 1st of July, 1912; it also provided that the pension agencies should go out of existence at the same time, so that the checks might be sent direct from Washington. This House passed the appropriation bill for the payment of pensions on the 2d day of February, 1912, so that had it been promptly acted upon by the other branch composing the American Congress the change could readily have been made at the time provided for in the House bill. However, so long a delay occurred at the other end of the Capitol that the 1st day of July passed without a pension appropriation bill being enacted. One of the Senate amendments, therefore, provided that the voucher-check system should go into force as rapidly as possible and should be completely installed by the 31st of December, 1912. The House conferees readily agreed to this amendment, because it appeared that the checks and vouchers had, in many cases, been printed and partially distributed to the various pension agencies for the payments due July 4, August 4, and September 4. It is the contention of the conferees on the part of the House that the abolition of the pension agencies should be coincident with the institution of the voucher-check system.

As fast as the voucher-check system is put into operation in a certain section of the country the pension agency in that section should be withdrawn. All agencies outside the city of Washington would cease to exist by December 31, the date when the voucher-check system would go into force all over the country. It will be seen that there is very little necessity or excuse for the continuance of the pension agencies after the voucher-check system is fully installed, for most of the work now done by the clerks in the various pension agencies is the filling in of the vouchers and the examination of vouchers which come back from the pensioners, the remailing of them to the pensioners to correct errors, and the mailing of the check. As there is nothing remaining to be done except the mailing of checks to the pensioners according to the list of addresses on file in the Pension Department, there is much less need now than there was before for the continuation of the separate pension agencies. If the House of Representatives of the Sixtieth and Sixty-first Congresses thought the pension agencies unnecessary and burdensome, that condition is much clearer at the present time.

It is plain to my mind that the principal motive for the continuance of the pension agencies is the protection of 17 fat political jobs. Economy is a splendid thing to discuss theoretically, but in practice we find how painful it is to amputate anybody from the Government service. A position may be useless, it may be an extravagant waste of the taxpayers' money, it may even be burdensome and detrimental to the public service, and yet it will find defenders who will advance the most remarkable reasons, founded upon high moral grounds, for the continuance of the abuse. The abolishment of these agencies has been recommended by the Secretary of the Interior and by various Commissioners of Pensions for several years past. House Document No. 352, Sixtieth Congress, first session, is a report by the then Secretary of the Interior, Hon. James R. Garfield, submitted to Congress December 13, 1907, recommending the abolishment of the pension agencies and giving in detail his reasons therefor.

On January 17, 1907, Mr. Warner, Commissioner of Pensions, in testifying before the Committee on Appropriations, said:

There are 18 agents, at $4,000 salary each, scattered around over the United States, and Senators and Representatives are interested in them. You do not have to tell a Member of Congress what that means.

On January 27, 1908, Commissioner Warner again said:

As far as I am personally concerned it would be better for me if the pension agencies should remain just as they are, as their consolidation would make me additional responsibility and labor, but looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government, and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the record kept in better shape.

On January 7, 1909, Commissioner Warner again testified before the Committee on Appropriations, as follows:

Mr. KEIFER. On page 5 is the item for the salaries of 18 agents for the payment of pensions, at $4,000 each, $72,000. That would be the same as before?

Mr. WARNER. Yes; I wish you would knock them down to 9.

Mr. BOWERS. I think it ought to be done.

Mr. WARNER. You would do it in a moment if it was your own business. You take New Hampshire, Maine, and Massachusetts—three little agencies up there that would not make a vest pocketful, hardly.

On January 29, 1909, Acting Commissioner Davenport, writing to the Marion Branch of the National Soldiers' Home, gives the following reason why the old soldiers are interested in having the agencies consolidated:

As you know, all the evidence in a pension case is on file here in this bureau. The application, all evidence, reports from the War Department, and a complete history of each case are filed under a specific number belonging to that case. This bureau then has a complete record relative to every pensioner, with the one exception as to the fact

of payment of the pension. It must in each instance, before it can reply to an inquiry from any source as to the pensioner's last post-office address and date of last payment, secure a report from the pension agent on whose roll the pensioner's name is inscribed. If the payment of pensions was made by the bureau the files here in the bureau would show a complete history of each case. The pensioner may change his address every quarter for 20 years, yet the bureau has no information relative to such change, and as a matter of fact has no information as to whether the pensioner was ever paid upon the certificate issued in his case, without first obtaining a report from the pension agent. A certificate issued in the case of an inmate of the Marion Branch must first be mailed to the pension agent at Indianapolis. There it must be again entered upon the records of that agency and a voucher prepared and transmitted to the treasurer of the home. If pensions were paid by the bureau the certificate, instead of being mailed to the pension agent at Indianapolis, would be mailed directly to the treasurer of the home, accompanied by voucher for the amount of pension due. All new certificates issued by the bureau would therefore reach the pensioners more promptly than is now the case, because they would be sent directly to the pensioner rather than through the pension agent. All pension vouchers and all pension checks are printed here in Washington, and forwarded through the mails to each pension agent. You will see that in printing the vouchers and checks in much larger quantities a great saving would be effected in the cost of printing and much time saved in the distribution if the pensions were all paid by one agency.

On February 5, 1910, Commissioner Davenport, in testifying before the Committee on Appropriations, said:

Mr. KEIFER. If you care to state, will you please say whether you think it would be advisable to pay all of these pensions at one agency from Washington?

Mr. DAVENPORT. I think it would be in the interest of economy.

Mr. KEIFER. Have you made any calculations as to what would be the approximate saving of money if they were all paid from one agency?

Mr. DAVENPORT. I have not the figures before me, but I think we would save about $200,000.

When the present appropriation bill was in consideration by the Committee on Appropriations, on December 9, 1911, Commissioner Davenport again testified before the committee as follows:

If payments should be made by one agency or officer and pension vouchers should be abolished it is probable, after the plan became fully perfected, the amount required for clerk hire would not exceed $275,000 per annum. Then there would be a saving of $68,000 a year in salaries of pension agents. There would be a saving in envelopes and vouchers of $15,000 per year. The Post Office Department would be saved the expense of transporting and handling some 4,000,000 pieces of mail each year.

Mr. BORLAND. As I understand it, Mr. Commissioner, in case these agencies were consolidated into one, it would still be necessary to provide for at least one agency, and, even though located here in Washington, payments would not be made by the use of the machinery of your office?

Mr. DAVENPORT. No; it would be 1 agency instead of 18. It would be the same form of government. Of course, if it was made one disbursing office that would be a different proposition.

At another part of the same hearing Mr. Davenport testified as follows:

Mr. BARTLETT. There is no inconvenience to the pensioner or the Government in that method?

Mr. DAVENPORT. Oh, no; let me illustrate it. I just got a report from San Francisco, and it took the agent there 15 days to make his payments, and some man did not get his pension check for 15 days. If it had been paid from Washington that check would have been mailed on the morning of pay day and the pensioner would have received it within 5 days, showing that under this plan, if it works out all right, we can make the payments even on the western coast more quickly than the agent at San Francisco can now make them.

Mr. BARTLETT. So the experience you have had is that it would be more convenient for the pensioner in the way of promptly getting his pension than by distributing it among agents?

Mr. DAVENPORT. You are just right, Judge.

Mr. BARTLETT. It would not only be a benefit to the service, but a matter of convenience and benefit to the pensioner?

Mr. DAVENPORT. There is just one objection. It puts 18 men out of office, that is all. In case it should be brought about, 18 as fine men as ever lived in the country, our pension agents, and, of course, they would not like to lose their positions. That is all there is to it.

Mr. BARTLETT. Eighteen men who will be out of jobs as agents?

Mr. DAVENPORT. Yes, sir.

In a debate which occurred in the Senate on May 8, 1908, the abolishment of the pension agencies was very warmly resisted by Senator CURTIS on two grounds: First, that the pension agencies were in some way a convenience to the old soldiers; and, second, that there was no real saving but, in fact, an increase of expense in consolidating all payments at Washington. The convenience to the old soldiers in the continued existence of the pension agencies is largely imaginary. It was said that the agent keeps his office open, so that the soldiers in the particular locality can go in and consult him personally about their pensions. Of course, this is mere theory; for, as a practical matter, not one soldier out of a hundred thousand ever goes into the pension agency, and not one out of a thousand is within even street-car distance of one. It is true that the pension agent himself is usually a politician who is traveling on his old-soldier record; who claims to be exploiting the old soldiers as a class for the benefit of the Republican Party; who makes it his business to attend all gatherings of old soldiers to make himself especially prominent therein, so as to convey the impression that he is the mysterious possessor of a large amount of political influence. My experience with old soldiers is that they are as much alive to their own interests as other men. This is shown by the fact that in the border States thousands of old soldiers are now voting a very independent political ticket. The old soldiers can no longer be herded by pension agents. This fallacy about the convenience to the old soldiers could not be more thoroughly exploded than by a remark of Senator WARREN, of Wyoming, during the debate mentioned. A number of Senators had been discoursing very eloquently upon the convenience to the old soldiers in having these agencies, and Senator WARREN said:

I do not want to interrupt the flow of the Senator's remarks, but as this seems to be a move toward a final settlement of the question whether the 18 agencies shall be continued or not, I want to suggest that if they are to be continued there should be a redistribution, or that some should be added. Take the State that I, in part, have the honor to represent. The pensioners there are compelled to get their pension business through San Francisco. Everything goes from Washington directly through Wyoming to San Francisco, and from San Francisco it is twelve, thirteen, or fourteen hundred miles back to Wyoming; and I think also the same applies to Montana and other States.

Senator WARREN's remark makes it clear that the pension agencies are not a help but, in many cases, a hindrance to the pensioner, and they could not be made a help to him even if one were located in every town in the United States.

It was also contended by Senator CURTIS and others that the consolidation of the agencies would increase rather than reduce the cost to the Government. It was claimed that inasmuch as these agencies are located in small towns, where the cost of living and the average of clerk hire is less than in Washington, it necessarily costs less to make the payments by such local agencies than through the Washington office. Senator CURTIS stated that the average annual salary of the clerks in the pension agencies outside of Washington is $977.99, while the average annual salary paid clerks in the Pension Office in Washington is $1,280.72. These figures are wrong and misleading. In the first place they leave out of consideration the fact that under the present existing system of pension agencies much of the clerical work is duplicated and much correspondence necessarily occurs between the agencies and Washington. It also leaves out of view the fact that there is a large annual appropriation for the inspection of the agencies, that there must be printing and transportation of supplies for the agencies, and in some cases rent. It also fails to take note of the fact that each agency pays four times a year, and therefore for four periods of 30 days each the clerks in each agency are fairly busy. For four periods of about 60 days each the same clerks are comparatively idle, with no opportunity to use them in other branches of work in the interest of the pensioners. But even on the bare figures Senator CURTIS's estimate is wholly wrong. We need not count the pension agent at $4,000, who is a mere political figurehead and who does absolutely no work in connection with the office, not even signing his name to the checks. Let us take the actual clerical force, beginning with one chief clerk at $2,500 and running down to the lowest grade. My colleague, Mr. BARTLETT, of Georgia, had placed in the RECORD a statement of the exact number of employees at each agency and the amount paid to each. This is found at page 30 of the hearings. From this it appears that in the pension agency at Knoxville, Tenn., which has been held up as one of the most economical and best-managed agencies in the country, there are 20 employees whose total salary is $24,300, or an average of $1,215 per annum. In the agency at Topeka, Kans., which is the largest agency and which has also been vigorously defended as so economically managed as to justify its continuance, I find that there are 30 employees whose salaries average $1,230 per annum. It seems, therefore, that Senator CURTIS's figures are radically wrong.

The Senator also makes the point that the removal of the agencies to Washington would greatly increase the amount of mail through the post office at Washington, and that such increase would cost the Government $10,500 a year. He has based his calculation solely upon the old voucher system, with its duplication of correspondence, and his estimate must be cut in half if the voucher check system is installed. His estimate must further be reduced by the fact that the correspondence between the agencies and the Pension Department will no longer be necessary. This includes the transmission of all pension certificates, checks, and supplies, as well as general letters of instruction and information. It is probable, therefore, that any increase of postal business at Washington is purely imaginary.

It may be said with reasonable degree of certainty that the abolishment of the agencies will result in the saving to the Government of between $250,000 and $300,000 a year, with a very decided increase in the promptness and efficiency in the transaction of the business. It will save the salaries of 17 political officers, at $4,000 each, and of 17 chief clerks, at $2,500

each. It will save the rent of the agency at New York and probably at Pittsburgh. It will save clerk hire and will utilize more perfectly the time of the pension clerks by keeping them employed all the year round. It will save transmitting pension certificates to agencies and the duplication of records, and will permit the entire pension record, from the allowance of the pension to its final payment, together with the latest address of the pensioner, to be found in the files of the Pension Department at Washington. It will save transmitting checks and supplies to the agencies, the inspection of the agencies, and the incidental expense of instruction and information. It will save the expense of a traveling auditor and the checking of the agent's accounts. Your conferees, therefore, have contended that inasmuch as this House has repeated voted in favor of the abolishment of the pension agencies, that they were not empowered to yield this matter in conference with the Senate.

I believe that it is the rule in parliamentary bodies consisting of more than one branch, notably the Parliament of England, that the popular branch has the right, by repeated vote and the repeated assertion of the popular will, to command the respect and consideration of the other body. I think it is a rule in the English Parliament that after the Commons have twice or possibly three times voted a reform, even the House of Lords, whose seats are hereditary, feel themselves compelled to yield. At all events, in the American Constitution the control of the revenues and expenditures of the Government is vested in the House of Representatives, and it does not appear right that the will of the House so repeatedly and definitely expressed should be yielded time and again to mere political expediency. It has been objected by the distinguished gentlemen that this is new legislation, which has no place in the appropriation bill. This House, however, has adopted as a principle what is called the Holman rule, that any new legislation is proper in an appropriation bill which reduced the expenditures of the Government. This being true, it does not lie with any other body to question the policy of the House of Representatives in that regard. No point of order made upon new legislation which can not be raised in the House where the legislation originated can be raised in conference. For all of these reasons I must respectfully urge upon my fellow Members to adopt the motion which I have presented to adhere to our disagreement with the Senate.

Speech of Gov. Woodrow Wilson.

EXTENSION OF REMARKS

OF

HON. CURTIS H. GREGG,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. GREGG of Pennsylvania said:

Mr. SPEAKER: Under leave granted to me to extend my remarks in the RECORD I include the speech of Gov. Woodrow Wilson delivered at the meeting of the Federation of the Democratic Clubs at Harrisburg, June 15, 1911, together with the introductory remarks made by the Hon. A. MITCHELL PALMER, a Member of the House.

The matter referred to is as follows:

SPEECH OF HON. WOODROW WILSON AT MEETING OF FEDERATION OF DEMOCRATIC CLUBS IN PENNSYLVANIA HELD AT HARRISBURG JUNE 15, 1911.

In introducing Gov. Wilson, Congressman PALMER proclaimed his pride in the fact that Democrats, seeing hope and inspiration, could look as certainly to the East, "where a great Democratic governor lights up the whole horizon, as to Washington, where the House is making good on Democratic promises."

Gov. Wilson said:

We are met here to renew our allegiance to the great party which we serve and to take counsel with regard to its welfare. A great work awaits to be done for the country—a great work of counsel and of action. It calls its challenge to every man who desires to serve and has no fear. Are we wise and strong and sober and united enough to do it? Have we the knowledge, the self-possession, the poise, the courage? Are we men? The country shall decide, but it is within our choice to deserve its confidence and concert a course of patriotic action which should commend us to all just and purposeful men.

There has, first and last, been a great deal of idle talk about divisions in the Democratic Party, and men here and there have spoken as if it were possible for this individual or that to disrupt it and to break the splendid continuity of its history. Men who speak such empty predictions are forgetful of the history of the party. It is the one party in the United States which has continued unbroken from the beginning of our national history until now. Other parties have risen and fallen, have come into existence and passed utterly away, but the Democratic Party has renewed itself from generation to generation with an indomitable youth. It is never the party of the past, but always the party of the present and the future, always taking new life with the changing circumstances of the Nation.

Whenever things are to be done in a new way, in response to a new popular impulse, in obedience to the great democratic traditions of the Nation itself, it is to the Democratic Party that the country naturally turns. It has been spoken of as the party of opposition, the party of protest, and its long unbroken party history has been attributed to the fact that it did not attempt a constructive program, but was always critical and on the defensive; always harking back to ideals set up at the foundation of the Government, to which it was never wholly possible for it to adjust its own actual policies. But although there have been times when this characterization of it would seem to have been justified by the fact, the history of the country abounds in instances when our great party showed itself constructive and aggressive; not protesting, but performing; not criticizing, but projecting great reform.

This freedom is now about to serve it in an extraordinary degree. Those who look about them see parties apparently breaking up; but if they will look closer what they will see is simply this—that men are turning away by the thousands from those courses of policy and of action to which the alliance and practices of the Republican Party have at last bound the country as if with a grip of iron. The free elements of thought in the country are asserting themselves with an extraordinary energy and majesty that must presently work profound changes and mark this as one of the most noteworthy eras of our politics. But they are not exerting themselves to destroy; they are exerting themselves, rather, to find means of cooperation and action. Some men among the Republican leaders see what it is necessary to do, but they are not numerous enough to dominate their party counsels; they can not turn or guide the great organization of their party in the direction of the desired reforms. The great mass of voters in the country perceive this. They are looking, therefore, with great expectation toward the Democratic Party to see if it will now, at this critical juncture, prove true to its traditions and supply them with men and measures.

The Democratic Party has always had the impulse of reform, because it has always been based upon deep and fundamental sympathy with the interests of the people at large.

It has now only to prove that its impulse can find expression in a wise and feasible program in order to capture both the imagination and allegiance of the country. It is this power of self-renewal, this power of looking forward, this power of realizing the present and projecting itself into the future that has kept it young, and which must now make it the party of young men, the party to which those must resort who are coming for the first time into the activities of politics, with which those must ally themselves by sober thought into concrete judgments, who know what they want and are fast finding out by what means they can get what they want.

If we recount the items of the liberal program to which the country is now looking forward, it will be easy to see that it is already the program of the Democratic Party. The first item of that program is that the machinery of political control must be put in the hands of the people. That means, translated into concrete terms, direct primaries, a short ballot, and, wherever necessary, the initiative, the referendum, and the recall. These things are being desired and obtained, not by way of revolution, not even with a desire to effect such changes as will alter any fundamental thing in our governmental system, but for the purpose of recovering what seems to have been lost—the people's control of their own instruments, their right to exercise a free and constant choice in the management of their own affairs.

Another great item of the program is that the service rendered the people by the National Government must be of a more extended sort and of a kind not only to facilitate its life, but also to protect it against monopoly. We are therefore in favor of postal savings banks and of a parcel post, and feel with some chagrin that we have lagged behind the other free nations of the world in establishing these manifestly useful and necessary instruments of our common life.

The revision of the tariff, of course, looms big and central in the program, because it is in the tariff schedules that half the monopolies of the country have found covert and protection and opportunity.

We do not mean to strike at any essential economic arrangement, but we do mean to drive all the beneficiaries of governmental policy into the open and demand of them by what principle of national advantage, as contrasted with selfish privilege, they enjoy the extraordinary assistance extended to them.

The regulation of corporations is hardly less significant and central. We have made many experiments in this difficult matter, and some of them have been crude and hurtful, but our thought is slowly clearing. We are beginning to see, for one thing, how public-service corporations, at any rate, can be governed with great advantage to the public and without serious detriment to themselves, as undertakings of private capital. Experience is removing both prejudice and fear in this field, and it is likely that within the very near future we shall have settled down to some common, rational, and effective policy. The regulation of corporations of other sorts lies intimately connected with the general question which ramifies in a thousand directions, but the intricate threads of which we are slowly beginning to perceive constitute a decipherable pattern. Measures will here also frame themselves soberly enough as we think our way forward.

Again, there is the great question of conservation. We are not yet clear as to all the methods, but we are absolutely clear as to the principle and intention and shall not be satisfied until we have found the way, not only to preserve our great national resources, but also to conserve the strength and health and energy of our people themselves, by protection against wrongful forms of labor and by securing them against the myriad forms of harm which come from the selfish uses of economic power.

Beyond all these, waiting to be solved, lying as yet in the hinterland of party policy, lurks the great question of banking reform. The plain fact is that the control of credit is dangerously concentrated in this country. The money resources of the country are not at the command of those who do not submit to the direction and domination of small groups of capitalists who wish to keep the economic development of the country under their own eye and guidance.

The great monopoly in this country is the money monopoly. So long as that exists our old variety and freedom and individual energy of development are out of the question. A great industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the Nation, therefore, and all our activities are in the hands of a few men, who, even if their action be honest and intended for the public interest, are necessarily concentrated upon the great undertakings in which their own money is involved, and who necessarily, by every reason of their own limitations, chill and check and destroy genuine economic freedom. This is the greatest question of all, and to this statesmen must address themselves with an earnest determination to serve the long future and the true liberties of men.

I have said that Democratic Party is now to attempt constructive statesmenship. There are well-known conditions which surround so great a task. In the first place, it can not be executed if attempted with inconsiderate haste. That is not constructive which is loosely or hastily put together. Its parts must be sound and their combination must be true and vital. No man can in a moment put great policies together and reconstruct a whole order of life.

We must remember that the abuses which we seek to remedy have come into existence as incidents of the great structure of industry we have built up. This structure is the work of our own hands; our own lives are involved in it. Reckless attacks upon it, destructive assaults against it would jeopard our own lives and disturb, it might be fatally, the very progress we seek to attain. It would be particularly fatal to any program to admit into our minds, as we pursue it, any spirit of revenge, any purpose to wreak our displeasure upon the person and the institutions who now represent the abuses we deprecate and seek to destroy.

I do not say these things because I think there is danger of vengeful action or of revolutionary haste, but merely because we ought always to recognize that it is of the very essence of constructive statesmanship that we should think and act temperately, wisely, justly, in the spirit of those who reconstruct and amend, not in the spirit of those who destroy and seek to build from the foundations again.

The American people are an eminently just and intensely practical people. They do not wish to lay violent hands upon their own affairs, but they do claim the right to look them over with close and frank and fearless scrutiny from top to bottom; to look at them from within as well as from without; in their most intimate and private details, as well as in their obvious exterior proportions, and they do hold themselves at liberty, attacking one point at a time, to readjust, correct, purify, rearrange; not to destroying or even injuring the elements, but filling their altered combinations with a new spirit. This is the task of the Democratic Party. It is the task of all statesmanship. It is a task which just at this particular juncture in our affairs looms particularly big. It is not ominous, but inviting; not alarming, but inspiring. We should congratulate ourselves that we have an opportunity to take part in the true spirit of those who would serve a great country in a task which may recover for America her old happiness and confidence, her old spirit of triumphant democracy.

Speech of Hon. Ollie M. James.

EXTENSION OF REMARKS

OF

HON. JAMES T. LLOYD,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 12, 1912.

Mr. LLOYD said:

Mr. SPEAKER: In pursuance of the authority given by the House, I submit for printing in the RECORD the speech of Hon. OLLIE M. JAMES as permanent chairman of the Baltimore convention.

SPEECH OF HON. OLLIE M. JAMES, WHICH HE DELIVERED UPON ASSUMING THE PERMANENT CHAIRMANSHIP OF THE NATIONAL DEMOCRATIC CONVENTION HELD AT BALTIMORE ON JUNE 27, 1912.

Fellow Democrats, words are inadequate for me to properly express the high appreciation of this great honor you have conferred upon me, that of presiding over a convention not only to nominate the candidate of the Democracy of the Republic for President, but to name the next President of the United States. [Applause.] I know that I shall but bespeak your sentiment when I say that the Democracy of the Nation and this convention extend to that distinguished Democrat, Judge Parker, their high appreciation of the fair way in which he has presided over this convention. [Applause.]

I rejoice with you, my fellow Democrats, in the hope of victory. It has been a hard fight for our party. It has been a long night, with but few stars, but, thank God, the sun bursts over a thousand hills, spreading victory everywhere. [Applause.]

I congratulate the Democrats of the Nation upon the fortunate auspices under which we have assembled. Here no charge of bribery hovers above this hall, no cry of thief and robber is hurled by one fellow Democrat at another. No soldiers stand in reserve to keep us from each other's throats. Our deliberations here shall be for the country's good, tolerant of each other's views, believing, as I do, that when the nominees are named by this convention they will have back of them every loyal Democrat in the Republic, as well as the hearty support of progressives everywhere. [Applause.] The Democratic Party is essentially a party of the people, because it is the people. It has been seemingly an endless struggle, when it looked that victory would never come; but the battle in the interest of the rights of the people they have continued to make until we see the common enemy, the one great Republican Party, divided, distracted, and torn asunder, while Democracy is united, harmonious, and militant. [Applause.]

TWO RECORDS PRESENTED.

There are two records that will be presented to the American people in the coming campaign for their consideration. One is the record of the Republican Party with promises betrayed arrogantly, defiantly betrayed; and the other is the record of the Democratic Party of promises faithfully and honestly kept. [Applause.] The Republican Party, itself recognizing that President Taft had been unfaithful to the great mass of Americans refused by an honest majority of the convention to renominate him, and it was only brought about by the most wholesale, conscienceless, and deliberate unseating of delegates honestly elected that was ever perpetrated in American politics. The Republican Party, flushed with many victories, imperious as a tyrant, unheeding the demands of the people, again took the reins of the Government in 1908 under the solemn promise that they

would revise the tariff in the interest of the consumer. Instead of keeping this promise as they should have done, because it was their bond of honor, they betrayed it. They raised the tariff higher than ever before until it reached its maximum of protection, being 47 per cent.

THE BASE BETRAYAL.

The story of this base betrayal is known to all men. The Democratic Party appealed to the American people on their record in the Sixty-first Congress of opposition to the Payne-Aldrich tariff bill, and received from them a verdict of guilty against the Republican Party and the bestowal of power upon ourselves. How faithfully we have kept our promises to the people is but a résumé of our official action. Having control of but one branch of the law-making power, the House of Representatives, we undertook to reform the tariff in the interest of the consuming public, believing, as we do, that it is a tax that is paid by the consumer most generally to the trust or monopoly that is sheltered by it, sometimes to the Government; believing, as we do, that the right of taxation is a governmental right, that it can not be delegated to individuals, trusts, corporations, or monopolies; believing, as we do, that the right to levy a tariff exists only for the purpose of running the Government economically and efficiently administered, we presented the tariff question to the people in segregated form.

DEMOCRATIC TARIFF RECORD.

First, we reduced the tariff upon woolen clothes 40 per cent. This was the one schedule that President Taft himself had said was too high, that it was only made possible by reason of the strength of the Wool Trust in the East and the woolgrowers in the West; but he could not veto it because he would have to veto all the other 14 schedules of the tariff bill. This bill went to the Senate, and though it was controlled by the opposition party, we found sufficient assistance from the ranks of our opponents to pass it up to the President. The President returned it to the Congress of the United States with his veto, and assigned as his reason that he had no Tariff Board report, and was therefore uninformed upon the question, and for this reason returned it with his disapproval. We undertook to pass this bill over his veto. Our Constitution requires two-thirds to accomplish this. We had more than 100 majority in favor of the passage of the bill, his veto to the contrary notwithstanding. We lacked only 11 votes of having the necessary two-thirds to pass it through the House of Representatives over the President's veto. And to-day the Wool Trust stands, not behind a majority of the lawmakers of the Republic, but behind the veto of the Presirent and the 11 more than one-third of the Representatives of the American people, picking the pockets of the shivering poor and ragged, suffering people of America. [Applause.] The Republican Party became so arrogant and so confident that this character of robbery would continue to meet the favor of the American people that they boldly wrote into their platform of 1908 a declaration that the tariff should not only equal the difference in the cost of production at home and abroad, but should be high enough in addition to this to give a profit to the manufacturer here. In all the history of civilized Governments no party ever became so defiant of the public will or went so far as to say that all the rest of the people should be taxed and from their pockets taken a sufficient amount to give a profit to another class of people. [Applause.] They offered no profit to the farmer, though the drought might come and storms destroy and failure meet his efforts. The laborer was offered no profit. He might toil on from early morn to late at night; and sleep in an humble tenement. He was guaranteed no profit by the Republican platform. The only class of our millions of Americans who were considered so peculiarly the favorites of the Republican Party as to warrant them in declaring that the taxing power of the Government could be used to take from the pockets of men in other pursuits of life money sufficient to give a profit to their special favorites, the manufacturers. Nor were the American people taken into confidence of the Republican Party as to how great this profit might be or how much watered stock it was to be paid upon or how inflated. [Applause.]

SCHEDULE K INDEFENSIBLE.

The tax upon woolen goods is the most indefensible of all taxes laid upon the American consumer. It is a tax collected at the drug store and by the undertaking establishments. The bill which was passed by the Democratic House and vetoed by the President would have saved to the consuming Americans upon the price of their clothing $200,000,000 per annum, but the Wool Trust cried out to the President, and he unloosed the clutch that we had upon the throat of the wool monopoly by vetoing this bill and returning it to Congress. When the veto of the wool bill was being considered, four members of the President's Cabinet, for the first time in a service of 10 years that I have been there, appeared upon the floor as a mighty lobby with the patronage club in one hand and promises in the other to sustain the President's veto upon this bill. [Applause.]

FARMERS AND LABORERS' FREE-LIST BILLS.

The Democratic Party next passed a farmers' and laborers' free-list bill, giving free untaxed meat and bread to hungry mouths, giving free farming implements to the tillers of the American soil, offering free lumber to the homeless of the Republic. This bill was so just that it found its way through the Senate, controlled by the opposition, and was passed on to the President. Notwithstanding the cost of living had increased more than 100 per cent in the last few years and the workingman's wages had stood still, notwithstanding the Harvester Trust was reaching its hand into the pockets of every farmer in America, notwithstanding the Lumber Trust was denying to millions of Americans the right to build homes that they could call their own, the President vetoed the bill and returned it to the Congress of the United States. We undertook to pass it over the President's veto. We lacked less than a dozen votes of the sufficient number, and to-day the Harvester Trust, the Lumber Trust, the Beef Trust, all stand hidden behind President Taft and a dozen more than one-third of the American Representatives in Congress, looting the pockets of the American consumers. [Applause.] President Taft has the lone and singular distinction of being the only President in the life of this Republic who ever vetoed bills cheapening clothing to the people, lumber to the homeless, and meat and bread to hungry Americans, and free farming implements to the toiling farmer. [Applause.] This bill would have saved to the consuming public $350,000,000 a year.

The next bill we passed was the one reducing the tariff on cotton goods, which would have saved many million dollars to our people. This, too, met with the veto of the President. Then we offered to the American people a bill taking the tax off sugar, giving to them free sugar, and placing an excise tax on all incomes in excess of $5,000. This bill is now in the Senate of the United States unacted upon.

FREE SUGAR AND INCOME TAX.

I believe in free sugar. [Applause.] It will save to every householder in this country 2 cents upon every pound of sugar. I believe in a tax upon incomes; I believe in an excise tax; and I deny that the people who are well-to-do, those who are rich, those who are so fortunate as to have their thousands pouring in every year, are unwilling to bear their part of the burden of taxation to sustain this mighty Government of ours. [Applause.]

TAFT'S VETOES AND TARIFF BOARD.

The platform adopted by one branch of the Republican Party at Chicago indorses the veto of President Taft; yet at the same time they had to censure and condemn the record of from 30 to 100 Republicans in the House of Representatives who supported us in favor of the passage of these bills. The American people are told in the tariff plank recently adopted in Chicago that they want a report from the Tariff Board before any legislation is attempted. This is a motion for continuance from a guilty client, made by an expert criminal lawyer. [Laughter and applause.] Its sole purpose is delay. They want to take the power lodged by the Federal Constitution in the hands of the people's representatives and place it in the hands of a Tariff Board appointed by the President of the United States—whom he can dismiss at will. And upon the report of this board the American people must depend for relief. Nothing was said about a tariff board report when the McKinley bill was passed. A tariff board report was not thought necessary when the Dingley bill was passed. We heard nothing from the Republican Party in favor of a tariff board report when the Payne-Aldrich tariff bill was hurried through Congress amid the cheers of every trust and monopoly in the land. When does a demand for the report of a tariff board come to our ears? It is when the tariff has already been fixed so high that they know they can get it no higher; and if the people's representatives were allowed to speak they would reduce it. Then we are told the Tariff Board must report; this great right of taxation must be taken out of the hands of the people and lodged in the hands of a board of five men, and their report must be awaited by the suffering people of the United States. [Applause.]

I believe in the rule of the people. I do not fear them. From their ranks has come every army that has fought for liberty in the history of the world. I am a progressive Democrat. In this age the people command, and the leaders must obey. [Applause.]

ELECTION OF SENATORS.

We passed through the House of Representatives a resolution submitting an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of

the people. This was in obedience to our promise in former Democratic national platforms. The Senate of the United States had become the rock against which remedial legislation in the interest of the people has been wrecked. Wealth has made that body its last stand; privileges were making it its rendezvous. We believed that the people ought to have the right to select their Senators directly, as they do their Members of Congress. And to-day the American people have before them this amendment to the Federal Constitution by reason of the courage and support of Democracy. I believe the day is not distant when the Senate will be free and as responsive to the will of the people as the House of Representatives. [Applause.]

PUBLICITY OF CAMPAIGN FUNDS.

We then passed through Congress a bill providing for publicity of campaign funds before as well as after election. This measure is now law, and both election of Senators by the people and publicity of campaign funds met the disapproval of the Republican convention held in 1908 by more than 800 majority. We submitted to the country an amendment to the Federal Constitution providing for an income tax. We know that a hundred billions of our one hundred and thirty billions of wealth is escaping taxation for national purposes, and in keeping with our promise to the American people we have submitted this just amendment to the Federal Constitution, which makes constitutional beyond the fine-spun theories of learned lawyers the most just of all taxes levied upon men. And before the snow flies I believe that this amendment to the Federal Constitution will be indorsed by a sufficient number of States to make it a part of our Constitution. Then will come to the Democratic Party the honor and the glory of being the only political organization in the history of this Republic that ever amended the Federal Constitution in a hundred years, save by the sword. [Applause.]

RIGID ENFORCEMENT OF ANTITRUST LAWS.

I believe in the rigid enforcement of the Sherman antitrust law. I would not proceed against these great monopolies in equity, and when I found them guilty tell them not to do so any more, or to divide their army of pillage into separate marauding bands, but I would proceed against them under the criminal statutes and place upon them the felon's stripes. I do not believe that a monopoly can be reasonable, and I would no more give to a trust the right to monopolize reasonably than I would give a thief the right to steal reasonably. These trusts must be destroyed. The American people know that they have grown up and have been fostered and encouraged by the Republican Party and they can not rely upon that party to destroy them. They have no vested right. Wrong never did and never will have a vested right in this great Government. [Applause.]

NOT OPPOSED TO HONEST BUSINESS.

We are not opposed to big business. We recognize that in a big country there must be big business; but we say, with all the emphasis of our souls, that big business, like little business, must obey the law. We would strike from these trusts every character of protection. We would write a tariff law strictly for revenue only, and place the tax first upon the luxuries, and if that did not produce sufficient revenue, then upon the comforts of life, and, lastly, we would, if necessary, lay the burden of taxation upon the necessities of life. These infant industries must be weaned. Infants they began, but are to-day mighty giants, who have coalesced their strength to drive skyward the cost of living and oppress the people. The Republican platform adopted at Chicago upon the tariff and trust questions is a puzzle absolutely meaningless to the American people, but they may rest assured that to this puzzle the trusts hold the key. [Laughter and applause.] Their financial plank shows great anxiety to make it easy for the farmer to borrow money. It seems that they recognize that their rule of this country for 16 years has made it necessary for the farmers to obtain credit. The Democratic Party of this country never will consent that our finances shall be Aldrichized or controlled by the Money Trust, for they are yet inspired by the thought that Old Hickory Jackson more than three-quarters of a century ago stood in front of the people's Treasury and beat back these money changers. That spirit still lives in the heart of the American Democracy. [Applause.]

President Taft did not take time to carry out, but he kicked out, the Roosevelt policies. The atonement that Roosevelt offers the American voters that he succeeded in deceiving by the election of President Taft is in presenting to them the one who made the mistake, namely, himself. [Laughter and applause.] The American people fear he will be as much mistaken in himself as he was in President Taft. The atonement is not sufficient. If he wants to come with clean hands and a clear conscience, let him join with us and do what ought to have been done four years ago—elect a Democratic President.

President Taft is joined to his idols. His administration presents the most melancholy spectacle in all our national life. Repudiated in the middle of his term by the election of a Democratic Congress, his renomination forced by the wholesale unseating of honest delegates, he is left-handed in both hands, does everything wrong, and most generally on Friday. Roosevelt undertakes to achieve the Presidency by proclaiming himself the advocate of those policies by denouncing which he won the Presidency. [Applause.]

PROGRESSIVE SPIRIT.

The progressive spirit that sweeps this country now is called by some the principles of the Progressives, by others the doctrines of the insurgents; but back yonder, when a voice in the western wilderness cried out for them, they were called the vagaries of Bryan, the dreamer. [Applause.] However much we may differ in national conventions upon minor questions, all just men must admit that the one living American whose name will shine in history, studded by a thousand flaming stars along beside that of Jefferson and Jackson, is that of William Jennings Bryan, of Nebraska. [Great applause.]

DEMOCRATIC PENSION RECORD.

The Democratic Congress not only scotched Cannonism, but it killed it. They said we were unfriendly to the soldiers of the Union Army; that in our camps the fires of the Civil War still burned; that if given control we would be neither just nor generous to these veteran heroes of the Civil War.

But behold the record of the Democratic Congress, still in session. It remained for us to give the most liberal pensions to these deserving men in their declining years that their old age might be made serene and bright. They charged we would be unjust to them; now they say we were too generous. Nearly a half century after the war had closed it remains for a Democratic Federal general to father the bill that did even-handed justice to the Federal soldiers. The war is over, and that flag, the brightest, dearest colors ever knit together in a banner of the free, waves above a united people, where it is loved by every heart and would be defended by every hand. And, coming from the South as I do, I can say that if Abraham Lincoln were alive this night, there is not a foot of soil under Dixie's sky upon which he might not pitch his tent and pillow his head upon a Confederate soldier's knee and sleep in safety there. [Great and continued applause.]

Official Review of Chicago Contests.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

August 14, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Of interest to all voters, whose party allegiance has been swayed by rumors and reports relating to the contests at the Chicago Republican Convention which renominated William Howard Taft for the Presidency, is the official statement prepared on behalf of the officers of the convention, a copy of which is now before me. The statement evinces the most careful and searching inquiry into the facts and is so comprehensive as to constitute the last word upon this subject. It is evident that wide scope was given to every contest at Chicago with the expectation that Republican voters, in particular, would be led to believe that their chosen representatives, met in convention for the high purpose of naming the next President, were not worthy of the confidence of the great body of Republican voters who commissioned them to act in their behalf. No higher distinction can come to a delegate in this country than that of being chosen to select a President, and it is but natural that those so chosen should not only proceed upon the task assigned them with scrupulous care, but that they should also jealously defend their every official act. It is inconceivable that this great assemblage of representative Republicans, coming from every State and Territory and insistent upon that recognition which their constituents would expect them to demand, should so far err in unison as to justify the persistent rumors which emanated from the environment of the convention with studied regularity.

In the statement now before me the official story of the contest is told for the first time. It is so thoroughly and well told

and goes so carefully into details as to remove whatever doubt may still linger in the minds of Republicans as to the fairness of all contest hearings and as to the wisdom of the findings thereon. It is a document which should be carefully read, and that it may be perused by all who are interested, I append it hereto as a part of my remarks:

OFFICIAL STATEMENT SHOWING CONTESTS FOR SEATS IN THE REPUBLICAN NATIONAL CONVENTION OF 1912, THE DISPOSITION OF THEM BY THE NATIONAL COMMITTEE, BY THE COMMITTEE ON CREDENTIALS, AND BY THE CONVENTION ITSELF.

The national committee which passed upon the contests of 1912 was the committee chosen in 1908, when Roosevelt was the leader of the party, at a time when his influence dominated the convention.

There were 252 delegates to the Republican national convention of 1912 whose seats were contested; 238 of these were Taft delegates whom Roosevelt people desired to unseat, and 14 were Roosevelt delegates whom Taft people sought to unseat. In accordance with the rules and long-established usage of the party, such contests are, in the first instance, heard by the Republican national committee, consisting of one member from each State or Territory. This committee decides which names shall go upon the temporary roll of the convention. When a temporary organization of the convention has been effected, there is elected a committee on credentials, consisting of one member from each State and Territory, to which an appeal lies from the decision of the national committee, and from the decision of the committee on credentials a contest may be brought to the convention itself.

Among the delegates whose seats were contested were 74 delegates at large from the 14 States of Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Texas, Virginia, and Washington. The Missouri case was decided by the national committee unanimously in favor of the Roosevelt delegates, and no appeal was taken to the committee on credentials.

The Alabama, Arkansas, Florida, Louisiana, and Virginia cases were decided against Roosevelt contestants by practically unanimous votes of the national committee, and were not appealed to the committee on credentials.

In the Kentucky case there were a few votes in the national committee against the Taft delegates at large retaining their seats, but the majority in their favor was overwhelming, and no appeal was taken by the Roosevelt people to the committee on credentials.

In the Georgia case the Taft delegates sustained the right to their seats by a practically unanimous vote in the national committee, and in the committee on credentials the vote was entirely unanimous.

In the Indiana case the seats of the Taft delegates at large were confirmed by the unanimous vote of the national committee, the member from that State not voting. In the committee on credentials 13 votes only were cast in favor of seating the Roosevelt contestants.

In Mississippi the Taft delegates at large established the right to their seats by the unanimous vote of the national committee, and also by the practically unanimous vote of the credentials committee.

There were only four States—Arizona, Michigan, Texas, and Washington, having in all 28 delegates, including 6 district delegates from the State of Washington—where the contests were at all worthy of the name, and in none of the 14 States did the contestants at large bring the matter to a record vote in the convention, and no roll call was demanded in any such case.

The seats of 178 district delegates were contested. In these congressional districts Taft contests were brought in the fourth California, the eleventh Kentucky, the fifth Missouri, and the third and fifteenth Texas districts, involving 10 seats. The Taft delegates from the fourth California district were given their seats and one Taft delegate from the eleventh Kentucky district was seated. The other seven seats were decided in favor of the Roosevelt claimants.

In no other convention was so much care exercised or pains taken or so much time devoted to the careful investigation and fair determination of contests. No delegate was permitted to vote upon any contest affecting the right to his own seat. In no other convention were there ever presented, manifestly for the deception of the public, so many wholly unwarranted and unjustified contests. There were filed contests against 238 Taft delegates, but in two cases only, involving 4 delegates—2 from California and 2 from the ninth district of Alabama—was there a roll call demanded in the convention. In the California case the right of the Taft delegates to their seats was sustained by a vote of 542 to 529, and in the Alabama case by a much larger vote. In a very large number of cases the right of the Taft delegates was affirmed by unanimous consent of the convention, and in others by a viva voce vote, no roll call being demanded.

The Washington Times, a daily newspaper owned by Frank Munsey, an ardent Roosevelt supporter, in its issue of June 9, 1912, contains the following statement, showing the real foundation of most of the Roosevelt contests:

On that day when Roosevelt formally announced that he was a candidate something over a hundred delegates had actually been selected. When Senator DIXON took charge of the campaign a tabulated showing of delegates selected to date would have looked hopelessly one sided. Moreover, a number of Southern States had called their conventions for early dates and there was no chance to develop the real Roosevelt strength in the great Northern States till later. For psychological effect as a move in practical politics it was necessary for the Roosevelt people to start contests on these early Taft selections in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand. In the game a table showing Taft 150, Roosevelt 19, contested none, would not be very much calculated to inspire confidence, whereas one showing Taft 23, Roosevelt 19, contested 127, looked very different. That is the whole story of the larger number of Southern contests that were started early in the game. It was never expected that they would be taken very seriously. They served a useful purpose, and now the national committee is deciding them in favor of Taft, in most cases without real division.

The motion of Gov. Hadley to strike out names from the temporary roll and insert others in their places covered only 92, including 18 from Virginia and 2 from the District of Columbia, the contest against whom were so frivolous that they were subsequently abandoned. They were not presented to the committee on credentials at all, although a colored man from the fifth congressional district of Virginia appeared to contest the seat of the Roosevelt delegates from that district. No evidence whatever was presented to the national committee to sustain the contest filed against the Taft delegates elected from the District of Columbia, and the Roosevelt showing in the Virginia cases was scarcely better. The claim of "stolen" delegates is reduced therefore from 238 to 72, and this list includes 2 delegates from the eleventh congressional district of Kentucky, 1 of whom was given Roosevelt, and 2 from the ninth congressional district of Tennessee, a case in which his contest managers had so little confidence that they abandoned it and never presented it to the committee on credentials. The list as finally made up is as follows:

	Delegates.
Ninth Alabama	2
Arizona, at large	6
Fifth Arkansas	2
Fourth California	2
Thirteenth Indiana	2
Seventh Kentucky	2
Eighth Kentucky	2
Eleventh Kentucky	2
Michigan, at large	6
Third Oklahoma	2
Second Tennessee	2
Ninth Tennessee	2
Texas, at large	8
First, second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth Texas	18
Washington, at large	8
First, second, and third Washington	6
Total	72

FRAUDULENT ROOSEVELT CONTESTS.

In the four Southern States—Virginia, Georgia, Alabama, and Florida—where practically complete sets of Roosevelt contesting delegates were named, the alleged conventions which named them met from two to three months after the regular Republican organizations in those States and called their conventions and duly elected Taft delegates to the national convention. That these contests were based upon unworthy motives and were devised for the sole purpose of deceiving the public and making trouble for Taft, is apparent from the fact that the regularly elected Taft delegates in every case were seated by a practically unanimous vote, the Roosevelt members of the committee joining with the Taft members in the votes. In Alabama, for example, the regular conventions were held in February and March, the State convention at Birmingham and the district conventions in their respective districts, while the Roosevelt conventions, both State and district, were all held in Birmingham May 11. The regular conventions in Georgia were held generally in February or the early part of March. The Roosevelt conventions were all held May 17 or 18. The Taft conventions in Florida were all held February 6, while the Roosevelt conventions were all held May 18, more than three months later, except one which met April 30. The regularly elected Taft delegates from Virginia at large were chosen in a State convention which met March 12. The Roosevelt delegates at large were named at a mass meeting, held without any party authority whatever, on May 16. The other Roosevelt delegates from this State were chosen in every case substantially two months after the regular Taft delegates had been elected. It is needless to

say that all these southern contests, the object of which is so aptly set forth in the quotation from the Washington Times, as quoted above, were financed by money which came from the North.

A careful review of the law and the evidence which was presented to the national committee and the committee on credentials will satisfy anyone who is desirous of knowing the truth that these contests were decided strictly on their merits.

Alabama.

Contests from Alabama were filed with the Republican national committee against the Taft delegates at large and the delegates from the first, second, fifth, sixth, and ninth congressional districts. The contests from the second and sixth districts were withdrawn. The other contests were presented to the national committee and decided in favor of the Taft delegates. Those from the State at large and the first district were decided unanimously on roll call, and that from the fifth district by viva voce vote. The one from the ninth district was decided by a vote of 38 for the Taft delegates and 15 for the Roosevelt delegates, the minority including the chairman of the committee, Mr. Rosewater. Only one of these contests was taken before the committee on credentials, the others having been abandoned.

NINTH ALABAMA DISTRICT.

In the ninth district, which includes the county of Jefferson, with the city of Birmingham, and three other counties, the district committee split and two calls were issued and two conventions held. The chairman of the committee was a Roosevelt man, but a majority of the members were favorable to Taft. There were three disputed questions of fact involved in this case. The first was the right of the chairman to fill vacancies which existed in the committee. He filled these vacancies with Roosevelt men and based his right to do so upon authority shown by the minutes of the last meeting of the district committee. The minutes themselves were not presented, but a resolution was presented which had been adopted by the district committee authorizing the chairman to make certain original appointments for the purpose of increasing the membership of the committee. The resolution on its face showed the authority claimed by the chairman to fill all vacancies, but this part was clearly an interpolation. It was apparently an afterthought, and had been written in with a different kind of lead pencil from that used to write the main body of the resolution. Affidavits were presented from some 10 or 12 members of the committee who had attended this meeting and they testified that no authority had been given to the chairman of the committee to fill vacancies. Both the national committee and the committee on credentials were satisfied that the resolution had been tampered with and by interlineation had been doctored to show something which did not appear in the resolution as originally offered and adopted.

The second disputed question of fact relates to the alleged resignation of Harvey Hardin, a member of the district committee. There is no question about his having executed a resignation, but the paper was given in escrow to a man not a member of the committee, with the understanding that it was to be returned to Hardin in case he appeared in person at Birmingham to attend the meeting of the district committee called to meet there February 15, 1912. Mr. Hardin arrived in Birmingham the night of February 14 and demanded that his resignation be returned to him, which demand was refused. As his resignation was given on the express condition that it was not to take effect if he attended the meeting which was called for February 15, and as he did appear and demand the return of his resignation before the committee met, the resignation was clearly void and of no effect. The law in Alabama is very clear on this point.

The third question of fact was whether one W. M. Latham was a member of the district committee, or whether James Latham was a member. There was ample evidence that W. M. Latham had been elected a member of the committee and that he had acted thereon. He gave his proxy for the meeting of the committee which was held February 15. There was some evidence on the other side, but the preponderance of testimony sustained the claim of W. M. Latham that he was a member of the committee.

If these three questions of fact are resolved in accordance with the clear preponderance of the testimony, the delegates elected by the district convention which indorsed Taft were clearly entitled to their seats. As a matter of fact the merits of this controversy were passed upon by the persons most directly interested, the Republicans of the ninth congressional district of Alabama. The district consists of Bibb, Blount, Jefferson, and Perry Counties. The regular Republican organization in all these counties recognized the call of the Taft executive committee. The county executive committees of Jefferson and Blount Counties called county conventions to elect delegates to the Taft congressional convention. The county committees in Bibb and Perry Counties called mass conventions for the same purpose to be held on the same day. The delegate conventions of Jefferson and Blount Counties and the mass conventions of Bibb and Perry Counties elected delegates to the district convention under the terms of the call of the district executive committee, which was friendly to Taft. The regularity of these county organizations can not be attacked. They are the only Republican organizations in those counties, and are recognized by the present State executive committee and also by the former State committee, of which Joseph O. Thompson, an unsuccessful Roosevelt contestant from the State at large, was chairman.

The same county conventions that elected delegates to the Taft district convention elected delegates to the State convention, which elected the Taft delegates from the State at large who were unanimously seated in the Chicago convention. The Roosevelt faction held no meetings of any character whatsoever in Blount, Bibb, or Perry Counties, and held a mass meeting in Jefferson County which elected delegates to the Roosevelt district convention and also to the Roosevelt State convention. The delegates elected from the Roosevelt State convention were refused recognition at Chicago by the unanimous vote of the national committee. The Roosevelt district delegates selected in this district traced their title to the same source; their title was tainted with forgery and was no better than that of the Roosevelt delegates at large. The Taft delegates from the ninth congressional district of Alabama were unquestionably entitled to their seats in the national convention.

Arizona.

The executive committee of the Arizona State central committee, consisting of one member from each county in the State, together with the State chairman and secretary, met at Phoenix on May 1, 1912, to prepare a call for a State convention to elect delegates to the Republican national convention. Although the Republican Party in Arizona had at its first State election pledged the passage of a presidential primary law, and although the Democrats had made a similar pledge in their platform, the legislature being in the control of the Democrats had failed to fulfill that pledge up to the time of the meeting of the executive committee. This left the State without any primary law for the election of delegates to the national conventions. It was finally decided unanimously by the executive committee—both Roosevelt and Taft members agreeing—that in the absence of a presidential primary law the various county committees be authorized to determine in what manner the delegates to the State convention should be elected, whether by the county committees, whose members had been elected at a State-wide primary in December last, by direct primary election, or by a primary election of delegates to the county convention which should select delegates to the State convention.

The call as issued required the county committees to meet on the 15th day of May to make this determination, and the appointment or election of delegates was set for the 25th day of May, and the State convention for June 3, at Tucson. The Roosevelt members of the executive committee at this meeting declared their intention to hold primaries in all counties in which they controlled the county central committees. Only two counties, Pinal and Graham, decided to hold primaries for the election of delegates to the State convention, and in Graham County the Taft and Roosevelt members agreed upon this plan. In Cochise and Yuma Counties, where the Roosevelt members held a majority of the county committees, it was unanimously decided that the committees should elect delegates to the State convention, for the reason that Arizona was without any primary law applying to the election of delegates to national conventions, and for the reason that the party treasury was without funds to provide for primaries. This plan was also followed in the remaining counties of the State.

MARICOPA COUNTY.

In Maricopa County, however, a dispute arose as to whether the majority of the committee favored election by primary or by the committee. At the assembling of the county committee in that county on the 15th day of May, the chairman, a Roosevelt man, without waiting for a roll call, or for any motion, forthwith appointed three Roosevelt men to constitute a committee on credentials. While this was still the subject of emphatic protest by the members, this committee within a few

minutes returned and reported in favor of seating three proxies, in addition to the members of the committee present in person. These proxies all favored Roosevelt, but none were members of the committee.

A point of order was made that the Chair had acted without authority in arbitrarily naming the committee on credentials. The point of order was overruled by the Chair, whereupon appeal was taken from this decision and sustained. The Chair then reappointed the same committee on credentials which retired. In the meantime, other proxies had been presented on behalf of members who were absent. The committee, after being out considerably more than an hour, thereupon returned a second report recommending the rejection of all proxies. This committee on credentials was composed exclusively of Roosevelt men, and examination of the proxies disclosed the fact that if allowed the Taft men would control the committee but that if all proxies were rejected the Roosevelt men would be in control by a small margin.

It had been the uniform practice to receive proxies of committeemen who were unable to attend, but in this instance it was sought to reject proxies on the ground, which is clearly untenable, that a proxy to be valid must be certified by the county chairman and secretary. The result, in effect, was that two meetings of the Maricopa central committee were held on the 15th, the one following the other, by one of which a call was issued, signed by the chairman, for a primary to elect delegates to the State convention, to be held at Tucson June 3, 1912, and by the other a call was issued, signed by the secretary of the county committee and a pro tempore chairman, for a meeting of the county committee to select delegates to the said State convention at Tucson, being the plan adopted by a majority of the other counties in the State, including the counties of Cochise and Yuma, where the Roosevelt men were in control. The reason for this action in Maricopa, as in other counties, was the absence of any State law under which the primary could be held.

The call for the election of delegates by the county committee in Maricopa County was signed by a majority of the members of the county central committee, a minority only signing the call for a primary. Contending that the call for a primary was clearly illegal, a majority of the committee advertised extensively in the newspapers of that community for some time prior to May 25, when delegates were to be elected, warning all Republicans, whatever their affiliation, not to participate in the so-called Heard primary, on the ground that it was irregular and unauthorized. This public warning resulted in all of the La Follette following and all but 11 of the Taft Republicans in Maricopa County refusing to participate in the Heard primary. Two sets of delegates to the State convention were thus elected from this county.

STATE CONVENTION.

A short time before the State convention contests were started in several of the other counties to such an extent that a minority only of the delegates entitled to sit in the convention were uncontested. The chairman of the State central committee, learning of this situation, called a meeting of the executive committee to be held at Tucson on the morning of June 1, two days before the date set for holding the convention, for the declared purpose of hearing all contests and making up the temporary roll. Notice was given by mail and wire to all county chairmen and all persons claiming to have been elected delegates to present credentials to the executive committee at that time and place. The notice was also given through the newspapers, and contestants admitted full knowledge of the meeting of the committee to make up the temporary roll. The committee was in attendance and prepared to receive credentials and hear contests from June 1, 10 o'clock, to the assembling of the convention on June 3. Two sets of credentials were received from Cochise County, but because of the fact that only the holders of one set appeared in person before the committee to make their argument it was decided to seat both delegations with one-half vote each, to the end that both might have full opportunity to be heard before the credentials committee to be named by the convention. No other contests were presented. Credentials were presented to the State executive committee from all the counties of the State, and the temporary roll of delegates was made up from the credentials as presented.

The State convention assembled on June 3 at the place designated in the original call and was called to order by the chairman of the State central committee. The call was read by the secretary, and the chairman made a full statement of the circumstances under which the temporary roll had been made up. The chairman then read the temporary roll. The chairman then called for nominations for temporary chairman, and J. J. Reddick, whose seat was not in contest, was nominated by an uncontested delegate. At this point objection was made by a person whose name was not on the temporary roll, who stated that he did not recognize the validity of the roll. A point of order was raised and sustained that this person was not a member of the convention. The chairman then asked if there were any other nominations; and none other being made, he put the question, and declared J. J. Reddick elected, and Mr. Reddick took his position as chairman. At about this time a number of persons, including about 17 whose names were on the temporary roll, rushed to the right-hand side of the hall, one of their number mounted the platform, and after 15 or 20 minutes of noise and confusion they left the hall and did not return. The Arizona contest is the result of the proceedings so conducted during that space of time. It is contended that a valid convention was held in this manner and that the Roosevelt delegation, headed by Dwight B. Heard, was elected. A record of this so-called convention was presented, showing the appointment and report of committees and the election of delegates to the national convention. It was conceded that these reports, including that of the committee on credentials, were prepared in advance, that the committees did not retire, and that the reports were signed without change.

It was conceded that the credentials of the contesting delegates from Maricopa County were not presented to the State committee or to the convention presided over by Mr. Reddick or to the committee on credentials appointed by that convention.

The convention presided over by Mr. J. J. Reddick remained in the hall and in session for at least two hours and a half. Out of the 93 delegates entitled to sit in the convention, as shown upon the temporary roll, 60 remained in the convention after the bolt, and also the 16 from Cochise County entitled to a half vote each.

The usual committees were appointed and recess taken to await their reports, which were received and adopted by the convention. The temporary roll was accepted and made the permanent roll of the convention; the temporary organization of the convention was made the permanent organization; a number of speeches were made by delegates; a vote of thanks passed to the citizens of Tucson who had arranged for the entertainment and reception of this first Republican convention in the new State; and adjournment had in regular order.

Of the uncontested delegates in the Tucson convention there was a clear majority of Taft delegates, so that had the convention itself made up the temporary roll and only the uncontested delegates been permitted to vote thereon, the Taft delegates would have been in the majority.

The national committee and the committee on credentials decided that this convention was the only regular and legal convention held in the State of Arizona, and that the delegates and alternates elected by it were entitled to seats in the national convention.

Arkansas.

Contests from Arkansas were filed with the national committee covering the delegates at large and those from the first, second, third, fourth, fifth, and seventh districts. The national committee seated the Taft delegates from the State at large by a vote of 52 to 0; from the first district by a vote of 49 to 2; from the second district by a vote of 47 to 0; from the third district by a vote of 51 to 0; from the fourth district by a vote of 48 to 0; from the fifth district by a vote of 42 to 10; and from the seventh district by a vote of 44 to 0. The original proposition of the Roosevelt national committeemen in the fifth district was to seat both delegations with a half vote each. This compromise, which in itself was an evidence of lack of faith in the contest, was voted down. Notice of appeal was given only in the case of the delegates from the first and fifth districts, and the latter case was the only one presented to the committee on credentials.

FIFTH ARKANSAS DISTRICT.

The contesting delegation from the fifth congressional district was represented by Mr. Sid B. Redding, clerk of the Federal courts at Little Rock. He was a contesting delegates before the 1908 convention, but the national committee decided the case against him unanimously, and he did not appeal to the committee on credentials. The organization led by Mr. Redding, which was thus repudiated by the national convention four years ago, did not certify to the proper State election officers the candidates for Congress it named that year. It held no regular meeting in 1910 and did not name a candidate for Congress that year. The organization which was recognized four years ago by the action of the national convention in seating its delegates placed a candidate for Congress in the field in 1908 and again

in 1910, and has been recognized generally as the regular Republican organization of that district. It called a district convention to meet at Little Rock, May 6, 1912, to nominate a candidate for Congress and to elect two delegates and two alternates to the Republican national convention. The Redding faction issued a call for a congressional convention to be held at Little Rock on the same day the regular convention was to meet, but in a different hall, and delegates were directed to be elected at the same time and places as delegates to the regular convention.

There was great disorder in some of the ward meetings in Little Rock; there was some bloodshed and mutual charges of fraud and wrongdoing were made, but delegates were duly elected to the regular Republican convention which met according to the call. All its proceedings were in due and regular form. A contest was presented before the congressional convention from only one county, and both contestants were seated with a half vote each. The recognition of the Roosevelt claimants from the fifth congressional district of Arkansas would have meant a repudiation of the action of the national convention of 1908, and the national committee and the committee on credentials which met June, 1912, declined to take such action. Mr. Redding's discredited organization had been defunct for four years, and was apparently resurrected this year only for the purpose of instituting a contest against the regularly elected delegates, who were instructed for Taft. Mr. Redding gave but three days' notice of the holding of his congressional convention.

California.

The facts and the law in the fourth congressional district of California case are very simple, but there has been a very general misunderstanding about both. This congressional district lies wholly within the city and county of San Francisco, and was recognized to be a strong pro-Taft district. In the direct presidential preference vote Taft received 9,622 votes in this district, Roosevelt 9,445 votes, and La Follette 3,235 votes. All of the delegates on the Taft ticket received more votes in this district than did any of the delegates on the Roosevelt ticket. Tryon and Meyerfeld, the Taft delegates, received 10,507 votes and 10,531 votes, respectively, and Wheeler and Bancroft, the Roosevelt candidates, 10,240 votes and 10,209 votes, respectively. This statement is certified to by the registrar of voters for the city and county of San Francisco, the official with whom the returns of the primary election were required by law to be filed. An attempt has been made to question this statement of fact because some 14 election precincts had been divided since the last general election, but there was evidence filed with the national committee showing that the change of boundary lines through these election precincts did not materially change the result, and that as a matter of fact the change, if any, was in favor of Taft. The total vote in these 14 precincts was: Wheeler, 695; Bancroft, 692; Tryon, 662; Meyerfeld, 666. If the votes in these precincts were divided and counted strictly in the district to which they belonged after the boundary lines were changed, the difference in the vote in both districts would not be over 30 votes, and any difference throughout the entire fourth district would be in favor of Taft. There can absolutely be no honest dispute of the claim that the Taft delegates received 200 more votes in this district than the Roosevelt delegates.

When the national committee met in the city of Washington in December, 1911, a very vigorous effort was made to compel recognition of all State primary laws, but the committee finally decided to leave it entirely discretionary with each State and congressional committee whether or not to select delegates to the Chicago convention in that manner. The exact terms of the call of the national committee are as follows:

> * * * provided that delegates and alternates, both from the State at large and from each congressional district, may be elected in conformity with the laws of the State in which the election occurs if the State committee or any such congressional committee so direct; but, provided further, that in no State shall an election be so held as to prevent the delegates from any congressional district and their alternates being selected by the Republican electors of that district.

A State-wide primary law like the one now in force in California, which was approved December 24, 1911, after the meeting of the national committee, did in this particular case attempt to prevent the Republican electors of the fourth congressional district of California from selecting their own delegates and alternates. Such a law is an attempt to revive the State unit law which was destroyed in the memorable national convention of 1880. Since that time the congressional district has been the unit of representation in national Republican conventions, and the national committee in its calls has always recognized that right. A State legislature has no more right to establish the unit rule against the will of the national convention than has a State convention. The action of the national convention in seating the two Taft delegates from the fourth congressional district of California was in strict accordance with the law and precedent established in 1880 and followed in unbroken line ever since. If State-wide primary laws had been recognized by Republican national conventions and had become universal, the 90 votes from the State of New York would have been cast as one vote, as they were cast by Mr. Murphy in the Democratic convention at Baltimore, and Roosevelt would have lost 14 votes in that State and 18 in Massachusetts, and a much larger number in the convention as a whole; the unit rule would be obligatory and this would be the end of congressional district representation in Republican national conventions. If one State can fix the basis of membership in a national convention, each State can do the same, and hopeless chaos would result.

The Republican Party is a voluntary organization, and it is elementary law that every voluntary organization, whether religious, social, scientific, or political, has the right to fix the basis of membership in its own conventions and is the final judge of membership therein. A State may well prescribe that primaries and caucuses shall be held in a decent and orderly way, that the vote be correctly counted and returned, and may furnish to political parties the machinery for accurately reporting these results. But a State can not go beyond that and attempt to vary the basis of representation in party conventions. It can not, for instance, prescribe that delegates to a given convention shall be elected by the legislature or appointed by the governor, or determine that the representation shall be by county, State, or senatorial district. The apportionment must be made, as has always been done, by the national convention of the party and by its agent, the national committee.

There is no question that Tryon and Meyerfeld, the Taft delegates seated from the fourth congressional district of California, were the delegates who represented that district on the Taft ticket, nor is there any question that Wheeler and Bancroft, who were not seated, represented the same district on the Roosevelt ticket. The California primary law permits two names from each congressional district to be placed on each State-delegate ticket, and these four men were the Taft and Roosevelt candidates from the fourth district. There is nothing in the California primary law requiring any candidate for President to sign or file any petition, affidavit, declaration, statement, or paper of any kind to get his name upon the ballot, and nothing of the kind was done by Taft in this case, except to telegraph his indorsement of the 26 delegates representing him.

The Taft delegates in the fourth district exercised the option given them under the primary law and did not sign the delegates' statement binding them to support the candidate receiving the highest number of votes cast throughout the State. This issue being presented to the national committee, it was compelled either to seat the Taft delegates, who had received a majority of the votes in their district, or to abandon the call which it had issued for the convention, and also the sound and salutary practice of the party for upward of 30 years.

It is absolutely irrelevant to the question at issue how much majority the Roosevelt ticket had in the State at large. The fourth district expressed its preference for Taft, and the two Taft delegates were clearly entitled to be seated.

Indiana.

Contests were filed with the national committee against the Taft delegates from Indiana at large and from the first, third, fourth, and thirteenth districts. The Taft delegates at large were placed on the temporary roll by the unanimous vote of the national committee. The contest from the fourth district was abandoned, while those from the first and third districts were decided for the Taft delegates by a unanimous vote, and were not appealed to the committee on credentials.

INDIANA AT LARGE.

The Roosevelt contestants from the State of Indiana at large based their claims to be seated in the national convention almost wholly on the charge that the primaries held in the city of Indianapolis were fraudulent. Indianapolis is in Marion County, which constitutes the seventh congressional district. Various charges were made as to the primaries held in the different wards of the city of unfairness in the appointment of election boards; also in the denial of watchers, in the location of voting places, and in delay in publication of notice of location of voting places; intimidation of city employees and voters

generally; fraudulent voting in many wards; that repeaters by the truck load had been hauled from voting place to voting place, and voted fraudulently and illegally for the Taft delegates; and failure to keep the proper register of voters.

The vote in the primary elections held in the city of Indianapolis on March 22, 1912, to elect 134 delegates to the State convention of March 26, as set forth and published by the Indianapolis Star, an independent Republican paper, which has been neutral in the contest between Taft and Roosevelt, was as follows by wards and townships:

	Taft.	Roosevelt.	Taft majorities.
First	287	129	158
Second	561	87	474
Third	326	65	261
Fourth	579	113	466
Fifth	444	45	399
Sixth	484	97	387
Seventh	423	141	282
Eighth	472	95	377
Ninth	191	153	38
Tenth	361	59	202
Eleventh	492	117	285
Twelfth	283	14	269
Thirteenth	452	(1)	456
Fourteenth	232	45	187
Fifteenth	200	26	174
Center Township (outside)	5	(1)	5
Lawrence Township	32	32	.....
Perry Township	24	38	[2] 12
Pike Township	38	27	11
Warren Township	87	55	32
Washington Township	68	68	.....
Wayne Township	212	84	128

[1] No ticket. [2] Roosevelt.

As shown by the Indianapolis Star, the total vote in the primaries of March 22 resulted as follows:

For Taft delegates	6,163
For Roosevelt delegates	1,480

In Marion County, which includes the city of Indianapolis, it has been the uniform and invariable practice for 20 years with both political parties that prior to any and every State, district, county, and city convention the county or city chairman, as the case may be, announces a credentials committee of prominent and disinterested lawyers, who meet immediately on the close of the voting to hear and determine all contests for credentials, the custom being that the chairman of this committee shall issue credentials in the event of contests. The purpose of this committee is to make a patient and painstaking investigation in each case of contest and give to the contesting delegates a fair hearing and more thorough investigation than any convention committee is able to give in the time at its disposal and report to the convention committee the benefit of its investigation.

Such a committee was appointed in this case, consisting of Republican lawyers of character and standing, who met on the night of March 22 immediately after the primaries for the purpose of hearing all contests that might be presented. Roosevelt contests were presented from all the wards of Indianapolis except the eleventh, twelfth, and thirteenth, and these contests were given careful hearing. Testimony on behalf of the Roosevelt contestants was presented in all the wards in contest, charges were made that repeaters had voted in several wards, but in no ward did the Roosevelt men then claim that sufficient illegal votes had been cast to change the result.

When the State convention met a committee of credentials was appointed, and eight members of this committee reported in favor of recognizing the Taft delegates from Marion County whose seats were contested and five members of the committee presented a minority report in favor of the Roosevelt contestants. The minority report of the committee was laid upon the table and the majority report was adopted by a majority of 105 votes. Complaint was made that the sitting delegates from Marion County were permitted to vote on the title to their own seats, but no appeal was taken from the ruling of the Chair that they were entitled to vote. As a matter of fact, under the call for the State convention, delegates were elected direct to the State convention from each ward in the city of Indianapolis and from each township in Marion County, and the sitting delegates from each ward and township were clearly entitled to vote on the contests from every other ward and township in Marion County.

The Roosevelt contestants who claimed the right to represent the State at large in the Republican national convention were not voted for in the State convention, and their names were not even presented there. They were named at a rump meeting held in the corner of the same hall where the State convention met and after it had adjourned, which rump meeting was attended by not more than 100 of the regularly elected delegates to the State convention.

After the hearing of this case before the national committee a roll call was had, and the vote was unanimous to sustain the right of the Taft delegates to their seats. Senator BORAH and Mr. Frank B. Kellogg, the recognized Roosevelt leaders on the national committee, both stated in casting their votes that the Indianapolis primaries, after all illegal votes were excluded, showed an unquestioned majority in favor of Taft, and for that reason they voted in favor of the Taft delegates to the national convention.

THIRTEENTH INDIANA DISTRICT.

The contest from the thirteenth district was decided for Taft by the national committee by a vote of 36 to 14. The first test of strength in the district convention came in the election of a permanent chairman, when Mr. A. G. Graham, the Taft candidate, was elected by a vote of 71¼ to 70¾, the total vote of the convention being 142. Before the permanent chairman was elected the temporary chairman, who was chairman of the district committee, proposed a set of rules for the government of the convention, which rules were unanimously adopted. The solid vote of Laporte County, consisting of 24 votes, was cast for Graham for chairman. This vote was challenged by a delegate from another county on the ground that there were two or more delegates in the Laporte County delegation who had been instructed as Roosevelt delegates and intended to vote for the Roosevelt candidate for chairman. The chairman of the Laporte County delegation did thereupon poll the vote of his county, appointing for that purpose two tellers, and was then and there assured by all the delegates from said county that the vote as announced (24 for Graham) was correct. No member of the delegation from Laporte County challenged that announcement. Contestants claim that Fulton County, by agreement, cast 4¼ votes for Graham as chairman and 5¼ votes for Jones, the Roosevelt candidate, whereas there were 4 Taft delegates and 6 Roosevelt delegates in that county. There is no claim, however, that the vote of Fulton County for chairman was challenged by anyone.

The convention proceeded, with Mr. Graham in the chair, to name members of the different committees. When the representatives from Fulton County on the various committees were announced the announcement was challenged and a poll of the Fulton County delegation was demanded. The point in dispute involved the representative from that county on the credentials committee. Chairman Graham, acting under the rule previously adopted by the convention, refused to pass upon the challenge from Fulton County, but stated that the contest, if any was to be made, must be first referred to the committee on credentials and thereafter be submitted to the convention as a whole. When the chairman refused, in accordance with the rule theretofore adopted, to poll Fulton County, the Roosevelt delegates in the convention thereupon and thereafter at all stages of the proceedings, created great disturbance and disorder, and by continued shouting and yelling made it impossible for the convention to proceed in an orderly manner. The committee on credentials made a written report in which it overruled the entire six contests filed against the Roosevelt delegates and dismissed the two Roosevelt contests against Taft delegates because they were unsupported by any evidence whatever. The confusion and uproar above referred to into which the convention was thrown lasted for a period of more than three hours. In the meantime the chairman, with the use of a megaphone, received the nominations of Mr. Studebaker and Mr. Fox, the two Taft delegates, and for the space of 10 or 15 minutes, in a loud voice and through a megaphone, called upon the Roosevelt delegates to make nominations for the same office, but none were announced. No further nominations being made the chairman called for the vote of the convention. The ayes were called and then the noes, but there were no "noes" upon the motion, the Roosevelt delegates failing or refusing to vote. The chairman thereupon announced the election of the said Taft candidates as delegates to the national convention.

At the hearing before the national committee counsel for the Roosevelt contestants offered affidavits which he claimed would show that a majority of delegates in the convention had not voted for the Taft delegates to the national convention. Objection was made that no such contention had been made in the statement of the case or the brief of the contestants; that the affidavits had not been filed with the national committee,

and that there had been no opportunity to see them or to prepare counter affidavits. The national committee allowed the affidavits to be read, but did not deem it necessary to grant time for the procuring and filling of counter affidavits. The affidavits were indefinite and loosely drawn, and it was impossible to tell from them whether the affiants intended their statements to apply to the regular convention or the rump convention, to be described later.

Among the 70 affidavits of delegates to the district convention offered by the Roosevelt contestants were four made by persons who averred that they had been elected as delegates and attended the convention with the intention of voting for the Roosevelt candidates for delegates to Chicago, who made oath that because of the noise and confusion they did not vote at all upon any question after the election of chairman, and that they left the hall before the rump convention.

It appeared that the result of the vote was not questioned at the district convention, and the result was certified to the national committee by the chairman of the district convention, whose election was admitted to have been valid. To call into question duly declared and certified results of a convention when no question was raised until after it had adjourned would be on a par with questioning an act of the legislature by affidavits of members declaring they had not voted or had not intended to vote on its passage. The convention was held April 2, 1912, and no question was raised as to the vote until the hearing before the national committee, the affidavits upon which the question was based having been secured between May 20 and the day before the national committee took up the case.

After the regular convention had been in session three and one-half hours and had transacted its business and adjourned, a rump convention was held in the same hall by a few Roosevelt followers, not more than 30 in number, which was less than a quorum of the delegates of the regular convention. At this rump convention there was no roll call of the delegates; the persons present did not sit down; no secretary was elected; some rules were adopted after a self-appointed chairman had by a viva voce vote declared the election of two delegates and two alternates to the national convention.

There is no question at all that Mr. Graham was duly elected chairman of the regular convention and occupied the chair until after adjournment had been duly declared; nor is there any dispute about the rules which were unanimously adopted before the convention elected its permanent chairman. The chairman acted strictly in accordance with his rights under those rules, and the convention, after a turbulent session of three and a half hours, duly elected the Taft delegates. The proceedings of the rump convention lasted less than five minutes, and that meeting was not attended by all the Roosevelt delegates. Its action was entirely illegal and unwarranted.

Kentucky.

In Kentucky contests were filed against the Taft delegation from the State at large and from the first, second, fourth, seventh, eighth, and tenth congressional districts, while Taft contests were filed against the Roosevelt delegates from the eleventh congressional district. The contest from the State at large was decided by the national committee in favor of the Taft delegates by a vote of 38 to 11, from the seventh congressional district by a vote of 38 to 13, from the eighth congressional district by a vote of 35 to 17, and in the eleventh congressional district a motion to split the delegation and give 1 vote to Taft and 1 to Roosevelt carried. A demand for a roll call was denied by a vote of 33 to 19. The other contests in Kentucky were decided against the Roosevelt claimants without opposition. The only contests appealed to the committee on credentials were those from the seventh, eighth, and eleventh congressional districts. In the eleventh congressional district both the Taft and Roosevelt attorneys appealed from the compromise made by the national committee.

KENTUCKY AT LARGE.

A contest was filed against only three of the Taft delegates at large from the State of Kentucky. The title of the fourth Taft delegate, J. E. Wood, was not contested. The Roosevelt claimants admit that the State and county conventions were duly called in accordance with the direction of the Republican national committee and that the State convention was held at the time and place indicated in the call. They do not claim that their names were presented to the State convention as delegates to the Republican national convention, and they admit they did not receive any votes in the State convention as such delegates. No other State convention was held. This fact is also admitted. The contention of the Roosevelt claimants is that they would have been elected if the Roosevelt forces had been in control of the State convention. The Roosevelt claim is that by the fraudulent and unlawful acts of the Taft men in the State, and especially of the Federal officeholders, the will of the majority of the Republican voters of the State was overruled, set aside, and rejected, and in lieu thereof the choice of the minority was substituted and certified to the State convention. The State convention assembled at Louisville on the 10th day of April, 1912, and remained in session until the evening of the 11th. A committee on credentials, composed of one member from each congressional district, was named by the different district caucuses without any contest whatsoever. Two additional members of the committee were named by the chairman of the convention, in accordance with the rules of the Republican Party in the State, and no objection was made to this action. Contests were presented from 19 counties, involving 449 votes, and ample opportunity was given for the presentation of all these contests to the committee on credentials.

It was the Roosevelt contention that the county conventions in seven counties having a vote of 120 in the State convention were conducted by such fraudulent methods as to prevent any expression of the views and choice of the Republicans present and desiring to participate therein, and by reason thereof said voters were not given an opportunity to indicate their choice or to select delegates. In none of these counties, however, was any contest presented before the committee on credentials of the State convention. The committee on credentials was composed of 11 Taft men and 3 Roosevelt men. This committee reported that 449 delegates were in contest out of a total number of 2,356 delegates to which the convention was entitled. The committee recommendeed the seating of 336½ Taft delegates and 112½ Roosevelt delegates, and this report was adopted by the convention by a vote of 1,872 to 434. A minority report was made by persons entitled to 2¾ votes on the committee on credentials. This minority report did not recommend the seating of any delegates from any county, but requested the setting aside of the official call of the Republican State central committee, dated February 14, 1912, convening the said State convention, and that in lieu of the State convention a State-wide presidential primary be held. The minority report of the committee on credentials was put to a vote of the convention and received less than 500 votes. The Roosevelt delegates for the most part remained in the State convention and participated in all of its proceedings. The convention adjourned without protest or bolt of any kind or description. No notice of any contest was given until the Roosevelt claimants filed one with the national committee, which notice was received on May 29.

If the seats in the State convention as to which any notice of contest was given, 449 in number, had all been given to Roosevelt, it would have made the entire Roosevelt vote in the State convention 297 votes less than a majority. The election of the three Taft delegates at large, Senator W. O. Bradley, Judge James Breathitt, and W. D. Cochran, whose seats were contested, was made unanimous by the State convention. The remaining delegate, J. E. Wood, was elected by a tremendous preponderance of the vote and his seat was not contested.

The three Roosevelt claimants from the State of Kentucky make no claim that they were named as delegates to represent the State in the national convention by any person or persons whomsoever. In no case presented before the national committee were louder and more insistent cries made that the Taft delegates had been elected by fraud and illegal practices. There was an absolute failure of proof to sustain these charges. The national committee found the charges unfounded, and the case was not appealed to the committee on credentials or to the convention itself.

SEVENTH KENTUCKY DISTRICT.

The district convention in the seventh congressional district was regularly called, and all its proceedings were strictly in accord with law and party custom. The total vote of the convention was 145. There were contests from 4 counties, involving 95 votes. According to the rules of the party in Kentucky, where two sets of credentials are presented, those delegates whose credentials are approved by the county chairman are entitled to participate in the temporary organization.

The convention proceeded on the rolls thus made up, and elected Charles M. Wiard, the Taft candidate, temporary chairman, by 98 votes to 47 votes cast for the Roosevelt candidate. The committee on credentials was appointed, consisting of one member named by each county delegation. This committee was in session several hours and gave every person interested ample opportunity to be heard. The report of the committee was signed by every member of the committee except Henry T. Duncan, the Roosevelt candidate for delegate to the national

convention, and recommended the seating of the Taft contesting delegation from Fayette County and the seating of the regular delegations in all other counties except in Woodford County, where it was recommended that the Taft delegates be unseated. Mr. Duncan signed a report as to Woodford County, but presented a minority report as to all other counties in the dispute. The majority report of the committee was adopted unanimously, no delegation whose seats were contested being permitted to vote on its own case. As soon as the majority report of the credentials committee had been adopted, the Roosevelt adherents left the courthouse where the convention was sitting and held another convention. The counties conceded for Taft had 50 votes. The Fayette County delegation, with 47 contested votes, was absolutely essential to the success of the Roosevelt side, while the Taft delegates could have been elected without it.

FAYETTE COUNTY.

In Kentucky, county conventions, except in two or three counties having the largest cities, are mass conventions held at the county courthouse. The city of Lexington is the county seat of Fayette County. In the county convention held in this county the testimony of disinterested witnesses shows that the Taft forces were in a majority by from 100 to 500 votes. The chairman of the county committee called the convention to order and asked for a vote on the question of the election of a temporary chairman. Before the vote was announced the Taft men asked for tellers to count the vote. The chairman refused to permit a count of the vote and arbitrarily declared the Roosevelt candidate elected temporary chairman. It was the first time such a count had ever been refused in Fayette County in a Republican convention since the Civil War. The majority of the Republicans present thereupon proceeded to hold another convention in the same hall and elected delegates to the district convention and to the State convention. Every member of the committee on credentials of the district convention, except Mr. Duncan, voted to seat the Taft delegates from Fayette County, and every delegate in the district convention, except the delegates from Fayette County, who were not permitted to vote upon their own contest, voted to sustain the report of the credentials committee. The same action was taken by the committee on credentials of the State convention. The Roosevelt Republicans claimed that they were in a majority in the Fayette County convention. If that were true, the chairman of the county committee, who called the convention to order, would not have refused to permit a count of the vote, as was rightfully demanded.

SCOTT COUNTY.

The delegation from Scott County, with 18 votes, was in contest. This county convention was duly called to order, nominations were made for temporary chairman, and tellers were appointed to count the vote. Before the vote could be counted the Roosevelt men left the hall. Testimony was furnished from several public officers of high standing, all disinterested, showing that the Taft men were largely in a majority in the convention. The county convention proceeded with its business and elected delegates to both district and State conventions. In both of these last-named conventions the committee on credentials recommended the seating of the Taft delegates and both conventions adopted the report of its committee on credentials.

FRANKLIN COUNTY.

The Franklin County convention elected 16 Taft delegates to the district convention. Immediately after the convention organized by the election of a temporary chairman, and before any other business could be transacted, the Roosevelt followers bolted and went into the courthouse yard, where they held a convention. There was ample disinterested testimony that the Taft men in this county convention outnumbered the Roosevelt men by over 2 to 1. The committee on credentials of the district convention decided the contest in this county in favor of the Taft Republicans. The report was adopted by the convention. The State convention decided this contest the same way.

WOODFORD COUNTY.

Woodford County was entitled to 14 votes in the convention. In the county convention held in this county the chairman of the county committee, a Taft man, refused to grant a count of the votes cast for temporary chairman, and the committee on credentials of the district convention, following the rule laid down in the Fayette County case, unseated the Taft delegates from Woodford County and seated the Roosevelt delegates.

The district convention, after the Roosevelt bolt, proceeded in a regular and orderly way and elected the two delegates to the national convention, who were placed upon the temporary and permanent rolls of the convention.

EFFECT OF CHANGE OF DISTRICT LINES BY LAW PASSED AFTER CONVENTION CALLED.

Another point which was raised, in the contests from the seventh, eighth, tenth, and eleventh Kentucky districts, was the fact that after the Republican congressional conventions had all been called in that State the legislature, which was then in session, redistricted the State for congressional purposes and changed the boundaries of these districts. All of these district conventions were duly held in accordance with the call of the district committees and in accordance with the regulations laid down by the national committee without reference to the changes made in the boundaries of the districts by the State legislature.

Every county sent its duly accredited delegates to the district conventions, composed of delegates from the counties constituting each district as it existed at the time the district committee made its call. No county sent a duly accredited delegation to the congressional convention of the district to which that county had been transferred by the redistricting act of the legislature. This action was taken by direction of the Republican State committee and was generally acquiesced in to prevent confusion. Had these district conventions been composed of delegates from the counties included in the new districts instead of the old districts, the result would have been the same and Taft delegates would have been elected to the national convention. All these district conventions were held under the terms of the call of their respective district committees, and their action can not be invalidated by the fact that subsequent to the issuing of the calls the legislature redistricted the congressional districts. This was the only point involved in the contest from the tenth congressional district of Kentucky, and that contest was not appealed to the committee on credentials of the national convention.

EIGHTH KENTUCKY DISTRICT.

In the eighth Kentucky district the Roosevelt forces bolted the regular convention and held a rump convention. This district as constituted when the call for the convention was issued was composed of 10 counties, having 163 votes, of which 82 were necessary to a choice. There was absolutely no contest in five of the counties. Shelby County sent a contesting Roosevelt delegation to the district convention, but they were elected at a rump county convention in which less than 20 Republicans participated, while there were more than 200 Taft men who participated in the regular convention. The Roosevelt men abandoned their claim to the vote of Shelby County. The Roosevelt men claim that Spencer County, with 6 votes, elected a Roosevelt delegation. As a matter of fact, there was absolutely no contest presented from Spencer County against the seating of the regularly elected Taft delegates from that county. All of these six counties were represented in the district convention by delegates who were present and voted for the Taft delegates to the national convention, giving them 84 votes, or 2 more than were necessary for a choice.

Contests were filed with the district convention from Boyle, Garrard, Madison, and Mercer Counties. In Boyle County it was agreed that the vote of the county in the district convention should be equally divided. The committee on credentials and the district convention unanimously agreed to uphold this agreement. Two conventions were held in Madison County. The Roosevelt followers, headed by Hon. B. J. Clay, bolted the regular convention. The evidence is overwhelming that the Taft forces were largely in the majority. When the vote was being taken for a temporary chairman, the Roosevelt followers, feeling that they were defeated, demanded that tellers be elected instead of appointed as was the general custom. The chairman offered to appoint tellers, but refused to permit them to be elected, whereupon the Roosevelt minority bolted. A large number of Democrats and negroes under age took part in the Roosevelt convention, and there is ample evidence that a majority of the legal Republican voters present at the county convention were for Taft. The committee on credentials of the district convention reported in favor of seating the Taft delegates from Madison County, and the report was adopted. In the Mercer County convention both the Taft and Roosevelt men claim to have had a majority of the legal voters. The first count not being satisfactory to all, the convention unanimously agreed that the secretary, Mr. James P. Spillman, should make a count of both sides and that the convention would abide by his count. His count showed that the Taft men were in a majority. The Roosevelt men thereupon left the convention, with the exception of Mr. Riker, who helped to make the count and who knew that Taft had a majority. No contest was filed from this county by the Roosevelt men at the district convention. There were only two counties that did file contests in the

district convention. Conceding both of them to Roosevelt leaves over 100 uncontested votes in favor of Taft out of 163. The Boyle County delegation had by agreement been equally divided. The tellers in that county convention agreed that Taft had the majority, but the chairman refused to recognize the count.

Complaint is made that Judge L. W. Bethurum, of Rockcastle County, a county not in the new district, called the district convention to order as chairman of the district committee. As has been shown above, however, all the district conventions in Kentucky were held in accordance with the apportionment of the State for congressional purposes before the legislature passed the redistricting bill. The Roosevelt contestants before the national convention admitted that the report of the credentials committee seating the Taft delegates from the various counties in the district was adopted in the district convention, and that by the convention thus organized the Taft delegates to Chicago were elected. The contestants further set forth in their brief that in the same hall and immediately after the adjournment of the regular convention which elected Taft delegates the Roosevelt contestants were elected. In this rump convention sat Roosevelt delegates from Mercer, Spencer, and Shelby Counties, although the delegation from Shelby County was expressly conceded to Taft, and no contests were ever filed against the right of the regularly elected Taft delegates from Spencer and Mercer Counties to their seats in the district convention.

Assuming that the Roosevelt men were entitled to all the delegates from the counties in which they filed contests in the district convention, there remained a clear majority of uncontested delegates who voted for the Taft delegates to Chicago.

ELEVENTH KENTUCKY DISTRICT.

The eleventh congressional district of Kentucky is composed of 19 counties, entitled to 384 votes in the district convention. At the mass convention held at each county seat in the district on April 6, 1912, 4 counties, with 114 votes, were instructed for Taft; 5 counties, with 100 votes, instructed for Roosevelt; 2 counties, with 47 votes, instructed for Taft, but were contested; 4 counties, with 103 votes, were instructed for Roosevelt, but were contested; while in Clay County, with 20 votes, the vote was divided half and half. All the delegates elected to the district convention were elected at the same time that delegates were elected to the State convention. Four of the counties in the district sent contesting delegations to the State convention, which body, after a full and careful hearing, seated the Taft delegates. The Taft delegates from these counties were entitled by the same evidence to seats in the congressional convention and would have been so seated had the Republican Party law and custom in Kentucky been followed. The Republican Party in Kentucky is controlled by a set of rules and regulations regularly adopted by the party and followed without a break for many years, serving as the constitution of the party in the State. By that law and custom, in all district conventions a committee of credentials is made up of one delegate from each county, who is named by the county delegation attending the district convention. Had that law and custom been followed in this case, the majority of the members of that committee from uncontested counties would have been Taft men and the lawfully elected Taft delegates in the contesting delegations would have been seated.

The convention was called to order by the chairman of the congressional committee, who was a Roosevelt man. Instead of proceeding in the accustomed manner to call for the appointment of a committee on credentials, he entertained a motion for the chair to appoint a committee of five, and in the midst of great confusion he declared the motion carried. The chair appointed four Roosevelt men, and one Taft man who declined to serve on an illegally constituted committee. This committee reported every contest in favor of the Roosevelt men. The Taft followers thereupon bolted the convention, taking with them 284 lawfully elected Taft delegates out of the total membership of 384, and proceeded to elect two Taft delegates to the Chicago convention. On account of the great mass of conflicting testimony presented to the national committee in this case, that committee by a vote of 33 to 19 decided to compromise the contest by seating one Taft delegate and one Roosevelt delegate, although both sides expressed their dissatisfaction with this result and appealed the case to the committee on credentials. The matter was presented to the committee on credentials, and the two delegates placed upon the temporary roll were by unanimous vote placed upon the permanent roll.

LOUISIANA.

Contests have been brought to the national convention involving the delegates at large and most of the district delegates from the State of Louisiana at every convention since 1876, except the convention for 1884. During all of this time there have been two wings of the Republican Party in the State. In the national convention of 1908 both delegations from Louisiana were seated, with a half vote each, under a resolution that "a committee to be composed of the chairman, secretary, and one member of the incoming national committee be empowered to formulate a plan for the thorough reorganization of the party throughout the State of Louisiana."

In February, 1912, this subcommittee of the national committee, consisting of Mr. Ralph Williams, of Oregon, representing the chairman; Mr. William Hayward, the secretary; and Mr. E. C. Duncan, of North Carolina, went to Louisiana and made a thorough investigation, interviewing all the party leaders who could possibly be reached, regardless of faction or color. Before proceeding with its deliberations the following agreement was signed by 10 men, 5 from each side, who were duly authorized to represent both factions:

NEW ORLEANS, LA., *February 21, 1912.*

The undersigned agree to submit to Messrs. Duncan, Williams, and Hayward, of the national committee, all questions of contest between the two factions, and also to decide what questions of contest should be properly decided, and we pledge ourselves to be bound by the award rendered by them.

The subcommittee of the national committee, after hearing all the evidence, found that the action of the State committee taken a few days previous was illegal, in that it refused to seat 11 duly elected members of the State committee, and that the election of officers of the committee and the call for a State convention, in the absence of these legally elected members, were illegal and must be annulled, and ordered the State committee to meet not later than March 8. Mr. Frank B. Williams was originally elected chairman of the State central committee. Mr. Emil Kuntz was leader of the faction refused recognition by Mr. Williams in his committee. Mr. Williams refused to abide by the decision of the subcommittee of the national committee because of his pronounced lily-white views and because nearly all the Republicans ordered by the subcommittee to be recognized as members of the State central committee were colored men. The decision of the subcommittee was also repudiated by Mr. Pearl Wight, member of the national committee, and two others, all members of the Williams faction, who claimed that they signed the above agreement under duress.

The new State committee met March 8 in accordance with the direction of the subcommittee, elected Victor Loisel chairman, and called a State convention to meet in Alexandria April 6. This State convention was duly held in accordance with the call and was a large and representative gathering of Republicans, with delegates present from every parish in the State except three, and elected a delegation to the national convention which was instructed for Taft and was headed by C. S. Hebert.

The Williams-Wight faction proceeded to hold the convention originally called, the call for which had been ordered to be annulled by the subcommittee. This convention split into two bodies, both of which named delegates to the national convention. In both of these bodies, the majority of the delegates present appear on the registration lists as Democrats in politics.

The national committee by a vote of 50 to 2 refused to sustain the contest against the Hebert-Taft delegation. The Taft delegates from all of the districts were also retained in their seats, in the third, fourth, and fifth Congressional districts, by viva voce vote, which in at least one district—the third—was unanimous. The contests in the first, second, sixth, and seventh districts were abandoned. None of these contests were appealed to the committee on credentials except those from the fourth and fifth districts, and the Taft delegates from these districts were retained in their seats for the same reasons that caused the defeat of the contest aganst the Taft delegates from the State at large.

Michigan.

The contest from Michigan involved the question of who were the rightfully elected delegates at large (6 in number) from that State. The number of delegates entitled to seats in the State convention was 1,312.

The State convention was called to meet at Bay City April 11, 1912. On April 6 the secretary of the Republican State central committee called a meeting of that committee to be held at Bay City the evening before the State convention was to meet. When the secretary called this meeting of the State committee the chairman of the committee was out of the State and his whereabouts was unknown. On the same date he telegraphed to the secretary from Chicago, Ill., stating he did not think it was advisable to call a meeting of the State committee at the time designated by the secretary in his call. Subsequent to the issuing of the said notice by the secretary a majority of the members of the committee, 15 out of a total membership of 24, joined in a call for said meeting. In the absence of the chairman of the committee the secretary had the right to call the com-

mittee together, and his action was ratified by the committee itself. A quorum of the State committee, 17 members out of 24, attended the meeting called for April 10. An acting chairman was elected, a temporary roll of the convention was prepared, and the secretary was instructed to distribute tickets of admission to the convention.

Only two counties sent contesting delegations to the State convention—one from Wayne County, in which Detroit is located, involving 192 delegates, and one from Calhoun County, with 27 delegates. There was precedent in Michigan for the State committee to make up the temporary roll of the State convention, and due notice was given the manager of the Michigan Roosevelt campaign committee that the State committee would hear any contests which might be presented, but no contest was presented to the State committee. At this meeting of the State committee the secretary was authorized to distribute the tickets to the chairmen of the different delegations who were authorized by the committee to be seated in the temporary organization.

At the meeting of the committee held January 17, 1912, Hon. Truman H. Newberry, of Detroit, had been designated temporary chairman of the convention. That action was rescinded at the meeting of April 10, because Mr. Newberry had become a manager and active agent for one of the candidates for the Presidency and because he had stated he would permit no roll calls in the convention; that he would take all votes viva voce; that he would decide all questions by what he determined to be a preponderance of sound; and that he would be influenced by his personal leanings in making his decision. Mr. Newberry acquiesced in this action of the State committee and made no attempt to act as temporary chairman of the State convention.

Early on the morning of April 11, the day the State convention was to meet, the temporary secretary of the convention and the temporary sergeant at arms endeavored to enter the local armory where the convention was to meet, but found it in possession of the local militia and a detachment of local police and were refused admission. Later in the morning the State central committee made formal demand for possession of the armory and were admitted. The chairman of the State committee, Mr. Frank Knox, was found within the armory seated upon the platform. The committee assembled upon the platform and called upon Chairman Knox to preside. He refused to comply with this request, whereupon the committee proceeded again to elect an acting chairman, a majority of the members of the committee being present and voting "aye." The committee instructed the sergeant at arms to admit no person to the hall except those who presented tickets bearing the signature of the secretary.

The tickets for the State convention were issued on the morning of the day that body met and in ample time for use. Distribution was made at the leading hotel in the city. The distribution commenced at the hour of 9.30 a. m. and continued during the entire time the convention was in session. The distribution was strictly in accordance with the instructions of the State central committee. Tickets were distributed in a public place and there was common knowledge that it was being done. Thence was no discrimination in the distribution of the tickets, and there was absolutely no excuse for any delegate failing to secure his ticket. The four roll calls taken during the State convention showed that practically all the delegates had secured tickets and were present. When the convention hall was ready for use the doors were opened and were kept open at all times, except for a short period when a crowd attempted to rush into the hall in a body. At that time the doors were shut until more adequate police protection could be obtained, when they were again opened and kept open. During the brief time the doors were closed as many Taft delegates were excluded from the hall as Roosevelt delegates.

The State convention was called to order by the chairman of the Republican State central committee, Mr. Frank Knox. The secretary of the committee addressed the chairman, advising him and the convention that the State central committee had chosen Hon. Grant Fellows as temporary chairman. He thereupon took the chair and called the convention to order, and the call for the convention was read by the secretary. Mr. Knox was attempting to act as chairman at the same time, and he declared Herbert F. Baker elected temporary chairman of the convention. Chairman Fellows recognized a motion to make Herbert F. Baker temporary chairman, and put the question to the convention and ordered a roll call thereon. The vote stood: Ayes 67, noes 818. In the meantime, the State chairman, Frank Knox, and about 50 others, proceeded to make all the noise possible, occupying one end of the platform and the space immediately in front thereof. These disturbers soon got tired and left the hall, accompanied by a few of the delegates, but not to exceed 200 delegates bolted the convention. At all times until the adjournment of the convention nearly 1,000 delegates were present and participated in the proceedings. Four separate roll calls were had—one upon the question of nominating Mr. Baker temporary chairman; secondly, upon the adoption of the report of the committee on credentials when the vote was—ayes 946, noes 18, not voting 6; again upon the adoption of the report of the committee on permanent organization and order of business on which the vote stood—ayes 926, nays 7, reported not voting 27. The roll was also called upon the election of delegates at large to the national convention, on which roll 975 votes were cast, of which there were—ayes 900, nays 21, not voting 52. The Roosevelt contestants admit that the convention commenced business with about 800 delegates, not including the Taft delegates from Wayne and Calhoun Counties. The record shows that on every one of the four roll calls except the first from 960 to 975 votes were cast. Substracting from this total vote the vote of the two counties in contest, the convention would still have been in the control of the Taft delegates. Ample opportunity was given the Roosevelt contestants from Wayne and Calhoun Counties to present their claims to the committee on credentials. Any statement to the contrary is without foundation. They refused to avail themselves of the opportunity.

CALHOUN AND WAYNE COUNTIES.

There was testimony showing that the Roosevelt followers in the county convention held in Calhoun County were in the minority, but that by their noisy, boisterous, and disorderly tactics they refused to allow the convention to proceed in an orderly manner. When it became apparent that the Roosevelt delegates would not come to order in the convention, the convention proceeded regularly to the transaction of its business, and when that had been accomplished adjourned. The county convention for Wayne County met in Detroit April 5. Very shortly after it was called to order about 25 or 30 men, some of whom were not even delegates to the convention, gathered on one side of the hall where the convention was being held, and, led by Charles A. Nichols, the Roosevelt manager in Michigan and Wayne County, who was not a delegate to the Republican convention, proceeded to create a disturbance by shouting and gesticulating, which disturbance continued for a few minutes, when the disturbers, led by Nichols, left the convention hall. This statement is testified to by over 20 of the leading citizens of Detroit, county and city officials, professional men, bankers, lawyers, and business men, who swear that Nichols and his following did not exceed 45 men; that after they left the hall the convention proceeded to its business in regular form and was in session for about two hours; that there was no contest brought before the committee on credentials by any voting precinct in Wayne County; that every delegate who sat in the convention presented due and lawful credentials, and no one was allowed to sit in said convention except those who were duly and properly elected under the call of the county committee.

The entire record in this case shows an utter absence of foundation for the contest which was brought against the Taft delegates. The national committee decided the case without division.

Mississippi.

Contests were filed against the Taft delegates from Mississippi at large, and in all of the eight congressional districts of the State except the third. The contests from the first and eighth districts were abandoned before the national committee and never presented there. All the other contests in the State were decided against the Roosevelt contestants without division being called for in the national committee. The contests were of the most frivolous character, in every case a mere handful of men assembling together and pretending to hold a convention for the sole purpose of getting up a contest. In the second district, for example, one Jonas Avant, who tried to address the regular convention, but was refused permission because he was not a delegate and not a qualified elector, with five other men, none of whom were delegates, and two of whom were Democrats, went to the back part of a store building in the town where the district convention was being held and pretended to hold a convention. They were citizens of only two counties out of the nine constituting the congressional district.

SIXTH MISSISSIPPI DISTRICT.

The regular convention in the sixth district was an orderly and harmonious body, which proceeded in a businesslike way to do what it had to do and attracted considerable attention in the town of six or seven hundred people where it met. There was no other convention held in that town that day. The two Roosevelt contestants from this district were J. M. Leverett and

Charles H. Hays. Several witnesses of the highest standing, residents of the town where the convention was held, testified to seeing these two men in town the forenoon of the day of the convention, but that both of them left on a 12.40 train, the train which brought into town most of the delegates to the convention, and that neither of them was seen about the town after that hour. This is a fair sample of the contests brought against the Taft delegates from Mississippi. The contests from the State at large and from the second, fifth, and sixth districts were appealed to the committee on credentials and presented in a perfunctory way by the counsel for contestants, but they were all so utterly without merit that they were decided by the credentials committee against the Roosevelt contestants without division.

Missouri.

In Missouri contests were filed against the Roosevelt delegates from the State at large and from the fifth district, and contests were also filed against the Taft delegates from the first, third, seventh, and fourteenth congressional districts. The only case passed upon by the national committee was that concerning the delegates at large, which was decided unanimously in favor of the Roosevelt delegates. The other contests from the State were settled by an agreement giving Roosevelt the delegates from the first and fifth districts and giving Taft the delegates from the third, seventh, and fourteenth congressional districts.

None of these cases were presented to the committee on credentials, both the Taft and Roosevelt leaders in Missouri being content to abide by the settlement made before the national committee.

FIFTH MISSOURI DISTRICT.

To show that the compromise was a real one and that actual ground of contest existed against the Roosevelt delegates a statement of the case in the fifth congressional district is given.

The district committee, which was composed largely or wholly of Roosevelt men, ordered a primary for the 7th day of March, 1912. Under the Missouri laws it is a misdemeanor for any one but an enrolled voter to vote in a primary. The last previous enrollment was in October, 1910, 18 months before the primary. In places like Kansas City the voting population rapidly changes on account of changes in residence and a supplemental enrollment preliminary to the Kansas City election was to begin March 12. It resulted on that day in the addition of 24,469 names to the voting list. As the district is usually Republican, probably fully 12,000 Republicans were disfranchised by the call of the committee. A storm of protest immediately followed the issuance of the call, and Republicans everywhere were urged to ignore it. In addition to this disfranchisement the committee provided that no one's name should go on the ballot which it was itself to prepare, as a candidate for membership in the convention, except upon the payment of $2 for each candidate, and the membership of the convention was fixed at 415. The result was that a tax was attempted to be levied of $830 each, on the Taft, LA FOLLETTE, and CUMMINS adherents in case they placed their names upon the ballot. A still further payment of $6 for each polling place was demanded, which carried the prepayment demanded of each presidential candidate up to $986; and the evidence indicated that the total expense to the committee for the primaries was only $148.75.

The result was that no candidates for delegates were presented by the Taft, LA FOLLETTE, or CUMMINS people, and only the "Roosevelt Republican Association delegation" went on the ballot. A preferential expression was provided for on the ballot, which without the slightest authority contained the names of Mr. Taft, Mr. LA FOLLETTE, and Mr. CUMMINS. Only Roosevelt men participated in the primaries, and of course an overwhelming victory was shown in his favor, which was exploited all over the country. The organization being in the hands of the Roosevelt men, the Taft adherents did the only thing in their power and called mass conventions in the various wards and precincts, held a convention, and elected the Taft delegates, who were the contestants. The position taken by the Taft people before the national committee was consistent throughout all the contests, viz, that unless intentional disfranchisement or falsification of returns was shown, regularity of procedure and duly accredited certificates from regular conventions should prevail. In this case, however, it was claimed, and with good reason, that there had been a deliberate disfranchisement of Republican voters and wholly unwarranted conditions attached.

North Carolina.

There were contests from the third, fourth, and ninth North Carolina districts, but none of the contestees or contestants were claimed for Taft.

Third Oklahoma district.

In the third congressional district of Oklahoma two conventions were held and two sets of delegates and alternates were elected to represent the district in the Chicago convention. Both conventions were held under the same call, on the same day, and in the same city, but in different halls, on March 14. The call for the convention did not designate the hall where the convention was to be held. On the morning of the day fixed for holding the convention the congressional committee met, all of the 19 counties composing the district being represented by the duly elected committeemen or by proxy. Three counties—Tulsa, Delaware, and Cherokee—were in contest and the delegations from these counties held the balance of power in the convention. The congressional committee was made up of 12 Taft men and 7 Roosevelt men. The chairman, W. S. Cochran, was a Roosevelt man, and he attempted by unfair and arbitrary rulings to overcome the will of the majority of the committee. He refused to allow the committee to elect its own choice as secretary in the absence of the regular secretary and ruled out one proxy and recognized another proxy, refusing to allow the committee to determine its own membership. On one roll, with 11 votes one way and 8 votes another the chairman announced the result of the vote exactly opposite to the real fact.

In this situation written charges were preferred against the chairman, based upon his illegal and high-handed conduct, and a motion to sustain the charges against the chairman and declare his position vacant was put to the committee and was carried by a vote of 11 members of the committee who were present. Cochran thereupon announced the committee adjourned to 1.30 p. m., although the hour of 11 was fixed for the convention, and the committee had not yet finished its business, and with a minority of the committee walked out of the room. The majority of the committee which remained continued its business by electing a chairman and secretary, proceeded to make up the temporary roll for the convention, and appointed a place for it to meet, and the regular district convention was accordingly held at the place appointed by the committee in the World Building in Tulsa at 11 o'clock a. m., of which ample notice was given to all delegates. This convention was duly called to order; the temporary roll prepared by the congressional committee was made the permanent roll; a majority of the delegates duly elected to the convention were in attendance, and Judge Joseph A. Gill and Mr. J. W. Gilliland were elected delegates to the national convention. The credentials of the delegates to the district convention, certified to by the chairman and secretaries of the several county committees, remained in the possession of the majority of the congressional committee and were filed with the national committee with the other records in the case. Every county in the district had its representation and vote in the regular convention, and no person properly accredited as delegate was excluded or debarred from participating in its proceedings. The call for the convention expressly provided that the delegates actually in attendance from any county could cast the entire vote for that county.

The right of Mr. Cochran to act as chairman of the committee was disputed because he had moved from one county in the district to another county in the district, and both of these counties had other representatives upon the committee. When Cochran was removed as chairman and withdrew from the meeting of the committee only one regularly elected member of the committee went with him, the others who left the hall at that time being all either proxies or appointees of the said Cochran. Of the 11 members voting to depose Cochran, 9 members of the committee were present in person and 2 were represented by proxies. As both the county of Cochran's former residence and the county to which he had removed had their representatives present at the meeting of the committee, it was clear that Cochran did not represent any county, and therefore had no right to act as a member of the committee.

Assuming that all the committee who went out with Cochran had the right to act on the committee, it left the committee standing 12 for Taft and 7 for Roosevelt, so it was simply a question whether a majority of the committee had the right to control its action or a minority.

After Cochran was deposed as chairman of the committee and walked out of the committee meeting with less than a quorum of its members, he called a meeting to order in the Grand Opera House, which meeting called itself the congressional convention of the third congressional district of Oklahoma, and proceeded to elect delegates to the national convention. This meeting was not attended by a majority of the duly elected delegates to the convention. It did not have the credentials from the various counties, and its membership was largely made

up of bystanders, who had not been duly accredited by any county in the district. Its action was entirely without authority.

On the showing of facts thus made, which was amply supported by testimony, the national committee retained the Taft delegates in their seats without division, and its action was sustained by the committee on credentials.

First South Carolina.

In the first congressional district of South Carolina a contest was presented before the national committee, but it was of the most frivolous character. The convention was regularly called, and consisted of 32 delegates. After the convention had duly organized 4 of the delegates walked out, 1 of whom afterwards returned. The convention proceeded with its business and elected Taft delegates to the national convention. Twenty-eight of the regularly elected delegates to the convention out of 32 signed a statement that they had participated in the proceedings of the convention and had voted for the Taft delegates. These delegates were held entitled to their seats by the unanimous vote of the national committee, and the contest was not appealed to the committee on credentials.

Tennessee.

Tennessee contests were filed in the first, second, ninth, and tenth districts. In the first and tenth districts both sets of delegates claimed to be for Taft. In the first, second, and ninth districts the question at issue was which was the regular Republican organization. In the first district that organization was recognized which nominated and elected the present Republican Congressman from that district, Hon. SAM R. SELLS.

SECOND TENNESSEE DISTRICT.

In the second district that organization was recognized which nominated and elected twice in succession the present Republican Congressman from that district, Hon. RICHARD W. AUSTIN. T. A. Wright and John J. Jennings were regularly elected delegates. There have been two organizations in this district, each claiming to be the regular Republican organization. Wright and Jennings were elected by the organization which was duly recognized in 1910 by the Republican national congressional committee as the regular Republican organization of said district. It elected Hon. R. W. AUSTIN a Member of Congress in 1908 and 1910, and there can be no question that the Austin organization was the one which was entitled to representation in the national convention.

The congressional committee met December 30, 1911, and called a district convention to meet March 9 at the courthouse in Knoxville. The action of this convention was unanimous on all questions. This district is composed of 10 counties. Due notice was given of the congressional convention

When the convention met March 9, delegations from 5 of the 10 counties reported no contests. Contests were reported in 2 counties under a mistaken apprehension of facts and were abandoned. This made 59 delegates which were entirely uncontested out of a possible total of 108 in the convention.

The contests from the three other counties were referred by the congressional committee to the convention itself. Under party law and authority in Tennessee the congressional committee has the authority to make up the temporary roll of the convention, but in the case of these three contests the entire matter was referred to the convention. This left 49 delegates whose right to seats in the convention was held in suspense.

After the temporary organization of the convention, a committee on credentials was appointed and retired from the hall to hear the contests. Instead of presenting their case to the committee on credentials, the contestants from these three counties abandoned their contests and held a bolting convention. The committee on credentials thereupon made a report seating Republicans from these three counties claiming to have been regularly elected. When the other contestants from these three counties refused to submit their case to the credentials committee they lost whatever right they had to seats in the convention. The delegations from two counties which were reported for Roosevelt remained in the regular convention and took part in the proceedings. T. A. Wright and John J. Jennings were elected delegates to Chicago by this the only regular Republican convention held in the second congressional district of Tennessee.

After the bolters had held their convention on March 9, they realized their action was not regular and caused to be resurrected a remnant of what was known as the old Hale congressional committee, which had been discredited and repudiated by the Republican congressional committee in 1910, and through that repudiated committee called a new congressional convention. Seven of the counties in the district absolutely refused to send delegates to this rump convention.

Hon. John C. Houk and Judge H. B. Lindsay, contestants, had no claim moreover to seats in the national convention, for the further reason that they took part in the county mass conventions called by order of the Austin congressional committee. Having thereby recognized the Austin organization as the regular Republican organization in the district, and having taken part in the county conventions called by said organization, they were thereby estopped from attempting to deny the legality of the Austin organization and had no right to organize or take part in any other organization acting in conflict therewith.

NINTH TENNESSEE DISTRICT.

In the ninth congressional district of Tennessee there are two organizations which claim to be the regular Republican organization of the district. Both organizations nominated candidates for Congress two years ago, and the Republicans of the district expressed their choice between the two organizations by casting 1,406 votes for the organization which later elected the regular Taft delegates to the Republican national convention, as against 940 votes for the candidate representing the organization which elected the Roosevelt delegates, and the State executive committee in the election of 1910 recognized that organization which elected the Taft delegates in 1912 as the regular organization in that district. The head of the Roosevelt organization is G. T. Taylor, of Union City, who is the State treasurer, having been elected by the Democratic legislature of the State, and the chairman of the committee, Mr. Burdick, supported the Democratic candidate for governor in 1910 as against the regular Republican candidate and made public boast of it. The Taylor organization held one convention on March 26 and instructed for Taft. The regular 30 days' notice was not given for that convention, and a second convention was called to meet May 15. It is very doubtful if the proper notice was given for this convention. The same delegates and alternates were elected to the Chicago convention who were elected on March 26, but this time they were instructed for Roosevelt.

This case was decided by the national committee for the Taft delegates; and when the case was called for a hearing before the committee on credentials the Roosevelt contestants did not appear, and the case was decided against them by default.

TENTH TENNESSEE DISTRICT.

The national committee sustained the regularly elected Taft delegates from the tenth congressional district of Tennessee. The contestants, who originally claimed they were for Taft, but subsequently announced themselves in favor of Roosevelt, failed to present their case before the committee on credentials, and it was decided against them by default.

Texas.

The issue as to the eight delegates at large from the State of Texas is not merely a political one but a moral one. It was not alone a question whether the votes should go to Taft or to Roosevelt. It was also a question whether the Republican Party in the State should be relieved from the death grip of the arbitrary and unscrupulous political machine which had dominated it for years and was destroying the party in the State rather than building it up. In 1896 the Republican Party cast 167,000 votes in the State; in 1900 the Republican vote was 121,000; in 1904 Roosevelt received 51,000 votes; in 1908 Taft got 65,000; and in 1910 the Republican candidate for governor, nominated at a small machine convention, received only 26,000 Republican votes. This result has come about at a time when the financial and business growth of the State, largely due to the influx of northern men and capital, has been marvelous, and when the chief port of Texas has become the second port in the United States.

The constant effort of the party organization seems to have been to reduce the Republican vote and confine it to officeholders and their relatives, so that there might be enough of the loaves and fishes to go around. As evidence of this the State chairman, Col. Cecil Lyon, who has held that office continuously since 1900 and has been a member of the Republican national committee since 1904, stated in a printed circular that every Federal officeholder in the State, except four or five, had been appointed on his recommendation. There are some 2,800 of such appointees, the larger number of whom were appointed during the administration of President Roosevelt and have not been replaced under the present administration. These officeholders furnish the main backing of the Lyon machine. Further evidence was furnished in the testimony which was submitted showing that Col. Lyon was deliberately attempting to exclude the colored Republican vote, in an effort to build up a white man's party in the State. A postal card, dated May 12, 1912, over his own signature, which had been circulated broadcast through the State, was in evidence, in which he stated that the time had come when the voters must decide

whether the negro or the white man was to rule in the State of Texas.

The system was maintained in every State convention by the use of credentials from counties with an inconsiderable Republican vote, which were given as large a representation in the State convention as were counties casting the bulk of the Republican vote.

There is a primary election law in the State of Texas, under which parties casting over 100,000 votes are required to act. Its provisions are optional with parties casting less than 100,000 votes. Section 139 of the law provides that any political party desiring to elect delegates to a national convention shall hold a convention, and that said convention shall be composed of delegates duly elected by the voters in said political party in the several counties of the State at primary elections. Under the terms of this primary law the ratio of representation in Democratic conventions was first fixed at one delegate for each county, and no additional delegate unless the party cast in that county 500 votes and a major fraction thereof at the last general election. In other words, unless the party cast more than 750 votes in a county it would be entitled to only one delegate in the State convention. Another section of the same law, said to have been adopted later because of the growth of the Democratic vote, placed the representation at 300 votes and a major fraction thereof. There is nothing whatever in the law compelling the Republican Party in the State of Texas to adopt either ratio of representation, but the Lyon machine has declared that it was bound by the Terrill law, although disregarding some of its important provisions.

There are in the State of Texas 249 counties, of which 4 have no county government. The remaining 245 counties were entitled to 1,008 delegates in the State convention with 248 votes. In the western part of the State there are 99 counties which cast at the last election a total of only 2,184 Republican votes. Nine of these counties did not cast a single Republican vote, and 32 other counties cast less than 10 Republican votes each. In these same 99 counties no conventions or primaries were held to elect delegates to the State convention, and in most of them there is no Republican organization whatsoever, and none of them, whether under the State election law or by rules of fairness, equity, and decent party usage, was entitled to a vote in this Republican convention. It appeared from the proofs submitted and affidavits offered in evidence, both from county clerks with whom returns of political organizations are required to be filed, and from others, that the organization in these sparsely settled counties is nonexistent. It was the practice of the machine to send blank credentials to a friendly postmaster in each one of these counties having no party organization, and these credentials, after being signed by two Republicans, one as chairman and the other as secretary, but without the holding of a primary election or a county convention, would be sent, with a proxy from the delegate named, oftentimes to a person living 500 miles away but who was a member or friend of the State machine. It was by the use of credentials thus secured from the sparsely settled counties, having few or no Republican voters, that the Lyon machine has been able for years to control State conventions in Texas, and the present contest was the result of a determined effort on the part of the Republicans of the State to free themselves from an insufferable system.

The Terrell law requires that in each county the party chairman shall be elected and his name certified to the county clerk. In many of these 99 counties this was not done. Disregarding the delegates from these 99 counties not entitled to be represented because no bona fide conventions or primaries were held therein would leave delegates from 149 counties entitled to 152 votes in the State convention. Of the counties entitled to representation in the convention Taft carried at least 89, with 90 votes.

When the State committee, which was overwhelmingly dominated by Col. Lyon, the Roosevelt manager of the State, met to make up the temporary roll, objection was made by Mr. John E. Elgin, a Taft committeeman, against the seating of delegates from these 99 counties, on grounds which were set out in detail. Pending this protest, a motion was made that the delegates from the remaining counties be placed upon the temporary roll. A motion to amend by having the roll of the remaining counties and the delegates representing them called, that the committee might know what counties and delegates were seated, was voted down. A subsequent demand for a list of the counties and delegates was denied, and the original motion was adopted.

The chairman had reported that 16 contests existed, and these were referred to subcommittees, who unseated the Taft delegates, and their action was confirmed by the committee. Elgin's protest was then taken up and repeated, and upon motion the protest was dismissed, and the delegates from the 99 counties in question were placed upon the temporary roll. Mr. Elgin had offered as a substitute a motion to fix the basis of representation in the convention as one vote for each hundred votes cast for President Taft, but providing that each county in which conventions were held should have at least one vote. This motion was voted down.

No tickets were issued by the committee to contesting delegations, and thereupon the Taft delegates, representing more than a majority of the counties legally entitled to seats in the convention, marched in a body to Byers's Opera House, in the city of Fort Worth, and assembled in convention. An elaborate report was made to this convention of the proceedings of the State committee, in which the following language occurs:

We are confronted with the condition that at least one-tenth of the entire Republican vote of this State was cast in two counties in the last presidential election; yet, under the apportionment made by the executive committee, these two counties are entitled to only 3 votes out of 250, and to be represented by 12 delegates out of a possible 1,000, as provided in the call of the State chairman. In addition to this there are 72 counties in this State in each of which were not cast to exceed 15 votes at the last election. These counties nevertheless are entitled to 288 delegates under the call of the State chairman. It is preposterous to claim that those counties in which were cast less than 15 votes should have the same voting power in this convention as the counties of Dallas, Harris, Bexar, and Travis, in which over 1,000 votes were cast at the presidential election. To say that this is required by the Terrell election law of this State is a manifest perversion of the law, which was intended to secure honest elections and an honest expression of party sentiment. A claim based upon such a pretense is a palpable fraud upon the right of the voter to have his will honestly and fairly expressed. Such procedure would neither stimulate party zeal nor promote party growth. We not only can not submit to any such idea, but utterly repudiate it. A convention organized upon such a plan is one in name only. It is not a Republican convention. It is a fraud upon Republican voters, because their will can not be fairly expressed upon any substantial issue.

The convention was regularly organized by the adoption of a temporary and permanent organization. Committees on credentials, resolutions, and order of business were appointed and their reports accepted. A basis of representation was adopted identical with that proposed by Mr. Elgin to the State committee, and the convention was constituted in accordance therewith. It remained in session throughout the day, with a recess. At this convention the Taft delegates at large to Chicago were elected. All of them will support the Republican national ticket there named. Electors at large were chosen, and the records duly certified by the chairman and secretary of the convention and transmitted to the Republican national committee.

Throwing out the votes in those counties where there was no Republican organization and where no conventions were held to send delegates to the State convention, the Taft forces were clearly in control in the State convention. Had the delegates to that convention been elected on a basis of representation that would have given the Republican strongholds in the State fair proportional representation the Taft majority in the State convention would have been much larger, for the reason that the large cities in the State were the centers of overwhelming pro-Taft and anti-Lyon sentiment.

The national committtee decided that the convention held in Byers Opera House represented the real Republican sentiment of the State of Texas; that it was fully justified in pursuing the course it did in order to overthrow a boss-ridden machine; that it endeavored to reflect and give effect to the Republican sentiment of the State, and the delegates elected by it were declared the duly elected delegates to the national convention. This decision was confirmed by the committee on credentials and by the national convention itself.

FIRST TEXAS DISTRICT.

The Taft delegates from the first congressional district of Texas were seated because it appeared from the records that the Roosevelt faction bolted when it found it could not control the convention. The first congressional district is composed of 11 counties, each county having 1 vote, except Cass County, which has 2, making 12 votes in the congressional convention. The executive committee, composed of 1 representative from each county, made up the temporary roll, and in the contests filed from two counties seated both delegates with one-half vote each. The convention elected the 2 Taft delegates, giving them 10½ votes. Each county was represented in this vote. Three Federal officeholders, representing 1½ votes, bolted the regular convention and held a rump meeting.

A stenographic report of the proceedings of the rump convention showed beyond question that the Roosevelt faction was in the minority. The brief filed by the Roosevelt contestants admitted that the majority of the executive committee, which made up the temporary roll call of the regular convention, favored Taft. The testimony showed that there were 10½ votes

in the congressional convention for Taft and 1¾ votes for Roosevelt.

The minutes of the convention, supported by affidavits from a majority of the duly elected delegates, showed conclusively that the regular convention was properly organized and held in accordance with the call of the national committee and elected the two Taft delegates. The national committee, by unanimous vote, decided the contest in favor of the Taft delegates.

SECOND TEXAS DISTRICT.

The regularly elected delegates from the second congressional district of Texas were C. L. Rutt and George W. Eason. The convention which elected the Roosevelt claimants consisted of 6 men, who met in the mayor's office in the city of Nacogdoches, with the doors locked, during a part of the time that the regular convention was in session in the city hall. The mayor furnished an affidavit that he had occasion to go to his office for some papers; that he found the door locked, and upon being admitted found 5 or 6 men holding this so-called convention. The stenographer, whose records of the convention were submitted to the national committee, furnished an affidavit in which he said that these records were dictated to him by the chairman, who gave the names of the 6 men present, showing that they were from only 4 counties of the 14 in the district. All of these men had participated in the regular convention held in the city hall and had bolted after the convention had been organized.

The circumstances leading to this situation were as follows: The regularly elected chairman of the district committee resigned the chairmanship, and Col. Cecil Lyon appointed E. G. Christian, one of the committeemen, in his place. Mr. Christian, without attempting to call the committee together, claims in his brief to have called a district convention to be held at Lufkin on the 16th day of May, but he does not claim to have made any publication, as was required by the national committee call. The majority of the committee asked and received from the assistant attorney general of Texas a written opinion that the committee itself had the right to elect its own chairman.

The secretary thereupon and upon the request in writing of a majority of the committee called the committee together for the purpose of electing a chairman and of calling a district convention. A majority of the members of the committee, including Mr. Christian, was present. C. L. Rutt was elected chairman, and the district convention was called to meet at Nacogdoches on the 17th day of May, and due notice by publication of the call was made. In his brief Mr. Christian stated that by consent of the majority of the committee the place and date for the holding of his convention was changed to Nacogdoches and the 17th of May. The brief filed by Mr. Christian is apparently based on the idea that a convention was held pursuant to the terms of his call, but the position is entirely untenable, since he was not legally the chairman, and if he had been he would have had no authority to issue the call except by authority of the committee. He acquiesced in the choice of Rutt as chairman both at the committee meeting and subsequently at the convention.

Before the assembling of the convention the district committee met to prepare the temporary roll of the convention. Mr. Christian made no effort to preside, although he was present. Two counties were found not to have held conventions and one county to have no delegate present. Notice of a contest in Harrison County was received, but was not presented to the committee, and the roll was made up, seating the delegations that held regular credentials.

The district convention was called to order by C. L. Rutt; the official call and the report of the district committee were read, including in the latter the nomination of George W. Eason for temporary chairman. Mr. Christian was also put in nomination, and upon roll call Mr. Eason was elected, and presided over the convention. A committee on credentials was appointed, and the convention took a recess until afternoon. The report of the committee on credentials was accepted upon roll call, and the representatives of five counties withdrew from the hall. The representatives of four of these counties, as previously stated, held the alleged convention in the mayor's office.

The regular convention remained in session several hours; appointed the usual committees, which retired and made their reports, which were accepted; elected C. L. Rutt and George W. Eason delegates to the national convention, and certified their election in due form to the national committee. Affidavits of the county judge, of the mayor of the city, and the city attorney, who attended the convention, but were not delegates, showed the complete regularity of the convention.

FOURTH TEXAS DISTRICT.

The fourth Texas congressional district consists of five counties, each having one vote in the district convention under the call of the congressional executive committee. Only one county, Rains, chose an uncontested delegation, and that delegation was for Taft. The other four counties—Collin, Grayson, Hunt, and Fannin—sent contesting delegations. On the day of the convention, and prior to its meeting, representatives from each of the four counties sending contesting delegtions made an effort to appear before the congressional executive committee and present their claims for seats in the convention. The congressional committee arbitrarily refused to hear anybody. The contesting delegations then appeared before the credentials committee, but that committee refused to hear the evidence. The contestants were then permitted to make a statement on the floor of the convention as to their claims for seats in the convention, but no vote was permitted to be taken as to the merits of their claims. Having exhausted every effort to secure a hearing the four contesting delegations, together with the only uncontested delegation of the convention, withdrew to another place and held a convention and elected Taft delegates to the Chicago convention, who were seated by the national committee and the committee on credentials.

The evidence produced relating to the four contested delegations in the congressional convention established clearly the following facts:

In Collin County the control of the county turned upon one precinct where the Taft men were in undisputed control and elected delegates who were refused seats. Had the properly elected delegates been seated the Collin County convention would have selected an uncontested delegation to the congressional convention.

In Grayson County in one precinct colored Republicans were kept out of the caucus by the aid of the State militia until the business of the caucus was concluded. From another precinct delegates were seated who had been chosen by a rump meeting, and the Taft delegates, duly chosen, were refused admission. Had these negro Republicans not been disfranchised and had the duly elected delegates from the other precinct been seated, Grayson would have sent a Taft delegation to the congressional convention.

Similar irregular and illegal practices prevented the selection of a Taft delegation in Hunt County. The regularly elected delegates in Fannin County were also for Taft, while the Roosevelt delegates were irregularly selected in a mass convention.

The congressional convention which elected the Taft delegates was composed of more than a majority, and, indeed, of practically all the regularly elected delegates.

FIFTH TEXAS DISTRICT.

The fifth congressional district of Texas is made up of Dallas, Ellis, Hill, Bosque, and Rockwall Counties. Two district conventions were held at the same time and place in the same hall, each claiming to be the regular convention. Dallas County cast more Republican votes than all the other counties of the district put together. The call for the congressional convention allowed each county to send not to exceed four delegates, but made no reference to the basis of representation of the respective counties composing the district. There was a contest from Dallas County, but the Taft delegates were seated. The testimony showed that the sentiment among voters in that county was overwhelmingly in favor of Taft. Taft delegates were seated on the temporary roll from two counties and Roosevelt delegates from three counties, and the representation in the convention was fixed at one vote for each county, without regard to the number of delegates in the convention or the number of Republican votes cast in such county. When the convention assembled a minority report of the district committee was presented protesting against the seating of the Roosevelt delegates from Hill County and protesting against the ratio of representation adopted, which deprived Dallas County of its rightful voting strength in the convention. The chairman of the convention objected to the presentation of this minority report. Failing in this, he abandoned the platform and left the hall.

Being left without officers, the convention thereupon elected a new chairman and a new secretary, appointed a committee on credentials, which recommended the seating of the Taft delegates from Hill County and the adoption of the minority report of the district committee as to the basis of the representation in the convention. Both these recommendations were adopted, and Taft delegates to the national convention were thereupon elected by a vote of eight to three. The Roosevelt men thereafter retired to the south end of the hall, where they organized a meeting at which it is claimed the Roosevelt delegates to the

national convention were elected. The editor of the Dallas Express, W. E. King, and a resident of Dallas for 20 years, furnished an affidavit in which he testified that he had attended many conventions and never before had he seen a chairman refuse to allow a minority report to be read, and when his order was not obeyed he left the platform and retired to the south end of the hall, where he and a few others held a meeting, but that the Taft convention was more numerously attended than the Roosevelt convention. He says it has been customary in all congressional conventions to take the basis of representation from the last presidential vote in the respective counties. The Republican vote for the district for 1908 was as follows: Dallas County, 2,068; Ellis, 594; Hill, 414; Bosque, 266; Rockwall, 38. Under the election law of Texas the Democratic Party, because it casts over 100,000 votes, is required to nominate each candidate by a primary, while the Republican Party is not so required, but may nominate by convention. The basis of representation in the Democratic convention is one to each 300 votes cast, but that rule does not apply to Republican conventions.

The national committee and the committee on credentials and the convention itself sustained the title of the Taft delegates to their seats.

SEVENTH TEXAS DISTRICT.

The Taft delegates from the seventh congressional district, J. H. Hawley and H. L. Price, were duly elected by the regularly constituted convention of that district. The Roosevelt contestants were elected at a convention held without authority. The facts in regard to this contest, as presented to the national committee, were as follows:

The seventh congressional district of Texas is composed of the following counties: Anderson, Chambers, Galveston, Houston, Liberty, Polk, San Jacinto, and Trinity. The counties of Polk, San Jacinto, and Trinity were without proper party organization. In Texas county chairmen must be elected by the voters in each party. No such election was held in any of these three counties. In two of them Col. Lyon assumed to appoint chairmen, which he had no right to do. Lyon himself had classed these three counties as unorganized and without party organization.

The regular convention met in Galveston on April 9, 1912, after proper publication of the call as required by the regulations of the national committee. The executive committee met prior to the meeting of the convention to make up the temporary roll of delegates. Certain persons claiming to represent the three unorganized counties appeared before the executive committee and asked to have their names placed upon the temporary roll. Inasmuch as none of these three counties were properly organized according to the laws of Texas, and inasmuch as these representatives had no credentials showing that they were entitled to represent the said counties, it was decided by the executive committee not to place them upon the temporary roll. When this action was taken by the executive committee, Mr. Clinton, a delegate from Houston County, and the alleged representative from the three unorganized counties withdrew from the meeting and proceeded to organize another convention, sending the contesting delegation to the national convention.

When the convention met, after the election of a temporary chairman, the usual committees were appointed. A committee on credentials was regularly selected according to the party law of Texas, and that committee proceeded to hear all contests and to make up the permanent roll of the convention. The parties claiming to represent the aforesaid three unorganized counties did not present their claims to this committee, nor did they appear in the convention to present their right to represent their respective counties in said convention, although repeatedly invited to do so.

The report of the credentials committee was submitted to the convention and adopted, and that convention elected J. H. Hawley and H. L. Price as delegates to the national convention.

EIGHTH TEXAS DISTRICT.

In the eighth Texas congressional convention a split occurred over the majority and minority reports of the executive committee as to the temporary roll. The Roosevelt followers controlled the executive committee, but did not have a majority in the convention, which adopted the minority report and gave Taft 5½ votes and Roosevelt 2½ votes. The Roosevelt followers thereupon bolted. In a county not represented due notice was not given of the county convention and no delegates were therefore legally selected in that county. The testimony showed that a majority of the duly elected delegates participated in the convention which elected Taft delegates to the national convention and Charles A. Warnken and Spencer Graves were duly seated as such delegates.

NINTH TEXAS DISTRICT.

The Taft delegates from the ninth Texas congressional district were C. M. Hughes and M. M. Rogers. The district committee met April 13 on the call of J. H. Speaker, a recognized member of the committee. He took this step because the chairman of the committee refused to convene the committee for the purpose of issuing a call for a district convention. A letter was presented to the national committee signed by the chairman, in which he said that the attorney general had ruled that all delegates from Texas to the national convention must be elected in the State convention to be held for that purpose in Fort Worth May 28. He declared that as he was directed by his superior, the State chairman, Col. Lyon, he had concluded not to hold a district convention. This was in accordance with the original idea of the State chairman, that all district delegates from Texas must be elected at the State convention. The chairman also said in the same letter that it was not necessary to give 30 days' notice of a district convention, because the Texas election law did not so specify. In order that 30 days' notice might be given of the district convention and that the delegates should be elected 30 days before the date of the meeting of the national convention, as required by the call of the national committee, J. H. Speaker, a member of the district committee, called the committee to meet April 13; seven members attended the meeting, and the district convention was called to meet on May 15 in Victoria. Due notice was given of this convention. Eleven counties out of 15 counties responded to the call and participated in this convention. Three counties were not represented and in one of these there was no election.

After this convention had been called the chairman of the district committee changed his mind about not calling a district convention, and called a meeting of the congressional committee for April 17, which was attended by seven members of the executive committee. This committee meeting called a congressional convention to be held on the 18th of May in the town of Yoakum. The evidence before the committee was that the first publication of this meeting was on the 21st of April, though an item published in a newspaper at Cuero, Dewitt County, Tex., on April 18, stated that a convention had been called for May 18. As stated above, no publication of the call was made until April 21. There was ample evidence to show that the Taft convention was duly and regularly convened, while the Roosevelt convention was not. The national committee and the committee on credentials therefore seated the Taft delegates.

TENTH TEXAS DISTRICT.

The decision in the contest in the tenth district turned largely upon the good faith with which two members of the district committee voted in the seating of delegates and upon the good faith with which one of them used the proxy intrusted to him. The district consists of nine counties. The chairmen of the county committees are ex officio members of the district committee. H. M. Moore, the district chairman, on the 5th of April issued a call for the meeting of the committee on the 10th day of April to prepare and issue a call for the district convention. On April 10 eight counties were represented either in the person of members or by proxy, and called the convention for the district to be held in the city of Austin on May 11, 1912. The committee unanimously indorsed W. H. Taft for renomination for President. The counties of Bastrop, Lee, Travis Washington, and Williamson were strongly in favor of the renomination of President Taft, some of them giving instructions for him and others electing delegates who had declared their preference for him. William Anderson, under date of February 28, March 15, and April 3, had written letters strongly indorsing President Taft, in one of them saying, "Bastrop County is coming to the convention O. K." He was elected a delegate from that county and was also a member of the committee from that county. M. R. Hoxie and D. H. Kennerly were elected delegates from Lee County. Mr. Hoxie was a strong Taft man and was given every assurance that Mr. Kennerly was the same. Relying upon this confidence, he gave Mr. Kennerly his proxy both as chairman and delegate from Lee County, writing under date of May 11: "I have every confidence in Mr. Kennerly, and he will do all that can be done in your interest." This confidence was shared in by other members of the committee as the result of telephone talks with Mr. Kennerly's father, who said that his son would support delegates to the national convention at Chicago favorable to the renomination of Taft for President.

The district committee assembled on the 11th day of May in the city of Austin to prepare the roll and arrange for the temporary organization of the convention, which was to meet at 1 o'clock. Lee, Travis, and Washington Counties were refused seats in the temporary organization, and upon the question of the irregularity of the election of delegates from Hays County

the vote stood 4 in the affirmative and 4 in the negative, the committeeman for Hays County being allowed to vote. The chairman cast the deciding vote against the county. Mr. Anderson, representing Bastrop County, voted in the negative, but shortly afterwards moved that the vote be reconsidered, and upon reconsideration changed the vote of Bastrop County, so that the result was 5 for and 3 against the seating of delegates from Hays County, the Hays County representative again voting to seat the county. The circumstances brought to the attention of the national committee were of such a character as to indicate that Anderson's motion to reconsider and change the vote were due to other considerations than those affecting the merits of the case. He subsequently made an affidavit, which was filed with the national committee, in which he said that he acted correctly in voting against Hays County and was guilty of "error" in the change which he made.

D. H. Kennerly, who held the proxy for Mr. Hoxie, cast the vote of Lee County in favor of seating the Hays County delegates. Both Anderson and Kennerly voted for a Roosevelt delegate for temporary chairman of the convention. The committee adjourned and the convention was immediately called to order by the district chairman, Mr. Moore, who announced the violation of instructions above recited. The Roosevelt candidate for temporary chairman was elected by the convention so organized and the chairman appointed a committee of five on credentials. Two of these were members from Hays County, which was the county in contest, and one was William Anderson, of Bastrop County. The other two members were Roosevelt men. Upon this action the Taft delegates left the hall and immediately, and in the same building, organized another convention, which consisted of delegates from six counties. Proceedings were regularly held; a permanent organization effected; the report of the committee on resolutions adopted, and delegates pledged to President Taft were elected. The undisputed evidence indicated that a flagrant attempt had been made to deprive Taft of this district, to which he was justly entitled. The national committee sustained the title of the Taft delegates and alternates by a practically unanimous vote, no roll call being asked for.

FOURTEENTH TEXAS DISTRICT.

The contest from the fourteenth Texas congressional district depends upon the control of the executive committee of the district, of which J. M. Oppenheimer, one of the Taft delegates to the national convention, was and is chairman. There are 15 counties in the district. When the executive committee met at San Antonio, on the call of the chairman, to make up the temporary roll of the convention, there were 10 members of the committee present whose right to act was undisputed, of whom 6 were for Taft and 4 for Roosevelt. There were four other Roosevelt men present whose right to vote was disputed and who were clearly not entitled to represent their county at that meeting. One of them held the proxy of the committeeman from Kendall County, who was dead, and the proxies from three other counties were held, two by postmasters and one by an assistant postmaster, while section 60 of the election law of the State of Texas expressly provides that no one who holds an office of profit or trust under the United States shall act as member of an executive committee either for the State or for any district or county. When the committee was in session these four men, one with the proxy from a dead man and three postmasters who were disqualified by the law of Texas from acting in such capacity, attempted to take part in the proceedings. The chairman properly refused to permit them to act with the committee; and the Taft members, having a clear majority, proceeded to make up the temporary roll of the convention as provided by law.

There was a contest over the delegation from Baxter County, which contains the city of San Antonio, the largest city in the State. Full consideration was given to this contest, but the testimony was overwhelming that the Taft sentiment in that county was preponderating, and, making all due allowance for the Roosevelt claims, Taft carried the county by a vote of from 4 or 5 to 1. When the executive committee had made up the temporary roll of the convention it fixed the basis of representation in the convention, as it had a right to do under the law, and placed it at 1 vote for each 50 votes cast for the Republican candidate at the last presidential election. On this basis the total vote in the district convention was 67, of which the number instructed or voting for Taft was 37½; the number voting or instructed for Roosevelt, 28½; not voting, 1.

On this showing it was plain that the preponderance of sentiment among Republicans in this congressional district favored Taft and that a majority of the duly elected delegates in the congressional convention voted for Taft delegates to the national convention. The national committee by unanimous vote seated the Taft delegates.

Virginia.

Contests were filed against the Taft delegates from Virginia at large and from every congressional district except the seventh and ninth. All of these contesting delegations were worked up weeks after the regular conventions had been held. The ground on which the contests were based was that the colored Republicans of the State had been discriminated against; that they were refused permission to take part in the county and district conventions; and that the white Republicans of the State were engaged in a conspiracy to deprive the colored Republicans of all voice in political matters. These charges were found absolutely groundless. The Virginia cases were all consolidated, and the Taft delegates were sustained by the national committee with only one dissenting vote. The cases were appealed to the committee on credentials, but only one case was presented to that committee, and that was by a colored Republican, J. R. Wilson, of Danville, in the fifth congressional district. He claimed the colored Republicans of that district had been discriminated against, but the only evidence he presented was a handbill calling on white Republicans to attend a county convention in that county. It appeared that this handbill was 4 years old. The regularly elected delegates from the fifth congressional district, who were uninstructed and who had been voting in the convention with the Roosevelt supporters, were placed on the permanent roll.

Washington.

Two full delegations, with 14 votes each, claimed to be the regularly elected delegates for the State of Washington. In that State county executive committees have full authority under the law to appoint all delegates to district and State conventions. In different counties of the State different methods were employed of selecting delegates to the 1912 State convention. As an instance, in the counties of Ferry, Stevens, and Walla Walla delegates to the State convention were picked by the county central committee, and in each of these counties a Roosevelt delegation was selected, and no question of the right of these delegates to sit in the State convention was ever raised. The first action taken in any county after the call was issued was the selection of a Roosevelt delegation to the State convention from Ferry County by a Roosevelt county committee. In Asotin and King Counties a delegation was likewise selected by the county central committee, and in those instances a Taft delegation was selected. In Franklin County a delegation was elected by the county committee and was instructed for Senator LA FOLLETTE. In many of the other counties some character of a primary election was held. For instance, in Pierce County and Spokane County a primary election was held, resulting in the sending of delegations to the State convention instructed for Roosevelt. In Whatcom and Skagit Counties, after a primary election was held, delegations were sent instructed for Taft.

There is a primary election law in the State applicable to cities which is optional and not mandatory, the county committee having the authority to decide in which way the delegates shall be selected. If a primary election is ordered the delegates must be selected strictly in accordance with the provisions of the primary law. Notices of contest were filed with the Republican State committee in practically every county which was carried for Taft, while the Taft men filed only one contest. Before the State convention met the Roosevelt supporters demanded that the decision on all contested seats should be submitted to the uncontested delegates, who constituted a minority of the convention. In view of this situation, which was unprecedented in the State, the Republican State committee at a meeting held the day before the time fixed for the State convention adopted a set of rules for the hearing of contests and directed that all credentials be filed with the State committee, which should make up a temporary roll, following absolutely in this respect the precedent and practice laid down by the national committee. The meeting of the State committee to pass upon the credentials was largely attended, and every opportunity was given all contestants to present their cases. The committee met in the city council chamber at Aberdeen to hear the contests, and when the committee was in session the chamber was packed with men who endeavored in every possible way to overawe and intimidate the committee and prevent a fair determination of the contests, but the committee was undisturbed by this riotous demonstration, and the contests were all decided by a vote of approximately 3 to 1. The contest from King County was presented fully by both sides, and the Taft delegates were placed upon the temporary roll.

KING COUNTY.

The control of the State convention depended upon the delegates from King County, which includes the city of Seattle. County committees in Washington are composed of precinct

and township committeemen who are elected by the voters in September primaries held in even-numbered years. At the time of the last general election held in Washington the city of Seattle contained about 250 voting precincts, and each precinct elected its member of the county committee. A majority of this committee of 250 was composed of Taft men. This county committee appointed a central committee and gave it full power to act in matters coming within the jurisdiction of a county committee. It was the central committee, composed of 24 members of the county committee, which selected the delegation from King County to the State convention, as already stated. The county committee approved this action. Thereafter, without legal authority, an attempt was made to hold a primary to select such delegation to the State convention under the following circumstances: Some time before these events the proper municipal authority of Seattle redistricted the city so as to create 131 additional election precincts. When the 250 regularly constituted committeemen of King County assembled in April, 1912, there were present 131 strangers who claimed to be members by virtue of appointment by the Roosevelt county chairman. There had been no election of county committeemen since the redistricting of the city, but the county chairman assumed the authority of increasing the membership by 131.

It was claimed that the county committee had given authority to its chairman to fill any vacancies that might occur in the committee. It appeared that three such vacancies had been actually filled by the chairman. Even if the chairman had the right to fill vacancies he clearly had been given no authority, and had no right to name members of the county committee where the appointments were not to fill vacancies, but were attempts to fill places created in the new apportionment. The central committee had unanimously decided in a previous meeting presided over by this very county chairman that such places could only be filled at next primary election, to be held September, 1912.

The Roosevelt supporters claimed that the county committee at this April meeting voted to hold a county primary for the election of delegates to the State convention, and also to revoke the authority which had been given to the managing committee. This meeting nearly resulted in a riot and so much confusion prevailed while it was in session that it was impossible for anyone to know what business was transacted. Affidavits were presented to the national committee from 137 members of the county committee, or 12 more than a majority, who were present in person or by proxy, to the effect that they did not vote for the resolution under which the alleged primary was held in King County; that had they been given an opportunity they would have voted against it; that such opportunity was denied them; and that they approved of the action of the central committee of the county committee in appointing the Taft delegates to the State convention. The Roosevelt supporters proceeded to hold their primary election in King County. Taft Republicans were exhorted not to participate, and very few of them did so. In many precincts of the city not a single Taft vote was cast, and in 30 precincts no Republican votes were cast.

The primary election law of Washington requires that three reputable citizens, two to act as judges and one as clerk, for each primary election shall be selected by a caucus of qualified voters in each precinct at least one day previous to such primary election, and the election of judges and clerks shall be certified to the managing committee by the officers of such caucus. At the alleged primary held in the city of Seattle referred to above the judges and clerks were not elected as required by the primary election law, but were appointed by the Roosevelt manager. The primary election law also provides that after counting the votes, proclaiming the result, and signing the returns the judges shall cause the tally lists and ballots to be filed with the clerk of the county wherein such election is held, which tally lists and ballots shall be kept by them as a part of the public records until after the adjournment of the convention for which such primary election was held. The judges did not, as this law provided, cause the tally lists and ballots to be filed with the county clerk, but they simply filed the returns with the Roosevelt committee. Representatives of the daily papers in Seattle who kept track of the returns as they were made to the Roosevelt committee on the night of the primary reported about 3,000 votes for Roosevelt.

The Taft people were refused access to these returns and never had an opportunity to see them until they were presented at the hearing of the case before the national committee where it was claimed that 6,900 votes had been cast for Roosevelt and 500 for Taft. The total Republican vote in the city of Seattle is estimated at from 70,000 to 75,000, not over 10 per cent of which was cast at the Roosevelt primary, held without legal sanction, even admitting the total number of votes to have been cast as claimed. The Republican State committee found that the much-advertised primary election held in the city of Seattle was irregular and illegal, and that there was nothing else to do but seat the Taft delegates. Learning that the Roosevelt followers were threatening to storm the convention and take forcible possession of the hall, tickets were prepared and issued both for delegates and visitors. Tickets were furnished to all county delegates placed upon the temporary roll. Guards were placed at the doors of the hall so that unauthorized persons might not enter. When the Roosevelt forces found that they could not force entrance to the convention hall and that delegates not on the temporary roll could not secure admission, they bolted and held a separate convention. In fact, it was announced on the morning of the day the State convention was to be held that the Roosevelt following had hired a hall for that purpose. The regular convention proceeded with its business in an orderly way, with a majority of the duly elected delegates in attendance. The report of the committee on credentials which was adopted seated all the delegates placed on the temporary roll by the State committee, except the eight delegates from Clallam County and 61 from Pierce County. The contesting delegation from King County refused to submit its case to the convention.

DISTRICT DELEGATES.

The State convention elected 8 delegates at large. The three congressional districts each elected 2 district delegates. The regular session of the State convention was recessed to permit the three district conventions to meet and to elect district delegates. All 14 delegates lawfully elected from the State of Washington favored the renomination of Taft. All the proceedings of these conventions were in strict accordance with party law and custom.

DEMOCRATIC CONVENTIONS RULED SAME WAY.

The very same question from King County came up before the Democratic State convention, and that body seated the Clark delegation, which had been appointed by the county committee, and refused to seat the Wilson delegates, who had been named at an irregular primary held at the same time and in the same way as the Roosevelt delegates to the State convention had been named. The Washington State case was carried to the Democratic national convention at Baltimore, where the Clark delegates, elected in exactly the same manner as the Taft delegates were elected were seated, instead of the Wilson delegates, elected in the same way the Roosevelt delegates were elected.

District of Columbia.

A contest was filed with the national committee contesting the seats of Aaron Bradshaw and William Calvin Chase, the duly elected Taft delegates. The election of delegates from the District of Columbia was held under the direction and supervision of an election board named in the call of the national committee for the national convention. The election was held strictly in accordance with the terms of the call; a board of judges was appointed for each election precinct, who received, counted, announced, and returned the ballots to a returning board. This returning board made its report to the election board named by the national committee. The result of the election was 2,966 votes cast for Bradshaw, 2,964 cast for Chase, and 1,848 votes and 1,846 votes cast, respectively, for Sidney Bieber and Dr. James R. Wilder, the Roosevelt candidates.

The notice of contest filed by Mr. Bieber and Dr. Wilder charged, among other things, that no official notice was published in any newspaper showing the hour and place where ballots would be received and counted; that the only notice given was an unofficial notice published less than 24 hours before the time of the primary; that elections were held in 22 districts instead of 21, contrary to the provisions of the printed call; that the election board failed to perform its duty; that many incapable judges of election were appointed; that in many polling places no record was kept of the votes cast; that many of these judges stuffed the ballot boxes in their charge and permitted other persons to do the same; that a number of the judges were so much under the influence of liquor that they could not perform their duties; that six polling places were arbitrarily changed at the last moment; that one of the members of the election board was refused the exercise of his right as a member of the election board to inspect the registration books kept at the various polling places; that one of the ballot boxes was corruptly withheld until all the ballots from the other polling precincts had been counted; that tickets were switched and returns were falsified, and that an honest count and a fair return would have shown the election of the Roosevelt delegates.

Absolutely no evidence was presented to the national committee to support any of these charges, while evidence was pre-

sented showing the election of Bradshaw and Chase was in all respects in strict accordance with the terms of the call. Gov. Hadley, in his motion to substitute, included the District of Columbia as one of the districts where delegates for Roosevelt had been actually elected. In view of the fact that no evidence was presented to substantiate the Roosevelt charges of fraud and irregularity, and in view of the further fact that the case was not appealed by the contestants to the committee on credentials, there was nothing for that committee and the convention to do but to seat the Taft delegates. Mr. Bieber's motion to seat himself failed to receive the support of a single Roosevelt member of the national committee.

We hereby certify that the above and foregoing document, prepared under our direction, is a correct and faithful statement of the contests for seats in the Republican national convention of 1912, showing the character of said contests and the disposition of them by the national committee and the committee on credentials of the Republican national convention and by the convention itself.

We add, as an appendix, full, true, and correct copies of the reports made to the convention by the committee on credentials and also of the minority reports.

VICTOR ROSEWATER,
Chairman Republican National Committee.

THOMAS H. DEVINE,
Chairman Committee on Credentials.

We hereby certify that Appendix No. 1 hereto attached, showing the vote before the national committee, is in all respects correct.

WILLIAM HAYWARD,
Secretary Republican National Committee.

ALEX. R. SMITH,
Clerk Committee on Credentials.

APPENDICES.

APPENDIX NO. 1.

Vote in Republican national committee on contests brought before it June 7–15, 1912.

ALABAMA.

		Taft.	Roosevelt.
At large	Roll call, unanimous	6	0
First	....do	2	0
Second	Viva voce	2	0
Fifth	....do	2	0
Sixth	Withdrawn	2	0
Ninth	Taft, 38; Roosevelt, 15	2	0

ARIZONA.

At large	Roll call denied; viva voce not unanimous	6	0

ARKANSAS.

At large	Roll call, unanimous; Taft, 52; Roosevelt, 0	4	0
First	Roll call, Taft, 49; Roosevelt, 2	2	0
Second	Roll call, unanimous; Taft, 47; Roosevelt, 0	2	0
Third	Roll call, unanimous; Taft, 51; Roosevelt, 0	2	0
Fourth	Roll call, unanimous; Taft, 48; Roosevelt, 0	2	0
Fifth	Roll call; Taft, 42; Roosevelt, 10	2	0
Seventh	Roll call, unanimous; Taft, 44; Roosevelt, 0	2	0

CALIFORNIA.

Fourth	Roll call; Taft, 37; Roosevelt, 16	2	0

FLORIDA.

At large	Roll call, unanimous; Taft, 44; Roosevelt, 0	6	0
First	Viva voce	2	0
Second	....do	2	0
Third	....do	2	0

GEORGIA.

At large	Viva voce	4	0
First	Consolidated, viva voce	2	0
Second		2	0
Third		2	0
Fourth		2	0
Fifth		2	0
Sixth		2	0
Seventh		2	0
Eighth		2	0
Ninth		2	0
Tenth		2	0
Eleventh	Viva voce	2	0
Twelfth	....do	2	0

Vote in Republican national committee on contests, etc.—Continued.

INDIANA.

		Taft.	Roosevelt.
At large	Unanimous	4	0
First	Viva voce, unanimous	2	0
Third	....do	2	0
Fourth	....do	2	0
Thirteenth	Roll call; Taft, 36; Roosevelt, 14	2	0

KENTUCKY.

At large	Roll call: Taft, 38; Roosevelt, 11	4	0
First	Roll call: Unanimous, Taft, 46; Roosevelt, 0	2	0
Second	Roll call: Unanimous, Taft, 50; Roosevelt, 0	2	0
Fourth	Withdrawn	2	0
Seventh	Roll call: Taft, 38; Roosevelt, 13	2	0
Eighth	Roll call: Taft, 35; Roosevelt, 17	2	0
Tenth	Roll call: Unanimous, Taft, 52; Roosevelt, 0	2	0
Eleventh	Compromise. Delegation split. Roll call: 33 to 19	1	1

LOUISIANA.

At large	Roll call: Taft, 50; Roosevelt, 2	6	0
First	Withdrawn	2	0
Second	....do	2	0
Third	Viva voce, unanimous	2	0
Fourth	Viva voce	2	0
Fifth	....do	2	0
Sixth	Withdrawn	2	0
Seventh	....do	2	0

MICHIGAN.

At large	Viva voce	6	0

MISSISSIPPI.

At large	Viva voce; roll call denied	4	0
First	....do	2	0
Second	....do	2	0
Fourth	....do	2	0
Fifth	....do	2	0
Sixth	....do	2	0
Seventh	....do	2	0
Eighth	Viva voce, first, second, fourth, sixth, seventh, and eighth districts consolidated; roll call denied.	2	0

MISSOURI.

At large	Viva voce, unanimous	0	4
First	....do	0	2
Third	....do	2	0
Fifth	....do	0	2
Seventh	....do	2	0
Thirteenth	....do	2	0
Fourteenth	....do	2	0
Sixteenth	....do	2	0

NORTH CAROLINA.

Third	Viva voce, unanimous	2	0
Fourth	....do	2	0
Ninth	....do	2	0

OKLAHOMA.

Third	Viva voce; roll call not sustained	2	0

SOUTH CAROLINA.

First	Viva voce	2	0

TENNESSEE.

First	Viva voce	2	0
Second	....do	2	0
Ninth	Viva voce; roll call not sustained	2	0
Tenth	Viva voce, unanimous	2	0

TEXAS.

At large	Viva voce; roll call denied	8	0
First	Viva voce, unanimous	2	0
Second	Viva voce	2	0
Third	....do	0	2
Fourth	Viva voce; roll call denied	2	0
Fifth	....do	2	0
Seventh	....do	2	0
Eighth	....do	2	0
Ninth	....do	2	0
Tenth	....do	2	0
Fourteenth	....do	2	0
Fifteenth	Viva voce, unanimous	0	2

Vote in Republican national committee on contests, etc.—Continued.

VIRGINIA.

		Taft.	Roosevelt.
District	Four delegates at large and the 16 district delegates contested were consolidated and decided by a viva voce vote. The delegates were seated for Taft.		

WASHINGTON.

District	Eight delegates at large and the six district delegates contested were consolidated and by a viva voce vote the delegates were given to Taft.		

DISTRICT OF COLUMBIA.

At large	Viva voce vote	2	0

APPENDIX No. 2.

Dates of Taft and Roosevelt conventions in States named.

ALABAMA.

	Taft delegates.		Roosevelt delegates.	
	Call.	Convention.	Call.	Convention.
At large	Jan. 11	Mar. 7, Birmingham.	Mar. 30	May 11, Birmingham.
First	Jan. 25	Feb. 27, Mobile.	May 4 (Mobile Register).	May 4, Mobile.
Second	Jan. 23, Montgomery.	Feb. 27, Evergreen.	No date	May 11, Birmingham.
Fifth	Apr. 6, La Fayette.	May 11, Tuskegee.	do	Do.
Sixth	Jan. 11, Birmingham.	Mar. 8, Tuscaloosa.	do	Do.
Ninth	Feb. 15	Mar. 16, Birmingham.	No date (Feb. 15 claimed).	Do.

FLORIDA.

At large	Dec. 16, Jacksonville.	Feb. 6, Palatka.	Apr. 15	May 18, Jacksonville.
First	do	do	Mar. 18	Apr. 30, Tampa.
Second	do	do	Apr. 15	May 18, Jacksonville.
Third	do	do	do	Do.

GEORGIA.

At large	Jan. 2	Feb. 14, Atlanta.	Apr. 17	May 17, Atlanta.
First	Jan. 12	Feb. 12, Savannah.	Apr. 18	May 18, Savannah.
Second	Feb. 22, Thomasville.	Mar. 26, Bainbridge.	do	May 18, Thomasville.
Third	Jan. 16, Montezuma.	Feb. 24, Americus.	Apr. 17	May 18, Americus.
Fourth	Jan. 22, Columbus.	Feb. 23, West Point.	do	May 18, La Grange.
Fifth	Jan. 2	Feb. 12, Atlanta.	Apr. 16	May 18, Atlanta.
Sixth	Mar. 27, Griffin	May 1, Macon.	Apr. 17, Fayetteville.	May 18, Macon.
Seventh	Feb. 24	Apr. 4, Rome.	Apr. 17	May 18, Rome.
Eighth	Jan. 12	Feb. 20, Athens.	do	May 18, Athens.
Ninth	Jan. 3	Feb. 12, Gainesville.	Apr. 18	May 18, Ellijay.
Tenth	Jan. 31	Mar. 2, Augusta.	Apr. 17	May 18, Augusta.
Eleventh [1]	Jan. 18	Feb. 27, Waycross.	Apr. 18	May 18, Waycross.
Twelfth [2]	Jan. 18, Atlanta.	Mar. 2, Eastman.	do	May 18, Dublin.

VIRGINIA.

At large	Jan. 6	Mar. 12, Roanoke.	Apr. 10	May 16, Richmond.
First	Jan. 22, Newport News.	Feb. 27, Cape Charles.	Apr. 5, Newport News.	May 6, Newport News.
Third	Not stated	Feb. 19, South Richmond.	No date	May 16, Richmond.
Fourth	do	Mar. 11, Farmville.	do	No date.
Fifth	Jan. 6, Roanoke (uninstructed).	Mar. 9, Rocky Mount.	do	May 13, Danville.
Sixth	Not stated	Mar. 12, Roanoke.	do	No date.
Eighth	Jan. 10, Alexandria.	Feb. 12, Alexandria.	Apr. 15, Alexandria.	May 16, Richmond.
Tenth	Not stated	Not stated	Apr. 12, Covington.	May 15 Iron Gate.

[1] District call by State central committee of Jan. 18 ratified by district committee Feb. 26.

[2] District call of State central committee.

APPENDIX No. 3.

Statement of the majority of the committee on credentials of the Republican national convention and the reports of the minority.

MAJORITY REPORT.

The following statement, purporting to have been signed by certain members of the committee on credentials of the Republican national convention, appeared this morning in the Chicago Tribune:

ROOSEVELT CREDENTIALS COMMITTEEMEN STATE THEIR CASE IN MINORITY REPORT.

This convention was called to contain 1,078 delegates. Of this one-quarter were to come from States and Territories which have no part in Republican affairs, cast no Republican vote, and are practically destitue of Republican voters. Such delegates are always controlled by Federal officeholders or others interested in the management of Federal office. As they live by politics, they form an efficient political machine.

The combination between these and one-quarter of the delegates from the Republican States will form a majority of the convention. In other words, one-third of the representative Republican States can, by manipulation, dictate to two-thirds of the Republican representatives.

This year such a coalition was attempted, but a majority of the convention was not obtainable until members of the national committee, who have been repudiated by their own States, seated a sufficient number of contested delegates to give a majority on the temporary roll call.

At the organization of the convention the chairman of the national committee, contrary to good parliamentary law and good morals, insisted on counting the ballots of these contested delegates on the preliminary roll call, which elected the temporary chairman. Upon the motion to exclude these contested delegates from participation in the deliberation of the convention upon those contested, the temporary chairman ruled that they should sit upon their own contests.

A committee upon credentials was then appointed, upon which the contested delegates were represented and seated.

In the committee on credentials a coalition was formed of the contested delegates and members of the national committee and a minority of the representatives of the Republican States.

This coalition formed a substantial majority of the committee. It proposed to prevent the hearing of all of the testimony by limiting the contestants on delegates at large to 10 minutes and on district delegates to 5 minutes in which to present their cases, and did not agree to a decent amount of time for the hearing until a number of the unorganized members left the room in disgust.

During the hearing the members of the national committee, who were, in fact, sitting upon their cases, acted as attorneys for the seated delegates, interfered with an orderly procedure, and bullied the witnesses of the contestants. The hearing, if held in public, would have aroused the scorn of all spectators, and for this reason the public were excluded.

The coalition in the committee is bringing in reports faster than they can be prepared, making it evident that the reports have been prepared beforehand and merely adopted as a formality. No time is furnished to the unorganized delegates to consider their cases or prepare to present them to the convention.

It is therefore plain that if these contested delegates are seated they will not only create a majority of which less than one-half represent Republican States, but that this majority will also be composed of delegates improperly seated in violation of good parliamentary law and common morals.

It is also plain that this is not accomplished by mere partisanship, but it is the result of a comprehensive plan prepared in advance and deliberately carried out to control the Republican convention against the Republican voters.

Robert R. McCormick, Illinois; Hugh T. Halbert, Minnesota; Clency St. Clair, Idaho; R. A. Harris, Kansas; D. J. Norton, Oklahoma; A. V. Swift, Oregon; J. M. Libby, Maine; Jesse A. Tolerton, Missouri; Lex N. Mitchell, Pennsylvania, by William P. Young, proxy; Francis J. Heney, California; S. X. Way, South Dakota; Harry Shaw, West Virginia; H. E. Sackett, Nebraska.

This statement having been called to the attention of the chairman of the committee on credentials he laid it before the committee on credentials at its meeting this morning, whereupon a motion was made and carried for the appointment of a committee of six to report as to the facts and said committee reported as follows:

During the discussion on the adoption of the motion to appoint this committee, Mr. Mitchell, of Pennsylvania, whose name appears attached to the printed statement, said that he did not sign it or authorize anyone to sign it for him, and that plenty of time had been given for the hearing of the cases.

Mr. Jesse A. Tolerton, of Missouri, whose name also appears attached to the statement, also stated that he did not sign it. One member who had signed the statement indicated by remarks during the discussion that he had not fully understood the contents of the statement or he would not have signed it. Mr. John J. Sullivan, of Ohio, the designated floor leader of the Roosevelt people, stated that although the statement was presented to him, he had declined to sign it.

Robert R. McCormick, of Illinois, who admitted that he wrote the statement, was not present at the meetings of the committee during the consideration of cases for more than two hours in all, although the committee was in continuous session at one time for over 36 hours and sat altogether over 40 hours, equivalent to five 8-hour days.

Francis J. Heney, of California, who signed the statement, bolted the committee, shouting "Follow me to the Florentine room," before the rules of the committee were adopted and did not return except for a few minutes the second day of the meeting, when he attempted to create confusion and delay the proceedings. He did not hear any of the contests pending before the committee for a single moment; and the roll calls will show

that many of those who signed this statement and bolted with Mr. Heney, although they did not return, were present only a comparatively short portion of the time that the cases were being heard.

The statement as a whole in its insinuations of combination, of unworthy motive, in its recital of alleged facts, is grossly and maliciously untrue. It was intended to convey the impression that the time for hearing cases was so limited as to prevent their being properly presented to the committee. The untruthfulness of this statement is clearly shown by the records of the committee and the newspaper reports of its deliberations. Not only did the rules make liberal provision for time in presenting cases, but in every instance where the parties presenting the cases or any member of the committee asked for an extension of time, it was granted.

The very first case examined by the committee, the much-discussed ninth Alabama case, was considered for over three hours, and the consideration closed by unanimous consent of everyone present. The Indiana case, although it had been unanimously decided by the national committee, was considered for over five hours and not closed until everyone had agreed to its conclusion. The Arkansas case and all other cases in their order were given all the time requested by the members of the committee, and in no instance during the whole session of the committee was any contestant or contestee prevented from arguing or presenting evidence as long as any member of the committee desired him to do so.

The foregoing statement alleges that there was a combination between certain members of the committee on credentials and members of the national committee and others, under which these members of the committee on credentials sustained decisions of the national committee without regard to their merit. Such a statement is not only absolutely untrue, but the parties who signed it must have known that it was untrue; and while the undersigned do not desire to impugn the motives of any member on the committee, we desire to call attention to the fact that, with one exception, those who signed this statement and those who generally voted with them voted in every single case to seat delegates known to be for Mr. Roosevelt, including a number of cases on which the action of the national committee had been unanimous against such delegates.

In regard to the assertion that reports were prepared in advance of the action of the committee on credentials, no one of the gentlemen who makes this statement will state of his own personal knowledge that any reports were thus made. The convention having adjourned from time to time because of the slow progress being made by the committee on credentials, partial reports were made from time to time in order to facilitate the business of the convention, all of which reports were prepared after the cases had been acted upon by the committee.

The statement that the proceedings of the committee were not given full publicity is unqualifiedly and notoriously false. The five press associations of the country were represented at all times during the meetings and hearings of the committee, and they reported the proceedings at length.

As to the merits of these contested cases upon which the committee passed, it should be remembered that the national committee sat for 15 days hearing evidence and argument upon them. Out of a total membership of 53 only 13 members of that committee objected to the findings and decisions, and they only with regard to a part of the cases, the action of the committee having been unanimous with regard to a majority of them. The convention declined, by a substantial majority, to reverse the action of the national committee, and it referred the contested cases to the committee on credentials. When our committee met, rules were adopted by unanimous vote. No one desiring to make complaint as to the seating of any delegate was prevented from presenting his case. The committee even considered cases which had been decided by a unanimous vote of the national committee, notably the Indiana case.

The committee on credentials of the Republican national convention consists of 53 members. The committee in every case sustained the decision of the national committee, and in no case by majorities of less than two-thirds. This statement of facts, indorsed by 40 members of the committee, who listened patiently through all-day and all-night sessions to evidence and argument in order to be able to judge cases intelligently and pass upon them honestly, should be a sufficient answer to the reckless, unwarranted, and untruthful assertions contained in the statement signed by 11 members of the committee, two of whom did not attend sessions of the committee, did not hear any of the evidence presented, and nearly all of whom indicated their bias by voting in every case for the delegates known to be favorable to Mr. Roosevelt, including numerous cases in which the action of the national committee had been unanimous for the Taft delegates.

[The above report was prepared by a subcommittee appointed by the committee on credentials; the report was adopted by the full committee and made part of its report to the convention. The subcommittee was composed of J. A. Hemenway, of Indiana; FRANK W. MONDELL, of Wyoming; Fred W. Estabrook, of New Hampshire; George R. Malby, of New York; and Henry Blun, jr., of Georgia.]

MAJORITY REPORT.

NINTH ALABAMA.

The committee on credentials respectfully presents to the convention this report and recommends the seating of J. Rivers Carter, of Jefferson County, and James B. Sloan, of Blount County, as delegates from the ninth congressional district of Alabama, and Thomas J. Kennamer and J. O. Diffay, both of Jefferson County, State of Alabama, ninth congressional district, as alternates from the said district.

Your committee begs leave to state that it heard a full presentation of the evidence and exhaustive arguments of those representing the delegates and alternates whose seating we recommend as well as the adversary parties, at the close of which your committee finds the following facts:

On February 15, 1912, 30 persons claiming to be members of the managing or executive committee of the ninth congressional district met for the purpose of issuing a call for a district convention. The full quota of the committee was 29. Of these 30 persons so assembled the right of 23 to sit upon the committee is not questioned. The right of 7 to sit upon that committee was denied.

When the committee met one of those, Mr. O. R. Hundley, whose right to a seat upon the committee was disputed, attempted to make a motion, whereupon a member whose right to sit is not questioned challenged the right of Hundley to participate in the deliberations of the committee. The chairman of the committee being absent, the secretary thereof attempted to preside in his place and denied the right of any member to question the right of said Hundley to participate and refused to hear any objection to the roll as prepared by himself.

Thereupon no chairman having been chosen, Mr. A. C. Birch was placed in nomination. The individual who had usurped the chair refused to recognize the nomination; thereupon the member of the committee who had named Mr. Birch presented to the meeting the question of the election of Mr. Birch. Fifteen of those present voted for Mr. Birch. The remaining 15, only 14 of whom could possibly have been members of the committee, refused to recognize Mr. Birch, and thereupon the two parties took different positions in the hall and held two meetings. The meeting presided over by Mr. Birch proceeded in a regular way to call a district convention for the purpose of electing delegates and alternates to the national convention, and it is this convention so presided over by Mr. Birch which sends the delegation now holding their seats in this convention under the approval of the national committee. The call issued by this district convention being fundamental of subsequent proceedings and it appearing that the regularity of the call depended upon the right of the different individuals to a seat upon the district committee, careful inquiry was made by this committee into the credentials of each one of the seven whose right to a seat upon the committee was disputed. Of those participating in the Birch or Taft committee meeting the right of two is questioned, to wit: W. M. Latham and R. H. Hardin. It was asserted that not W. M. Latham but a James Latham, his brother, was the regularly elected member of the committee.

The evidence, however, was clear and vastly preponderating that W. M. Latham had not only been elected to the committee but had repeatedly participated in person and by proxy at meetings thereof and had repeatedly received notices from the chairman of its meetings. It was further made to appear that representatives of the Roosevelt adherents had solicited his proxy for the committee meeting of February 15, 1912. As to R. H. Hardin, it was claimed that he had resigned from the committee. The proof shows without question that in anticipation of his probable absence upon the day of the committee meeting he had prepared a resignation which he delivered to one Clayton, to be held by him and delivered to the committee only in the event that he, Hardin, should be absent from the committee meeting. Prior to the day of the committee meeting and when it became evident that he would be able to be present thereat, Hardin requested Clayton to return to him the resignation which he had written out. Clayton, however, refused to do so and delivered the same to the chairman of the committee, who thereupon appointed another individual in place of said Hardin. This was done before the committee to which the resignation was addressed had met, and the resignation was

recalled before the committee had acted upon it. This committee, therefore, finds as a matter of fact and as a conclusion of law that said resignation having been recalled before it was accepted by the committee never took effect, and therefore, upon February 15, 1912, Hardin was unquestionably entitled to act as a member of the district committee.

These two members, Latham and Hardin, gave to the Birch or Taft committee meeting a clear majority of the entire committee.

Of those who participated in the Roosevelt committee the right of five to sit as members of the committee is challenged, to wit: O. R. Hundley, J. W. Davidson, J. F. Shaddick, V. S. Culwell, and J. W. Clayton.

As to Clayton, it was shown by numerous and unquestioned affidavits that he was at said time and is now a nonresident of the ninth district, and we find, therefore, that he lost his membership upon the committee upon his removal from the district. Culwell is the individual who had been substituted for Hardin, and, as the resignation of Hardin had not been accepted by the committee and Hardin himself was present, it follows that Culwell was not entitled to membership.

The right of the remaining three, Hundley, Davidson, and Shaddick, to sit upon the committee is predicated upon a pretended appointment by the absent chairman of the committee and the right to make such appointment is based upon a pretended resolution claimed to have been passed at the district convention in 1910, authorizing the chairman of the committee to fill vacancies. The contestants have been unable to produce any minutes showing the adoption of such a resolution.

Your committee had before it affidavits of 12 reputable citizens, who were members of the convention, that no such resolution was ever adopted. The resolution itself appears written in pencil upon one side of a small sheet of paper in the handwriting of the secretary of the committee, who is the same individual who attempted to preside at the meeting of February 15, 1912. That portion of the resolution which pretends to give to the chairman the authority to fill vacancies, gives evidence of having been written at a different time and with a different pencil than that used in writing the body of the resolution, and your committee finds that there is plain evidence of the alteration of said resolution, and that no resolution giving to the chairman authority to fill vacancies upon the committee was ever passed, as was claimed, by the district convention of 1910. Your committee therefore finds that upon February 15, 1912, there were 15 legal members of the committee participating in the Birch or Taft meeting and 10 legally accredited members of the committee participating in the Roosevelt meeting of the committee.

The 15 members of the committee so presided over by Mr. Birch proceeded in a regular and legal manner to call a district convention, to be held at Birmingham, Ala., on March 16, 1912, for the election of delegates and alternates to this convention. Due notice was given and all steps taken in full compliance with the law and the requirements of the national committee. Four counties in the district, in response to this call, sent delegates to the convention, which was held at the time and place fixed, at Birmingham, and the delegates now seated were elected at that convention. These county organizations, which have been recognized and unchallenged for 12 years, selected not only delegates to the district convention of the ninth district, but selected in the same manner delegates to a State convention which named the delegates at large from the State of Alabama to this national convention. A contest was filed before the national committee against the delegates at large so selected as aforesaid. The national committee, having heard the same, voted unanimously not to support said contest, thus recognizing the authority of the county organizations of the ninth district with regard to their action in selecting delegates to the State convention. No appeal from that finding of the national committee has been presented to this committee. We accept this, therefore, as a recognition of the validity of the Republican organizations in counties of the ninth district.

We therefore find that J. Rivers Carter, of Jefferson County, and James B. Sloan, of Blount County, are the regularly and duly elected delegates from the ninth congressional district of Alabama, and Thomas J. Kennamer and J. O. Diffay, both of Jefferson County, are the regularly and duly elected alternates to this convention from the ninth congressional district of Alabama.

MINORITY REPORT.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackleford, of Alaska, sitting as members of this committee, for the reasons that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

ALABAMA.

Ninth district.—Delegates: James B. Sloan, J. Rivers Carter. Alternates: Thomas J. Kennamer, J. O. Diffay.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective State and district, as follows:

ALABAMA.

Ninth district.—Delegates: Judge Oscar R. Hundley, George R. Lewis.

ALABAMA.

TO CHAIRMAN OF REPUBLICAN NATIONAL CONVENTION,
Chicago, Ill.

GENTLEMEN: The undersigned members of the committee on credentials beg leave to dissent from the report of the majority of the members of this committee, and report in lieu thereof the following as to the delegates and alternates from the ninth congressional district of Alabama:

We report that Oscar R. Hundley and G. R. Lewis, delegates, and W. H. Lewis and P. H. Clark, alternates, are entitled to seats in this convention, and that J. R. Carter and J. B. Sloan, who have been formally seated as delegates, and T. J. Kennamer and J. O. Diffay, who have also been seated as alternate delegates in this convention from said ninth congressional district of Alabama by the action of the national committee, are not entitled to seats in this convention.

We base our reasons for this report upon the following facts, amply sustained by the official records and ample testimony of witnesses presented before this committee:

The said Oscar R. Hundley and G. R. Lewis and W. H. Lewis and P. H. Clark were elected as delegates and alternates by a convention held on a call made by the regular Republican district committee of the ninth congressional district of Alabama, the regularity of which committee has not been questioned since its election by the Republican district convention of said ninth district on the 11th day of July, 1910, until the bolt therefrom by a minority of said committee.

Said district committee held a regular session in the city of Birmingham on the 15th day of February, 1912, in which the delegates formally seated by this convention were present in person and participated. At that meeting of said committee the total membership of which was 29, and, including the chairman and secretary, 31 members in all, there were present answering to the roll call 26 members in person and 2 by proxy, making 28 members in all. The delegates formally seated in this convention by the national committee were elected by a convention called by a bolting minority of said committee, composed of 12 members thereof, who left the committee, composed of the remaining 18 members, and held a separate convention in the rear of the same hall.

The 18 remaining members of the committee, and a majority and quorum thereof, called a convention, at which were elected the aforesaid delegates and alternates, to wit, Oscar R. Hundley and G. R. Lewis and W. H. Lewis and P. H. Clark. The delegates and alternates heretofore given seats in this convention, and who were elected as the result of the action of the said bolting minority of said district committee, are illegal and not entitled to sit in this convention for the following reasons:

1. At the time of their bolt they did not have a majority or quorum of the committee upon which to base any legal or regular action.

2. They endeavored after the bolt to secure a majority of the committee by adding thereto the name of one man—W. M. Latham—who it was shown by the records of said committee at every meeting since it was formed in 1910 and by the records of the district convention when the committee was formed in 1910 to have never been a member of said committee and never to have participated therein.

3. They further endeavored to secure a quorum of said committee after their said bolt by adding thereto the name of one Harvey Hardin, who was shown to have resigned from said committee on the 9th day of February, 1912, and whose place was filled by the chairman of said committee on the 14th day of February, 1912, said action of said chairman being duly reported to said committee and concurred in by said committee. The authority of the chairman for making all appointments in the committee to fill vacancies was amply and incontrovertibly sustained by the records of the district convention of July 11, 1910, and by the action of the committee on June 22, 1911. Even by these methods they failed to get a majority of the committee upon which to base their bolt.

4. The convention claimed to have been held by the bolting minority of the committee was held without the notice required by the rules of the national committee when it called this convention.

Based upon these facts we offer as a substitute for the majority report of the committee on credentials the following resolution:

Resolved, That Oscar R. Hundley and G. R. Lewis, delegates, and W. H. Lewis and P. H. Clark, alternates, are entitled to their seats upon the floor of this convention.

Respectfully submitted.

John J. Sullivan, Ohio; John Boyd Avis; Lex N. Mitchell, Pennsylvania; Hugh T. Halbert, Minnesota; Robert R. McCormick, Illinois, on Alabama contest; W. S. Lauder, North Dakota; J. M. Landon, Kansas; Charles H. Cowles, North Carolina; Francis J. Heney, California; Henry Shaw (W. P. H.), West Virginia; H. E. Sackett, Nebraska; S. X. Way; J. M. Libby, Maine; Dan Norton, Oklahoma; Jesse A. Tolerton, Missouri.

MAJORITY REPORT.

DELEGATES AT LARGE FROM ARIZONA.

The executive committee of the Arizona State committee on May 1 issued a call for a State convention to be held at Tucson on the 3d day of June. By the terms of the call, there being no State presidential primary law, the various county committees were authorized to determine in what manner the delegates to the State convention should be elected, namely, whether by appointment by the county committees, or by direct primary election, or by a primary election of delegates to a county convention which should select delegates to the State convention. The county committees were required to meet on the 15th day of May to make this determination, and the appointment or election of delegates was to be made on the 25th day of May. Nearly all of the counties determined according to former practice upon the appointment of delegates by the county committee. Two counties, Pinal and Graham, held primaries and elected delegates to county conventions. It was in dispute whether the majority of the committee in Maricopa County determined upon one course or the other. At the assembling of the county committee in that county on the 15th day of May, the chairman, a Roosevelt man, without waiting for a roll call or for any motion, appointed three Roosevelt men to constitute a committee on credentials. A dispute arose as to whether or not proxies from absent committeemen should be received. If they were received, those favoring appointment of delegates to the State convention would be in the majority, and if proxies were rejected, those favoring a primary would be in a majority.

It had been the uniform practice to receive proxies of committeemen who were unable to attend, but in this instance it was sought to reject proxies on the ground which we deem wholly untenable, that a proxy to be valid must be certified by the county chairman and secretary. The result, in effect, was that two meetings were held on May 15, the one following the other, by one of which a call was issued signed by the chairman for a primary to elect delegates to a county convention, which should select delegates to the State convention, and by the other a call was issued signed by the secretary of the county committee and a pro tempore chairman for a meeting of the county committee to select delegates to the State convention. Two sets of delegates to the State convention were thus elected. A variety of contests was set up in other counties to such an extent that a minority only of the delegates entitled to sit in the convention was uncontested. The chairman of the State central committee, learning of this situation, instead of personally making up the temporary roll for the convention, as had been the practice, called a meeting of the executive committee to be held at Tucson on the morning of June 1, two days before the date set for holding the convention. Notice was given by mail and wire to all county chairmen and all persons claiming to have been elected delegates to present credentials to the State executive committee at that time and place. The notice was also given through the newspapers, and the contestants have admitted full knowledge of the meeting of the committee to make up the temporary roll. The committee was in attendance and prepared to receive credentials and hear contests from June 1, 10 o'clock, to the assembling of the convention on June 3. Two sets of credentials were received from Cochise County and both delegations were seated, with one-half vote each. No other contests were presented, and it was conceded that the contests in other counties, except Maricopa, were without merit. Credentials were presented to the State executive committee from all the counties, and the temporary roll of delegates was made up from the credentials as presented.

The State convention assembled on June 3 at the place designated in the original call and was called to order by the chairman of the State central committee. The call was read by the secretary, and the chairman made a full statement of the circumstances under which the temporary roll had been made up. The secretary then read the temporary roll. The chairman then called for nominations for temporary chairman, and J. J. Reddick, whose seat was not in contest, was nominated by an uncontested delegate. At this point objection was made by a person whose name was not on the temporary roll, who stated that he did not recognize the validity of the roll. A point of order was raised and sustained that this person was not a member of the convention. The chairman then asked if there were any other nominations, and none other being made, he put the question and declared J. J. Reddick elected, and Mr. Reddick took his position as chairman.

At about this time a number of persons, including about 17 whose names were on the temporary roll, rushed to the right-hand side of the hall, one of their number mounted the platform, and after 15 or 20 minutes of noise and confusion they left the hall and did not return. This contest is the result of the proceedings so conducted during that space of time. It is contended that a valid convention was held in this manner, and that the delegation headed by Dwight B. Heard was elected. A record of this so-called convention was presented to us, showing the appointment and report of committees and the election of delegates to this convention. It was conceded that these reports, including that of the committee on credentials, were prepared in advance, that the committees did not retire, and that the reports were signed without change.

It was conceded that the credentials of the contesting delegates from Maricopa County were not presented to the convention presided over by Mr. Reddick or to the committee on credentials appointed by that convention.

The convention presided over by Mr. J. J. Reddick remained in the hall and in session for at least two hours and a half. Out of the 93 delegates entitled to sit in the convention, as shown upon the temporary roll, 60 remained in the convention after the bolt, and also the 16 from Cochise County, entitled to a half vote each. The usual committees were appointed, and a recess taken to await their reports, which were received and adopted by the convention. The temporary roll was accepted and made the permanent roll of the convention. The temporary organization of the convention was made the permanent organization, a number of speeches were made by delegates, a vote of thanks passed to the citizens of Tucson, who had arranged for the entertainment and reception of this first Republican convention in the new State, and adjournment had in regular order.

We are of opinion and report that the convention so held was the only regular and legal convention held within the State of Arizona, and that the delegates and alternates elected by it are entitled to seats in this national convention, namely:

J. L. Hubbell, Robert E. Morrison, James T. Williams, jr., Ph. Freudenthal, Dr. F. T. Wright, J. C. Adams. Alternates: W. H. Clark, alternate for J. L. Hubbell; J. J. Reddick, alternate for Robert E. Morrison; H. Vance Clymer, alternate for James T. Williams, jr.; W. D. Fisk, alternate for Ph. Freudenthal; Allen T. Bird, alternate for Dr. F. T. Wright; Isaac T. Stoddard, alternate for J. C. Adams.

MINORITY REPORT.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee, Mr. J. C. Adams, of Arizona, Mr. C. A. Warnken, of Texas, and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men, Mr. J. C. Adams, of Arizona, Mr. C. A. Warnken, of Texas, and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado, Mr. Fred W. Estabrook, of New Hampshire, Mr. Henry Blun, jr., of Georgia, Mr. L. B. Moseley, of Mississippi, and Mr. L. P. Shackelford, of Alaska, sitting as members of this committee, for the reasons that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

ARIZONA.

At large.—Delegates: J. L. Hubbell, J. T. Williams, jr., Ph. Freudenthal, Robert E. Morrison, F. T. Wright, J. C. Adams. Alternates: W. H. Clark, J. J. Reddick, Allen T. Bird, W. D. Fisk, I. T. Stoddard, H. W. Clymer.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

ARIZONA.

At large.—Delegates: Dwight B. Heard, E. S. Clark, John C. Greenway, Ben F. Daniels, Thos. D. Molloy, John McK. Redmond, and their alternates.

W. S. LAUDER.
ROBERT R. MCCORMICK.
CLENCY ST. CLAIR.
JOHN BOYD AVIS.
D. J. NORTON.
HARRY SHAW, West Virginia.
HUGH T. HALBERT, Minnesota.
J. M. LIBBY, Maine.
JOHN J. SULLIVAN, Ohio.

MAJORITY REPORT.

FIFTH ARKANSAS DISTRICT.

The committee on credentials voted to seat N. B. Burrow and S. A. Jones and their alternates from the fifth congressional district of Arkansas. When the contest from the fifth Arkansas congressional district was heard before the national committee the proposition to give the two contestants of each party a half of a vote each received the support of only 10 committeemen. After that proposition was defeated there was a unanimous vote to place N. B. Burrow and S. A. Jones on the temporary roll of the convention.

This contest was appealed to the committee, and N. B. Burrow and S. A. Jones, whose seats were contested, appeared in person and by attorney before the credentials committee and by witnesses, affidavits, and documents established the following facts:

In 1908 a contest between two divisions of the Republicans of the fifth Arkansas congressional district was carried before the Republican national committee. These factions were named after their leaders, "the Bratton faction" and "the Redding faction." The national committee, after hearing the testimony in this contest, seated the Bratton faction by a unanimous vote. The other faction dropped their contest. Accepting the finality of this decision by the national committee, the Redding faction practically ceased to perform any of its regular functions and did not hold any other meeting.

The Bratton faction after this decision became the undisputed Republican organization in the fifth district, and is now maintaining an active and continuous organization. It nominated a candidate for Congress in 1908, who received a largely increased vote; it held a convention in 1910 and nominated a candidate for Congress and elected a new congressional committee. This committee in 1912 issued a call for a congressional convention to be held in Little Rock, on May 6, in strict conformity with the requirements of the call of the Republican national committee. The evidence shows that of 57 delegates entitled under this call to sit in this district or congressional convention 53 delegates were present, and that S. A. Jones and N. B. Burrow were elected as delegates to the Republican national convention, with instructions to vote for President Taft. This convention also nominated a candidate for Congress and selected a new congressional committee to serve for the next two years.

Evidence was introduced conclusively establishing the fact that the delegates composing this congressional convention were fairly elected and duly accredited by the regular and lawful conventions in the several counties of the district, and that these delegates sat in the convention throughout the entire proceedings.

Further evidence introduced on both sides showed that the Roosevelt men, Holt and Cochran, based their claims to seats in this convention in Chicago upon a so-called election by a rump convention held under the direction of Sid B. Redding, clerk of the Federal court at Little Rock, and that Mr. Redding, who was the unsuccessful contestant before the national committee four years ago and whose case appears to be no better now, held this rump convention under no authority whatsoever. There was not the required notice of publication, and the only claim to existence of this rump convention is based upon a four-day notice issued by the man who had been chairman of the congressional committee that was refused recognition by the national committee in 1908. And further evidence was adduced to show that this congressional committee since 1908 had had no existence. Consequently the evidence produced by Messrs. Holt and Cochran as to fraud and violence, which they allege that their opponents used in order to control the county conventions, was absolutely refuted and disproven. Upon these facts the committee recommended the seating of the delegates and alternates now representing the fifth district of Arkansas upon the temporary roll of this convention.

MINORITY REPORT.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington; for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas, and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackleford, of Alaska, sitting as members of this committee, for the reason that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

ARKANSAS.

First district.—Delegates: Charles R. French, Charles T. Bloodworth. Alternates: Herschel Neely, Robert B. Campbell.

Fifth district.—Delegates: N. B. Burrow, S. A. Jones. Alternates: O. N. Harkey, S. A. Williams.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

ARKANSAS.

First district.—Delegates: Minor M. Markle, J. W. Sykes, and their alternates.

Fifth district.—W. S. Holt, H. K. Cochran, and their alternates.

John Byrd Avis; Hugh T. Halbert; Harry Shaw; Jesse A. Tolerton, Missouri; Jesse M. Libby, Maine; Charles H. Cowles, North Carolina; Clency St. Clair, Idaho; W. S. Lauder, North Dakota; D. J. Norton, Oklahoma.

MAJORITY REPORT.

FOURTH CALIFORNIA DISTRICT.

The committee recommends that E. H. Tryon and Morris Meyerfeld, jr., of the fourth congressional district of California, and their alternates, be transferred from the temporary roll of this convention to the permanent roll. The following facts were established:

The call for the Republican national convention contained the following clause:

Provided, That delegates and alternates, both from the State at large and from each congressional district, may be elected in conformity with the laws of the State in which the election occurs if the State committee or any such congressional committee so direct.

The section closed with the following important provision:

But, provided further, That in no State shall an election be so held as to prevent the delegates from any congressional district and their alternates being selected by the Republican electors of that district.

The primary vote in this fourth California district was as follows: E. H. Tryon, 10,570; Morris Meyerfeld, jr., 10,531. These men represented the Taft ticket. Charles S. Wheeler received 10,240 votes and Philip Bancroft 10,209, representing the Roosevelt ticket.

On the direct Presidential preference vote Taft had 9,622 and Roosevelt 9,445.

In spite of the fact that the Taft ticket received more votes in the fourth district than the Roosevelt ticket the secretary of state ignored the rule of the Republican national committee, recognizing the right of congressional districts to be represented by their own delegates, and issued certificates of election to the 26 Roosevelt delegates receiving the highest number of votes in the State at large. The California presidential election law provides that a candidate for delegate for the national convention

may sign a statement binding him to support a candidate receiving the highest number of votes cast throughout the State. The Taft delegates did not sign any such statement, and are therefore not bound in any way to abide by the State-wide vote of California. The law itself was not passed until after the meeting of the Republican national committee. It was approved December 24, 1911.

The Republican electors in the fourth California district having cast a majority of their votes in favor of the Taft delegates, the square issue was raised in the case as to the right of the State to pass a primary law which would in effect enforce the unit rule. The committee held that a State law could not supersede the call of the national committee as directed by the Republican national convention, the supreme source of party regularity.

MINORITY REPORT.

CALIFORNIA.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

We protest emphatically against the tyrannical overthrow of the will of the people of California as expressed by a plurality of 77,000 voters at the presidential primary, in the action of the majority of the members of this credentials committee in placing upon the permanent roll of this convention the names of—

FOURTH DISTRICT.

E. H. Tryon and Morris Meyerfeld, jr., as delegates from California, and their alternates.

We further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention, and should be seated and accredited to their respective States and districts, as follows:

CALIFORNIA, FOURTH DISTRICT.

Charles S. Wheeler, Philip Bancroft, and their alternates.

Respectfully submitted.

S. X. Way, South Dakota; Jesse M. Libby, Maine; D. J. Norton, Oklahoma; Lex N. Mitchell, Wm. P. Young, Pennsylvania; John J. Sullivan, Ohio; A. V. Swift; Hugh T. Halbert; R. R. McCormick, John E. Wilder, Illinois; R. A. Harris, Kansas; John Boyd Otis; Harry Shaw, West Virginia; W. S. Lauder, North Dakota; Francis J. Heney.

MAJORITY REPORT.

DELEGATES AT LARGE FROM THE DISTRICT OF COLUMBIA.

The committee recommends that William Calvin Chase and Aaron Bradshaw, delegates at large from the District of Columbia, and their alternates be transferred from the temporary roll of this convention to the permanent roll. There has been no contest made against the right of the above-mentioned delegates and their alternates before your committee on credentials. There was, however, a contest made against their right to seats before the national committee.

The national committee, after a full hearing before it by both contestants and contestees, unanimously recommended that the above-mentioned delegates, William Calvin Chase and Aaron Bradshaw, be placed upon the temporary roll of this convention, which was accordingly done. The right to their seats has not been contested before your committee on credentials, and we therefore recommend that the said Chase and Bradshaw and their alternates be placed upon the permanent roll of the convention.

DELEGATES AT LARGE FROM GEORGIA.

The committee decided by unanimous vote to seat the delegates at large from the State of Georgia, with their alternates, consisting of H. S. Jackson, Henry L. Johnson, B. J. Davis, and C. P. Goree.

It was admitted by the contestants that these delegates were regularly elected at a State convention called by the regular State organization after due notice given, and that the county conventions which sent delegates to the State convention were called by the regular county Republican organizations throughout the State. It further appeared that the contesting delegation was elected by a convention which was not called together by any regular party organization in the State, and that the persons who called the same had no connection whatever with the regular State executive committee.

The contention of the contesting delegation was that at the time the regular State convention was held there were no persons qualified to vote under the laws of the State of Georgia and that there were no qualified voters in the State between the 31st day of December, 1911, and the 20th day of April, 1912.

The State of Georgia has a registration law under which every person claiming the right of suffrage must qualify by having his name placed upon the registration list. These registration lists are prepared in years in which a general election is held and are compiled between the 20th day of April and the 1st day of June. It was the contention of the contestants that the registration list for the year 1912 was first available on April 20. The Taft delegation was elected at a State convention held before this date, while the contesting delegation was elected at a convention held May 21. It was clearly shown, however, that the work of preparing the new list of registered voters was not completed by May 21, and that they were not required to be deposited with the proper county officer until the 5th day of June.

In further answer to the claim that there were no registered voters in the State of Georgia between December 31, 1911, and April 20, 1912, it was shown that within these dates a governor of the State had been elected at a general election, that a justice of the peace had been elected in one of the counties, and that the entire delegation to the Democratic national convention had been elected under the old registration lists. The same registration lists were used at these elections as were used in the elections which selected delegates to the county conventions and the State convention which elected this Taft delegation to the Republican national convention which was placed on the temporary roll.

Under the laws of Georgia the tax collectors turn over to the county registrars the list of voters prepared by them, and the county registrars have until the 1st day of June to purge these "voters lists" and prepare a list of qualified voters, and on or before the 5th day of June this new list of qualified voters must be deposited with the clerk of the superior court in the several counties of the State. It followed, therefore, that if the claim of the contestants was correct no delegates to the Republican national convention could have been elected from the State of Georgia.

On the showing thus made, the Taft delegation was seated by unanimous vote.

The district contests which were based on the same grounds were abandoned.

INDIANA AT LARGE.

The committee voted to seat upon the permanent roll of this convention Charles W. Fairbanks, Harry S. New, Joseph D. Oliver, and James E. Watson as the delegates at large and their alternates from the State of Indiana.

The following facts were established as evidence in support of their claim to be seated as delegates in this convention:

The contestants' claim was based almost wholly on the claim that the Indianapolis primaries were fraudulent. Indianapolis is in Marion County, which constitutes the seventh congressional district. The delegates from Marion County, elected at the primaries to the State convention, consisted of 128 who were for Taft and 6 who were for Roosevelt. Originally 100 of these delegates were contested. The delegates were elected by 15 wards in Indianapolis, and in townships outside, direct to the State convention. The largest ward had 14 delegates, and the average was 8 to a ward. Under the call of the State committee, the delegates to the State convention met by districts the night before the convention, and each district was required to elect one member of a committee on credentials, which committee was to sit as soon as its members were elected. Ten members of this committee of 13 were elected without contest and immediately organized by electing a chairman and secretary. From each of the third, sixth, and eleventh districts two delegates appeared, claiming to have been elected members of the committee on credentials. The committee on credentials, as organized, heard the evidence and in the cases of the third and sixth districts seated a Taft delegate, and from the eleventh seated the Roosevelt delegate. In the city of Indianapolis the total vote at the primaries of March 22 was Taft, 6,163; Roosevelt, 1,480.

The committee then proceeded to hear evidence on the various contests. It reported to the convention that the 106 delegates from Marion County who had proper credentials, but whose seats were contested, were entitled to sit in the convention. As to the other contests, some were decided for the Taft and some for the Roosevelt delegates. These other contests, however, were so few and the number of delegates involved so small as not to affect the result.

Eight of the committee reported in favor of recognizing the Taft delegates from Marion County whose seats were contested and five presented a minority report in favor of the Roosevelt contestants. The minority report of the committee was laid upon the table and the majority report adopted by a majority of 105. Complaint was made that the sitting delegates from Marion County were permitted to vote on adopting the majority

report, but no appeal was taken from the ruling of the Chair that they were entitled to vote and no appeal was taken to the State committee, as required by the rules of the party organization in the State.

The bolting convention was held in a corner of the hall and was attended by not more than 100 of the delegates, of whom not more than 50 participated in the proceedings. These 50 delegates attempted to elect the contestants who are now claiming to be the regularly elected delegates at large from Indiana instructed for Roosevelt. The Fairbanks delegation is clearly entitled to be seated.

MINORITY REPORT.

INDIANA.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackleford, of Alaska, sitting as members of this committee, for the reason that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

INDIANA.

Delegates at large: Harry S. New, Charles W. Fairbanks, James E. Watson, Joseph D. Oliver. Alternates: W. H. McCurdy, William E. Eppert, Summer A. Furniss, Virgil Reiter.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

INDIANA AT LARGE.

Delegates: Albert J. Beveridge, Edwin M. Lee, Fred K. Landis, Charles H. Campbell, and their alternates.

R. R. McCormick, Illinois, by John E. Wilder; John J. Sullivan, Ohio; Hugh T. Halbert; Jesse M. Libby, Maine; Jesse A. Tolerton, Missouri; John Boyd Avis, New Jersey; Chas. H. Cowles, North Carolina; W. S. Lauder, North Dakota; D. J. Norton, Oklahoma; Harry Shaw, West Virginia; A. V Swift, Oregon; L. N. Mitchell, Pennsylvania, by Wm. P. Young; R. A. Harris, Kansas.

MAJORITY REPORT.

THIRTEENTH INDIANA.

The committee voted to seat Clement W. Studebaker and Maurice Fox, delegates, and their alternates for the thirteenth congressional district of Indiana.

The convention for this district met at the proper time and place provided for in the call and in strict conformity with the national call. The convention was organized by electing the Taft candidate, A. G. Graham, as chairman. He received 71¼ votes, as against 70¾ votes cast for Mr. Jones, his opponent. The committee on credentials was appointed, and six Taft contests and two Roosevelt contests were submitted to the committee on credentials, all of which were overruled. The report denying the claim of the eight contestants was signed by four members of this committee, a majority, and no minority report was presented. There was much disorder in the convention, and the Taft delegates, who held the credentials, were elected by a viva voce vote, as were their alternates. No other nominations were made.

REPORT OF THE COMMITTEE ON CREDENTIALS ON KENTUCKY AT LARGE.

We, the committee on credentials, hereby recommend that W. O. Bradley, James Breathitt, W. D. Cochran, and J. E. Wood, and their alternates, be placed on the permanent roll of this convention as delegates and alternates at large from the State of Kentucky.

A contest was presented to and heard by the national committee and the above-named delegates and alternates were placed on the temporary roll. No contest was presented before the committee on credentials and it was advised that said contest had been abandoned.

REPORT OF COMMITTEE ON CREDENTIALS ON FIRST KENTUCKY DISTRICT.

We, the committee on credentials, hereby recommend that W. J. Deboe and J. T. Tooke and their alternates be placed on the permanent roll of this convention as delegates and alternates from the first Kentucky district.

A contest was presented to and heard by the national committee and the above-named delegates and alternates were placed on the temporary roll. No contest was presented before this committee, but it was advised that the contest had been abandoned.

REPORT OF COMMITTEE ON CREDENTIALS ON SECOND KENTUCKY DISTRICT.

We, the committee on credentials, hereby recommend that R. A. Cook and J. B. Harvey and their alternates be placed on the permanent roll of this convention as delegates and alternates from the second district of Kentucky.

A contest was presented to and heard by the national committee and the above-named delegates and alternates were placed on the temporary roll. No contest was presented before this committee from this district, but it was advised that the contest had been abandoned.

REPORT OF COMMITTEE ON CREDENTIALS ON THE FOURTH KENTUCKY DISTRICT.

We, the committee on credentials, hereby recommend that Pilson Smith and J. Roy Bond and their alternates be placed on the permanent roll of this convention as delegates and alternates from the fourth district of Kentucky.

A contest was presented to and heard by the national committee and the above-named delegates and alternates were placed on the temporary roll. No contest was presented before this committee from this district, but it was advised that the contest had been abandoned.

SEVENTH KENTUCKY.

The committee respectfully recommends the seating of Richard C. Stoll, of Lexington, Fayette County, and James Cureton, of Henry County, as delegates from the seventh congressional district of Kentucky, and George R. Armstrong, of Owen County, and E. W. Chenault, of Fayette County, as alternate delegates from said seventh congressional district of Kentucky.

Your committee begs leave to state that it has heard a full presentation of the evidence and an exhaustive argument of those representing the delegates and alternates, whose seating they recommend, as well as the adverse parties, at the close of which your committee finds the following facts:

The call for the seventh congressional district convention of Kentucky was properly made by the congressional district committee and the convention was regularly called and held in accordance with the call. There were four contested counties in the seventh congressional district and four counties in said district which were uncontested, the four uncontested counties being for Taft.

According to the rule of the Republican organization of the State of Kentucky, where two sets of credentials are presented, those delegates whose credentials are approved by the county chairman calling the county convention to order are entitled to participate in the temporary organization of the convention. This rule was followed and there was no objection thereto and on the vote for a temporary chairman, Wiard, the Taft candidate, received 98 votes and Throckmorton, the Roosevelt candidate, received 47 votes in the district convention.

A committee on credentials was appointed, each county in the district selecting one member of the committee, as is required by the rules of the Republican organization of Kentucky, no objection being made thereto. This committee met and was in session several hours and everyone had an abundant opportunity to be heard and to present his cause before said committee.

The majority report of the committee on credentials, and this report was signed by every member of the committee except Henry T. Duncan, jr., who was a candidate before said convention, recommended the seating of the Taft contested delegation in Fayette County, the seating of the regular delegations in Scott and Franklin Counties, and the unseating of the regular Taft delegation in Woodford County—Mr. Duncan signing the report as to Woodford County—and the seating of the Roosevelt delegation. Mr. Duncan presented a minority report.

Under the rules of the Republican Party in Kentucky a county in contest is not permitted to vote on its own case, and the majority report of the committee was adopted unanimously in the case of each contested county, the votes ranging from 98 to 0 to 131 to 0.

Mr. Stoll and Mr. Cureton were elected delegates to this convention unanimously, as were Mr. Armstrong and Mr. Chenault, who were elected alternates. It was contended before the com-

mittee that the Roosevelt delegation should have been seated in the counties of Fayette, Scott, and Franklin.

The committee find the facts to be as follows: In Fayette County the testimony shows that the legal voters on the Taft side were largely in the majority, but that the Roosevelt chairman of the convention failed and refused, upon demand properly made, to count the votes in the convention, and the committee is of the opinion that the Roosevelt delegates should have been unseated in the convention and the Taft delegates in Fayette County should have been seated, for the reason that had a count been had of the legal voters when demanded a large majority would have been found in favor of the Taft delegates to the district convention.

In the county of Franklin the convention was called to order at the time and place set forth in the call. The Roosevelt people did not nominate anyone for temporary chairman of the convention.

We find that the Taft people were largely in the majority and that the Roosevelt people did not attempt to organize or hold any convention in Franklin County at the place and time at which the convention was called, although given abundant opportunity to nominate a chairman of the convention, and upon being assured by the chair that they would be accorded fair treatment the Roosevelt people refused to nominate any chairman of the convention and left the hall before any ruling whatever had been made against them, and the committee is of the opinion that the regular delegation in the county of Scott should have been seated by the district convention, as was done.

In the county of Scott the Taft people were largely the majority; and upon nominations being asked for temporary chairman, both the Roosevelt and the Taft people nominated persons for chairman. Tellers were appointed, and while the count was in progress and when it had become apparent that the Taft people were in the majority, the Roosevelt people, without cause, left the hall before any ruling was made against them whatsoever, and the committee is of the opinion that the district convention should have seated the regular Taft delegation, which they did.

In the county of Woodford the evidence shows that there were about as many Roosevelt people as there were Taft people at the convention, but the chairman of the convention refused to permit a count of the votes upon request of the Roosevelt people, and the district convention unseated the regular Taft delegation and seated the contesting Roosevelt delegation. The committee is of the opinion that this action was correct.

The committee further finds that the four counties in the district which were uncontested were instructed for Taft delegates, and the committee therefore finds that Richard C. Stoll, of Lexington, Fayette County, and James Cureton, of Henry County, are the regular and duly elected delegates from the seventh congressional district of Kentucky and that George R. Armstrong and E. W. Chenault were regularly and duly elected alternate delegates from said district.

EIGHTH KENTUCKY.

The committee recommends the seating of L. W. Bethurum, of Mount Vernon, Rockcastle County, Ky., and C. C. Wallace, of Richmond, Madison County, Ky., as delegates from the eighth congressional district of Kentucky and J. B. Kinchloe, of Shelbyville, Shelby County, Ky., and George W. Gentry, of Stanford, Lincoln County, Ky., as alternate delegates from said eighth congressional district of Kentucky.

Your committee begs leave to report that it has heard a full presentation of the evidence and an exhaustive argument from those representing the delegates and alternates whose seating they recommend, as well as the adverse parties, at the close of which your committee finds the following facts:

The call for the eighth congressional district convention of Kentucky was properly made by the congressional district committee and the convention was regularly called and held in accordance with the call. There were three contested counties in the eighth congressional district and six counties in said district which were uncontested, the six uncontested counties being for Taft.

According to the rules of the Republican organization of the State of Kentucky, where two sets of credentials are presented, those delegates whose credentials are approved by the county chairman calling the county convention to order are entitled to participate in a temporary organization of the convention. This rule was followed and there was no objection thereto, and on the vote for a temporary chairman, Leonard W. Bethurum, the Taft candidate, received 142 votes, and A. R. Burnham, jr., the Roosevelt candidate, received 21 votes.

A committee on credentials was appointed, each county in the district selecting one member of the committee, as is required by the rules of the Republican organization of Kentucky, no objection being made thereto. This committee met and was in session for a sufficient period of time to hear, and everyone had an opportunity to be heard and to present his case before said commission. The report of the committee on credentials was unanimous and recommended that each delegation from the county of Boyle be seated, with half a vote each, and that the delegation from Garrard and Madison Counties, certified to by the regular county chairman, were entitled to be seated. These delegations were for Taft. The report of this committee was unanimously adopted, the counties uncontested not voting in their cases. Mr. Bethurum and Mr. Wallace were elected delegates to this convention by the unanimous vote of the district convention, as were the alternates, Mr. Kinchloe and Mr. Gentry. As to the facts in each of the contested counties, the committee finds that as to Boyle, the division of the delegates as reported was agreed to, and as to Mercer County, the count showed a majority of 35 for Taft. Upon the count being reported objection was made, and all parties agreed that a recount should be had by Mr. James B. Spillman, the secretary of the county committee. This recount was made by him, and reported as being in favor of Mr. Taft by from 30 to 35 votes. While the committees were out the Roosevelt forces withdrew from the courthouse, with the exception of Mr. Riker, who was for Mr. Roosevelt and had been appointed a teller in his behalf to count the votes. Mr. Riker remained in the convention, as he knew the vote was correct.

As to Madison County, the committee finds that the suggestion made by the Taft people to count the vote was rejected by the adherents of Mr. Roosevelt. The suggestion was that the count be made by filling the entire courthouse and that counters be appointed to see that no one returned thereto after he was counted out; that four tellers be appointed to count the Taft votes out of one door and the Roosevelt votes out of another door; two Democrats to act to eliminate from the crowd any Democrat therein, and one Taft teller and one Roosevelt teller. This plan was rejected by the adherents of Mr. Roosevelt, and the convention adjourned to the front yard. Roosevelt adherents demanded that the tellers be elected. The chair declined to put this motion, but offered to appoint the tellers suggested by either side. Whereupon the Roosevelt crowd bolted. The proof amply shows that the Taft adherents outnumbered the Roosevelt adherents from two to three to one.

The committee further finds that the three counties uncontested, had they all been decided in favor of Mr. Roosevelt by the credentials committee of the district convention, would have shown only 64 votes therein against the 94 uncontested votes for Taft.

We therefore find that Leonard W. Bethurum, of Mount Vernon, Ky., and Coleman C. Wallace, of Richmond, Madison County, Ky., are the regular duly elected delegates from the eighth congressional district of Kentucky; that George W. Gentry and J. B. Kinchloe were regularly and duly elected alternate delegates from said district.

ELEVENTH KENTUCKY.

After a thorough investigation of the facts concerning the contest in the eleventh congressional district of Kentucky, the committee recommends that the delegates and the alternates from this district now upon the temporary roll of this convention be transferred to the permanent roll. Because of the conflicting testimony and the variance of facts in this case, the committee believes that in the selection of one Taft delegate, Mr. O. H. Waddle, and his alternate, and of one Roosevelt delegate, Mr. D. C. Edwards, and his alternate, complete justice is being exercised and the respective claims of both parties to represent this district in the national convention are being fairly and equitably settled.

MINORITY REPORT.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests in the ground that they are, in effect, sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P.

Shackleford, of Alaska, sitting as members of this committee, for the reason that they were members of the national committee and participation in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

KENTUCKY.

Seventh district.—Delegates: R. C. Stoll, James Cureton. Alternates: George R. Armstrong, Edward Chenault.
Eighth district.—Coleman C. Wallace, Leonard W. Bethurum, and their alternates.
Eleventh district.—D. C. Edwards, O. H. Waddle, and their alternates.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

Seventh district.—Henry T. Duncan, M. C. Rankin, and their alternates.
Eighth district.—William S. Lawwill, H. V. Bastin, and their alternates.
Eleventh district.—B. J. Bethurum, D. C. Edwards, and their alternates.

JOHN J. SULLIVAN.
R. A. HARRIS, Kansas.
JESSE A. TOLERTON, Missouri.
JOHN BOYD AVIS, New Jersey.
D. J. NORTON, Oklahoma.
HUGH T. HALBERT.
WM. S. LAUDER.

MAJORITY REPORT.

FOURTH LOUISIANA.

The committee, after a thorough and complete investigation of the facts in the contest from the fourth Louisiana district, recommends that the delegates from this district now upon the temporary roll, as well as their alternates, be transferred to the permanent roll, to wit, A. C. Lea and J. B. Breda, and their alternates.

These delegates were elected at a district convention, duly called by the regular Republican district organization, which has adhered to the Republican State organization and has been recognized by the subcommittee of the Republican national committee. This subcommittee of the national committee visited Louisiana this year in order to settle the political controversy in that State. The Williams-Wight delegation, which is the contesting or Roosevelt delegation in this contest, was not recognized by this subcommittee of the national committee. This Roosevelt delegation from this district was elected at a pretended convention, consisting of a mere handful of men, who assembled in response to a call issued by F. V. Williams, who has been deposed as chairman of the State committee. The Williams-Wight delegation represents no regular Republican organization in Louisiana, since they have been discredited by this subcommittee of the national committee, and consequently Lea and Breda have been lawfully and regularly elected.

FIFTH LOUISIANA.

The committee recommends that the delegates from the fifth Louisiana district now upon the temporary roll, as well as their alternates, be placed upon the permanent roll, to wit, W. T. Insley and F. H. Cook and their alternates.

These delegates were elected at a district convention, duly called and regularly held. The main points in this case are much like those which appeared in the preceding case of the fourth Louisiana district. The convention first called had to be postponed, because the district was flooded by the overflow of the Mississippi River. W. T. Insley and F. H. Cook were regularly elected, and they and their alternates are entitled to be seated in this convention.

MICHIGAN CONTEST.

The committee on credentials makes the following report relative to the contest from the State of Michigan:

The question before the committee was who constituted the regular Republican State convention. Incidental to this question certain subsidiary questions arose, which the committee determines as follows:

First. The preconvention meeting of the State central committee was a legal one, a majority of the members thereof having joined in a call therefor. It appears that no rules were ever adopted by the committee, and there are, therefore, no regulations as to who shall call meetings or when they shall be held, and a majority necessarily possessed the right to call a meeting and to hold a meeting.

Second. It is unquestionably the duty of the committee to make up the temporary roll for the convention. Some authority must exist somewhere which shall determine who shall participate in a convention until such time as the convention shall determine that question for itself. In other words, it is the duty of the committee to see that the convention which assembles is the one which is called.

Third. The State central committee has the right to select the temporary chairman of the convention. It therefore can rescind its action and unmake what it has created. The chairman first selected admitted that he would permit no roll calls in the convention and that all votes would be taken viva voce.

Fourth. Delegates' tickets to the convention were issued to the chairmen of delegations by the proper officers of the State central committee under direction of the committee. They were issued in a public and conspicuous place in ample time for the convention. The time and place of distribution were matters of common knowledge, and no showing of discrimination in their distribution has been made to this committee.

The doors of the convention were kept open at all times for the admission of delegates, with the exception of one interval, when there was a rush by the crowd. During this time the doors were temporarily closed; all delegates not yet admitted were excluded for the time being. Taft delegates were excluded as well as Roosevelt delegates, and as many of one as the other. As soon as adequate police protection was secured, which was before the convention was organized, the doors were reopened and remained open throughout the entire session of the convention. There was no discrimination in admitting delegates to the convention.

Fifth. The so-called convention at which contestants claim they were chosen was not a convention in any sense of the term. No committees whatever were appointed; the credentials of the persons participating were not presented to or acted upon by any committee or by the so-called convention itself; no one knows who took part in it; there is no evidence whatever of the number of votes cast for the contestants; no business provided for in the call was transacted, except the pretended selection of delegates and alternates to the national convention and the pretended adoption of resolutions; not to exceed 50 persons participated, and when these persons finally left the convention not to exceed 200 delegates left with them, out of a total number of 1,312.

Sixth. The regular convention was at all times conducted in a proper manner. The call was read and a vote taken on the question of the selection of temporary chairman; reports of district caucuses were received and confirmed; committees were constituted and convened and their reports made and adopted; delegates at large and alternates were elected; presidential electors were nominated; the present members of the State central committe and a chairman thereof were selected; roll calls by counties were had on the question of the selection of a temporary chairman, the adoption of the report of the committee on credentials and the committee on permanent organization and order of business, and on the election of delegates at large; resolutions were reported and adopted: addresses were made by party leaders; and all of the business provided for in the call was transacted. An adjournment was regularly taken. At all times there were nearly a thousand delegates in the hall, out of a total of 1,312, as is shown by the report of the credentials committee, the several roll calls, and affidavits of the chairman of delegations who participated.

No contests were presented to the State central committee before the convention, to the committee on credentials appointed by the convention, or to the convention itself.

The committee, therefore, determines that there is no just cause for contest in this case. The delegates at large and alternates to the national convention from Michigan whose names appear on the temporary roll were selected at a State convention properly and regularly called; they received a majority of all of the votes in the convention without counting the votes of any delegations which contestants alleged or now allege were subject to contest.

The committee on credentials, therefore, recommends that the names of John D. MacKay, William J. Richards, George B. Morley, Eugene Fifield, Fred. A. Diggins, and William Judson, as delegates at large from the State of Michigan, and the names of Alton T. Roberts, Herbert A. Thompson, Crawford S. Reilly, Charles B. Warren, Charles E. White, and Ray E. Hart, as alternate delegates at large from such State, be transferred from the temporary roll of this convention and added to and made a part of the permanent roll thereof.

MINORITY REPORT.

MICHIGAN.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee, Mr. J. C. Adams, of Arizona; Mr. C.

A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackleford, of Alaska, sitting as members of this committee, for the reason that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

MICHIGAN.

State at large.—Delegates: John D. MacKay, William J. Richards, George B. Morley, Eugene Fifield, Fred A. Diggins, William Judson, and their alternates.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

MICHIGAN.

State at large.—Delegates: Chase S. Osborn, Charles A. Nichols, Sybrant Wesselius, Theodore Joslin, Herbert F. Boughey, William D. Gordon, and their alternates.

Harry Shaw, West Virginia; Jesse M. Libby, Maine; W. S. Lauder, North Dakota; John Boyd Otis, New Jersey; John J. Sullivan, Ohio; Jesse A. Tolerton, Missouri; R. R. McCormick, Illinois, by John E. Wilder, Illinois; R. A. Harris, Kansas; Hugh T. Halbert, L. N. Mitchell, Pennsylvania, by Wm. P. Young, proxy.

MAJORITY REPORT.

MISSISSIPPI AT LARGE.

The delegation at large from the State of Mississippi consisting of L. B. Moseley, M. J. Mulvihill, Charles Banks, and L. K. Atwood, and their alternates, is the only delegation representing Mississippi at large which was duly elected, and the committee finds that they are entitled to be placed on the permanent roll. The State convention which elected Mr. Moseley and his colleagues was conducted strictly in accordance with the call of the national committee. Due notice was given and all necessary formality was complied with. The number of delegates entitled to seats in the convention was 274, all of whom were present but 2. There were three contests, which were settled by giving each side one-half vote each. No other contests were presented to the convention or to the committee on credentials. There was a division on the vote instructing the delegates at large to vote for Taft, but the resolution was adopted by 258 ayes to 12 nays, 2 not voting. All the delegates remained in the convention until it adjourned and were given full and free speech on all matters. A few persons, not over 20 in number, assembled in another part of the building where the regular convention was being held and pretended to hold a State convention. Several entirely disinterested witnesses, men of high standing, testified to the absolute correctness of the above statements. There is no ground on which to base a contest against these regularly elected delegates from the State at large, and they should be seated.

MINORITY REPORT.

MISSISSIPPI.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackleford, of Alaska, sitting as members of this committee, for the reason that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons, reported upon by the majority of members of this committee, are not entitled to seats in this convention and should not be placed upon its permanent roll:

MISSISSIPPI.

State at large.—Delegates: L. B. Moseley, M. J. Mulvihill, Charles Banks, L. K. Atwood, and their alternates.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention, and should be seated and accredited to their respective States and districts, as follows:

MISSISSIPPI.

State at large.—Delegates: W. E. Mollison, Sidney D. Redmond, L. W. Graham, Charles Banks, and their alternates.

JESSE M. LIBBY.
W. S. LAUDER.
JOHN BOYD AVIS.
JOHN J. SULLIVAN, Ohio.

MAJORITY REPORT.

SECOND MISSISSIPPI DISTRICT.

The committee recommends the seating of J. F. Butler and E. H. McKissack as delegates and E. W. Dubois and S. M. Howry as alternates from the second Mississippi district. There was only one congressional convention held in this district, and that was held under the authority of the regular Republican organization. Due notice was given of the meeting and the proceedings were regular in every respect. Not a single contest arose and no one bolted, all the delegates remaining in the convention hall until the meeting adjourned. No one entitled to a seat in the convention was denied admission and there was no other convention held. Jonas W. Avant, of Lafayette County, one of the contestants, tried to address the regular convention, but was refused permission to talk as he was not a qualified elector. The sheriff of Lafayette County testifies that Avant is not a registered or qualified voter of the county, that he has not paid his poll tax for years, and that he is entirely disqualified from registering as a voter.

This case is a fair sample of the paper contests which are frequently brought before the Republican national convention. While the regular district convention was being held, Avant, with five others, went to the store of H. W. Doxey while the latter was attending the convention, and pretended to hold a convention of their own. The testimony shows that no convention had been called to meet at this store; that no legal convention was held there; that Avant and the five men who met with him used a desk in the back part of the store for a few minutes; that they were not delegates to the regular convention and only represented two of the nine counties composing that congressional district. The contest brought in this case is of the most flimsy character, and Butler and McKissack and their alternates are entitled to be placed upon the permanent roll.

FIFTH MISSISSIPPI DISTRICT.

The committee recommends that W. J. Price and A. Buckley be transferred from the temporary roll of this convention, as representatives of the fifth congressional district of Mississippi to the Republican national convention, to the permanent roll. They are the regularly elected delegates, as the affidavits and evidence introduced during the hearing of this particular case made manifest. Their election and the call of their convention was in strict conformity with the national call. The proceedings of the convention itself and all the preliminaries were in due and legal form. There was no contest in the convention, and at all times it was very harmonious. Orderly procedure was observed during the entire convention, and at the conclusion of business and the election of delegates proper adjournment was moved.

It has never appeared upon exactly what ground the contestants base their claims. What brief they may have had did not present to this committee any facts, nor were any facts proven during this hearing which would warrant this committee in the slightest to challenge the rights of Mr. Price and Mr. Buckley to their places on the permanent roll.

SIXTH MISSISSIPPI DISTRICT.

In the sixth Mississippi district J. C. Tyler and W. P. Locker were found by the committee to be the regularly elected delegates and entitled to be placed upon the permanent roll of the convention. The district convention was held strictly in accordance with the call of the national committee. The proceedings were of the most orderly and harmonious character, no contesting delegations appeared, and no other convention was held in the same town that day. J. M. Leverett and Charles M. Hays claim to have been elected by a convention held that

day under the call for the regular convention. Several witnesses of the highest standing, including several county officials, testified that they saw the two contestants in the town of Mendelhall the day the convention met, but that none of them were seen in town after the departure that day of the 12.40 train, the train which brought into town most of the delegates to the convention. They had absolutely no grounds on which to base their contest. The committee recommends that J. C. Tyler and W. P. Locker and their alternates be placed on the permanent roll of the convention.

SEVENTH MISSISSIPPI DISTRICT.

The committee recommends that E. F. Brennan, sr., and C. R. Ligon, delegates from the seventh Mississippi congressional district, and their alternates, be placed upon the permanent roll of this convention. They are the rightful delegates from the seventh Mississippi district, as has been evidenced before this committee by affidavits and overwhelming proof. The convention which elected them was regular in every respect. All preliminaries were duly observed. The sheriff of the county in which the convention was held testifies it was the most orderly Republican convention ever held there and that it was largely attended. He says no other Republican convention was held in the courthouse the day the regular convention met. The claim that the contestants, F. S. Swalm and Dr. W. H. Broxton, were elected delegates and Dr. C. L. Ripley and F. S. Crawford alternates, has absolutely no foundation. F. S. Swalm has lived in Brockhaven 15 or 16 years and never participated in a Republican convention in his life. Dr. Ripley, of the same place, says he knows nothing whatever of any convention which elected him as an alternate and that he never participated in any. Dr. Broxton and Prof. Crawford are not known by residents of Darbun, where they claim to live, and no such persons were in Brockhaven on the day the regular district convention met and elected Brennan and Ligon delegates to the national convention.

DELEGATES FROM MISSOURI AT LARGE.

The committee on credentials hereby recommend that Herbert S. Hadley, Jesse A. Tolerton, Walter S. Dickey, and Hugh McIndoe, and their alternates be placed upon the permanent roll of this convention as delegates and alternates at large from the State of Missouri.

The above-named delegates and alternates were contested before the national committee, but no contest has been filed before the committee on credentials, and your committee is advised that said contests have been abandoned.

THE THIRD MISSOURI DISTRICT.

The committee on credentials hereby recommend that H. G. Orton and H. L. Eads and their alternates be placed upon the permanent roll of this convention as delegates and alternates at large from the State of Missouri.

The above-named delegates and alternates were contested before the national committee, but no contest has been filed before the committee on credentials, and your committee is advised that said contests have been abandoned.

THE FIFTH MISSOURI DISTRICT.

The committee on credentials hereby recommends that Homer B. Mann and Earnest R. Sweeney and their alternates be placed upon the permanent roll of this convention as delegates and alternates at large from the State of Missouri.

The above-named delegates and alternates were contested before the national committee, but no contest has been filed before the committee on credentials, and your committee is advised that said contests have been abandoned.

SEVENTH MISSOURI DISTRICT.

The committee on credentials hereby recommends that Richard Johnson and Louis Hoffman and their alternates be placed upon the permanent roll of this convention as delegates and alternates at large from the State of Missouri.

The above-named delegates and alternates were contested before the national committee, but no contest has been filed before the committee on credentials, and your committee is advised that said contests have been abandoned.

THIRTEENTH MISSOURI DISTRICT.

The committee on credentials hereby recommends that Politte Elvins and John H. Reppy, delegates from the thirteenth Missouri district, and Charles E. Kiefner and Lin Grisham, as alternate delegates from said district, be placed upon the permanent roll of this convention as delegates and alternate delegates from said district.

More than the authorized number of delegates having been certified to the national committee, the said committee resolved to seat the above-named delegates and alternates. No contest having been filed before the committee on credentials, the committee assumes that said action of the national committee has been agreed to.

FOURTEENTH MISSOURI DISTRICT.

The committee on credentials hereby recommends that H. Byrd Duncan and George S. Green and their alternates be placed upon the permanent roll of this convention as delegates and alternates at large from the State of Missouri.

The above-named delegates and alternates were contested before the national committee, but no contest has been filed before the committee on credentials and your committee is advised that said contests have been abandoned.

SIXTEENTH MISSOURI DISTRICT.

The committee on credentials hereby recommends that Walter W. Durnell and William B. Elmer, delegates from the sixteenth Missouri district, and John H. Dennis and P. A. Bennett, alternate delegates from said district, be placed upon the permanent roll of this convention as delegates and alternate delegates from said district.

More than the authorized number of delegates having been certified to the national committee, the said committee resolved to seat the above-named delegates and alternates. No contest having been filed before the committee on credentials, the committee assume that said action of the national committee has been agreed to.

FOURTH NORTH CAROLINA DISTRICT.

The committee on credentials recommends that John C. Matthews and J. C. L. Harris, delegates from the fourth North Carolina district, and Bland A. Mitchell and Charles D. Wildes, their alternates, be seated as the regular delegates and alternates to this convention.

There was a unanimous report on the part of the national committee, recommending the seating of the above-named delegates and alternates.

It is without dispute that there are but 91 votes in the fourth North Carolina district convention, and that if the counties of Wake, Vance, and Franklin had not been thrown out the above-named delegates would have had 52 votes supporting them, the same being a clear, safe majority.

It further appears that Mr. Charles H. Cowles, the minority member of this committee, made a motion in the North Carolina State convention on May 15, 1912, to seat the delegates to the State convention that were being contested from Vance, Franklin, and Wake Counties who were supporting the Harris faction, which motion was carried by from 200 to 300 majority, and directly passed upon the merits involved in this controversy.

MINORITY REPORT.

FOURTH CONGRESSIONAL DISTRICT OF NORTH CAROLINA.

To the chairman and members of the Republican national convention, Chicago, Ill.

GENTLEMEN: The undersigned members of the committee on credentials beg leave to dissent from the report of the majority of the members of this committee and to report in lieu thereof the following as to the delegates and alternates from the fourth congressional district of North Carolina:

We report that J. D. Parker and C. M. Bernard, delegates, and L. F. Butler and W. F. Bailey, alternates, are entitled to seats in this convention, and J. C. L. Harris and J. C. Matthews, who have been formally seated as delegates, and Charles D. Wildes and Bland A. Mitchell, who have also been seated as alternate delegates in this convention from said fourth congressional district of North Carolina, are not entitled to seats in this convention.

We base our reasons for this report upon the following facts, amply sustained by incontrovertible official records and ample sworn testimony of witnesses presented before the committee:

The said J. D. Parker and C. M. Bernard, delegates, and O. F. Butler and W. F. Bailey, alternates, were regularly and legally elected at a convention of the Republicans of the fourth congressional district, legally called under the plan of the Republican Party of North Carolina and the United States as a whole, by the executive committee of said district, and called to order and presided over by John W. Harden, chairman of said executive committee, who has been such without question, and that the same is admitted by the opponents in their brief and evidence.

That the fourth North Carolina congressional district is composed of the counties of Chatham, Franklin, Johnson, Nash, Vance, and Wake.

That upon roll call of the counties by the secretary of said convention each county filed its credentials as they were called with the said secretary.

That there was notice of contest given and filed by E. T. Yarborough, of Franklin County, claiming to be one of the delegates from Franklin County; T. T. Hicks, of Vance County, contesting against the regularly elected delegates from Vance; and Charles D. Wildes, who is claiming a seat as an alternate in this convention as a legally elected alternate from the fourth

congressional district of North Carolina, contested the seats of the legally and regularly elected delegates from Wake County.

The chairman of said convention appointed from the uncontesting counties of Chatham, Nash, and Johnson, as members of the committee on credentials, to pass upon the contests, the following gentlemen, to wit: R. H. Dixon, of Chatham County; Van B. Carter, of Nash County; and Bery Godwin, of Johnson County.

That the said committee on credentials reported in favor by a unanimous vote of the regularly elected delegates from the counties of Franklin, Vance, and Wake.

That the report of said committee was voted on by said convention, each contesting county being voted on separately. On the report of the committee as to Franklin County the convention, on roll call, voted as follows: Yeas 38, nays 13. The roll call in this instance was demanded by J. C. Matthews, a so-called delegate from the fourth congressional district, who has been fraudulently seated in this national convention. The chairman declared that part of the report of the committee on credentials, as to the contest of Franklin County, carried and received.

The report of the said committee on credentials on a roll-call vote as to the contest in Vance County, seating the regular delegates, resulted as follows: Yeas 43, nays 13. Thereupon the chairman declared the report of the committee on credentials as to the contest from Vance County carried and received.

At this point in the proceedings in said convention the contesting delegate from Franklin County, E. T. Yarborough, and the 6 contesting delegates from Vance, and the 26 contesting delegates from Wake County, headed by J. C. L. Harris, who is also one of the delegates fraudulently seated in this national convention, bolted said district convention, and walked out of the convention hall, and thereupon the report of the committee on credentials as to the contest applicable to Wake County on a roll-call vote seated the regularly elected delegates from Wake County by a vote of 52 to 0.

This action of the convention made the vote of said convention, by seating the 26 delegates from Wake County, a total of 78, who remained and participated in the deliberations of the said regular and legal district convention, and unanimously elected said J. D. Parker and C. M. Bernard delegates and L. F. Butler and W. S. Bailey alternates to represent said fourth North Carolina congressional district in this national convention.

That the bolters from said regular district convention, consisting of contesting delegates from only three counties in said district, 25 in number, as shown by the sworn affidavit of A. V. Dockery, one of the bolting faction, met in the basement of a building in Raleigh on the 16th day of May, two days after the regular convention, and held a rump convention, at which said rump convention the said J. C. L. Harris and J. C. Matthews were elected delegates to this convention and C. D. Wildes and Bland A. Mitchell were elected alternates to this convention and are fraudulently occupying the seats of the said J. D. Parker and C. M. Bernard, delegates, and L. F. Butler and W. S. Bailey, alternates, who are the only regular and legally elected delegates from said fourth congressional district convention of North Carolina.

Based upon these findings, we offer as a substitute for the majority report of the committee on credentials of this convention the following resolution:

Resolved, That J. D. Parker and C. M. Bernard, delegates, and L. F. Butler and W. S. Bailey, alternates, are entitled to their seats upon the floor of this convention.

HUGH T. HALBERT

And the entire minority members who signed the other dissenting reports.

MAJORITY REPORT.

DELEGATES AT LARGE FROM OKLAHOMA—REPORT OF THE COMMITTEE ON CREDENTIALS ON THE ALTERNATES AT LARGE FROM THE STATE OF OKLAHOMA

It appearing to the committee on credentials that the name of A. H. Hukland, of Muskogee, and F. J. Amphlett, of Apache, Okla., were certified as alternate delegates from the State at large from Oklahoma by mistake, and whereas by reason of said mistake the said two above-named men were placed on the temporary roll instead of William Noble, of McAlester, Okla., and Edward Butler, of Durant, Okla., who were the regularly elected alternates; now, therefore, to rectify said mistake the committee on credentials hereby recommends that A. H. Hukland and F. J. Amphlett be stricken from the roll as alternate delegates at large from the State of Oklahoma and that the names of William Noble, of McAlester, and Edward Butler, of Durant, be placed on the permanent roll of this convention as alternate delegates at large from the State of Oklahoma.

THIRD OKLAHOMA DISTRICT.

The committee recommends that Joseph A. Gill and J. W. Gilliland and their alternates be transferred from the temporary roll as delegates from the third district of Oklahoma and be placed on the permanent roll. From the evidence submitted and affidavits produced these delegates are the only lawfully elected delegates from this congressional district. The call for the district or congressional convention was in strict conformity with the national call. At the committee meeting there were 10 members in person present and 3 represented by proxy from a majority of the 19 counties of the district. Mr. W. S. Cochran, the chairman of the committee, favored Mr. Roosevelt, although a majority of the members of the committee favored Mr. Taft. The chairman, by virtue of the fact that he had changed his residence, was no longer a member of the committee, but because of his unjust rulings and irregular methods of procedure he was deposed. The vote to depose Mr. Cochran stood 11 to 8, and thereupon Mr. Cochran left the hotel, with six others, only one of whom was a regular member of the committee. The majority of the committee remained in the hall and reorganized by electing a new chairman. They then decided to hold their convention, and by this convention the delegates now seated were elected.

The bolters proceeded to hold another convention, which had no temporary roll of delegates prepared by the congressional committee. There were no credentials to the rump convention from the several counties of the district, and the roll was made up by having the bystanders come forth and sign the roll.

SECOND TENNESSEE DISTRICT.

The committee recommends that Messrs. T. A. Wright and John J. Jennings, the delegates from the second congressional district of Tennessee, and their alternates, be placed upon the permanent roll of this convention. The following facts were proven to be true and conclusive:

There have been two Republican organizations in this district, each claiming to be the regular Republican organization. Wright and Jennings were elected by the organization which was duly recognized in 1910 by the Republican national congressional committee as the regular Republican organization of said district. It elected Hon. R. W. Austin a Member of Congress, and there can be no question that the Austin organization is the one which is entitled to representation in the national convention.

The congressional committee met December 30, 1911, and called a district convention to meet March 9 at the courthouse in Knoxville. The action of this committee was unanimous on all question. The district is composed of 10 counties. Due notice was given of the congressional convention.

When the convention met March 9 delegations from 5 of the 10 counties reported no contests. Contests were reported in 2 counties, under a mistaken apprehension of facts, and were abandoned. This made 59 delegates out of a total of 108 possible in the convention who were entirely uncontested.

The contests from the three other counties were referred by the congressional committee to the convention itself. Under party law and authority in Tennessee the congressional committee has the authority to make up the temporary roll of the convention, but in the case of these three contests the entire matter was referred to the convention. This left 49 delegates whose right to seats in the convention was held in suspense.

After the temporary organization of the convention a committee on credentials was appointed and retired from the hall to hear the contests. Instead of presenting their case to the committee on credentials, the contestants from these three counties abandoned their contests and held a bolting convention, having refused to attend the delegated convention or submit their contests to the convention. The delegates from all the counties were fully represented in the regular delegate convention. The committee on credentials thereupon made a report seating Republicans from these three counties claiming to have been regularly elected. When the other contestants from these three counties refused to submit their case to the credentials committee they lost whatever right they had to seats in the convention. The delegations from two counties which were reported for Roosevelt remained in the regular convention and took part in its proceedings. T. A. Wright and John J. Jennings were elected delegates to Chicago by this, the only regular Republican convention held in the second Tennessee district.

After the bolters had held their convention on March 9, they realized their action was not regular and caused to be resurrected a remnant of what was known as the old Hale congressional committee, which had been discredited and repudiated by the Republican congressional committee in 1910 and through that repudiated committee called a new congressional convention. Seven of the 10 counties in the district absolutely refused

to elect delegates to this rump convention or sent only 28 votes out of a total of 108.

John C. Houk and H. B. Lindsay, contestants, have no claim whatever to seats in the national convention, for the reason that they took part in the county mass conventions called by order of the Austin congressional committee, the regular committee. Having thereby recognized the Austin organization as the regular Republican organization in the district and having taken part in the county conventions called by said organization, they are thereby estopped from attempting to deny the legality of the Austin organization and had no right to organize or take part in any other organization acting in conflict therewith.

DELEGATES FROM TEXAS AT LARGE.

The committee recommends that H. F. MacGregor, W. C. Averille, C. K. McDowell, J. E. Lutz, J. E. Elgin, W. H. Love, W. M. McDonald, and G. W. Burroughs and their alternates be placed on the permanent roll of this convention.

The facts in regard to this are as follows:

The issue in Texas was whether the sentiment of the majority of Republicans in this State should prevail, or whether the boss-ridden machine should be sustained. A primary election held in strict accordance with the Terrell election law of Texas showed that public sentiment was overwhelmingly in favor of President Taft.

In the western part of the State there are over 100 counties which cast approximately 2,000 votes at the last general election. Several of these counties did not cast a single Republican vote. Each one of these counties had the same voting strength in the State convention as a county that had cast as many votes as all these counties put together. It further appeared from proof submitted and affidavits offered in evidence that the organization in those sparsely settled counties was mostly on paper. It was the custom to send blank credentials to some of the counties and these credentials, after being signed by two Republicans as chairman and secretary, without holding a primary election or a county convention, were then returned to the State machine. Throwing out these rotten boroughs, Taft controlled the State convention by a large majority. The State executive committee, which was controlled by Cecil Lyon because of the proxies which he had procured, refused to exhibit any credentials or permit the inspection of the temporary roll of delegates to the State convention.

There was also a postal card exhibited which had been circulated throughout the entire State on which Cecil Lyon, over his signature, raised the lily white issue, and stated that the time had come when the voters were to decide whether the negro or the white man was to rule in the State of Texas.

Col. Lyon took charge of the Republican organization in the State of Texas shortly after 1896, when McKinley received 167,000 votes. Since that date under his leadership the Republican vote in the State steadily decreased with few exceptions, and at the last State election, in the year 1910, there were only 26,000 votes cast in the State, a decrease of 141,000 in 16 years. The Lyon machine is made up largely of postmasters and other Federal officials or their relations, and is entirely run for selfish purposes. There has been no attempt within the last 15 years to build up the Republican Party in the State. Affidavits were produced signed by many county clerks showing that there was no Republican county organization in existence at the time Col. Lyon claimed that delegates from those counties were chosen for the State convention. The national committee decided that the Taft delegates represented the real Republican sentiment of the State of Texas, and that the convention which elected them was justified then in pursuing the course that it did in order to overthrow a boss-ridden machine. These Taft delegates, who placed in proof of the regularity of their election in accordance with the national call of the committee, and who endeavored by their convention to reflect and give effect to public sentiment in the State, were declared the duly and regularly elected delegates to the national convention, and this committee after full hearing confirms the action of the national committee.

T. H. DEVINE, *Chairman.*

MINORITY REPORT.

We, the undersigned, members of the committee on credentials of the Republican national committee, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men was elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men: Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating in and voting upon the questions in any of the contests on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackleford, of Alaska, sitting as members of this committee, for the reason that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

TEXAS.

Delegates at large.—H. F. MacGregor, W. C. Averille, C. K. McDowell, J. E. Lutz, J. E. Elgin, W. H. Love, W. M. McDonald, G. W. Burroughs, and their alternates.

(5) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

TEXAS.

At large.—Cecil A. Lyon, Ed. C. Lasater, H. L. Borden, J. E. Williams, Lewis Lindsay, J. O. Terrell, J. N. McCormack, Sam Davidson, and their alternates.

The minority of the credentials committee finds that the delegates at large from the State of Texas headed by Cecil A. Lyon are duly elected delegates to the national convention, in that they have complied in every particular with the rules of the national committee and the laws of the State of Texas, and submits that the evidence adduced before the credentials committee, and prior to that before the national committee, presented the following facts, each and every one of which is substantiated in full by affidavits in every particular.

There are 249 counties in the State of Texas. There are in that State some counties which are unorganized either under the laws of the State of Texas or under the rules of the Republican State committee of that State, and, further, that some counties did not comply with the rules of the State committee which required that sworn credentials be filed not later than May 14, 1912. We find, however, that 209 counties have complied in every respect with the call of the national committee and with the laws of the State of Texas, and that these credentials properly sworn to by the permanent chairmen of said conventions were presented in evidence before the national committee and the credentials committee. We find that, in compliance with the laws of the State of Texas, which are in accord with the rules of the national committee, the State committee of Texas assembled in Fort Worth, Tex., on Monday, May 27, and that contests from 17 counties were reported. This statement was substantiated by the sworn statement of the acting secretary of the State committee, which affidavit was presented in evidence. The State committee referred these contests to four subcommittees, which were composed of adherents of Mr. Roosevelt and Mr. Taft, and that extended hearings were given these contests. The subcommittees reported to the State committees as a whole, and the reports of all subcommittees were unanimous except one, and in that subcommittee the Taft member of the subcommittee presented a minority report differing on two counties with the finding of the majority of the subcommittee.

Two members of the State committee then gave notice of protest on nine counties, and these protested nine counties were referred to a subcommittee composed of Roosevelt and Taft members, and that this subcommittee held two meetings, and though the Taft member of the subcommittee gave verbal notice to the members of the State committee who had filed said protest that the subcommittee was in session, no person appeared at any time to contest the right before said committee of the persons whose credentials had been reported as regular by the secretary of the State committee.

The State committee then completed the temporary roll of the State convention, signed by 29 of the 31 members of the State committee, 3 of whom were supporters of President Taft. Two members of the State committee then gave notice that a minority report would be presented to the State convention, and the committee adjourned, all of which statement was substantiated before the national committee and the credentials committee.

The State convention met at 11 a. m. on May 28, 1912, and the report of the State committee was presented, but no minority report was ever presented at any time, and this fact is substantiated by sworn statement of the secretary of the State convention, which facts were presented to the credentials committee.

There were present and voting in the State convention 176 out of a possible 209 counties in the State convention which elected delegates to this convention.

We find that a rump convention was held which elected delegates to this convention and which have been seated by the national committee; and we find, further, that by evidence presented before us that not to exceed 2 members of the State committee could have been present at said meeting, nor could there have been represented more than 33 out of the 249 counties. The rump convention never called a roll of the convention, as is shown by the newspaper reports and by the affidavit of the reporters who reported said convention. We further find that speakers on the floor of said rump convention recognized the Republican State convention of Texas, then in session in another part of town, in their speeches on the floor of said rump convention; and further find from said newspaper reports that the business of said rump convention was participated in by people who were not even delegates to the convention and that no attempt was made to separate delegates from spectators.

We also find that after it assembled the said rump convention attempted to change the basis of representation in said rump convention, in defiance of the laws of the State of Texas, all of which is fixed under paragraph 121, as amended, of the election laws of the State of Texas, that one delegate vote for each 500 votes or major fraction thereof cast for the party's candidate for governor in the preceding general election.

We further find that among the delegates at large seated from the State of Texas on this temporary roll H. F. MacGregor, who was one of the organizers and was State chairman of what was known as the Lily-White organization, which denied to any negro the right to participate, and that said MacGregor at least appeared before one national convention demanding seats for his Lily-White Party as delegates in said national convention, all of which was denied him. We further find that another delegate at large seated by the national committee is J. E. Elgin, who has been first a Democrat, then a Greenbacker, then a Populist, and then a Republican, who, since the first of this year, stated in a public interview that if Taft were the nominee he would support the Democratic ticket. We further find a C. K. McDowell seated as a delegate at large in this convention, at present the Democratic county judge of Valverde County, Tex., and was elected on the Democratic ticket and is now a candidate for reelection subject to the action of the Democratic primaries. We further find W. M. McDonald also seated as a delegate at large in this convention, who has on two occasions bolted the State ticket, and as late as the last gubernatorial election in Texas advocated the nomination of the Democratic candidate for governor.

In conclusion, we find that every statement presented to the credentials committee was substantiated by affidavits, shows compliance with the rules of the national committee and the laws of the State of Texas and the Republican State committee of Texas, and we therefore recommend that the delegates at large from Texas, headed by Cecil A. Lyon, be placed upon the roll of this convention as the delegates at large from the State of Texas.

John Boyd Avis, New Jersey; W. S. Lauder, North Dakota; Jesse M. Libby, Maine; Clency St. Clair, Idaho; Robert R. McCormick, Illinois; John J. Sullivan, Ohio; A. V. Swift, Oregon; D. J. Norton, Oklahoma; Lex N. Mitchell, Pennsylvania; H. E. Sackett, Nebraska; Hugh T. Halbert, Minnesota.

MINORITY REPORT.

Unable to agree with the majority report or the other minority report of the committee on credentials the undersigned member of the committee submits the following minority report:

The facts in the contest from the State of Texas differ from those of any other contest.

In much more than a majority of the contests presented by the Roosevelt forces, which occupied the attention of the national committee for days, the vote was unanimous in seating the Taft delegates. In other cases, involving the smaller part of the contests, there was room for doubt, and in our judgment, in part, the Taft delegates have been rightfully seated and, in part, the Roosevelt delegates have been wrongfully denied their seats.

For example, it appears that in the thirteenth Indiana district the Taft forces elected the chairman and regularly organized the convention by the narrow margin of one-half vote. Thereupon the Roosevelt delegates created such noise and confusion, lasting for hours, that the transaction of business was impossible. It appears, on the other hand, that the Taft forces were enabled to transact the necessary business and elect their delegates. The opposition to the proceedings, resulting in the election of the Taft delegates, was nothing less than a deliberate attempt to create a state of anarchy, and under the circumstances we do not feel that the Roosevelt delegates were entitled to seats against the Taft delegates.

In the Washington case the Taft delegates were elected at the regularly appointed time and place. To effect this, however, it is claimed they barred the windows and doors, and threw a cordon of police around the building to prevent the entrance of the Roosevelt delegates. It fairly appears from the evidence that the Roosevelt delegates excluded from the hall constituted a majority of the lawful delegates, and they subsequently organized and held a convention, at which 14 Roosevelt delegates were elected.

Including all the cases so legitimately in doubt, the Roosevelt forces have only asked that the right to vote be denied to 72 contested delegates.

The time allowed for consideration of contests, even under the liberal practice of the credentials committee, can not possibly afford opportunity to determine the full merits of individual cases.

While probably many of these contests should be decided in favor of the Taft forces, there are, in my judgment, enough which should rightfully be decided against them to deprive either the Taft or the Roosevelt forces of the majority necessary to the action of this convention. The manner in which these contests have been presented and decided, inherent in the present system, should not be permitted to prevent justice being done so far as the merits may fairly be determined and the control of the convention left in the hands of delegates whose rights to seats in the convention has been clearly proven.

In my opinion the Texas contests should be decided in favor of the contestants. In the contests on delegates at large it is clearly established that the statutes of Texas, the party regulations of that State and of the Republican national convention were fully complied with. The contestants had a large majority in the State convention. Contests were duly heard and, with one exception, unanimously determined. There was no evidence of intimidation or use of force. The entire proceedings of the convention were regular and orderly. The contests with regard to some district delegates present other features, but in the main the same situation is presented. Charges and countercharges of bad motives have been made before the national committee and before this committee and this convention. Most of these are unfounded. In our opinion the Texas case stands out conspicuously as the one in which expediency is the controlling factor in the decision of the majority.

Neither Taft nor Roosevelt have enough lawfully elected delegates to control this convention. The seating of Taft delegates from Texas is clearly an assumption by the minority—i. e., the minority without Texas—of the rights of the majority for the purpose of such control.

I recommend and insist that justice, fairness, and party success all demand the seating of the contesting delegates from Texas.

SAMUEL H. CADY, *Wisconsin.*

MAJORITY REPORT.

FIRST TEXAS DISTRICT.

The committee recommends that Phil E. Baer and Richard B. Harrison and their alternates be placed on the permanent roll of the convention.

The committee find and so report to this convention that the above-named delegates were duly elected by the regularly called convention, and that after certain voters had participated in this regularly called convention, they, constituting only a small minority of the convention, withdrew and held another convention and elected other delegates who have contested the seats of the above-named delegates. After a full hearing, your committee report and recommend that the above-named delegates now on the temporary roll, namely, Phil E. Baer and Richard B. Harrison, be transferred to and placed upon the permanent roll.

T. H. DEVINE, *Chairman.*

SECOND DISTRICT OF TEXAS.

The contestants here claimed to have been elected by a convention held at Nacogdoches on May 17, 1912. The evidence disclosed conclusively that this alleged convention consisted of six men, who met in the mayor's office in that city behind locked doors. This appeared upon the testimony of the mayor himself, who sought to gain admission to his own office, by that of the local constable in attendance at the city hall and the names of the persons present were given in the affidavit of the stenographer to whom records of this assembly were dictated.

The convention which we believe unquestionably to have been the regular convention was in session and very largely attended

in the city hall at the time this "rump" was being held in the mayor's office. Affidavits from the judge for the county, mayor of the city, the city attorney, as well as of the officers of the regular convention, showed that its proceedings were in all respects in accordance with party and parliamentary usage. It remained in session for upward of three hours and completed the business for which it was called in every respect.

The circumstances preceding the convention so far as important are as follows:

The regularly elected district chairman was appointed to office and, in accordance with the Texas law, resigned his chairmanship. The chairman of the State central committee appointed a new chairman in his place. Disregarding this action, the secretary of the committee, upon the written request of the majority of the committee, called a meeting which was held at Beaumont, Tex., on April 16, 1912, and C. L. Rutt was elected chairman, and a district convention to nominate delegates to the national convention at Chicago was called to meet at Nacogdoches on May 17, 1912, and due notice was given thereof by publication and otherwise. In the meantime, E. G. Christian, who has been appointed, as above stated, by the chairman of the State central committee, without calling the committee together, called a convention to meet in Lufkin, Tex., May 16, 1912. No publication of this call was made, and Mr. Christian, again, without calling the committee together, changed the date of his call to May 17 and the place at Nacogdoches. No publication of this change was made. The congressional district committee met on the 17th of May before the assembling of the convention, Mr. Christian being present with them, and Mr. Rutt presided and made up the temporary roll of the convention and nominated Mr. George W. Eason for temporary chairman. No contest was presented, though notice was given that a contest from Jefferson County would be presented to the committee on credentials.

The convention was called together by the chairman of the district committee and elected Mr. Eason as temporary chairman and appointed a committee on credentials. That committee reported the roll of delegates, settling the dispute in Jefferson County in favor of the delegation headed by Col. W. C. Averille. This report was accepted by the convention, and at this point the delegates from 5 out of the 14 counties retired from the hall and repair to the mayor's office, where the "rump" convention already described was held.

It was not contended that the convention originally called by Mr. Christian alone had any validity, and we find that there was no justification for the bolt from the convention regularly called and held.

Accordingly, we report that C. L. Rutt and George W. Eason, delegates, and H. M. Smith and R. E. Troutman, alternates, be given seats in this convention and the report of the national committee on this contest be confirmed.

The vote in the national committee on this district contest was unanimous, and there was no request for a roll call.

T. H. DEVINE, *Chairman.*

THIRD DISTRICT OF TEXAS.

In this district there was a contest between the Taft and the Roosevelt delegates. The national committee decided in favor of the Roosevelt delegates. The Taft delegates have made no protest against this action of the national committee. Your committee recommends that the Roosevelt delegates from this district be placed on the permanent roll.

T. H. DEVINE, *Chairman.*

FOURTH TEXAS DISTRICT.

The committee recommends that A. L. Dyer and M. O. Sharp, delegates from the fourth congressional district of Texas, and their alternates, D. A. Ryan and F. C. Allen, be transferred from the temporary roll of this convention to the permanent roll. The following facts, proven conclusively to this committee, show their absolute title to seats as delegates in this convention:

The fourth congressional district of Texas consists of five counties, each entitled to one vote in the congressional convention. Only one county, Rains, elected an uncontested delegate. There were two sets of delegates from Collin, Grayson, Hunt, and Fannin Counties. In the call, which was regularly and properly issued for this convention, no provision was made for the hearing of contests or the making of a temporary roll of the convention. Representatives from each of the four counties sending contesting delegations made an effort to appear before the congressional committee and present their claims for seats in the convention. The congressional committee arbitrarily refused to hear anybody. The contesting delegates then appeared before the credentials committee, but this committee refused to examine the evidence. The contestants then were permitted to make a statement on the floor of the convention, but no vote was permitted to be taken as to the merits of their claims. Having exhausted every effort to secure a hearing, the four contesting delegations, together with the only uncontested delegation in the convention, withdrew to another place and held a convention.

Your committee has examined the evidence relating to the delegations in the four counties wherein contests existed, and find that in Collin County the control of the county turned upon one precinct where the Taft men were in undisputed control and elected delegates who were refused seats in the county convention. Had the properly elected delegates been seated, Collin County would have elected an uncontested Taft delegation to the congressional convention.

In Grayson County, in precinct No. 1, by the aid of State militia, the negro Republicans were kept out of the convention until all business had been transacted. In precinct No. 2, delegates were seated who had been elected improperly by a "rump" convention, and the Taft delegates elected according to the call were not seated. Properly seated, Grayson County would have elected a Taft delegation to the congressional convention.

In Hunt County a largely similar set of circumstances prevented the seating of Taft delegates, although Taft sentiment largely predominated. In Fannin County the Taft delegates were regularly elected, but were refused seats in the congressional convention, which seated delegates elected by a mass convention.

Your committee finds that the said M. O. Sharp and A. L. Dyer were elected delegates by a congressional convention in which sat the only uncontested delegation of the district and the delegates who were lawfully elected to the congressional convention, and that these men rightly and justly are entitled to these seats.

T. H. DEVINE, *Chairman.*

FIFTH TEXAS DISTRICT.

The committee on credentials recommends that Eugene Marshall and Harry Beck and their alternates be placed upon the permanent roll of the convention.

The committee gave a full hearing, both to the contestees and the contestants, and the facts developed are as follows:

The convention at which the above-named delegates were elected was regularly called by the congressional chairman of this district. All the five counties in this (fifth) congressional district were represented by delegates. After the convention was assembled and called to order the delegates from one county, Bosque County, separated themselves from the other delegates. The delegates, however, from the four remaining counties participated in the regular convention and duly elected the above-named delegates.

We therefore report that Eugene Marshall and Harry Beck, whose names were placed and are on the temporary roll of this convention, were duly elected, and recommend that they be transferred to and placed upon the permanent roll of this convention.

T. H. DEVINE, *Chairman.*

SEVENTH TEXAS DISTRICT.

The committee recommends that J. H. Hawley and H. L. Price, delegates, and their alternates, D. W. Wilson and T. G. W. Tarver, be placed on the permanent roll of the convention. The committee find and report that the above-named delegates and alternates were duly elected by the regularly called convention of that district after publication was made as required by the call of the national convention.

The committee further find that the contesting delegation was elected by a convention held without authority of law. The facts of this matter are as follows:

The seventh congressional district of Texas is composed of the following counties: Anderson, Chambers, Galveston, Houston, Liberty, Polk, San Jacinto, and Trinity. The counties of Polk, San Jacinto, and Trinity were without proper party organization and are what is known in Texas as unorganized counties and not entitled to participate in convention under the laws of Texas. The regular convention was called to meet in Galveston on April 9, 1912. The executive committee met prior to the meeting of the convention to make up the temporary roll.

Certain persons claiming to represent the three unorganized counties, namely, Polk, San Jacinto, and Trinity, asked to have their names placed on the temporary roll. Inasmuch as none of these counties were properly organized according to the laws of Texas, and inasmuch as these representatives had no credentials showing that they were entitled to represent the said counties, it was decided by the executive committee not to place them on the temporary roll. Thereupon Mr. Clinton,

from Houston County, and the representative from the three unorganized counties, withdrew from the meeting during the session of the executive committee and proceeded to organize another convention, wholly without authority, and sent a contesting delegation to this convention. When the convention met a committee on credentials was appointed, which passed on all contests, but these representatives of the three unorganized counties did not present their claims to this committee, nor did they appear in the regular convention to present their claims thereto, although repeatedly invited to do so.

T. H. DEVINE, *Chairman.*

EIGHTH TEXAS DISTRICT.

The committee on credentials report that they have examined the evidence submitted in the contest in the eighth congressional district of Texas, and from their finding of the facts recommend that C. A. Warnken and Spencer Graves and their alternates, E. L. Angier and David Abner, be transferred from the temporary roll to the permanent roll of this convention. Your committee is satisfied that these men are the lawfully and regularly elected delegates to this convention.

T. H. DEVINE, *Chairman.*

NINTH TEXAS DISTRICT.

The committee recommend that Covey M. Hughes and Mack M. Rodgers and their alternates be placed upon the permanent roll of this convention. The above-named delegates and their alternates are now upon the temporary roll of the convention.

After a full hearing by your committee they report the facts to be as follows:

The congressional chairman refused, in writing, to call a meeting of his congressional executive committee for the purpose of calling a congressional convention, and, as the time limit required by the Republican national committee was about to expire, the majority of the congressional executive committee duly called a convention, which was regularly held at the city of Victoria, a central location of this (ninth) district.

Eleven counties out of fifteen responded to the call and participated in this convention and duly elected the above-named delegates and their alternates.

The committee determined that this was the regular convention, and recommend that the above-named delegates, Covey M. Hughes and Mack M. Rodgers, be transferred from the temporary roll and placed upon the permanent roll of this convention.

T. H. DEVINE, *Chairman.*

TENTH TEXAS DISTRICT.

The committee recommends that H. M. Moore and F. K. Welch, delegates from the tenth Texas district, and their alternates be transferred from the temporary roll of this convention to the permanent roll. The following facts were conclusively proved:

H. M. Moore and F. L. Welch, delegates, and L. R. Whiting and J. M. Clark, alternates, as contestants for seats in the Republican national convention, claim that they are the rightfully elected delegates and entitled to recognition. The election laws of Texas do not provide for congressional conventions for the election of delegates to the national convention. The authority and call of the district convention were in accordance with the national call of December 11, 1911. The call was made unanimous on the part of the executive committee of the district. The committee in its action was unanimous, and William H. Taft was unanimously indorsed as the choice of said committee for the Republican nomination.

On the 11th of May, 1912, the date set for the district convention, there was held a meeting of the executive committee prior to the regular convention. The contesting credentials from Lee, Travis, and Washington Counties were refused in the temporary organization, and upon the question of irregularity of election the delegates from Hays County were refused seats in the temporary organization. The vote stood four counties to four, and the chairman, H. M. Moore, casting the deciding vote. The motion to seat Hays County was reconsidered by motion of William Anderson, of Bastrop County, and upon the vote being taken, Bastrop County changing its vote to seat the Hays County delegation, resulted in five for and three against.

Upon motion for a temporary chairman a Roosevelt delegate and a Taft delegate were placed in nomination. The roll call showed five to three for the Roosevelt delegate, who was declared the choice of the convention for temporary chairman, the ballot being the same as in the case to admit Hays County delegates. The executive committee then adjourned, and the convention was called to order by H. M. Moore, district chairman. The finding of the executive committee was announced with reference to the seating of delegates and announcement was made of a violation of instructions by D. H. Kennerly, proxy for M. R. Hoxie, chairman of Lee County.

As the committee had seated Roosevelt delegates, they adopted the report of the executive committee and the Taft delegates withdrew, and in the same building went into organization by the election of a temporary chairman and temporary secretary. The committee on credentials was appointed, and the attendance of the delegates noted. The committee on resolutions made its report in favor of President Taft and delegates were instructed for President Taft's renomination. The committee reported delegates from six of the eight counties at the Taft convention, with additional delegates from their respective counties.

The delegates at the Roosevelt convention represented counties in which there was an overwhelming Taft sentiment, and these delegates were understood to be in accord with this sentiment. Had William Anderson, the delegate of Bastrop County, and D. H. Kennerly, proxy for M. R. Hoxie, chairman of Lee County, properly represented their counties, these contestants would have been the regularly elected delegates from the tenth Texas district. D. H. Kennerly and M. R. Hoxie were uninstructed delegates from Lee County.

Letters submitted herewith, as well as affidavits, show that William Anderson was in full accord with the Taft voters, and that he admitted that he was in error when he voted to seat the delegates from Hays County. William Anderson is a negro school-teacher, and the Roosevelt delegate for whom he voted as temporary chairman of the convention is a member of the school board in the city where Mr. Anderson teaches.

Letters and affidavits submitted herewith show that D. H. Kennerly and M. R. Hoxie favored President Taft, from which it is evident that Mr. Kennerly by voting in the Roosevelt convention violated his trust reposed in him by said Hoxie.

With reference to Hays County, the entire proceedings were illegal and void. The delegation from Hays County consequently should not have been taken into consideration in connection with the congressional convention, as shown by the argument submitted under the title of Hays County.

Therefore, if Hays County delegates were refused admission because of illegality and had not both William Anderson and D. H. Kennerly betrayed their trust there would have been no contesting delegation in the tenth district.

T. H. DEVINE, *Chairman.*

FOURTEENTH TEXAS DISTRICT.

The committee recommends that J. M. Oppenheimer and John Hall, whose seats are being contested by Harrison and Penniger, be seated. The committee finds and reports to this convention that the above-named delegates were duly and properly elected by the regularly called convention, and they are entitled to represent the fourteenth district; and recommends that said Oppenheimer and Hall and their alternates be placed on the permanent roll of this convention.

T. H. DEVINE, *Chairman.*

MINORITY REPORT.

We, the undersigned members of the committee on credentials of the Republican national convention, hereby submit the following report:

(1) We protest against the action of the following members of the committee in sitting upon and participating in the actions of the committee, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that each of these men were elected by entire delegations whose seats are contested.

(2) We protest against the action of the following men, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, from participating and voting upon the questions in any of the contests, on the ground that they are in effect sitting as judges in their own cases.

(3) We protest against Mr. Thomas H. Devine, of Colorado; Mr. Fred. W. Estabrook, of New Hampshire; and Mr. Henry Blun, jr., of Georgia; Mr. L. B. Moseley, of Mississippi; and Mr. L. P. Shackelford, of Alaska, sitting as members of this committee, for the reasons that they were members of the national committee and participated in its deliberations and actions.

(4) We find that the following persons reported upon by the majority of the members of this committee are not entitled to their seats in this convention and should not be placed upon its permanent roll:

TEXAS.

Fourth district delegates.—A. L. Dyer and M. O. Sharp and their alternates.

Fifth district delegates.—Eugene Marshall and Harry Beck and their alternates.

Seventh district delegates.—J. H. Hawley and H. L. Price and their alternates.
Eighth district delegates.—C. A. Warnken and Spencer Graves and their alternates.
Ninth district delegates.—C. M. Hughes and M. M. Rodgers and their alternates.
Tenth district delegates.—H. M. Moore and F. L. Welch and their alternates.
Eleventh district delegates.—T. J. Darling and B. G. Ward and their alternates.
Fourteenth district delegates.—J. M. Oppenheimer and John Hall and their alternates.

(3) And we further report that in place of the said persons the following persons were duly elected and are legally entitled to seats in this convention and should be seated and accredited to their respective States and districts, as follows:

TEXAS.

Fourth district delegates.—R. H. Crabb and R. F. Akridge and their alternates.
Fifth district delegates.—W. B. Franks and O. E. Schow and their alternates.
Seventh district delegates.—G. W. Burkitt, sr., and C. A. Clinton and their alternates.
Eighth district delegates.—W. A. Matthael and E. W. Atkinson and their alternates.
Ninth district delegates.—J. M. Haller and F. R. Korth and their alternates.
Tenth district delegates.—M. M. Turney and H. C. Stiles and their alternates.
Eleventh district delegates.—C. C. Baker and J. W. Cocke and their alternates.
Fourteenth district delegates.—G. N. Harrison and Robert Penniger and their alternates.

LEX N. MITCHELL, Pennsylvania.
J. BOYD AVIS, New Jersey.
JOHN J. SULLIVAN, Ohio.
H. E. SACKETT, Nebraska.
ROBERT R. MCCORMICK, Illinois.
HUGH T. HALBERT, Minnesota.
CHAS H. COWLES, North Carolina.
WM. NOBLE, proxy, Oklahoma.
A. V. SWIFT, Oregon.

MAJORITY REPORT.

FIFTEENTH DISTRICT OF TEXAS.

In this district there was a contest between the Taft and the Roosevelt delegates. The national committee decided in favor of the Roosevelt delegates. The Taft delegates have made no protest against this action of the national committee. Your committee recommends that the Roosevelt delegates from this district be placed on the permanent roll.

T. H. DEVINE, *Chairman.*

FIFTH VIRGINIA DISTRICT.

The committee recommends that S. Floyd Landreth and A. H. Staples, delegates from the fifth congressional district of Virginia, and their alternates be transferred from the temporary roll of this convention to the permanent roll.

The following facts, proven conclusively to this committee, show their absolute title to seats in this convention:

The said S. Floyd Landreth and A. H. Staples and their alternates were selected by a delegated convention of the Republicans of the fifth district of Virginia, which met at Rocky Mount, Va., on March 9, 1912; that said convention was truly representative of the voters of that district and was assembled in response to the call of the only Republican organization in said district.

That the delegation composing said convention were duly selected and not contested in any particular.

The contestants selected in this district were selected by a mass meeting, called without authority from any organization, and was not representative in its make up in this, but a small part of the counties and cities in said district were represented in said mass meeting.

There was no discrimination in this district against the colored man.

MAJORITY REPORT.

WASHINGTON CONTESTS.

The committee on credentials reports as follows relative to the contests from the State of Washington:

DELEGATES AT LARGE.

Under a call regularly issued by the Republican State committee, delegates from the various counties of the State of Washington were selected to attend a State convention to be held at Aberdeen, in that State, on the 15th day of May, 1912. As soon as a Taft delegation was named in any county the Roosevelt forces initiated a contest therein, until something over 50 per cent of all the delegates to the State convention were contested.

By direction of the State committee the various county chairmen and chairmen of contested delegations forwarded to the State committee their several credentials of delegations, said committee having been regularly called to meet at Aberdeen on the 14th day of May, 1912. Upon said date said committee met and considered the various sets of credentials and heard arguments for and against the same and prepared a temporary roll of delegates to the State convention. The convention was regularly called to order at the time and place specified in the call and the delegates to the national convention known as the Taft delegates were duly and regularly named, said delegates at large being the ones placed upon the temporary roll of this convention by the national committee.

A majority of the delegates placed upon the temporary roll of said State convention attended said convention and participated. The various Roosevelt delegations placed upon said temporary roll by said State committee neither attended said State convention nor asked admission thereto, but on said 15th day of May, together with various other persons, met in another hall in the city of Aberdeen and selected the various contesting Roosevelt delegations to the national convention.

Under the law of the State of Washington various county party organizations are authorized to select delegates to county and State conventions or to provide for the election of such delegates through the caucus and primary method. There is no preferential primary laws in the matter of the selection of presidential electors or delegates to national conventions in the State of Washington. In several of the counties delegations to the State convention, which were uncontested were selected by the county committees, some of them being Roosevelt and some Taft delegations. In not to exceed five counties a sort of preferential primary was held; in this, that names of various candidates for the presidential nomination were placed on the ballot, part of them resulting in Taft delegates and part of them for Roosevelt.

In the matter of the delegation from Chelan County, which delegation is claimed to have been contested, we find that no credentials were filed with the State committee except by the Taft delegation, and that the said Taft delegation was placed upon said temporary roll without objection.

In the matter of the Asotin County delegations to the State convention, we find that that county committee of said county duly and regularly selected the Taft delegation to said convention under the existing law.

In the matter of the contesting delegation from King County to said convention, we find that the county committee of said county, by resolution, duly and regularly passed, delegated to its executive committee all of its powers and functions, under which resolution said committee selected a Taft delegation to the State convention. The chairman of said committee, however, called a meeting of the whole county committee, consisting of 250 members, said chairman being leader of the Roosevelt forces in said county. At the time of the meeting of said committee said chairman allowed only those to enter the hall where said meeting was to be held as in his judgment were entitled to enter, and when the Taft members of said committee entered said hall it was discovered that said chairman had illegally and intentionally packed said meeting with 131 men not elected as members of said county committee and who had no right to participate in said meeting. On the calling of said meeting to order and the naming of the credentials committee by said chairman, and upon a report of said committee to the effect that all persons in said room were lawful members of said committee and entitled to participate in said meeting, and, upon a motion to adopt the report of said committee, demand for roll call was had, which was denied by said chairman.

Immediately the meeting broke into a riot, during which time the chairman of said meeting and others stood upon the platform of said hall and waved certain papers and documents back and forth, which were afterwards announced to have been resolutions. No one in said room could hear a single word spoken. No resolution was heard read and no one voted or could vote upon any resolution. In a short time the meeting ended, every one leaving the room without any business having transpired. The newspapers the following day contained the statement that certain resolutions were passed at said meeting removing said executive committee and directing said chairman,who had so unlawfully packed said meeting, to issue a call for primaries and a county convention for the purpose of selecting delegates to the State convention. Said purported resolution contained a direction to said chairman to name a credentials committee to make and prepare a temporary roll of said convention. Said Roosevelt forces then issued a notice calling for said primaries, which said notice did not in any respect comply with the mandatory provisions of the law. So-called primaries were then held by said Roosevelt forces in conjunction with the Democrats, all judges for said primaries being named by said chairman, and no caucuses were held as provided by law. All returns from said primaries were made to said chairman and kept by him, and according to his own report out of about 100,000 qualified electors of said King County but 6,900 participated. The Taft people refused to participate in said illegal and unlawful primaries, and said executive committee, acting upon the theory

that it had not been removed, because no lawful business was or could have been transacted at said county committee meeting and prior to said so-called primaries, thereupon named under the law a Taft delegation to said State convention.

In brief, your committee finds as its conclusions herein that the temporary roll as prepared by said State committee was lawfully and correctly prepared, and further, that if it were incorrectly prepared and that any of said contests had been incorrectly decided by said committee that said Roosevelt delegations to said State convention entitled to sit therein waived all rights by not appearing and requesting admission; and

That the delegates at large from said State of Washington to the national convention, placed upon the temporary roll of said convention, were duly and regularly elected to this convention and entitled to be placed on the permanent roll thereof, and it is the recommendation of this committee that the same be done.

MINORITY REPORT.

We, the undersigned members of the committee on credentials of the Republican national committee, hereby submit the following report:

We clearly find that both through the expression of the preference of the Republican voters of the State of Washington by presidential primaries and by delegates selected by regularly called conventions, that the contesting delegates for Theodore Roosevelt should be seated.

We base our report on the undeniable facts that out of the 668 delegates to the State convention the Roosevelt delegates had a clear majority both of uncontested and contested delegates.

This contest is a trumped-up one and is not based upon any solid foundation of law or facts.

That in the judgment of the undersigned members of the credentials committee the failure to seat the contesting delegates would be an act of gross and palpable injustice.

We find, therefore, that the following persons reported upon by the majority of the members of this committee are not entitled to seats in this convention and should not be placed upon its permanent roll:

State at large.—Delegates: Howard Cosgrove, R. M. Condon, E. B. Benn, William Jones, W. T. Dovell, Peter Mutty, M. E. Field, A. D. Sloane. Alternates: A. G. Tillingham, John T. Phillips, George R. Cortier, W. E. Peters, Mowman Stevenson, Alex Miller, C. P. House, Josiah Collins.

First district.—Delegates: Hugh Eldridge, Patrick Halloran. Alternates: A. E. Mead, L. P. Hornberger.

Second district.—Delegates: F. H. Collins, E. B. Hubbard. Alternates: C. A. Taylor, Alexander Polson.

Third district.—Delegates: C. C. Case, W. N. Devine. Alternates: T. N. Henry, E. E. Yarwood.

We therefore find that the following persons are entitled to seats in this convention, and should be placed upon its permanent roll:

State at large.—Delegates: MILES POINDEXTER, Thomas F. Murphine, S. A. D. Glasscock, Robert Moran, Donald McMaster, O. C. Moore, W. L. Johnson, N. S. Richards. Alternates: C. E. Congleton, Wheeler Nance, W. T. Beeks, E. R. Brady, D. W. Noble, William Lewis, F. J. Wilmer J. T. Phillips.

First district.—Delegates: Frank R. Pendleton, James A. Johnson. Alternates: J. C. Herbsman, Herbert E. Snook.

Second district.—Delegates: Thomas Crawford, Thomas Geisness. Alternates: H. A. Espy, George F. Hanigan.

Third district.—Delegates: L. Roy Slater, T. C. Elliott. Alternates: J. C. Keller, J. A. Lanhan.

H. E. SACKETT, Nebraska.
JOHN J. SULLIVAN, Ohio.
LEX N. MITCHELL, Pennsylvania.
HUGH T. HALBERT, Minnesota.
CLENCY ST. CLAIR, Idaho.
JESSE A. TOLERTON, Missouri.
D. J. NORTON, Oklahoma.
JESSE M. LIBBY, Maine.
JOHN BOYD AVIS, New Jersey.
A. V. SWIFT, Oregon.
B. A. ECKHART, Illinois.

Without subscribing wholly to the foregoing statement of facts, I recommend the seating of the delegates from the State of Washington headed by MILES POINDEXTER.

SAMUEL H. CADY, Wisconsin.
HARRY SHAW, West Virginia.
B. A. ECKHART, Illinois.

REPORT OF THE COMMITTEE ON CREDENTIALS ON ALL DELEGATES ON THE TEMPORARY ROLL WHOSE SEATS HAVE NOT BEEN CONTESTED BEFORE THE COMMITTEE ON CREDENTIALS.

The committee on credentials further report to this convention that they have now reported its recommendations on all contests brought before it, and your committee now report and recommend to this convention that all other delegates from any State or Territory and the District of Columbia and the insular possessions that have been heretofore placed on the temporary roll by the Republican national committee be now transferred to and placed upon the permanent roll of this convention.

T. H. DEVINE, *Chairman.*

Oregon and California Land Grant Suit.

EXTENSION OF REMARKS
OF
HON. A. W. LAFFERTY,
OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: The following letter, addressed by me to the junior Senator from Oregon, Mr. CHAMBERLAIN, touching H. R. 22002, relating to the Oregon and California land grant suit, which bill is now pending in the Senate, is self-explanatory:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 14, 1912.

Hon. GEORGE E. CHAMBERLAIN,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Saturday afternoon, August 10, my colleague, Hon. W. C. HAWLEY, called up the bill H. R. 22002, relating to the Oregon land grant suit, and procured its passage through the House by unanimous consent.

It was my purpose when the bill was reached on the calendar to offer the following amendment:

Strike out all of section 2 and insert the following in lieu thereof:

SEC. 2. That the acts of Congress making the grants of land upon which any or all of the aforesaid suits in equity, actions at law, or other judicial proceedings were instituted are hereby amended to the extent that it shall be unlawful after the date this act shall take effect for any person to settle upon or attempt to acquire any rights to any of the lands involved therein until rules and regulations prescribing the manner in which settlement may be made or rights acquired shall be duly made and promulgated in accordance with this act. In any case where a decree of forfeiture in favor of the United States shall become final, without any right of appeal therefrom (except as provided in section 4 of this act) the President shall by proclamation open to settlement, location, and entry under the general public-land laws the lands so forfeited to the United States: *Provided*, That the President may, in his discretion, open any or all of said lands that may be subject to homestead entry in tracts not exceeding 40 acres to one entryman: *Provided further*, That persons who shall make homestead entry of any of said lands shall, in addition to the requirements of the homestead law, be required to pay the sum of $2.50 per acre therefor at the time of submitting final proof: *And provided further*, That if the final judgment or decree rendered in any of the aforesaid suits in equity, actions at law, or other judicial proceedings shall adjudge or decree enforcement of the terms of the particular act of Congress upon which such suit, action, or other judicial proceeding is or shall be based, and shall not adjudge or decree a forfeiture, it shall be the duty of the court to formulate suitable rules and regulations for the disposal of the lands involved in any such suit, action, or other judicial proceeding in an orderly manner through the medium of a receivership to actual settlers only in quantities not greater than a quarter section, or 160 acres, to any one settler and for prices not exceeding $2.50 per acre: *And provided further*, That all lands within the present exterior boundaries of any national forest which may revert to the United States through a decree of forfeiture in any of the aforesaid suits in equity, actions at law, or other judicial proceedings shall immediately attach to and become a part of such national forest.

Since the bill has passed the House and gone to the Senate, I beg to request that you offer the foregoing amendment when the bill comes up on the floor of the Senate.

Section 2 of the pending bill is directly the opposite of section 2 of the original bill introduced by me. And it is directly the opposite of Senate bill 5885, introduced by Senator BOURNE and favorably reported by yourself, which is now pending in the Senate as Calendar No. 768.

Please bear in mind that I have been working on this land grant case for over five years, and I hope that you and Senator BOURNE will carefully consider my views touching the importance of the proposed amendment to the pending bill.

In the first place, the land was granted by Congress with the following simple provision:

Provided, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding $2.50 per acre. (16 Stats. L., p. 47, as to East Side lands, and 16 Stats. L., p. 94, as to West Side lands.)

The provision just quoted is the only law by which the nature of the grant can be determined. That law has never been amended or repealed. The Oregon & California Railroad Co., the original grantee of the Government under that law, still holds 2,300,000 acres of the land, unaffected by any claims of innocent purchasers, and as to that particular body of land I claim the law should be enforced.

If the railroad company received an absolute estate upon condition by the provision quoted a forfeiture may be had.

But if the land was merely conveyed to the railroad company in trust by that provision, the remedy for breach of the

trust is enforcement of the terms of the trust, and a forfeiture can not be had.

Recognizing the correctness of these two principles of law, the Attorney General in 1908 filed a bill of complaint in the Federal court at Portland with a double prayer for relief. First, for a forfeiture; and, second, that if a forfeiture should be denied, for a decree of enforcement of the trust, and for the appointment of receivers to take charge of the land and dispose of it in accordance with the terms of the trust.

One year prior to the Government suit 65 citizens of the United States, who had settled upon portions of the unsold land, had filed suits in the same court against the railroad company, setting up that they had made their settlements under the act of Congress here referred to, and that they had duly made tender to the railroad company of the maximum amount it was entitled to receive under the act of Congress, and demanding a decree compelling the railroad company to give them deeds. These settlers were made defendants by the Government in its suit, so that both the forfeiture theory and the enforcement theory of the law will be vigorously presented to the Supreme Court.

Now, let me submit these plain propositions, which are convincing, it seems to me, that the grant was one in trust and not a grant of an absolute estate.

The grantee of an estate upon condition has the right to treat the land absolutely as his own so long as he refrains from violating the condition.

Such grantee incurs the obligation to pay taxes upon the full value of the land as a fee simple owner.

Such grantee may cut every stick of timber from the land, for the law will not presume that there will ever be a breach of the condition.

The grantee may lease the land for 99 years, because there is no presumption that there will be a breach of the condition.

The grantee, and his heirs or successors, holds the land forever and a day so long as he and they refrain from violating the condition.

The condition is merely one of the considerations upon which the grantee is to hold and enjoy the estate.

As a lawyer, you will readily understand that all of these attributes of an estate upon condition are lacking in this case, and that they are repugnant to the terms of the grant.

Now, the following propositions appear to me to clearly show that the grant was a conveyance in trust.

When land is conveyed to a grantee not to be held by himself, but to be conveyed on to other parties, the conveyance is one in trust.

And when such conveyance in trust is made by the Government the grantee incurs no obligation to pay taxes upon the land. This was expressly held by the Supreme Court of the United States in Colfield *v.* McClelland, 16 Wallace, 331.

That this land case is of the highest importance to the Government, as well as to the State of Oregon, goes without saying.

Additional legislation is not absolutely necessary to enable the successful prosecution of the suit now pending.

Therefore, I would not object seriously to the passage of the House bill with section 2 stricken out, as that would leave the 2,300,000 acres of unsold lands in statu quo.

If it is merely desired to protect the purchasers there is no reason why the bill should not be passed with section 2 stricken out.

But if any legislation is to be indulged in at this time touching the unsold lands, it should not be in the form in which section 2 now appears in the bill, which is very objectionable, for the two reasons hereinafter pointed out.

If the bill should be passed with section 2 stricken out, and a forfeiture should eventually result, the President would have power, under the general law, to restore the forfeited lands to entry. But section 2 changes the law and locks the lands up permanently and takes away from the President the power to ever open these lands up, unless affirmative legislation authorizing him so to do should be passed by some succeeding Congress.

It is of the highest importance that the Government shall not, by this legislation, put itself in the attitude of abandoning the position taken in the original granting act that these lands shall eventually be sold to settlers. And section 2 takes just that undesired position by declaring that the lands which may be forfeited to the Government "shall not be subject to disposition of any kind."

These lands are scattered over 18 large counties and should never be put into a forest reserve. They constitute the odd-numbered sections, and farm and orchard lands well improved are now mingled in with them.

The railroad company claims that the lands are essentially timber lands, and not subject to bona fide settlement. Nothing would please the railroad better than for Congress to now pass section 2 of the present bill, thereby impliedly ratifying their false claim in that regard. The lands are very fertile, and in 40-acre tracts would make the finest homes on this or any other continent.

Furthermore, if the lands are not fit for settlement the railroad would be excused for refusing to sell them to settlers. And it is raising that very point as one of its defenses. I think it was very unfortunate that this bill passed the House without full opportunity for discussion by Members, and I hope that you will see to it that such opportunity is had in the Senate.

The only reason that has been offered for putting section 2 in the bill is that it will preclude future settlements being made on these lands pending the litigation; but it does not accomplish that result. If the bill should become a law to-morrow, carrying the present section 2, any citizen so desiring could, on the following or any succeeding day prior to a final forfeiture decree, settle upon any quarter section of the unsold land that he might desire to settle upon. The present section 2 would simply give him notice that he would never acquire any rights "under the public-land laws." But the settler could very well claim that he was not asserting any rights under the public-land laws which have a well-defined meaning, but that he was asserting a claim under the original granting act conveying the lands to the railroad company upon the express provision that they should be sold to settlers.

And it can easily be seen that if the final decree should be enforcement instead of forfeiture that the settler going upon the land between the date of the passage of the pending bill and the date of the final decree would be the first settler on the land, and he would become a beneficiary under the enforcement decree.

My position is that it is desirable that these unsold lands, aggregating 2,300,000 acres, should be disposed of to settlers, either in the event of a forfeiture decree or an enforcement decree. I further recognize the wisdom of placing the unsold lands in such a status that they shall not be subject to location between now and the date of the final decree. If such a result can be obtained by legislation, it would prevent locators from placing people on these lands pending the litigation. It would further guarantee that when the lands finally become subject to entry that all citizens shall have an equal opportunity to acquire them.

My proposed substitute, herewith transmitted to you, if adopted, would accomplish both those results. It provides that after the date the pending bill shall take effect that it shall be unlawful for any person to settle upon or attempt to initiate any rights in reference to the lands until final decree shall be rendered in the suit. The substitute then covers both of the possible exigencies which may accrue as a result of the final decree, to wit, forfeiture or enforcement.

The substitute provides that in case of forfeiture the lands shall be subject to entry and settlement only in accordance with rules and regulations to be set out in a proclamation of the President, and that the President may open the lands in tracts as small as 40 acres if he so desires. And in case the decree shall be enforcement instead of forfeiture, the substitute provides that settlement and entry can only be made after rules and regulations have been prescribed by the receivers appointed by the court, setting forth how such settlement and entry may be made. Under my substitute in either case the lands would be disposed of in an orderly manner to actual bona fide settlers, and the Government is certainly more concerned in bringing about this result than it is in protecting the 45 large purchasers who have heretofore bought 400,000 acres of the land contrary to law.

If the final decree should be enforcement rather than forfeiture, it is of the highest importance that my substitute be adopted so as to afford the court a method of disposing of the lands in an orderly manner through a receivership rather than having a grand rush and possibly physical violence and homicides follow the announcement of the decision of the Supreme Court in favor of enforcement.

I believe that you will agree with me, after considering the arguments set out in this letter, that the final decree will be enforcement instead of forfeiture.

However, I will say that the railroad company wants the issue in the Supreme Court to be forfeiture or nothing. The railroad company feels that it will have some defense to the harsh demand for an absolute forfeiture, but it realizes that it will have no defense to a demand upon the part of the Government that it live up to the law and permit the lands to be sold to settlers.

The Department of Justice doubted whether it had the right to ask for a forfeiture in the first place. That was the reason for procuring the passage of the joint resolution of April 30, 1908, and such is the object of the department in seeking to have section 1 of the present bill enacted into law.

Permit me to direct your careful attention to the fact that the railroad company is now assuming to hold these lands as the absolute owner of an estate and is paying taxes as a fee-simple owner to the 18 counties wherein the lands are located, and also to the State of Oregon.

When in Oregon last fall I suggested to the State officials and the county officials concerned that they discontinue the acceptance of taxes from the railroad company as the fee-simple owner of an estate, pointing out that by so doing they might aid the railroad company in building up its defense. If these lands are to be forfeited to the Government, or if the law is to be enforced requiring their sale to settlers, the county courts of Oregon manifestly should not accept taxes from the railroad company as the owner of the absolute estate.

In conclusion permit me to call your attention to the fact that the Government suit has been pending four years and has not yet been brought to a final decision in the court of first instance. This delay is unfortunate, as it can not help but benefit the railroad company. The company hopes to reduce the litigation to the single issue of forfeiture or nothing, and hopes to be able to exhibit tax receipts in the Supreme Court showing that it has paid taxes of more than $2.50 per acre on the land. At the beginning of the litigation it had paid, all told, less than 30 cents per acre in taxes.

The passage of the pending bill carrying the present section 2 would aid in reducing the issue in the case to one of forfeiture or nothing. The bill, if passed in its present form, would lead to the inference that Congress contemplates that the decision will be forfeiture or nothing, and besides, if the bill be passed in its present form, it will fail to provide for any rules and regulations that are sorely needed for an orderly disposition of the lands through a receivership if the decree should be enforcement. For these two reasons the substitute is imperatively demanded in the interest of the Government.

If the substitute be adopted, the Supreme Court will realize when it comes to consider the case finally that it can safely render a decree for specific enforcement, knowing that no confusion will result, but that the court can provide, under the law proposed by the substitute, suitable rules and regulations, and the court will also know that no settlers can proceed to acquire a tract of the land until such regulations are duly promulgated.

Hoping that you will see fit to offer my substitute for section 2 on the floor of the Senate, I remain, with best wishes and regards,

Very truly, yours, A. W. LAFFERTY.

The Policies and the Record of the Taft Administration.

EXTENSION OF REMARKS

OF

HON. JAMES R. MANN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. MANN said:

Mr. SPEAKER: Under leave granted me to extend my remarks in the RECORD, I include as a part of my remarks an address by Hon. George W. Wickersham, Attorney General of the United States, delivered at Chautauqua, N. Y., as follows:

THE POLICIES AND THE RECORD OF THE TAFT ADMINISTRATION.

[An address before the Chautauqua Institution, Chautauqua, N. Y., Wednesday, Aug. 14, 1912, by George W. Wickersham, Attorney General of the United States.]

William H. Taft was elected President of the United States in 1908 as the candidate of the Republican Party.

The platform or statement of principles adopted at the Republican national convention in June, 1908, declared that:

> This great historic organization that destroyed slavery, preserved the Union, restored credit, expanded the national domain, established a sound financial system, developed the industries and resources of the country, and gave to the Nation her seat of honor in the councils of the world, now meets the new problems of government with the same courage and capacity with which it solved the old.
>
> The platform pointed out the inherent differences between Democracy and Republicanism. "The trend of Democracy is toward socialism, while the Republican Party stands for a wise and well-regulated individualism. Socialism would destroy wealth. Republicanism would prevent its abuse. Socialism would give to each an equal right to take; Republicanism would give to each an equal right to earn. Socialism would offer an equality of possession which would soon leave no one anything to possess; Republicanism would give equality of opportunity, which would assure to each his share of a constantly increasing sum of possession."

In accepting the nomination, Mr. Taft declared:

> The strength of the Republican cause in the campaign at hand is in the fact that we represent the policies essential to the reform of known abuses, to the continuance of liberty and true prosperity, and that we are determined, as our platform unequivocally declares, to maintain them and carry them on.

These policies were summarized in the party platform to be:

> First and foremost a brave and impartial enforcement of the law; the prosecution of illegal trusts and monopolies; the exposure and punishment of evildoers in the public service; the more effective regulation of the rates and services of the great transportation lines; the complete overthrow of preferences, rebates, and discriminations; the arbitration of labor disputes; the amelioration of the condition of wageworkers everywhere; the conservation of the natural resources of the country; the forward step in the improvement of the inland waterways; and always the earnest support and defense of every wholesome safeguard which has made more secure the guaranties of life, liberty, and property.

To the continuance of these policies the party in its platform and Mr. Taft in his acceptance of the nomination pledged themselves. It is my purpose in this address to point out how that pledge has been kept and how the administration is now proceeding to the continued application and development of those principles, by process of orderly growth and development, meeting known abuses by constructive—not destructive—measures, restoring system and economy in the administration of the Government, and respecting and enforcing the wise limitations upon governmental action set by constitutional provisions.

> "I have naturally a peculiar interest in the success of Mr. Taft," wrote Mr. Roosevelt in September, 1908, "and in seeing him backed by a majority in both Houses of Congress which would heartily support his policies. For the last 10 years, while I have been governor of New York and President, I have been thrown into the closest intimacy with him, and he and I have on every essential point stood in heartiest agreement, shoulder to shoulder. We have the same views as to what is demanded by the national interest and honor, both within our own borders and as regards the relations of this Nation with other nations. There is no fight for decency or fair dealing which I have waged in which I have not had his heartiest and most effective sympathy and support, and the policies for which I stand are his policies as well as mine."

This was written at a time when Mr. Roosevelt, not being himself a candidate for the Presidency, could also write:

> It is urgently necessary, from the standpoint of the public interest, to elect Mr. Taft and a Republican Congress which will support him; and they seek election on a platform which specifically pledges the party, alike in its executive and legislative branches, to continue and develop the policies which have been not merely proposed but acted upon during these seven years.

Mr. Taft was not blind to the difficulties which confronted him when he succeeded to the Presidency. He stated in his speech of acceptance that, in his judgment, the chief function of his administration would be distinct from and a progressive development of that which had been performed by President Roosevelt. He knew—although he could not have foreseen its extent nor guessed who would be their bitterest and most unfair exponent—that misrepresentation and demagogy would assail him; but with the sturdy optimism which has always characterized him he believed, to quote from his most recent utterance, "that the great majority of voters will be able to distinguish between the substance of performance and the fustian of promise."

And so, not lightly nor unadvisedly but solemnly, sincerely, and in the fear of God, on March 4, 1909, William H. Taft undertook the tremendous responsibilities of the most arduous executive office the institutions of man have ever created.

Mindful of the task before him, the President selected as his official staff men who, while fitted for the particular work they were to perform, had been for the most part identified or in sympathy with the previous administration. The Secretary of State, Mr. Knox, had been Attorney General under Presidents McKinley and Roosevelt. The Secretary of the Navy, Mr. Meyer, had been Postmaster General during the last two years of the previous administration. The Secretary of Agriculture had occupied that post throughout the entire administrations of Presidents McKinley and Roosevelt. Mr. Hitchcock, the Postmaster General, had been Assistant Postmaster General, and Mr. Ballinger, the Secretary of the Interior, Commissioner of the General Land Office under the Roosevelt administration. Only four Cabinet officers—the Secretaries of the Treasury, of War, and of Commerce and Labor, and the Attorney General—had not been in the Cabinet or occupied any other position under Mr. Roosevelt, and no one of those four had previously held office under the Federal Government.

The Republican platform had asked the support not only of "those who have acted with us heretofore, but of all our fellow citizens who, regardless of past political differences, unite in the desire to maintain the policies, perpetuate the blessings, and make secure the achievements of a greater America."

The vote in November, 1909, clearly indicated that many persons not previously of the Republican faith had responded to that call and voted for the Republican national ticket, and in recognition of that fact the gentlemen chosen to be Secretary of War and Secretary of the Treasury, respectively, were selected from that element.

The President and the party were pledged to a revision of the tariff, and shortly after the inauguration an extra session of Congress was called to take action on that most vexed subject. So much has been said and written concerning the Payne tariff law that I shall not attempt to discuss it here. The misrepresentation and abuse that resulted from the disappointment of those who wished the duties lowered more than they were by that act have so obscured any fair consideration of the measure that it is at this late day practically impossible to secure an unbiased consideration of it. Yet it did accomplish a definite departure from what, until its enactment, had been the upward trend in import duties; it embodied substantial decreases in many schedules and a greatly increased free list. It introduced a maximum and minimum rate, as recommended in the party platform. It contained the germ of a nonpartisan tariff commission. Probably its most vehement critics were persons who were not believers in the principles of protection to American industry, which had been the distinctive features of every Republican platform from 1860 to 1908.

The act also provided much-needed reforms in the administration of the customs laws. It created a Court of Customs Appeals, with exclusive and final jurisdiction over appeals from the Board of General Appraisers. Thus by shortening the period of possible litigation over applicable duties increasing the certainty of the collectible revenues. It was estimated that the revenues from imports resulting from the Payne Act and the Philippine tariff bill, which was passed at the same time, even with the enlarged free list and the reduced tariff on many articles, by reason of the increased tax on luxuries, such as champagne and other liquors, would produce a revenue greater than the Dingley Act had done, but not sufficient to meet the expenses of government by about $25,000,000, which sum would have to be raised by other means. The Democratic Members of Congress and some Republicans urged that this be done through an income tax, such as the Supreme Court had adjudged to be unconstitutional in 1894.

The President was averse to subjecting the Supreme Court to the dilemma of reversing its previous decisions or else of declaring a necessary revenue measure to be unconstitutional, and he therefore recommended as a substitute the adoption of a special excise tax on the business of corporations and at the same time the passage of an act recommending to the States the adoption of an amendment to the Constitution which should obviate the objection to an income tax found in the constitutional requirement that direct taxes must be apportioned among the States in proportion to their population. This course was adoped, and there was incorporated in the Payne Act what is known as the corporation-tax amendment. This measure was prepared at the President's request, recommended by him, and passed at his insistence. Its constitutionality was fiercely assailed, but was upheld by the unanimous vote of the Supreme Court. It imposes an annual tax of 1 per cent on the net income of corporations, which has realized from twenty-eight to thirty million dollars annually. The sworn returns required to be filed with the Treasury Department have put in the possession of the Government more comprehensive and accurate information concerning the business of the country as conducted under corporate organization than has ever before been secured. It was a truly progressive measure of the highest importance.

Without this tax or some other internal-revenue measure it would have been impossible to have reduced the tariff to the extent done by the Payne Act without leaving unprovided for the ordinary expenses of the Government, as these, for the fiscal year 1908–9, exceeded the total ordinary receipts by upward of $58,000,000. One of the first duties of the new administration, therefore, was to undertake what had not been done by the executive branch of the Government during the preceding seven years—that is, a careful study and reduction of the estimates of the expense of carrying on the various departments of the Government so as to bring them within the estimated revenues. So well was this done that at the close of the fiscal year 1910 instead of the deficit of fifty-eight millions, which was Mr. Roosevelt's legacy to his successor, there was a surplus of nearly sixteen millions. At the close of 1911 a surplus of upward of forty-seven millions, and at the close of 1912 a surplus of more than thirty-six millions, not including in these figures expenditures in the construction of the Panama Canal. And, notwithstanding the growth of population and the natural increase in cost, the ordinary expenses of maintaining the Government have been reduced from $662,000,000 in 1909 to $654,000,000 in 1912.

With the opening of the regular session of Congress in December, 1909–10, the President addressed himself to the accomplishment of the remaining legislative program embodied in the party platform. The result of his persistent efforts, in the face of continued opposition of the most critical and, at times, even vindictive kind, was the enactment of more valuable constructive legislation than ever has been passed through Congress in any one session. Without attempting to enumerate all these statutes it may be sufficient to mention that they included an act to establish a Bureau of Mines; an act establishing a Commission of Fine Arts; an act reorganizing the Lighthouse Establishment and creating a Bureau of Lighthouses in the Department of Commerce and Labor; acts providing for the admission to statehood of the Territories of New Mexico and Arizona; an act providing for the parole of United States prisoners; an act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected; an act for the establishment of a probation system for persons convicted in the District of Columbia; an act to authorize advances to the reclamation fund and for the issue and disposal of certificates of indebtedness and the reimbursement therefor, thus legalizing a practice which had grown up without statutory authority in carrying out projects for the reclamation of arid lands; an act authorizing the President to make withdrawals of public lands in certain cases, thus again legalizing a practice of doubtful legality under which the Executive had by proclamation withdrawn from entry public lands which under the acts of Congress were open to entry and settlement; an act amending the general statute regulating the construction of dams across navigable waters so as to empower the Secretary of War to fix and collect just and proper charges for the privilege granted where the dam owners should receive direct benefit from the construction by the United States of storage reservoirs at the headwaters of navigable streams or from the maintenance at the head of navigable streams of forested watersheds located by the United States; an act giving power to the Secretary of Commerce and Labor to protect the seal fisheries of Alaska; an act establishing a postal savings system; an act establishing a United States Court of Commerce and amending and extending the provisions of the interstate-commerce act; an act extending the railway safety-appliance act; an act requiring interstate carriers to make full reports of accidents to the Interstate Commerce Commission; an amendment to the employers' liability act authorizing suits to be brought against railroad carriers by their employees in any district in which the defendant was doing business at the time of commencing the action.

Of this legislation the most conspicuous and that which provoked the greatest opposition, and which at the time it was pending as well as subsequently, was the occasion of the greatest amount of misrepresentation and abuse of the President and his administration was the act creating the Court of Commerce and amending the interstate-commerce law. Because of that fact it may not be without interest nor disproportionate to the subject of this address to briefly relate the history and explain the character of that legislation.

During the summer of 1909, as the extra session of Congress was drawing to a close, the President directed the Attorney General to take up with the Secretary of Commerce and Labor, Mr. Nagel, the Solicitor General—the lamented Lloyd W. Bowers—Chairman Knapp and Commissioner Prouty of the Interstate Commerce Commission, and Representative—now Senator—CHARLES E. TOWNSEND, of Michigan, a study of advisable amendments to the commerce act, and to report their recommendations to him. These gentlemen, after a number of preliminary conferences and separate study, met in conference in New York, and after full discussion running over a week, in which they also had the benefit of the suggestions of Commissioner Clements—now chairman of the commission—they unanimously agreed upon the following points of agreement, which they recommended to the President:

1. That a special United States-court should be created, hereinafter called, for convenience, the "Commerce Court," to be composed of not less than five judges, holding office during good behavior, having all the jurisdiction to review and enforce orders and decrees of the Interstate Commerce Commission now vested in the district and circuit courts and circuit courts of appeals of the United States, and in particular having exclusive original jurisdiction of suits brought to restrain the enforcement of a rate or classification or other regulation prescribed by the commission upon the ground that it is discriminatory or confiscatory. The jurisdiction of this court, so far as conferred by the statute, to be exclusive of that of all other courts, except in so far as its decisions may be reviewable by the Supreme Court.

* * * * * * *

4. That all applications for injunction to restrain an order of the Interstate Commerce Commission must be heard by all the judges of

the Commerce Court; but a stay order may be granted by any one of the judges of that court pending the hearing and determination of the application for injunction, said stay order to be returnable before the full court not more than 60 days from the date of its issuance, the full bench to be empowered to continue the stay pending the consideration of the case.

5. That the orders and decrees of the Commerce Court shall be final, except that appeal may be taken to the United States Supreme Court from a final decree when, and only when, a constitutional question is involved; but such appeal shall not operate as a stay of the decree appealed from, nor shall any such stay be granted pending the appeal except by the Supreme Court.

6. That the orders and decrees of the Interstate Commerce Commission shall be final unless proceedings are brought in the Commerce Court to review the same within 30 days after the entry of the order or decree, which time may be further extended not exceeding 30 days by order of the commission.

7. That there shall be an Assistant Attorney General, with the requisite number of attorneys and assistant attorneys, who, subject to the direction of the Attorney General, shall have exclusive charge of all legal proceedings in connection with the enforcement of the interstate-commerce law, including proceedings to enforce orders or decrees of the Interstate Commerce Commission, and the defense of proceedings brought to review orders or decrees of the Interstate Commerce Commission. All proceedings now brought in courts in the name of or against the Interstate Commerce Commission to be brought in the name of or against the United States, the commission to take no part as party plaintiff or defendant in any litigation or in the management thereof.

8. In proceedings in or before the commission, such as investigations of complaints against carriers, the commission may itself employ such attorneys as it may deem necessary, and for this purpose shall have a regular standing staff of reasonable number and permanent status.

II.

That the interstate-commerce law be amended in the following particulars:

1. By providing that the commission be specifically empowered to review classifications, both as to items and grouping.

2. That whenever a new rate or classification shall be filed the commission may, by order, postpone the date when such new rate or classification is to take effect, provided that within 30 days after the date of such order (a) a complaint be filed that such rate or classification is unreasonable or unjust, or (b) the commission itself shall institute an inquiry into the reasonableness or justice of such rate or classification.

3. By providing that the commission may, by order, suspend, modify, or annul any changes in the rules or regulations which impose undue burdens on shippers.

4. By providing that the commission may proceed either on its own motion or upon a complaint against the carrier filed with it, and that in proceedings on its own initiative it may exercise like powers to those which it may exercise in proceedings based on complaints of third parties.

5. By specifically empowering the commission, on the application of one carrier or of an individual or at the instance of the commission itself, to compel connecting carriers to unite in forming a through route and fix the rate and the apportionment thereof among the carriers.

6. By providing, the provisions of the antitrust law to the contrary notwithstanding, that it shall be lawful for carriers to unite in fixing a rate or rates, provided the same be filed and published, the question of the reasonableness and justice of such rate to be subject to the other provisions of the act in like manner as any other filed and published rate; the agreement, however, not to amount to a contract to maintain the rate for any given time, but each party to have the right, independently of the other, at any time to withdraw from or alter such rate in conformity with the other provisions of the statute.

7. By specifically empowering the commission to prescribe rules and regulations under which shippers shall have the privilege of designating the route over which their shipments shall be carried to destination.

8. By conferring upon the commission, in conducting an inquiry on its own motion, the same powers that it has under section 15 of the act when the inquiry is based upon the complaint of a third party.

9. By providing that the agent of a railroad company shall be compelled, on written request, to state, in writing, the legal rate over the line of the carrier, including any joint rate to which such carrier is a party, and imposing a fine of $250 as a penalty for stating an erroneous rate in pursuance of such request, such penalty to accrue to the United States and to be recovered in a civil action brought by the district attorney.

10. By providing that after the passage of the amending act no railroad company shall acquire stock in any competing railroad, and that from and after a date to be fixed in the act no railroad company engaged in interstate commerce shall hold stock in a competing railroad.

11. By providing that after the passage of the amending act no railroad company engaged in interstate commerce shall issue any additional stock or bonds or other obligations (other than notes maturing not more than 12 months from date of issue), except with the approval of the commission, based upon a finding by the commission that the same are issued (a) for purposes authorized by law and (b) for a price not less than par for stock and not less than the reasonable market value for bonds, such price being paid either in cash or in property or services, and if in property or services, then at the fair value thereof as determined by the commission.

These points were communicated by the Attorney General to the President, who, in a speech delivered by him at Des Moines, Iowa, in September, 1909, outlined the conclusions of the committee as those which he would consider as the basis of legislation which he proposed to recommend to the consideration of Congress.

Following this announcement, many applications were made to the President and the Attorney General by representatives of railroad companies, as well as of great associations of shippers, bankers, dealers in investment securities, and others interested on all sides of the questions involved, to be heard with respect to the proposed legislation. Careful hearing was given to representatives of all these interests by the President and the Attorney General, and a bill to carry out the principles embodied in the committee's memorandum above referred to was prepared in the Department of Justice in the light of their suggestions. By a special message dated January 7, 1910, the President recommended to Congress the enactment of legislation on the points embraced in the report of his committee, adding that, by his direction, the Attorney General had prepared a bill to carry out the same, which would be furnished upon request to the appropriate committee whenever it might desire. Following this message, the bill thus prepared was introduced into the House of Representatives by Representative TOWNSEND and into the Senate by the chairman of the Committee on Interstate Commerce, the late Senator Elkins of West Virginia. Representative MANN, of Illinois, the chairman of the House Committee on Interstate Commerce, had himself prepared and at about the same time he introduced a bill amending the commerce act in a number of respects. Other bills more or less covering or relating to the same subjects were also introduced, and after extensive hearing before the committees of both House and Senate bills were separately reported to the respective Houses of Congress.

The Republican platform of 1908 had specifically promised legislation amending the interstate-commerce law in the following particulars:

(1) So as to give the railroads the right to make and publish traffic agreements subject to the approval of the commission; but

(2) Maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever—

And—

(3) Such national legislation and supervision as will prevent the future overissue of stocks and bonds by interstate carriers.

First. The vice of the pooling agreements and traffic agreements between railroad companies, which had been condemned by the courts under the Sherman antitrust law, lay in their control of rates; but when the commission was empowered, not merely to investigate and require a rate to be reduced or modified if it were found to be unreasonable or unjustly discriminatory, but to prevent a proposed increase from taking effect until it had been investigated by the commission and found to be just and reasonable, there was no longer any reason why the railroad companies should not be allowed to enter into traffic agreements, particularly those specifying the classifications of different subjects of transportation. Unless such classifications and the resulting rates were uniform the shipping world would be subjected to great annoyance and confusion, and it was practically impossible to secure such uniformity without agreements between the carriers. A section of the bill therefore provided that agreements between common carriers subject to the act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish should not be unlawful if a copy of the agreement were filed with the commission within 20 days after it was made, but that all the provisions of the commerce act should apply to and that the commission should have the same control over and power of action concerning any agreed classification or rate which it would have had independently of such agreement, and that any party to the agreement might withdraw from it on 30 days' notice. This provision, although made in redemption of the explicit declaration of the Republican platform, and carefully guarded so as to preserve the absolute control of the commission, was attacked on the ground that it was an attempt to legalize pooling agreements, and on that ground it was defeated in Congress.

Second. The President in his message to Congress pointed out that one of the most potent means of exercising control by one competing line over another had been the ownership of stock of one railroad company by another owning a competing line; that this condition had grown up under express legislative power conferred by the laws of many States, and that to suddenly attempt to reverse that policy, so far as it affected the ownership of stocks theretofore acquired, would be to inflict a grievous injury not only upon the corporations affected but upon a large body of the investment-holding public. He, however, recommended that the commerce law be so amended as to provide that from and after the date of its passage no railroad company subject to the interstate-commerce act should, directly or indirectly, acquire any interest of any kind in the capital stock or purchase or lease any railroad of any other corporation which competes with it respecting the business to which the interstate-commerce act applies; that especially for the protection of the minority stockholders, in securing to them the best market for their stock—

Such prohibition be coupled with a provision that it shall not operate to prevent any corporation which, at the date of the passage of such act, shall own not less than one-half of the entire issued and outstanding capital stock of any other railroad company from acquiring all or the remainder of such stock, nor to prohibit any railroad company which at the date of the enactment of the law is operating a

railroad of any other corporation under lease executed for a term of not less than 25 years from acquiring the reversionary ownership of the demised railroad; but that such provisions shall not operate to authorize or validate the acquisition, through stock ownership or otherwise, of a competing line or interest therein in violation of the antitrust or any other law.

The provision of the bill framed to carry out this recommendation was assailed by the opponents of the administration with peculiar virulence, and it was freely charged—and has been until this day—that this provision was introduced for the purpose of validating illegal acquisitions previously made by railroads. As a matter of fact, the slightest reflection should have satisfied any person possessing any knowledge of the subject that this was impossible; that the legislation proposed was preventive in its nature, prohibiting the future acquisition of stocks in given cases, and that excepting from such prohibition certain cases arising out of conditions which had grown up in the past, when there was no restrictive legislation applicable, was a very different thing from authorizing or legalizing something which otherwise would have been unlawful. Thus the provision that where one railroad corporation at the passage of the act already owned a majority of the capital stock of another railroad the act should not operate to prevent it from buying the remainder of the stock was clearly in the interest of the minority stockholders, who, if they were deprived of the possibility of selling to the majority holder, would lose the most natural and best market for their stock. On the other hand, giving to a company which already owned a majority of the stock, by which it could completely control the corporation, the right to buy the minority stock would add practically nothing to the power already possessed by it over that corporation. It is interesting to note at this point that a practical recognition of the soundness of this principle was furnished very recently by the public service commission in New York in passing upon an application by the New York Central & Hudson River Railroad Co. for leave to purchase a majority of the capital stock of the New York, Ontario & Western Railroad Co. The commission refused permission, among other reasons because it would not be fair to allow the New York Central to acquire a majority of the Ontario & Western stock without making provision for the acquisition of the remaining minority, and that as the financial situation of the Central was not such that it could properly assume the burden of purchasing the entire amount, leave to purchase the majority should be denied.

Third. But the section of the bill which presented the greatest difficulty was that which undertook to establish such national legislation and supervision as should prevent the future overissue of stocks and bonds by railroads engaged in interstate commerce. The solution of the problem was complicated with the same difficulties as attended the effort to prevent the single control of the competing lines, namely, that the National Congress could only legislate restrictively with respect to the acts of corporations created by the States. The United States can say not what they, such corporations, may do, but what they shall not do, in the issue and sale of stocks and securities which the laws of the States of their creation authorize them to issue. Probably no other feature of the bill excited so much interest and apprehension in the business world as this, and instances were constantly brought to the attention of the President and the Attorney General while the bill was in course of preparation, as well as afterwards, when it was pending in Congress, concerning the effect of these provisions, suggestions which led to successive modifications and amendments, so that in the effort to avoid unjust and unconstitutional interference with substantial existing contract rights, resulting in great financial embarrassment and loss, not simply to the railroad companies but to a great army of investors, the provisions of the bill in this regard unavoidably became complicated and difficult of comprehension by those not familiar with the financial conditions which gave rise to them and the contracted relations to which they applied. Thus their effect was easily misrepresented by the opponents of the bill, and finally the section was dropped out, and in its stead was inserted one authorizing the President to appoint a commission to investigate and report upon this subject. It may be said in passing that this commission, composed of President Hadley, of Yale University, and four other eminent gentlemen, after months of study, made a report, dated November 1, 1911, in which they reached the conclusion that any attempt by Congress to adopt the policy of Federal regulation to the exclusion of State regulation of the issue of railroad securities would be premature; that to superimpose Federal regulation upon State regulation would add to conflicts and complexities which, in the public interest, should be diminished rather than increased; and that for the present an earnest effort should be made on the part of State authorities to harmonize existing requirements, both of law and procedure, while future careful consideration should be given by Congress to the preparation of a permissive Federal incorporation act for railroads engaged in interstate commerce.

The administration had made an earnest effort to cause to be carried out the recommendation of the party platform that the future issue of stocks and bonds by interstate carriers should be regulated by Congress. It was and has since been assailed because of this effort, which was falsely represented as an effort to serve "the interests" by legalizing unlawful issues of stocks and bonds. Misrepresentation was easy, because the subject was difficult of comprehension. The legislation failed, partly because of the inherent difficulty and complexity of the subject and partly because of the factional opposition to the administration in Congress.

Fourth. One other point in the railroad bill was also made the subject of much misunderstanding and misrepresentation. In connection with the clause prohibiting the acquisition by one railroad company of the stock or bonds of a competing railroad, a provision was incorporated authorizing the filing in the Commerce Court of a bill to enjoin any proposed acquisition, to be followed by an investigation and an adjudication in that court as to whether or not such acquisition would violate the statute. By this method it was proposed that the question of the legality of any particular purchase should be adjudged, in advance of the actual acquisition, in a proceeding in which the burden of proof should be upon the proposed purchaser company to establish to the satisfaction of the court that the company whose securities it wished to acquire was not a substantial competitor with it in interstate commerce. This would not only have given the Government potent preventive machinery, but at the same time would have afforded great security to investors in settling questions of legality in the issue of stocks and bonds before rather than after purchase. It was in line with the principles of equity jurisprudence, which seek to prevent illegal acts before they are done. It was in the direction of intelligent and effective supervision and control of railroads and in harmony with another provision in the bill which authorized the Interstate Commerce Commission to stay the effectiveness of proposed increased rate until its justice and reasonableness should be investigated and determined. But it was represented by the enemies of the bill as intended to furnish a method of granting security to railroads in the acquisition of purchases of doubtful legality and was finally defeated.

With the exceptions above noted the bill, as it was ultimately passed, carried out, in the main, the recommendations which had been made in the President's message. The first six sections provided for the establishment and jurisdiction of a Commerce Court substantially in the language of the bill as introduced; it transferred litigation over the orders of the Commerce Commission to the Department of Justice, although this provision was impaired by amendments creating a confused responsibility for the conduct of such litigation by authorizing intervention in such proceedings of the commission by its own attorneys as well as of shippers and other third parties. Other provisions in the bill, substantially as the President had recommended them, were those which authorized shippers themselves to direct the routing of their shipments; required carriers under penalty, on written request, to quote in writing the legal rate of a proposed shipment; empowered the commission on its own motion, without any complaint, to investigate the reasonableness of any rate classification or practice, to prescribe maximum rates, and determine just, fair, and reasonable practices, and to stay the effectiveness of a proposed increase in rates for six months, with a further possible extension of four months—a longer time than the administration bill had provided. The act further authorized, as the President had recommended, the commission to establish through routes and joint through rates, whether any other through routes were already established between the same termini or not. At the suggestion of the Department of Justice, made at the instance of the district attorney in New York, it included a clause making it an offense punishable by fine and imprisonment to make a false billing, false classification, false weight, or by any other device or means to assist in the transportation of property at less than the regular rates then established and in force on the line of transportation.

The faction opposing the administration, particularly certain of the insurgent Republican Senators, at the time the bill was passed, with cheerful disregard of the truth, proclaimed that they were entitled to the only good things in the bill, which as introduced by the administration was "wholly bad," which charge has been glibly repeated by Col. Roosevelt. Enough has been said to demonstrate the utter falsity of this characterization. As a matter of fact the efforts of the insurgent faction resulted in the distinct impairment of the bill, by striking from it the provision legalizing agreements between railroads to fix rates subject to the control of the commission;

and the insertion of provisions continuing the system of divided responsibility for litigation arising out of the orders of the commission. A provision in the administration bill compelling railroad companies to establish through routes, classifications, and rates with connecting electric railway companies doing a general railroad business, was also lost during its passage through Congress, through the opposition of the steam railroads. The faction opposing the administration is also entitled to the responsibility for the provisions authorizing appeals to the Supreme Court from interlocutory orders of the Court of Commerce, thus tending to lengthen instead of shorten the process of litigation; and they and the Democrats may fairly apportion between themselves the responsibility for the insertion in the act as passed of a cumbersome provision that no injunction order suspending or restraining the action of an officer of a State in the enforcement of a State statute, based on the unconstitutionality of that statute, should be granted unless after hearing before three judges, one of whom should be a circuit judge, a majority of whom should agree in granting such injunction, thus presenting the absurdity of requiring three judges to sit on the hearing of an interlocutory application for a temporary injunction, but leaving it to a single district judge to hear the cause and render a final decree decisive of the issues and permanently enjoining what only three judges could temporarily stay.

But some excellent provisions were inserted in the bill during its passage through Congress. Representative MANN of Illinois is especially entitled to the credit of bringing telephone and telegraph companies within the provision regarding rates, for the modification of the long and short haul clause, and for several other intelligent amendments. Of course, the discussion in the committees resulted in a large number of minor suggestions, some of which, embodied in the bill, were improvements of its provisions.

The establishment of the Commerce Court has resulted in the concentration into one court of all original jurisdiction to review orders of the Interstate Commerce Commission, and has expedited the period of litigation over such orders from an average of two years to an average of six months; all of which has not, however, prevented the Democratic House of Representatives and the Democratic Senators, with the aid of so-called Progressives, from recently passing—as a rider to an appropriation bill—legislation designed to destroy the court and revert to the old system of having litigation scattered through eighty-odd different district courts, with the resulting conflict of decision and delay beneficial only to the railroads, and, of course, detrimental to the interests of shippers.

While this legislation was pending in May, 1910, and when it was as certain as any future human act could be that it would be enacted, and that there would be included in it provisions authorizing the commission to stay the taking effect of an increased rate until after its reasonableness and justice should have been investigated and determined upon, information was laid before the Department of Justice to the effect that the railroads in what is known as western classification territory—that is, broadly speaking, those radiating from Chicago westward and northwestward to the Rocky Mountains—had agreed upon very comprehensive increases in the most important commodity rates, and had filed a tariff of such increases with the commission, but had succeeded in keeping shippers and the public in ignorance of such action until within a few days of the date when it would have become effective. This discovery led to great excitement on the part of the shipping public throughout that territory, and the Department of Justice, as well as Senators and Members of Congress, were literally deluged with letters and telegrams of protest calling for action to protect the public against the proposed increases. Investigation satisfied the department that these increases were the result of special conferences and agreements between the principal officials of the trunk lines involved, made under such circumstances as to amount to an unusual and distinct agreement in restraint of interstate commerce, in violation of the Sherman law. A petition was thereupon prepared by the Attorney General setting forth the case and praying for an injunction against the carrying out of the agreement, which, with the approval of the President, was presented to a United States judge in Missouri, who granted a temporary injunction restraining the putting of the increases into effect.

Following this injunction the presidents of the various trunk lines sought an interview with the President, at which they agreed to withdraw all proposed increases of rates until after the new law was passed, when such increases were to be submitted to the commission. After the act became law, this was done, and the commission, after thorough investigation, unanimously adjudged that the increases so enjoined were unreasonable and unjustifiable and should not be permitted. The Government's suit, having thus accomplished its purpose, was then dropped.

The administration, and particularly the Attorney General, was most bitterly assailed by the railroads and financial interests because of this injunction. The insurgent faction had attacked the administration on the ground that the proposed legislation was unduly favorable to the railroads, and the railroad companies and financial interests now bitterly attacked the administration for its radical action in securing this injunction; but the cry of the former was the loudest, and the vague accusation that the President was the creature of the interests has been received in so many quarters that at times it has seemed as if all sense of humor must have deserted a considerable part of the American people, for otherwise the absurdity of such an accusation of a President with such a record would have been apparent to even the wayfarer.

I shall not undertake, for your patience would be exhausted, to recount all of the principal accomplishments of the administration of President Taft He has promoted and secured the passage of a large amount of legislation for the benefit of the laboring classes. He has procured the passage of amendments to the interstate commerce laws extending and making more effective laws for the protection of life and limb of railroad employees. He has brought about the establishment of a railroad locomotive-boiler inspection law and an act establishing a bureau of child labor. He has recommended and urged the passage of a bill now before Congress, reported by a commission which gave much study to the subject, of which Senator SUTHERLAND, of Utah, was chairman, establishing the most carefully devised plan for the compensation of employees of the interstate railways injured and the families of those killed while in such employment which has yet been formulated in this country. His veto of the act approving the constitution of Arizona as first presented to Congress was based upon his unwillingness, as a part of the constitutional lawmaking power, to approve of a constitution on which a Territory sought admission into the Federal Union of States which struck at the independence of the judiciary by subjecting judges to removal from office by popular vote during the period for which they were elected. The policy of the Republican Party, as the platform declared, includes "always the earnest support and defense of every wholesome safeguard which has made more secure the guaranties of life, liberty, and property." Believing that an independent judiciary is the most essential security of such guaranties, the President stamped with his disapproval the effort to give national approval to a State constitution which struck down that safeguard.

In his speech of acceptance of August 1, the President has reviewed the marvelous record of the work of his administration, a record of accomplishment of good government and sound, sane progress which, I verily believe, is unequaled in the history of this Nation. I shall not attempt to repeat that summary. But no review of his administration would be complete which omitted a reference to his enforcement of the laws.

If it could be said with truth in the Republican platform of 1908—

> The great accomplishments of President Roosevelt have been, first and foremost, a brave and impartial enforcement of the law, the prosecution of illegal trusts and monopolies, the exposure and punishment of evidence in the public service, * * *

with how much more truth may the same be said of President Taft! He has enforced the laws, civil and criminal, without discrimination and without fear. The indictments of the members of the so-called wire pools for violation of the antitrust law embraced some 80 men, most of whom were prominent in business life—some of them personal friends of the President—and they threw themselves upon the mercy of the court and were subjected to and paid substantial fines. The indictments, yet to be tried, of 60 or 70 persons for complicity in the carriage of dynamite on railroad trains between different States, in violation of the Federal statutes, and under conditions which exposed the lives of thousands of innocent men, women, and children to extinction, embrace a large number of prominent representatives of the most powerful labor organizations.

The indictment of "Dan" Hanna and other individuals and corporations in northern Ohio for taking railroad rebates brought upon the President the bitterest hostility of powerful business and financial interests and resulted in giving to Mr. Roosevelt effective aid in his primary campaign in Ohio. The prosecution of the great United States Steel Corporation as an illegal monopoly came as a surprise to the financial world, because they, in their arrogance, had assumed that no administration would lift hand against that powerful combination. The indictment of the beef packers in Chicago under this administration was not rendered abortive as was that obtained under Mr. Roosevelt by the use of information obtained for the purposes

of confidential statistical investigation, and then diverted to the purposes of criminal prosecution; but, after a year of meeting and overcoming every species of technical defense known to the resources of the criminal lawyer, the Government brought these men of wealth and power face to face with a court and jury, in a trial on the facts and the law; and although the jury acquitted them of the crime, it was not for lack of a full presentation of all the facts upon which crime could be predicated, and the prosecution has already resulted in the dissolution of the National Packing Co., which was the vehicle of concerted action among the packers, and the distribution of some $60,000,000 worth of properties among competitive interests.

Every case brought under the Sherman law left pending at the expiration of the last administration—and, with the exception of the Northern Securities case, which was carried to a successful conclusion by Mr. Knox when he was Attorney General, the most important cases which had been brought by it were left pending undetermined—has been carried through to conclusion, and in almost every instance to successful conclusion.

The condemnation of the Standard Oil Trust was followed—and could only be followed—by precisely that kind of dissolution which Mr. Roosevelt's Attorney General had demanded.

The Tobacco Trust was subjected to a far more drastic and actual segregation. The Sherman law—which was passed by a Republican Congress—did not provide for confiscation of property; but in accordance with that principle embodied in the Republican platform of 1908, "A wise and well-regulated individualism," it vested in the Federal equity courts jurisdiction "to prevent and restrain violations of the act." Finding a monopoly in existence, the court, with the approval of the law officers of the Government, separated the combination into parts, no one of which possessed a sufficient amount of business in which it dealt to be a menace to the community, and each of which embodied a substantial, well integrated business, capable of being carried on profitably to its owners and to the business world. The innocent investors in upward of one hundred millions of bonds were protected. They were paid, one-half in cash and one-half in bonds of the new companies. The holders of $78,000,000 of preferred stock, which were outstanding in the hands of the investing public, were given new stocks in the new companies formed pursuant to the dissolution in exchange for the old, and the new stock gave to them voting rights which previously had been in the hands of the common-stock holders alone. Specific and comprehensive injunctions make it impossible to do in the future the things which in the past were found necessary to attain monopoly.

This decree of disintegration has shown the business world that it is possible to comply with the law without destruction of legitimate property rights and without interfering with the honest conduct of lawful business. To judge of its effect by the prices bid for a few sales of stocks on the curb market in New York is absurd, and to declare that this dissolution has accomplished nothing of value to the community and has demonstrated the inefficiency of the Sherman law to meet the question of monopoly is simply to display gross ignorance or to willfully misrepresent the facts.

The Powder Trust has been subjected to a decree of dissolution. The Electrical Trust, the Plumbers' Trust, the Southern Grocers' Association, the ready-print and plate-matter concerns, the aluminum companies, have submitted to decrees requiring them to dissolve agreements and desist from practices found to be illegal, and the Supreme Court has dealt in like manner with the railroad companies combined in the Terminal Association in St. Louis. The Sugar Trust, the Harvester Trust, the Reading coal combination, the Great Lakes towing combination, the combination of the coal-carrying roads in Ohio, the Bathtub Trust, the Lumber Trusts, the National Cash Register Co., the Shoe Machinery Trust, the Turpentine Trust, the steamship pools, and a number of lesser combinations are now being prosecuted in the courts. Friend and foe have been treated alike; and it may be truthfully said, with some cynicism, as well as with some sadness, that the abuse which has been visited upon the President has been in large measure because he has enforced the law against friend and foe alike, without fear and without favor.

The relentless investigation and prosecution of the frauds in the customs service, leading to the recovery to the Government of enormous amounts of duties of which it has been deprived and the conviction and imprisonment of guilty officials of the Government, as well as of guilty importers, present a chapter which would take pages to recount.

In a word, the earnest effort of the President throughout his administration has been to carry out the pledges made by the Republican Party in its platform to enforce the law impartially and without discrimination, to promote legislation to conform to Republican traditions and Republican promises, and to maintain standards of honor and efficiency in government worthy of the best traditions of our race.

The term of President Taft's administration has been a period of unexampled prosperity. Our foreign and domestic trade has increased by leaps and bounds. "The value of our farm products," to quote the Secretary of Agriculture, "has become a meaningless row of figures." Our exports have outrun in value our imports. They exceed them by about $550,000,000 and are to-day greater than ever in our history.

Probably no higher tribute could have been paid to any President than the deep, underlying confidence in his patriotism and integrity of purpose which was shown by the attitude of the people when, without any previous announcement, a year ago he sent 20,000 troops to the Mexican border. It does not require any great stretch of imagination to fancy the feelings with which under some other Presidency the announcement of such a movement would have been attended. But the American people knew that such action by President Taft was evidence of a determination to protect the lives and property of American citizens and to avoid, not seek, foreign entanglements or war with our next-door neighbor. The difficult situation in Cuba, the delicate negotiation resulting successfully in the treaty with Japan, and the treaties of arbitration with Great Britain and France, negotiated by President Taft, constitute gems in the crown of his accomplishments.

The President believes fervently in the efficacy of our constitutional government. He is deeply opposed to the obliteration of those constitutional restrictions against giving immediate effect to popular agitation, which are advocated by those who would substitute a government of men for one of laws. He never has been willing to sacrifice constitutional restraints and legal restrictions to attain even the most apparently meritorious or popular object. He believes that the people have attained, are now securing, and will hereafter realize all those objects which on mature consideration a majority of them determine to be necessary to the public welfare, by working through our form of constitutional government. He believes that the destruction of the checks and balances established in our Constitution would open the door to government by excited minorities, and would destroy that security of life, liberty, property, and the pursuit of happiness for which our forefathers fought in securing our independence, and for which our fathers fought in preserving the Federal Union. These principles are essential Republican principles. The Republican Party was founded upon them and upon them has, with but two brief intervals, carried on the Government of the Nation for half a century. Buttressed by them, it has successfully met and solved all the great construction problems which our expanding national existence has presented during the last momentous half century. In his support and defense of these principles President Taft has stood unflinchingly. No President can point to more substantial achievements for the public welfare during his incumbency than he; and when "the loud vociferations of the street become an undistinguishable" and distant roar, and the American citizen is alone with his pencil and his ballot, we, his supporters and the believers in Republican principles, hope with confidence that there will come to him the conviction that no party is better deserving of his support than the Republican Party, and that no man is better deserving of his continued suffrage in the presidential office than William H. Taft.

Speech of Miss Jane Addams in Seconding the Nomination of Theodore Roosevelt.

EXTENSION OF REMARKS

OF

HON. A. W. LAFFERTY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 12, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: Miss Jane Addams, of Hull House, Chicago, as a delegate to the late Progressive national convention, delivered a notable speech in seconding the nomination of Theodore Roosevelt, which, under the leave granted me, I here include as a part of my remarks:

MISS ADDAMS'S SPEECH.

I rise to second the nomination, stirred by the splendid platform adopted by this convention.

Measures of industrial amelioration, demands for social justice, long discussed by small groups in charity conferences

and economic associations, have here been considered in a great national convention and are at last thrust into the stern arena of political action.

A great party has pledged itself to the protection of children, to the care of the aged, to the relief of overworked girls, to the safeguarding of burdened men. Committed to these humane undertakings, it is inevitable that such a party should appeal to women, should seek to draw upon the great reservoir of their moral energy so long undesired and unutilized in practical politics—one the corollary of the other; a program of human welfare, the necessity for women's participation.

NO EVILS BEYOND REDRESS.

We ratify this platform not only because it represents our earnest convictions and formulates our high hopes, but because it pulls upon our faculties and calls us to definite action. We find it a prophecy that democracy shall not be actually realized until no group of our people—certainly not 10,000,000 so sadly in need of reassurance—shall fail to bear the responsibilities of self-government and that no class of evils shall lie beyond redress.

The new party has become the American exponent of a world-wide movement toward juster social conditions, a movement which the United States, lagging behind other great nations, has been unaccountably slow to embody in political action.

I second the nomination of Theodore Roosevelt because he is one of the few men in our public life who has been responsive to the social appeal and who has caught the significance of the modern movement. Because of that, because the program will require a leader of invincible courage, of open mind, of democratic sympathies, one endowed with power to interpret the common man and to identify himself with the common lot, I heartily second the nomination.

Veto Message—The Iron and Steel Schedule.

EXTENSION OF REMARKS

OF

HON. DAN. V. STEPHENS,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

The House having under consideration the veto message of the President of the United States on the bill H. R. 18642—

Mr. STEPHENS of Nebraska said:

Mr. SPEAKER: I have introduced a joint resolution in Congress proposing an amendment to the Constitution of the United States for the purpose of taking from the President the veto power. This act is prompted by the flagrant violation of the spirit of our Government by the President of the United States in his recent and numerous vetoes of the acts of Congress. There are few instances in our history where the President of the United States has used this power of veto to a more drastic extent than has President Taft. During this session of Congress he has vetoed numerous important tariff and supply bills passed by the people's Representatives in Congress. Even George Washington, who served eight years as President in the formative period of the Republic, when it would seem more occasion would have arisen for the exercise of the veto power than in any other period of our history, only vetoed two acts of Congress. In fact, during the first 40 years of the history of this country the veto was interposed but eight times; twice by Washington, five times by Madison, and once by Monroe. Neither the immortal Jefferson, nor John nor John Quincy Adams exercised the veto power at all.

President Taft has exceeded the record made by all of the Presidents for the first 40 years of our history.

It is a remarkable example of the manifest tendency of the executive branch of the Government to browbeat the people's branch of the Government by forcing Congress to enact legislation suitable to his wishes. Thomas Jefferson, John Adams, and John Quincy Adams all absolutely refused to use the veto power of this great office which, in their judgment, was given to them by the framers of the Constitution for use only in times of great stress, when it would be apparent to anyone that the acts of Congress were not in accord with the wishes of the people or contrary to the provisions of the Constitution. But now in this year of 1912 the President of the United States, who was repudiated by the people in 1910 upon the record of the Republican administration in forcing upon the people the Payne tariff bill now has the effrontery of vetoing, one after another, every tariff bill passed by the people's Congress formulated along the lines that the people indorsed in the campaign of 1910. In fact, the President of the United States has changed, by the arbitrary use of this veto, a representative Government into a monarchical form of Government. In fact, nothing is more apparent than the truthfulness of this statement when it is understood that the President's veto requires the votes of two-thirds of the House of Representatives to pass a measure over his veto. The House of Representatives contains 394 Members. It will therefore require the vote of 262 Members to pass a measure over his veto. These 262 Members represent 51,878,000 people, therefore the President's veto is equal to the vote and influence of Representatives of more than half of the people in the United States represented by their votes in Congress.

It will then require two-thirds vote to pass an act over the veto of the President through the Senate. There are 94 Senators, and it will therefore require 62 Senators to pass a measure over the President's veto. There being two Senators from each State, it necessarily follows that the President's veto is equal to the vote of 31 States in the United States Senate. If this does not approach a one-man rule or a despotic form of Government, then no such Government exists on the face of the earth among civilized people.

The President of the French Republic has no veto. He can refer back a bill for further consideration of which he does not approve, but he can not veto it. The King of England has the right of the veto, but he has not dared to use it for 220 years. In fact, it had not been used for 97 years before the formation of our Government, and it was understood by the framers of the Constitution that this veto power was never used and was only put in the Constitution with the view of the possibility of a crisis arising, where Congress might act without proper authority from the people, and the veto would enable the President to hold the matter off until the people would have a chance to act. Otherwise the framers of our Constitution, who were jealous of the rights of the people, would never have tolerated for one moment this provision in the Constitution had they believed the President would ever use it except in the time of a crisis. But to-day we have the example of the President of the United States setting up his wishes against the wishes of the great majority of the people of the United States, vetoing for the second time several important tariff bills—tariff bills which admittedly carry a rate sufficiently high to even protect the industries of this country, whereas the Constitution never contemplated any such a tax.

The President of the Swiss Republic has no veto power. In fact, such a power is contrary to the principles of a representative government and the rule of the people. The exercise of the right of a veto destroys every principle of the right of the majority to rule. The power of the veto is despotic in effect and approaches an absolute despotism. When the power of the veto is added to the appointive power of hundreds of thousands of employees of the Government, the President of the United States becomes the most powerful personage on the face of the earth.

The arrogance of the present occupant of the White House in his assumption of knowledge not possessed by the 488 representatives of the people in Congress is not a marker to the arrogance that will be shown by the man on horseback who is now heading the "bull-moose" movement and seeking the Presidency of the United States. Should he ever become President again, with his insane ambitions and his despotic tendency, God himself only knows what will happen to the Republic. It has already drifted into a monarchical form of government, and if this veto power is not taken from the President it only needs a man like Roosevelt to trample the daylights out of the spirit of the Republic, which was conceived in the idea that the voice of the majority was the voice of the Government. The Constitution in its very first section provides that "all legislative power herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives." Notwithstanding this section of the Constitution, the President of the United States arbitrarily used the power that the framers of the Constitution never expected he would use to force from the hands of the legislative branch of Congress just such legislation that pleases his fancy, regardless of the wishes of the American people.

This joint resolution taking from the President the right to veto the acts of Congress should pass, and the Constitution should be amended, if the rights of the people are to be protected and the Republic is ultimately to be saved from ambitious men who would seek to use it for their own aggrandizement.

The Part Played by Fort McHenry and "The Star-Spangled Banner" in Our Second War with Great Britain.

EXTENSION OF REMARKS

OF

HON. J. CHAS. LINTHICUM,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912,

On the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War, and to authorize its partial use as a museum of historical relics.

Mr. LINTHICUM said:

Mr. SPEAKER: When Francis Scott Key, pacing the deck of a British vessel, peered through the mists of morning and saw in the distance his country's flag proudly and defiantly waving from the little fort which had been the center of the British attack, he was inspired with patriotic fervor to write those stirring lines:

'Tis the Star-Spangled Banner! oh, long may it wave
O'er the land of the free and the home of the brave.

Of the millions who sing that song which has made Key's name immortal there are many who do not know that the crushing repulse of the British at Fort McHenry was a victory of the utmost strategic value to our Nation at a critical period in its history when encouragement was sorely needed.

The battle at Baltimore, in which Fort McHenry played a pivotal part, was not only the most spectacular engagement of our War of 1812, but the spirit of Americanism, aroused and awakened by that battle and the song which it produced, stirred the patriot blood in every State of our Union. It furnished the most dramatic chapter of an intensely bitter war with Great Britain.

Our second war with Great Britain was the culmination of a long series of indefensible aggressions on our national rights by the British Government. Those aggressions sprung from the efforts of England to resist Napoleon and his continental system. Though by the treaty with England of 1783 we were solemnly recognized by that Government as a sovereign and independent people, the British ministry, with a presumptiousness and haughtiness as intolerable as it was odious, endeavored to treat us with as peremptory inconsideration as that accorded a subject race. Again the chains of tyranny were fastened 'round our necks. And when the American Government, after five years of repeated and respectful protest, and after resort to every expedient of peace suggested by the ingenuity of that day, was reluctantly driven to the sword in defense of its rights, England waged a war of pillage and destruction, of bitterness and vindictiveness, of arson and rapine, beside which the iniquities of the Goths were mild.

The War of 1812 was virtually our second war of independence. The history of that struggle undeniably proves that the British ministry resorted to every device within its power in a fruitless effort to disgust the American people with the incompetence of their Government and to induce our Northern States to set up a separate union for themselves in connection with, or under the protection of, England.

In the prosecution of that war the American Navy laid the foundation of a reputation for skill and bravery which has been maintained to this day. In construction, in personnel, in maneuvering, in feats of daring and hardihood, it outclassed and excelled its opponent. Although our people were successful on the sea, the trained British regulars, veterans of European campaigns against Napoleon, were, until the battle of North Point, generally successful on land.

At a psychological moment in the progress of that war, at a time when our Government, crippled by a fierce and unreasoning partisanship, was on the verge of utter exhaustion, the British inaugurated a scheme of military conquest well designed to accomplish the division of our Union. All the energies of war were to be directed against the seat of government and the brunt of the conflict brought to bear on those Southern States which supported the party in official power. Meanwhile the Northern States, in which the cry for separation from the Union was growing constantly stronger, was to be given an example of the punishment in store for them unless they should quickly set up a confederation of their own and arrive at terms of peace with the enemy. To accomplish these objects one British army was to push down Lake Champlain, while another, consisting of a joint land and sea force, was to harass the Atlantic coast adjacent to Washington, Baltimore, Philadelphia, and New York, making incursions to inflict what damage and pillage and create what terror it could. Later both forces were to effect a junction.

The British naval and military force entered the Chesapeake; almost simultaneously the descent was made on Lake Champlain. Washington was attacked, its defenders routed, the city entered, and all public and some private buildings wantonly burned or destroyed. Alexandria was laid under tribute. Madison and his Cabinet were forced to flee into the Virginia woods for security. This success of the British plan was a staggering blow to our Government, more disastrous in its moral influence than in its physical effect, for Baltimore, Philadelphia, New York, Boston, and all other Atlantic coast towns were filled with apprehensions of a similar fate, against which were the alternatives of secession or contributing liberally to England's war chest. Such a state of affairs placed a powerful weapon in the hands of the Federalists of the North. It also gave to those New Englanders favoring withdrawal from the Union the strongest possible motive for prompt action—that of self-preservation.

A government disorganized, disheartened, and discouraged, smarting under the severity of its punishment, tottering on the brink of exhaustion, was that of the United States when the British entered upon their expedition against Baltimore. So dejected were our people that successful resistance was thought impossible, and it was despairingly believed that the attempted defense of Baltimore would prove of as little avail as that offered at the capital. The whole land waited with bated breath the issue of the impending assault, fearful of what new calamity was yet to startle our country.

News traveled slowly in those days, but none the less joyously. Tidings of the battle at North Point were followed rapidly by details telling of the death of Gen. Ross, the commander of the British forces. Tales of the fierce and dramatic attack on Fort McHenry and the complete repulse of the British were soon corroborated by Key's inspiring anthem, which met with instantaneous popularity. As by magic, our people were aroused and our Government infused with the vigor and vitality of an awakened national life. Other cities were anxious to meet the enemy and emulate the valor of the men of Baltimore. The victory at Fort McHenry, of which Key's song so eloquently testified, was a stimulus to the patriotic impulse of the Nation which worked a wonder little short of miraculous in rejuvenating our national spirit.

It was such conditions that gave to the victory at Fort McHenry a more than double significance. To fully appreciate the situation and realize the importance of the successful resistance which that little fort made against the assaults of the British invader, it is necessary to consider for a moment the causes of that war and the military operations that preceded and led up to that attack.

CAUSES OF THE WAR.

The events which culminated in June, 1812, in a declaration of war by the United States against Great Britain were but the reflection over 3,000 miles of sea of those hostile fires which cast their lurid glare over the blood-drenched plains of continental Europe. In that unfortunate land the curtains had been drawn upon the most desperate struggle ever witnessed in the history of humankind, and destiny seems to have decreed that the echoes of that struggle should reverberate even to the distant shores and forest wilds of America. Napoleon was engaged in his terrific fight for European domination. His invincible legions marched almost whither they would, hurling back with ferocious, lightninglike rapidity the ever-appearing columns of the allies. On land he was supreme, but where the waves of ocean dashed upon the shores of continental Europe there his power ceased, for "Britannia ruled the wave."

To strike a vital blow at English commerce induced Napoleon on November 21, 1806, to promulgate his Berlin decree forbidding continental Europe to purchase or traffic in English goods, and "which turned away or confiscated every American vessel voluntarily entering a British port after that date."

England retaliated through her "orders in council," the first of which dated January 7, 1807. These denounced as subject to capture all ships trading at ports under Napoleon's jurisdiction, unless they should have first submitted to inspection by some English vessel of war and obtained a certificate as to their neutral character.

Of the practical effect of these "orders" on American commerce, I cite an example widely quoted in this country at the time:

Let us suppose an American ship sails from Virginia for Holland, France, Spain, Portugal, or Germany with, say, 400 hogsheads of tobacco. She must go first to a British port and there ask leave to continue the voyage, and not only ask but pay for it at the rate of 1½d. for each pound of the tobacco and 12s. for each ton of the ship. Now,

as a hogshead contains 1,000 pounds of tobacco the cargo will weigh 400,000 pounds, which, taxed at a penny and a half, will yield $11,000. The ship will probably be of 400 tons, which, at 12s. the ton, will add $1,065. This paid, and a royal license secured at a cost of $100, the captain may go on to, say, Amsterdam, where he may sell his tobacco and take on a cargo of gin. But on the way home, if the French do not seize him for having a British license, he must again touch at an English port and pay duty on the gin. The duty is 1s. 3d. per gallon. If he has 600 pipes, 60,000 gallons, the tax will be $16,650. Tonnage and light money added to this will make the duty $18,515. Thus * * * every American ship that went out with tobacco and came back with gin would pay Great Britain $31,000 for leave to do so.

Napoleon replied promptly, for within less than a month he answered the British orders in council by a promulgation from Milan declaring every ship visited by a British cruiser or sent into a British port or which paid a tax to the British Government thereby denationalized and converted into English property and that it would be regarded as contraband of war.

Notwithstanding the Berlin decree, the British orders in council, the Milan decree, and the nonintercourse acts of the United States, hereafter referred to, American vessels still continued to enter French ports. But by the Bayonne decree of April 5, 1808, the French Emperor sequestered all American vessels arriving in France subsequent to the embargo, as being presumably British property.

The British orders in council of April 26, 1809, established a blockade of the whole coast of France.

The secret decree of Vienna of August, 1809, enforced in principle, sequestered every American vessel arriving within the Emperor's military control, in reprisal for the nonintercourse act of the United States which threatened French ships with confiscation.

DESTRUCTION OF AMERICAN COMMERCE.

All legitimate commerce of the American States with Europe was thus annihilated. We have seen by the illustration quoted the ruinous tariff exacted of any vessel attempting bona fide compliance with the English orders in council. Through the orders of the French Emperor our trade with France was equally demoralized, and in the files of the Federal Republican and Commercial Gazette, of Baltimore, of January 17, 1812—a rabid Federalist paper of that day—I read from its time-stained pages, under the caption "A free trade to France," a communication graphically portraying the effect of some of the French restrictions upon the tobacco industry of my native county of Anne Arundel:

A planter of Anne Arundel County having 42 hogsheads of tobacco of his own crop shipped it on the 14th of April, 1810, in the ship *Virgin*, Capt. Auld, bound to the island of Syit, consigned to a house in the Hamburg. The ship arrived and delivered her cargo in June and July following. On or about the 20th day of April, 1811, a decree was issued by the Emperor of France subjecting the property to confiscation unless it was carried within certain lines mentioned in the decree and before a given time. The consignee was therefore compelled to incur the heavy charges mentioned below to carry the above tobacco into Hamburg. Upon its arrival there, the Emperor of France took 25 hogsheads for his share and left the planter 17 hogsheads burthened with all the charges and sale of 17 hogshead remaining.

July 15, 1811:	£	s.	d.	£	s.	d.
12 hogsheads of tobacco weighing 14,430, at 13½	11,949	13	6			
	2,533	5	6			
				9,416	08	0
Deduct the following charges:						
Freight of the 42 hogsheads	2,820	11	0			
Expenses at Husum	1,088	00	0			
Carriage to Altona and expenses there	3,613	04	0			
Insurance against fire, porterage, receiving and delivering, warehouse rest, etc	1,405	06	0			
				9,143	08	0

(M. B. 273 or $91)

Estimating the 25 hogsheads of tobacco taken by the Emperor of France at the same price the rest sold for, it would produce upward of $5,000. Thus it appears that the Emperor of France receives $5,000 and the planter only $91—a contrast that ought to prove to every person that our trade with him is ruinous. Is this the trade for which our Government are about commencing a war.

The above can be proved by original letters and accurate sales, if the statement is controverted.

The combined effect of these decrees was naturally the destruction of all security to neutral commerce. The historian, Sparks, says:

The two great belligerent powers thus mutually rivaled each other in the work of destroying the commerce of the only remaining neutral State their indiscriminate violence had left out of the circle of hostility.

EFFORTS TO AVOID WAR.

When contemplating the contemptuous disregard of their rights and the repeated indignities to which the United States was subjected by England and France during the Napoleonic wars, no American of the present day with red blood in his veins can conceive how our forefathers were able to so long persist in that pacific policy to which they resorted. Whether this attitude was influenced by the desire to avoid conflict until our youthful Republic should be able to withstand the shock of war, or whether it was inspired by a hope for redress of these grievances through diplomatic representations of their palpable injustice, we can not help but marvel at the fortitude of our people and Government, for no nation prizing the respect of mankind was ever given stronger reasons to appeal to the arbitrament of the sword. Although English men-of-war and French sequestrations were fast extinguishing our struggling commerce, Congress, dominated by Jefferson, tenaciously clung to a policy of commercial retaliation, or "peaceful coercion," the avowed intent of which was to put an end to that trade which still heroically survived the dangers by which it was beset. Assuming that England's need of our market was imperative to her industrial welfare, and to deprive her of this market would force her to a recognition of American rights, was the basis of that reasoning which produced the nonimportation and the embargo.

Abroad Napoleon had shut the whole Continent of Europe to English trade, which was henceforward limited to countries beyond the seas. If ever England could be coerced by perceable means, this was the time.

Prior to the passage of the embargo Congress was told that any measure of this character would fall with unabated severity upon the Atlantic Coast States, and it was prophetically pointed out that it would prove more destructive to the United States than any nation against whom it might be aimed. Such protests, however, were unavailing with Congress against the recommendations of Jefferson. In a letter to John Mason immediately preceding the enactment of the embargo, Jefferson justified it as follows:

* * * The sum of these mutual enterprises on our national rights is that France and her allies, reserving for further consideration the prohibiting our carrying anything to the British territories, have virtually done it by restraining our bringing a return cargo from them; and Great Britain, after prohibiting a great proportion of our commerce with France and her allies, is now believed to have prohibited the whole. The whole world is thus laid under interdict by these two nations, and our vessels, their cargoes, and crews are to be taken by the one or the other for whatever place they may be destined out of our own limits. If, therefore, on leaving our harbors we are certainly to lose them, is it not better, as to vessels, cargoes, and seamen, to keep them at home?

Despite the absolute lack of faith in its efficacy as a measure of retaliation against those nations which had repeatedly, flagrantly, and insolently wronged us, the embargo act was adopted by Congress as the only alternative of war. To Levi Lincoln, Jefferson wrote:

The alternative was between that and war, and, in fact, it is the last card we have to play short of war.

EFFECT OF THE EMBARGO.

Henry Adams in his splendid "History of the United States," in treating of Jefferson's administration, thus narrates the effect of the embargo:

In New England, where the struggle of existence was keenest, the embargo struck like a thunderbolt, and society for a moment thought itself at an end. Foreign commerce and shipping were the life of the people—the ocean, as Pickering said, was their farm. The outcry of suffering interests became every day more violent as the public learned that this paralysis was not a matter of weeks, but of months or years. New Englanders as a class were a law-abiding people, but from the earliest moments of their history they had largely qualified their obedience to the law by the violence with which they abused and the ingenuity with which they evaded it. Against the embargo and Jefferson they concentrated the clamor and passion of their keen and earnest nature. * * *

Immense losses, sweeping away their savings and spreading bankruptcy through every village, gave ample cause for their complaints. Yet in truth, New England was better able to defy the embargo than she was willing to suppose. She lost nothing except profits which the belligerents had in any case confiscated; her timber would not harm for keeping, and her fish were safe in the ocean. The embargo gave her almost a monopoly of the American market for domestic manufactures; no part of the country was so well situated or so well equipped for smuggling. Above all, she could easily economize. The New Englander knew better than any other American how to cut down his expenses to the uttermost point of parsimony, and even when he became bankrupt he had but to begin anew. His energy, shrewdness, and education were a capital which the embargo could not destroy but rather helped to improve.

The growers of wheat and live stock in the Middle States were more hardly treated. Their wheat, reduced in value from $2 to 75 cents a bushel, became practically unsalable. Debarred a market for their produce at a moment when every article of common use tended to rise in cost, they were reduced to the necessity of living on the produce of their farms, but the task was not then so difficult as in later times, and the cities still furnished local markets not to be despised. The manufacturers of Pennsylvania could not but feel the stimulus of the new demand; so violent a system of protection was never applied to them before or since. Probably for that reason the embargo was not so unpopular in Pennsylvania as elsewhere, and Jefferson had nothing to fear from political revolution in this calm and plodding community.

The true burden of the embargo fell on the Southern States, but most severely upon the great State of Virginia. Slowly decaying, but still half patriarchal, Virginia society could neither economize nor liquidate. Tobacco was worthless, but 400,000 negro slaves must be clothed and fed, great establishments must be kept up, the social scale of living could not be reduced, and even bankruptcy could not clear a large landed estate without creating new encumbrances in a country where land and negroes were the only forms of property on which money could be raised. Stay laws were tried, but served only to prolong the agony. With astonishing rapidity Virginia succumbed to ruin while continuing to support the system that was draining her strength. No

episode in American history was more touching than the generous devotion with which Virginia clung to the embargo and drained the poison which her own President held obstinately to her lips. The cotton and rice States had less to lose, and could more easily bear bankruptcy; ruin was to them—except in Charleston—a word of little meaning; but the old society of Virginia could never be restored. Amid the harsh warnings of John Randolph it saw its agonies approach, and its last representative, heir to all its honors and dignities, President Jefferson himself woke from his long dream of power only to find his own fortunes buried in the ruin he had made.

The Federal newspapers in which the law was published—

Says McMaster—

appeared with inverted column rules. There were long obituary notices on liberty, on the Constitution, on the Union. The people of Bath, in Maine, assembled in town meeting and took the first steps toward civil war. * * * The men of Newburyport voted * * * that the whole system was unequal, oppressive, unconstitutional, and unjust. * * * From Augusta, from Belfast, from Castine, from Alfred, from Bath, from Portland, from Wells, from Hallowell, from Beverly and Salem, Newburyport and Gloucester, from Boston and Cambridge, Hadley, Brewster, Sanford, Northampton, North Yarmouth, Amesbury, Oxford, New Bedford, Provincetown, Plymouth, from Marblehead, Duxbury, Somerset, Taunton, Lynn, Bolton, and Sterling resolutions came pouring in * * *. Each deprecated a dissolution of the Union, but none expressed horror at the idea; * * *. The men of Alfred told * * * that despotism had broken the bonds that once bound the Colonies to Great Britain, and that what a like course of conduct might do in the United States God only knew. Hadley expressed the belief that a perseverance in that deadly hostility to commerce which arose from jealousy of New England would soon break up the Union—nay, that self-preservation would soon force a separation of the States. * * * So hateful was the law that, rather than execute it, the collector and the deputy collector of the port of Boston resigned.

In the large shipping towns business of every kind fell off, and soon utterly ceased. The rope walks were deserted, the sailmakers were idle, the shipwrights and the draymen had scarcely anything to do. Pitch and tar, hemp and flour, bacon, salt fish, and flaxseed became drugs upon the shippers' hands. But the greatest sufferers of all were the sailors. In Boston 100 of them, bearing a flag, went in procession to the Government house demanding work or bread. * * * In New York the common council thought for a time of employing the sailors to grade the streets, cut down hills, and fill up swamps and deep lots. In Philadelphia a band of seamen with a flag paraded the streets, and finally were put to work "making canvas, rope, coarse mats, oakum, gaskets, and points."

BRITISH IMPRESSMENTS.

A condition of affairs so deplorable as to force a nation in its extremity to pen up its commerce was indeed bad enough; but, unfortunately, that was not all. One of the most prolific sources of irritation of our relations with England was the denial by the British Government of the right of her citizens to transfer, without her consent, their allegiance to any other Government.

Asserting the principle, once a subject always a subject, she claimed the services of every British sailor wherever and whenever found. Nothing could release him. If he produced naturalization papers from the country under whose flag he sailed, he was told that England did not admit the right of expatriation. If he claimed to have voluntarily enlisted in the service of a neutral, and to be under contract for the voyage, he was told that such agreements must give way at the call of his King. Every British officer, therefore, who came over the side of an American merchantman to search for an enemy's goods mustered the crew and searched for British subjects. At first an honest attempt seems to have been made to distinguish between the men of the two countries * * *

but as the exigencies of a protracted war made more pressing the need for men to man England's vessels of war—

impressment grew more and more rigorous, till at last the officer who searched an American ship laughed at protections and naturalization papers, differences of language and differences of race, and took off with him such men as pleased his fancy, and cared not a rush where they were born.

Such a policy naturally resulted in inflaming public sentiment in the United States until American hatred of the British Government became intense.

INDIGNITIES OF BRITISH COMMANDERS.

As illustrative of the extent to which British naval commanders went in conducting these impressments and their defiance of the laws of our country, I cite a few examples:

One evening in April, when the coasting sloop *Richard*, from Brandywine, was approaching New York, and when scarcely 2 miles from the Sandy Hook Light and not a quarter of a mile from the beach, two shots came screaming toward her. * * * The *Richard* was quickly rounded, but just at that moment a third ball * * * carried off the head of John Pierce, the helmsman. The shots came from the *Leander*, a British warship, that had long lain in the offing, stopping coasters, searching merchantmen, seizing ships, and impressing citizens of the United States. * * * But the *Richard* made her escape, and toward morning reached New York. * * * The body of the murdered man was taken from the ship, and * * * thousands viewed it, and of these scarce one but went away cursing England. * * * Meanwhile the common council met, denounced the murder and the daring aggression on national right, voted a public funeral, and asked the captains of ships in the harbor to lower their flags to half mast and the sextons of the churches to toll the bells. * * * On the day of the funeral the body, surrounded by the clergy, the captains and crews of all the ships in the harbor, the mayor, the common council, and the citizens, was borne along Wall Street, Pearl Street, Whitehall Street, to Broadway, and deposited in the graveyard of St. Paul's Church. Outside of New York the feeling produced by the murder of Pierce was not so intense, although the whole country was deeply stirred.

Jefferson put forth a proclamation calling for the arrest of Whitby and commanding the *Leander*, the *Cambrian*, and the *Driver* to leave the ports of the United States, and forbidding the offending officers, Henry Whitby, John Nairne, and Slingsby Simpson, ever again to enter the waters under the jurisdiction of this Government.

About a year later the Nation was convulsed with indignation by the affair of the *Chesapeake* and the *Leopard*. The former, a frigate of the American navy, while bound for the Mediterranean to join the American squadron in those waters, had hardly passed out the capes of the Chesapeake when she was ordered by the *Leopard*, of the British Navy, to stop and be searched for deserting seamen. Upon refusing to comply the *Chesapeake* was riddled with shot until she had struck her flag. This almost produced war at the time between the two countries, and would have certainly done so had Congress been in session while the excitement was at its height. A cry arose on all sides demanding instant reparation from Great Britain, and the justice of this clamor was accentuated when it became known that never heretofore had Great Britain claimed the right to search a Nation's vessels of war for deserting seamen.

The utter disregard which British officers entertained for the United States was soon strikingly manifested. Although by President Jefferson's proclamation of July 2, 1807, our ports were declared shut to the armed ships of England and our citizens told that they should not "supply them with food or water or hold any communication with their officers or crews," British frigates "came and went as it pleased them." Contempt for Jefferson's proclamation was emphasized when two English vessels of war entered the harbor of New York, and upon being refused a pilot by a pilot boat "sent an armed boat in pursuit." Not content with this, they fired on an American "gunboat that was sailing about, brought it to, and ordered a midshipman to come on board," who did so. The collector of the port sent a revenue cutter to bid them depart. The cutter—

was ordered off, and when she did not go, was boarded and searched.

For three years English vessels kept our seacoast in a state of blockade. Some cruised along the coast from Eastport to Cape Ann. Some lay off the Long Island shore. Some searched vessels and impressed men within a league of Sandy Hook. One squadron passed within the capes of Chesapeake Bay and anchored in Hampton Roads. Such indeed was the impudence of the English commanders that the *Driver*, which in the proclamation of the year before had been commanded never again to enter any port or harbor of the United States, sailed boldly into Rebellion Roads and dropped anchor off Fort Johnson. The commandant of the fort was dumfounded. He could hardly trust his eyes, and, not knowing what to do, sent to ask the governor how the intruder should be driven out. * * * A correspondence which was long remembered opened with Capt. William Love of the *Driver*. He was reminded of the proclamation; he was asked to leave port within 24 hours. * * * The reply of the captain was long and insolent. He declared that Mr. Jefferson's proclamation would have disgraced the sanguinary pen of Robespierre or the most miserable and petty State of Barbary; intimated that he would sail when ready; asserted his readiness to punish any insult offered to his master's flag; and threatened that if water was not furnished him he would take it by force. Nor was he worse than his word. A plentiful supply of water was secured, and the *Driver*, to the shame of our Government, sailed unmolested away.

Worse yet was the behavior of Lieut. John Flintoph, of His Majesty's armed schooner *Pogge*. Early in the evening of a June day he entered the bay of Passamaquoddy, boarded and searched the shipping, fired on the town of Passamaquoddy, and sent a shot rolling between children at play. A month later he was again in port. This time he fired on a revenue boat, searched half a dozen American vessels, impressed some American sailors, and with round shot cut to pieces the sails and rigging of a schooner.

Is it any wonder that, in view of repeated indignities of similar character, the American people became furious?

ON THE FRONTIER.

Nor was this all. Commanders of British military posts in the interior of the country exhibited the same contempt for our Government as that so openly displayed by English naval officers, and charges were repeatedly made by the pioneers that Indian attacks on outlying settlements, accompanied by all the inhuman atrocities incident to such excursions, frequently had their inspiration and received sympathetic assistance from forts from which hung the flag of St. George. The savages were led to understand that the authority of "the great English father" was not extinguished, but only lay dormant, and that he would soon return to assert the same, to punish those who offended him, and to reward with his love and bountiful presents those of his red children who had followed his good advice. Secretly urged to take up the hatchet against the frontier settlers who sometimes trespassed on the Indian huntings grounds, inflamed by exaggerated recitations of wrongs to which they had been subjected, taught to regard all Americans with suspicion and their Government with ridicule, it is not to be wondered that the untutored red man indulged his primeval passions and that the rude log cabin in some isolated forest clearing was often the scene of blood-curdling tragedies of demoniacal conception.

The settlers soon learned the inspiration of their troubles, and their complaints were carried to the authorities at Washington; and if any doubted the accuracy of these accusations,

such doubts were soon dispelled by the eagerness with which, at the eventual outbreak of hostilities, the savage hordes of the forest were openly employed in conjunction with British soldiers and Canadian militiamen in barbaric forays on our border settlements.

EFFORTS OF AMERICAN DIPLOMACY.

The story of American diplomatic negotiations preceding the War of 1812 constitutes a most interesting chapter of our national history.

It should be remembered that up to 1812 the Government of the United States was a trembling and doubtful experiment. Already the people of the United States had once changed their fundamental Constitution, and in the eyes of many European statesmen our Government was a venture foredoomed to destruction, the belief being widely entertained that our domestic partisanship would culminate in a spasm of fratricidal strife resulting in a monarchy maintained through alliance with some European power, or that we should return to the political espionage of Great Britain. Apparently confirming these suspicions of its instability was the confessed inability of our Government to insure respect for its rights during a period of the world's history when such consideration could be commanded only by the proper exhibition of strength.

Even during the enlightened present difficult are the negotiations of the diplomat not backed by the moral suasion of an effective army and navy—the unfortunate situation of the American diplomatist of that day. And it may be readily supposed conditions were far worse a century ago, when human nature had not ascended that moral height which it has since attained. Then, too, the European crisis had discovered the most able diplomatic talent of the old continent, and furnished a wealth of practical experience in which to school and develop it. Talleyrand, Champagny, and Decrès; Canning, Perceval, and Lord Wellesley were not of the class of ministerial agents who scoffed at the maxim "might makes right," nor did the character of the principals they served render their demeanor the more gracious and conciliatory.

In 1803 James Monroe, afterwards fifth President of the United States and author of the well-known doctrine which bears his name, was appointed to represent the United States at the British court. In 1806 and 1807 Monroe and William Pinkney, an illustrious son of Maryland, were joint ministers to Great Britain; and upon the return of Monroe, Pinkney remained as minister plenipotentiary from 1807 to 1811.

That Pinkney's designation to St. James strenghtened our Government at that court is evident, for Lord Holland, in his memoirs of the Whig Party, in comparing him with Monroe, pronounces that Pinkney "had more of the forms and readiness of business and greater knowledge and cultivation of mind."

WILLIAM PINKNEY.

Of the parentage and early life of Pinkney, Esmeralda Boyle, in her Sketches of Distinguished Marylanders, tells as follows:

William Pinkney was born at Annapolis, on the Severn River, in the State of Maryland, the 17th day of March, 1764. His father was an Englishman named Jonathan Pinkney. He was of Norman descent, his ancestors having gone to England with William the Conqueror. His mother was a woman of strong intellectual powers and great tenderness of heart. To her he owed the first part of his education. Jonathan Pinkney was a Royalist, espousing that cause with great warmth during the struggle for independence. The boy, however, chose to be a patriot of a more decided order. Sparks, in his biographical sketch of Pinkney, says that "one of the freaks of his patriotism was to escape from the vigilance of his parents and mount night guard with the soldiers in the fort at Annapolis."

Having imbibed in these early years a hatred of oppression and oppressors, it inspired at a later period some of his noblest efforts. Owing to the poverty forced upon him by the confiscation of his father's property, his classical education was rather limited. His teacher, Mr. Brehard, who was the principal of the King William School, took a profound interest in the embryo statesman, at that time just 13 years of age. (In the college register for 1794 the name of William Pinkney is entered on the board of visitors chosen for that year.) Struggling against the inflictions of pride and poverty, he endeavored to earn his livelihood by labor. It is said that he entered an apothecary store in the city of Baltimore, and while there began the study of medicine under Dr. Dorsey. From this rather obscure position he was drawn by the learned Samuel Chase, under whose direction and encouragement Pinkney began the study of the law at the age of 19.

He appeared as a practitioner before the bar in the year 1786. Leaving Annapolis, he went to Harford County, on the Susquehanna River, where his first professional efforts saw the light. From this district he was sent as a delegate to the State convention which ratified the Constitution of the United States of America in 1788. In October of the same year he was chosen and sent as a member of the house of delegates.

The eloquent utterances of this wonderful son of genius is counted among the proudest memorials of historical Maryland. His nephew, the Rev. William Pinkney, thus writes of his gifted kinsman: "With a voice of uncommon melody and power, an elocution beautifully accurate, and action graceful and impressive, he held the listening crowds upon his tongue in rapt astonishment and wonder. The tradition is still alive in Maryland, which echoes the widespread rumor of his fame."

In 1790 he was elected Member of Congress, but he declined the office.

In 1792 he was elected a member of the executive council of Maryland, which position he held for about three years. He was for a time president of that body. He was appointed by President Washington as commissioner from the United States to England in 1796. He remained in that country engaged in important Government affairs until 1804. While in London, and not engaged in official or social duties, he occupied the time in study. Under the direction of a tutor he pursued the study of the Latin language, and cultivated in other ways the talents so generously bestowed upon him. While in Europe he enjoyed the society and friendship of many of the most eminent statesmen of that period; amongst his appreciative friends Mr. Pitt was the most prominent.

PINKNEY AT ST. JAMES.

Pinkney, at the British court, presented a heroic figure. Of all American ministers sent to England he was probably the best equipped of any to cope with the problems presented. He brought to his labors a profound knowledge of the law and keenness of penetration, and was "powerful and eloquent" in argument. Chief Justice Marshall said that he "never knew his equal as a reasoner," so clear and luminous was his method of argumentation; and Judge Story adds that Pinkney's language was "most elegant, correct, select, and impressive; his delivery fluent and continuous; his precision the most exact." Pinkney was "wonderfully endowed with graces best suited to places of trust and dignity. His manner was gracious and winning; his eloquence was a more powerful charm through the musical depths of his voice." In dress, also, he well was calculated to favorably impress those Europeans with whom he was brought in contact, for his toilet was invariably faultless, and the fit of his gloves so perfect as to induce frequent comment, even to the extent of being pointed to by some as a mark of effeminacy.

Recitation in detail of the diplomatic intercourse occasioned by the wrongs which our country suffered from Great Britain and France is too long to here admit of discussion in its manifold ramifications. During the five years preceding the declaration of our second war with Great Britain the United States was given ample cause to justify resort to open hostilities against both England and France, and that it did not so result is due alone to that remarkable forbearance to which I have adverted.

Adams says:

The British Government never attempted to defend its sweeping orders of 1807 and 1809 on the ground of legality; these were admittedly illegal and a proper casus belli if America chose to make war on their account. England claimed only that the United States were bound to make war on France for the Berlin decree of November 21, 1806, before making war on England for her retaliatory orders of 1807. In order to evade this difficulty France declared that her decree of November, 1806, was retaliatory on Fox's blockade of May, 1806.

To give apparent credit to pretexts so penetrable, both England and France professed a ready willingness to withdraw the decrees so offensive to the United States, provided the other, as a condition precedent to its action, would do so. Under such conditions, to unravel a tangled and endless skein of yarn would have proven by far an easier task than the duty assigned to our ministers to England and France.

Pinkney plunged energetically into the task before him at the British court. According to the accounts of the time, his communications to the English foreign office were "all sweetness"; but when he fully realized that England would not disavow its self-claimed right to impressment nor abandon its unjust policy toward our commerce, his attitude changed, and, according to the reports of that day, he "exhibited in his communications with Lord Wellesley an ample measure of republican insolence." He saw that his efforts were useless, and that if a reversal in the British policy toward the United States was ever to come, it must be through a resort to hostilities by our Government in unequivocal resentment of British pretensions, for by this time Pinkney had discovered that "many members of the British Government and nearly the whole British Navy were growing rich on the plunder of American commerce."

In his official report of his leave-taking, Pinkney says:

I stated to the prince regent the grounds upon which it had become my duty to take my leave, * * * and I concluded by expressing my regret that my humble efforts in the execution of the instructions of my Government to set to rights the embarrassed and disjointed relations of the two countries had wholly failed, and that I saw no reason to expect that the great work of their reconciliation was likely to be accomplished through any other agency.

Of the impression which Pinkney left in London, the historian Adams says:

So closed Pinkney's residence in London. He had passed there nearly five years of such violent national hostility as no other American minister ever faced during an equal length of time, or defied at last with equal sternness; but his extraordinary abilities and character made him greatly respected and admired while he stayed and silenced remonstrance when he left. For many years afterwards his successors were mortified by comparisons between his table oratory and theirs. As a writer he was not less distinguished. Canning's impenetrable self-confidence met in him powers that did not yield, even in self-confidence, to his own; and Lord Wellesley's oriental dignity was not a little ruffled by Pinkney's handling. As occasion required, he was patient under irritation that seemed intolerable, as aggressive as Can-

ning himself, or as stately and urbane as Wellesley; and even when he lost his temper, he did so in cold blood, because he saw no other way to break through the obstacles put in his path. America never sent an abler representative to the court of London.

THE ELEVENTH CONGRESS.

Added to the vexations of diplomacy was the vacillating course of Congress. Although the Nation was obviously being drawn into the vortex of European hostilities, no systematic policy was adopted either for aggressive or defensive warfare.

President Washington, with a gross income of $58,000,000 in eight years, spent eleven millions and a quarter on the Army and Navy. John Adams in four years spent $18,000,000, and was supposed to have been driven from office for extravagance. President Jefferson in his first four years cut down these expenses to $8,600,000; in his second term he raised them again to $16,000,000, or nearly to the point reached by John Adams at a time of actual hostilities with France, although President Jefferson relied not on armaments, but on peaceable coercion, which cost very large sums besides.

Despite the critical condition of our foreign relations, to the mortification of every thinking American, the Eleventh Congress not only failed to initiate any measures that would assure the much-desired peace but actually proposed to further reduce the Army and Navy, because the administration had been averse to a war policy, "in order to punish the men who had made them useless."

Of the work of the Eleventh Congress, McMaster says:

The fruit of that stormy session was 37 public acts. Compared with the work now done by a Congress, this showing seems small indeed, for it is no uncommon occurrence for either House to have on its calendar 10,000 bills and for a Congress to put on the statute book 400 public acts.

Little wonder, then, there is that Richard M. Johnson, of Kentucky, should have passionately declared:

The annals of human nature have not given to the world the sad example of a nation so powerful, so free, so intelligent, so jealous of their rights, and at the same time so grossly insulted, so materially injured, under such extraordinary forbearance.

And, almost prophetically, he added:

We may disgrace ourselves, but the people will rise in the majesty of their strength, and the world will be interested in the spectacle.

Roger Nelson, of Maryland, cried out in warning. He told Congress "they were behaving like schoolboys."

It is a perfect child's game—

Said he—

At one session we pass a law for raising an Army and go to expense; in another year, instead of raising money to pay the expense by the means in our power, we are to disband the Army we have been at so much pains to raise. We shall well deserve the name of children instead of men if we pursue a policy of this kind.

As indicating the height to which popular feeling against England had by this time mounted:

New Jersey had forbidden her bar to cite or read in her courts any decisions, any opinion, any treatise, any compilation or exposition of common law made or written in Great Britain since the 1st of July, 1776, and prescribed a heavy punishment for any counselor, solicitor, or attorney who did.

Kentucky supported a reform more sweeping still. A motion was made in the assembly that henceforth no decision of a British tribunal and no treatise on law by a British writer should be cited as an authority in any court of the State.

The Legislature of Pennsylvania passed a bill forbidding the citation of any English decision made since July 4, 1776.

Says McMaster:

The older Republicans—the men trained in the school of Jefferson—still had faith in peaceful measures, and expected much from the Eleventh Congress. But when that body closed its term amid the execrations of men of both parties, all hope was gone, and one great cry for war went up in every Republican district. The constituency of the party, as well as the political creed of the party, had changed. Twenty-two years had passed since the day in January, 1789, when presidential electors were chosen for the first time. Striplings then were men of middle age now. Men of middle age then had since found a resting place in some quiet cemetery, or had reached that time of life when they were more disposed to lament the evils of the present than to seek to remove them, more disposed to look back with tender regret into the past than forward with hope into the future. They were the men who had taken a part in founding the Government. They had lived under the Articles of Confederation. They had framed the constitutions of the States, and debated and discussed the Constitution of the United States. They were, as Henry Clay called them, "the fathers." Their work had been to set up governments, and their heads were full of theories of government. The work of the sons was to administer government. To them it seemed the height of folly that commerce should be ruined, that agriculture should languish, that bankruptcy should spread far and wide, because it was not good Democratic doctrine to have standing armies, standing navies, taxes, and war. In many of the States the young men were already in control. In the election for the Twelfth Congress they swept the country. Of the 142 men who were in the Eleventh Congress, 61 were not returned to the Twelfth.

A political revolution of the utmost importance had taken place.

YOUNG MEN AND WAR.

The elections of 1810 cleared the way for war, and the Twelfth Congress, which met in Washington November 4, 1811, had as its active leaders young men. They were in solid control of the House and elected as Speaker, Henry Clay, a new Member, then barely 34 years of age. "He was the boldest and most active leader of the war Republicans." "The youthful energy of the Nation, which had at last come to its strength under the shelter of Jefferson's peaceful rule, cried out against the cowardice of further submission and insisted on fighting if only to restore its own self-respect."

Upon the floor of the House, John C. Calhoun, "who had lately taken his seat as a Member from South Carolina," exclaimed:

I know of but one principle to make a nation great, to produce in this country not the form but the real spirit of union, and that is to protect every citizen in the lawful pursuit of his business. * * * Protection and patriotism are reciprocal. This is the road that all great nations have trod.

The War of 1812, says Adams—

was chiefly remarkable for the vehemence with which, from beginning to end, it was resisted and thwarted by a very large number of citizens who were commonly considered, and who considered themselves, by no means the least respectable, intelligent, or patriotic part of the Nation. That the war was as just and necessary as any war ever waged seemed so evident to Americans of another generation that only with an effort could modern readers grasp the reasons for the bitter opposition of large and respectable communities, which left the Government bankrupt and nearly severed the Union.

The attitude of the Federalists of the North, headed by Timothy Pickering, in opposition to the administrations of Jefferson and Madison, had for many months caused those Presidents much worry and anxiety. British ministers who had become persona non grata to the American Government were received with open arms in the North, and a cordial welcome given them by those opposed to the party in power. Throughout the North the people had been taught that Jefferson was the tool of Napoleon and that Madison had followed meekly in his footsteps. The press of the North boldly denounced the longer continuance in the Union of the New England States, and ministers of the gospel scattered seeds of sedition from their pulpits. It was known to the Government that despite the utmost secrecy its policies were often communicated to the British Government in advance. It was also known to our governmental authorities that not infrequently the Federalists of the North were in receipt of authoritative communications from the British Government. By its implacable attitude in resisting every reasonable demand the British Government had forced the United States to the belief that the British ministry was endeavoring by every secret means in its power to provoke civil war in the United States, and though this suspicion was strong it lacked only authentic confirmation to create in the United States that sentiment of revulsion it was bound to produce. The suspicions of the American Government were at last fully corroborated by copies of certain papers which came into its possession.

THE HENRY PAPERS.

On Monday, March 9, 1812, the United States was aroused by the communication to Congress by President Madison of a message transmitting copies of certain documents which the Chief Executive had purchased from John Henry, a British spy. In his letter of transmittal the President told Congress that these documents proved that—

at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality toward Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public minister here, a secret agent of that Government was employed in certain States, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the Nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

The country seemed stupefied at this latest revelation, proving the suspicion which had been long entertained against the British Government, and at the same time revealing the audacity with which that Government had set to the accomplishment of its designs.

A most interesting account of John Henry and the part he played in the events preceding our second war with Great Britain is given in Harper's Encyclopedia of United States History. It appears from that account that Henry attracted the attention of Sir J. H. Craig, governor of Canada, who sent him on a mission to Boston early in 1809.

It was thought that the United States might declare war against England, and Henry was instructed to ascertain whether rumors that in such an event the New England States would be disposed to separate from the rest of the Union had any solid foundation. He was to make diligent inquiries at the proper sources of information, and should any such disposition appear, and with it an inclination to form a connection with great Britain, Henry was to intimate to the leaders that the British Government might be communicated with through Gov. Craig; and should the prospect seem promising, he was to exhibit these instructions as his credentials. Henry was given to understand that he would be well rewarded for his pains. He reached Boston March 9, 1809, where he remained three months. * * * During that time he had written many encouraging letters to Craig's secretary. He spoke of the extreme discontent in New England, and expressed an opinion that, if war against England should be declared, the Legislature of

Massachusetts would take the lead in setting up a separate northern confederation, which might result perhaps in some connection with Great Britain. He finally reported that a withdrawal from the Union was an unpopular idea there, but that there were leaders in favor of it. He did not mention any names. * * *

Mr. Foster, the British minister at Washington, declared publicly that he had no knowledge of the affair. Lord Holland called upon the British Government (May 5) for an explanation, and gave notice that he should call for an investigation. Every pretext was brought to bear to defeat such a measure; but when it could no longer be resisted the ministry cast the odium of the transaction on Sir James Craig. Lord Holland declared that, until such investigation could be had, the fact that Great Britain had entered into a "dishonorable and atrocious intrigue against a friendly power would stand unrefuted." And so it stands to this day.

WAR.

War against England was declared June 18, 1812. The press heralded the news broadcast. McMaster tells that—

the people were reminded how, in a time of profound peace, when no disputes over territory aroused her avarice, when no army and no navy awakened her jealousy, when every merchant seemed intent on feeding her subjects and filling her coffers till they overflowed, Great Britain had wantonly heaped untold injuries on the citizens of the United States. How our merchants were hunted from the sea; how their property was taken; how their ships were boarded; how their seamen were dragged into bondage of the most cruel kind. How, eager for peace, the people of America had sought it with every sacrifice. How they had borne without murmuring injuries that were slight and had remonstrated only against those that were great; how they forbore till forbearance became shameful, and then quit the ocean in the hope that a spirit of moderation would follow the spirit of violence and rapine. How they were chased to their very shores of their country and outrages done them in the waters of their harbors and bays. How spies were sent into their cities to plot with the malcontents for the overthrow of the Government. How the savages were incited to take up the tomahawk and fall upon the frontier towns. How, driven to it, the constituted authorities of the United States had at last declared war for the protection of commerce, for the defense of the citizens, for the preservation of our republican form of government.

BALTIMORE RIOTS.

The people of Maryland were earnestly for the war. They willingly and enthusiastically supported our Government and strengthened the arm of the Nation. Maryland furnished some of the most able statesmen in Congress, with one of the most brilliant ministers ever commissioned to the English court, and with many of the best soldiers and most successful officers to be found in the American Army. Privateers from Baltimore scoured the ocean, harried English commerce to a point of maddening exasperation, and took thousands of prizes of war. Notwithstanding this overwhelming sentiment in favor of the war, there was a band of Federalists, with headquarters in Baltimore, who were bitterly opposed to the war and bold in their denunciation of Madison and all other Republicans. A sentiment as deeply rooted as that held by Baltimoreans and Marylanders in general with respect to the justice of our war with England was not to be trifled with, and a riot ensued, which claimed as its victims two venerable and well-known generals of the Revolutionary War. Describing this riot, McMaster says:

There was at that time published at Baltimore a newspaper called the Federal Republican. The editor in chief was Jacob Wagner, who had as his assistant a young man named Alexander C. Hanson. Wagner had served as chief clerk in the State Department from the time of Pickering to the time of Madison, and was a Federalist of the black cockade school. As such he had denounced the administration and the war with a savage bitterness which roused the deadly hatred of the Democrats. Long before the war was declared this conduct had called forth fierce replies in the newspapers, and had led numbers of distinguished characters to say that if it were continued after war was declared the Federal Republican should be silenced. The denunciation was continued, and on the evening of June 20 a well-organized mob destroyed the type, smashed the presses, and pulled down the building in which the Federal Republican was printed. Made bold by success, the mob rose again the next night, scoured the city in search of men whom they hated, sacked another private house, hurried to the docks, stripped two vessels ready for sea, burned the house of a free negro, and were about to fire the African Church when they were scattered by a troop of horse.

On the night the mob pulled down the printing house Hanson was not in Baltimore. But he was quickly informed of the fact by John Howard Payne, known to every English-speaking people as the author of "Home, Sweet Home." He urged Hanson not to be downed by the mob, but to go on with his paper, assert that liberty of the press of which every Republican from Jefferson down to the lowest demagogue had prated so persistently, and, if need be, defend it with arms. After many consultations with their friends the editors decided to print the Federal Republican at Georgetown, where the press and types would be safe, and issue it from the house lately occupied by Wagner in Baltimore. Knowing that trouble would follow, the building was at once turned into a small fort. Arms were gathered. Food was laid in. Barricades were made ready for the windows and doors, and a garrison of some 20 friends collected. In command were two old soldiers of Revolutionary fame, Gen. James Maccubin Lingan and "Light Horse Harry" Lee. On July 27 copies of the paper arrived and were distributed. That night the mob rose in force, pelted the house with stones, beat in the door, brought up a cannon, and were about to blow the building to pieces when the mayor and the commander of the militia effected a compromise. The garrison were to surrender. The mob were to do no further harm to life or property. The terms were accepted. The prisoners were marched to jail and the house instantly gutted. During the following night the jail was stormed. Eight of the prisoners mingled with the mob and escaped in the darkness. Nine were taken and severely beaten, after which it was found that Lingan was dead and Lee a cripple for life. Some of the others were hidden in hay carts and sent to friends out of town. Others, too badly hurt to be moved, were cared for at the jail hospital.

Concerning this shameful riot at Baltimore the Republican newspapers had little to say, and that little was generally praise. But the Federal newspapers had much to say. They reminded their readers of the days of the sedition law, of the violence with which the Republicans then cried out for free speech and a free press, how it was then declared to be the duty of every patriot to watch the acts of the servants of the people and condemn in unmeasured terms such as were bad, and asked why, in the face of such a record, Republicans could rejoice in the destruction of a press at Baltimore. They filled their columns with all the details of the riot, they nicknamed Baltimore Mobtown, and foolishly and unjustly laid all the blame on the administration.

PINKNEY—"PUBLIUS."

Pinkney, returned from his European mission, entertained no doubts regarding the justice of the war upon which the United States was launched. His brilliant talents were employed in support of the war policy of the administration, and with his gifted pen he urged his fellow men to support the National Government. As an example of his rich and charming style, I cite extracts from a pamphlet which he issued over the name of "Publius":

Maryland is at all times an interesting and conspicuous member of the Union; but her relative position is infinitely more important now than in ordinary seasons. The war is in her waters, and it is waged there with a wantonness of brutality which will not suffer the energies of her gallant population to slumber, or the watchfulness of her appointed guardians to be intermitted. The rights for which the Nation is in arms are of high import to her as a commercial section of the continent. They can not be surrendered or compromised without affecting every vein and artery of her system; and if the towering honor of universal America should be made to bow before the sword, or should be betrayed by an inglorious peace, where will the blow be felt with a sensibility more exquisite than here in Maryland?

It is perfectly true that our State government has not the prerogative of peace and war; but it is just as true that it can do much to invigorate or enfeeble the National arm for attack or defense; that it may conspire with the legislatures of other States to blast the best hopes of peace, by embarrassing or resisting the efforts by which alone a durable peace can be achieved; as it may forward pacific negotiation by contributing to teach the enemy that we who, when our means were small and our numbers few, rose as one man and maintained ourselves victorious against the mere theories of England, with all the terrors of English power before us, are not now prepared to crouch to less than the same power, however insolently displayed, and to receive from it in perpetuity an infamous yoke of pernicious principles which had already galled us until we could bear it no longer.

"Nothing is more to be esteemed than peace" (I quote the wisdom of Polybius) "when it leaves us in possession of our honor and rights; but when it is joined with loss of freedom, or with infamy, nothing can be more detestable and fatal." I speak with just confidence when I say that no Federalist can be found who desires with more sincerity the return of peace than the Republican by which the war was declared. But it desires such a peace as the companion and instructor of Scipio has praised—a peace consistent with our rights and honor and not the deadly tranquility which may be purchased by disgrace or taken in barter for the dearest and most essential claims of our trade and sovereignty. I appeal to you boldly. Are you prepared to purchase a mere cessation of arms by unqualified submission to the pretensions of England? Are you prepared to sanction them by treaty and entail them upon your posterity, with the inglorious and timid hope of escaping the wrath of those whom your fathers discomfited and vanquished? Are you prepared, for the sake of present profit, which the circumstances of Europe must render paltry and precarious, to cripple the strong wing of American commerce for years to come, to take from our flag its national effect and character, and to subject our vessels on the high seas and the brave men who navigate them to the municipal jurisdiction of Great Britain? I know very well that there are those amongst us (I hope they are few) who are prepared for all this and more; who pule over every scratch occasioned by the war as if it were an overwhelming calamity, and are only sorry that it is not worse; who would skulk out of a contest for the best interests of their country to save a shilling or gain a cent; who, having inherited the wealth of their ancestors without their spirit would receive laws from London with as much facility as woolens from Yorkshire or hardware from Sheffield. But I write to the great body of the people, who are sound and virtuous and worthy of the legacy which the heroes of the Revolution have bequeathed them. For them I undertake to answer that the only peace which they can be made to endure is that which may twine itself round the honor of the people, and with its healthy and abundant foliage give shade and shelter to the prosperity of the empire.

The approach of a British cruiser in the bosom of peace struck a terror in our seamen which it can not now inspire, and almost every vessel returning from a foreign voyage brought affliction to an American family by reporting the impressment of a husband, a brother, or a son. The Government of the United States, by whomsoever administered, has invariably protested against this monstrous practice as cruel to the gallant men whom it oppressed, as it was injurious to the navigation, the commerce, and the sovereignty of the Union. Under the administration of Washington, of Adams, of Jefferson, of Madison, it was reprobated and resisted as a grievance which could not be borne; and Mr. King, who was instructed upon it, supposed at one time that the British Government were ready to abandon it by a convention which he had arranged with Lord St. Vincent, but which finally miscarried. You have witnessed the generous anxiety of the late and present Chief Magistrates to put an end to a usage so pestilent and debasing.

You have seen them propose to a succession of English ministers as inducements to its relinquishment expedients and equivalents of infinitely greater value to England than the usage, whilst they were innocent in themselves and respectful to us. You have seen these temperate overtures haughtily repelled, until the other noxious pretensions of Great Britain, grown in the interim to a gigantic size, ranged themselves by the side of this, and left no alternative but war or infamy.

We are at war accordingly, and the single question is whether you will fly like cowards from the sacred ground which the Government has been compelled to take or whether you will prove by your actions that you are descended from the loins of men who reared the edifice of American liberty in the midst of such a storm as you have never felt.

As the war was forced upon us by a long series of unexampled aggressions, it would be absolute madness to doubt that peace will receive

a cordial welcome, if she returns without ignominy in her train and with security in her hand. The destinies of America are commercial, and her true policy is peace; but the substance of peace had, long before we were roused to a tardy resistance, been denied to us by the ministry of England; and the shadow which had been left to mock our hopes and to delude our imaginations resembled too much the frowning specter of war to deceive anybody. Every sea had witnessed, and continued to witness, the systematic persecution of our trade and the unrelenting oppression of our people. The ocean had ceased to be the safe highway of the neutral world, and our citizens traversed it with all the fears of a benighted traveler, who trembles along a road beset with banditti or infested by the beasts of the forest. The Government, thus urged and goaded, drew the sword with a visible reluctance, and true to the pacific policy which kept it so long in the scabbard, will sheathe it again when Great Britain shall consult her own interest by consenting to forbear in future the wrongs of the past.

The disposition of the Government upon that point has been decidedly pronounced by facts which need no commentary. From the moment when war was declared peace has been sought by it with a steady and unwearied assiduity, at the same time that every practicable preparation has been made and every nerve exerted to prosecute the war with vigor if the enemy should persist in his injustice. The law respecting seamen, the Russian mission, the instructions sent to our chargé d'affaires in London, the prompt and explicit disavowal of every unreasonable pretension falsely ascribed to us, and the solemn declaration of the Government in the face of the world that it wishes for nothing more than a fair and honorable accommodation would be conclusive proofs of this, if any proofs were necessary. But it does not require to be proved, because it is self-evident.

CONDITIONS OF NATIONAL DEFENSE.

To defend the country, to assail the enemy, to maintain our national honor, our Army and Navy were notoriously unprepared.

Our Army, says Adams—

was not well organized or equipped. Its civil administration was more imperfect than its military, and its military conditions could hardly have been worse. The 10 old regiments, with half-filled ranks, were scattered over an enormous country on garrison service, from which they could not be safely withdrawn. They had no experience and no organization for a campaign, while 13 new regiments not yet raised were expected to conquer Canada.

Gen. Winfield Scott declared—

that of the old officers many were sunk in sloth and many ruined by intemperate drinking; that of the new appointments some were positively bad and others indifferent; and that as a class the officers were swaggerers, political dependents, poor gentlemen who, as the phrase went, were fit for nothing else.

Our Navy, Adams tells us—

consisted, besides gunboats, of three heavy frigates rated as carrying 44 guns, three lighter frigates rated at 38 guns, one of 32, and one at 28, besides two ships of 18 guns, two brigs of 16, and four brigs of 14 and 12; in all, sixteen seagoing vessels, twelve of which were probably equal to any vessels afloat of the same class. The eight frigates were all built by Federalist Congresses before President Jefferson's time. The smaller craft, except one, were built under the influence of the War with Tripoli. The administration which declared war against England did nothing to increase the force. Few of the ships were in first-rate condition. The officers complained that the practice of laying up the frigates in port hastened their decay, and declared that hardly a frigate in the service was as sound as she should be. For this negligence Congress was alone responsible, but the department perhaps shared the blame for want of readiness when war was declared.

It was to a service in such condition upon which the United States was to depend in a war marked upon the part of its opponent with a ruthlessness, bitterness, and vindictiveness such as has no counterpart in modern history.

PRIVATEERS.

In this deplorable condition of national unpreparedness, however, the American citizen came quickly to the rescue of his Government. Privateers, equipped at the expense of individual Americans, authorized by the American Government, carrying skilled crews of fighters and sailors, issued forth to harry the enemy's commerce. In that admirable work entitled "The Chronicles of Baltimore," by Col. J. Thomas Scharf, he gives the following figures relating to the number of privateers which sailed from the various American ports:

From Baltimore, 58; from New York, 55; from Salem, 40; from Boston, 32; from Philadelphia, 14; from Portsmouth, N. H., 11; from Charleston, 10; from Marblehead, 4; from Bristol, R. I., 4; from Portland, 3; from Newburyport, 2; from Norfolk, 2; from Newbern, N. C., 2; from New Orleans, 2; from New London, 1; from Newport, R. I., 1; from Providence, R. I., 1; from Barnstable, Mass., 1; from Fairhaven, Mass., 1; from Gloucester, Mass., 1; from Washington City, 1; from Wilmington, N. C., 1; from other places belonging to eastern ports, 2, total, 250.

Says Scharf:

The war continued about three years, and the result, as near as we have been able to ascertain, was a loss to Great Britain of about 2,000 ships and vessels of every description, including men-of-war and merchantmen. A northern writer, speaking of this period, says:

"When I call to mind the spirit and acts of the Baltimoreans during our last war with England, I am inspired with a feeling of esteem and veneration for them as a brave and patriotic people that will endure with me to the end of my existence. During the whole struggle against an inveterate foe they did all they could to aid and strengthen the hands of the General Government, and generally took the lead in fitting out efficient privateers and letters of marque to annoy and distress the enemy, and even to 'beard the old lion in his den,' for it is well known that their privateers captured many English vessels at the very mouths of their own ports in the British Channel. When their own beautiful city was attacked by a powerful fleet and army, how nobly did they defend themselves against the hand of the spoiler. The whole venom of the modern Goths seemed concentrated against the Baltimoreans, for no other reason but that they had too much spirit to submit to insult and tyrannical oppression. Many of the eastern people made a grand mistake in counting on the magnanimity of the British nation to do them justice by mild and persuasive arguments. In making these remarks in praise of Baltimore I do not mean to disparage the noble patriotism of many other cities of our glorious Union; but I do mean to say that if the same spirit that fired the hearts and souls of the Baltimoreans had evinced itself throughout our entire country it would have saved every American heart much pain and mortification, and would, in my opinion, have shortened the war."

The American naval war of 1812 was fought to a great extent by privateers, and as has been shown, more privateers issued from Baltimore than any other American port. Bearing such saucy names as the *Orders in Council*, or *Right of Search*, the *Revenge*, the *Yorktown*, the *Saratoga*, the *Fair Trader*, or *Paul Jones*, they even infested the entrances of the ports of old England itself.

They fought and captured ships and vessels off the North Cape, in the British and Irish Channels, on the coasts of Spain and Portugal, in the East and West Indies, off the Capes of Good Hope and Horn, and in the Pacific Ocean.

ENGLAND'S NAVAL DISTRESS.

The English admiralty was forced to confess its inability to protect English commerce. Says Adams:

These reports, better than any other evidence, showed the feelings of the British naval service in admitting discomfiture in the last resort of its pride. Successively obliged to plead inferiority at the guns, inferiority in sailing qualities, inferority in equipment, the British service saw itself compelled by these repeated and bloody repulses to admit that its supposed preeminence in hand-to-hand fighting was a delusion. Within a single fortnight two petty privateers, with crews whose united force did not amount to 150 men, succeeded in repulsing attacks made by twice their number of the best British seamen, inflicting a loss, in killed and wounded, officially reported at 185.

"Such mortifying and bloody experiences made even the British navy weary of the war. Valuable prizes were few, and the service, especially in winter, was severe. Undoubtedly the British cruisers caught privateers by dozens and were as successful in the performance of their duties as ever they had been in any war in Europe. Their blockade of American ports was real and ruinous, and nothing pretended to resist them. Yet after catching scores of swift cruisers, they saw scores of faster and better vessels issue from the blockaded ports and harry British commerce in every sea. Scolded by the press, worried by the admiralty, and mortified by their own want of success, the British navy was obliged to hear language altogether strange to its experience."

The American cruisers daily enter in among our convoys—

Said the Times of February 11, 1815—

seize prizes in sight of those that should afford protection, and if pursued "put on their sea wings" and laugh at the clumsy English pursuers. To what is this owing? Can not we build ships? * * * It must indeed be encouraging to Mr. Madison to read the logs of his cruisers. If they fight they are sure to conquer; if they fly they are sure to escape.

BRITISH PLANS.

The military activities of both England and America prior to 1814 were not of a character to reflect superior credit upon either of the belligerents. In fact, prior to the summer of 1814 the forces engaged in the mutual efforts of conquest were inconsiderable and directed with no great definiteness of purpose. In the summer of 1814 the British plan took form and the revelation of that plan brought terror to the American Government. Plattsburg was to be attacked and the way opened for British progress down Lake Champlain.

Great Britain "had never sent to America so formidable an armament" as that which was commanded by Sir George Prevost, and with which, on September 5, 1814, he advanced to within 8 miles of Plattsburg. The four brigades which crossed the border numbered 11,000 men, not including the Canadian militia. "Amply provided with artillery and horses, every brigade well equipped, they came fresh from a long service in which the troops had learned to regard themselves as invincible." They were commanded by "officers of the first distinction in the service."

In the south a British land and naval force mobilized at Bermuda, and on August 3, 1814, set sail for the Chesapeake Bay. The troops were under the command of Maj. Gen. Robert Ross, and were veterans of European campaigns. The navy was under Admiral Cochrane.

Whatever may have been the immediate object of the two expeditions that were entered upon almost simultaneously, the belief created was that they would endeavor to effect a junction at some point in the interior of the United States, and that it was the purpose of the southern expedition to occupy an Atlantic coast port as a base of operations. While such a junction was a most formidable undertaking with the forces then available, the aid of additional troops, released by the termination of the Napoleonic campaigns, had been requisitioned and large reenforcements were expected.

The success of these operations, or advances by either expedition indicating the ultimate accomplishment of the same, were fraught with consequences of the utmost importance to the United States, for even though their execution might require a force several times as numerous as that in the field, it would be readily forthcoming. Could a junction be effected and the United States divided with the pro-war States to the south, it would leave the anti-war States completely segregated to the north with every inducement to establish an independent confederation of their own and thus escape the disastrous punishment the American Government had invited through engaging in war with an energetic and efficient enemy.

The southern force, under Ross and Cochrane, was the first to inaugurate offensive operations. It sailed for the Chesapeake, joined the force under Rear Admiral Cockburn, then in those waters, continued up that bay, and on August 19, 1814, the troops disembarked at Benedict for a demonstration against Washington. Henry Adams gives a spendid account of that expedition:

EXPOSURE OF WASHINGTON.

For two years Washington stood unprotected, not a battery or a breastwork was to be found on the river bank except the old and untenable Fort Washington, or Warburton. A thousand determined men might reach the town in 36 hours and destroy it before any general alarm could be given. Yet no city was more easily protected than Washington at that day from attack on its eastern side; any good engineer could have thrown up works in a week that would have made approach by a small force impossible. Armstrong neglected to fortify. * * * The President and Monroe fretted at his indifference, the people of the District were impatient under it, and everyone, except Armstrong, was in constant terror of attack; but, according to their account, the Secretary only replied: "No! No! Baltimore is the place, sir; that is of so much more consequence." Probably he was right, and the British would have gone first to Baltimore had his negligence not invited them to Washington.

In May the President began to press Armstrong for precautionary measures. In June letters arrived from Gallatin and Bayard, in London, which caused the President to call a Cabinet meeting. June 23 and 24 the Cabinet met and considered the diplomatic situation. The Cabinet then took the defenses of Washington in hand, and July 1 decided to organize a corps of defense from the militia of the District and the neighboring States. July 2 the first step toward efficient defense was taken by creating a new military district on the Potomac, with a military head of its own. Armstrong wished to transfer Brig. Gen. Moses Porter from Norfolk to command the new Potomac district, but the President selected Brig. Gen. Winder, because his relationship to the Federalist governor of Maryland was likely to make cooperation more effective.

Political appointments were not necessarily bad; but in appointing Winder to please the governor of Maryland Madison assumed the responsibility, in Armstrong's eyes, for the defense of Washington. The Secretary of War seemed to think that Madison and Monroe were acting together to take the defense of Washington out of his hands and to put it in hands in which they felt confidence. Armstrong placed Winder instantly in command and promptly issued the orders arranged in Cabinet; but he left further measures to Winder, Monroe, and Madison. His conduct irritated the President, but no one charged that the Secretary refused to carry out the orders or to satisfy the requisitions of the President or of Gen. Winder. He was merely passive.

Winder received his appointment July 5 and went to Washington for instructions. He passed the next month riding between Washington, Baltimore, and points on the lower Potomac and Patuxent, obtaining with great fatigue a personal knowledge of the country. August 1 he established his permanent headquarters at Washington, and the entire result of his labors till that time was the presence of one company of Maryland Militia at Bladensburg. No line of defense was selected, no obstructions to the roads were prepared, and not so much as a ditch or a breastwork was marked out or suggested between Annapolis and Washington. Another fortnight passed, and still Winder was not further advanced. He had no more men, arms, fortifications, and no more ideas on the 18th of August than on the 5th day of July. "The call for 3,000 militia under the requisition of July 4 had produced only 250 men at the moment the enemy landed at Benedict." Winder had then been six weeks in command of the Washington defenses.

VICE ADMIRAL COCHRANE'S ORDERS.

Meanwhile a British expedition, under command of Maj. Gen. Robert Ross, a distinguished officer of the Peninsula Army, sailed from the Gironde June 27 to Bermuda. Ross was instructed to effect a diversion on the coasts of the United States of America in favor of the army employed in the defense of Upper and Lower Canada. The point of attack was to be decided by Vice Admiral Cochrane, subject to the general's approval, but the force was not intended for "any extended operation at a distance from the coast," nor was Ross to hold permanent possession of any captured district.

"When the object of the descent which you may make on the coast is to take possession of any naval or military stores, you will not delay the destruction of them in preference to the taking them away, if there is reasonable ground of apprehension that the enemy is advancing with superior force to effect their recovery. If in any descent you shall be enabled to take such a position as to threaten the inhabitants with the destruction of their property, you are hereby authorized to levy upon them contributions in return for your forbearance; but you will not by this understand that the magazines belonging to the Government or their harbors or their shipping are to be included in such an arrangement. These, together with their contents, are in all cases to be taken away or destroyed."

Nothing in these orders warranted the destruction of private or public property except such as might be capable of military uses. Ross was not authorized and did not intend to enter on a mere marauding expedition; but Cochrane was independent of Ross, and at about the time when Ross reached Bermuda Cochrane received a letter from Sir George Prevost which gave an unexpected character to the Chesapeake expedition.

A small body of American troops had crossed Lake Erie to Long Point, May 15, and destroyed the flour mills, distilleries, and some private houses there. The raid was not authorized by the United States Government, and the officer commanding it was afterwards court-martialed and censured; but Sir George Prevost, without waiting for explanations, wrote to Vice Admiral Cochrane, June 2, suggesting that he should "assist in inflicting that measure of retaliation which shall deter the enemy from a repetition of similar outrages."

When Cochrane received this letter he issued at Bermuda, July 18, orders to the ships under his command, from the St. Croix River to the St. Marys, directing general retaliation. The orders were interesting as an illustration of the temper the war had taken.

"You are hereby required and directed," wrote the Vice Admiral to the British blockading squadrons, "to destroy and lay waste such towns and districts upon the coast as you may find assailable. You will hold strictly in view the conduct of the American Army toward his Majesty's unoffending Canadian subjects, and you will spare merely the lives of the unarmed inhabitants of the United States. For only by carrying this retributory justice into the country of our enemy can we hope to make him sensible of the impropriety as well as of the inhumanity of the system he has adopted. You will take every opportunity of explaining to the people how much I lament the necessity of following the rigorous example of the commander of the American forces. And as these commanders must obviously have acted under instructions from the Executive Government of the United States, whose intimate and unnatural connection with the last Government of France has led them to adopt the same system of plunder and devastation, it is therefore to their own Government the unfortunate sufferers must look for indemnification for their loss of property."

This ill-advised order was to remain in force until Sir George Prevost should send information "that the United States Government have come under an obligation to make full remuneration to the injured and unoffending inhabitants of the Canadas for all the outrages their troops have committed." Cochrane further wrote to Prevost that "as soon as these orders have been acted upon" a copy would be sent to Washington for the information of the Executive Government.

Cochrane's retaliatory order was dated July 18, and Ross's transports arrived at Bermuda July 24. As soon as the troops were collected and stores put on board Cochrane and Ross sailed, August 3, for Chesapeake Bay. They arrived a few days in advance of the transports, and passing up the bay to the mouth of the Potomac, landed, August 15, with Rear Admiral Cockburn, to decide on a plan for using to best effect the forces under their command.

Three objects were within reach. The first and immediate aim was a flotilla of gunboats commanded by Capt. Joshua Barney, which had taken refuge in the Patuxent River, and was there blockaded. The next natural object of desire was Baltimore, on account of its shipping and prize money. The third was Washington and Alexandria, on account of the navy yard and the vessels in the Potomac. Baltimore was the natural point of attack after destroying Barney's flotilla; but Cockburn, with a sailor's recklessness, urged a dash at Washington. Ross hesitated and postponed a decision till Barney's flotilla should be disposed of.

Two days afterwards, August 17, the troops arrived, and the squadron, commanded by Vice Admiral Cochrane, moved 20 miles up the bay to the mouth of the Patuxent—a point about 50 miles distant from Annapolis on the north and from Washington on the northwest. Having arrived there August 18, Cochrane wrote, or afterwards antedated, an official letter to Secretary Monroe:

"Having been called on by the Governor General of the Canadas to aid him in carrying into effect measures of retaliation against the inhabitants of the United States for the wanton destruction committed by their army in upper Canada, it has become imperiously my duty, conformably with the nature of the Governor General's application, to issue to the naval forces under my command an order to destroy and lay waste such towns and districts upon the coast as may be found assailable." The notice was the more remarkable because Cochrane's order was issued only to the naval force. The Army paid no attention to it.

BRITISH AT BENEDICT.

Ross's troops were landed at Benedict the next day, August 19; but neither there nor elsewhere did they destroy or lay waste towns or districts. They rather showed unusual respect for private property.

At Benedict, August 19, the British forces were organized in three brigades, numbering, according to different British accounts, 4,500, or 4,000 rank and file. Cockburn, with the boats of the fleet, the next day, August 20, started up the river in search of Barney's flotilla, while the land force began its march at 4 o'clock in the afternoon abreast of the boats and camped 4 miles above Benedict without seeing an enemy or suffering from a worse annoyance than one of the evening thunderstorms common in hot weather.

The next day at dawn the British Army started again and marched to the village of Nottingham, where it camped. The weather was hot, and the march resembled a midsummer picnic. Through a thickly wooded region, where a hundred militiamen with axes and spades could have delayed their progress for days, the British Army moved in a solitude apparently untenanted by human beings, till they reached Nottingham on the Patuxent—a deserted town, rich in growing crops and full barns.

At Nottingham the army passed a quiet night, and the next morning, Monday, August 22, lingered till 8 o'clock, when it again advanced. Among the officers in the Eighty-fifth Regiment was a lieutenant named Gleig, who wrote afterwards a charming narrative of the campaign under the title, "A Subaltern in America." He described the road as remarkably good, running for the most part through the heart of thick forests, which sheltered it from the rays of the sun. During the march the army was startled by the distant sound of several heavy explosions. Barney had blown up his gunboats to prevent their capture. The British naval force had thus performed its part in the enterprise, and the army was next to take the lead. Ross halted at Marlboro after a march of only 7 miles, and there, too, he camped, undisturbed by sight or sound of an armed enemy, although the city of Washington was but 16 miles on his left and Baltimore 30 miles in his front. Ross had then marched 20 or 21 miles into Maryland without seeing an enemy, although an American Army had been close on his left flank, watching him all day.

At Marlboro Ross was obliged to decide what he should next do. He was slow in forming a conclusion. Instead of marching at daybreak of August 23 and moving rapidly on Baltimore or Washington, the army passed nearly the whole day at Marlboro in idleness, as though it were willing to let the Americans do their utmost for defense. "Having advanced within 16 miles of Washington," Ross officially reported, "and ascertained the force of the enemy to be such as might authorize an attempt to carry his capital, I determined to make it, and accordingly put the troops in movement on the evening of the 23d." More exactly, the troops moved at 2 o'clock in the afternoon and marched about 6 miles on the road to Washington, when they

struck American outposts at about 5 o'clock and saw a force posted on high ground about a mile in their front. As the British formed to attack, the American force disappeared, and the British Army camped about 9 miles from Washington by way of the navy-yard bridge over the Eastern Branch.

Thus, for five days, from August 18 to August 23, a British army, which, though small, was larger than any single body of American Regulars then in the field marched in a leisurely manner through a long-settled country, and met no show of resistance before coming within sight of the Capitol. Such an adventure resembled the stories of Cortez and De Soto; and the conduct of the United States Government offered no contradiction to the resemblance.

EXCITEMENT IN WASHINGTON.

News of the great fleet that appeared in the Patuxent August 17 reached Washington on the morning of Thursday, August 18, and set the town in commotion. In haste the President sent fresh militia requisitions to the neighboring States and ordered out the militia and all the regular troops in Washington and its neighborhood. Monroe started again as a scout, arriving in the neighborhood of Benedict at 10 o'clock on the morning of August 20, and remaining there all day and night without learning more than he knew before starting. Winder was excessively busy, but did, according to his own account, nothing. "The innumerably multiplied orders, letters, consultations, and demands, which crowded upon me at the moment of such an alarm can more easily be conceived than described, and occupied me nearly day and night, from Thursday, the 18th of August, till Sunday, the 21st, and had nearly broken down myself and assistants in preparing, dispensing, and attending to them." Armstrong, at last alive to the situation, made excellent suggestions, but could furnish neither troops, means, nor military intelligence to carry them out; and the President could only call for help. The single step taken for defense was taken by the citizens, who held a meeting Saturday evening, and offered at their own expense to erect works at Bladensburg. Winder accepted their offer. Armstrong detailed Col. Wadsworth, the only engineer officer near the department, to lay out the lines, and the citizens did such work as was possible in the time that remained.

WINDER'S DILATORY MANEUVERS.

After three days of confusion, a force was at last evolved, probably by Winder's order, although no such order was preserved. A corps of observation was marched across the navy-yard bridge toward the Patuxent, or drawn from Bladensburg, to a place called the Woodyard, 12 miles beyond the Eastern Branch. The force was not to be despised. Three hundred Infantry Regulars of different regiments, with 120 light dragoons, formed the nucleus; 250 Maryland Militia and about 1,200 District Volunteers or Militia, with twelve 6-pound fieldpieces, composed a body of near 2,000 men, from whom Gen. Brown or Andrew Jackson would have got good service. Winder came out and took command Sunday evening, and Monroe, much exhausted, joined them that night.

There the men stood Monday, August 22, while the British army marched by them, within sight of their outposts, from Nottingham to Marlboro. Winder rode forward with his cavalry and watched all day the enemy's leisurely movements close in his front, but the idea of attack did not appear to enter his mind. "A doubt at that time," he said, "Was not entertained by anybody of the intention of the enemy to proceed direct to Washington." At 9 o'clock that evening Monroe sent a note to the President, saying that the enemy was in full march for Washington; that Winder proposed to retire till he could collect his troops; that preparations should be made to destroy the bridges; and that the papers in the Government offices should be removed. At the same time Monroe notified Serurier, the only foreign minister then in Washington, that the single hope of saving the capital depended on the very doubtful result of an engagement which would probably take place the next day or the day after at Bladensburg.

At Bladensburg, of necessity, the engagement must take place, unless Winder made an attack or waited for attack on the road. One of two courses was to be taken—Washington must be either defended or evacuated. Perhaps Winder would have done better to evacuate it, and let the British take the undefended village; but no suggestion of the sort was made, nor did Winder retreat to Bladensburg, as was necessary if he meant to unite his troops and make preparations for a battle. Instead of retreating to Bladensburg as soon as he was satisfied—at noon of Monday, August 22—that the British were going there, he ordered his troops to fall back and took position at the Old Fields, about 5 miles in the rear of the Woodyard, and about 7 miles by road from the navy-yard. Another road led from the Old Fields to Bladensburg, about 8 miles away. The American force might have been united at Bladensburg Monday evening, but Winder camped at the Old Fields and passed the night.

That evening the President and the members of the Cabinet rode out to camp, and the next morning the President reviewed the Army, which had been reenforced by Commodore Barney with 400 sailors, the crews of the burned gunboats. Winder then had 2,500 men, of whom near 1,000 were Regulars, or sailors, even better fighting troops than ordinary Regulars. Such a force vigorously led was sufficient to give Ross's army a sharp check, and at that moment Ross was still hesitating whether to attack Washington. The loss of a few hundred men might have turned the scale at any moment during Tuesday, August 23; but Winder neither fought nor retreated, but once more passed the day on scout. At noon he rode with a troop of cavalry toward Marlboro. Satisfied that the enemy was not in motion and would not move that day, he started at 1 o'clock for Bladensburg, leaving his army to itself. He wished to bring up a brigade of militia from Bladensburg.

Winder had ridden about 5 miles when the British, at 2 o'clock, suddenly broke up their camp and marched directly on the Old Fields. The American Army hastily formed in line and sent off its baggage to Washington. Winder was summoned back in haste and arrived on the field at 5 o'clock as the British appeared. He ordered a retreat. Every military reason required a retreat to Bladensburg. Winder directed a retreat on Washington by the navy-yard bridge.

The reasons which actuated him to prefer the navy yard to Bladensburg, as explained by him, consisted in anxiety for the safety of that "direct and important pass," which could not without hazard be left unguarded. In order to guard a bridge a quarter of a mile long over an impassable river, covered by the guns of war vessels and the navy yard, he left unguarded the open high road which led through Bladensburg directly to the Capitol and the White House. After a very rapid retreat, that "literally became a run of 8 miles," Winder encamped in Washington near the bridge head at the navy yard at 8 o'clock that night, and then rode 3 miles to the White House to report to the President. On returning to camp he passed the night until 3 or 4 o'clock in the morning making in person arrangements to destroy the bridge "when necessary," assuring his officers that he expected the enemy to attempt a passage there that night. Toward dawn he lay down, exhausted by performing a subaltern's duty all day, and snatched an hour or two of sleep.

The British in their camp that evening were about 8 miles from Bladensburg battlefield. Winder was about 5 miles distant from the same point. By a quick march at dawn he might still have arrived there, with six hours to spare for arranging his defense. He preferred to wait till he should know with certainty that the British were on their way there. On the morning of Wednesday, August 24, he wrote to Armstrong:

"I have found it necessary to establish my headquarters here, the most advanced position convenient to the troops and nearest information. I shall remain stationary as much as possible, that I may be the more readily found, to issue orders and collect together the various detachments of militia and give them as rapid a consolidation and organization as possible. * * * The news up the river is very threatening. Barney's or some other force should occupy the batteries at Greenleaf's Point and the navy yard. I should be glad of the assistance of counsel from yourself and the Government. If more convenient, I should make an exertion to go to you the first opportunity."

This singular note was carried first to the President, who, having opened and read it, immediately rode to headquarters. Monroe, Jones, and Rush followed. Armstrong and Campbell arrived last. Before Armstrong appeared a scout arrived at 10 o'clock with information that the British Army had broken up its camp at daylight and was probably more than half way to Bladensburg.

Winder's persistence in remaining at the navy yard was explained as due to the idea that the enemy might move toward the Potomac, seize Fort Washington or Warburton, secure the passage of his ships, and approach the city by the river. The general never explained how his presence at the navy yard was to prevent such a movement if it was made.

BLADENSBURG.

The whole eastern side of Washington was covered by a broad estuary called the Eastern Branch of the Potomac, bridged only at two points, and impassable, even by pontoons, without ample warning. From the Potomac River to Bladensburg, a distance of about 7 miles, the city was effectually protected. Bladensburg made the point of a right angle. There the Baltimore road entered the city as by a pass; for beyond, to the west, no general would venture to enter, leaving an enemy at Bladensburg in his rear. Roads were wanting, and the country was difficult. Through Bladensburg the attacking army must come; to Bladensburg Winder must go, unless he meant to retreat to Georgetown or to recross the Eastern Branch in the enemy's rear. Monroe notified Serurier Monday evening that the battle would be fought at Bladensburg. Secretary Jones wrote to Commodore Rodgers Tuesday morning that the British would probably "advance to-day toward Bladensburg." Everyone looked instinctively to that spot, yet Winder to the last instant persisted in watching the navy-yard bridge, using the hours of Wednesday morning to post Barney's sailors with 24-pound guns to cover an approach where no enemy could cross.

No sooner did Winder receive intelligence at 10 o'clock Wednesday morning that the British were in march to Bladensburg than in the utmost haste he started for the same point, preceded by Monroe and followed by the President and the rest of the Cabinet and the troops. Barney's sailors and their guns would have been left behind to guard the navy-yard bridge had Secretary Jones not yielded to Barney's vigorous though disrespectful remonstrances and allowed him to follow.

In a long line the various corps, with their military and civil commanders, streamed toward Bladensburg, racing with the British, 10 miles away, to arrive first on the field of battle. Monroe was earliest on the ground. Between 11 and 12 o'clock he reached the spot where hills slope gently toward the Eastern Branch, a mile or more in broad incline, the little straggling town of Bladensburg opposite, beyond a shallow stream, and hills and woods in the distance. Several militia corps were already camped on the ground, which had been from the first designated as the point of concentration. A Baltimore brigade, more than 2,000 strong, had arrived there 36 hours before. Some Maryland regiments arrived at the same time with Monroe. About 3,000 men were then on the field, and their officers were endeavoring to form them in line of battle. Gen. Stansbury, of the Baltimore brigade, made such arrangement as he thought best. Monroe, who had no military rank, altered it without Stansbury's knowledge. Gen. Winder arrived at noon and rode about the field. At the same time the British light brigade made its appearance and wound down the opposite road, a mile away, a long column of redcoats, six abreast, moving with the quick regularity of old soldiers, and striking directly at the American center. They reached the village on one side of the stream as Winder's troops poured down the hill on the other, and the President, with two or three of his Cabinet officers, considerably in advance of all their own troops, nearly rode across the bridge into the British line, when a volunteer scout warned them of their danger.

BATTLE OF BLADENSBURG.

Much the larger portion of the American force arrived on the ground when the enemy was in sight, and were hastily drawn up in line wherever they could be placed. Thay had no cover. Col. Wadsworth's intrenchments were not used, except in the case of one fieldwork which enfiladed the bridge at close range, where fieldpieces were placed. Although some 7,000 men were present, nothing deserving the name of an army existed. "A few companies only," said the subaltern, "perhaps two or, at the most, three battalions, wearing the blue jacket which the Americans have borrowed from the French, presented some appearance of regular troops. The rest seemed country people who would have been much more appropriately employed in attending to their agricultural occupations than in standing with muskets in their hands on the brow of a bare, green hill." Heterogeneous as the force was, it would have been sufficient had it enjoyed the advantages of a commander.

The British Light Brigade, some 1,200 or 1,500 men, under Col. Thornton of the Eighty-fifth Regiment, without waiting for the rear division, dashed across the bridge and were met by a discharge of artillery and musketry directly in their faces. Checked for an instant, they pressed on, crossed the bridge or waded the stream, and spread to the right and left, while their rockets flew into the American lines. Almost instantly a portion of the American line gave way, but the rest stood firm and drove the British skirmishers back, under a heavy fire, to the cover of the bank, with its trees and shrubs. Not until a fresh British regiment, moving well to the right, forded the stream and threatened to turn the American left, did the rout begin. Even then several strong corps stood steady, and in good order retired by the road that led to the Capitol; but the mass, struck by panic, streamed westward toward Georgetown and Rockville.

COMMODORE BARNEY.

Meanwhile Barney's sailors, though on the run, could not reach the field in time for the attack, and halted on the hillside, about a mile from Bladensburg, at a spot just outside the District line. The rout had then begun, but Barney put his five pieces in position and waited for the enemy. The American infantry and cavalry, that had not fled westward, moved confusedly past the field where the sailors stood at their guns. Winder sent Barney no orders, and Barney, who was not acting under Winder, but was commander in chief of his own forces, under authority of the Navy Department, had no idea of running away. Four hundred men against 4,000 were odds too great even for sailors, but a battle was not wholly disgraceful that produced such a commander and such men. Barney's account of the combat was as excellent as his courage:

"At length the enemy made his appearance on the main road in force and in front of my battery, and, on seeing us, made a halt. I reserved our fire. In a few minutes the enemy again advanced, when I ordered an 18-pounder to be fired, which completely cleared the road; shortly after, a second and a third attempt was made by the enemy to come forward, but all were destroyed. They then crossed over into an open field, and attempted to flank our right. He was met there by three 12-pounders, the Marines, under Capt. Miller, and my men acting as infantry, and again was totally cut up. By this time not a vestige of the American Army remained except a body of 500 or 600 posted on a height on my right, from which I expected much support from their fine situation."

Such a battle could not long continue. The British turned Barney's right, the corps on the height broke and fled, and the British, getting into the rear, fired down upon the sailors. The British themselves were most outspoken in praise of Barney's men. "Not only did they serve their guns with a wickedness and precision that astonished their assailants," said the subaltern, "but they stood till some of them were actually bayoneted, with fuses in their hands; nor was it till their leader was wounded and taken and they saw themselves deserted on all sides by the soldiers that they left the field." Barney held his position nearly half an hour, and then, being severely wounded, ordered his officers to leave him where he lay. There he was taken by the British advance and carried to their hospital at Bladensburg. The British officers, admiring his gallantry, treated him, he said, "with the most marked attention, respect, and politeness, as if I were a brother," as though to show their opinion that Barney instead of Winder should have led the American Army.

After the sailors retired at about 4 o'clock the British stopped two hours to rest. Their victory, easy as it seemed, was not cheaply bought. Gen. Ross officially reported 64 killed and 185 wounded. A loss of 250 men among 1,500 said to be engaged was not small; but Gleig, an officer of the light brigade, himself wounded, made twice at long intervals an assertion which he must have intended as a contradiction of the official report. "The loss on the part of the English was severe," he said, "since out of two-thirds of the Army which were engaged upward of 500 men were killed and wounded." According to this assertion Ross lost 500 men among 3,000 engaged, or one in six. Had Winder inflicted that loss while the British were still on the Patuxent Ross would have thought long before risking more, especially as Col. Thornton was among the severely injured. The Americans reported only 26 killed and 51 wounded.

DESTRUCTION OF WASHINGTON.

At 6 o'clock, after a rest of two hours, the British troops resumed their march, but night fell before they reached the first houses of the town. As Ross and Cockburn, with a few officers, advanced before the troops, some men, supposed to have been Barney's sailors, fired on the party from the house, formerly occupied by Gallatin, at the northeast corner of Capitol Square. Ross's horse was killed, and the general ordered the house to be burned, which was done. The Army did not enter the town, but camped at 8 o'clock a quarter of a mile east of the Capitol. Troops were then detailed to burn the Capitol, and, as the great building burst into flames, Ross and Cockburn, with about 200 men, marched silently in the darkness to the White House and set fire to it. At the same time Commodore Tingey, by order of Secretary Jones, set fire to the navy yard and the vessels in the Eastern Branch. Before midnight the flames of three great conflagrations made the whole country light, and from the distant hills of Maryland and Virginia the flying President and Cabinet caught glimpses of the ruin their incompetence had caused.

Serurier lived then in the house built by John Tayloe in 1800, called the Octagon, a few hundred yards from the War and Navy Departments and the White House. He was almost the only civil official left in Washington, and hastened to report the event to Talleyrand:

"I never saw a scene at once more terrible and more magnificent. Your Highness, knowing the picturesque nature and the grandeur of the surroundings, can form an idea of it. A profound darkness reigned in the part of the city that I occupy, and we were left to conjectures and to the lying reports of negroes as to what was passing in the quarter illuminated by these frightful flames. At 11 o'clock a colonel, preceded by torches, was seen to take the direction of the White House, which is situated quite near mine. The negroes reported that it was to be burned, as well as all those pertaining to Government offices. I thought best, on the moment, to send one of my people to the general with a letter in which I begged him to send a guard to the house of the Ambassador of France to protect it. * * * My messenger found Gen. Ross in the White House, where he was collecting in the drawing-room all the furniture to be found, and was preparing to set fire to it. The general made answer that the King's Hotel should be respected as much as though His Majesty were there in person; that he would give orders to that effect; and that if he was still in Washington the next day he would have the pleasure to call on me."

Ross and Cockburn alone among military officers, during more than 20 years of war, considered their duty to involve personal incendiarism. At the time and subsequently various motives were attributed—such as the duty of retaliation—none of which was alleged by either of them to their warranty. They burned the Capitol, the White House, and the department buildings because they thought it proper, as they would have burned a negro kraal or a den of pirates. Apparently they assumed as a matter of course that the American Government stood beyond the pale of civilization; and, in truth, a government which showed so little capacity to defend its capital could hardly wonder at whatever treatment it received.

A violent thunderstorm checked the flames; but the next morning, Thursday, August 25, fresh detachments of troops were sent to complete the destruction of public property. Without orders from his Government, Ross converted his campaign, which till then had been creditable to himself and flattering to British pride, into a marauding raid, of which no sensible Englishman spoke without mortification. Cockburn amused himself by revenging his personal grievances on the press, which had abused him. Mounted on a brood mare, white, uncurried, with a black foal trotting by her side, the admiral attacked the office of the National Intelligencer and superintended the destruction of the types. "Be sure that all the C's are destroyed," he ordered, "so that the rascals can not any longer abuse my name." Ross was anxious to complete the destruction of the public buildings with the least possible delay, that the army might retire without loss of time; and the work was pressed with extreme haste. A few private buildings were burned, but as a rule private property was respected, and no troops, except small detachments, were allowed to leave the camp.

Soon after noon, while the work was still incomplete, a tornado burst on the city and put an end to the effort. An accidental explosion at the navy yard helped to check destruction. Ross could do no more, and was in haste to get away. No sooner had the hurricane, which lasted nearly two hours and seemed especially violent at the camp, passed over than Ross began preparations to retire. With precautions wholly unnecessary, leaving its camp fires burning, the British column, in extreme silence, after 9 o'clock at night, began its march. Passing Bladensburg, where the dead were still unburied, Ross left his wounded in the hospital to American care, and marched all night till 7 o'clock Friday morning, when the troops, exhausted with fatigue, were allowed a rest. At noon they were again in motion, and at nightfall, after marching 25 miles within 24 hours, they arrived at Marlboro. Had the advance from Benedict been equally rapid Ross would have entered Washington without a skirmish.

EXPEDITION AGAINST BALTIMORE.

After reembarking in their vessels at Benedict the British sailed down the Chesapeake and entered the Potomac. They proceeded up the Potomac to "assist Gordon in his operations against Fort Washington and Alexandria," but, hearing of his success, returned to the Chesapeake and made for the mouth of the Patapsco, on their way spreading terror along the coasts of the bay. As examples of the brutal and inhuman treatment accorded the unoffending and defenseless inhabitants of those beautiful shores I take the following from Lossing, which presents but two of many instances of like character:

A British officer who served with Cockburn and Parker published some spicy sketches of his experience in marauding expeditions along the shores of the Chesapeake. He relates one, commanded by Cockburn in person, with Parker and Gen. Ross as "amateurs," as he expresses it. "The object was," he says, "to destroy a factory village which was not only the abode of innocent labor but likewise the resort of some few militiamen guilty of the unnatural sin of defending their own country." Their approach being known, all but women and children had fled from the town. "We therefore," he says, "most valiantly set fire to the unprotected property, notwithstanding the tears of the women, and, like a parcel of savages, as we were, we danced around the wreck of ruin." The excuse was the necessity of retaliation for the destruction of Newark, in Canada. "Every house," he continues, "which we could by ingenuity vote into the residence of a military man was burned." He then gives an account of scenes at a dwelling house near the beach which they surrounded. "Like midnight murderers," he says, "we cautiously approached the house. The door was open, and we unceremoniously intruded ourselves upon three young ladies sitting quietly at tea. Sir George Cockburn, Sir Peter Parker, and myself entered the room rather suddenly, and a simultaneous scream was our welcome." Sir George, he said, was austere, but Sir Peter "was the handsomest man in the navy," and to the latter the ladies appealed. Cockburn told them that he knew their father to be an American officer—a colonel of militia—and that his duty being to burn their house, he gave them 10 minutes for removing what they most desired to save. The young women, on their knees, begged the admiral to spare their house. "The youngest, a girl of 16, and lovely beyond the general beauty of those parts, threw herself at Sir Peter's feet and prayed him to interfere. The tears started from his eyes in a moment, and I was so bewildered at the afflicting scene that I appeared to see through a thick mist." Cockburn was unmoved, with his watch on the table, measuring the fleeting minutes. The other girls were in tears, and asking for mercy. Sir Peter had opened his lips to plead for them when the brutal Cockburn stopped him and ordered men to bring the fireballs. "Never shall I forget the despair of that moment. Poor Sir Peter wept like a child, while the girl clung to his knees and impeded his retreat. The admiral walked out with his usual haughty stride, followed by the two elder girls, who vainly implored him to countermand the order. In a moment the house was in flames. "We retreated from the scene of ruin, leaving the three daughters gazing at the work of destruction which made the innocent houseless and the affluent beggars. * * * By the light of that house we embarked and returned on board. It was a scene which impressed itself upon my heart, and which my memory and my hand unwillingly recall and publish."

So far the British expedition had been highly but ingloriously successful. Inspired by this success, Ross boasted that he would make "his winter quarters" in the town commonly designated by the British as a "nest of pirates." "It is a doomed town," declared Vice Admiral Warren. "The American Navy must be annihilated," said a London paper; "his arsenals and dockyards must be consumed and the truculent inhabitants of Baltimore must be tamed with the weapons which shook the wooden turrets of Copenhagen." It was with this spirit of revenge that the British troops advanced on Baltimore.

PREPARATIONS FOR DEFENSE.

Baltimore had made ample preparations for defense, and in describing these preparations I can not do better than quote from that valuable work of Lossing to which I have heretofore referred:

A committee of vigilance and safety, of which Mayor Johnson was chairman and Theodore Bland was secretary, cooperated unceasingly with Gen. Smith and the military. On the 27th of August, three days after the capture of Washington, that committee called upon the citi-

zens to organize into working parties and to contribute implements of labor for the purpose of increasing the strength of the city defenses. The city was divided into four sections, and the people of each labored alternately on the fortifications. The exempts from military service and free colored men were required to assemble for labor, with provisions for a day, at Hempstead Hill (equally well known as Loudenslager's Hill) on Sunday, the 28th of September; at Myer Garden on Monday; at Washington Square on Tuesday; and at the intersection of Eutaw and Market Streets on Wednesday. Each portion, comprising a section, was under the command of appointed superintendents. The response of citizens in men and money was quick, cordial, and ample; and volunteers to work on the fortifications came from Pennsylvania, Maryland, and Virginia. By the 10th of September Gen. Winder was in Baltimore with all the forces of the tenth military district at his command.

The principal fortifications constructed by the people consisted of a long line on Hempstead, or Loudenslagers Hill, now the site of Patterson Park. At proper distances several semicircular batteries were constructed, well mounted with cannon and ably manned, some of them by Volunteer Artillery companies of Baltimore, but chiefly by men-of-war's men, about 1,200 in number, under the general command of Commodore Rodgers. The spaces between these batteries were filled with militia. One of the larger of these bastions, known as Rodgers Bastion, may now (1867) be seen, well preserved, on the harbor side of Patterson Park and overlooking Fort McHenry and the region about it. Four of the smaller batteries on this line were in charge of the officers of the *Guerriere* and *Erie*, the former then lying in Baltimore Harbor.

A brigade of Virginia Volunteers and of Regular troops, including a corps of Cavalry under Capt. Bird, were placed under the command of Gen. Winder; the city brigade, of Baltimore, was commanded by Gen. Stricker; and the general management of the entire military force destined for the defense of the city was intrusted to Gen. Smith. Fort McHenry was garrisoned by about 1,000 men, Volunteers and Regulars, commanded by Maj. George Armistead. To the right of it, guarding the shores of the Patapsco, on the Ferry Branch, from the landing of troops, who might endeavor to assail the city in the rear, were two redoubts named, respectively, Fort Covington and City, or Babcock, Battery. The former was manned by a detachment of seamen under Lieut. Newcomb, and the latter—a 6-gun battery—by another detachment from Barney's flotilla and under Sailing Master John A. Webster. In the rear of these upon high ground at the end of Light Street, near the present Fort Avenue, was an unfinished circular redoubt for seven guns, in charge of Lieut. George Budd. On Lazaretto Point, across the entrance channel to Baltimore Harbor, opposite Fort McHenry, was also a small battery, in charge of Lieut. Rutter, of the flotilla. To these several batteries and to Fort McHenry the citizens of Baltimore looked most confidently for defense.

Such were the most important preparations for the reception of the enemy when, on Sunday evening, the 11th of September, they were seen at the mouth of the Patapsco in strong force, preparing to land at North Point, 12 miles from Baltimore by water and 15 miles by land. Off that point the fleet anchored that evening. The night was a delightful one. The air was balmy, and the full moon shone brightly in a cloudless sky. The earth was refreshed by the falling of a heavy dew. The fleet lay 2 miles from the shore. Brief repose was given to its people, for at 2 o'clock in the morning the boats of every ship were lowered, and then the land troops and seamen went to the shore under cover of several gun brigs anchored within a cable's length of the beach. The boats went in divisions, and the leading one of each was armed with a carronade ready for action.

At about 7 o'clock in the morning Gen. Ross and Admiral Cockburn were on shore with a force 9,000 strong, composed of 5,000 land troops, 2,000 marines, and 2,000 seamen, led by Capt. E. Crofton. They were furnished with cooked provisions sufficient for three days. Each combatant bore 80 rounds of ammunition and carried as little baggage as possible, for they were to march rapidly and take Baltimore by surprise, where Ross had boasted that he should eat his Sunday dinner. At the same time a frigate was sent to try the depth and take the soundings of the channel leading to Baltimore, as the navy, under the immediate command of Capt. Nourse, of Cockburn's flagship *Severn*, was to cooperate with the army. Intelligence of these movements produced great alarm in Baltimore. A large number of families, with portable articles of value, were sent into the interior of the country, and every inn for almost a hundred miles northward of the city was crowded with refugees.

BATTLE OF NORTH POINT.

Lossing, in his Pictorial Field Book of the War of 1812, ascribes to an old song a little medley which throws some light upon the confidence with which Baltimoreans prepared to resist the British invasion:

> The gen'ral gave orders for the troops to march down
> To meet the proud Ross and to check his ambition;
> To inform him we have decreed in our town
> That here he can't enter without our permission.
>
> And if life he regards he will not press too hard,
> For Baltimore freemen are ever prepared
> To check the presumptuous, whoever they be,
> That may rashly attempt to evade our decree.

The following account of the Battle of North Point is extracted from Niles's Register:

Having triumphantly despoiled the Capital of the Union, Gen. Ross turned his eyes upon this flourishing and wealthy city, which he had fixed upon for his winter quarters, and boasted that with the force he had he would go where he pleased through Maryland. Thus forewarned, considerable additions were made to the defenses of the place. Some of the troops of Gen. Winder's command were collected, Rodgers and Perry were here, and a good many noble volunteers flocked in from the adjacent parts of our own State and from Virginia and Pennsylvania. The Baltimore brigade was taken en masse into the service of the United States, and the whole submitted to the direction of Maj. Gen. Smith, of the Maryland Militia.

On Saturday, the 10th of September, we had information that the enemy was ascending the bay, and on Saturday morning his ships were seen at the mouth of our river, the Patapsco, in number from 40 to 50. Some of his vessels entered the river, while others proceeded to North Point (at the mouth of the Patapsco), distant 12 miles from the city, and commenced the debarkation of their troops in the night, which was finished early next morning. In the meantime the frigates, bomb ketches, and small vessels approached and ranged themselves in a formidable line to cannonade the fort and the town. The frigates were lightened before they entered the river, and the ships of the line lay off North Point to overawe us and protect the whole force.

The force that landed consisted of about 9,000 men, viz, 5,000 soldiers, 2,000 marines, and 2,000 sailors—the first under Maj. Gen. Ross, the latter commanded by the famous Admiral Cockburn. The troops were a part of Wellington's "invincibles." Some works were erected not far from North Point to arrest their progress; but their incipient state forbade a stand being made at them, and the enemy marched 4 miles toward us uninterrupted, except by a few flying shots from the cavalry. Here they were met by Gen. Stricker with his entire Baltimore brigade (except that he had only one company of the regiment of artillery), consisting of Col. Blays's cavalry, the Rifle Corps, and the Fifth, Sixth, Twenty-seventh, Thirty-ninth, and Fifty-first Regiments of Infantry, commanded, respectively, by Lieut. Cols. Sterett, McDonald, Long, Fowler, and Amey. In the Fifth was incorporated an elegant uniformed company of volunteers from York, Pa., under Capt. Spangler, and in the Thirty-ninth Capt. Metzger's fine company of volunteers from Hanover, Pa., and Capt. Quantrill's from Hagerstown, Md., and in the Sixth Capt. Dixon's volunteers from Marietta, Pa. All the rest were city troops; and the whole, including Capt. Montgomery's company of artillery (with six 4-pounders), amounting to about 3,200 men.

The rest of our forces were judiciously stationed in or near the various defenses, etc. About 1 o'clock a party of 150 or 200 men, consisting of Capt. Levering's and Capt. Howard's companies of the Fifth, and Capt. Aisquith's rifle corps, were detached from the line to feel the enemy and bring on the battle; they were accompanied by a few artillerists, with one of their pieces. Before they expected it they were attacked by the British in very superior numbers and driven in with some loss, after a few fires, to the main body. As the enemy advanced the artillery opened a destructive fire upon them, which was returned from two 9-pounders, and the action became general along the line of the Fifth and Twenty-seventh, which were in front. The Thirty-ninth and Fifty-first were in the rear of these and the Sixth advantageously posted still nearer the city to protect and cover the whole. The fire from the two first-named regiments, as well as from the artillery, was very active and uncommonly certain for about an hour. Of the Fifth much was expected, but the Twenty-seventh behaved at least as gallantly. The men took deliberate aim, and the carnage was great—the "invincibles" dodging to the ground and crawling in a bending posture to avoid the militia, the "yeomen" they were taught so much to despise. When the Fifth and Twenty-seventh (between which was placed the artillery) were outflanked by the much greater force of the enemy, they retired in better order than could have been expected under a galling fire, and they retired reluctantly at the repeated command of their officers; the artillery had been drawn off a little while before. The right of the Thirty-ninth was gallantly engaged, but the Fifty-first took no part in the action, and it was not at that time and place expected that the Sixth would share in it, else (under its veteran colonel, a soldier of the Revolution and one who met the same foe under Pulaski) it would no doubt have distinguished itself.

The cavalry, though they performed very severe and important duties, had but little to do in the battle. The whole number of our men actually engaged did not exceed 1,700. Nearly as much, perhaps, being done at this point as was expected, our force retreated toward the city. The enemy followed slowly, and on Tuesday night approached within about 2 miles of our intrenchments. Measures were taken to cut them off and punish their temerity, but before Gen. Winder, with the Virginia Militia and a squadron of United States Cavalry, could bring his plans fully to bear the British, suspecting the design or not liking the appearance of our works, decamped suddenly in the night and embarked with such precipitation that, though closely pursued, a few prisoners only were taken; but the pursuing force merited and have received the thanks of their general, and the whole body collected is entitled to the gratitude of Baltimore and their country for the sufferings they so patiently and patriotically endured, being compelled to sleep, if sleep was allowed, in the open air, with the heavens for their canopy, for four nights, during the chief part of which it rained pretty constantly and sometimes heavily. They also received their refreshments irregularly, the whole being packed up in prudent preparation of events that might have happened.

DEATH OF ROSS.

It was in the first conflict of the opposing forces in this battle that Gen. Ross, the accessory of Admiral Cockburn in the destruction of Washington, met his fate. He and Cockburn were with the advance guard of the British army, "and after the firing ceased, Ross turned back alone to order up the light companies in anticipation of more serious resistance. On the way he was shot through the breast from the wood, and fell in the road, where he lay till he was found by the light companies hurrying forward to the scene of the killing." Ross was shot by two young Marylanders—Daniel Wells and Henry McComas—members of Asquith's rifle corps. These young men, who were of a party of American skirmishers that had been driven in by the British advance, had lingered behind. When Gen. Ross appeared upon a knoll near them they fired the fatal shot. George Robert Gleig, a British officer connected with Ross's army, afterwards wrote an account of his experiences in which, referring to the events at Baltimore, he tells as follows the incidents surrounding the death of Ross:

We were now drawing near the scene of action, when another officer came at full speed toward us, with horror and dismay in his countenance, and calling aloud for a surgeon. * * * In a few moments we reached the ground where the skirmishing had taken place, and beheld poor Ross laid, by the side of the road, under a canopy of blankets, and apparently in the agonies of death. As soon as the firing had begun, he had ridden to the front, that he might ascertain from whence it originated, and, mingling with the skirmishers, was shot in the side by a rifleman. The wound was mortal; he fell into the arms of his aid-de-camp, and lived only long enough to name his wife, and to commend his family to the protection of his country. He was removed toward the fleet, but expired before his bearers could reach the boats.

The death of Ross was destined to prove of the utmost significance. Under Col. Brook, upon whom the command devolved, the expedition was neither so ably nor persistently conducted.

ATTACK ON FORT M'HENRY.

Describing the attack on Fort McHenry, Niles's Register says:

But the attack on Fort McHenry was terribly grand and magnificent. The enemy's vessels formed a great half circle in front of the works on the 12th, but out of reach of our guns, and also those of the battery of the Lazaretto, on the opposite side of the great cove or basin around the head of which the city of Baltimore is built. Fort McHenry is about 2 miles from the city, a light little place, with some finely planned batteries, mounted with heavy cannon, as the British very well know. At 6 o'clock on Tuesday morning six bomb and some rocket vessels commenced the attack, keeping such a respectful distance as to make the fort rather a target than an opponent; though Maj. Armstead, the gallant commander, and his brave garrison fired occasionally to let the enemy know the place was not given up. Four or five bombs were frequently in the air at a time and making a double explosion, with the noise of the foolish rockets and the firings of the fort, Lazaretto, and our barges created a horrible clatter. (Many of these bombs have since been found entire; they weigh, when full of their combustibles, about 210 or 220 pounds, and they threw them much farther than our long 42-pounders would reach.) Thus it lasted until about 3 o'clock in the afternoon, when the enemy, growing more courageous, dropped nearer the fort and gave the garrison and batteries a little of the chance they wanted.

The balls now flew like hailstones, and the Britons slipped their cables, hoisted their sails, and were off in a moment, but not without damage. When they got out of harm's way they renewed the magnanimous attack, throwing their bombs with an activity excited by their mortification. So they went on until about 1 o'clock in the morning, our batteries now and then firing a single gun. At this time, aided by the darkness of the night and screened by a flame they had kindled, one or two rocket or bomb vessels and many barges, manned with 1,200 chosen men, passed Fort McHenry and proceeded up the Patapsco, to assail the town and fort in the rear, and perhaps effect a landing. The weak-sighted mortals now thought the great deed was done—they gave three cheers and began to throw their missive weapons. But alas! their cheering was quickly turned to groaning, and the cries and screams of their wounded and drowning people soon reached the shore, for Forts McHenry and Covington, with the city battery and the Lazaretto and barges, vomited an iron flame upon them in heated balls and a storm of heavy bullets flew upon them from the great semicircle of large guns and gallant hearts.

The houses in the city were shaken to their foundations, for never, perhaps, from the time of the invention of cannon to the present day, were the same number of pieces fired with so rapid succession; particularly from Fort Covington, where a party of Rogers's really invincible crew was posted. Barney's flotilla men, at the city battery, maintained the high reputation they had before earned. The other vessels also began to fire, and the heavens were lighted with flame and all was continued explosion for about half an hour. Having got this taste of what was prepared for them (and it was a mere taste) the enemy precipitately retired with his remaining force, battered and crippled, to his respectful distance; the darkness of the night and his ceasing to fire (which was the only guide our people had) preventing his annihilation. All was for sometime still, and the silence was awful; but being beyond danger, some of his vessels resumed the bombardment, which continued until morning—in all about 24 hours, during which there were thrown not less than 1,500 of these great bombs, besides many rockets, and some round shot. They must have suffered excessively in this affair. Two of their large barges have been found sunk and in them were yet some dead men. But what the loss really was it is probable we never shall know. They also were at other times injured by Fort McHenry, the Lazaretto, and the barges. I, myself, believe I saw several shots take effect during Tuesday afternoon.

The preservation of our people in the fort is calculated to excite in a wonderful manner our gratitude to that Great Being without whose knowledge a sparrow does not fall to the ground. Only 4 were killed and about 20 wounded, and $200 or $300 will repair all the damages the fortresses sustained. Lieut. Clagett, of Capt. Nicholson's company of artillery, was the only officer killed in the fort. His friend, Sergt. Clemm, of the same corps, received his death at the same time. They were respectable merchants.

The admiral fully calculated on taking the fort in two hours. Its surrender was spoken of as a matter of course. He said that when it was taken and the shipping destroyed he "would think about terms for the city." All about and in the fort is such ample evidence of his zeal to perform his promise, that it seems impossible to believe that greater damage was not done than that really sustained. The gallant and accomplished Armstead, through watching and excessive fatigue—for he had other great duties to do besides defending his post—flagged as soon as the fight was done, and now lies very ill, but not dangerously, we trust, though severely afflicted. Many of his gallant companions were also exhausted, but have generally recruited their strength.

To return to the field engagement; the force of the enemy in the battle may have amounted to 4,000 men. They were fine-looking fellows, but seemed very unwilling to meet the "Yankee" bullets—their dodging from the cannon and stooping before the musketry has already been noticed. The prisoners and deserters say that for the time the affair lasted and the men engaged they never received so destructive a fire; and this may well be, for our men fired not by word of command only, but also at an object. Of the Twenty-first British Regiment, about 5,000 were landed; on the morning of the 13th they found 171 killed, wounded, and missing. Their whole loss may be safely estimated at from 500 to 700 men. Maj. Gen. Ross, who did "not care if it rained militia," the incendiary of the Capitol, paid the forfeit of that act by his death. * * * His death was probably the immediate cause why an attack upon our works was not made. Gen. Brooks, on whom the command devolved, would not risk the enterprise.

Our whole loss in the affair was about 20 killed, 90 wounded, and 47 prisoners and missing. Twenty-two of the wounded were paroled on the field, 47 are on board of the fleet—many of them gentlemen of the first respectability—and it is believed will be sent to Halifax, though all possible means to effect their release was used. (By a flag they were all liberally supplied.) The officers killed were James Lowry Donaldson, Esq., adjutant of the brave Twenty-seventh Regiment, and one of the representatives encouraging his brethren in arms, and Lieut. Andre, of the "Gray Yagers," a valuable young man. Maj. Moore, of the Twenty-seventh, was severely but not dangerously wounded; Maj. Heath, of the Fifth, had two horses shot under him, and Maj. Barry, of the same regiment, was also killed. The cavalry lost several horses and some of them on the lookout were taken prisoners. For the present we shall only add that Brig. Gen. Stricker, whose urbanity has long endeared him to the citizens under his command and the people at large, behaved as became the high charge intrusted to him as a soldier. He has the entire confidence of his brigade. Robert G. Harper, Esq., who volunteered his services as an aid-de-camp, also greatly exerted himself in the hottest part of the fire to encourage and give steadiness to our troops.

The enemy's bomb vessels, we are told, are much wrecked by their own fire. This may well be supposed when the fact is stated that at every discharge they were forced 2 feet into the water by the force of it, thus straining every part from stem to stern.

Never was the mortification of an invader more complete than that of our enemy. Beaten by the militia and defeated by the fort, he went away in the worst possible humor and a total loss that may mount to not less than 800 men.

From the official report of Commodore Rodgers, who commanded the naval force stationed in Baltimore on the 12th and 13th of September, to the Secretary of the Navy, dated the 23d of September, we find the following distribution of the force under his command:

I stationed Lieut. Gamble, first of *Guerriere*, with about 100 seamen, in command of 7-gun battery, on the line between the roads leading from Philadelphia and Sparrows Point; Sailing Master De La Rouch, of the *Erie*, and Midshipman Field, of the *Guerriere*, with 20 seamen, in command of a 2-gun battery, fronting the road leading from Sparrows Point; Sailing Master Ramage, of the *Guerriere*, with 20 seamen, in command of a 5-gun battery, to the right of the Sparrows Point Road; and Midshipman Salter, with 12 seamen, in command of a 1-gun battery, a little to the right of Mr. Ramage. Lieut. Kuhn, with the detachment of marines belonging to the *Guerriere*, was posted in the entrenchment between the batteries occupied by Lieut. Gamble and Sailing Master Ramage. Lieut. Newcomb, third of the *Guerriere*, with 80 seamen, occupied Fort Covington, on the Ferry Branch, a little below Spring Gardens. Sailing Master Webster, of the flotilla, with 50 seamen of that corps, occupied a 6-gun battery on the Ferry Branch, known by the name of Babcock. Lieut. Frazier, of the flotilla, with 45 seamen of the same corps, occupied a 3-gun battery near the Lazaretto, and Lieut. Rutter, the senior officer of the flotilla, in command of all the barges, which were moored at the entrance of the passage between the Lazaretto and Fort McHenry in the left wing of the water battery, at which was stationed Sailing Master Rodman and 54 seamen of the flotilla. Sailing Master Rodman was stationed in the water battery of Fort McHenry with 60 seamen of the flotilla.

Commodore Rodgers says:

The enemy's repulsion from the Ferry Branch on the night of the 13th instant, after he had passed Fort McHenry with his barges and some light vessels, was owing to the warm reception he met from the Forts Covington and Babcock, commanded by Lieut. Newcomb and Sailing Master Webster, who, with all under their command, performed the duty assigned to them to admiration. * * * It becomes a duty to notice the services of that gallant and meritorious officer Capt. Spence, of the Navy, by whose exertions, assisted by Lieut. Rutter with the barges, the entrance into the basin was so obstructed in the enemy's presence, and that, too, in a very short time, as to bid defiance to his ships had he attempted to force that passage."

THE STAR SPANGLED BANNER.

"During the fearful night of the bombardment Francis S. Key, a distinguished son of Maryland, was a prisoner in the British fleet. Having gone on board in the cartel ship *Minden* in the company of Col. John S. Skinner under the protection of a flag of truce to effect the release of some captive friends (Dr. Beanes, a highly esteemed physician of Upper Marlboro, in Maryland), he was himself detained during the expedition. They were placed on board the *Surprise*, where they were courteously treated. Finally they were transferred to their own vessel, the *Minden*, which was anchored in sight of the fort. Of vivid and poetic temperament, he felt deeply the danger which their preparations foreboded and the long and terrible hours which passed in sight of that conflict whose issue he could not know. It was under these circumstances that he composed "The Star Spangled Banner," descriptive of the scenes of that doubtful night and of his own excited feelings. As the struggle ceases upon the coming morn, uncertain of its result, his eye seeks for the flag of his country, and he asks in doubt:"

O say! can you see by the dawn's early light
What so proudly we hail'd at the twilight's last gleaming
Whose broad stripes and bright stars through the perilous fight,
O'er the ramparts we watch'd, were so gallantly streaming?
And the rocket's red glare—the bombs bursting in air
Gave proof through the night that our flag was still there?
O say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

"And then, as through 'the mists of the deep' dimly loomed that gorgeous banner fluttering in the first rays of the morning sun, he exclaims triumphantly—

'Tis the star spangled banner! oh, long may it wave
O'er the land of the free and the home of the brave.

"This outburst of the patriot and poet's heart thrilled through the souls of his brethren. They took it up; it swelled from millions of voices; and "The Star Spangled Banner," written by a son of Maryland within sight of the battle fields won by the citizen soldiers of Maryland, with the sound of their victorious

cannon still ringing in her ears, became the proud national anthem of the whole Union."

"The crude substance of this song was written on the back of a letter which the author happened to have in his pocket. On the night after his arrival in Baltimore he wrote it out in full, and the next morning read it to his uncle, Judge Nicholson, who was one of the gallant defenders of the fort, and asked his opinion of it. The judge was so pleased with it that he took it to the printing office of Capt. Benjamin Edes, on North Street, near Baltimore. Mr. Edes was then on duty with the gallant Twenty-seventh Regiment, of which Capt. Lester was a member. The judge then took it to the office of the Baltimore American, and directed copies to be struck off in small handbill form. Mr. Samuel Sands, who was then an apprentice boy in the office, but now editor of the American Farmer, set up the song in type, printed it, and distributed it among the citizens. It was first sung in a restaurant in this city, next to the Holliday Street Theater, by Charles Durang, to an assemblage of patriotic defenders of the city, and after that nightly in the theater. It created intense enthusiasm, and was everywhere sung in public and in private."

FRANCIS SCOTT KEY.

To Esmeralda Boyle I am also indebted for the following account of Francis Scott Key:

Francis Scott Key was born in the year 1779, in Frederick County, Md. His father, John Ross Key, was a lieutenant in the Second Rifle Company of Maryland, under Capt. Thomas Price, in the War of Independence. The family mansion, built of brick, covered a large area of ground. From a center building extended wings on either side, while around the whole were broad piazzas according to the southern fashion. On every side stretched a beautiful lawn, which sloped almost imperceptibly into a terraced garden of flower and shrub. Many trees shaded the lawn, and not far distant in somber grandeur stood a wood through which flowed, with happy murmurs, Pipe Creek.

At the foot of the hill upon which stood the Key mansion was a spring of limpid water, about whose brink gathered the gay-hearted youths and maidens of the neighborhood.

The meadow that stretched out from the foot of the hill was, in the genial months of spring and summer, very green. Seeming to rest against the sky rose the Catoctin Mountain, now merged in shadows, now seen below a curtain of purple or crimson clouds, or else with its clear background of summer blue, its dusky foreshadows extending along the base while peak and crag glowed with the sun gold of morning or evening. Such was the birthplace of Francis Scott Key. His sister, Anne Phebe Charlton, was the friend and companion of his boyhood days. This girl and boy were the only children of John Ross Key. They were remarkable for physical beauty, as well as for those rarer beauties of heart and mind that leave in some shape a lasting impression for those who follow.

Key was educated at St. John's College at Annapolis. The class to which he belonged was known as the "Tenth Legion," because of its brilliant successes. The president of the college at that time was Dr. John McDowell. Many years after, on the 22d of February, 1827, Mr. Key, by invitation, delivered an address before the alumni of St. John's, the subject being "Education." After leaving college he read law in the office of Jeremiah Townley Chase, who was one of the judges of the general court of Maryland at that time. One of his fellow students was Roger Brooke Taney, afterwards chief justice of the Supreme Court of the United States. The high polish and perfect culture of Annapolis society rendered it an attractive place to the distinguished men and women of the day. Did a student wish for eminence in the profession of the law he was sure to seek for its attainment in the good old city of Annapolis. Mr. Taney has told us of the scarlet-cloaked judges sitting solemnly in chairs placed upon an elevated platform, and of the assembly of Maryland's famous lawyers gathered at the bar. Judge Chase required of his students a strict attendance at the court that they might learn by observation the manner in which important cases were conducted. Mr. Key was thereby enabled in early manhood to attain to much knowledge through the experience of others, a precious legacy not always handed down through books. After his admission to the bar Mr. Key returned to his native county. In the year 1801 he began the practice of the law at Frederick City, Md. In a short time, however, he removed to Georgetown, in the District of Columbia. Here he rose to eminence as a lawyer in the Supreme Court of the United States as well as the courts of Maryland and the District.

EFFECT OF VICTORY.

Every town on the Atlantic seaboard looked forward with the keenest interest to the outcome of the British attack on Baltimore. A state of general panic prevailed in nearly every city on the coast induced by the seeming belief that it would be the next object of attack of the invincible British invaders.

We are told by McMaster that the appearance of Ross and Cochrane—

in the Chesapeake, and the boldness with which they sailed into the very heart of two States and sacked the National Capitol, spread terror through every city and town that lay near a navigable river. New York City, which had long been blockaded, was greatly excited. The deeds and the success of Cochrane, it was feared, would arouse every British naval commander to emulate him and would bring down on the city all the horrors of a bombardment.

But when the news came that the British had actually sailed up the Chesapeake Bay, had marched overland to Washington, had burned the public buildings and were bombarding Baltimore, the feeling became general New York would be the next place attacked, and the work of defence grew serious. * * * Fully aware that the General Government was now powerless the common council called on the people to loan $1,000,000 to the city. The money was to bear 7 per cent interest, was to be paid back in one year, and be used solely for the defense of New York. Some croakers asserted that the city had no authority to make such a loan, but they were quickly silenced and the money raised. The defeat at Baltimore and victory of MacDonough did much to quiet the public anxiety. * * *

The example thus set by New York was closely followed in Philadelphia. There, when it was known that Washington had been captured, the people met in the State yard, chose a committee, organized for defense, formed a military association, and, under such names as the Philadelphia Volunteers, the Hamilton Guards, the Washington Guards, the Yankee Guards, the Rifle Corps, began active drilling. Calls were made for shipwrights and boatbuilders to make gun carriages; for draymen to form a company of artillery; for guns, blankets, clothing, and stores; and for volunteers to aid in throwing up works of defense on the hills bordering the west bank of the Schuylkill. There, too, the response was prompt, and in a few days the artists, the cordwainers, the cabinetmakers, the brickmakers, the printers, and the patriotic young men under 20 were applying to the committee to assign them a day. The people of color were reminded of what Pennsylvania had done to promote the abolition of slavery and were summonded to defend her. The physicians were asked to be ready, in the event of a battle, to hurry to the field. "Pious men whose conscientious views would deter them from joining other corps" made up of irreligious men were urged to form one of their own kind.

Lest even these defenses should prove insufficient, the committee called on the governor to take measures of an extreme kind. He was asked the moment the enemy landed to dispatch men to see that, in the region through which the British would pass, all horses, cattle, and wagons were sent inland; that every animal that could serve as food was killed or carried away; that the lower box and the spear of every pump were removed; that all roads and passes were impeded with fallen trees; and that at least one indispensable wheel taken from every mill. The community was terror stricken.

In view of this state of general alarm, it may be imagined with what joy the news of the American victory at Baltimore was received, as the glad tidings were passed from farmhouse to farmhouse or carried from village to village by the post rider or the stagecoach. The confidence of the American people in their ability to protect themselves was restored, and British military prestige received a shock destined to be the precursor of the defeat before Plattsburg, and later of overwhelming disaster at New Orleans.

NATIONAL INSPIRATION.

Any plan looking to the division of our Nation was irretrievably shattered, for following close behind the stinging repulse at Baltimore came the news of MacDonough's victory on Lake Champlain and the rapid retreat back to Canada of the British troops under Sir George Prevost. Cockburn, with the British fleet, stole rapidly down the bay, defeated and discomfited, bearing with him that infamous reputation which will ever disgrace his memory.

Contemporaneous with the victory at Baltimore was the appearance of Key's song, "The Star Spangled Banner," the inspiring strains and popular melody of which brought it at once into unanimous favor. The country needed a national song to give expression to its patriotism. It wanted only the event to produce it, and that event was furnished in the attack on Baltimore. This song of Key's aroused the dormant patriotism of the Nation, for human nature could not withstand its irresistible appeal to the love of country. It lifted the national spirit from the vale of gloom and despair in which it had been floundering to the sunlit heights of confidence and victory. It heralded the dawn of a new day to our Federal Government. In moral value it was worth ten thousand bayonets.

CONCLUSION.

This, Mr. Speaker, is the story of Fort McHenry.

And now the environs of a great and populous city embrace the little fort which once so heroically defied the King's Navy and the royal forces of war. No longer is its position the outpost of the sentinel. It has become a place of sheltered security, nestling close in the bosom of that city with which its past is so intimately associated. Its walls, once a bulwark of defense, and its guns, once a guaranty of protection, have lost their power. Up to within a few weeks ago it still maintained with pathetic chivalry that position it could fill in name only. Time has ruthlessly robbed it of everything except its golden memories. But as long as our Nation lives, as long as noble deeds beget admiration, or the love of country moves mankind, "The Star Spangled Banner" will be sung; and few who sing

"Oh! say, can you see by the dawn's early light"

will be able to refrain from going back in mental contemplation to the actual scene at Fort McHenry and dwelling upon that brilliant and stirring chapter which the little fort on the Patapsco contributed to the history of our second war with Great Britain.

The Committee on Military Affairs in favorably reporting the bill now before this House said:

It appears that in the present plan of national defense Fort McHenry no longer occupies a position of strategic military value, and that several proposals have been heretofore offered that it be converted to uses foreign to its present character as a military post. After considering this bill and hearing the statements of those representing patriotic organizations interested in the subject, this committee is of the opinion that Fort McHenry is so intimately associated with historical events of vital moment in the early history of our country as to endear it in the affections of all Americans, that its use for purposes not germane to its present character would do violence to the sentiment which now attaches to it, and that its preservation as a Government reservation under the control of the Secretary of War, and its partial use as a museum of historic relics, would be obviously

appropriate with respect to this sentiment. The War Department states that the enactment of the measure will not conflict with the interests of that department and that there is no objection to its passage.

I trust this House will pass this bill. I hope that the little fort which has played such an important part in our history may be preserved to us and to the generations that follow, its ground the shrine of patriotic admiration. I believe that in the near future Congress will see fit to do something even better than protecting from base use this historic spot. I want to see erected near the ramparts of the old fort, plainly discernible to the ships that now pass in peaceful and endless array, a beautiful monument to Francis Scott Key and to the defenders of Fort McHenry at the time of the British attack on that fortification.

Statement of Mrs. Martin W. Littleton.

EXTENSION OF REMARKS

OF

HON. JOHN L. BURNETT,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 16, 1912.

Mr. BURNETT said:

Mr. SPEAKER: Under the leave granted me to extend my remarks in the RECORD I include a statement of Mrs. Martin W. Littleton.

The statement is as follows:

PROPOSED NAME FOR HOUSE OFFICE BUILDING.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
HOUSE OF REPRESENTATIVES,
Friday, June 21, 1912.

The committee met at 10.30 o'clock a. m., Hon. JOHN L. BURNETT presiding.

There appeared before the committee Representative BENJAMIN G. HUMPHREYS of Mississippi, Representative HENRY D. FLOOD of Virginia, and Mrs. Martin W. Littleton.

Mr. BURNETT. The resolution before the committee this morning is House joint resolution 314, introduced by Mr. HUMPHREYS of Mississippi. It is very brief, and I will read it:

Resolved, etc., That the House Office Building be known and hereafter officially designated as Jefferson Hall, as a tribute to the memory of Thomas Jefferson, whose conspicuous service to mankind secured for him a place among the immortals.

Mr. HUMPHREYS is in charge of this resolution and he desires Mrs. Littleton to address the committee this morning; and if it is the pleasure of the committee we will hear from Mrs. Littleton.

I desire to state before we proceed that there is a meeting to be held at Mr. UNDERWOOD'S office at half past 10 o'clock, and I will probably have to leave in a few minutes. I wanted Mrs. Littleton to understand why I leave.

STATEMENT OF MRS. MARTIN W. LITTLETON.

Mrs. LITTLETON. I have just a word to say. I do not know why I should be called upon to say anything about this resolution except that I am more than happy that Mr. HUMPHREYS has offered it. I think it is a step toward paying some sort of tribute to Thomas Jefferson, a man whom I think has been very sadly neglected. I have written down what I have to say here, because I did not want to say too much.

Mr. BURNETT. A woman never says too much.

Mrs. LITTLETON. They might be tempted to when they have such a splendid audience.

I can not begin speaking on Mr. HUMPHREYS'S resolution until I speak, first, of a subject that is nearest my heart, and that is the ownership of Monticello—the estate and resting place of Mr. Jefferson.

When I came to Washington, a few months ago, I was surprised to find that, in this city of history and outdoor monuments, there was no memorial in honor of Thomas Jefferson. I was surprised, because, though Jefferson did many things which entitled him to our recognition, he did one supreme thing that no man ever did or ever can do again, and that thing was the writing of the Declaration of American Independence. It made him almost a divine exception to the general run of mankind; but if I thought I had to convince this committee of the important achievements of Thomas Jefferson which entitled him and his memory to the lasting gratitude of a grateful country I should stop here and now and surrender my task as hopeless.

It was he who had faith in man. It was he who fought for a new Government founded upon the belief that all men were equal. It was he who builded an asylum for the oppressed of all nations. It was he who had the laws of primogeniture and entail abolished and made the younger son equal with the elder brother. It was he who caused the separation of church and state, and made it possible for all men to profess their religious belief without fear of oppression, whether Protestant, Catholic, or Jew. It was he who spoke the first words in behalf of the freedom of the negroes before any other American statesman, and if this bill, the "Ordinance of the Northwestern Territory," prohibiting slavery after 1800 had passed, our great Civil War would never have been fought. He drew the bill establishing our present system of coinage and currency on the decimal basis. Without sword and with only his pen he took over from Napoleon Bonaparte for the United States the great southwestern territory known as the Louisiana Purchase and added 11 States to the Union; and he took over, also, the northwestern territory comprising 14 States. Everyone knows that the last work his hands found to do, when he was an old, old man, was to inaugurate and build a great university for Virginia—the first real university in America. He believed that in a representative democracy education and intellectual freedom were necessary, and he created and wrote five great state papers, from which Americans have learned their lessons of freedom.

The sublimest one of all he wrote was this Declaration of Independence.

He gave eight years in the unremitting service in the greatest office which his country could offer, and at the end of eight years' service the whole people held out their hands in universal greeting as he returned to Monticello after more than half a century of public service. When he started in the public service he was a rich man; when he left, after more than 60 years, he was a poor man. Subscriptions were taken up for him, his home sold, and his grave is now a thing neglected and bandied about, without ownership or one to do it honor. It might almost as well rest in foreign territory, because it is a neglected spot, a shame and a disgrace to this country, which prizes above all things the freedom and liberty which he procured from them. It has been said, "If Jefferson is right, America is right; if Jefferson is wrong, America is wrong."

This is but a brief reference to his achievements for our country's growth; but you all know this so much better than I, and are in some sense living the life he lived and rendering the service he rendered, that I shall ask you to let me pass to the particular subject in hand and tell you, if I can, the exact story of Monticello, which I am sure this country wishes and ought to take to itself.

I can not speak of Jefferson without speaking of Monticello, and without speaking of George Washington and Mount Vernon. They are in my mind together; one the man of the sword and the other the man of the pen; and of the two mountains (Mount Vernon and Monticello—"little mountain"), in whose bosoms there now rest these two precious possessions of our Nation, George Washington has a place in all history, above all neglect or envy, but Thomas Jefferson, who through his pen was the greatest American statesman, stands apart.

While one with his sword carved out a nation and procured liberty for us, the other with his pen carved out a nation and procured human liberty for us; and they both worked together and gave us this beautiful Capital City. In the heart of it a grateful Nation has erected a monument to the memory of one of them, but, I say, in all this city of glorious marble and trees there is not an outdoor monument or shaft erected in honor of the other one. There are monuments to Edward Gallaudet, Washington, Gen. Jackson, La Fayette, Rochambeau, Gen. Sherman, Gen. Scott, Daniel Webster, Hahnemann, Gen. McPherson, Martin Luther, Gen. McClellan, Gen. Sheridan, Admiral Dupont, Admiral Farragut, Gen. Logan, Gen. Hancock, Gen. Rawlins, Benjamin Franklin, John Witherspoon, Henry W. Longfellow, Dr. Joseph Henry, Dr. Samuel Gross, Louis J. M. Daguerre, Dr. Benjamin Rush, Frederick the Great, John Marshall, the Peace Monument, President Garfield, Gen. Grant, Emancipation Statue, Abraham Lincoln, Gen. Albert Pike, Gen. Greene, Alexander Sheppard, Gen. Steuben, Christopher Columbus, Pulaski, Kosciuszko, Paul Jones, Maj. B. F. Stephenson, and the Statue of Freedom.

Those are the outdoor statues in the city of Washington.

Jefferson did many, many things which entitle him to our recognition, and while the memories of the deeds of most men fade with years, the deeds of Thomas Jefferson grow brighter with time, and as the world becomes more and more enlightened he is more and more beloved. If he had never achieved immortality before, he achieved it on the signing of the treaty of cession of Louisiana, which was the vastest single forward step of progress in the story of man. Without loss of blood, by peaceful negotiations, more than 1,000,000 square miles of territory were won from the domain of European powers and brought within the jurisdiction of the young Republic; and out of this territory have been carved all these 14 great States;

Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming, Indian Territory, and Oklahoma.

Mr. HUMPHREYS. I do not like to interrupt you, but you mentioned a number of statues to different people in this city—outdoor statues. There is none to Thomas Jefferson?

Mrs. LITTLETON. No. I will tell you of one here in the Capitol, if you like. There is one bronze statue here in the Capitol of Thomas Jefferson, which was given by Commander Uriah Phillip Levy, the story of which is rather interesting.

Mr. BURNETT. Right in that connection, these are all very beautiful statues. Do you not think it would be very humiliating and degrading to the name of Jefferson to name for him a mere workshop like the House Office Building, and perhaps for years to come prevent some proper memorial being erected to his name? The House Office Building is a mere workshop for the Members of Congress, and would it not be rather out of place and improper to name a workshop for a man of that great name and great memory?

You are now making a most beautiful argument for the purchase of Monticello, and I would not be surprised but that the membership of the committee would agree on that proposition; but, on this practical proposition that you are discussing now, here is a building where men do their daily work, and where there is a document room and a folding room, and it appears to me that it would be rather inappropriate and would be almost a desecration instead of being a proper tribute to his memory to name this building after Jefferson. Do you not think that it would be rather humiliating than otherwise, when we have so many statues erected in Washington to other great men?

Mrs. LITTLETON. I think that is largely a matter of each one's opinion. I think we are beginning to feel that in erecting memorials and monuments to people we are spending money for something that is useless; and we are not going to spend money for any more useless statues, but when we wish to build memorials we are going to build things that are of use.

Mr. BURNETT. We just finished a very fine one to Columbus the other day, or at least unveiled it.

Mrs. LITTLETON. Yes; but I think the feeling has begun to grow that in the building of these memorials we should build something that is useful. We are contemplating a memorial to Lincoln. Some suggest an arch; some suggest that it would be of more use to build a road. Without entering into all the discussions of memorials where so much money is being given, I think it would be of more use to build a road or to build a hospital, or something that would be of use and the people could enjoy. We are just at a practical time in the history of our Government when we want to erect useful things, and I should think I would always be on the side of building something useful. I should think it would be wise, since our Government has so recently set up housekeeping, to build memorials first that are for convenience and comfort instead of building beautiful statues; but that is just a matter of opinion.

As to the naming of this building Jefferson Hall, it being a workhouse, I think it would honor Mr. Jefferson. I do not think it would be casting any reflection upon him at all, because no man ever worked harder than Mr. Jefferson; he worked harder than any man I ever knew.

Mr. HUMPHREYS. Right in that connection. In all the great institutions of learning in this country, where the young men become students and study the arts and the sciences, the dormitories are the workshops and they are named after some great scientist or some great scholar; and in all the country wide, wherever there are forts, barracks, or places for the troops to gather and do their work, they are named in honor of some great soldier; and in all the great universities of the country the halls where young men gather to do their work are named in honor of some great man whose character is thought by those in charge of the university to be worthy of emulation by the young men who are there, to gather whatever inspiration they may, to study in these halls. And it occurs to me to be a most remarkable suggestion that to name this hall where the representatives of the people do their work for the people—under a Government which owes its existence so much to Thomas Jefferson, and owes its character so much to Thomas Jefferson, and where the measure of its power is due so much to the labor of Thomas Jefferson—it occurs to me to be a remarkable suggestion that for the hall in which the representatives of the people do the work for the people to be called by his name would be a desecration.

Mr. BURNETT. I might call your attention, Mr. Humphreys, to the fact that we might be called a cheeseparing Government to name for him a building that is already constructed as a memorial instead of building something new.

Mr. HUMPHREYS. Exactly. But there is no man in all the history of this Government who would least want a tribute of this sort that is (if I might use the word) tainted by the increase of taxation laid upon the people than the great man we hope to honor in this way. The people are not called upon to spend one nickel of money; the Government is not called upon to lay one farthing further upon the shoulders of the people in taxes to do this.

Mr. TOWNER. I suggest that Mrs. Littleton be allowed to finish.

Mrs. LITTLETON. I am glad to have this come in, because it is probably something I have left out, and it comes in so well just here. But I will go on.

In this Louisiana purchase, comprising these States, and in the addition of Oregon, Jefferson carved out a real republic, more than doubling the area already a part of the United States; but out of all these States not one is named for him. It is time all this neglect were atoned for, and it is a disgrace that under the shadow of this Capitol his name should be neglected.

Instead of a Westminster Abbey, in America we have two treasure houses—one, Mount Vernon, which, through the Mount Vernon Ladies' Association of the Union, has become a nation's shrine. John Augustine Washington surrendered the mausoleum, house, and grounds for a national memorial as a sacred trust for the public. George Washington's tomb is now carefully protected and guarded against vandal hands and his house protected against fire. The other treasure house is Monticello, and I can think of no memorial to Thomas Jefferson more beautiful, more just, more dignified, than that Monticello, which he loved so much, should, like Mount Vernon, belong to the Nation. It is a sacred place, and not one of national but of international importance.

Pilgrimages to Monticello began more than a century ago. During the lifetime of Jefferson, in years of his retirement, the leading men turned to Monticello. His home was the place toward which steps were constantly turned. Pilgrimages to Monticello did not cease with the death of Jefferson. Many people of all races and creeds continue to journey there. And we hope now that Monticello, which sheltered Thomas Jefferson, his home in life as it is now his home in death, will become forever a shrine, a place set apart where our children and our children's children may go to learn lessons of history and freedom. It is too sacred a trust to be left in the care of one individual.

The home of Jefferson is the natural inheritance of the whole people and can not fittingly rest in the exclusive ownership of one individual. The right to go to and from his grave belongs to the unnumbered generations, and the right can not be narrowed down to the rights of one individual whose proprietorship rests upon a naked purchase. However much this proprietor may venerate the memory of Mr. Jefferson and rejoice in the ownership of his old home, he should not appropriate to himself, even in this spirit of veneration, that which is common to every human being in the Republic, and no doubt Mr. LEVY would do his part toward the public ownership of Monticello, thereby honoring his ancestor, who believed it should belong to the people, and thereby respecting the memory of a wise statesman, the author of the Declaration of American Independence, which has given to people of all nations a warm welcome to its freedom.

The service which Mr. Jefferson gave to his country while he was living was surpassingly great, but the fruits of his labor are ever growing and ever ripening in the minds and hearts of each expanding generation, and he is thus irresistibly attached more and more, year after year, to all mankind. And this shrine must be preserved for them—opened to them—ever kindling new hopes, ever awakening new aspirations. The practical safety from destruction may be well assured in the hands of an individual, but such a place, incapable of reproduction, should not be used as a summer house, but should be absolutely guaranteed against loss by fire, or otherwise, under the vigilant eye and in the affectionate solicitude of the whole Nation.

It may be by will or by the laws of descent continued as a personal exhibit by a proud proprietor, but its future position as a historical place, rich with illustrious names, should not be left to the kindly disposition of fate. No man living to-day in our country, whatever his fortune, station, or prestige, can fill the ample setting laboriously erected by the genius of Jefferson. As the property of the Nation, Monticello would house the grateful affection of all who made their offerings over its threshold. As the property of any individual it can not be saved from the grotesque. Social life may enliven its corridors, rich with history; banquets may make it brilliant with its assemblage of welcome guests; all that wealth and luxury can summon to its open doors may serve to drive away the melancholy silence which serves to speak of Jefferson's last pinched days; but none of these things, nor all of these things, can fittingly inhabit or

fully occupy the memory of the man who wrote the Declaration of American Independence.

The gift of Monticello to the Nation would be the most glorious monument possible to the memory of Thomas Jefferson, and there is another way we can honor Jefferson. We have here in Washington two beautiful new marble buildings unnamed and unchristened, and as there are no outdoor memorials in all this city, either to Thomas Jefferson or Alexander Hamilton, I think it would be a beautiful and fitting tribute to these two great men of our Nation if we were to name one of these buildings Jefferson Hall, as suggested by Mr. HUMPHREYS's resolution, and if we were to name the other Hamilton Hall. The naming of these two structures will cost nothing and will therefore carry out the idea of avoiding expenditures, and will at the same time have the effect of erecting monuments to two great men. Here, in this Capitol named for him, Washington sat and presided over the destinies of this infant Republic. At his right-hand side sat Jefferson, and at his left-hand side sat Hamilton, doing their part and sharing with him responsibilities so serious. And I hope with all my heart this resolution offered by Mr. HUMPHREYS, giving the name of Thomas Jefferson to your beautiful House Office Building, may pass, and that the christening may be celebrated this Fourth of July, when we are celebrating the Declaration of American Independence, of which he was the author.

The places that Mr. Jefferson and Mr. Hamilton occupied in the locating of this city here, and the story of the city of Washington, I thought were so familiar that it would not be worth while for me to tell you them again; so I have left them out.

Mr. TOWNER. Before you sit down, Mrs. Littleton, is there a bill pending now in Congress for the purchase of Monticello?

Mrs. LITTLETON. There is a resolution that Senator MARTINE offered, which is coming up July 2, before the Library Committee of the Senate.

Mr. TOWNER. But there is no bill pending in the House now?

Mrs. LITTLETON. Not that I know of, unless Mr. AUSTIN introduced one a few days ago. But I do not know of any.

Mr. TOWNER. Is it contemplated that a bill will be introduced?

Mrs. LITTLETON. I do not know. I have not heard of anyone introducing such a bill, but I wish they would.

Mr. FLOOD. How would you purchase Monticello?

Mr. TOWNER. I do not think anyone could refuse to sell and avoid eternal infamy if the United States desired to purchase Monticello.

Mrs. LITTLETON. I made a visit to Monticello, and have just returned home, and have brought with me a great deal of information and a great many pictures showing the present conditions there. I also have thousands of letters from people all over the United States, lamenting the fact that in the city of Washington there is no memorial to Thomas Jefferson, and agreeing that the plan for the purchase of Monticello would be a fitting memorial to him. I have these letters, one from nearly every governor of the States, one from all the patriotic societies, north, south, east, and west, Republicans and Democrats alike. I am going to take them to the hearing on July 2, and I will have the letters there, and the photographs showing conditions at Monticello as they exist to-day.

Mr. TOWNER. Mr. Chairman, I desire before Mrs. Littleton leaves to make a motion that the thanks of this committee be given to Mrs. Littleton for her very beautiful and instructive address; and that the acting chairman of the committee, Judge BURNETT, be requested to have it inserted in the CONGRESSIONAL RECORD that it may be preserved and I hope may have influence on other Members of Congress who have not had an opportunity of hearing it.

Mrs. LITTLETON. I thank you very much.

The motion being seconded, the question was taken, and the motion carried.

Mr. TOWNER. Mr. Chairman, for the information of the committee I have just had handed to me a joint resolution which was introduced by Mr. AUSTIN on June 15, providing for the purchase of the home of Thomas Jefferson, at Monticello, Va. It reads as follows:

Whereas the Declaration of Independence was a new light and gospel to the downtrodden of the world; and

Whereas through the genius, splendid patriotism, and teachings of Thomas Jefferson America was started on a career that has brought untold blessings to this country; and believing it most fitting and proper that the home of Thomas Jefferson at Monticello should be the property of the great Nation and country he loved and served so well: Therefore be it

Resolved, etc., That the President of the Senate of the United States be, and is hereby, instructed to appoint a committee of five Members of this body, to cooperate with a similar committee to be appointed by the House of Representatives, to inquire into the wisdom and ascertain the price of acquiring said home as the property of the United States, that it may be preserved for all time in its entirety for the American people.

Mr. CLARK. Where was that referred?

Mr. TOWNER. Unfortunately it was referred to the Committee on Library. I am very sorry this committee will not have the honor of reporting it favorably.

Mr. CLARK. I think it ought to come to this committee.

Mr. TOWNER. I think so, too.

Mr. BURNETT. Now, another practical suggestion along this line: A few years ago a bill was passed changing the name of one of the prominent streets, at the instance of Mrs. Henderson, I believe, to the "Avenue of the Presidents." I do not know where that street is, and I doubt whether there are a dozen Members in Congress who know where it is. I am just calling attention to that fact for the purpose of showing that it has an obscurity hanging around it. It is still known as Sixteenth Street.

Mr. FLOOD. The change was not made.

Mr. BURNETT. I think so.

Mr. FLOOD. I think not. I think a bill was introduced, but I think Congress refused to pass the bill.

Mr. TOWNER. I suggest that we hear from Mr. Humphreys.

STATEMENT OF HON. BENJAMIN G. HUMPHREYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI.

Mr. HUMPHREYS. Mr. Chairman, I do not think anyone could add anything to what has already been said; and Mrs Littleton has said it so much better than I could say it. Mrs. Littleton furnished the inspiration that caused me to write this resolution, and relying upon the equal patriotism of this committee, I thought she could furnish the inspiration to convince you that you should report it. But I was very much astonished to hear my friend from Alabama suggest that there could be any opposition to it.

Mr. BURNETT. May I ask a question along the same line? If this name is changed, will not these buildings always be known as the House Office Building and the Senate Office Building?

Mr. HUMPHREYS. I think not. John Marshall Place is not known by what it was before; it is called John Marshall Place.

Mr. BURNETT. John Marshall Place is not much of a credit to the name of Marshall; I wish to say that.

Mrs. LITTLETON. I think, Mr. BURNETT, that there is very much that is confusing about the names of these buildings now. Strangers who come here always get the names mixed. They think the House Office Building is the House of Representatives. "House Office Building" does not seem to mean much to the people.

Mr. BURNETT. That is what the street-car conductors, the hackmen, and guides always call it, "the House Office Building"; and it is the "Senate Office Building" on the other side.

Mr. HUMPHREYS. They changed the name of Jackson Park to Lafayette Park.

Mr. BURNETT. And it always goes by the name of Jackson Park.

Mr. HUMPHREYS. You can not find one man who knows it as Jackson Park; everybody knows it as Lafayette Park.

Mr. BURNETT. This building is peculiarly for the use of Members of Congress, and always will be called the House Office Building; and my idea is whether it would not always be described by the practical term "House Office Building," and instead of lending luster to the name of Jefferson be rather a discredit.

Mr. HUMPHREYS. There is no chance in the world for us to add luster to the name of Jefferson.

Mr. BURNETT. Would it not be an injustice to him?

Mr. HUMPHREYS. The only people to be honored by taking action on this resolution would perhaps be Members of the House of Representatives; and I think it would reflect honor upon themselves, and especially at this day. I do not think there has ever been a day in the history of this Republic when it was more desirable to call the attention of the people of the United States to the fact that the great principles that inspired Thomas Jefferson and Alexander Hamilton and their confrères and their compatriots when they formed this Government are still in the hearts of the representatives of the people; and, in spite of the fascinating personality of men who are suggesting that the form of this Government be overthrown and changed, that our people still believe in it as the best guaranty that hereafter our children may, as did our forefathers, enjoy the blessings of liberty. It is past my understanding that because the street car conductors might not, for the next few months or few years, wake up to the fact that this is Jefferson Hall, therefore Congress should not honor itself by naming this building, in which the people's representatives do their work, as a testimony of our great regard for the name of Thomas Jefferson.

I introduced a resolution two years ago. At that time I did not say "Thomas Jefferson." When the building was first erected, it occurred to me that it would be a wicked thing that this beautiful building should be erected in Washington, in

view of all the history of this country, and no name found worthy to commemorate, but to call it "H. O. B." and to call the Senate Office Building "S. O. B."; and so I sat to work to conjure up, if I could, who in all the history of the country among the Representatives was perhaps the most illustrious man, and after much thought and conference with others, I concluded that as a Representative perhaps it was Henry Clay. There were others who had been Representatives, but who went out into broader fields, whose fame has become more world-wide than his. But there were practical obstacles in the way, and many thought that he ought not to be so honored. Finally, Mrs. Littleton wrote a very beautiful pamphlet, which she called My One Wish, and there called attention to the fact that in this great city there was no monument to Thomas Jefferson; there was a monument to everyone else but none to Thomas Jefferson; and then the thought occurred to me that the fitting thing to do would be to call this office building, which is a beautiful building and a beautiful monument, Jefferson Hall. I do not share the opinion that we could pay a greater tribute to Thomas Jefferson if we were to erect a monument like the one recently erected to Columbus than we would by naming this magnificent structure, in which the representatives of the people do their work, after him.

I hope most earnestly that the committee will take that view and report the bill.

Mr. TOWNER. Mr. Chairman, I entirely agree that it is a disgrace to this Nation that we have not in the city of Washington a memorial or statue of any kind to Thomas Jefferson, and I would be perfectly willing to support a proposition to erect a monument to his memory, to cost a million or two million, or any sum that might be named. But there is a very great deal to be considered by this committee in the suggestion of our chairman that we can not change by enactment, by the passage of a law, a custom and habit of the people.

We passed a law here to change the name of Sixteenth Street to "Avenue of the Presidents"; but that is only known to the archæologian as an obscure historical fact. Nobody calls Sixteenth Street "Avenue of the Presidents."

Mr. CLARK. But they say that did not pass, Mr. TOWNER.

Mr. TOWNER. I do not know, but I think it did. It would not be an honor to the President to have this hall named after him, and then in the common and popular view of the people for no one to know that except as an official fact and no one recognize it in actual practice.

Mr. HUMPHREYS. They changed the name of Tennallytown Road to Wisconsin Avenue, and the street car conductors always call it Wisconsin Avenue.

Mr. TOWNER. I think it is now popularly known at Tennallytown Road; and I think, Mr. Chairman, there is very great danger this would be brutum fulmen, something which would not be observed, and I am sure no one would regret that more than Mrs. Littleton herself.

Mr. BURNETT. Another thing, Mr. TOWNER, in that connection: We want to do something which would be a tribute (and I think it is an outrage that the Government has not done it) and would not that result in a postponement of a more just tribute to the memory of Thomas Jefferson?

Mr. TOWNER. I wish to say this, that if in the future some other building could be named after him, so that at its inception, the commencement of its life, it might be known by that name, then in popular esteem it might be called Jefferson Hall; but I doubt that you can ever change the name of this place, now so well known as "House Office Building." I do not think, however much you might desire to do so, that by the passage of a law in Congress you could do so.

Mrs. LITTLETON. If women do not seem to have trouble about changing their names when they marry, I do not see why it should be considered so much trouble to change the name of a building.

Mr. ASHBROOK. That was in my mind, and I was just going to suggest that the law changed the maiden name of Mrs. Towner, but I presume she is now known as Mrs. Towner.

Mrs. LITTLETON. If you say it is better to have a new building, are you not inviting resolutions calling for millions of dollars of expenditure to erect a building to the name of Jefferson? I know there is a Jefferson Memorial Association. It is very well organized and very well formed, with beautiful designs and prints for a very expensive building to be erected here in Washington; and there is also a Lincoln Memorial Association, which proposes the erection of a Lincoln building. If you refuse to do this now, and say you are in favor of spending millions of dollars to erect a building to Jefferson, are you not inviting that sort of thing and will not people be coming on here to have resolutions passed for memorials to be erected by you who desire to have buildings erected?

Mr. BURNETT. I woud favor something of that kind; something in the nature of a real expenditure. Mr. Clark has just suggested to me that this would be like giving a fellow a secondhand suit of clothes, something that is already paid for.

Mr. FRENCH. Mr. Chairman, may I suggest here that there is an institution that will undoubtedly be given shape in this city within the next few years, and I suggest it in this connection. I refer to the National Archives Building, which I trust our country may soon erect. It will be, when it shall have been erected, one of the most valuable buildings from an historical point of view and from every point of view of practical conception in this country. It will be the same character of building as they now have in Great Britain and France and Italy, and I was wondering if it would not be proper to suggest, while we are speaking of attaching the name of a person to a building at the time the plans for the construction of the building may be given, that we call that building "The Jefferson National Hall of Archives."

Mr. BURNETT. And let the name attach from the very laying of the foundation.

Mr. FRENCH. Yes.

Mr. HUMPHREYS. I suggest this, Mr. Chairman and gentlemen: In Mississippi a few years ago the legislature passed a law authorizing the different municipalities to name their schools. The Daughters of the Confederacy took the matter up in the State and suggested that they be named after men prominent in Mississippi in the Civil War. There were some schools that had been known by different names for a good many years, but they were changed, and the people had no serious difficulty in addressing themselves to the new conditions; and we find over the State now, wherever you go, you hear the people speak of a school by the name of some man who distinguished himself in the Confederacy. We have "Jeff. Davis" schools, "Robert E. Lee" schools, and "Stonewall Jackson" schools all over the State, but everybody knows just what you mean when you use those names. They experience no difficulty whatever in identifying that school.

Mrs. LITTLETON. As men never change their names, they probably think it is a very difficult and serious thing. [Laughter.]

Mr. BURNETT. Sometimes they change their names.

Mrs. LITTLETON. People who have changed their names occasionally do not find it such a bad thing. [Laughter.]

Thereupon, at 11.50 o'clock a. m., the committee adjourned subject to the call of the chairman.

Analysis of Mr. Roosevelt's Speech of Acceptance.

EXTENSION OF REMARKS

OF

HON. LYNDEN EVANS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. EVANS said:

Mr. SPEAKER: Under leave to print, I present an editorial from the Chicago Daily Journal, by Mr. John C. Eastman, which is the best short analysis of Mr. Roosevelt's speech of acceptance which I have yet seen:

PRONOUNS AND PROMISES.

Mr. Roosevelt's speech at the Coliseum, reciting the things we must do to be saved, proves that his staying power in the matter of words is as wonderful as ever. The speech contains about four times as many words as Washington's Farewell Address, and also proves that Mr. Roosevelt still regards himself as the most important individual in the universe. The pronoun "I" occurs 36 times in one paragraph.

Aside from the personal pronouns, the matter of the speech may be grouped in three classes.

First. Fierce denunciations of everybody else in the political field.

Second. Vague demands for "social justice," couched in such language that they can be interpreted to mean anything or nothing, as the exigencies of the future shall dictate.

Third. Specific demands for changes which, whether wise or not, can at least be enacted into law, and measured against Mr. Roosevelt's words and deeds of an earlier day.

The query which will occur to everyone is, Why did Mr. Roosevelt fail to discover the need of the reforms he now champions while he was in the White House and able to forward those reforms?

Mr. Roosevelt now demands a downward revision of the tariff. But, during the seven and a half years of unparalleled power which he enjoyed in the Presidency, Mr. Roosevelt never allowed the tariff to get within shooting distance of revision. He was a standpatter.

Mr. Roosevelt now denounces the crime of making men work seven days in the week. During the entire term of his office men worked seven days a week for the "great Morgan interests" to which he was so friendly, and during the present campaign Steel Trust barons, who are the chief seven-day offenders, are Mr. Roosevelt's chief financial backers.

Mr. Roosevelt is now frantically in favor of woman suffrage and of the initiative, referendum, and recall. But while he was President Mr. Roosevelt dismissed woman suffrage as unimportant if true, and if he mentioned the initiative, referendum, and recall it was to condemn them as anarchistic.

Thus one could go down the list. Mr. Roosevelt favors just two classes of things in his most recent speech. One class comprises everything which would tend to make our Government a bureaucratic despotism, and the other class comprises the reforms which he neglected, opposed, or denounced when he was President.

The question is whether Mr. Roosevelt has forgotten or whether he thinks the people have.

In this cold world men are judged, not by what they promise but by what they perform when a chance to perform is given them.

Mr. Roosevelt enjoyed seven and a half years of unchecked power. If he believed in these reforms then, why did he not use his power to get them adopted?

If he only learned the need of these reforms after getting out of office, it is only Christian charity to keep him in the sweet retirement of private life that his education may not be interrupted.

Parcel Express and Parcel Post.

The mail-order-house evil exists in this country and does not exist in countries where they have a reasonable parcel express.

The time is now, and the way is for the Government to begin.

SPEECH

OF

HON. FRED S. JACKSON,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 13, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. JACKSON said:

Mr. CHAIRMAN: This is a question of extreme interest to all the people of the country. I believe, with Lincoln, that the people have a right to use their own government. I am very sure that every member of this committee believes that the time has come when something ought to be done to abolish the monopoly of the express companies on the carrying of packages, and to provide an adequate and economic service for the people at large in the matter of transporting small packages.

Surely the time has come when we should restore to the people of our own country the same rights that we give foreign people.

Uncle Sam is the greatest farmer in the world. His acreage of corn alone, if it were spread in one mighty cornfield, would be large enough in extent to cover the great Nation of Austria, with Switzerland, Denmark, and Belgium thrown in.

His wheat field in extent is greater than Portugal, with Belgium added to it. He could make an oats field of all of old New England and add the most of Wales. He could make a hayfield of England, Scotland, and Wales without increasing the size of his present meadows.

The cotton crop also is greater in extent than England and almost equal to Scotland and Ireland combined.

In 1890 our manufactured products were greater than those of Great Britain, Germany, and France combined. In 1910 the products of our mills were $7,000,000,000 greater in amount than 10 years ago, and we have become the greatest manufacturing nation of the world.

Again, Uncle Sam is the greatest merchant of the world. There passes Detroit, on the Great Lakes, more commerce each year than Great Britain's entire foreign commerce in the height of her glory as the boasted industry of the sea. The trade between the States is greater in value and volume than all the foreign trade of the rest of the world. Then, when we consider that our population, though reaching 90,000,000, is in reality much less than that of any of the great nations of Europe, with this production our people should be prosperous, easily cared for, and everyone should have considerable wealth, to say nothing of the comforts of life and plenty to eat.

We find, however, that it is not easy to compel an even distribution of wealth in the country. It is the duty of the Government to supply ample transportation facilities for the industry of the country. This is a governmental function, and no people can prosper, nor can industry thrive, without it. In our anxiety to build a great country we have done things by wholesale and supplied the larger transactions of business with transportation, but have apparently given no attention to the transportation of the lesser kind. It has been a surprise to some of our best informed people to learn that the railroads of the country are charging the 100-pound rate, and nothing less, for the transportation of smaller packages. Thus the whole matter is both by the Government and the railroads left to the tender mercies of the express companies. The fact that the express companies are owned in part by the railroads does not help the situation. They are farming out the duties which they, the railroads, were authorized by law to perform. It is much as though this greatest farmer of the world should say, "I will keep on planting and growing and harvesting, but if anyone would have my products he must come to my farm and granary to buy. I will not trouble myself to send products to those who want them and can use them—they must come to me."

As the greatest merchant, he says no delivery wagons or systems for me. If the people must be served let them learn where my store is. What is the effect on the industry of the country with everyone assuming such an attitude of indifference and unwillingness to cooperate with the rest of the community? It is well known that as society advances and division of labor becomes more pronounced, the smaller items of business increase in number, and there arises a greater demand for smaller coins, an increased circulating medium, quickened and more adequate means of transportation—in a word, increased facilities for exchange.

All this has been ignored in America, so far as the package under 100 pounds is concerned, for more than 50 years. It constitutes a direct menace to our prosperity. The farmer, the local merchant, and the consumer suffer alike because of the lack of an adequate express service. Many usable products of the farm waste, or waste their value in transportation, for lack of a market which a better system will bring. The local merchant suffers from competition with mail-order houses because of the lack of facilities which the large cities enjoy through favoritism of the express and railroad companies. He thus becomes out of touch with many who would be his best customers as well as the manufacturers and those from whom he must buy. The Government, and the Government only, can give a square deal. The railroads have bound the express companies to charge not less than 150 per cent of the rate charged on like goods by the railroads in large quantities. The railroads have favored the large cities, and here is a guaranty that the express companies must do the same thing in transporting everything weighing less than 100 pounds. The express companies in fact collect sixteen times as high a rate on small packages as the railroads do on the larger quantities of freight. The remedy therefore is not a mere parcel post but a parcel express which will include everything below 100 pounds in weight. This probably can not come at once, but it must come sooner or later. The United States is the only great country of the world which does not have an effective parcel express, and it is the only country where mail-order houses thrive or exist. Let the country merchant draw his own conclusion.

The new world which was born in England and English industry when the penny post went into effect will be duplicated in America when the Government puts into operation a real express service and lets loose the stream of communication among the American people now pent up by privileges granted to express and railroad companies. Cobden says the penny post was largely responsible for his success in opening up the world to the starving workers of Great Britain as a market within which to secure their bread.

The local merchant has been the victim of the present unhappy situation; low, uniform rates in through freight and express traffic for big dealers in big towns; high rates under all circumstances for small dealers and small places. Under the contract between express and railroad companies the express rates must follow the railroad rates. It must be never less than 150 per cent of the railroad rate.

Let the local merchant have fair and adequate express service at nondiscriminating reasonable rates and he will do an

infinitely larger business with a small capital than to-day; he will carry no dead stock; well provided with samples, he will make innumerable sales, often at no further expense to himself than the labor and cost incurred in sending a telegram or letter or use of a telephone. His local patrons will learn to rely upon him more than now as their adviser and efficient helper in supplying their wants and necessities.

The cut-flower industry of southern France, with its income of nearly $8,000,000 a year, secured to the French flower specialists by the French parcel post, with its uniform rates on parcels delivered at the domicile of the consignee—17 cents on 7-pound parcels; 21 cents, 11 pounds; 29 cents, 22 pounds—offers striking evidence as to the possibilities of a similar service within the United States, both in farm products for the city consumer and commodities of daily consumption on the farm to be brought from the towns and cities. The rural delivery system, now reaching such a high degree of efficiency, adds greatly to the possibilities of such a service. An opportunity for such a service lies at our very doors. Every year or so thousands of the most splendid peaches ever grown, as well as berries and other fruits, waste in southeastern Nebraska and southern Missouri and northern Arkansas for want of a market. These orchards, the first mentioned, are within 200 miles—the average short-haul distance—of three great cities, Omaha, St. Joseph, and Kansas City, each with great populations which need these fruits. And the second-mentioned district is in close proximity to St. Louis, Joplin, and Kansas City. If the transportation rates were such that the consumer or retail merchant could deal directly with the farmer without interference from the commission merchant and their "exchanges," the express companies and their "minimum contract rate" with the railroad companies, does it seem possible that this fruit would remain unused while the people who could afford to buy in these same cities were using Utah peaches hauled over mountain routes in carload lots? What is true of fruits is true of vegetables, dairy products, and the smaller produce of the farm, to say nothing of the flood of trade that would be opened for the merchant with his local trade.

THE UNFAIRNESS OF THE LEVEL RATE.

Most closely connected with the opportunities to help the local merchant, and at the same time increase the service for the farmer and rural resident, is the question of the flat rate. The volume of the business, and therefore the value of the service, is powerfully influenced by the rate. The most important element of every transportation problem is the amount of business any given rate will move or command.

The flat rate or carriage of packages at a given weight over the entire country at the same rate will kill the service and cripple the Post Office Department until it will be unable to recover from the experiment of a parcel post.

The flat rate of 8 cents per pound is 500 per cent above cost on the short haul and 50 per cent to 100 per cent below cost on the long haul. This is conclusively shown by the tables I will introduce. The farmer, consumer, and local merchant have a common interest in the cheapest possible service for the short haul. To make the short-haul rate over five times the cost is to prevent the growth of the short-haul business and give it to the express companies and leave the expensive long-haul business for the Government. I invite special attention to the discussion of both of these propositions, "the flat rate" and the "opposition of the local merchant," in the memorial to Congress of George P. Hampton, legislative representative of the farmers' national committee, which I insert at the end of my remarks as part thereof.

GOVERNMENT EXPRESS.

How, then, can this service be brought about, and when?

The time is now.

The way is for the Government to begin.

It is objected that the project is paternalistic. But no Government transportation project in paternalistic. Transportation, as I have said, is governmental in its very nature. The fact that the Government in America has so far found it profitable to farm out the business is no objection to the Government assuming its functions when it is found necessary for it to do so. Let us hope it will never be found necessary for it to own the railroads of the country. But here is a service urgently demanded and sorely needed by the country at large. It is so closely related to the postal system that it is almost a part of it. The same reasons exist for the Government engaging in it that exist for the postal service itself, namely, that no private interest can supply adequate service. The Government now has almost every employee and almost every part of the equipment necessary to put the service into effect.

The proposition has been made that the Government purchase the contracts and property of the express companies for the purpose of entering this business. It is argued that it is necessary for the Government to have a monopoly in order for the business to be compensatory. I am opposed to this plan, and think it wholly unnecessary for the Government to treat in any way with the express companies, except to see through the Interstate Commerce Commission that their rates are not discriminating. The Government rates should be so fair and equitable that it can invite competition. The Government will always have its great army of rural carriers, the natural bond between country and city which will serve as an advantage over the express companies that can not be overcome or destroyed. All the Government needs to do is to exercise its rightful authority to prevent unfair rate cutting on the shorter hauls and its share of the business is secure. For the express companies will be left some of the city business, perhaps, and parts of the country adjacent to towns where the rural delivery does not reach.

Another argument in favor of the purchase of the express companies' contracts was that we would procure their system of zone rates. This argument has been wholly destroyed by the new invention of dividing the country into zones marked off by parallelograms or squares and maps arranged, so that it is possible to tell the rate to any part of the United States from any other part at a mere glance at the map.

So perfect has this device been found that the Interstate Commerce Commission has recently ordered the express companies to put into effect new rates based on this system of zone computation. It is said that no Government business can be operated in opposition to private interests engaged in the same business, and our experience in carrying letters by the postal system has been referred to as proof of this proposition. But the positions are by no means parallel. The Government, then, had neither the rural-delivery system nor the authority to compel fairness of rates upon the part of its competitors. Almost every successful government system of transportation operates in competition in part with private carriers. The most complete and satisfactory government parcel express in the world is in Hungary, where the private express companies have full competition with the government service.

The same is true of the parcel express service in France and England. Each of these countries have a splendid service and there is not the slightest objection by the storekeepers. These facts are gleaned from reports made by the consular service of the United States.

I believe the Government should enter upon this service at once, and that if the Postmaster General were given authority to purchase equipment where needed he could establish the service in communities first where urgently demanded, and that he would soon have the system working on a basis that would be compensatory to the Government. A very small appropriation is all that will be necessary to start the work. This with the Bourne or some similar system of zones for a parcel post will give the relief demanded.

In order to set forth more definitely my views, I place in the RECORD the terms of a measure which I shall introduce as an amendment to the postal appropriation bill or as a separate bill. It is as follows:

PARCEL EXPRESS.

SECTION 1. That in order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations the Postmaster General of the United States shall, under suitable regulations to be provided by himself and the Interstate Commerce Commission, put into effect and operation on the post roads and rural delivery routes of the United States a postal-express system adequate and appropriate for collecting, receiving, caring for, dispatching, forwarding, transporting, and delivering of parcels, packets, packages, and commodities not exceeding 100 pounds in weight in one parcel, packet, or lot. The Interstate Commerce Commission shall make and provide a system of rates to be charged for such service, which rates shall be compensatory to the Government for the service performed and shall be based as nearly as practicable upon a system of distance zones, within which respective distance zones shipments made wholly therein shall be at the same transportation charge for the same weight: *Provided*, That the smallest of said zones shall be not less than 100 miles in extent; and in fixing all other distance zones there shall be not more than 500 miles difference in the extent of one zone and the zone next above it in size or extent. The Postmaster General also shall have authority to put into effect a system of registry of packages for safe delivery whereby the Government shall become liable for a part or all of the value of said packages, according to the rate paid for such registry service, in case of the loss of such package. Said service shall be put into effect when said system of rates shall have been perfected and reported to and approved by the President of the United States, not later than December 10, 1912. Nothing herein shall repeal or affect the rates of postage fixed by law on any class of mail of the United States.

SEC. 2. That it shall be the duty of the Postmaster General to make and promulgate such rules and regulations for carrying into effect the provisions of this act as he may deem necessary, subject to the approval of the Interstate Commerce Commission.

SEC. 3. That the Postmaster General shall contract with the several railroad companies and other transportation agencies for the transportation of postal-express matter throughout the United States; and if deemed advantageous upon cars provided by the postal department, which may be transferred without unloading onto the lines of other

railroad companies, at such rates of compensation and upon such principles of computation thereof as may be agreed upon, with the right of review and revision of the same by the Interstate Commerce Commission as hereinafter provided. And in case the Postmaster General and such railroad companies or transportation agencies shall fail to agree upon the terms and provisions, they shall submit their respective contentions with reference thereto to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain.

DUTIES OF COMMON CARRIERS.

SEC. 4. That any willful failure or refusal by any railroad company or other common carrier, subject to the provisions of this act, to perform any service required by this act or by any lawful rule or regulation made and promulgated by the Postmaster General in pursuance of this act, or of any lawful ruling, finding, or determination of the Interstate Commerce Commission, or of any order, judgment, or decree of any court of the United States of competent jurisdiction, shall constitute a misdemeanor which, upon indictment and conviction, shall be punished by a fine not exceeding $1,000.

POWERS OF POSTMASTER GENERAL.

SEC. 5. That the Postmaster General shall have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department for the purposes of this act. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor as hereinbefore specified.

MEMORIAL RELATIVE TO A POSTAL EXPRESS.

FARMERS, MERCHANTS, AND CONSUMERS WANT A POSTAL EXPRESS—A GENERAL PARCEL POST BASED ON A FLAT RATE IS AGAINST PUBLIC WELFARE—IT WOULD ROB THE FARMER, RETAIL MERCHANT, AND CONSUMER, AND SUBSIDIZE THE LONG-DISTANCE SHIPPER.

[By George P. Hampton.]

The term "general parcel post" as used herein refers to the flat-rate proposals for the extension of the parcel-post service, and "postal express" refers to the proposals to extend such service by the adoption of the zone system; that is, by charging varying rates, according to distance and weights.

The enactment of legislation by Congress providing an adequate system of parcel delivery is vitally necessary for the conservation of public welfare. Only a system based on charges proportional to distance—that is, a postal express—will fill the requirements.

A general parcel post based on any of the proposed flat rates would impose excessive charges on all short-distance shippers and give to long-distance shippers rates enormously below cost. Such a parcel post would penalize the farmer, the local merchant, and the consumer, and subsidize the long-distance shipper. In other words, it would unfairly tax the many to be served by the short haul and give the profits of this unfair tax to the few served by the long haul.

The Post Office Department pays the railroads for carrying the mails an average, approximately, of 9 cents per ton-mile. That is to say, the Government in making its contracts with the railroads recognizes the principle of charges proportional to distance. Yet the advocates of the flat rate propose to charge the public for the service thus contracted for on a scale of distance rates—one uniform rate for all distances. Taking the 8 cents per pound flat rate as a basis for comparison, the following tables show what the result would be:

Comparison of the charges on 3, 7, and 11 pounds at various distances of the 8 cent per pound flat rate with the actual cost to the Government, showing the excessive charges above cost on the short hauls and the gross undercharges on the long hauls.

	3 pounds.		
	8-cent flat rate.	Government cost.	Excess charge.
SHORT HAULS.			
25 miles	$0.24	$0.05¼	$0.18¾
50 miles	.24	.05¾	.18¼
100 miles	.24	.06¾	.17¼
200 miles	.24	.08	.16
500 miles	.24	.11¾	.12¼
1,000 miles	.24	.18½	.05½
LONG HAULS.			*Undercharge.*
2,000 miles	.24	.32	$0.08
3,000 miles	.24	.45½	.21½
3,600 miles	.24	.53½	.29½

	7 pounds.		
	8-cent flat rate.	Government cost.	Excess charge.
SHORT HAULS.			
25 miles	$0.56	$0.07½	$0.48½
50 miles	.56	.08¾	.47¼
100 miles	.56	.10	.46
200 miles	.56	.13	.43
500 miles	.56	.22¾	.33¼
1,000 miles	.56	.38½	.17½
LONG HAULS.			*Undercharge.*
2,000 miles	.56	.70	$0.14
3,000 miles	.56	1.01¼	.45¼
3,600 miles	.56	1.20½	.64½

Comparison of the charges on 3, 7, and 11 pounds at various distances of the 8 cent per pound flat rate, etc.—Continued.

	11 pounds.		
	8-cent flat rate.	Government cost.	Excess charge.
SHORT HAULS.			
25 miles	$0.88	$0.12½	$0.75½
50 miles	.88	.13¾	.74¼
100 miles	.88	.16	.72
200 miles	.88	.21	.67
500 miles	.88	.35½	.52½
1,000 miles	.88	.60¾	.27½
LONG HAULS.			*Undercharge.*
2,000 miles	.88	1.10	$0.22
3,000 miles	.88	1.59½	.71½
3,600 miles	.88	1.78	.90

THE PATRONS OF THE SHORT HAUL.

The farmer, the consumer, and the local merchant have a common interest in the cheapest possible service for the short haul. They have little or no interest in the long haul. The retail trade between consumer and merchant, consumer and producer, or producer and local merchant is essentially a short-distance proposition. The prosperity of all these will be best served by making the lowest possible rates for the short haul.

The magnitude of the robbery of the majority of the people for the benefit of the few, which is inevitable with a flat rate, will perhaps be more apparent if the cost and charges are shown in tons. He would indeed be a small merchant or farmer whose total parcel shipments for a year, under a favorable rate, would not exceed a ton.

The robbery in the short haul.

	25 miles.	50 miles.	200 miles.	500 miles.	1,000 miles.
Average mail pay to the railroads per ton	$2.25	$4.50	$18.00	$45.00	$90.00
Collect and delivery and general expense	24.00	24.00	24.00	24.00	24.00
Total cost	26.25	28.50	42.00	69.00	114.00
Rate per ton of the 8 cents per pound flat rate	160.00	160.00	160.00	160.00	160.00
Excess charges	133.75	132.50	118.00	91.00	46.00

Collect and delivery and general expense cost are computed at 6 cents per package for an average weight of 6 pounds.

The subsidy in the long haul.

	2,000 miles.	3,000 miles.	3,600 miles.
Average mail pay to the railroads per ton	$180.00	$270.00	$324.00
Collect and delivery and general expense	24.00	24.00	24.00
Total cost	204.00	294.00	348.00
Rate per ton of the 8 cents per pound flat rate	160.00	160.00	160.00
Subsidy to long-distance shipper	44.00	134.00	188.00

Public welfare demands that the Government, in establishing a general parcel post, shall impose no burdens upon nor grant special privileges to any class. The people must not be taxed for the benefit of the few.

The flat rate by the excessive rates of 500 per cent above cost on the short haul, and rates of 50 to 100 per cent below cost on the long haul, tend to force producer and consumer apart, whereas public welfare demands that they be brought as close together as possible.

The volume of business is powerfully influenced by the rate. It must be low enough to move the traffic. To make the short-haul rate over five times the cost is to prevent the growth of the short-haul business.

The evils of the flat rate to the short-distance shipper increase with the rate. The 8-cent rate is bad, but the 12-cent rate ($240 per ton) would be infinitely worse. A charge of 12 cents per pound to carry packages 25, 50, or 100 miles would be ten times the cost, or 1,000 per cent profit. There would be no business.

If the flat rate could be established without increasing the cost of any short haul beyond a fair, self-sustaining charge, its unfairness might be open to question. But a flat rate which in order to make the service as a whole self-sustaining must be based on a mean distance charge, must of necessity make the charge on the short haul outrageously excessive, and give the long haul a rate away below cost. It is undemocratic, violates every principle of square dealing, and is against public welfare.

THE REMEDY.

Establish a postal parcel service based on distance rates proportionate to the cost to the Government to perform the service. What these rates should be are indicated in the above tables, showing total cost to the Government.

A complete remedy is provided in the bills introduced into the Senate by Senator GARDNER (S. 5474) and by Congressmen LEWIS and GOEKE in the House. The principles in these bills have been indorsed by the leading farm organizations of the country, a large majority of the labor organizations, by consumers, and by merchants and manufacturers, who have opposed, and will continue to oppose, strenuously the establishment or extension of a flat-rate parcel post. These facts

are easily ascertainable by every Senator and Congressman. Congressional documents giving comprehensive detailed explanation of every question involved are at their command, and among their colleagues are some of the best-posted men on such matters in the country.

The farmer and the consumer suffer because of the lack of an adequate express delivery service. Only the Government can supply such a service. Produce goes to waste on the farm for lack of a market, and the poor of the near-by cities starve for the lack of that produce. Congress has it in its power to remedy this. Why does it not act?

THE OPPOSITION OF THE LOCAL MERCHANT.

[From the testimony of Mr. George P. Hampton, representing the Farmers' National Committee on Postal Reform and the Postal Express Federation.]

The claim that the establishment of a parcel post would be injurious to the rural merchant I believe is without any foundation in fact. Instead of injuring t rehural merchant the adoption of a modern parcel post or postal express such as we recommend would be not only to his advantage but is absolutely necessary to protect him from the destructive competition of the mail-order house, which he now feels so keenly and opposes so bitterly.

The mail-order house is here now, and we have no parcel post. Some of these mail-order houses have grown to enormous proportions without parcel post. They are still developing and growing larger and larger. It is reasonable to suppose—in fact, self-evident—that unless the present methods of distributing merchandise are changed, and changed radically, mail-order houses will become a far greater menace to the rural merchant than they are to-day. In the face of this it would seem to me the wise thing for the rural merchant to do, instead of opposing parcel post, would be to make a thorough study of the present methods of distributing merchandise, in order to discover what it is that now gives the mail-order houses the big advantage they now possess. With that knowledge the rural merchant would be in the advantageous position of knowing what was necessary to do to put his business on a fair competitive basis with the mail-order houses.

Pursuing investigations along this line to their logical conclusions, the rural merchant would find that instead of the postal express being of any special advantage to the mail-order houses it is the one thing that would most positively give the advantage to the rural merchant.

LOCAL MERCHANTS' PRESENT HEAVY HANDICAP.

The only advantage which the mail-order houses now enjoy over the local merchant which the live up-to-date merchant needs to fear is that due to the lack of an efficient postal express, and especially the lack of such service in the rural districts. Only by the close touch with his wholesaler, insuring the prompt delivery of the unit wholesale shipment at the nominal transportation cost of a postal express, coupled with a constant daily touch with his farmer customers through the same means, can he rid himself of the present heavy handicap and place himself on a competitive equality with the mail-order house.

PRESENT CONDITIONS FAVOR MAIL-ORDER DEVELOPMENT.

Some rural merchants think that it is to their advantage to prevent the farmers from securing the advantage of a cheap, efficient postal express service, but the reverse is true. Compel the farmer as now to attend personally to his own parcel deliveries, often at great trouble and expense, and conditions favorable to the development of the mail-order business are established. To-day, to buy in the local store, the farmer must go to town, thereby taking not only himself but his team from productive work. Naturally, instead of buying in small quantities at frequent intervals, buying in quantities that will last for some time becomes the custom. Thus we have in the rural districts a condition most favorable to the development of mail-order business.

The profits on the mail-order business are not in the shipments that go either by parcel post or express. These shipments are an insignificant portion of the great bulk of the business. Many of these shipments are made at an actual loss. They are merely feeders for the business and for good will. The profit of the mail-order house is in the enormous business done by freight in shipments of 100 pounds or more.

[I am advised that mail-order houses ship, within certain zones, by carload lots in their own cars at low freight rates and then distribute by short-haul express rates. So the local merchant can not compete with them now, but could do so if the local merchant had an equally low rate by parcel post.]

A very cursory examination of the catalogues, circulars, etc., of these mail order houses will show that systematic effort is constantly made to induce the customer to order in quantities of 100 pounds weight or more in order to take advantage of the lowest freight rates. Neighbors are encouraged to club together to make up a 100-pound shipment, and thus secure the advantage of the cheap freight rate. The man or woman who makes up the club collects the money, sends in the order, and, when the freight shipment arrives, goes to town, secures the package, opens it, and delivers to the various parties their part of the shipment. All this at no cost or, at most, normal cost to the mail-order houses. Thus, under present conditions, the mail-order houses have the immense advantage of a corps of agents for soliciting and distributing orders and collecting and forwarding payment therefor practically free of all cost. The business being strictly cash in advance, there is practically no loss to allow for, consequently goods can be sold at a close margin of profit.

What the local storekeeper is now up against is this practically free collect and delivery service, with low freight rates direct to the consumer. The fact that the local merchant does as well as he does in spite of this heavy handicap is proof, in my judgment, that with the tremendous advantage removed which the mail-order houses now have the local merchant would at once get the upper hand of mail-order competition.

THE REMEDY FOR MAIL-ORDER COMPETITION.

The remedy for mail-order house competition is to establish a system of package delivery still more efficient than that devised by the mail-order houses and which will serve the local merchant better than it will his mail-order house rivals.

A parcel post or a postal express that will enable each farmer to receive his own parcel direct at his own home, at a reasonable price, at the time he wants delivery, and under conditions which make orders by phone deliverable the same day, will break up the clubbing together to send orders away to the mail-order houses.

The mail-order houses will at once lose the advantage of free solicitation, free distribution, and low-cost freight shipments direct to groups of customers. The local merchant will then have no cause to fear mail-order competition.

MAIL-ORDER HOUSES' BEST ADVERTISING AGENT.

Mr. Chairman, the assertion of the local merchant that the parcel post will destroy or injure his business is an admission that he can not sell as cheaply as the mail-order house, even under the fair conditions of a square deal in distributing costs. This, in effect, is a demand that the farmer pay him a premium or bounty in order that he may continue to conduct business by antiquated methods and be protected from the progressive spirit of modern merchandising and twentieth-century methods. Such an argument makes the local merchant the best advertising agent the mail-order houses can have. Certainly there could be no better argument to convince the farmer that he can not do as well with the local merchant as with the mail-order houses. Other things being equal, the farmer would naturally prefer to trade with the local merchant, but he naturally objects to paying the local merchant two prices for an article he can buy at a single price by sending off to some mail-order house. The local merchant may possibly succeed in blocking parcel-post legislation by such methods, but he will accelerate mail-order competition, alienate the farmer more and more, and lose a steadily increasing portion of rural business.

THE BASIS OF COMMERCIAL PROSPERITY.

No business, no institution, no community, no country can prosper that is unfairly discriminated against in transportation facilities. Nations and cities spend vast sums to remove the slightest handicap to commerce, and the most strenuous efforts are put forward to secure advantage in transportation rates. No fact is more solidly established than that prosperity of the community, commercial prosperity, and cheap transportation go hand in hand. Our village communities are decaying and our local merchants are finding the struggle hard because they have not had a square deal in this respect. Just as surely as our merchant princes and our seaports need favorable ocean and railway freight rates to maintain their prosperity, so do our local merchants and village communities require favorable transportation rates, and especially in the small shipments. For just as it is true that the tonnage rates are the prime consideration of the big shippers, it is true that the parcel rate is the primary factor in rural life.

THE EVIL RESULTS OF TRANSPORTATION DISCRIMINATION.

It is to-day a matter of common knowledge that the all-important factor which has built up so many of our giant monopolies and enables them to control the major part of the output in many industries, and to dictate arbitrary selling prices to the merchant, has been secret railroad rates, rebates, and other similar favors. Not only have merchants in almost every line of industry been driven to the wall in this way, but almost all who survive have in some measure been robbed of their independence and made merely the agent to distribute the monopolized products exactly as directed by the brokers or general agents of the controlling monopolies. How many grocers, for example, are there who have anything to say about the price of sugar, or who can expect to secure their rebates if they deviate from the selling prices given by the Sugar Trust agent?

The practice of giving large shippers and terminal cities special rates has prevailed since the railroads were first established. At first this was believed to be right, but it was wrong, and it operated to give an unfair and increasing advantage to the largest and most favorably situated. You know the result. The most favored grew to giant proportions and became too powerful for even the railroads to cope with. Railroads, merchants, producers, and consumers all were made to pay the full limit of tribute. Happily, our eyes are now opened to the awful consequences of railroad discrimination, and the American people are determined to remedy this evil. How? There is only one way, and that is by establishing conditions that will insure absolute equality of transportation rates between the big and the little shipper. This is the square deal, and the square deal will rob no one of a legitimate profit.

THE MONOPOLIST MIDDLE MAN MUST BE ELIMINATED.

The one great fact that is being driven into the minds of everyone is that between the price at which the farmer is compelled to sell his product and the price the consumer is compelled to pay there is a difference enormously out of proportion to the cost of distributing. Naturally, the retail merchant, as the one who comes most directly into contact with the indiscriminating public, receives the brunt of the complaint, and because he fails to point out the real robber he finds that a large measure of the blame sticks to him. Mercantile organizations can, in my judgment, do the merchant generally no greater service than to disassociate the merchant in the minds of the general public from those other members of the distributing group who, through special privileges and unfair trade advantages, are undoubtedly profiting at the expense of both the farmer and the consumer.

Mr. Chairman, the establishment of a general parcel post, or postal express, such as we have urged upon your consideration, will prove to be of especial advantage to the local merchants and will tend to minimize the disability under which they now labor in competition with the mail-order houses. A low-cost parcel post is a vitally necessary factor in assisting to restore rural merchandising and rural life generally to its old-time prosperity.

POSTAL EXPRESS WILL MAKE THE LOCAL MERCHANT MASTER OF THE SITUATION.

I believe the local merchant has a just grievance against the flat rate, the value of which to the merchant increases the more extended his business. But the zone system, or the postal express, which makes every merchant's store in the small village the center of the most-favored rates, and which gives the advantage to the shortest haul, makes him again master of the situation.

Mr. Chairman, the postal express and postal freight express which we urge you to recommend to Congress are economically sound. Their urgent need to conserve the public welfare is beyond question. The demand for their enactment, or of at least some general parcel post, is general throughout the country, and the farm organizations are uniting to make it their paramount issue.

[The parcel post contemplated by the Committee on Post Offices and Post Roads of the United States Senate, I am advised, is on the zone system, and will be of equal benefit to the local merchant as well as the local farmer and citizen.]

Speech of Gov. Woodrow Wilson.

EXTENSION OF REMARKS

OF

HON. EUGENE F. KINKEAD,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

Mr. KINKEAD of New Jersey said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD, I include speech of Gov. Woodrow Wilson.

The speech is as follows:

GOV. WILSON TALKS TO FARMERS ON TARIFF—PROSPERITY TIDES HAVE RANKED UP AGAINST THE TARIFF TIDES, HE DECLARES—PRAISES PANAMA CANAL BILL.

WASHINGTON GROVE, *Gloucester, N. J.*

Gov. Wilson's speech yesterday to 2,500 people at the South Jersey farmers' picnic at Washington Grove was the first address by the governor since his speech of acceptance on August 7.

In yesterday's speech Gov. Wilson touched mostly on the tariff. His attacks on the special interests aroused enthusiasm.

He was met by a committee of 75, for this was a farmers' picnic, taking in the counties of Camden, Gloucester, Salem, and Burlington, and there had to be a big committee. President Thomas J. Stratton, of the society, with Vice President Charles Stokes, of Beverly, and Secretary Thomas C. Dilkes, of Gloucester, were all down to the train. The farmers turned their own automobiles over to the party.

Congessman WILLIAM HUGHES, of Paterson, introduced the governor as the next President.

Here are some of the things Gov. Wilson said:

"I am interested in politics not as a search for office, but as a great contest devoted to something very definite and practical indeed. Politics ought not to be considered as a mere occasion for oratory, but as a branch of the national business.

"Do you ask me whether I want the farmers to organize themselves in such a way that they shall thrust others aside and usurp the center of the stage? I reply, 'No.' There is not a single class of the Nation that ought to demand that it should be occupying constantly the center of the stage, but there is also not a single class in the Nation that ought not to demand constantly that it be regarded as a member of the firm in the great partnership.

"I have seen the interests of a great many classes especially regarded in legislation, but I must frankly say that I have never seen the interests of the farmer very often regarded in legislation. And one of the greatest impositions upon the farmers of this country that has ever been devised is the present tariff legislation of the United States. I have not heard of farmers waiting for a hearing before the Committee on Ways and Means of the House and the Finance Committee of the Senate in order to take part in determining what the tariff schedule should be.

"I have not heard anybody but orators on the stump say that the tariff was intended for the benefit of the farmer, because you have to be on the stump to keep a straight face when you make a statement like that. When the United States was the granary of the world and was supplying the world far and near with the foodstuffs that it subsisted upon, the farmers were not looking for protection, and while they were not looking everywhere else had duties put upon it and the cost of everything that they had to use was raised upon them and raised upon them until now it is almost impossible for them to make a legitimate profit. When, while you were feeding the world, Congress was feeding the trusts, nobody doubts what the process of tariff legislation has been.

"We could give you a list of the gentlemen who have been most prominent in securing the legislation. We know the kind that secured it and the purpose they secured it for. And they were not thinking about the general prosperity of the United States. They were thinking about the balance sheets in particular investments, and those investments were not investments which were easily within the reach and work of the farmer himself.

"I would be ashamed of myself, ladies and gentlemen, if I tried to stir up any feeling on the part of any class against any other class. I wish to disavow all intention of suggesting to the farmer that he go in and do somebody up.

"All that I am modestly suggesting to you is that you break into your own house and live there. And I want you to examine very critically the character of the tenants who have been occupying it. It is a very big house and very few people have been living in it. And the rent has been demanded of you and not of them. You have paid the money which enabled them to live in your own house and dominate your own premises.

"I regard this campaign and every campaign in which the people have taken part since the world began as simply a continued struggle to see to it that the people were taken care of by their own Government. And my indictment against the tariff is that it represents special partnerships and does not represent the general interest. It is a long time since tariffs were made by men who even supposed that they were seeking to serve the general interest, because tariffs are not made by the general body of the Members of either House of Congress.

"One of the gentlemen who have been most conspicuously connected with this thing has in recent years prudently withdrawn from public life. [Cheers.]

"I mean the one-time senior Senator from Rhode Island, Mr. Aldrich. I at least give Mr. Aldrich the credit of having had a large weather eye. He saw that the weather was changing in Rhode Island—even in Rhode Island—as well as in the rest of the Union; that men who had long known that he was imposing upon them felt that the limit had been reached and they were not going to be imposed upon any longer. [Cheers.]

"They saw that he wasn't ever doing what he pretended to do, namely, to serve the special interests of Rhode Island and not all of them. You can not go into a game like that without narrowing and narrowing and narrowing the circle of interest, until presently you will not think about anything but one particular individual interest.

"The tariff intimately concerns the farmer of this country. It makes a great deal of difference to you that Mr. Taft the other day vetoed the steel bill. It makes a difference to you in the cost of practically every tool that you use upon the farm, and it is very significant, or ought to be very significant to you, that a Democratic House of Representatives has just passed the steel tariff-reduction bill over the President's veto, a thing, I am informed, unprecedented in the history of the country, that a House should have passed two tariff measures, the wool measure and the steel measure, over the veto of the President. Why? Because these gentlemen now know that they are pushing this thing forward against some of the most powerful combined interests of the country, and that they are under bonds to represent the people of the United States and not the special parties in it.

"Tariff measures are not measures for the merchant merely and the manufacturer. The farmer pays just as big a proportion of the tariff duties as anybody else. Indeed, sometimes when we are challenged to say who the consumer is as contrasted with the producer, so far as the tariff is concerned, I am tempted to answer 'the farmer,' because he does not produce any of the things that get any material benefit from the tariff, and he consumes all of the things which are taxed under the tariff system.

"One of the bills pending—just passed by Congress; passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal, and prohibits any ship from passing through that canal which is owned by any American railway company. You see the object of that, don't you? We don't want the railways to compete with themselves, because we understand that kind of competition. We want the water carriage to compete with the land carriage, so as to be perfectly sure that you are going to get better rates around by the canal than you would across the continent.

"The reason this country has no parcel post is that the express companies object.

"Now, I move that the objections of all private enterprises be overruled. I move that we establish a parliamentary procedure by which they will not even be considered, not in order that men who have made legitimate investments of capital may not have their proper return for it, but in order that they may not look to the Government for their proper return for it.

"The trouble with the business of the United States under the tariff is that men think they can't make money without the assistance of the Government. And as long as you allow them to think that, then every mother's son of us is tied to the apron strings of the old grandmother sitting in the Capitol at Washington. Now, for my part, I am free and 21, and I don't want any assistance of the Government to enable me to make a living.

"But I want at every turn of every argument that I make of this nature to say that the legitimate business enterprises of this country have absolutely nothing to fear, provided they will stand on their own bottoms, but that they have everything to

fear if all they have under them is the prop of a tax which everybody is obliged to pay in order that they may be able to conduct their business—and I believe that that is the just principle of government.

"There was a time, ladies and gentlemen, not many years ago, when I would have uttered sentiments like these with a certain degree of heat, because I would have known that I was against an almost irresistible force. But I don't feel the least heat now. We have got them on the run, and the resistance is very little. The friction is going to come when they try to put on brakes and try to stop.

"I believe that there is going to be a great, handsome, peaceful, hopeful revolution on the 5th day of November, 1912, and after that revolution has been accomplished men will go about their business saying, 'What was it that we feared?'

"We feared chains, we have won liberty. We feared to touch anything for fear we should mar it, and now everything wears the bright face of prosperity; and we know that the right is also the profitable thing and that nobody can serve a nation without serving also himself."

Corbett Tunnel of the Shoshone Irrigation Project.

EXTENSION OF REMARKS

OF

HON. ROBERT E. LEE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 16, 1912,

On the bill (S. 4862) providing for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project.

Mr. LEE of Pennsylvania said:

Mr. SPEAKER: After considering both the majority and the minority reports of the Committee on Irrigation of Arid Lands on this bill (S. 4862), "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project," I propose to vote for this bill, notwithstanding the objections of the President, as I believe the Government should protect the workingman and not take advantage of any technicality to evade such payments. It has been shown that the Government has had the benefits of the labor and materials furnished in the building of this great irrigation canal, and therefore I favor this bill so that the labor and material items may be paid.

But, Mr. Speaker, I do not propose to further discuss the pending measure. It is my purpose to-day to give a brief outline of the work of the Democratic House, of which I have the honor to be a Member, serving my first term. I am proud of the record of the Democratic Party in this House. Personally I have been in full accord with this record and have remained at my post and have endeavored to perform faithfully every duty incumbent upon me. At the outset permit me to refer briefly to my personal record, and to contrast it with that of my immediate predecessor, who was a Member of the Republican Party, one or the other branch of it, I am not sure which.

Mr. Speaker, I now desire to make a few comments on a speech of Hon. Alfred B. Garner, who was a Member of the Sixty-first Congress from the twelfth district of Pennsylvania, and which was printed in the CONGRESSIONAL RECORD of Thursday, April 28, 1910.

Through the CONGRESSIONAL RECORD Mr. Garner spoke at that time to his constituents about his first year of service in this House, and he referred also to a speech which he had made at Mount Pleasant, Pa., on September 10, 1908, when he was a candidate for Congress. In his Mount Pleasant speech, of which I have here a copy, Mr. Garner told of his work in the Pennsylvania State Legislature, and made several pledges as to what he would do if elected to Congress. As Mr. Garner's records in the legislature and in this House are now complete, and can neither be added to nor detracted from, I will briefly review both, so that those interested may know whether he fulfilled the pledges that he made to the people.

Mr. Garner, in his speech in the CONGRESSIONAL RECORD, said in part:

I want to say a few words in behalf of myself and for the benefit of my constituents. It is only just and proper that those who elect a man to office shall have from him an accounting of the manner in which he carried out their wishes, and especially so when the actions of their duly accredited Representative have been attacked and misrepresented, as I have been. For this purpose I speak through the CONGRESSIONAL RECORD to those who elected me.

* * * * * * *

THE FIRST FAULT FOUND.

During my canvass for the election I made speeches in almost every polling place in the county, explaining exactly what I would do and what I would not do. If I carried out the pledges made in those speeches, I have fulfilled every promise made to the voters. * * * Some of the newspapers quote a supposedly stenographic report of my speech made at Mount Pleasant, a little village in the county.

Mr. Speaker, I have here a verbatim copy of the speech delivered by Mr. Garner at Mount Pleasant, Pa., on September 10, 1908, as reported by Mr. F. A. Bickert, a competent stenographer, of Pottsville, Pa., and sworn to before a justice of the peace. I read from that speech:

MR. GARNER SAID.

Here am I, after representing you eight years. I am here to answer, and if a man can tell me I have not represented him for the last eight years let him say so now. But, gentlemen, I am here now—I am not going to make a long speech for this reason—I am here and have made speeches for so long that you know me, your children know me. Eight years have I tried to represent you, and now is the time. Do you say I did wrong or did I do right? If I came here for years and years and years and tried to tell you what I will do, you know my character, you know everything I have done; if I did wrong, now is your chance to say so. * * *

I have had eight years of experience as a member of the house of representatives (meaning at Harrisburg), and I know just what I am talking about. The house of representatives has in it 207 members. Out of this 207 members there is only 5 who ever get up and say anything, and, thank God, I can come to you this evening and say that I was one of the five; I represented you. [Applause.] Please don't clap, gentlemen, for actions count more than words, sir. I am here to answer. Five men in the house of representatives do all the business there. They make all the motions. They make all the speeches; they do all the business there; and I was one of the five men. Self-praise; but, thank God, I can come here and say that it is true; and *where did you ever hear from a man in the legislature before I went there? Where did you ever have a man in Congress whom you ever heard from?* Send me there, please, and if you don't hear from me on the first night—not waiting the two years—but if you don't hear from me the first night, cast your ballot against me then. I am telling you that you will hear from me the first night, for the reason that I am going to win; and on the first night of the first day that I am Congressman, I am going to make a speech against JOE CANNON, the Speaker of the House; and when I make that speech against that man, sir, the man who overrules all men, the man who is against the laboring man, I am going to make a speech the first night of the first day against JOE CANNON. I am against JOE CANNON first, last, and always, and you will hear of Alfred B. Garner there.

* * * * * * * *

Now, if I have been honest, if I have been square, if I have been loyal so far, there is a man running against me who I have not got one bad word to say about; but do you want to send to Washington a new man, a man who knows no more about parliamentary law than I do, and I have got some knowledge of it? But we are not talking to children; we are talking to full-grown men. * * * *

I have been there for eight years; do you want to send him there for eight years until he learns what I have learned, or do you want to send a man there who can go there as your Representative from the first day he reaches there? Gentlemen, I have been there eight years; for eight years I have been your representative, sir. If you want to send any man there, sir, there must be eight years in learning what I have learned. Thank you, gentlemen.

Mr. Speaker, now let us see whether Mr. Garner kept the pledge that he made to the people when he said, "I am going to make a speech the first night of the first day against JOE CANNON. I am against JOE CANNON first, last, and always."

The CONGRESSIONAL RECORD of March 15, 1909—the first day of the extra session of the Sixty-first Congress—shows that Mr. Garner voted for the election of JOSEPH G. CANNON as Speaker, and it does not show that Mr. Garner uttered one word of protest against Mr. CANNON'S election, as he had promised to do.

The North American, under date of March 16, 1909, printed the following dispatch from its Washington correspondent:

TRAINED FOR HIS APOSTASY.

The Pennsylvania Democrats voted steadfastly against Cannonism to-day and the Pennsylvania Republicans just as steadfastly for it. Garner, the new man from Schuylkill County, who had proclaimed himself an insurgent, voted with the organization upon every proposition. He was taken into camp by the Cannonites the moment he arrived in Washington, and yielded so easily to their persuasions that they were not even proud of their achievement.

Part of the time while he was being trained for his apostasy it was considered only necessary that he should be placed in care of a clerk in one of the House offices.

Even before the caucus of Saturday night it was announced that Garner would vote as he was told to vote, and when the great difference between his professions and the promises predicted for him were called to attention, there was laughter for his profession, but absolutely no doubt regarding his performance.

GARNER WAS SPINELESS.

What has been predicted was absolutely realized in the session of to-day. If Garner ever had any convictions against Cannonism, he abandoned them all. If he had mustered up spirit and courage to denounce the boss system, his spirit and courage absolutely deserted him when the first test was applied, and in the session to-day there was no more spineless, spiritless, convictionless creature of a discredited and discreditable machine than Garner, the newly elected Member from Schuylkill County.

Mr. Speaker, in his speech which appears in the CONGRESSIONAL RECORD of April 28, 1910, Mr. Garner said:

Shortly before Easter there was a fight eliminating the Speaker from the Committee on Rules. At once several of the newspapers found fault that I was not there to vote, and they would have been well justified had it not been for the actual facts in the case. The truth of the matter is this: I had been in Washington for three weeks before the vote was reached. * * * I then paired myself with a Member of the other side and went home.

WHAT A PAIR MEANS.

A pair means that when two Members of opposite side desire to go home for any reason those two Members of opposite side file with the Clerk an agreement that neither one, whether present in the House or not, will vote on any measures or resolutions during a certain length of time. For instance, suppose a Member on the Republican side had important business that required his personal attention, he would go to the other side of the House and find a Member there who also had to go home for some reason. * * * The same is the case where there is sickness or death at home, or a man wants to, once in a while, see his wife and family, as any normal man would.

AND I WAS PAIRED.

The fight on eliminating the Speaker from the Committee on Rules started on a Thursday. As I have said above, the day before there was not a single sign of the coming fight, and I went home for Easter, after pairing myself until after that time. The next day the fight started, and, as I was paired, I could not vote. I ask the opinion of any fair-minded man if I am to blame in this respect? Had I tried to dodge the vote it would be an entirely different matter. But, under the circumstances, while unfortunate, no living man could have foreseen what was to occur the next day.

Mr. Speaker, Mr. Garner has explained the meaning of a pair, and he tries to justify his absence from the House by that explanation. He even intimates that, had he been present, he would have voted against Mr. CANNON, but it must not be forgotten that his "pair" took away not only his own vote but also the vote of Mr. RANDELL of Texas, a Democrat, thus assisting Speaker CANNON to the extent of two votes.

From the CONGRESSIONAL RECORD I find that in the three sessions of the Sixty-first Congress, of which he was a Member, there were *256* roll calls, on only *71* of which Mr. Garner is recorded as being present, and on *185* he failed to vote or answer to his name. In other words, Mr. Garner is recorded as being present or voting on somewhat less than *28* per cent of the total number of roll calls. I contend, Mr. Speaker, that if it be sufficient for a Member of this House to be present on only *28* roll calls out of every hundred, it would be little worse for him to be paired all the time and remain at home with his family. I have deemed it necessary to be here all the time. Out of a total of *241* roll calls in the two sessions that we have passed through the RECORD shows that I have responded in *202* cases, or a total of *84* per cent, as against Mr. Garner's *28* per cent.

I take some pride in the fact that I have assisted in the passage through this House of much legislation that has long been desired by the American people, and of which the following is a brief summary:

1. Amended the Rules of the House and eliminated Cannonism by providing for the election of committees by the House instead of the appointing of favorites by the Speaker.

2. A bill providing for the election of United States Senators by direct vote of the people.

3. A bill to prevent improper use of money in primary and general elections by requiring publicity of campaign funds and expenses, also a bill limiting the amount that can be expended in a campaign.

4. A bill placing a tax of 1 per cent on the excess of net incomes over $5,000, thus compelling wealth to bear a just proportion of the expenses of government.

5. A bill providing Government aid in road building and an experimental parcel post.

6. The Sherwood dollar-a-day pension bill, granting a substantial increase to the old soldiers in their declining years.

7. A bill placing sugar on the free list, which would reduce the price by about 2 cents per pound, thus saving more than one hundred millions per year to the masses of the people.

8. Various tariff bills, making downward revision in the wool, cotton, steel, and chemical schedules.

9. The farmers and laborers' free-list bill removing the tariff tax on farming implements, meat, flour, and other necessaries of life and which would reduce the high cost of living.

LABOR LEGISLATION.

The following legislation of particular benefit to the cause of labor has been passed by the present House:

1. The eight-hour bill extending the operations of the law to all work done for the Government as well as work done by the Government.

2. The Children's Bureau bill to promote the welfare of children, so that the education and development of the children of the poor shall no longer be neglected.

3. The anti-injunction bill to protect workingmen during the period of trade disputes and to give them the same standing in the courts that other men enjoy.

4. The contempt bill providing trial by jury in cases of indirect contempt.

5. The Department of Labor bill creating a separate department with a Secretary, thus giving the wageworkers for the first time a representative in the President's Cabinet.

6. The industrial commission bill to investigate relations between employer and employee.

7. The investigation of the Taylor system of so-called scientific shop management in order that the workingman may be protected against speeding up beyond his normal power.

8. The seamen's bill to give freedom to the seamen, promote safety of travel at sea, and aid in building up an American merchant marine.

9. The convict-labor bill requiring that convict-made goods shall be branded as such, and thus remove a part of the illegitimate competition with free workmen and the manufacturers who employ them.

10. The Bureau of Mines bill to better develop methods of preventing accidents in mines.

11. The dredge workers' eight-hour bill.

12. An eight-hour provision in the fortification bill.

13. An eight-hour provision in the Post Office bill for post-office clerks and letter carriers.

14. An eight-hour provision in the naval appropriation bill, making the eight-hour work day apply to workmen employed on naval work.

15. Removing the gag rule from post-office employees, so that they may bring their grievances to Congress without fear of being discharged for doing so.

16. The phosphorus match bill, to protect the health of workers in the match industry.

17. A bill to extend to employees of the Bureau of Mines the provisions of the act allowing compensation for injury.

18. A bill giving second-class mail privileges to the official papers of trade unions and fraternal organizations.

19. A provision in the naval appropriation bill requiring all coal purchased for the use of the Navy to be mined on an eight-hour workday.

20. The masters and mates' bill, to reduce the hours of masters and mates, making it impossible to require them to continue on duty for an indefinite period, as has been done in the past.

In referring to these several measures the chairman of the Committee on Labor, Representative WILSON, of my own State, who has long been known as a true friend and champion of the wageworkers, has truly said:

Never before in the history of Congress has such a great record been made in the way of progress or for the protection of the great mass of the common people.

MR. GARNER IN THE PENNSYLVANIA LEGISLATURE.

Now, let us turn to his Mount Pleasant speech, in which Mr. Garner refers with pride to his record as a legislator in the Pennsylvania Assembly at Harrisburg. He thanked God that he was one of the 5 men of the 207 members of that body who did all the work. We find, however, that during the 1901 session of the Pennsylvania Legislature a United States Senator was to be elected. The contest was between the late Hon. Matthew Stanley Quay and the Hon. John Wanamaker. The feeling in Mr. Garner's district was strongly in favor of Mr. Wanamaker, and it was generally understood that, if elected, Mr. Garner would support the candidacy of Mr. Wanamaker. When the Quay forces took him into camp Mr. Garner weakened, for some reason or other, and he deserted the Wanamaker supporters. It was stated at the time that the contest cost the Quay people at least half a million dollars. Mr. Quay was elected by a margin of only 3 votes. The North American of January 16, 1901, comments on the part played by Mr. Garner in that fight in the following words:

POLICE CLEAR THE AISLES.

Mr. Marshall, speaker of the house, ordered the police to clear the aisles; while this was going on Jack Whitehouse, of Schuylkill, fought his way to within 10 feet of Harry Hune's desk, and yelled, "Tell Marshall to get this thing going; Garner is as sick as damnation." When Garner voted he was flushed, pale, and perspiring, and the moment the word "Quay" passed Garner's lips his head fell forward on the desk, and he had to be revived with water. Not everybody noticed this, for Harry Eyre had set the gallery flags waving and the body of the House was in pandemonium.

Now, Mr. Speaker, I have made these plain statements so that the facts may be clear to the people of the twelfth congressional district of Pennsylvania. Mr. Garner has been more than once weighed in the balance and found wanting. While

serving in the State legislature he sorely disappointed the people by voting for Mr. Quay, the real boss of the most corrupt machine that ever dominated the politics of the great State of Pennsylvania; and again while serving in this House he violated his solemn pledges to the people by supporting Mr. CANNON for Speaker and the things that he stood for.

In conclusion I simply want to say that I have tried to the very best of my ability to make a faithful and useful Representative in Congress. The RECORD shows that I have been present and that I have voted on the various questions coming before the House, and I say without fear of contradiction that my votes have all been cast for the highest and best interest of my people.

The Tariff Issue.

How does the American electorate view the tariff question, and what lessons can be drawn from the verdicts of the people since the tariff became a political issue?

EXTENSION OF REMARKS

OF

HON. LYNDEN EVANS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

Mr. EVANS said:

Mr. SPEAKER: The country will not note nor long remember what we say here upon these tariff schedules, but it will remember how we vote here—at least until the next election.

It is more important, therefore, for us that we should note and well remember what the people have said by their votes upon this question since the tariff began to be a campaign issue in national elections. In this latter sense the first campaign in which the tariff was a dominant issue was the campaign of 1880, although it had been an issue in administration from the beginning. Most of you here will remember that in September of that year a fusion ticket in the State of Maine had defeated the Republican ticket, and as a result there was then a general feeling throughout the country that Winfield Scott Hancock would be the next President. In this crisis of the Republican Party Roscoe Conkling made his great Chickering Hall speech, in which he called upon the Republican Party to abandon sectionalism, to forget the wounds which the Civil War had left, which had been the issue, and had up to that time been successful, and to unite in a move to develop manufacture and to nurse infant industries by establishing a protective tariff, which would, he argued, if levied upon a protective basis, raise the wages of the men who labored in manufactures.

At that time the program loomed so large that it did not seem necessary to add sophistries for the benefit of the farmers, and Conklin honestly said that the rest of the people ought to bear the increased burden for the double purpose of developing manufacture and of increasing wages for that small part of the total number of laborers in this country who were engaged in manufacture. By the census of 1880 it appears that the total population was 50,155,783, and that the number of wage earners engaged in manufacturing were 2,732,595, or about 5½ per cent of the whole. The appeal was openly, and I hope honestly, made to the American people, and it was that the great majority of the people should be willing to tax themselves a small amount per capita in order to develop manufacture and raise wages. The vigorous campaign made as a result of this appeal turned the tide from the Democratic to the Republican side in 1880 and elected a Republican President, and from that time on the tariff as a popular issue has been kept before the American electorate. The American people are pragmatists and not theorists. I maintain that they have never passed upon any theory of the tariff. They are busy people who wish to attend to their own business, and who say to their representatives, "Try this policy now"; and if it does not succeed, they will say, "Now try the opposite policy, or modify your policy." In 1884, not on account of any theory or change of theory or on account of any view of political economy, but because of maladministration by the Republican Party and of the dissensions within itself, Grover Cleveland was elected President of the United States, and in 1888, because of the dissensions in the Democratic administration and not on account of any change in policy on the tariff questions, Benjamin Harrison was elected President of the United States. In 1892 the tariff was again the paramount issue, and the verdict of the people, as I understand it, was that the Democrats should reduce the tariff. But no revenue-tariff theory was passed on in 1892 any more than a protective tariff was passed on in 1880. Dissension in the Democratic Party caused the loss of the election in 1896, and from that time on the managers of the Republican Party have been piling tariffs higher and higher, and in 1910 the people of the United States said there shall be a limit, we shall elect Democrats to Congress who will reduce the tariff and let us see what that policy will mean if the Democrats can be united and really accomplish what they promise.

The Democrats elected to Congress in 1910 have been united, and, as far as was in their constitutional power, they have endeavored to reduce the tariff. In 1911, with the aid of insurgent Republicans, we passed a bill reducing the duties on wool from 59 per cent to 38 per cent, also a bill reducing the duties on cotton from an average of 48 per cent to 27 per cent, and both of these bills were vetoed by President Taft upon what I can not consider otherwise than a pretext, namely, that a certain extra constitutional committee, called the Tariff Board, had not reported to the President and suggested to him how the tariff should be reduced. Such a board was not necessary to President Taft when he signed the Payne-Aldrich bill. I call your attention to the fact that the Constitution of the United States places the duty of raising revenue with the Congress of the United States, and while that Congress will welcome all competent evidence, whether produced by the Tariff Board or not, it can not as the representatives of the American people abdicate its functions as the tariff-making body to five gentlemen selected by the President of the United States, and thus give that tremendous power practically to the President instead of keeping it where the Constitution places it, in the representatives of the people, elected for that purpose.

The Congress also in 1911 passed the farmers' free-list bill, a bill to put food products on the free list and thus reduce the cost of living to every home in this Nation, and this bill President Taft also vetoed. Again, this last August the Congress of the United States sent to President Taft a bill reducing the tariff on steel and manufactures of steel from an average of 32 per cent to 20 per cent, also a bill reducing the duties on wool and manufactures of wool from 59 per cent to 38 per cent, and the President of the United States has vetoed all of these bills, and, although the House of Representatives passed both bills over the President's veto, the Republican Senate failed to do likewise, and so the people have lost for a while the lower cost of living which we believe will follow lower taxes on imports that are necessaries of life.

The issue of this campaign is tariff reduction. The Republican candidate is the man who has vetoed the bills I have mentioned, and the Democratic candidate stands upon a platform which approves the action of the Congress which passed these bills. I do not believe the American voters will pass on any economic theory in the coming election, but they should, and I believe will, pass on these practical propositions.

First. Ought the Federal Government to levy any taxes except those necessary to pay the expenses of the Government? If not, then the tariff should exist only to produce revenue.

Second. Ought the Federal Government to levy taxes to benefit any one class of men, whether manufacturers, consumers, wageworkers, or professional men? If it should not, then a tariff to protect manufactures is not justified.

Third. If it were true that a protective tariff should be levied, are not the Payne-Aldrich rates too high?

Fourth. If we need a protective tariff, is the plan of the Payne-Aldrich bill of taxing the cheaper grades of woolens at higher rates than the more expensive grades of the same woolens a proper exercise of taxing power?

Fifth. Is it not proof that the rates of the Payne-Aldrich tariff are too high when manufacturers sell goods to foreigners in foreign countries after paying the freight across an ocean far cheaper than they sell the same goods to Americans? A Gillette safety razor costs $5 in the United States, but only $3.75 in England, yet these razors are all manufactured in the United States. You can ask anyone who has ever bought American-made goods in Europe what the difference in price is.

Sixth. Is the labor cost higher in American factories than in Europe? Wages are higher here, but the average American laborer does so much more in a day, and has such superior machinery to work with, that the difference is, in many instances, more than balanced. You can find any amount of evidence on both sides of this question, but, as far as I have been able to learn, there are many lines of manufacture in which the American labor cost is lower than the foreign, although there are some lines in which this is not true, but that on the whole there is not any striking difference in the labor cost of manufacturing at home and abroad.

Seventh. Ought we not to drop the protective tariff and begin a campaign to secure the worlds' markets? Our exported manufactured articles last year exceeded in value those of the year before by over $100,000,000. Is not this the principal fact in our national progress? Is there any other thing so indicative of the lines on which we should progress, and this means a merchant marine and a lower tariff?

The quiet serious consideration of these propositions by the American people will determine who will be the next President. If you conclude that we have tried to protect the working man, but, in fact, have protected the manufacturer, that we have tried to nurse infant industries, until these industries have grown so great that they throttle commerce itself, then you will vote to reduce the tariff—that is, vote for Wilson. If you conclude that we need an expansion of American trade, then you will vote for Wilson. If you conclude that you want a sane natural progress, without revolution or upheaval, then you will vote for Wilson.

Farms in the National Forests.

EXTENSION OF REMARKS
OF
HON. WILLIAM KENT,
OF CALIFORNIA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, August 15, 1912.

Mr. KENT said:

Mr. SPEAKER: Under the leave granted to me, I include an article printed in the Saturday Evening Post, by Henry S. Graves, Chief of the Forest Service.

The article is as follows:

FARMS IN THE NATIONAL FORESTS.

[By Henry S. Graves, Chief of the Forest Service.]

The statement has been repeatedly made that the national-forest policy retards development. The establishment of the national forests is persistently asserted to have resulted in the withdrawal of vast quantities of agricultural land from settlement. Certain Members of Congress and hostile newspapers have repeatedly charged the Forest Service with locking up thousands of undeveloped farms in the national forests, and by its bureaucratic methods depriving settlers of the rights to which they are entitled by law. Statements on this subject which entirely misrepresent actual conditions have been made so often and so insistently that, although refuted over and over again, many persons unfamiliar with local conditions have come to believe them.

From its inception the national-forest policy has been vigorously opposed by certain interests in the country. The opposition first attempted to break down the whole system and abolish the national forests. This effort has failed because the people at large are convinced that the national forests must be retained, and much less of direct attack upon the national forests is heard now than formerly. The opposition attempts to accomplish the same ends by less direct methods.

The attack on the Forest Service in its execution of the forest homestead law is part of this campaign against the whole national-forest system. Many critics of the Forest Service have been misled in regard to the agricultural resources within the national forests and the present methods of putting them to use. They unwittingly lend their support to a movement which, if successful, will begin the disintegration of the national forests and seriously set back the entire conservation policy.

Misleading information persistently circulated regarding the agricultural lands within the national forests resulted last June in the passage by the Senate of a rider to the appropriation bill for the Department of Agriculture, which could not fail to result in turning over public property worth millions of dollars to private exploitation. Although proclaimed in the interest of agricultural settlement, this amendment would block rather than promote the actual use of agricultural resources. It plays directly into the hands of large interests which are always working to secure public property for private exploitation.

This amendment, called the Nelson amendment, was passed by the Senate, but at the present writing has not passed the House. It required the opening to settlement and entry of all lands fit and suitable for agriculture within national forests, irrespective of their value for other purposes or of the need for their retention for public use. Existing legislation permits but does not require the Secretary of Agriculture to open agricultural lands within national forests for settlement; in other words, it leaves him discretion to hold the land when the protection of the public interest, in his judgment, requires such a course.

The purpose of this article is to place before the public the facts regarding the agricultural resources within the national forests, to show how agricultural lands are now being made available for the settler, and to indicate the results of legislation such as was incorporated in the agricultural bill by the Senate.

The national forests are situated in the mountains. They embrace the bulk of the forest-bearing lands still in Government ownership in the Rocky Mountains, the Cacade Mountains, the Sierra Nevada Mountains of California, and a part of the ranges adjoining the Pacific coast. East of the Rocky Mountains there are national forests only in isolated mountainous areas, like the Black Hills, of South Dakota; the Bigs Horns, of Wyoming; the Wichita Mountains, of Oklahoma; the Ozarks, of Arkansas; and the sand hills of Nebraska and Kansas, with the exception of small forests in Minnesota, Michigan, and Florida.

For the most part the topography of the national forests is very rugged. Their soil and climate in the main are unsuited to agriculture. In drawing the boundaries of the forests all compact bodies of agricultural land of any extent have been excluded. In every mountain region, however, limited areas here and there along the bottoms of valleys, on benches, and at the confluence of streams are susceptible of cultivation. The forests include several valleys from one-fourth to one-half mile wide and 20 to 40 miles long, covered with dense virgin timber, where a considerable number of farms can be successfully developed after the forest is cut.

THE TRUTH ABOUT OUR TIMBER LANDS.

Under the present laws, as executed by the Forest Service, these lands are passing into the hands of bona fide settlers as rapidly as the timber is removed. Their area has been enormously exaggerated, because of the pressure of speculators to get timber for nothing under the homestead laws. The arable lands on these few river bottoms will not cover over one-half of 1 per cent of the entire national forest area. The rest of the agricultural land is in scattered parcels, in narrow strips along streams or benches, small patches where two streams unite, or semiarid mesas in the southwest.

Much land lying within the national-forest boundaries is in private ownership, having been acquired before the forests were created. Naturally the most valuable lands were the first to be taken up. The result is that one may travel for hours within a national forest, seeing land that is largely capable of agricultural development but that has not been so developed; and the impression is formed that the land is part of the national forest. Where critics of the Forest Service have designated particular tracts, investigation has often proved that the criticism concerned land already in private ownership. The supposition that such land is a part of the national forest is natural when it is found covered with heavy timber and without evidences of cultivation. Such land is not cleared because the owners are holding it for the future value of its timber.

Not over 4 per cent of the actual forest area has the combination of topography, climate, and soil that would permit the land to be tilled successfully. Fully one-fourth of this amount can not be cultivated without irrigation. At least half of it is now covered with heavy timber and has a much greater value for its timber than for farming. Over one-fourth is now available for settlement and is opened to the homesteader upon application.

These facts are not appreciated by the general public. Statements are made by some newspapers and Members of Congress that great stretches of the national forests are agricultural. The national forests have been likened to lands in Ohio or Indiana when those States were a virgin wilderness. The belief has been spread abroad that, if opened to entry, these areas would be developed in small tracts, the timber removed, and the land put at once under profitable cultivation. It is asserted that single States, like Colorado or Idaho, have been deprived of the settlement of millions of acres of valuable farms. Such statements are not in accordance with the facts. In comparison with Eastern conditions, the national forests typically resemble the most rugged portions of the White Mountains or Southern Appalachians.

Equally misleading statements have been spread abroad about the policy of the Forest Service. It has been reiterated that the Government declines to release, under the forest homestead law, lands that are chiefly valuable for agriculture; and again, that the narrow and burdensome restrictions read into the law

by the Forest Service so hinder and discourage settlement as to make the statute of no effect. It is doubtless through such misrepresentation that the recent Democratic platform refers to the alleged annulment of the will of Congress as to agricultural lands in national forests by administrative regulation. It is unbelievable that those who drew this plank knew either the actual conditions in the national forests or the real facts about what the Government is doing to make the limited agricultural resources of these forests available for use. They certainly could not have realized the consequences of a general throwing open to entry of all lands in the forests having arable soil, regardless of their value for other purposes.

When the national forests were established there was no law permitting the homesteader to obtain lands within them. In 1906 the so-called forest-homestead law was passed, upon the recommendation of the Forest Service. Under this act lands deemed by the Secretary of Agriculture to be valuable chiefly for agriculture and not needed for public uses are opened to entry. Under this law the Forest Service has consistently encouraged settlement on lands chiefly valuable for growing farm crops. Since 1906 approximately 1,400,000 acres have been opened to entry in accordance with its terms for the benefit of upward of 12,000 settlers.

THE FIRST PRINCIPLES OF FOREST SERVICE.

The Forest Service desires bona fide settlement in the national forests. One of the fundamental principles of the national forest policy is to promote the best use of every kind of land. Settlement not only puts land of greater value for agriculture than for timber or other purposes to its highest use, but also, by bringing settlers into the mountains, makes forest administration and protection easier. The Forest Service needs the help of settlers in fire protection. It is obtaining their assistance in many localities through cooperative arrangements, and is enlisting their services largely as members of the regular protective and administrative force and in the construction of trails and other improvements. Every home builder in a national forest is an immediate asset in its present administration and future development.

Recognizing these facts, the service encourages settlement under the forest homestead act of all lands that are properly classifiable as agricultural and likely to be taken by bona fide home makers. On the other hand, it has consistently resisted efforts to throw large areas of heavily timbered land out of the national forests on the ground of alleged agricultural value, when it was certain that agricultural development would not be apt to follow.

Frequent efforts have been made to secure such eliminations by presidential proclamation or by act of Congress. The rider recently adopted by the Senate is the result of a determined effort to require the opening to entry of all lands within the national forests which have any agricultural possibilities, regardless of their value for standing timber, water power, or other purposes besides farming, and regardless of the need of portions of such lands for public uses.

In short, though the Forest Service has done its utmost to encourage home building on lands chiefly valuable for agriculture, it has declined to open to entry under the guise of settlement lands that are worth far more for timber or water power than for any possible agricultural use, and that are not wanted for homes at all.

The Forest Service has been subjected to the greatest pressure to throw open the considerable areas that are now covered with valuable timber and will be suitable for agricultural use when cleared of forest. There has also been strong influence brought to bear to separate from the forests timberlands whose topography, soil, and climate absolutely preclude any agriculture. The timberlands now in private ownership in national-forest regions have been obtained from the Government under various public-land laws for nothing or at a very small price. Large timber holdings have been built up very cheaply, because entrymen were glad to sell their patents for much less than the real value of the timber. Many of the largest owners thus secured their timber for a few cents a thousand feet. To-day it is worth from $2 to $5. The establishment of the national forests stopped these speculative profits. Government timber can now be obtained only by paying its actual market value. It is but natural that the effort to secure these resources under the old terms, at a mere fraction of their worth, should be renewed.

THE WASHINGTON PETITION.

The Forest Service is constantly receiving applications for heavily timbered lands under the forest homestead act. The present value of the timber on such areas far exceeds the value of the land for agriculture after the trees are cut. The purpose of most of these applications is to secure the timber for speculation. In many cases applications have been received for timberlands on mountain slopes where there never will and never can be any farming. Petitions for the elimination of large blocks of land from the national forests, where not over 3 or 4 per cent of the area has any potential agricultural value, are common. A petition that had been adopted by the Legislature of the State of Washington was presented to the President, the Secretary of Agriculture, and Congress last winter, to eliminate over 100,000 acres from one national forest in Washington. The petition asserts that the land is chiefly valuable for agriculture and does not contain heavy timber. As a matter of fact, the main crest of the Cascade Mountains, rising to a height of over 4,000 feet, runs through the middle of the area, which has growing on it not less than one and one-half billion feet of merchantable timber. Practically 90 per cent of the land has such high elevation that clime alone precludes agriculture. On account of adverse climate, rough topography, and unfit soil, not over 5 per cent of the whole tract can ever be farmed. Of this 5 per cent fully one-half is covered with timber running from forty to seventy-five thousand board feet per acre. A small portion may properly be classed as valuable for agriculture; and this is now being given to settlers under the forest homestead act as rapidly as they apply. The heavily timbered portions having arable soil will be cut over as soon as the timber can be disposed of and then opened to settlement.

Many of the areas that speculators are now seeking contain from 100,000 to 200,000 feet of timber to the acre. Single claims of 160 acres would have a value of from $50,000 to $75,000. In the Priest River Valley, in the Kaniksu Forest, Idaho, there are 25,000 acres of arable land, bearing from 60,000 to 125,000 feet of merchantable timber to the acre. Much of this timber is Idaho white pine, the most valuable forest tree of the Northwest. It is now purchased from the Government at prices ranging from $4 to $6 per 1,000 feet. An acre of timberland in this valley is worth from $100 to $500 for its stumpage. A single homestead of 160 acres would have on it timber worth on the stump from $16,000 to $75,000. Unimproved, the value of the land for farming could not possibly exceed $1,200. Repeated efforts have been made to secure the elimination of this area under the allegation that it is agricultural land. A considerable portion of the 25,000 acres will ultimately be cultivable, but the aim of those seeking it is not farming or home building, but a virtual gift of Government timber of great value.

The Swan River Valley in the Flathead National Forest, Mont., contains upward of 30,000 acres of arable land, bearing a virgin yellow pine forest of 15,000 to 40,000 board feet to the acre. Its value under present conditions is $2.50 a thousand feet, averaging $50 an acre. The timber on an average claim in this valley would be worth $8,000.

The larger valleys in the Olympic National Forest, Wash., and in the national forests on the western slopes of the Cascade Mountains, contain in the aggregate several hundred thousand acres of arable land susceptible of tillage when cleared of its timber. Many of them bear stands ranging from 20,000 to 150,000 board feet to the acre, with individual acres running as high as 300,000 feet. The standing timber upon an average claim in such lands is worth from $10,000 to $50,000. If thrown open to entry under the general homestead laws, most of the lands of this character would be entered by timber speculators—not by bona fide homesteaders. This is shown conclusively by the character of the entries on similar lands prior to the creation of the national forests. On the vast majority of the so-called homesteads located on heavily timbered lands there has been at best only a nominal and perfunctory compliance with the requirements of the homestead laws. Cultivation has been almost wholly lacking, and the improvements constructed indicate in their very nature the intention of the claimant to maintain but the most temporary sort of residence for the sole purpose of securing title to the standing timber. A careful analysis of the actual cultivation on all of the timbered homesteads located in the Kaniksu National Forest, Idaho, prior to its withdrawal from entry—a total of 95 claims—showed that only 1.34 per cent of the cultivable area on these entries had actually been farmed.

A similar analysis of 71 entries on the Clearwater National Forest, in the same State, showed that only 1.1 per cent of the arable land in these claims had ever been put to agricultural use. The general commutation of such entries, and their almost universal sale to lumber companies as soon as legal title can be conveyed, are further proof that they have not been entered in good faith for settlement and cultivation, but are sought for the speculative value of their timber. Wholly aside from the thousands of cases in the West—matters of court record—where such lands have been entered by employees or representatives

of lumber companies in the interests of their employers, there are thousands of other cases where timber and land have been sold to corporations upon the first day when a legal title could be conveyed by the claimant. Within the last two years white pine homesteads in the Cœur d'Alene National Forest, Idaho, entered before the forest was created, have been sold to timber corporations on the issuance of final certificate at prices ranging from $10,000 to $20,000 to the claim of 160 acres.

LANDS TURNED OVER TO TIMBER SPECULATORS.

It can not be assumed that the heavily timbered lands that interested persons are now endeavoring to have thrown open to entry would be filed upon by a different class of claimants or would have any subsequent history other than speculative holding for their timber and final acquisition by large lumbering interests. The timber is far more valuable than before the creation of the national forests, and the competition among lumber companies to secure it is much more keen. Furthermore, every elimination of heavily timbered lands hitherto made from the national forests under local or political pressure has had the same history, namely: (1) Entry by timber speculators; (2) purchase by timber corporations.

In 1901, 705,000 acres of heavily timbered land were eliminated from the Olympic National Forest, Wash., because of the persistent claim made locally and in Congress that the land was chiefly valuable for agriculture. Ten years later not over 600 acres of the timbered portion of the 705,000 acres had been cultivated. Title to 523,720 acres has passed into the hands of owners who are holding it purely for its timber value. Of this amount over 178,000 acres are in the hands of three companies and two individuals in holdings ranging from 15,000 to 81,000 acres. The following is a list of the principal owners of this land 10 years after its elimination:

	Acres.
Milwaukee Land Co	81, 630
James D. Lacey & Co	48, 370
Edward Bradley	16, 360
James W. Bradley	16, 360
Weyerhaeuser Timber Co	15, 560
Henry & Larson Land Co	13, 840
Simpson Logging Co	12, 360
E. K. Wood Lumber Co	10, 670
Polson Logging Co	10, 040
George F. Stone	8, 920
Ruddock & McCarthy	7, 810
Olean Land Co	6, 040
Puget Mill & Timber Co	5, 760
W. H. White Co	5, 280
O'Neil Timber Co	5, 200
Edward and Susan Lowe	5, 040
St. Paul, Minneapolis & Manitoba Railroad	4, 760
H. S. Upper	4, 360
Merrill & Ring Co	4, 160
Union Lumber Co	4, 120
C. C. Bloomfield et al	3, 720
Goodyear Land Co	3, 640
George M. Burr	3, 480
C. H. Davis	3, 440
C. E. Burrows & Co	2, 780
James Campbell	2, 760
Mason County Logging Co	2, 680
V. H. May	2, 560
James McNealy	2, 420
Lincoln Timber Co	2, 280
Carsten & Earle	2, 240
Total	318, 640

The same result has followed eliminations from the Cabinet National Forest, Mont., in the valley of the Kootenai River, made under local pressure on the ground of agricultural value in 1906 and 1907. The Kootenai Valley, traversed by the main line of the Great Northern Railroad, is exceptionally accessible to the settler. Its soil and climate adapt its arable lands peculiarly to intensive and profitable agriculture and horticulture. An examination of these eliminations in 1909, however, showed that a very large percentage of the land opened to entry had been acquired by various concerns that were engaged in building up timber holdings for speculation.

Heavily timbered lands opened to entry under these conditions not only are taken up by speculators and acquired by timber corporations, but their use for agricultural purposes is effectively blocked for an indefinite period. Such lands, consolidated in large holdings, are held by lumber companies for the future supply of their mills. No settlement is possible until the timber is cut, which may be 25 years hence, and then only by the payment of such prices as the owner may require. If retained in the national forests, subject to the forest homestead act, these lands might be secured without charge as rapidly as it was possible for the Forest Service to dispose of the timber.

LUMBER COMPANIES ON THE LOOKOUT.

The demand for agricultural land for bona fide settlement and cultivation has probably been more intense in the Kootenai Valley, Mont., within the last three years than in any other national forest. The condition that is blocking the agricultural development of this remarkably fertile district is not the presence of the national forest; it is the presence of enormous holdings in the hands of lumber companies and of the Northern Pacific Railroad. These heavily timbered holdings are being reserved indefinitely for a rise in the price of timber or for future lumbering operations, as the business policy of the owners may dictate. In the meantime the settler can not secure an acre of them. On the other hand, all the lands in the national forest that are chiefly valuable for agriculture are being cut off and opened to entry just as rapidly as this can be done.

This condition, which is typical of many portions of the Northwest, led the residents of the Kootenai Valley to petition, in 1909, that these lands be not eliminated from the national forest, as had been proposed previously, but that they be retained in the forest and opened to entry under the terms of the forest-homestead act. A similar position was taken by local residents and various commercial bodies in the vicinity of the Flathead and Blackfeet National Forests, Mont., who held "that the general opening to entry of the agricultural portions of those forests would retard the substantial, permanent development of that region by inviting locations for timber speculation rather than bona fide settlers."

It is probable that 2 per cent of the net acreage of the national forests is heavily timbered land of arable soil. The standing timber on this land averages at least 10,000 feet an acre, with an average value of not less than $2 a thousand feet. The minimum value of these lands to-day for their timber may thus be roughly put at $67,000,000. The opening of such areas to entry in their present condition would be nothing more or less than the grant of public timber worth $67,000,000 to private corporations. Though made under the guise of homestead settlement, this action would be the most effective step the Government could take to retard the settling of these lands by people desiring homes and the actual use of the land for agriculture.

TOO BIG A BONUS.

It is repeatedly urged that the settler needs the money represented by the timber standing on his claim to assist him in improving and developing the land. Even assuming that the individual homesteader rather than the lumber company would be the chief beneficiary of such a policy, it can not be justified as a basis for administering public property. The Government offers the settler an unimproved farm of 160 acres. The greater part of the lands entered under the forest homestead act are worth, as the settler gets them, from five to fifteen dollars an acre. Should the Government add to a farm worth from twelve hundred to three thousand dollars in its raw state a bonus of ten thousand or twenty thousand dollars' worth of timber to aid in its development? Such a bonus represents a gift of public property that is practically equivalent to hard cash taken from the Federal Treasury through loss of the receipts which the timber on such lands would otherwise yield. Twenty-five per cent of it is money that otherwise would be paid into the county school and road funds under the present law governing the disposition of revenues from the national forests.

Such a policy would carry the subsidizing of particular individuals and classes beyond the limits imposed by common sense and by proper regard for the interests of all the people who must pay these amounts out of the general funds. Furthermore, it is against the spirit and intent of our entire homestead legislation. The homestead laws are based upon the principle that the Government will furnish the raw land, while the citizen will furnish the labor required to make it productive. It is not intended that the homesteader shall receive an endowed farm more valuable than the average farm in the Middle West to-day that represents the cumulative industry of two or three generations.

But—and this is the kernel of the whole question—the assumption that the timber patented to the entryman with the land will be used to develop it for agriculture is not true of the vast majority of claims. To accept it is blindly to ignore the one fact most convincingly established by the entire history of the public lands. Again, as in innumerable times in the past, the homesteader becomes under these conditions the man of straw set up by interests which seek public resources for speculation and monopoly. The forces that formerly sought to abolish the national forests outright now seek to break them up and parcel them out in the name of agricultural settlement.

The Forest Service constantly receives applications to enter lands that control valuable water powers. Such tracts are located on reservoir and dam sites at points required for the construction of power houses and on the routes of conduit

lines. Some of these applications are made in good faith by persons ignorant of the value of the land for controlling the development of water power or irrigation. In the usual case, however, the value of the site is fully known to the entryman, who wants the land for speculation, not for agriculture.

The Forest Service provides for the use of national forest water-power resources by a system of permits that allows development while retaining title to the Government, but it has declined to release lands wanted for water-power use on the ground that they are of agricultural character. Such lands are not chiefly valuable for agriculture. In comparison with their commercial value for power development they have but insignificant value for farming. A statement was recently made to the Forest Service by one of the water-power companies in California that it would be glad to pay for certain lands required in developing its plant five times as much as they were worth to anybody else for any other purpose. When the power market justifies the development of these sites it is not unreasonable to anticipate that they will be worth not less than $100 for each available horsepower. Many of the sites within the national forests control from 1,000 to 5,000 horsepower, giving a single site a prospective value of from $100,000 to $500,000.

Though many of these tracts are unquestionably suitable for agriculture, their opening to settlement could have but one result, namely, speculative entries for their future value for the development of hydro-electric power. As soon as legal title to such entries could be transferred they would be acquired by power companies. This has been done in the past in many parts of the West through homestead and preemption entries and mineral locations.

A homestead claim on a certain river in one of the national forests of Idaho, patented upon questionable compliance with the homestead laws, was sold to a power company immediately upon the issuance of final certificate. This is a typical instance of the efforts made by hydroelectric companies to acquire power sites and of the methods employed when such sites are opened to entry. There is no reason to assume that any different result would follow the segregation from the national forests of agricultural lands that control valuable sites of this character.

Such claims, furthermore, are not necessarily acquired by power companies for immediate development and use. In many instances the sole purpose is to control undeveloped power and prevent its passing into the hands of possible competitors. These sites will be held until the market permits the development and sale of the electric energy which they are capable of producing without affecting the prices paid by consumers. This is the avowed policy of many of the larger companies which control the sale of electric power in particular regions. The entry of such lands, therefore, in a majority of cases would result not only in checking agricultural development, but also in checking development of any kind for an indefinite period. It would simply strengthen monopolistic control of power resources in the hands of a few corporations.

A MONOPOLY OF WATER RIGHTS.

The monopolistic tendencies of the hydroelectric power companies through interlocking directorates and associated or subsidiary companies have been made evident in recent years. This monopoly will be extended and strengthened to the extent to which the control of additional power sites can be secured by acquiring national forest lands under the guise of homestead settlement, in many instances very small tracts of arable land along mountain streams being sufficient.

There are, roughly, 12,000,000 horsepower capable of hydroelectric development in the national forests. Probably half of this amount is now under the complete control of the United States. That half will have a minimum value when marketable of at least $600,000,000. The net result of legislation like that proposed by the Senate, as to agricultural lands which control these water powers, would be virtually an absolute grant of such powers to corporate ownership. To the extent to which the public ownership of water powers in the national forests is impaired by such grants, private monopoly of power will be strengthened. The ability of the Government to regulate or control such monopoly by ownership of the natural resources used will be correspondingly reduced. In many instances the wholesale segregation of agricultural lands now proposed would accomplish indirectly what the House of Representatives refused by a decisive vote to permit directly when it rejected a bill to grant national-forest lands to the Hydro-Electric Co. of California, last winter (H. R. 12572).

Strong pressure is brought upon the Forest Service to permit the private acquisition of other areas whose ownership would result in monopolistic control of other resources of great value. An excellent illustration is the effort to obtain control of watering holes in the semiarid regions of the Southwest. The control of single water holes on many of the national forests carries with it the control of large adjacent areas of dry range, often 25,000 or 50,000 acres, which can not be used unless the stock has access to the water. The practical effect would be to deprive all stock growers, except the entryman who acquires the water, of the use of the range. Many grazing monopolies have been developed in this manner on the public lands of the West by the location of homestead and preemption entries and even of mineral claims. This effort to monopolize range has continued since the creation of the national forests, by attempts to secure, under the forest-homestead act and by mineral locations, water holes as chiefly valuable for agriculture. A recent instance on the Kaibab National Forest, Ariz., has been brought to my attention, where mining claims were systematically located so as to control all of the stock-watering places in an enormous area of dry range. These have been patented and are now owned by a large cattle company. Little patches of land surrounding seeps and lakes in these regions are usually arable. The Nelson amendment adopted by the Senate would require them to be opened to entry. Such entries would not be made for agricultural purposes, but for the monopolistic control of grazing lands.

LAKESIDE ENTRIES.

Many areas in the national forests possess great value to the public for summer camping grounds and recreation. They may or may not be capable of cultivation. Their special value lies in the control of the use and enjoyment of natural features of the forests.

Four hundred thousand people annually resort to these mountain regions for recreation. Many areas on the shores of lakes and large streams, in sections of exceptional scenic beauty, and in mountain meadows that afford the only pasturage for pack and saddle horses, serve their highest usefulness as camping grounds for the public. The private control of such lands, permitting the collection of fees or tolls for uses now secured free from the Government, would be of no small value to entrymen. Many efforts have been made to secure tracts of this character under the forest homestead act. Some are entirely unsuited by soil and climate for farming purposes; others are, in whole or in part, susceptible of cultivation. Powerful pressure has been used upon the Forest Service to throw open tracts on the shores of many of the principal lakes in the national forests, which include the best camping grounds in the vicinity and largely control the use of the lakes themselves.

Fortunately there is no law that permits the private acquisition of lands of this sort that are not suited for agriculture. But even if their tillage is possible, the Forest Service has declined to open them to entry, when the result would be monopoly of camping and recreation grounds and the prevention of free enjoyment of these privileges by the public. Such lands are not wanted for agriculture. They are not chiefly valuable for agriculture, as the present law requires, because of the far greater service they are rendering to increasing numbers every year for recreation and health.

The amendment adopted by the Senate made the opening of such lands mandatory wherever cultivation is possible. The net result would be, not settlement, but the monopoly by shrewd entrymen of valuable privileges now shared by the people at large.

Small tracts here and there must be used by the Forest Service in protecting and administering the national forests. These areas consist in part of stations where the field force is housed and forage produced as far as practicable for the horses, which must be maintained by the Government for the protection of the forests and by rangers for their official duties. It is essential that the rangers be stationed on the forests directly where their work is to be done. The forests can not be protected without placing rangers on them at strategic points. Over and over again fires that would have caused enormous damage have been extinguished promptly, because of the proximity of a well-located ranger's headquarters. Pastures and facilities for storing fire-fighting supplies are equally essential.

To administer the forests, rights of way for roads, trails, and telephone lines must be retained. National-forest timber can not be utilized without sites for sawmills and banking grounds. Land for all of these purposes is not only needed by the Government in protecting and administering the forests, but needed by the public in using them. Nurseries where young trees are grown for reforestation must be had. Thirty-one are now maintained, aside from a number of stations for collecting, extracting, and storing forest-tree seed. Without these facilities little or nothing can be done toward the reforestation of denuded lands. The areas now set aside for all administrative purposes average but 1 to each 33,000 acres of national-forest land. There

is serious danger that the more intensive administration of the forests which the future will demand will find the Government inadequately equipped with sites for these essential needs. If any error has been committed, it is the release to settlers of too many tracts that will ultimately be required for public use.

Possibly 50 per cent of the ranger stations contain some arable land. Some twenty-five hundred of them have been improved—the headquarter stations with barns, cabins, and fencing, and by clearing and cropping the land; the nurseries with water systems, intensive cultivation, fertilizing, and suitable buildings; the patrol stations with lookout towers, cabins for storing fire-fighting tools, and small pastures. Over $270,000 have been expended for this equipment, which is absolutely essential to the maintenance and usefulness of the national forests.

WHAT THE SENATE PROPOSED.

Frequent efforts have been made to force the opening to entry of tracts selected and even improved by the Government for these purposes. Certain homesteaders not only want land but stipulate in the order that it shall be provided with a substantial house and barn, and that the rough work of clearing, fencing, and raising the first unremunerative crops shall be done in advance. It has remained for the Senate to propose a law which, if enacted, would require that this entire equipment of land and improvements be given out of hand to the first applicants, wherever arable land is involved. More than this, the United States would be forever prohibited from reserving for its own use an acre of agricultural land within the national forests. Such action would paralyze the administration of the forests in practically every particular. It would be as reasonable to expect the city of New York to furnish efficient fire protection while forbidding the use of a square foot of land within its borders for housing fire-fighting apparatus.

Nothing could indicate more clearly the purpose of the forces massed behind this latest attack upon the national forests. Men who thus propose to cripple their protection and administration have but one object in view—the breaking up of the forests altogether and the end of conservation as applied to these national resources.

The Forest Service is providing for the settlement of all land in the national forests that is more valuable for agriculture than for other uses and that is not required by the Government in administration. The systematic classification of such areas was begun in some of the northwestern forests two years ago. Such a classification, under the provisions of the forest homestead act, has subsequently been extended into each of the six national forest districts. It is being prosecuted at the present time as rapidly as the funds made available by Congress will permit.

Under this classification, areas that are essential for public purposes in the administration and protection of the national forests, areas that are chiefly valuable for the control of water powers, and areas that are required for the general use of the public will be reserved. All other lands having value for agriculture will be opened to the homesteader. If their present value for timber greatly exceeds their value for farming, and would invite speculation rather than bona fide settlement and cultivation, the timber will be removed under sale at the earliest possible time and the land then opened for entry. This method has been followed on a number of national forests during the past two years. It has eliminated timber speculation and promoted substantial and permanent agricultural development.

Localities where homesteads have been entered under this plan stand out to-day in sharp contrast to regions where heavily timbered lands were entered by speculators prior to the creation of the national forests and subsequently acquired and held by lumber interests.

This is the wisest and most logical method of segregating agricultural lands from the national forests. It is the only method that will insure the acquisition of such lands by settlers in good faith for agricultural use and that will protect the public from monopoly of timber and power. It is my strong conviction that legislation on this subject should be in harmony with this policy and with the provisions of the forest homestead act, which authorizes the Secretary of Agriculture to deal with the question in exactly this way.

FALLACIES ABOUT FOREST LANDS.

Legislation like that adopted by the Senate, on the other hand, would require the opening to homestead entry of lands primarily more valuable for other purposes than for agriculture. Such legislation would not help agricultural settlement in the West or American citizens who are seeking homes. However disguised under the alleged interests of the home builder, it is in effect a direct attack upon the fundamental policy of reserving national resources like timber and water power under public control, to be administered for the general welfare. It would throw these resources open to private speculation and monopoly. It would aid not the homesteader, but the lumber company, the water-power company, the live-stock company, and many other large interests.

The enactment of such legislation will begin the breaking up of our remaining publicly owned national resources. The entire conservation policy is at stake. This should be thoroughly understood now by Congress and by the people.

Such a step should be taken deliberately and with full knowledge of its consequences. It should be for the people of the United States to choose whether they wish this backward step taken in the policy hitherto followed.

There are now three distinct and well-defined lines of attack on that policy. One is the demand that all the national holdings be parceled out as gifts to the several States. Another is the charge that the national forests are largely made up of lands that do not grow and can not be made to grow a forest cover.

The third is the charge that they are largely agricultural. In 1911 dismemberment of the national forests was threatened by the Heyburn amendment to the agricultural appropriation bill, which would have required all land not actually bearing at the present time 4,000 feet of merchantable timber to the acre to be thrown out. In the present year, besides the agricultural lands amendment, legislation was proposed to hand over national forests to State ownership.

The net result of a long campaign of misrepresentations has been to create a belief not only that the forests are largely agricultural lands, but also that they are largely lands on which forestry can not be practiced. This belief is now sufficiently general to make sudden legislation likely at any session of Congress.

In this way an amendment of far-reaching results could easily be passed, with little discussion and no real appreciation on the part of many voting for it of its true character and disastrous effects. The national forests are not blocking development. They are blocking speculation, shortsighted exploitation, and spoliation of the people at large.

Planks looking to the overthrow of the national forest policy have been introduced into the platform of one of the great political parties. It is time for the public to recognize the facts in the situation.

Statement by Senator La Follette.

EXTENSION OF REMARKS

OF

HON. JOHN N. GARNER,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 15, 1912.

Mr. GARNER said:

Mr. SPEAKER: I believe the following statement by Senator LA FOLLETTE will interest the country, and therefore I am placing it in the RECORD. Senator LA FOLLETTE is in a position to know what he is talking about, and if his statements are correct neither Mr. Taft nor Mr. Roosevelt should receive the vote of a single patriotic American.

THE CASE OF MR. ROOSEVELT.

Bryan at Baltimore, foregoing all chance of his own nomination, marshaling all his forces, braving Tammany and the trusts to rescue his party from their domination, carrying the convention for the adoption of the most progressive Democratic platform yet offered and the nomination of the most progressive Democratic candidate available, was a towering figure of moral power and patriotic devotion to civic righteousness.

Roosevelt at Chicago, backed by money derived from the stock-watering operations of the Steel Trust and the Harvester Trust, organizing what are now confessed to have been "fake" contests as to nearly 200 delegates in order to control the Republican convention and secure his own nomination, refusing to aid in making a progressive platform, bound to have the nomination or destroy the Republican Party, was a most striking example of misdirected power and unworthy ambition.

Roosevelt had as great an opportunity to serve the progressive cause at Chicago as Bryan had at Baltimore. But Roosevelt was serving the man, not the cause. He wanted one thing—he wanted the nomination. And yet he did not have enough votes to nominate himself upon any honest basis. He did have enough delegates in that convention ultimately to have nominated a real progressive and adopted a strong progressive platform. He could even have nominated Hadley on such a platform, and progressive Republicans could have supported Hadley in much the same spirit as hundreds of thousands of them will now support Wilson. Neither Hadley nor Wilson are veterans in the progressive ranks. Neither of them has been tried by the sever-

est tests. Both appear to be men of high ideals whose records, though short, give promise.

But Roosevelt would not consider Hadley. He would have no one but himself. At the first suggestion of Hadley he ordered the third-party maneuvers, lest he lose his followers.

If he had the evidence to prove that Taft could not be honestly and fairly nominated, why did he not direct his lieutenants to present that evidence to the national committee, and then to the convention and the country, so clearly that the convention would not have dared to nominate Taft and that Taft could not, in honor, have accepted the nomination if made?

The reason is obvious. An analysis of the testimony will, I am convinced, show that neither Taft nor Roosevelt had a majority of honestly or regularly elected delegates. This the managers upon both sides well understood. Each candidate was trying to seat a sufficient number of fraudulently credentialed delegates, added to those regularly chosen to support him, to secure control of the convention and "steam roll" the nomination. It was a proceeding with which each was acquainted and which each had sanctioned in prior conventions.

This explains the extraordinary conduct of Roosevelt. He could not enter upon such an analysis of the evidence as would prove Taft's regularly elected delegates in the minority without inevitably subjecting his own spuriously credentialed delegates to an examination so critical as to expose the falsity of his own contention that he had an honestly elected majority of the delegates. He therefore deliberately chose to claim everything, to cry fraud, to bully the national committee and the convention, and sought to create a condition which would make impossible a calm investigation of cases upon merit, and to carry the convention by storm.

That this is the true psychology of the Roosevelt proceedings becomes perfectly plain. He was there to force his own nomination or to smash the convention. He was not there to preserve the integrity of the Republican Party and make it an instrument for the promotion of progressive principles and the restoration of government to the people. Otherwise he would have directed his floor managers to contest every inch of the ground for a progressive platform before the committee on resolutions and in the open convention.

But Mr. Roosevelt was not governed by a suggestion of that spirit of high patriotic and unselfish purpose of which Bryan furnished such a magnificent example one week later in the Democratic convention at Baltimore. Instead he filled the public ear with sound and fury. He ruthlessly sacrificed everything to the one idea of his being the one candidate. He gagged his followers in the convention without putting upon record any facts upon which the public could base a definite, intelligent judgment regarding the validity of Taft's nomination. He submitted no suggestion as to a platform of progressive principles. He clamored loudly for purging the convention roll of "tainted" delegates, without purging his own candidacy of his tainted contests and his tainted trust support. He offered no reason for a third party, excepting his own overmastering craving for a third term.

To Regulate the Importation of Nursery Stock and Other Plants and Plant Products.

EXTENSION OF REMARKS

OF

HON. JAMES S. SIMMONS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 7, 1912.

Mr. SIMMONS said:

Mr. SPEAKER: There is no class of our citizenship which has as many burdens to bear as the American farmer. The farmer has to withstand the perils of the seasons; he has to contend with the drought and the freshet; with the heat and the frost, and all the elements that endanger cereal and fruit culture from the time the seed is sown or the tree planted until the harvest is gathered.

But all these elements combined do not aggregate as great a loss to the American farmer as that which he sustains through the ravages of insect pests.

It is the insidious insect pest, practically invisible, yet ever present and constantly working havoc upon the agriculture and horticulture of the Nation that has produced shortage of crops and enormous losses to the farmer and fruit grower, and consequently has contributed largely to the high cost of living.

It would seem almost incredible, but, nevertheless, it must be true when the Agricultural Department of our Government tells us that the insect pests of this country destroy the crops of the farmers to the extent of $900,000,000 annually, and of this prodigious sum the Agricultural Department claims that fully one-half ($450,000,000) is the loss that we sustain from that class of insect pests which have been brought to us from foreign countries.

It is a deplorable thing that in the face of such a condition we have not, up to the present time, enacted a single law to prevent the ever-increasing destruction of our agricultural and horticultural products.

It is nothing short of a national disgrace that such conditions have been allowed to continue year after year in this country.

It is a significant fact that ours is the only first-class nation in the world that has not adopted stringent laws to guard against this, the greatest of all enemies to agriculture, horticulture, and forestry.

We have enacted adequate laws to protect our country against the importation of diseased animals, but interests far greater than that of the live-stock industry of this country—namely, the cereal, orchard, and forest interests—have been left to the present day without the Federal Government doing a single thing to protect such interests against the most destructive enemy that the farmers of the nation have to contend with.

If a nurseryman in a foreign country finds himself possessed of an infected stock, such as he can not sell at home, or export to other countries by reason of their quarantine laws, he ever finds a ready market for such diseased stock in the United States, and consequently this country has become a sort of "dumping ground" for infected nursery stock from nearly every country in the world.

We know of frequent occurrences in which diseased nursery stock is imported to our market and sold under the hammer, it being in many cases purchased by the department stores and by them transmitted through the mails or by the express companies to every State in the Union.

The Secretary of Agriculture has told me that he believes the enactment of my bill is more essential, at this time, in protecting the agricultural and horticultural interests of the country than any other law that could be passed by this Congress.

I do not think that anyone who has studied this question, or who has read the hearings on this bill before the Committee on Agriculture, could fail to give the measure his heartiest support.

The bill has been most carefully considered by the Committee on Agriculture, before which committee we have had extended hearings, and I am pleased to tell you that by unanimous vote the committee has favorably reported the bill to the House and does earnestly ask your support for its passage.

In addition to the $450,000,000 of annual loss to the American farmer directly attributable to imported insect pests it should also be borne in mind that we have been called upon to pay out of the Federal Treasury enormous sums of money in trying to check the spread of these imported insect pests after they have gained a foothold in this country.

I would not take up your time to enumerate the many appropriations which have been made by the Federal and State Governments in combating this great agricultural enemy, but I will just mention a few items of expense along this line.

We have expended out of the Federal Treasury in the last 10 years more than $1,300,000 to combat the spread of the gypsy and brown-tail moths in the New England States, and I would say in this connection that the New England States have within the same period expended a sum far in excess of that contributed by the National Government.

We are also making annual appropriations of large sums in efforts to check the ravages of the cotton-boll weevil, and this year our agricultural appropriation bill contains, for the first time, an appropriation of $35,000 to be used in an effort to stop the introduction of the Mediterranean fly into the citrus-fruit districts of our country.

These are merely illustrations of the annual drain upon the Federal Treasury for the purposes I have named, and yet it has all been wholly ineffective in relieving us from our difficulties and is in no sense a bar to the importation of new insect pests, which are constantly menacing our agricultural and horticultural interests.

The bill under consideration has had the most careful consideration of the Department of Agriculture, and it is believed by the department that if it is given the authority this bill will confer we can very effectively prevent any further importations of foreign insect pests into this country and also prevent the further spread of such pests as have already become established in this country; and if we do this, we will write on the statute books one of the most beneficial laws for the agricultural interests of the United States the Congress has ever enacted.

Good Roads.

EXTENSION OF REMARKS
OF
HON. FRANK BUCHANAN,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

Mr. BUCHANAN said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD, I include a portion of the proceedings of the Chicago convention in reference to good roads.

The matter referred to is as follows:

ADDRESS BY J. W. M'DONALD, MAYOR OF STERLING, ILL.

Mr. President, the dawn of the twentieth century, ushered in upon the wonderful accomplishments of the American Republic in all of the various and varied lines of industry, and the extension of power and influence upon and in every land of the universe is also the dawn of good roads within the great Republic.

It does appear, indeed, strange that the people of this Nation require an education to bring about an improved condition such as would be the result if good roads extend in all directions from one end of the land to the other. But, I may qualify this statement by the additional fact that the people realize the necessity of good roads, but they have failed to organize to bring about the construction of national and State highways, and instead have remained in the path of our forefathers. When we take this matter under consideration and make a study of the road conditions in State and Nation we find that the Nation and the State have advanced in every line with the exception of road building. We find that we are practically laboring under the same laws that were created after the Revolutionary War, with the exception of a few changes that may have occurred in a few States. The only possible solution for advancement in road building is by organization, and after the organization is brought about there is not the slightest doubt but what hard-road building, both State and Nation wide, will become an accomplished fact.

Well pleased are we here in the Central West to learn that Congress has appropriated $2,000,000 for the construction of a national highway from Washington to Gettysburg, and how we hail with delight this, the first step, in national road building. Although we are far removed from the scene where the greatest benefits will be derived, yet we approve of this act, and we have gathered here to-day to celebrate the event in a manner befitting the day and the occasion.

We praise Congress for its action, and yet must we say that the Nation has been tardy in this work. But to whom shall we lay the blame? Must it be to the people for failure to organize at an earlier date and insist upon these internal improvements?

Just for a moment let me turn to another question and then make a comparison. Let us take, for instance, the deep waterway question. A few years ago this State voted to issue bonds to build a deep waterway through a portion of the State. Undoubtedly it would be of great benefit to portions of the State, and I will not question the wisdom of the plan, but suppose the State had given $20,000,000 to the building of hard roads. Is it possible to even draw a picture in the mind of imagination in an attempt to view the wonderful results? And suppose that it would have cost $6,000 a mile to have built the roads of macadam, it would have given the State a total of over 3,000 miles of hard roads. And suppose that we should have built the highways of brick and they would have cost us $12,000 a mile for 17-foot wide driveways, it would have given us over 1,500 miles of brick highways. And may I ask, would there have been the discussions that are now going on about the deep waterway?

Let me detract once more. A number of years ago Congress appropriated the sum of $8,000,000, and there was constructed in Illinois the Illinois-Michigan Canal, known as the Hennepin Canal. The feeder of this canal is located at Sterling, Ill., my home town. I am not going to question the wisdom of this work, but I will say that in our vicinity every navigation company that tried to do business on the canal met with failure; and although we were promised cheaper coal, and the farmers were given to understand that the price of grain would be higher, the result of water freight competition, yet these conditions did not come to pass. Now, suppose that in this State that the $8,000,000 would have been invested in hard roads. What would have been the result? It would have resulted in practically a thousand miles of macadam roads; practically 500 miles of brick highways. Imagine the benefits.

I am not going into details to tell how these roads should be built, but it is my honest and conservative opinion that there should be conservative and consistent and systematic action from one end of the Nation to the other. Here and there a little road building is now done, and when completed the relative benefits are so small that it is impossible to make a comparison.

Think of it; annually the State of Illinois expends $7,000,000 in its township organizations in hard-road building. Little over a half of it goes in bridges and the rest in road making; but there is no system, and the roads are incomplete, due to the lack of system.

In the remarkable advancement that has been made in all other lines in this Nation we forget the extension of road building, and not how to build roads, but the building of roads. We are centuries behind civilization in road building. Why, away back 300 years before Christ Rome adopted a system of road building and constructed the first big system of hard roads, known as the Queen of Roads, extending from Rome to Capua, a distance of 150 miles; and that road is good to this day. May I refer to Germany, France, even to Spain and Portugal, and back into the ancients of China?

Then come down to England and read the history of John Macadam, who awoke England to the necessity of hard roads; and when England awoke, Parliament gave John Macadam $50,000 for his work and also made him surveyor general of England and offered him knighthood.

I just bring in these ancient facts to show how far we are behind the times. In fact, in road building we are struggling in the midst of the dark ages. We are spending millions upon millions in deep waterways, on canals; millions in the Navy, and the same in the Army; we are placing Federal buildings in every city in the United States; we are making vast improvements along every line in all forms of industries, and in every possible way giving assistance to every great enterprise but that of hard-road building.

It will take time to bring about the necessary evolution in road building, to bring it under the control of the State and Nation and take it away from the township or smaller subdivision of government; and it is organization of this kind that will bring about magnificent highways in all parts of this great Republic.

ADDRESS BY MRS. FRANK ORR, CHAIRMAN ILLINOIS STATE DAUGHTERS OF THE AMERICAN REVOLUTION.

I come here this afternoon as a representative from an organization of 70,000 women—a national organization—and in the great State of Illinois we have 5,000 Daughters. I am happy to say to you that to-day Illinois has Starved Rock as a national park in this State of ours, after two long, hard years of working and pleading. But it was the men down the State, the farmers, who stood by us and helped. At first we hardly dared to bring the vote before the senate, but the men down the State helped us, and I want to say to you to-day that Illinois takes no second place in this great country. With such great men as Lincoln, Logan, and Grant, why should we not have the best of everything, the best roads, the best schools?

I now ask you to use your influence, you men, to get us another appropriation, and get us a good road leading to Starved Rock. We want every man and every woman and every child to visit Starved Rock. The approach to the park is in very bad condition. We paid $146,000 for the park—the appropriation was $150,000; we have still $4,000 to spend on a road leading to the park. This subject has been my hobby for years. I love it; I love the work; I love this great adopted State, and will do all in my power to improve its roads, even if it means another such long, heartbreaking fight as we had to get the park for this State of Illinois.

Do you remember what Charles Sumner once said?—

The schoolmaster and good roads are the two greatest forces for the advancement of civilization.

Now, we are here to-day in a common cause, and the president has asked me to speak on the "Lincoln highway." Is there anything to-day that would touch us more than the name of Lincoln? This great State gave Lincoln to the country, to the world. Let us honor him, let us as men and women work for this one thing, "the Lincoln highway." I know you say we need a good road here and a good road there, but let us have one good objective point. We scatter too much of our force on a smattering of many things. What we need is organization. Let us put our heart on this one point and attain it. Let us

make this our work—"the Lincoln highway from Chicago to Springfield." I believe it is a fact that the best road in this country is the road from Boston to the White Mountains. It is said to be equal to any automobile road in France. Let us say it is equal to any road in the world. Now, let us have a road from Chicago to Springfield and to St. Louis, and let us call it the Lincoln memorial highway. Shall we not begin to-day, the birthday of Lincoln, and make a pledge in our hearts to build this national memorial highway? Let us ask every man and every woman in the State to help. It is the women at home who can help us most, for the man goes out from the influence of the home and usually acts in accordance with the suggestions of the home.

The Daughters of the Amerian Revolution want to work with the Good Roads Association. We would like to mark these roads or trails at all the interesting points with our D. A. R. markers. We have given to this country the greatest man in history, and that is better, perhaps, than anything else. Let us honor his memory. Let us make the most of what we have. I want to live to see this Lincoln memorial highway completed, so that people will come here from all over and say, "We want to take a drive on the Lincoln highway," "We want to drive to Springfield down your memorial highway," "We want to see Ottawa and Starved Rock," "We want to see the beauties of this State of yours." Let us work together on whatever is to be done, for in union there is strength.

We women hardly know just what to do. The Missouri women are thoroughly organized, and many of you know about the Santa Fe Trail and that the Daughters have marked the important places all along the trail. Now, let us do whatever you want us to do. We want to come in and work with you men. We are ready to work, and we know that we really can work. But we have to have some specific object in view. I would be glad to make all the roads in Illinois good, but let us rather make all roads everywhere good, and this highway first of all.

I pledge you my word that whatever you think is best to do, even if it is to work as we have worked to get Starved Rock for the people, we will go to our chapters and talk to our Daughters and get them interested in the work and have them interest their husbands and their men folks, and the men will work with us for whatever is right. Every man in Illinois is loyal to Illinois. So, men, let us help you. We are willing; we are ready.

President JACKSON. We have had a very forceful reminder of what the ladies can do, and we certainly will welcome the assistance that has been tendered. I wish to call attention to one fact, and that is that we are certain to get a most tremendous impetus along road improvements when the ladies take it up in the manner they have taken up other matters. And I want to call your attention to the fact that at the next national election practically a million women in this country will vote; and, in view of that fact, they are going to exercise a tremendous influence. And in these States in which a million women will be likely to vote you can count as a certainty that those votes will be for encouragement of good roads as well as every other good thing.

A committee was provided for this morning—a committee of three—looking toward the arrangement for a future meeting, possibly on Washington's Birthday, when the ladies will be more in evidence and organize to carry forward this work. And with that organization—which we may look forward to as a certainty in the near future—we will have a revolution in this State of Illinois, as is always the case when the ladies take up any line of endeavor that has been so badly bungled by the men.

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ADDRESS BY JUDGE V. V. BARNES, OF ZION CITY, ILL.

Mr. President and ladies and gentlemen of the convention, the question of transportation has always been vital to the progress and protection of every nation. The ancients, particularly the Romans, excelled in goods roads, their highways being in some cases in a good state of preservation after 2,000 years. Other nations more modern, especially the Spanish, established great and durable highways, and in Mexico, even after centuries of wear and tear, some of their old roads excel those constructed in our own day.

No doubt the railroad has monopolized the interest in land transportation and travel, but with the more recent development of self-propelling vehicles new interest attaches to the public road, which is again coming to the front in the popular mind. Speed, comfort, safety, and economy, as well as the multiplied enlargement of facilities reaching the population universally, conspire to arouse the people to a sense of what is involved in this great problem. It all means increased intelligence and capacity for life as well as the enlargement of life itself as one of the chief objects of living.

The reaction is coming and near at hand if we so will.

The sign erected by a wag in a miserable stretch of highway—

> This road is not passable,
> Not even jackassable;
> If that you would travel,
> Pray take your own gravel—

most fitting in many Illinois roads, will give place to monumental guides for the direction of the wayfaring man and the speeding tourist.

It is difficult to see how intelligent Illinois farmers, owning land worth $200 an acre in the richest soils, put up with impassable highways for months every year; yet it is no doubt due to the fact that our great State is still in its youth, and that with the progress of the Nation this as well as other great problems will be successfully solved as has uniformly been the history of the past, and we shall have in America a system of highways unrivaled by any of the famous thoroughfares of antiquity or modern Europe.

In our own portion of the State we have been providentially supplied with the Libertyville and other gravel beds, upon which a liberal draft has already been made, so that we are supplied with many most excellent highways of great extent, in one of the most varied and beautiful portions of Illinois. Year by year the people are adding to this improved mileage, and the Lake region of the country, so delightfully picturesque is becoming one of the favorite resorts in the vicinity of Chicago.

We must organize with great thoroughness the movement for good roads, create and intensify public sentiment on the proposition, and bring to bear upon our State legislatures as well as Congress such a demand for improved highways that specific and adequate legislative aid will follow.

New and great impetus will be given to the movement by the enlistment of the aid of the women of the Nation, whose influence will be most powerful in this direction, and we must remember that a million women vote even now, and the number will rapidly increase by the addition of State after State until the right of suffrage is extended to all the women of America whose voice and vote will hasten the advent of our great moral and political reforms.

We appreciate the fact, Mr. President, that to you the country is greatly indebted for the awakening of the public mind on this great subject, and we realize how much you have accomplished in making concrete the sentiment of the people in this direction.

The day is coming for an increased resort to the highway for commercial traffic and the enjoyment of rural life and scenic beauty.

To bring to all the delights of travel, the pure air and fresh beauty of the varied landscape, and at the same time add to the comfort and economic resources of the people, causing the city and country life to flow together and permit the common people to mingle in sympathetic union, would be something dear to the heart of a man like Lincoln, loving and loved of all. This first great American should be honored in ways as varied as our national endowment and resources, and for the sake of perpetuating our institutions as well as honoring his great name, we should foster every effort to make his name familiar and his sentiments of humanity and patriotism immortal; and a choice method of achieving the end in view would be the establishment of the vast highway proposed in the official call.

In view of the extent of the program, realizing that you desire to hear from the distinguished speakers who are to follow, and thanking you for your courtesy, I yield the floor.

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ADDRESS BY HON. JOHN H. JACOBS, MAYOR OF MARQUETTE, MICH.

Mr. President and members of the Interstate Good Roads Convention here assembled, it gives me much pleasure to be present on this occasion and, agreeably to an invitation kindly extended by President Jackson, to take a humble part in these proceedings.

If any single subject is nearer my heart than another of a public nature, I think it is the all-important question of good roads. My personal experience in the northern peninsula of Michigan has been such as to bring me into intimate connection with the means of travel and transportation over roadbeds other than railroads. When my business life began in that part of Michigan which I am proud to know as my home and the home of my children, there were no railroads, and for many years the only means of getting from one town or hamlet to another was by means of wagon roads or footpaths carved out of the forest by human hands. It was very early in my

life, then, that my interest in good roads was stimulated through the stern necessity of practical circumstances, and from that time to the present, either as a contractor assuming personal responsibility for the construction of roads or as mayor of my home city of Marquette, I have been constantly at work on the practical side of the good-roads movement.

Now, as to the actual construction of roads, I will lay it down as a proposition that when a road is attempted it should be built in the very beginning of the very best material possible and as near to perfection as a road can be possibly built. The choice of material, of course, will be largely determined by that most readily available, and varies in great measure with the conditions of each locality.

As a general rule, the material should come from the nearest point to the road being constructed, but when material to make a good road—I mean a road that shall be durable and stand the maximum of wear and tear—is not available at home, then the cheapest way in the long run is to bring material that is good from some distant point, unless the transportation charges make that policy prohibitive. What I wish to emphasize in this connection is that it is bad policy to build a poor road. No road is worth the time and money expended unless when it is done it is the best road that reasonable expense and the highest skill can produce.

In a brief way, our plan in building a road in northern Michigan is first to establish the grade by means of a competent survey. Then we bring it from 6 to 8 inches of the highest level, using for that purpose material nearest at hand. It is in the preparation of the macadam that constitutes the last 6 or 8 inches that the greatest care is taken and the highest skill employed. This stratum of macadam is built or laid by means of a rock known in our country as the Huronian trap rock. The first layer would be 3 or 4 inches thick, in which the rock would be about 1½ or not to exceed 2 inches large, and rolled with a heavy roller, operated by steam, until it becomes almost as solid as the rocks in the hills. The next layer will be about 2 inches thick, of a smaller size rock, rolled in the same manner as the first; then follows the top dressing, consisting of a still smaller mesh, and all rolled and pressed until it would be almost impossible for the strongest man to make a pick penetrate its surface. Suitable grades are established from the center of the roads to the gutters on the sides, thus allowing the water produced by rains to immediately shed and pass off, giving us a road that no water ever stands on. The most destructive element to a road is standing water, and all chances for puddles should be positively eliminated in a road entitled to be called a good road.

It was my privilege at the International Good Roads Congress, an earlier convention of goods roads held in this city, to produce more extensive data on the practical side of good-roads construction, which may be seen by consulting the official records of that convention.

To-day I wish particularly to voice my sentiment in favor of the proposed memorial road in honor of our martyred President, Abraham Lincoln. I surely would enjoy seeing a suitable memorial in the form of an appropriate creation by the world's greatest artists, such as is favored by Senator CULLOM, a distinguished son of the great Commonwealth of Illinois. There is no material tribute that this Nation can offer that would be equal to the value of the life and work in America of the great emancipator, whose name we honor here to-day. But if it is to be a choice between the spectacle and the practical, I am confident it would be honoring the great name of Lincoln in permanently associating it with such a practical measure as the building of a great highway, capable of connecting, at any rate, the county seats of every county in Illinois. I would also build the Lincoln memorial highway contemplated by Representative BORLAND, from the Capital of the Nation at Washington to the battle field of Gettysburg, and from Gettysburg to Springfield, the birthplace of Lincoln. I would also extend the Lincoln memorial highway from Springfield to Chicago, and from Chicago on to my own doorstep in the city of Marquette. The two millions appropriated by Congress for a Lincoln monument should by all means be spent in a Lincoln memorial highway and be carried from coast to coast in honor of Abraham Lincoln, and may his name remain before the people forever.

ADDRESS BY REV. JOSEPH HAYES CHANDLER, SECRETARY OF THE CHICAGO CHURCH FEDERATION COUNCIL, CHICAGO.

I am glad to come here and show my interest in this good-roads association. This seems to be an economic question, and yet these economic questions dovetail into our moral issues. There is no cause worth championing that stands alone. As we think of the social evil in the city we look for the reason. The roots of the evil go back into conditions in the country which are far from what they ought to be, and a certain amount of the degradation of the country is due to the fact that our roads are so very poor. For social isolation means degradation.

We meet here on Lincoln's birthday, and I am reminded of one of those many stories attributed to our great President, about one of his early experiences in Illinois with our roads:

He told of two farmers who could not travel anywhere, but who talked across the springy bog and mud of a highway that was not passable. While exchanging the compliments of the day, they noticed a hat in the middle of the bog—not a roadbed but a roadbog—and one said: "That seems to be a pretty good hat, let us try to get it out." He went back to his barn and got down an old fishing rod and returned to angle for the hat. He fished it up, and lo! there appeared a man's head. They both exclaimed: "Why, you poor fellow, you are in an awful fix." "Well," he said, "I don't mind it very much, but it is pretty hard on the horse."

Many Illinois roads have not very much improved since early days. According to statistics in the country at large we have 2 per cent good roads, about 8 per cent somewhat ameliorated, and about 90 per cent bad roads. So it is still "pretty hard on the horse" here in Illinois.

I suppose one reason why so little attention has been paid to the making of the country road is that we have given so much time and energy to railway making and other gigantic undertakings in most of the States of our great country. But that does not altogether solve the problem of transportation. I am not expert enough in this matter to know the particular merits of the Lincoln highway, but aside from its memorial aspect, I believe it will promote road making on a national scale. I believe the time is ripe for enlisting the National Government in this road making. We are wasting enough to build highways on a magnificent scale.

In New England the men were willing to put their hands to the shovel one day in the year and mend the roads. They would haul on a little dirt and plow a little and have a good time on road-making day. The roads would be mended in May, but after the good downpours of June it was nearly worth your life to come down some of the hills, because of the washouts. That was a very provincial way of road mending and a very stingy way, and the work did not last a single summer.

Now, the time has come to build our roads for the centuries. They have really good roads in Europe because they built them for a thousand years, and the Government undertook the work. The best work can not be done on town taxes or on the town and State taxes. The objective of this association is for a national movement in this good-roads work. There is a sentiment in the country that will respond to this.

Let us not forget that moral issues are involved as well as social and educational. We believe that people must be educated for country life, and they need a good education, and this can only be done through a town system. The better country-school movement is associated closely with the good-roads movement.

It is part of my study as an officer in the church-federation movement to see how the church influence in the city and the country can be made more powerful. As we look at the facts, they are appalling. Half of all the people in our cities and perhaps half of all in the rural districts of Illinois are out of touch with the church, and the old ways of church administration are altogether failing. We must get together in all our churches on this subject of good roads and its effect on church life. There is hardly a rural town in Illinois that can afford more than one Protestant church, and I believe we will have to come to this definite idea—we know it is absolutely necessary for the Christian life of this country—a community church for all the people in the town. All roads should lead to it, and be good roads. Not only must the community church be centrally located; it should always open for all good things—the center of all social life—and it should have the highest type of minister.

Perhaps the city can get along without the broadest and best type of minister, but the country demands it, because it is in the country that we must rear that which is best in our manhood and womanhood. Civilization in the city will inevitably decline unless it can draw upon fresh springs of physical and moral vigor in the country.

There is a moral issue involved in this movement, and I am persuaded that it has much to do with our progress in every way as a people. We should welcome the president of this meeting, the honored officer of this association, as one who comes in response to a very old prophecy which intimately con-

nects road building with moral and religious progress. It begins: "Comfort ye my people"; and this means comfort to an afflicted and distressed people in our country. It goes on to speak of "a highway for our God," a road well built, level, and straight, and smooth, and its building is connected with this declaration: "And the glory of the Lord shall be revealed." A movement in our times which promotes the common good reveals the glory of God.

President JACKSON. It is very helpful to listen to such an earnest address. I wish we had a hundred men in Illinois—and I know we have if they had the courage to speak—who would speak in the hundred counties of the State in behalf of this great work with so much conviction and earnestness as this man we have just listened to; then the men who assemble at Springfield would take notice, and there would be sufficient money appropriated by the legislature for a system of highways for the entire State.

THE LINCOLN MEMORIAL.

[By Rev. Albert A. Mohney, D. D., Chicago, Ill.]

Mr. President, I feel very highly honored to have the privilege of saying a word at this Illinois and Inter-State Good Roads Convention, especially since it proposes a worthy memorial to our great American, Abraham Lincoln.

I am deeply interested in good roads, because I was born and reared on a farm where we had poor roads all the time, and have spent the greater part of my life in rural communities where the roads were often impassable. Besides, since I have been a resident of Chicago my work has been in our congested centers where I have had to deal with multitudes of the unemployed; and this latter fact more than any other has forced me to study this subject more or less carefully, and I am happy to say that in seeking a solution of the problem of the unemployed I also found a solution of the problem of good roads.

I think it very befitting that this country erect a suitable memorial to our great American. I like the suggestion of Senator CULLOM, a member of the Lincoln Memorial Commission, who "favors an appropriate creation by great artists which shall be worthy of his great friend and endure as long as any monument of antiquity." I like better the suggestion of Representative BORLAND and the Speaker of the House, who favor the building of a great memorial highway from Washington, D. C., to the battle field of Gettysburg, and the suggestion of Senator CHILTON to extend that memorial highway from Gettysburg to Lincoln's birthplace. I like better still the suggestion offered in the official call of this convention that "all of these plans be adopted." But, if I may be pardoned for saying it, I like my own plan best of all.

Now, if I were the Lincoln Memorial Commission, with full power to execute my plans, I would do four things:

First. I would offer a prize of $25,000 for the most practical, most beautiful, and most durable roadbed and boulevard plan presented to me by January 1, 1913; I would offer a second prize of $10,000 for the second best plan; and $5,000 for each of the third and fourth best plans, allowing the whole world to compete.

Second. I would build one block of roadbed and boulevard in harmony with each winner's plan, making four blocks of continuous roadbed and boulevard in the city offering the most favorable inducements for said purpose, and subject each to the same and most rigid tests of practical use for one year, after which I would select the one that stood the test in the most satisfactory way and proved most practical and beautiful, and name it the Lincoln memorial road and the Lincoln memorial boulevard. Then I would print the plans with explicit directions for building both roadbed and boulevard, and incorporate them in the CONGRESSIONAL RECORD, and allow any city or individual to secure a copy free of charge with the requirement that wherever the plans, either for roadbed or boulevard, were used, the road or boulevard, no matter what its name, would have to be known as a Lincoln memorial road or a Lincoln memorial boulevard, just as now the butter of a certain grade is known as Elgin Creamery, no matter where or by whom manufactured. Of course the official name of every boulevard or street in a city using these plans could not be that of Lincoln memorial road or Lincoln memorial boulevard, but the distinguishing features would be such that every citizen, as soon as he saw the road or the boulevard, would know it as a Lincoln memorial road or a Lincoln memorial boulevard. I would hold myself at liberty, of course, to accept one contestant's plan of roadbed and boulevard complete, or one's plan of roadbed and another's plan of boulevard, or to select any features from any of the contestants, and in either case distribute the prize money accordingly.

Third. After adopting the Lincoln memorial road and boulevard plans, I would not only build such a road from Washington to Gettysburg and to Lincoln's birthplace, and from Chicago to Springfield, and to the county seat of every county in the State of Illinois, but I would transform as speedily as possible every highway in the United States into a Lincoln memorial road. I would have the legislature of every State annually appropriate for this purpose, to every county of the State, a sum of money equal to the amount the county commissioners used the preceding year in building Lincoln memorial roads. I would have Congress annually appropriate to each State of the Union a sum of money equal to the amount appropriated the previous year by its legislature to build Lincoln memorial roads. I would have each State legislature authorize and require the county commissioners of every county and the board of public improvement of every city to appropriate annually sufficient funds that, together with the appropriations from Congress and the legislature, would enable them (first) to keep every convict in the county busy eight hours a day, six days of the week, building Lincoln memorial roads or boulevards in that county, and to keep the convicts of the State institutions employed in like fashion in whatever county they seemed most needed.

I would require the county commissioners and the board of public improvement (second) to set to work every unemployed man able to work and to keep him at it four hours a day six days a week building Lincoln memorial roads or boulevards till he secured a permanent or better position, and I would pay each of these daily with food and lodging only, or where married an equivalent in money, that he might spend the remainder of his time hustling for a permanent position and that no one might be inclined to work in this way permanently. By this provision no workman would need to beg or go hungry or shelterless while seeking employment.

My, what a boon such a provision would have been this winter and would be now to the thousands of men out of employment, not knowing where to get a bite to eat or where to lay their weary heads at night.

Of course I would not have the unemployed work with a gang of convicts or within sight of them, but I would have work enough for all.

Fourth. I would maintain a free employment bureau in every city of 25,000 population and over, where every man could register as soon as he was out of employment and go to work immediately for the Lincoln Memorial Commission. I would require every citizen to whom anyone applied for work or charity, if unable to employ him, to direct such applicant to the free employment bureau of his city, and if anyone able to work refused to do so, I would hold him guilty of disorderly conduct and deal with him as a convict.

I would require everyone applying for lodging at the municipal or other charitable lodging house to go to work for the Lincoln Memorial Commission, as above suggested.

In this way I would proceed year after year, keeping in touch with the best road and boulevard experts of the world and always keep the Lincoln memorial road and boulevard the most practical, the most beautiful, and the most durable of any road or boulevard in the world, and keep building year after year as these agencies were able; and thus in time I would have every road in the United States a Lincoln memorial road and many of the boulevards Lincoln memorial boulevards, and I would maintain them as such permanently.

That, in my judgment, would be a memorial befitting the great name and life of our Abraham Lincoln, who belongs to the whole people, for this would benefit the whole people.

Of course this plan would require specific legislation from Congress and every State legislature; but I am of the opinion that if the Lincoln Memorial Commission were to present these plans with the simple bill required to our Congress and to our State legislatures, and at the same time give the plans with the legislation required to the people by means of our newspapers, there would be such a unanimous demand for it that our Congress and legislatures would readily grant the request.

Now, this memorial would not only be a great benefit to every citizen of the whole country, but it would be of especial value to the unemployed and a very great blessing to the convicts.

Some one might say that union labor would oppose it, as all street paving is done by contractors who employ union labor. But that could be true only of our larger cities and would not affect our country roads in the least. Besides, there could be no detriment to union labor, even in our cities, as there would

be no manufactured product to compete with the product of union labor and it would guarantee enough work for all.

Besides, it would almost immediately disband the great army of professional hobos now refusing to work and imposing on timid wives and mothers and the charitably inclined people of our land; for, if they refused to work as freemen, they would be imprisoned for disorderly conduct and compelled to work as convicts, so that every man would either have to work or get out of our country.

It might be urged that this plan would be too expensive; but a little careful study, I am sure, will convince anyone that it would save the country more than it would cost and would enable the country to produce beyond our present production enough to pay for it. Besides, the money annually appropriated simply to pay political debts, if appropriated to build Lincoln memorial roads, would benefit the whole people and not require any larger appropriations than our annual budgets have required.

The effect of such roads on the morals of the people could not be overestimated. Now the tide of population is cityward, at such intense velocity that the city population is congested to the point of intense suffering on the part of thousands, while many thousands of acres of good farm land is not under cultivation because the farmers can not secure efficient help. If good roads, or, if you please, Lincoln memorial roads, would touch every farm in our land, it would arrest this strong tide flowing toward the city and enable our country to maintain a healthful equilibrium, and that is certainly a "consummation devoutly to be wished."

Under our present system the hobo loafs in the sunny country in the summer, where he can live by foraging and begging and sleep out of doors. When cold weather comes he rushes to our large cities, where, by making the rounds of the churches, the free-lunch counters, the various charitable institutions, with an occasional odd job, he ekes out an existence till warm weather comes; and if he fails, he steals, that he may be sentenced to jail, where he may get free board and lodging for a little while.

The plan I propose will reduce vagrancy to the minimum and lessen crime. It will improve and develop our country, save thousands of our boys from vagrancy, and be a great blessing both to city and country. I vote for the Lincoln memorial road for the whole country and the Lincoln memorial boulevard wherever the people are willing to pay for it.

ABRAHAM LINCOLN CENTRE,
Chicago, February 11, 1912.

Mr. ARTHUR C. JACKSON,
President the National Goods Roads Association,
Auditorium Hotel, Chicago.

DEAR MR. JACKSON: The worst has happened. I was afraid I had gotten myself entangled, but did not beat it out to the clear when I telephoned you. I am sorry to say that at the very hour I was expected to be with you at the good-roads convention I will be lecturing an audience at Erie, Pa., for which place I leave to-night. The most I can do is to send you this little word of greeting and apology. I regret it not on your account as much as on my own, for I am taking this "good-road" matter very seriously in these days. The United States have won out on railroads, its waterway projects are large, seductive, and are in danger of being illusive, at least so far as any immediate realization, while the road problem is immediate and exceedingly chaotic. Rome made itself empire by its highways, it triumphed by virtue of its long lines of communication. Thus far, both Nation and State have assumed that the initiative must come from the smaller unit of the town or county at best, and it has assumed that the "dirt road" is good only to get to the station. But with the coming of the automobile and, still more, the autocar, good roads introduce a legitimate and wise competition with the railroads. Given good roads and the developed autocar, many of the industries, particularly those whose output is of the lighter kind, can deliver their goods with autocars 30, 40, 60 miles distance with less cost, less labor, and even less time than the same goods could be handled by railroad with the double loading at either end of the railroad line.

The one great advance step for Congress to take now is to take the initiative in these long roads, which should be built by the Nation irrespective of State or local aid, roads that are at least 500 miles in length and lead from great city to great city, connecting one metropolis with another. The State might well undertake similar initiatives of roads not less than 100 miles long, connecting the capital with the great cities within its boundaries.

It may be too late in the day, or rather too early in the day, to secure the Lincoln memorial road between Washington and Gettysburg. The artists will have their way, and the Potomac Park will be beautified with classic ideals. Perhaps it is well that it should be so, but the suggestion is a vital one. I believe that the Lincoln Pike between Louisville and the birthplace of Lincoln is well under way. Why should there not be a Lincoln highway built by the State of Illinois from Chicago to Cairo? Let Nebraska have its J. Sterling Morton Road from Omaha to North Platte. Perhaps Kansas will build its John Brown way from Lawrence to the mountains. Let counties and towns thus memorialize their favorite sons and daughters. How fine it would be to ride on the Frances Willard or a Clara Barton road from somewhere to somewhere worth while.

This, or something like it, is what I would like to have said before your convention, to which please make my apologies and give my greeting.

Very cordially, yours, JENKIN LLOYD JONES.

REMARKS MADE AT THE GOOD ROADS BANQUET ON FEBRUARY 12, LINCOLN'S BIRTHDAY, BY GRACE WILBUR TROUT, PRESIDENT CHICAGO POLITICAL EQUALITY LEAGUE.

Men interested in anything so fundamental to the prosperity of this country as good roads should certainly be interested in equal suffrage, that fundamental principle of a good government that stands for democracy. For democracy must find expression in a "government of the people, by the people, and for the people," and people can be translated only as meaning men and women.

Equal suffrage, in fact, is the great democratic highway over which men and women everywhere will eventually travel toward a greater and a higher civilization.

Money spent in cleaning up our waterways is doubtless necessary to a certain extent. Many feel, however, that too much hard coin has been fed the little fishes in recent years. It has been suggested that their digestion has been saved by a good deal of this money being diverted into other channels. Some claim that money spent on a riverbed is not so visible to the public eye as money spent on a roadbed, and that it is liable to get out of sight down there at the bottom of the river, where it is so damp and cold and lonely and where the little fishes tell no tales.

Whether these suppositions are correct or not, it is obvious to all who have studied the question of transportation that we need money spent on good roads fully as much, if not more, than on our waterways.

To-day our waterways are not the only highways of commerce. Our railroads, also, carry our products from the Great Lakes to the Gulf and from ocean to ocean. The farmer, on the other hand, has not two means of transportation from which to choose.

The only way for a farmer to carry his produce to market is over the road which connects his farm with the nearest town or railroad station. The condition of that road, whether it is a hard, well-kept highway or a muddy, dilapidated remnant of some ancient cow path of pioneer days—sometimes dignified in this country by the name of road—is of vital importance to him.

We do not think for one moment, however, that the farmer is the only one to be benefited by good roads. In this age of automobile transportation the roads, more than ever before, are being used by the general public—the city people as well as by those living in the country. It is claimed, too, that the farmers, if the roads permitted, would, many of them, use autotrucks in which to carry their products to market.

By this quicker means of transportation many farms now unavailable, because too far distant from the market, could be utilized with profit.

It is claimed that good roads, perhaps more than any other agency, would help relieve the congestion in the cities. People now dread going onto farms, where the roads in their vicinity would, during a goodly portion of the year, be practically impassable. Such conditions make it almost out of the question for children, especially young children, to attend school; for the farmers' wives and families to go into town; or for the farmers themselves to reach the market for weeks at a time.

Anything that so vitally concerns the comfort and the business interests of our people as good roads should be maintained at Government expense.

Our Government has done considerable toward building good roads, and has always expressed its good intentions with reference to them. In the meantime the farmers and the general public have often found themselves in the position of Pat's friend.

Pat one day was out walking in his garden with a friend. Presently the friend stumbled and fell into a hole, and Pat exclaimed:

"Sure and I intinded to tell you about that hole." And his friend answered, "Well, never mind now, Pat; I've found it."

Now we women want to help you men in this great good-roads movement. We see a symbolic resemblance between good roads and equal suffrage. Transportation without good roads makes one tired, and a pretended democracy without equal suffrage makes one tired also.

All that we can contribute to your movement is our "influence." We wish we could give you something that would count for so much more—our "votes."

As there are no two beings on the face of the earth who would sacrifice so much and endeavor so hard to make man's road through life smooth and pleasant as his mother and his wife, you need not fear their influence in politics.

That great man Abraham Lincoln, whose birthday we celebrate to-night, said: "I go for all the people sharing the

privileges of the Government who assist in bearing its burdens, by no means excluding women."

In the name of this great American, we ask you to give us the ballot and then we will help you to build not an Appian Way out of the old traditions of the past, but a great Lincoln highway, a road of promise and progress, over which all people may travel, filled with that malice toward none and that charity for all which Lincoln advocated as the guiding principles of our Government and which he exemplified and put into practice in his own life.

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AMERICA'S FORTUNE AND MISFORTUNE.

[By Dr. E. E. McKay.]

The program limits me to five minutes; therefore I will follow Solomon's advice to young men:

Speak young man when there is need of thee, and yet scarcely when thou art twice asked. Let thy speech be short, comprehending much in words. Be as one that knoweth, but yet holdeth thy tongue.

The subject in part is suggested by what I saw in moving pictures. Moving pictures aim to make us acquainted with the world. For 5 cents you can see Saul crowned and buried; David killing Goliah; and Solomon quarreling with a score of wives.

The occasion of my visit did not cost me anything, but it was worth the price of a box seat at the grand opera.

"America's fortune" was pictured in her great, wild, wooly West, where Indians were scalping their foes and strapping them to telegraph poles, and cowboys making pyramids out of Kansas sand piles and fireworks out of soapsuds and Sunnybrook whisky. Next came America's great rivers washing the Atlantic and Pacific coasts and reticulating all the continent between the coasts. Water in abundance to make soft drinks, swell the milk supply, and bathe 90,000,000 people at one time. Water rumbling over rocks at Niagara, turning mighty turbines, lighting cities, and revolving the wheels of a small industrial world. Water irrigating lands in Montana and Colorado. Water inviting cattle to come down to the banks of the Platte and Arkansas, and the birds of heaven to lave their wings in its cooling streams.

Next was shown our great cities. Cæsar boasted of his native Rome, Lycurgus of Sparta, Demosthenes of Athens, but the American looks with pride upon the Empire City on the Hudson, the City of Brotherly Love on the Schuylkill, the Garden City in the heart of God's country, and the City of Angels, the paradise of pacific bliss.

The scene changes. Next was shown our great schools—public schools where the children of the street sweeper, the rail splitter, and the glass blower sit side by side with sons and daughters of millionaires. Great schools, colleges, with students like Samuel Adams, who fired the morning gun of the Revolution. Scholars like Benjamin Franklin, who showed the colonist how to light a torch of industry and unite the thirteen Colonies in a bundle of sticks that John Bull could not break. Graduates like Thomas Jefferson, who wrote the Declaration of Independence that pledges every true man to keep the old Bell of Liberty ringing in the land.

Next was shown our great climate, equal to anything they have in heaven and better than the weather reports of the other place.

Next the aeroplane, that took 10 years to fly over a picket fence, but now men fall out of them at 5,000 feet high at a salary of $100 per minute.

Next our great States like Connecticut, that never gave birth to a Washington but she educated a Taft.

Next was shown moving pictures of great conventions, where everything convenes from the amalgamated order of janitors to the consolidated unions of street sweepers.

But believe me not one picture was projected to show the bad condition of the public roads of America. But there are pictures of public-road inquity being taken. Even now this convention is sitting in judgment. The Bank of France has a device for photographing persons of suspect. Behind the cashier's desk is a concealed camera, and when a suspected rogue appears a button is touched, and without the man's knowledge a picture is taken. That day has gone by when America can longer hide the misfortune of her bad roads. Pictures must be taken and all available means used to improve the roads over which we travel.

Summer Chautauquas salary talent to talk about everything under the sun, but they have yet to salary talent that will talk upon America's good roads.

We have Congressmen at Washington that make laws, and the larger number who occupy seats and explain these laws when they return home. But the librarian informs me that no Senator or Congressman has taken five minutes to eulogize the good roads we have in America. Any man reckless enough to do that would lose his political job and be buried in some dry run with his face downward, so that the more he scratched to get out the deeper he would go.

The only excuse for poor roadways in America is the comparative youth of the Republic.

One of the splendid sights of England, Germany, and Switzerland is their fine roadways and the constant care they get. Their interest in maintaining good roads has kept pace with the railroad building, military provision, and every other kind of improvement.

In America one of the sights we keep in the background is the abominable country road, well nigh impassable in the spring and rutted and dust laden in the summer and autumn months.

Bad roads increase the cost of transportation, depreciate the values of farm products, encourage a low grade of intelligence, contribute to the hardships of rural life, and afford the auto tourist untold miseries in wet and dry seasons, whereas the good road increases farm values, reduces cost of transporation, and brings the business man in the city and the farmer in the country in close touch with the outside world. The one with the beauties of nature; the other with the activities of commerce. The one securing rest for the body; the other wisdom for up-to-date transactions.

If Congress can afford millions for river and harbor improvement, irrigation, canal, and naval construction, surely the time has come, and now is, when at Federal and State capitals legislation should make possible the passing of an act entitled "The good-roads improvement bill" that will extend the credit of county or State, delegating to commissioners and courts the right to condemn unsightly highways and improve highways so that the comforts of the country life shall be on a par with the comforts of city life. Every dollar so invested will go directly into the pocketbooks of producers.

We are nearer the solution of the good-roads problem to-day than ever before. Two things we must do—push and be patient. America is the land of push. It was the push of the colonists that brought about the surrender of Cornwallis at Yorktown; it was the push of Cyrus W. Field that strung a cable between continents; it was the push of Americans that abolished slavery, built great railroad systems and wonderful cities; and it is the push of good-road enthusiasts that will line our section ways with roads as fine as the Appian Way.

But while we push we must also be patient. Patience rewarded Morse with the electric telegraph; patience was the secret of Stephenson's invention. Shakespeare says:

He that will have a cake of the wheat must needs tarry for the grinding.

Delays are not to be counted as defeats. The blossom appearing before the fruit makes the mulberry leaf satin in the course of time. Patience is power; patience is self-trust; patience and push spell victory.

Some of the great prizes of America are won not altogether by patience and push but by "pulls." But as reformers are death on "pulls," but alive on patience and push the next 25 years will see on most American roadways the standard as high as in England or France.

—

ADDRESS BY HON. HUGH S. MAGILL, PRINCETON, ILL., BEFORE ILLINOIS STATE GOOD ROADS CONVENTION, ON LINCOLN'S BIRTHDAY, AT AUDITORIUM HOTEL, FEBRUARY 12, 1912.

Mr. President, ladies and gentlemen, I think Lincoln's birthday a most appropriate day to undertake the promotion of any cause for the betterment of the people of the State of Illinois, and I know of no undertaking that would bring more credit to the State than the one which you are discussing here to-day—the promotion of good roads.

The question of good roads is one of the subjects that was carefully discussed in the last legislature. It occupied no small part of the time of the senate and lower house. There are certain problems which come up in Illinois which are not problems in any other State.

Of course, we have all felt the inspiration of the forward movement that has been taken along the line of good roads, especially abroad, where exceptionally fine roads are provided, and we think "if only we could have such good roads in Illinois." There is much poetry and romance about the roads of old days, but when you come right down to the real question it is not so romantic or poetic. We find we have many difficulties to overcome. We have a few good automobile roads, especially in northern Illinois, but when we get down the central part of Illinois we find the real Illinois mud. I believe the people of Illinois can overcome any obstacle that other people can, and I believe they can overcome this Illinois mud, "which has no depth."

But it is a matter that can only be overcome by organization and scientific management. Under our present laws the matter is left to three commissioners in each township, and so long as we have this localized handling of the road problem there can not be concerted action that will give us the broad results we are seeking.

Now, we must reach out into a broader field. If the townships cooperate and work with each other then they should receive county aid, and that idea is being rapidly advanced. I believe in the idea of county aid for county roads and State aid for State roads. Broaden out from local supervision to county supervision and you will readily see that we make a great gain. We must not stop with counties, though. We must carry it into State, and the really lasting highways that are to be built on the broad plan, as they have been built in other places, by State or national aid. When it is brought before the legislature of the State, as it will be, and when it is recognized in its real, big, broad aspect, then there will begin a movement for good roads that will receive support from the State, and which will not be opposed by the farmers, for the burden will not lie too heavily on any locality.

I think we are moving toward that very rapidly. The general interest shown here this afternoon, and the spirit of cooperation that is felt by the many societies and women's clubs of the State, and all the other interests that are represented at this great gathering, will influence not only the country people, but more particularly the city people who wish to ride through the country and use the roads for their joy rides and travel. All these people are joining their forces to bring about the consummation of a broad, State highway, and not only a State highway, but probably in conjunction with other States cooperating, a national highway. Of course, Illinois as a State is comparatively young and we must not expect too much from her. When we think that 75 years ago Chicago was only a little town, we must feel that we have made a wonderful advancement. The advancement we are making along this line of good roads in our comparatively new State is gratifying. We will solve this problem before we are as old as many of the States, and will have Illinois roads that will compare favorably with the best roads in New England when Illinois is as old as some of the States in New England are now.

There is another thing to consider. I have seen the bread line here in Chicago, where big, stalwart men stood in line for bread to be doled out to them, and I have wondered if Illinois could not offer these men an opportunity honestly to earn their bread by giving them work on the roads of Illinois. Then, also, there are the prisoners. Those able-bodied men could make good roads for us if we put them to work, as is done in Colorado. We are trying to work it out so these prisoners will not come into competition with honest labor. I do not believe that honest labor will object to these convicts breaking stone to improve the roads of Illinois. Let us put them to work to build what Illinois needs—real good roads for its people.

Now, these good roads plans, the Lincoln national highway, and all of them are worthy of recognition and deserve the support of every thoughtful citizen of Illinois. Personally I am glad to do anything I can to promote these projects along sane and rational lines, with justice to all concerned.

President JACKSON. We feel honored to have had Senator Magill with us and grateful for the interest which his remarks indicate in this movement for the improvement of our highways. The statements of Senator Magill are of a most conservative character, but much in advance of those entertained by many of his associates in the legislature. I can not agree with him, however, that we should not expect too much from Chicago, by reason of the city being but 75 years old. I think that there is nothing too good for our city and State, and that it is criminal negligence for us to go on year after year with public streets and highways that are not the equal of any that any other city or country enjoys.

In the matter of convict labor we are also criminally negligent. There is no reason why we should not be able to do as well with our convicts as a young State like Colorado. At our International Good Roads Congress held in this city in September last, at which there were delegates in attendance from 40 States and countries, one of the best addresses was by the governor of Colorado, dealing almost exclusively with the convict-labor problem, which has there been solved in a manner to immensely benefit both the convict and the State. With us it is not a matter for experiment; we need only follow the example of Colorado, and I commend to the attention of all present Gov. Shafroth's address, which would do a world of good were it widely distributed in every State of the Union. At every one of the more than 1,000 conventions held in every State in the Union during the past 12 years by the National Good Roads Association the use of convict labor has been urged and in nearly every case resolutions have been adopted recommending it. In this State both the National and the Illinois State Good Roads Associations have urged the use of the convicts not only in the preparation of road material, but in the actual construction of the roads, and we shall continue to urge this reform, both in the interests of the convict and the State, until it is a reality.

We are now earnestly seeking to secure the active cooperation of the women of the State, as well as that of the clergy and the press, believing that just as soon as the women of the State take up the matter actively results will be secured which were never before possible, and we are now planning a Woman's State Good Road Convention to be held at as early a date as may appear practical.

It is significant of the increasing interest in this movement and in this association that many organizations are adopting resolutions similar to that recently unanimously adopted by the bankers of Illinois in convention at Springfield.

—

Resolution unanimously adopted by the Bankers' Association of the State of Illinois, at Springfield, October 12, 1911.

Resolved, That this association looks with favor upon the efforts now being made by the Illinois State Good Roads Association to improve our public highways, and we recommend that a committee of five be appointed by the president of this association from the membership of this association to meet with said State Good Roads Association and make report thereof at the next annual meeting of this association.

—

GILBERT MCCLURG, VICE PRESIDENT AND GENERAL MANAGER AMERICAN LAND AND IRRIGATION EXPOSITION, NEW YORK CITY, ON LINCOLN'S BIRTHDAY, FEBRUARY 12, 1912.

President Jackson and members of Illinois and Interstate Good Roads Convention, Auditorium Hotel, Chicago, Ill., greeting:

The necessity for improved roads was appreciated by Abraham Lincoln in his day, just as it is understood by the farmers of to-day who have more improved methods of road building than obtained in the time of Lincoln by laying rails on the highways. The martyred President was a road builder, as well as a rail splitter; but the world moves.

We have recently been told by the bureaus at Washington that the average expense of maintaining the work horse is 8 cents per hour. It was my privilege at the New York Electrical Society last month to learn that the General Electric Co. estimates the average cost of electric horsepower at 1 cent per hour. This being the case it is evident that there must be a wider introduction of the use of electricity on the farm—to grind the corn, to turn the churn, to hoist the hay and water, to do the washing and ironing, and last, but not least, to drive the motor truck.

At the present time, however, only on large farms isolated electric plants have been built. These are in use in New Jersey, New York, and Virginia—and, indeed, in New York large dairies are utilizing electric machines for milking cows. It is said that 4 men in 4 hours thus milk 400 cows, greatly economizing labor.

At the present time the gasoline motor truck is in more general use than the electric motor, and motor trucks will soon play an important part in reducing the present high cost of living, to cheapen the cost of transportation between farms and railroad and steamship lines and within cities.

It is estimated that there are 24,000,000 horses in the United States, each of which eats as many pounds of food daily as do 7 men. With one-half of these horses displaced by motor vehicles, and the land formerly used to raise their food cultivated to produce food for human consumption, provision of food is therefore made for more than half the population of the United States. I am not asserting that these figures are correct for my authority is merely the daily press.

With the more general introduction of the motor truck there will be increased demand for better roads in Illinois and elsewhere, and I remember most vividly the mud surrounding Springfield on the occasion of my visit to that city and the Lincoln Monument, some years since.

It would be a fitting memorial to the martyred President, the tenderest heart this country has produced—pulsing with universal sympathy—if this should take the form of an improvement which could be appreciated and used in the daily life of the people. I can conceive, therefore, no more appropriate memorial for Abraham Lincoln than a boulevard to be constructed through Illinois to Springfield.

Last fall in New York I had the honor to direct an exposition of the showing of the products of American soil, which was pronounced by agricultural experts and railroad officials as the

finest assemblage of the kind in the history of America. This created so great an interest in the continent's metropolis that the doors of Madison Square Garden were closed eight times by order of the police because of the crowds within, and the journals of New York—published in many languages and reaching 8,000,000 readers—stated that the land astounded New York with the showing of the products of our glorious country.

Such was the success of the first land show that New York will have its second land show, under the auspices of the American Land and Irrigation Exposition, offices in the Singer Building, New York, from November 15 to December 2, 1912.

In the engineering division of this agricultural exposition there will be shown a display of several kinds of road construction and paving materials suitable for use on country roads and rural highways. This will prove of great interest to more than half a million visitors who will come to this exposition. It will be attended by half as many people as visited the 62 railroad instruction trains (described by 740 lecturers), which covered 35,000 miles in the United States last year, or one-fourth as many people as attended the 16,545 separate sessions of the regular farmers' institutes held in all America last year.

The land show in New York draws a much greater attendance than is accorded the New York State Fair, and no wonder, for New York is the chief immigration port of America, welcoming 300,000 peasants from the Old World among the million immigrants annually coming here, and these people may learn of the land opportunities and products of America by visiting the land show. They have not time or money to visit Florida or California to learn of the citrus fruits there produced; to visit the West to learn of its grain fields; to visit the South to become interested in cotton or sugar; or to tour New England to ascertain that good living may there be won while the immigrant is building a home—the strength of the Republic.

There are 7,000,000 people within half an hour's ride of the land show in New York, and among these are many capitalists who have funds to initiate corporate farm and irrigation works, invest in railroad bonds, and so forth, and these financiers need to know of the products of the territories in which they have investments.

New York distributes the greatest number of immigrants coming to North America, and many of these aliens will go out to the sections of which they have learned at the land show.

Not 1 per cent of the population of the Atlantic seaboard or of New York City have practically executed the injunction of the slogan "see America first," and the land show tempts them out into the country with its turquoise skies and green fields.

There is no one subject requiring more important general attention by the people of the country, as a nation, than that of providing adequate and permanent rural highways. That the country road is not properly constructed for farmers is evidenced every year by hundreds of thousands, when farm products must remain on the farm to deteriorate during long periods when traveling on the highways with heavy loads from farms to the cities is impossible because of the unsuitable nature of road construction or the lack of any attempt at proper road construction, and this is the rule rather than the exception throughout the farm sections of our country.

By showing the people through actual demonstration and personal inspection at the New York land show the farming population of the Atlantic seaboard and of other sections of the country as well will learn the ways and means by which their road service may be improved, and there will result a benefit to the Nation which can not be estimated, so far-reaching will it be.

CITY OF BERWYN, ILL.,
February 2, 1912.

Mr. ARTHUR C. JACKSON,
Auditorium Hotel, Chicago, Ill.

DEAR SIR: I am in receipt of your favor of 19th instant, inviting me to be present at a convention of the Illinois and Interstate Good Roads Association to be held on February 12. I thank you for the invitation to be present.

I am in hearty sympathy with the object of the movement, believing that highways should be so constructed and maintained as to enable all classes of citizens who are directly or indirectly affected by the instrumentalities of transportation may move their traffic in a comfortable and economical manner. This movement is the most far-reaching the important one which confronts the people of the Central West and of the State of Illinois in particular, and it is a question which I believe is worthy, in this State at least, of becoming an issue in the forthcoming election of members of the general assembly, because little can be accomplished in the way of general improvement of country-road conditions save by a general revision of our statutes. In my opinion the roads of the State of Illinois should be built up and put in good condition by the State, and they should then be maintained by the several municipalities under supervision of a State commission or bureau. However, this phase of the matter is one which will undoubtedly be debated in all of its bearings by your convention.

Should I find it practicable to attend the meeting, I shall certainly be very glad to do so.

Respectfully,
HENRY S. RICH, *Mayor.*

ADDRESS OF HON. SAMUEL A. ETTELSON, OF CHICAGO.

I believe that if a cause like this has such strong people behind it as your president, and such women as Mrs. Orr, it is bound to succeed. The men in the senate and lower house are interested in responding to public sentiment. Most of them have other occupations than the legislative positions, and they do not have time to study the questions that are presented to them; but when men and women come down to Springfield and are sincere in the propositions they make, we men in the legislature—I know from my own experience—are anxious to carry out the views of these people, and we will advocate by our votes in the legislature appropriations to advance these propositions.

Now, I happened to be one of the men who cast a vote for the purchase of Starved Rock as a national park, and it was largely on account of the fact that the Daughters of the Revolution came to us and so earnestly insisted upon the subject having consideration; and I promise you I shall be one of the men at Springfield to favor the appropriation of sufficient money to make the road leading to Starved Rock easy of access for the people.

I believe the women have a great influence on the ballot, and I am one man—single though I am—who is a firm believer in suffrage, if the women want it. I am fully in accord with the determination that is promulgated from the office of the Outlook in New York—that suffrage should be put to a ballot by the women, and if they want it, then they should have it, because their influence is always one for good.

As Mr. Fowler said awhile ago, there is a lot of hot air on this subject of good roads; everybody is for good roads, and yet nobody is doing anything definite and the proposition is "damned with faint praise," as it were. It is not talk, it is not fireworks, nor grandiloquent speeches that win the day in politics. It is organization; and you can organize. Then you will get concerted action.

The men in politics have all got their "ear to the ground" for public sentiment, and the way to get these men to act is by organizing outside of the legislature and going down there and showing them that there is a strong public demand for good roads and strong public sentiment for the appropriation of money by the State to make these roads. Appoint a committee, consisting for a start of, say, one man—Mr. Jackson, as he knows more about this subject than, perhaps, any one else—as the chairman, and one man from each congressional district in the State of Illinois, who will volunteer to take charge of the work in his congressional district, and let that man appoint an assistant, if necessary. We have 102 counties, and immediately you have 102 men—or 204, if you like—and you have your chairman, who is giving all his time and energy to the subject; and let your men appoint a man in each county under him, and have a county organization. Let these men send out post cards to the voters and have them pledge themselves, in writing, for this cause, to do what they can on behalf of this subject before the next general assembly convenes, and you will have a good roads committee that is practical and efficient—able to accomplish something.

I think you should organize along these lines. I do not say this is the best plan, or a perfect plan, but it is organizing. In this way you will create public sentiment and will have an organization that can go down to Springfield and ask anything within reason and get it. There is no power in the community that will successfully withstand an organization that has in mind such a project as this, that is of vital interest to the State of Illinois and the people of the entire country.

ADDRESS BY TOWNSEND A. ELY, MICHIGAN STATE HIGHWAY COMMISSIONER.

Mr. President, the Michigan State highway department was organized by the legislature of 1905, and the law creating it became operative July 1, 1905. The appropriation at this time was only $30,000, of which $10,000 was to constitute a fund for the current expenses of the department. This amount for current expenses has never been changed, and the department is doing the best it can under this handicap. The remaining $20,000 was for State reward. During this season of six months, 20 miles of State-reward road were built, and during the seasons of 1906, 1907, and 1908, 40, 80, and 160 miles, respectively, were built. During the seasons 1909 and 1910, 214 and 276 miles, respectively, were built. The season of 1911 was the banner year of the department's existence, there having been built 350 miles of permanent roads. Michigan now has to date

1,172,250 miles of State rewarded highway, or about 6 per cent of its total mileage. Of the total mileage built, 831,160 miles have been built during the last three years. We now have State reward roads in 70 out of the 83 counties of the State, and in about 400 townships out of the 1,226.

The total cost of State reward roads built to date, as reported by local officials, is $3,313,788.28. The total State reward paid is $787,209, or 23.7 per cent of the cost of the roads. Administration expenses have been $84,802, or 2.55 per cent of the cost.

The Michigan State highway department is not engaged in the actual construction of highways. Its province is to furnish expert advice and inspection and pay out any State and national aid provided. For the purposes of this inspection, the department employs three civil engineers, who determine whether or not a road is built in accordance with the State specifications, and report the same to the commissioner, who orders the payment of the State reward if the report of the engineer is favorable.

The funds for the construction of State reward roads are provided by counties, townships, or districts, and are disbursed by the proper officials. The highways are built under the direction of local officers, independent of the State highway department, outside of an occasional inspection during the process of construction.

The State reward paid on Michigan roads is as follows:

	Per mile.
Class A, sand-clay	$250
Class B, gravel	500
Class C, stone-gravel	750
Class D, gravel-stone	750
Class E, macadam	1,000
Class F, concrete	1,000

All roads must have a roadbed not less than 20 feet in width, between the inner slopes of the side ditches, with a wagon way or travel track not less than 9 feet wide between shoulders. They must be properly drained and have a cross-section oval in form, with a crown of 1 inch to the foot. All gravel used must contain not less than 60 per cent of pebbles, held on a screen having 8 meshes to the linear inch, and which will pass through a screen of 1½-inch mesh, and must be placed on the roadbed in two courses, each course being compacted separately, and must have a total compacted depth of 8 inches.

The stone in macadam roads must be from ¾ to 3 inches in size for the bottom course, and have a compacted depth of 3½ inches; for the top course the stone must be from ¾ to 2 inches in size, and have a compacted depth of 2½ inches, each course to be thoroughly bonded and rolled.

Of the roads built during the last season 25.45 per cent were macadam, 68.7 per cent were gravel, and the remaining 5.85 per cent included roads of all other classes.

Two problems are confronting the road builders of Michigan at this time. The first and foremost is that of maintenance. The department has little or no control of this important item and should be given greater powers. The State highway commissioner should be authorized to order roads repaired, and the communities owning the roads be compelled to pay for such care and maintenance or a fund should be created by the legislature, either by general taxation or a specific tax on automobiles, in lieu of local taxes, at a certain fixed rate per horsepower, this fund to be used by the State highway department for the purpose of maintaining roads already built.

The second great need is closer supervision by the highway department over roads during the time they are under process of construction. In order to give this feature of the work proper attention, more engineers are required. We hope the legislature will be lenient with us to the extent of giving us an increased appropriation for current expenses. We expect to build about 450 miles of State-reward road in Michigan during 1912.

The sentiment in Michigan in favor of good, permanent highways is increasing by leaps and bounds. Our last biennial appropriation was for $470,000 for State reward to last until June 30, 1913. All road builders are questioning whether there will be money enough to pay the reward on all roads that will be built and fearing that they may be the ones to suffer by shortage of funds.

Trunk-line roads, built by the State between larger cities, will come in due time, as will also State supervision of all construction.

Michigan's law is at the present time unique and at the same time practical. It builds the roads, which is the main thing, and puts the cost of the same, besides the State reward, upon the people who want them.

OFFICIAL CALL FOR SECOND ILLINOIS AND INTERSTATE WOMEN'S GOOD ROADS CONVENTION IN FURTHERANCE OF THE LINCOLN MEMORIAL HIGHWAY AND STATE AND COUNTY BOND ISSUES FOR GOOD ROADS, LA SALLE HOTEL, CHICAGO, NOVEMBER 1 AND 2, 1912.

No name is nearer to the American heart than that of Abraham Lincoln, yet in this, his home State, no adequate memorial of him exists. Perhaps nothing adequate can ever be produced, but this convention is called to promote a great Lincoln highway, connecting his home in Springfield with Chicago, St. Louis, and the county seat of every county in the State. A great central boulevard between these three cities which shall surpass in beauty, usefulness, and permanency any equal mileage of highway in the world, and connecting with it from the county seat of every county in the State an equally permanent and serviceable road which may serve as a daily reminder of him whose greatest ambition was to serve his fellow men, as well as providing Illinois with a permanent system of roads which will be an almost inconceivable source of wealth to the State.

At the last Lincoln's Birthday Good Roads Convention, held under the auspices of the National Good Roads Association, it was unanimously resolved to seek the aid of women in the great movement for good roads and streets. The first Illinois Women's State Good Roads Convention was held at the Auditorium Hotel, Chicago, on April 3–4, and was one of the most successful conventions ever held for any purpose. Its six sessions were presided over by six of the most distinguished women of the State. Mr. Philip N. Moore, president of the General Federation of Women's Clubs, and Col. Bryan were among the many notable speakers.

The indorsement by the General Federation of Women's Clubs at its recent biennial in San Francisco of an ocean-to-ocean Lincoln memorial highway emphasizes the interest which has been aroused in this project, and it is now certain of success by reason of the active support of this great body of earnest and patriotic women.

The importance of this great movement for good roads is being recognized as never before, and it is felt that when the women of the State add their influence to that of the press, school, and clergy a victory will have been won greater and more far-reaching in effect than any other within a generation, for it is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of a billion dollars a year, and the saving of this stupendous sum surely constitutes an economic question of vast importance.

When the agricultural production alone of the United States for the past 12 years totals more than $80,000,000,000—a sum to stagger the imagination—and it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good roads instead of bad would have built a million miles of good roads, the incalculable proportions demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself; and the truth of the declaration of Charles Sumner, 50 years ago, that "The two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years, and points to the wisdom of a union of educational forces for aggressive action for permanent roads and streets.

The time has come when the great Commonwealth of Illinois should escape from the humiliating and disgraceful position of having thousands of miles of the worst highways in the world, and the women of Illinois and other States are urged to be present in convention at the Hotel La Salle, Chicago, November 1–2, 1912.

THE ILLINOIS STATE GOOD ROADS ASSOCIATION.
ARTHUR C. JACKSON, *President.*
Miss MAUDE E. JONES, *Secretary.*
Mrs. EDWARD L. MURFEY, *Treasurer.*

OFFICIAL CALL FOR THE FIFTH INTERNATIONAL GOOD ROADS CONGRESS AT CHICAGO, FEBRUARY 28–MARCH 2, 1913.

From September 16 to 21, 1901, there was held in the city of Buffalo the First International Good Roads Congress, the call for which was issued from the headquarters of the National Good Roads Association at Chicago. Participation by delegates from foreign countries was invited and such invitation was transmitted by the Department of State to the diplomatic officers of the United States throughout the world, and through them communicated to the ministers of foreign affairs, with the request that it be given publicity for the information of organizations and individuals who might be interested.

On the tenth anniversary of this milestone in the good-roads movement was held in Chicago, September 18 to October 1, 1911, the Fourth International Good Roads Congress, to which were invited delegates from every city, State, and nation, and, as in the case of each of the three preceding congresses, invitations were transmitted by the Department of State to all foreign governments and there were delegates in attendance from 40 States and countries.

The production of permanent public streets and roads is one of the most important problems of the century, affecting the material and social well-being of all classes and conditions of people, and the Fifth International Good Roads Congress is hereby called to meet in Chicago on February 26 to March 2, 1913.

Delegates, both men and women, are invited from every city, State, and nation, and all correspondence should be addressed to the secretary at the Hotel La Salle, Chicago, Ill., United States of America.

THE NATIONAL GOOD ROADS ASSOCIATION.
ARTHUR C. JACKSON, *President.*
Miss MAUDE E. JONES, *Secretary.*
Mrs. EDWARD L. MURFEY, *Treasurer.*

Group of Intellectual Jewels.

EXTENSION OF REMARKS
OF
HON. EUGENE F. KINKEAD,
OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

Mr. KINKEAD of New Jersey said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include the following:

GROUP OF INTELLECTUAL JEWELS—LIBERAL OUTPUT OF BRAIN PRODUCTS AT RECENT DEMOCRATIC BANQUET—NATIONAL CLUB LEAGUE MEETING MOST NOTABLE GATHERING IN PARTY'S HISTORY.

Gov. Woodrow Wilson said:

Mr. Toastmaster, Gov. Marshall, ladies, and fellow citizens, I hardly recognize myself in the description I have just heard. I am very grateful indeed that there are very few Princeton men present, for in their presence it would be hard for me, knowing what they do of me, to live up to the rôle that has been created for me. I feel very much like the old woman who was in a side show of a circus and saw, or thought she saw, a man read a newspaper through a board, and she said: "Here, let me out of this place; this is no place for me to be with these thin things on."

In the presence of a Princeton man this disguise of greatness must be very transparent. But any man who enters public life must try to live up to anything that he is called upon to do, and I am not in the condition of the old colored man I heard about the other day, who fell asleep in a railway car and sat with his head lolling back and his mouth wide open. A fellow passenger, who had a vial of quinine in his pocket, went over and quietly dusted a lot of it over the darky's tongue. The old man slept on for a time, none the wiser, but presently he closed his mouth and sat up quickly, and as the conductor passed along he stopped him and said, "Boss, is there a doctor on this train?" "I don't know. What do you want a doctor for?" "Well, boss, I done busted my gall." Well, I have not quite burst mine yet.

Seriously, gentlemen, it is with peculiar pleasure that I face this company to-night. And yet the pleasure is in very great part marred by the absence of Mr. Bryan, because the spirit of this meeting is the spirit of rejoicing; the consciousness of the men present is that after a long series of defeats Democracy is about to realize its strength and to come into its own; and it is a pity, when there is such rejoicing afoot, that the gallant man who has borne the heat and burden of the day should not be present to contribute his wit and cheer in the time of triumph. It is a pity that only those of us should be present who have taken up the labor in the later and easier days.

I feel in the field of practical politics like a new recruit. I suppose that you gentlemen do not realize what is going on in the universities of our day. I suppose that there are still men who think of universities as remote and cloistered places, where men think of that imperfect account of life which is contained in books and do not look directly upon the actual facts. But that is not the kind of university that I have known. I remember of telling a body of gentlemen who looked particularly well dressed and comfortable, in New York not many months ago, that I understood the business of a university to be to make young gentlemen just as unlike their fathers as possible. Of course, I hastened to explain that I did not mean any disrespect to the fathers, but that by the time a man had got old enough to send his son to college he had established himself in some kind of success and had got the point of view and separation of some particular occupation, and in that degree he had rendered himself unable to see the general conditions of the country, and that I understood the business of the university to be to regeneralize the generation; to take them away from the prejudices of their fathers and lay before them afresh the map of life which men had traveled generation through generation, making their own fortunes unassisted by previous generations except in so far as the experience of previous generations had afforded them a standard of conduct, so that each generation might look afresh upon the fortunes of mankind and know that the work was an unending work of lifting men from level to level of new achievement and of fresh discovery.

That is the spirit of the modern university—not to keep men anchored in the prepossessions of the past, but to take them to some quiet upland where they may see the visions of the future.

I would not have you forget that the patron saint of Democracy conceived it as one of his greatest achievements that he had founded the University of Virginia; that he had searched the world for learned men in order to bring to that ancient Commonwealth competent teachers of youth, and that as he sat upon the hill of Monticello and day after day through his powerful field glass watched brick put upon brick in the construction of the buildings of the university he saw that he was piling there that house of vision in which the young men of Virginia should subsequently see the things which had been taught in his philosophy of government, and things which he had learned in his converse with the men who were putting the blood of revolt and of fresh achievement in the veins of the people of France, when he visited the French Republic, and that he felt secure that learning should sustain patriotism, and that the great university which had risen at his touch should be the school of freemen. It is an interesting circumstance to me that on these occasions we recall more than the names of any others the names of Jefferson, the philosopher, the student, the profound man of thought, and that other son of the people, Andrew Jackson. These are the two types of Democracy. Democracy is based upon deep insight into human nature, on the one hand, and those unconquerable impulses of manhood which exemplify themselves upon fields of battle in sons of the soil like Andrew Jackson.

The other day I was dining with some of my colleagues in the Senate of New Jersey, and I had said in a little speech I made to them that I was two kinds of a Democrat—I was born a Democrat, and then when I got old enough to think about things I became a convinced and converted Democrat. One of the most plain-spoken of my colleagues—a Republican—got up and said, "I wish the governor would tell me what he understands a Democrat to be." I said:

"I am perfectly ready to tell you what I understand a Democrat to be, and how I understand him to be distinguished from a Republican. A Republican believes, I will concede, in government for the people, but he does not believe in government by the people. He believes in establishing a body of trustees who shall administer the affairs of the Nation for the benefit of those who have not sense enough to conduct it themselves. He believes that the vested interests of the country, if they prosper, will transmit their prosperity to the rest and that they, better than the rest, understand what the true foundations of prosperity are." Now, I absolutely dissent from that theory. I am not willing to put myself in the hands of any body of trustees for the benefit of the people. I believe that the only persons who understand the Nation, as a whole, are the people of the Nation, as a whole. Moreover, the very men who do not understand the conditions of the Nation, as a whole, are the men who have immersed their thought in the great transactions of modern corporations. The men who understand the life of the country are the men who are on the make, and not the men who are made; because the men who are on the make are in contact with the actual conditions of struggle, and those are the conditions of life for the Nation, whereas the man who has achieved, who is at the head of a great body of capital, has passed the period of struggle. He may sympathize with the struggling men, but he is not one of them, and only those who struggle can comprehend what the struggle is. I would rather take the interpretation of our national life from the general body of the people than from those who have made conspicuous successes of their lives.

The man who is in the water knows the strength of the current, not the man who has won his way to the bank. The man who knows that he must use his utmost wit from morning till night to support and feed those whom he loves knows how hard it is to live; he knows what it is that cheats him; he knows what it is that harasses him and balks him; the other men do not know. Therefore, I will seek counsel of those who are in the struggle and not of those who have won their way out of it. [Applause.]

This is the night, gentlemen, upon which we assemble to renew our vows and to utter our creed, and I want to ask you what your creed is, as Democrats? I am not interested in abstract phrases; I am not interested in a creed which can not be put in the language of the man of the street; I am not interested in principles which can not be translated into a program. Nobody is debating any longer the general ideas of freedom. We think we know what they are. But it is a very different and a very much more difficult matter when you debate the methods of freedom. I subscribe, and every other American I ever met subscribes, to the Declaration of Independence; but the Declaration of Independence did not mention the problems of the year 1911, and I do not find the problems of the year 1911 solved in the Declaration of Independence. [Applause.] There is only one way in which we can be of the stature of the men who uttered that great declaration. Did you never notice that we only quote the introductory portions of that great document? The rest of it is a recital of actual facts, of grievances, of things that constitute an intolerable condition of affairs, and is a challenge to the civilized world to bear witness that we do not mean to endure those things any longer. It is a bill of specifications. Very well, then. If we are to be of the stature of the men of that generation we must not stop with the preamble; we must draw up our bill of specifications, and in proportion as we show that we know what is the matter and know how to cure the ills of our day, so shall we be true sons of those great sires.

We say that we are Jeffersonians and Jacksonians, and we say that Jefferson and Jackson were the enemies of privilege and the friends of the common people. Well, what is the guise of privilege in our day? It does not wear any of the guises that were worn in the days of the Declaration of Independence. This is a day utterly unlike that; this is a day when we must put in plainest speech what it is that we fight; and when we come down to the statement of what it is that we fight it is very difficult, indeed, to discriminate between some of the things that have been done by Democrats and some of the things that have been done by Republicans.

What I am particularly interested in fighting, where my fight is, is the machinery that is nonpartisan, the machinery that is bipartisan. The men I have been fighting in New Jersey are no more Democrats than the men who fight shoulder to shoulder with them, against me, are Republicans. They are nothing except men banded together to have their own selfish purposes prevail regardless of the public interests.

You remember what a certain politician in New York once said, "There ain't no politics in politics"; by which he meant "there ain't no practical distinction as between the men who are seeking the offices for the sake of the office." The most sinister thing that we have had to fight is the agreements between the machines of the two parties to divide the offices and to see to it that the men who banded together for a common purpose are not discriminated by party labels. Now, how has it proved possible for these men to make these combinations against the public interests? Our thought does not travel as fast as the facts. Some of us talk about the political machine as if it were the machine of 20 years ago. It is not the machine of 20 years ago. The machine of that day was merely a combination of persons who did the nominating and controlled the tickets. That is not the machine of to-day. The machine of to-day is a body of men of both parties, subsidized by certain great interests, to see to it that nothing is done in the legislatures or adjudicated in the courts that is contrary to their interests.

Why do we want the direct primary? Why are we so keen to open this whole process of nominations, so that the people can get at it? Because the old style of nominations and election was an impenetrable jungle, in which this particular beast roamed, for which we have got out our gun.

Every measure that we are seeking to put in force in New Jersey and everywhere else is an ax to be laid to the root of every pestiferous thing that clogs that jungle. [Applause.] Here is a marvel that was referred to by our distinguished toastmaster—a primary elections bill that goes the whole hog, that is as advanced as a body of law as any legislation that has been attempted anywhere in America, adopted by the unanimous vote of a Republican senate under the impulse of a Democratic victory. [Applause.] Not because I was making life miserable for those gentlemen—I was trying to, but that was not the reason. The reason was that the voice of the people of New Jersey was absolutely clear, dominating the whole life of the State like a ringing note that no man could fail to heed or could dream for a moment of resisting.

I presume you have thought of New Jersey as the home of trusts, because the people of New Jersey were in love with trusts. The people of New Jersey hate their own kind of trusts just as much as you do, and the people of New Jersey have never been asleep; they have merely been discouraged. They have simply waited to have a chance, and the minute they got a chance they got up on their hind legs and were as active as anybody in the Union. These are the things that are happening to cheer us; these are the breaths of hope which blow through the country like a great trade wind, and every man is obliged to trim his sails to it.

When we think of privilege we must realize that we must translate it into terms of fact. Now, the terms of fact are these: That the machine is the instrumentality of privilege, not the organization. There is a distinction between the organization of a party and the machine that runs the organization of the party. But the machine is their instrument, and they have got more hiding places than you can find out in a generation, and some of their principal hiding places are the committee rooms of our legislatures. Our legislative measures are not devised and are not debated upon the floor, for the most part, particularly those that the machine is interested in. They are debated behind closed doors, and where all the mischief is done is where nobody can listen and nobody can see.

Do you know that there has been a singular change in the attitude of the people recently toward their executives? It is not hard to find the explanation of that. I remember meeting a Senator from New Jersey one day, a good while ago, while Mr. Roosevelt was President. We were in a railway car, and the Senator was evidently in a very bad humor. I said, "Senator, what is the matter?"

"Oh," he said, "I wish the Constitution had not given the President the right to send messages to Congress."

"Why," I said, "Senator, I think you are barking up the wrong tree. That is not what is the matter. The trouble is that he publishes the messages, and if the country happens to agree with him it doesn't stop to hear what you have to say. Now, you can not imagine a Constitution which doesn't give the President the right to tell the people what he thinks, and if he ever once gets them to thinking the same way he does the case is closed, and you are not afforded a hearing, and the reason the people are looking to the President of the United States is that he must do his debating in public, that he is the only national representative, that his is the only voice that has been bidden to give itself utterance by the whole body of free Americans, and therefore by the analogy of the President the people are turning to their governors and saying, 'We don't know what is going on in these committee rooms; we don't understand the things that are put upon us as laws, because they are not debating, and we don't see anything in the newspapers that explains this; we want somebody to undertake to deal with this matter, who will speak to us and for us and bring these things out in the public forum.'"

The wonderful thing is that the minute you invite men who are intending to do things that are contrary to the public interest, to come out and present them upon the public platform, they change their tune, they change their mind, they change their measures.

We are fighting privilege in another form also, gentlemen. The eloquent gentleman from New Mexico said that we were not fighting property. We are not fighting property, but we are fighting wrong conceptions of property. There are some things that men pretend to own which they can not, in any proper sense, be said to own. Did you never reflect upon the character of a modern joint-stock company, such as our great corporations and trusts are? The partners, I suppose, are the stockholders, though you would not think it from some of the court decisions; and these stockholders are never any fixed body of men, because the stock is sold from day to day and the partners are changing, and the investment in these stocks constitutes the means of livelihood of thousands of persons who never have any real voice in the votes of the boards of directors. It is as if the whole country said, "Here are our earnings, here a little pile, there a little pile, there a little pile. We will scrape them all together and we will make a great body of capital, and we will let 10 or a dozen gentlemen sit around a board and say what is going to be done with this capital." And these gentlemen, sitting arouud that little board, talk about the franchise and the capital of the corporation as if it were their private property. It is nothing of the kind. Those men are simply

licensed and privileged by the community to act as trustees and representatives of the community in the combinations of the power of wealth. So far from being the owners of the property, they are trustees of other people's goods and they are responsible to those other people.

I wish you would reflect upon this definition of business in our day. It seems to me that business upon the great scale upon which it is now conducted is the service of the community and the representation of the community for private profit, and the profit is legitimate only in proportion as the service is genuine. I utterly deny the genuineness of any profit, and the profit is legitimate only in proportion as the service is genuine. I utterly deny the genuineness of any profit which is gathered together without regard to the serviceability of the thing done. These men are trustees of the wealth of thousands of persons, and only as trustees can they justify their private accumulations of wealth. Let them act in the spirit of trustees; let them render genuine service to the communities in which they live, and no man will begrudge them one penny of their wealth. [Applause.] We are ready to stand sponsors for every man who will serve the country in his business, and we are ready to fight any man who does not serve the country in his business. Men have got to learn that in a certain sense, when they manage great corporations, they have assumed public office and are responsible to the communities for the things they do. That is the form of privilege that we are fighting.

Now, there is another matter. You know that recently a workingman's compensation act has gone by the board in one of our great States because it seemed to the supreme court of that State to be compulsory in its operation. Why, in their judgment, was it unconstitutional if it was compulsory? Because being compulsory, it seemed to violate the principle of free contract. The principle of free contract being guaranteed by most of our State constitutions, it is held by most of our courts that the legislature can not impair it or take it away and can not say to the employer and to the employee: "You must enter into a contract of employment under such and such conditions." Now, I want to suggest to the lawyers present that they ask themselves this question: Is this an interference with real freedom of contract? That goes back to the question: Has the workingman of this country real freedom in making his contract? Here is a great industrial community; here are half a dozen factories, or, rather, half a dozen combinations of factories in one community. These men must take the labor offered them by those factories or let it alone. They must work upon the terms offered them or starve. Is that freedom of contract? Do you mean to say that you believe, in the face of the existing conditions, that the workmen of the year 1911 are in the condition of the workmen of the year 1850, when the individual workman went about and dealt with individual employers, and there was really freedom and circulation of freedom of contract? Those conditions have gone by, and we must see to it that men working in masses under conditions that are not really conditions of free contract, are safeguarded in their lives and rights by our legislatures. [Applause.]

That is the reason that the program of our party is so definite. I pause because I think I was wrong in saying "the program of our party." Gentlemen, we must be broad in the politics of this year and of the years that are coming. Democrats are not peculiar in seeing this vision of existing affairs, and of the reforms which must be set up. The real difference in this country is between the men who see and the men who do not see; the real difference is between the progressives and the men who want to stand still. There are standpatters among Democrats as well as among Republicans. There are more standpat Republicans than standpat Democrats, because more Republicans have gotten into the habit of standing pat, and it is largely a matter of personal disposition and of the ability to see the existing conditions. We must see to it that there is no niggardliness in the way in which we speak of one another. We must see to it that there are no artificial distinctions. We must see to it that we welcome, and welcome with an open heart, all men of all kinds and all labels who want to work for the progress of justice and the liberation of the people in this country. When I talk with progressive Republicans and have them lay down their creed for me I can not see where their creed differs from mine. I can only say to them, "I wonder that you retain your label." [Laughter and applause.] I can only say to them, "We are allied together by spiritual connections which we ought not to be so stupid as to deny in the alliances which we form." Let us say, then, therefore, gentlemen, "that progressives in this country have a definite program," for the program is the same all along the line. The program consists in these items if I am not mistaken:

First, to give the people free access to their political machinery; to give them the absolutely free selection of the persons who are to represent them, and free control of those persons after they have been chosen to represent them. [Applause.]

Then, in the second place, we are going to do everything that is necessary to put society once more in control of its own economic life. We are going to see to it that the economic life of the country is not controlled by small bodies of men, who, however honest they may be, are nevertheless blind to the real interests of men and to the real movements and currents of human nature and of society. I know a great many men whose names stand as synonyms of the unjust power of wealth and of corporate privilege in this country, and I want to say to you that if I understand the character of these men, many of them—most of them—are just as honest and just as patriotic as I claim to be. But I do notice this difference between myself and them: I have not happened to be immersed in the kind of business in which they have been immersed; I have not been saturated by the prepossessions which come upon men situated as they are, and I claim to see some things that they do not yet see; that is the difference. It is not a difference of interest; it is not a difference of capacity; it is not a difference of patriotism. It is a difference of perception.

A witty Englishman said that if you tied a man's head to a ledger and take something off his wages every time he stops adding up the figures, you can not expect him to have an intelligent idea of the antipodes. Now, these men have so buried their minds in these great undertakings that you can not expect them to have reasonable and rational views about the antipodes. They are just as much chained to a task as if the task were little instead of big. Their view is just as much limited as if their business were small instead of colossal. But they are awakening. They are not all of them asleep, and when they do wake they are going to lend us the assistance of truly statesmanlike minds. We must not be intolerant in this great country. We must see that we are dealing really with the hearts of men and with their intelligences, but we must say to those gentlemen and to ourselves, "Our program, from which we can not be turned aside, is that we are going to take possession of the control of our own economic life." [Applause.]

The third thing is that we are going to conserve, quicken, and stimulate our national life, not merely by what we call conservation, which means the conservation of water and of growing trees, and the renewal of the natural resources of the country. That is not all. We have got to conserve the lives of the country. We have got to see that men's lives are safeguarded, that women are guarded against the work which kills and deteriorates, that the children are kept out of the factories at a tender age, when they can not bear the burdens, and that they are kept out of the saloons and out of the vicious shows that demoralize their minds. We have got to see that the morals and the wholesome blood of the country are conserved and safeguarded. That is part of our program—that great physical and moral sanitation, which is the hope of the country.

And then we have got to see to it that we do not falter or hesitate in the great task of seeing to it that our fiscal policy is one of equality and justice, and not a policy of favoritism. That is the trouble with the tariff, gentlemen. The tariff is not marred by being protective; it is marred by being a perfect nest of patronage. There was not a Member of either House of the National Congress, outside of the Ways and Means Committee of the House and the Finance Committee of the Senate, who understood the Payne-Aldrich tariff bill. Ever since that bill was passed magazine writers and editorial writers, Members of Congress themselves, have been finding the jokers that lurked in it. They have been finding the little changes of clauses, the little changes of phraseology, the little changes of figures that meant colossal fortunes for men who, under the ambush of the political machine, smuggled those things into the law of the land. You have got to see that whichever policy is pursued it is pursued honestly and in the interest of the whole country, and then you have got to see that the burdens of taxation are made more equal than they are. In short, gentlemen, the program of the Democratic Party is a program of opportunity. We want to open the gates of mankind. They have been standing against closed doors looking with longing eyes through the little chinks that showed them the land of promise and justice and equality. Those doors have been barred against them; they should not pass through. I wish that every man in the country might realize that this program is his only conceivable program, because any other program ties us like slaves to the conditions of the past, whereas this program of progress and of change is the program of opportunity, the program of adjustment, the program of progress.

Did you ever conceive what liberty means, gentlemen? Liberty is not an abstract thing. Liberty is not the absence of restraint. What do you mean when you say a great powerful engine, propelled by steam, runs free? What do you mean by

the freedom of that machinery? You mean its perfect adjustment; the parts are so assembled and united that friction is reduced to a minimum. Let it serve as a picture of what you mean by political liberty. It means the interests and powers and passions of men are so adjusted to each other that the friction is minimized.

Now, your whole process of reform, your whole process of legislation is a process of adjustment, a process of accommodation, a process of bringing things together in handsome cooperation, instead of in ugly antagonism. That is your vision of the thing that is to be done, not destroying any part of the great body politic, or the body social, but uniting these living and sensitive things into one organism, through which will flow unobstructed the life blood of a free people. That is the vision that we have to offer ourselves.

And so it seems to me that that is the hope we are offering the country. Why is the Democratic Party the party of hope, rather than the Republican Party, with its progressive elements? Because it fortunately happens that during these years, when the great alliance between vested wealth and political power has been cemented, the Democrats have been out of power and the party in power has entered into the alliance. [Applause.] I will not venture to conjecture what the Democrats would have done. I will only say that they have not done it, and that the Democratic Party is the party of hope, because it is the free and disentangled party. [Applause.] We have not made any embarrassing promises; we have not made any entangling alliances; we are ready to go in any direction that we want to go, and we want to go in the direction of the light. We have seen the light and we have seen the growing dawn of a new day; our faces are alight with the reflection from that kindling sky. We know that there are steep and rugged paths ahead of us, but we have the blood, the full blood, and the hope of youth in us; we have the confidence that the people believe in us and are going to support us, and we shall struggle up those heights to the levels and until tableland after tableland has lifted up above the noisome plain, and we have carried man another stage forward in that great progress of humanity in whose cause America was set up.

Immigration of Aliens.

EXTENSION OF REMARKS

OF

HON. BENJAMIN K. FOCHT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. FOCHT said:

Mr. SPEAKER: I asked leave to extend my remarks in order to expose the opposition of the party in control of this House to even considering needed immigration legislation. This bill, H. R. 21489, has been before this House for action ever since the 16th day of March—for over five months. So have other bills, such as H. R. 22527, which was reported to it for consideration April 16, over four months ago, and H. R. 19544, reported to it April 23.

The gentleman from Alabama [Mr. BURNETT], chairman of the House Committee on Immigration, has just asked that this particular bill be passed over, unconsidered, without prejudice, and assures us that it will yet be considered. Before considering this assurance I want first to point out that this particular bill and each and every one of these immigration bills reported by the gentleman's committee are parts, practically word for word, of the 58-page bill, S. 3175, which passed the Senate April 19, after being carefully considered and amended by that Republican body during a period of three months that the bill was before that body and debated and perfected by that body.

Senate bill 3175 is identical with a bill which I introduced and had referred to the gentleman's committee January 19.

An act (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Be it enacted, etc., That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States. That the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term "seaman" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

SEC. 2. That there shall be levied, collected, and paid a tax of $5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Bahamas, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States, and who later shall go in transit from one part of the United States to another through foreign contiguous territory, nor on account of aliens visiting the United States as tourists or temporarily for business or pleasure, but, to insure against evasion of said tax under these exceptions, the Commissioner General of Immigration may require the deposit of such tax to be refunded only upon proof of departure of the aliens affected: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 24 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens, seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which is likely to impair the ability of such alien to earn a living; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or who disbelieve in or are opposed to organized government, or all forms of law, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform manual labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for manual laborers, printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily show that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe.

That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission therto, to wit:

All aliens over 16 years of age and physically capable of reading and writing who can not read and write the English language or some other language: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read and write or not.

That for the purpose of testing the ability of the alien to read and write or not, the inspection officer shall be furnished with copies of the

Constitution of the United States, printed on uniform pasteboard slips, each containing no less than 20 nor more than 25 words of said Constitution printed in the various languages or dialects of immigrants in double small pica type. Each alien may designate the language or dialect in which he prefers the test shall be made, and shall be required to read and write the words printed on a slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

That the following classes of persons shall be exempt from the operation of this act, to wit: (a) All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; (b) all aliens in transit through the United States; (c) all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Chinese persons or persons of Chinese descent, whether subjects of China or subjects or citizens of any other country foreign to the United States; persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The two provisions next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes, shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 20 of this act: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That no alien shall be denied admission to the United States solely because of inability to speak or write the English language: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than 10 years and pay a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and shall be imprisoned for not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person or persons or officers of an offending company or corporation violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known the inducements they offer for immigration thereto, respectively, and they may pay out of the ordinary State or Territorial funds, regularly appropriated for that purpose, the transportation of such alien settlers, provided always that such authority shall not be used as a means of evading the provisions of this and the preceding section.

SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States or promoting emigration thereto, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a violation by an owner, master, officer, or agent of a vessel, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien subject to any of the following disabilities: Idiots, insane persons, imbeciles, epileptics, or persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which is likely to impair his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any Chinese person or person of Chinese descent, or any alien who is unable to read and write, or who is not eligible to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those railway lines which may enter into a contract as provided in section 24 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration

officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than $100 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

SEC. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On voyages to United States ports such inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health and Marine-Hospital Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to make all necessary orders and directions, which orders shall be enforced and carried out by the master or commanding officer of any vessel to whom they are given, in relation to any provisions of the laws regulating the immigration of aliens into the United States and the violation of such provisions of the "passenger act" of August 2, 1882, as relate to the care and treatment of immigrant passengers at sea. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and should contagious or infectious diseases prevail at any port where passengers are received he shall take all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service, and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the neglect or refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel as provided in this section, and also the neglect or refusal of the master or commanding officer of any such vessel to obey any lawful directions of any such surgeon, and no vessels shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 12. That upon the arrival of any alien by water at any point within the United States, on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation, personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read or write; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; amount of money possessed by alien; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possession to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; intended future permanent residence; amount of money possessed, and time and port of last arrival in the United States, or insular possessions thereof, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 15 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; amount of money possessed; and time and port of last arrival in the United States.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so fas as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, etc., is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall apear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safe-keeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 19 hereof.

SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health and Marine Hospital Service, who have had especial training in the diagnosis of insanity and mental defect, shall be detailed for duty or employed at all large ports of entry, and such medical officers shall

be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the exclusive services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Said inspectors shall also have power to require the attendance and testimony of witnesses and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by such inspector, or refusal to testify before such inspector, issue an order requiring such person to appear before said inspector, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof be imprisoned not less than six months nor more than two years, or fined not less than two hundred nor more than two thousand dollars; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. On such examination by the board of special inquiry, the alien shall have the right to be represented by counsel or other advisor. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

SEC. 17. That such boards of special inquiry shall be appointed by the Secretary of Commerce and Labor. Each board shall consist of three persons, whose ability and training fit them for the judicial functions performed. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

SEC. 18. That all aliens admitted to the United States shall, on entry, be provided with a certificate of admission and identity containing so much of the following information as the Secretary of Commerce and Labor may deem necessary in each case: Port of arrival, date of arrival, steamship, manifest number, name, sex, age, whether married or single, calling or occupation, nationality, country of birth, last permanent residence, country of which a citizen or subject, race, complete personal description (including height, complexion, color of hair and eyes): *Provided*, That in case of families there may be issued to the head one such certificate which shall contain the name, age, nationality, country of birth, and race of the wife, and the sex, age, nationality, and country of birth of each child under 16 years of age. Such certificate shall be in duplicate, one copy to be retained by the Bureau of Immigration and Naturalization. Such certificate when held by the person to whom it was issued shall be evidence that such person was regularly admitted to the United States by the immigration authorities, but the possession of such certificate shall not exempt such alien from the deportation provisions of this act, nor from the provisions of this act should the alien again seek admission to the United States; but any alien leaving the United States with the intention of returning may at the time of departure deposit with the immigration official in charge of the port through which he departs his certificate of admission and identity, obtaining in lieu thereof a return certificate of a character and form to be prescribed by the Commissioner General. Upon seeking readmission to the United States at the same port and satisfactorily identifying himself as the person to whom the certificate so deposits relates, said alien, if admissible under the provisions of this act, shall be admitted. Upon the admission of such alien the deposited certificate shall be returned to him and the return certificate issued in lieu thereof shall be returned to the immigration official in charge at the port: *Provided further*, That any person who shall substitute any name for the name written in any certificate herein required, or shall in any manner alter any such certificate, or forge any such certificate, or falsely personate any person named in any such certificate, or issue or utter any forged or fraudulent certificate, or present to an immigrant inspector or other Government official any forged or fraudulent certificate, and any person other than the one to whom there has been duly issued any certificate prescribed by this act who shall present to an immigrant inspector or other Government official any such certificate shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding $1,000 or be imprisoned for a term of not less than one nor more than five years.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them to the foreign port from which they come; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or to knowingly bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United Statese, unless it is shown that the disease did not develop until after embarkation on the ship or other conveyance from which the alien is seeking to land, and in the opinion of the Secretary of Commerce and Labor such treatment is imperatively required as a measure of humanity, in which event authority therefor may be granted, the expense, however, not to be borne by the Government: *Provided further*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immedate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 20. That any alien who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing, except as hereinafter provided; any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution

or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien who shall take advantage of his residence in the United States to conspire with others for the violent overthrow of a foreign Government recognized by the United States; any alien who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

SEC. 21. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 19 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 22. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

SEC. 23. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

SEC. 24. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also Public Health and Marine-Hospital surgeons, employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 31 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

SEC. 25. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

SEC. 26. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 27. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

SEC. 28. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 29. That any person who knowingly aids or assists any anarchist, as described in section 3 of this act, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be fined not more than $5,000, or imprisoned for not more than five years, or both.

SEC. 30. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 31. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources

useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 32. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 33. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 34. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

SEC. 35. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and returned to such vessel or to a vessel belonging to the same owners, for removal from the United States, or, at the option of the Secretary of Commerce and Labor, such alien seaman may be delivered into the custody of a consular representative of the country to which such vessel belongs upon assurances that such seaman will be removed from the United States.

SEC. 36. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health and Marine-Hospital Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

SEC. 37. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master to so deliver either of the said lists of such aliens arriving and departing, respectively, or to so report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

SEC. 38. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association as well as that of the person acting for or in behalf of such corporation, company, or association.

SEC. 39. That this act shall take effect and be enforced from and after July 1, 1912. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; all laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens, and except as provided in section 3 of this act; and all other acts hereby repealed on and after the taking effect of this act: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of ths act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act hereby continued in force and effect.

As will appear from a comparison of the bill (House bill 21489) now before the House, with sections 32, 33, 34, 35, 36, and 37, together with parts of other sections of Senate bill 3175, this bill contains word for word the very provisions contained in the Senate or Immigration Commission bill that has already passed the Senate. Not only is this bill identically the same as the last part of the Senate bill but these other bills, House bills 22527 and 19544, have substantially the same wording as section 3 and all of section 9 of Senate bill 3175. If the leaders of this House and the gentleman in charge of its immigration affairs [Mr. BURNETT] are in earnest about these bills and this legislation, why not consider and pass the Senate bill, amending it and striking out or adding any provision that they think ought to be changed? If these separate little bills—mere small parts of it—should be passed it will force the Senate to consider them one by one, when it has already acted, something that is impossible this late in the session and that could be avoided by passing Senate bill 3175.

Two years ago, on the eve of the congressional compaigns, certain Democrats of this House took the Republican majority severely to task for failing to pass immigration legislation. The gentleman from Alabama [Mr. BURNETT] was particularly caustic in excoriating this side of the House, then in control. He, among others, read us a long lecture in which he satirized our "love for" and "fidelity to" the producing classes, taking great pains to specify the workingmen and farmers that were demanding "protection against the invasion of foreign elements that were breaking down and keeping down the wages of the American workingman."

With much gusto and amid much applause and full approval on that side of the House, the gentleman from Alabama called attention to resolutions of State Republican legislatures declaring for restrictive legislation as "a necessary supplement to the protective tariff," and in deep, stentorian tones, and cheered on by his Democratic colleagues, he asked, and asking, paused for a reply, "Where, oh, where is the Republican from these States that has raised his voice on this floor to bring about the 'protection' demanded?" Answers there were a plenty. I recall the full and complete reply of a gentleman from Ohio [Mr. JOHNSON] not only that the illiteracy test and other needed legislation would have long since been upon the statute books if it had not been for Democratic interference, but also that the Republican Congress of 1907 had created a congressional Immigration Commission upon which it had put the gentleman from Alabama and other Democrats in order that they might make a complete and thorough investigation into immigration conditions at home and abroad with a view to convincing obstreperous and unpatriotic Democrats in this House that this legislation was needed.

But the gentleman brushed aside, as dilatory, the legitimate answer that the congressional commission had not finished its investigation, and proceeded to introduce one piece of evidence after another to show that the legislation should be passed then and there without delay, deception, explanation, or promise of any kind whatsoever. And in his concluding peroration the gentleman [Mr. BURNETT] who now, as chairman of the House Committee on Immigration, is the majority's intrusted leader in immigration matters, stooped to call and characterize us as hypocrites and to charge and brand us with "hypocrisy," only

to straighten up and rise to the sublime and successful heights of the prophecy that as sure as there was a God in the Heavens, so surely would the "Ides of November seal" our doom.

And the Ides did. The majority that he charged with hypocrisy and characterized as playing politics became the minority, and he as the ranking member of the House Committee on Immigration, after a hot fight and several fearful skirmishes, became the committee's chairman, the Hon. A. J. SABATH coming in a close second and being jumped over the heads of other ranking members to be made vice chairman and presumably a conferee in the event of legislation. A sudden turn of the political wheel of fate, and the gentleman from Alabama [Mr. BURNETT], the fearless, courageous champion of "protecting" the American workingman, American institutions, and American ideals against certain now well-established immigration evils, came into full and complete charge of the immigration matters of this House. And with his coming in control came the completion of the searching investigation of the congressional commission, of which the gentleman was a member. A report of 42 volumes of 500 pages each was presented to Congress. The nine distinguished members, including the gentleman himself, found that our existing immigration laws were not only "weak," "ineffectual," and "inadequate," but also absolutely ridiculous when compared with those of Canada, Australia, South Africa, and other new countries. In their voluminous report of 20,000 pages, that cost Uncle Sam over $1,000,000, we are informed that "many undeniably undersirable persons are admitted every year," that "there is an apparently growing criminal class in the country due to foreign immigration," and that "substantial restriction is demanded by economic, social, and moral considerations."

Let us see who are the hypocrites. Let us see what has been done by the Republican Party in the premises since this conclusive finding of fact and unanimous report of an official commission has been made. Let us leave the skeletons in the closet and talk about the living present. I have here a letter from the secretary of a great and patriotic society in my State, which I want to submit as an accurate characterization of the precise legislative situation. It is dated Philadelphia, August 5, 1912, and was apparently sent to each and every Member of this House. It reads as follows:

OFFICE OF THE STATE COUNCIL OF PENNSYLVANIA,
ORDER OF INDEPENDENT AMERICANS (INC.),
Philadelphia, Pa., August 5, 1912.

Hon. B. K. FOCHT, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: From reports at hand it is apparent that the Dillingham bill for the restriction of immigration is to be sidetracked till next December, which is after the presidential November election.

The two old parties have held their conventions and nominated their candidates.

The Republican platform contains a plank for the restriction of immigration. The Democratic platform is silent.

The Republican Senate has passed the Dillingham bill. The Democratic House of Representatives has not considered it, although thousands upon thousands of American patriotic citizens have requested that it be considered.

The natural inference is that it is done as a political exigency.

A prominent Congressman has said that in view of election the restriction of immigration is "political dynamite."

Others, that the nonconsideration is "vote catching," "playing the same old game of politics," "juggling the cards for an advantage in the November election," "sandbagging," "strangling," and many other similar expressions.

Let us quote from Mayor Gaynor, of New York:

"You have the hardest police situation in the world to deal with. We have in this city the largest foreign population of any city, and a large number of them are degenerates and criminals. The gambling of the city is almost all in their hands, not to mention other vices and crimes. The published names of everyone connected nearly or remotely with Rosenthal and his murder show them to be of the same class of lawless foreigners to which he belongs."

Illiteracy is the germ of vice and the sponsor for the traffic in the purity of souls for immoral purposes.

December next? Why, Congress does not meet till December 4. Then comes the Christmas holidays—the rush and hurry of the closing hours of Congress and the inauguration March 4, 1913.

Just 13 weeks and the Sixty-second Congress is dead.

How much consideration do you suppose the Dillingham bill will receive in 13 weeks—deducting Christmas holidays and time consumed in approaching dissolution—March 4, 1913?

"Abandon hope all ye who enter here."

Postponement till December is another name for the assassination of the restriction of immigration.

The Dillingham bill is the result of facts like the above and others equally alarming brought out by the report on immigration.

After being brought face to face with these conditions whatever latent and slumbering American patriotism there is should be aroused to the manifest necessity of a restriction of such immigration as has been proven beyond any question of doubt undesirable and positively injurious to America, Americans, and American institutions.

Is it possible that the representatives of the people are beyond any patriotic impulse, except so far as political necessities require?

I can not believe that our fair land has no claim upon you that would deter you from rising and insisting, even at this late day, upon the passage of this bill as a matter of protection of every interest that may be termed American. Does this appeal to you as a call to duty?

Yours, respectfully,

[SEAL.] W. A. PIKE, *State Council Secretary.*

The letter states the indisputable facts. The official investigating body created by Congress and composed of Congressmen, that was conducting its inquiry two years ago, has made its report, and that report is now available. The Republican Senate of this Congress has acted. Its Committee on Immigration reported the 18th of last January an excellent bill, 58 pages long, that had been drawn by the experts of that commission and which contained practically every piece of legislation recommended by that commission. After three months' consideration, many days' debate, many amendments, and the most careful perfection of the bill possible on the part of the Senate it was passed by that body April 19, and has been before this House ever since without any action whatsoever, although many and repeated have been the efforts on the part of a few Democrats and many Republicans to have it merely considered.

Quite in contrast has been the attitude and activities of the House Committee on Immigration, over which the gentleman from Alabama [Mr. BURNETT] now presides, and as such is in charge of and has control of the immigration matters of this House, as the majority floor leader [Mr. UNDERWOOD] stated on the floor August 6 to Congressman RODDENBERY, according to page 11098 of the CONGRESSIONAL RECORD. To be sure, the gentleman's committee has been doing something. But doing what? Like the king that marched his army up the hill and then down again, the gentleman has held meeting after meeting to hear the foreign influences, the employers of cheap labor, the attorneys for the foreign steamships, and others, who were refused hearings by the Senate Committee on Immigration because the commission had just thoroughly investigated the whole subject and everybody had been given free, fair, and full opportunity to present their arguments. The Immigration Committee of the Republican Senate industriously considered the bill, while the gentleman's committee as industriously pigeonholed the very same Immigration Commission bill, which I myself introduced and had referred to the gentleman's committee seven months ago, as I have said, and where my measure still remains unconsidered and unreported to this day.

I am aware that the gentleman has had his committee report some bills—the little dinky ones I have mentioned, and which are sleeping as peacefully upon the House Calendar, and have been for months, as mine is in his committee room. It is true that he has brought in here, as I have said, several bills that are word for word small parts of the Immigration Commission bill that passed the Senate four months ago, and that bill his committee, after tabling, did finally report with the radical recommendation that all after the enacting clause be stricken out; but what I want to know is, who's a hypocrite now? Where is the gentleman's patriotism and courage and capacity to criticize his own party or to have his party consider a measure that was prepared by an official investigating congressional commission and that has not only been passed months ago by a Republican Senate, but which would also have to be signed by a Republican President?

I would not for a moment group all on the other side of this Chamber in the class of those afraid to rise above practical politics and consider this and other measures proposed and prepared after most thorough official investigation and passed by a courageous Republican Senate. I concede that there are a few brave and courageous men of conviction on the other side who are not afraid to face the consideration of a general parcel-post proposition, who are willing to try to do and dare, in spite of practical politics. I will admit that there are a few across the aisle, now and then, once in awhile, occasionally, one or two that believe in considering measures like immigration, workingmen's compensation, and other meritorious bills prepared by congressional commissions after thorough investigations and much expense, but that there is a majority who have that much courage, that much capacity, and that much statesmanship is absolutely and completely denied by the fact that it has not been done. And when that faithful and conscientious small minority of the majority rises up one by one and tries to point out the error of the majority's ways and means in refusing to allow such progressive measures as general parcel post, workingmen's compensation, and immigration to even be considered, after their party has declared for them, points out that the measures are being "sandbagged behind the doors of the Rules Committee" and "chloroformed in the secret conclaves of Democratic leaders" as a part of the "game of politics" and in an "effort to catch votes," as that brave Texan, MARTIN DIES, charged, or charges, as that modern Paul from Georgia, Mr. RODDENBERY, did recently, that his leaders are in what amounts to a suppression this session of the consideration of this wholesome legislation that is opposed by the large interests and influences, with a view to putting it in conference next session, while at the same time holding out promises and writing letters that give the millions and millions

of patriotic and liberty-loving Americans and workingmen of this country to understand that the bill—what bill and in what shape they do not definitely say—will be passed for them next session; and will they kindly vote the Democratic ticket in return therefor? Why do not we consider this bill now? Why not consider S. 3175, which embraces it and all the others?

This question is, will these plans work? Possibly the bunco game can still be used, but I doubt it. The time was, but not now, way back in the antedeluvian days when the Democrats were last in power for a little while and passed their promised revenue tariff act bearing the name of a Wilson, that was promptly characterized by a Democratic President as an "act" rather of "perfidy and dishonor," and that was accomplished by a string of soup houses and industrial and financial depressions from which it took several Republican Congresses to extricate the country. It may be that they can fool both sides of all these questions into voting their ticket, but to me such a scheme is an insult to the intelligence of the American people and will result in bringing back into complete control of the affairs of this House the only party that has shown itself capable of conducting the country's affairs efficiently, courageously, and straightforwardly. I say it may be that the constituent receiving a letter from his Democratic Congressman saying:

"As will appear from the inclosed letters from Chairman BURNETT, of the Immigration Committee, and Chairman HENRY, of the Rules Committee, you will see that I have been doing everything that any Congressman could do for the furtherance of this needed immigration legislation; that I am with you heart and hand, tooth and nail, and that the Democratic Party will put 'an immigration bill' through next session." I say, when he gets such a letter and reads the following letter which was written by the chairman of the Immigration Committee [Mr. BURNETT], and a copy of another, written by the chairman of the Rules Committee [Mr. HENRY], that he may say, "Well, I would rather have the bird in the bush than the bird in the hand, and will therefore vote the Democratic ticket, because after all it's more fun to be fooled than it is to be satisfied." Maybe, I say "Maybe." But what my constituents would do to me if I and my party tried to bunco them in any such way would be a good and plenty. Let me read the letter the chairman, Mr. BURNETT, writes to his Democratic colleague, and which his colleague in turn sends to a confiding constituency that is seeking results and not excuses or campaign promises.

Mr. BURNETT's letter is as follows:

Your esteemed favor of — instant has been received. Both the Burnett bill and the Dillingham bill, as substituted by the Burnett bill, were reported to the House some time ago, and I at once introduced a resolution asking for a rule to make each of these bills in order. The Rules Committee have not granted the rule, but I have a letter from the chairman, a copy of which I herewith inclose, assuring me that the rule will be reported in the early part of next December. You will understand the fact that without unanimous consent, or a rule, the bill can not be called up until my Committee on Immigration is reached on some Calendar Wednesday. As there are a number of committees ahead of mine I can not say whether it will be reached at this session or not. If it is, I will be sure to call the Dillingham bill up and put in on its passage. I realize how earnestly you have worked with me to try to secure the passage of the restrictive measures. You were one of the few who attended the recent caucus in which we tried to get action binding the Democratic Party to these measures. You will remember, also, that the enemies of the measure prevented a quorum from attending the caucus. The assurance of the Rules Committee makes it certain that we will get the bill up next December, and when we do I have no uneasiness about its passage. With best wishes, I am,

Your friend, truly, JOHN L. BURNETT.

Mr. HENRY's letter reads as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON RULES,
Washington, D. C., July 25, 1912.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR MR. BURNETT: Permit me to acknowledge receipt of your letter of July 16, and to say that the same has had most careful consideration. Your request that the Committee on Rules take favorable action so as to bring before the House the Dillingham bill has been thoroughly considered.

On behalf of the Committee on Rules I will say, as chairman, that early in December of the next session of this Congress the bill will be brought by rule before the House of Representatives in order that it may be duly considered. Just at this time the condition of business before the Committee on Rules and in the House of Representatives is such as to render it impracticable to report a rule and give the bill consideration during the present session.

Thanking you for your letter, I am,

Very truly, yours, R. L. HENRY,
Chairman Committee on Rules.

And a Democratic Congressman, inclosing copies of these two letters, writes his unsophisticated, unsuspecting constituent somewhat as follows, I presume:

Mr. SIMPLE SIMON,
Reubenville, Podunk.

DEAR FRIEND SIMPLE SIMON: I am just in receipt of the communication of your patriotic society urging that action be taken by the House on the Senate immigration bill, and I hasten to say, as you will see from the inclosed letters written by Chairman BURNETT, who has charge of immigration matters, and Chairman HENRY, who has charge of bringing in rules and resolutions for getting all matters, such as immigration, changing the date of inauguration, buying Monticello, and the like, up for consideration, that you will see that I am making every effort in response to the many requests from the agricultural, labor, and patriotic people in Buncombe County to have the bill considered. To-day I presented your resolution to the House of Representatives, and I will send you a marked copy of the CONGRESSIONAL RECORD showing such action on my part and the printing of your organization's name in the official publication of this House.

Thanking you for your communication, I am,

Faithfully, yours,

CONGRESSMAN FOOLEM GOOD,
Member of Congress.

The gist of these three letters is that this Democratic House is so busy and its Rules Committee so crowded with work that there is no time; the "condition of business" is such that it is impossible to give this important matter "consideration even." The Rules Committee has time only to meet and report resolutions for such important matters as setting aside the only two evenings the House has met this month for the discussion of the woefully divided report of the Stanley steel investigation that has nothing to be considered or voted upon. It has time only to bring in here all sorts of tomfool propositions that are immediately shot full of holes or even ruled out of order, such as occurred last Thursday, when the distinguished gentleman from Georgia [Mr. RODDENBERY] and others pointed out that the Rules Committee had the time to—

Bring in idle nonsense concerning the purchase of Monticello, but no time to bring in a rule for the consideration of the most important thing now pending before the American people.

And Mr. RODDENBERY, whose Democracy can not be impeached, in particular asserted—

I agree with the gentleman that these measures—

Such as immigration legislation—

demanded by our platforms and by the people are much more important than a special rule to consider forcing the owner against his will to sell "Montichello," that we used to call Monticello.

That is the kind of crowded "condition of business before the House" that makes the consideration of this most important matter "impractical." For weeks this House has been assembling at high noon and adjourning long before sundown. Only twice in the past two months, according to my recollection has it held an evening session, while the Senate at the other end of the building—the Republican Senate—has been starting in frequently at 10 a. m. and continuing industriously throughout the day and evening and often until 10, 11, or even 12 o'clock at night. In a few hours the Senate has expeditiously disposed of certain unscientific tariff bills that this House devoted days to passing for a third time and over the President's veto—crude, amateurish measures that were doomed to certain defeat the very first time they were brought into this House—and brought in, in my judgment, like immigration and compensation are suppressed, for the purpose of trying to catch votes and play politics. No time! Why, this House has all the time. Its floor leader said in June, and has said since, that the House was ready to adjourn any time the Senate got caught up, or words to that effect. Crowded "condition of business"! Why, the newspapers have told several times, Saturday afternoons, of a failure of a quorum here on account of a ball game or some such joy-journey junket as that of a few weeks ago to Seagirt to lay eyes upon the professor that rode into the Democratic national convention at Baltimore after only a year's experience in politics and snatched away the highest honor within the party's gift.

There may be a few who will take excuses and flimsy explanations when asking for results. It may be that there are some in the distinguished gentleman's district, Mr. POU, that will be pleased with the effort he made on August 10 to justify his party's stewardship of this House the past 16 months. But I want to remind such gentlemen, and particularly the gentleman from North Carolina [Mr. POU], who is now on the Rules Committee, that his committee and the Immigration Committee are absolutely responsible for the failure of this House to consider immigration legislation. I want to remind him, also, that two years ago he could scarcely find words sufficiently and politely severe with which to condemn and reflect upon the Republican majority for not considering this very legislation when he wrote, "I shall be very glad to aid in securing the enactment of this legislation—immigration restriction—but the outcome will depend almost entirely on the attitude of the Speaker and his Committee on Rules." Meanwhile, the Immigration Commission has finished its report. Its 42 volumes, containing strong recommendations urging this very legislation, are now before this body. The gentleman becomes a member of the majority and the Rules Committee. There is "the gentleman's own accusation," as the distinguished Democrat from Georgia said the other day on this floor, "staring him in the face." In his

speech he confesses and tries to avoid it by reciting a long list of insignificant things done by this House, particularly free-trade tariff bills doomed to defeat, makeshift, experimental, partial parcel post, and buncombe good-roads riders, and the like, certain to be rejected by the present Republican Senate, as they would have been by a Democratic Senate were there one, and devotes many paragraphs to a discussion of immigration evils brought out last winter before his Rules Committee, working his argument up to the very point where he ought to have logically concluded with a tirade against his own Rules Committee and the Democratic leaders of this House for not having allowed the consideration of the immigration bill sent over to this House by the Senate four months ago. And then he concludes by crying "tariff." I think I know why the gentleman made that very carefully prepared speech. Like all of us, the gentleman has been hearing from the folks at home. I have here a letter which the gentleman received, and in order to show that the gentleman's Committee on Rules and the Democratic leaders of this House are not even fooling the farmers, I want to read what the organized farmers of the gentleman's State have said to him and other North Carolina Congressmen through their State vice president, who wrote at the direction of the State board of officers of the farmers' union of that State:

CARY, N. C., *May 23, 1912.*

MY DEAR SIR: As you are aware, the Farmers' Union has asked some legislation at the hands of the Sixty-second Congress. In view of the fact that the union's strength is mainly in that section of the country dominated by the Democratic Party, which controls the lower House, they had a reasonable hope that the measures they were interested in would receive consideration somewhat commensurate with the loyal support given the party for the years past.

The union is striving to profit by the mistakes of former agricultural organizations, and here in North Carolina the leaders are bending all their energies to avoid political entanglements of every kind; but I wish in this to call your attention to some cold, hard facts they are up against. They have been hammering it into the membership that we need a general parcel post, as good or better than other civilized countries; a law prohibiting gambling in farm products; and some other minor but very reasonable legislation, and that they might expect it when the Democratic Party came into control.

To-day the leaders of the union and many of the rank and file know (yet it may be a matter of indifference to you that they have such knowledge) that the Democratic House, which owes it strength so largely to union votes, has, up to this time, really not treated them as well as the Republican House did two years ago. They know that on the test vote on the previous question, on May 2, instant (vide CONGRESSIONAL RECORD, p. 6001), that every man who voted aye on it is on record as against the consideration of a real parcel-post proposition; that if the nine North Carolina Congressmen present had voted nay a change of nine more votes would have won out. They know, too, that when over half the North Carolina delegation was especially, urgently requested to be present and assist the accredited representatives of the union to present their measures before the Agricultural Committee, not a Tarheel showed his face at the meeting. They know, too, that the Beall (cotton) and Rubey (grain) antigambling bills, just reported, if passed at all, will be acted upon so late in the session that they can not be gotten through the Senate, and that this is part of a political game that is being methodically "pulled off." This by no means exhausts the fund of knowledge the educational department of the union has been storing up in these latter days (the Sherwood dollar-a-day pension bill, the favors shown organized labor, the Jews, newspaper publishers, Union soldiers, and other classes, is common knowledge with us), yet it may give you an inkling of the burden your action, or inaction, is placing upon union officials when you ask that the order "be kept out of politics." We are far more anxious to keep it out of politics than you are, not by keeping it in ignorance or misleading it, but by giving it the plain truth, and this is to ask that you help us by giving us some legislation that will prove that you are its friends. I am giving it to you "hot from the bat," that you may know something of the situation from the viewpoint of members of the union. Then if, with "hope deferred and expectations disappointed," it should, despite our efforts to prevent it, follow the Alliance, "Thou canst not say I did it; never shake thy gory locks at me."

I am not suggesting what this Congress might do. Were I, it would be to rush through the Senate immigration bill, which is somewhat like the union wants, and put it up to Mr. Taft to sign (not ignore or sidetrack it, as it is rumored will be done); pass the Beall (cotton) antigambling bill, which is the Scott bill passed by the last Republican House; then with increased appropriations for agricultural objects, we might point to these as measures of the union that had been given a fair chance to become laws.

Concluding this epistle, for the length of which I ask your indulgence, permit me to say that in writing it I am conforming with the avowed policy of the order to lay its political matters frankly before the people's Representatives without regard to party, and teach the union the truth, regardless of whom it hits. I think you will agree with me that with knowledge so acquired men can not be easily "gulled"; how long they can be ignored and treated with impunity remains to be seen.

Thanking you for any aid given, or to be given, union measures, I am, with best wishes,

J. M. TEMPLETON,
Vice President North Carolina Farmers' Union.

I have here two equally significant and indicative newspaper articles. One of them purports to be the weekly epistle to the brethren of the national president of the Farmers' Union, which claims a membership of over 3,000,000 and has repeatedly had its legislative committee here. It is headed "Barrett reads the riot act to Congressmen." Among other things President Barrett says: "The biggest joke of the age in the mind of the average politician is the American farmer. It is only when thoroughly aroused to exercise his power that the politician begins to believe that he is in dead earnest. It is humiliating to come here—to Washington—and see how little is thought of the farmer and how he is talked about by some of these wise guys. Let me give you an example. A short while ago three Congressmen met in a room at the Capitol and began a discussion of the $75,000,000 pension appropriation. Another who dropped in seemed curious to know when the limit would be reached, and the answer was volunteered, 'When old Rube at the plow, who is not getting much, but is paying the tax bill, wakes up.'" "Economy is the slogan of this House," he writes. "In proof of this, when we mention some measure you want, they politely refer to that mollycoddle stunt they cut in reducing the number of girl stenographers in order to economize, but they do not mention the $75,000,000 pension increase, increasing the unwieldly House 40 members at an annual expense of about a million, and the like." And he concludes by saying that "this Congress," meaning the Democratic House, "is and has been playing politics. They do not want to agree. I do not believe they would settle the tariff if they could, for it is worth so much to them just before election. A whole lot of them would not know how to make a campaign if they could not raise a row about the tariff. I am a little afraid a few of our enthusiastic advocates are not very anxious to see our legislation pass, as they would be more or less out of campaign thunder."

The other newspaper article discloses the legislation that the farmers are interested in, and that immigration is at the top of the list of their five legislative demands. The article is the leading editorial in the August 1 issue of the Farmers' Union News, published at Union City, Ga., the national headquarters of the organization. It is entitled "Party platforms and progressive principles," and for the benefit of the party that thinks it has the farmers of the South fooled and solidly in its grip I want to read this able editorial:

PARTY PLATFORMS AND PROGRESSIVE PRINCIPLES.

Another campaign is on. The two leading parties have again hung out their promises, and a third or new party threatens to. As usual, the tariff leads the list of progressive measures, and apparently it is upon this new progressive issue that the two old parties would do battle and work out the relief of a long-suffering people.

Both old parties promise faithfully as of old to "revise" downward the "abominable tariff." Of course, all taxes are abominations, and as taxes are absolutely necessary to defray the expenses of Government, they always will be. Each pledges that it will reduce, with equal vehemence and lack of evasion, all duties that are oppressively high, and will utterly abolish all that are unnecessary; that it will turn to the service of the people as sources of revenue all duties now used to rob the people. And each, in the language of the Democratic platform, assures the large manufacturers, the trusts, and the middlemen that its "legislation will not injure or destroy legitimate industry."

Apparently, the two parties are equally vacuous. Each blends progressiveism and standpatism in a common fatuity. It is difficult to state which form of profession and avoidance to admire the more, the generalities are equally glittering and equally qualified by a saving clause through which most any tariff margin could be driven, and that has been driven in the past, for instance, several campaigns ago when a Democratic President said of a Democratic tariff act that it was an "act of perfidy and dishonor."

Both parties control every branch of the Government. If they are as progressive as they declare they are and really want to "reduce the tariff duties," why don't they do it, or is it that each desires the tariff for political buncombe and campaign thunder? Each party has declared in its platform for a general parcel post. Each has declared for more liberal treatment of agriculture. The Republican Party has just declared in favor of "enacting" "appropriate laws" that will relieve "the constantly growing evil of undesirable immigration inimical to the welfare and progress of the people of the United States," and with this declaration the Democratic Party does not take issue, having previously declared in favor of efficient restriction. The Senate has passed a good immigration bill right in line with what the Farmers' Union, the Federation of Labor, and 90 per cent of the people of the country want. The bill was drawn by an expensive investigating congressional immigration commission, that spent five years and over a million dollars "on the job." The bill would shut out many criminals, paupers, insane, and other undesirables, is 58 pages long, and has been before the House ever since the 20th of April, nearly three months, and yet has not even been considered or voted upon by that body. Why not? Why don't the two parties revise the tariff instead of their spellbinders gadding about the country on the tailends of Pullman palace cars, blood-and-thunder-fighting one another, only to go back and hobnob together next session? Each party has declared for a parcel post. Why don't this session of Congress pass something of the kind—90 per cent of the people want it—even if the express companies and certain other selfish interests don't want it? Why don't this House pass some of the antigambling bills that have been reported to it by its committees?

Congressman MARTIN DIES, a Democrat from Texas, recently rose on the floor of the House and had the courage and capacity to declare, among other things: "Of progressive declamation we have been well supplied. To-day we need progressive deeds. Leaders have fooled the people into thinking they are struggling desperately for progressive legislation. The same old game of politics. This progressive Congress is crying progress in a loud voice and preparing to smother progressive legislation behind closed doors." And Congressman DIES wound up with the telling exhortation that ought to be heeded: "An honest revision of the tariff; an economical (not pension-voting) administration; control and regulation of corporations, and a patriotic change of our immigration laws. It behooves us to return to the old-time religion of our Democratic fathers." And it would seem to be up to the Democratic House to make good its courage and capacity for being continued and further intrusted with power by at least considering and voting upon the antigambling bills, the Senate or immigration commission bill, a parcel-post bill, and other bills now on its calendar and

before it, or else be estopped as to its sincerity of purpose, courage of action, and devotion to progressive legislation that the whole country has been demanding and stands in such urgent need.

Mr. Speaker, that editorial indictment comes from the heart of the solid sunny South. The Georgia farmer-editor shows quite clearly, as does the North Carolina Farmers' Union official, that this present Democratic House is not fooling anybody. The editor seems to have been reading the CONGRESSIONAL RECORD, for he quotes at length what that brilliant Democrat from Texas recently said on the floor about the Democratic leaders being a "lot of vote-catching trimmers," and no doubt in some future issues of his paper will refer to what that modern Paul from Georgia [Mr. RODDENBERY] said the other day when he asked:

Where is the Member on the Democratic side from Mississippi, from Indiana, from Alabama, from Ohio, from Pennsylvania, from New York, and other States—where, gentlemen, will you find in the CONGRESSIONAL RECORD that you have fought your way through to an opportunity to demand this immigration legislation?

And that gentleman, who has the courage of his convictions, went on to ask and to exhort:

Shall we [Democrats] sit supine? Shall we allow a few powerful leaders, who carry us one way one month and turn and lead us another the next month, to absolutely dominate our independence? By the everlasting gods I will not, in all humility and respect. I will surrender the seat I hold here before in suppliance I will yield the judgment I have for the good of the country and my obligations to my immediate constituency in deference to the will or leadership or power or influence of any mortal man. He who will should have no place in the council of American legislators. Can we do nothing? Will we put it off until December to try to catch the foreign votes? Let Congressman A and Congressman B go back home and say to the foreigner, "Boys, you remember the Republican Senate passed the Dillingham bill over there and we had the Burnett bill on the calendar and we got together and we agreed to smash it." To perdition with such endeavors to gain political favor anywhere! No party should be intrusted with power in this Government which would obtain it by any fraud, deception, or subterfuge.

Never in the history of the American Congress has there been such a terrific indictment of the House leaders by divers members of the party in power as these conscientious Democrats have returned against their own leaders right here upon the floor of this House, and to date the verdict remains absolutely intact and unchallenged either by word or act. It is not the voice of one solitary Democrat crying out in the wilderness, but the carefully well-thought-out words of several, with premeditation and prayerful consideration aforethought.

It is not the unjustified partisan attacks that we listened to two years ago and such as was indulged in by the now chairman of the Immigration Committee. It is not the partisan insinuating innuendo of the gentleman from North Carolina. No; it is the conscientious, courageous conviction of indignant Democrats aroused and incensed to the expression point by the hypocrisy, demagogy, and deception of those blocking consideration of this and other important questions. The words are those of political souls in awful agony, seeking forgiveness for their party's sins and trying to seek its salvation.

But its sins are many and its salvation difficult. Some Members would convert this House into a playground and legislating into a game. Nine months have been devoted principally trying to make all sides and all factions think they were doing, or would do, just what each wanted done. One crude tariff bill after another has been passed. A few legislative palliatives for organized labor have been put through, but they have been so imperfect and so defective that the Republican Senate at the other end has had to rewrite from beginning to end almost every one of them, just as it had to remodel the abrogation resolution, the service-pension bill, the eight-hour law, and other measures in order to make them hold water, and if it had not been for Republican assistance there is no telling what this House might not have passed in the way of a resolution changing the date of inauguration and the like and what untold difficulties, leading even to civil war, might have followed, or unless intercepted by a Republican Senate that has been worked overtime correcting the follies, foibles, and foolishness of this Democratic House—a House that has been pretending economy, but which has in fact been one of the most extravagant in the history of the country. Starting out with the discharge of about a hundred faithful minor employees that ought to have been protected by civil-service principles against being supplanted by partisan on-hangers, this House has increased its own membership 40, at an annual cost of a million, and has gradually reestablished the positions abolished and put new and green material in them, much to our inconvenience and great expense and loss to the Government. And so the story goes—from a no-Navy, no-battleship party to a throwing open of our doors to not only the foreign pauper-made goods, but to the foreign pauper labor itself; from a party of promises to a party of standpatism and inaction, and from a party in power to a party clearly destined to defeat on the "ides of November."

Salaries of Public Officers.

SPEECH
OF
HON. H. ROBERT FOWLER,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,
Friday, May 3, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes—

Mr. FOWLER said:

Mr. CHAIRMAN: Here we are at it again, with a joker amendment to an appropriation bill, for the purpose of increasing our salaries. You say that it is not an attempt to increase our salaries, but that it is only intended to increase the salary of our private secretaries. I grant that on the face of the amendment it would seem that that is its purpose, yet behind it all lies the interest of the Representative who seeks to make his private secretary the go-between in order to conceal the real purpose of this amendment—the increase of our own salaries.

It will be remembered that the law makes an allowance of $1,200 a year to each Member of Congress for clerk hire in addition to his own salary. It is now proposed to increase this amount to $2,000, in violation of the law. While I think that the salary of the Members is large enough—aye, too large—and that the law allowing an additional $1,200 is bad legislation, yet while the law stands on the statute books I concede that Congress has the power to appropriate that amount annually for clerk hire, but I deny the right of Congress to go beyond the law and appropriate any sum in excess of this provision, I care not however small the amount may be. My attention is called to the fact that Congress appropriated $1,500 last year for this purpose, and that the Members are now drawing that amount out of the Treasury to pay their private secretaries. While that is true, yet I hold that the appropriation in excess of $1,200 can not be justified. We are pledged to a strict economy, and we should also be pledged to a strict adherence to the provisions of the law, so that none of our acts would have the appearance of reckless and high-handed legislation.

Mr. MADDEN. If this bill carries, does the gentleman propose to take that extra $500 and put it in his pocket?

Mr. FOWLER. It is $800 instead of $500.

Mr. MADDEN. Do you propose to put that extra $800 in your pocket?

Mr. FOWLER. I am not going to do anything to-day except to try to get you to vote against this salary-grab amendment. That is what I am going to do, and that is what every Member of this House ought to do—vote against it.

Mr. MADDEN. My colleague forgot to say that we are also allowed $125 each session for stationery and also an enormous amount for mileage.

Mr. FOWLER. Certainly I know that; and I am going to try to get unanimous consent to extend my remarks and get all that in the RECORD. [Laughter.]

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. FOWLER. I yield to the gentleman.

Mr. CANNON. The gentleman states now that the amount provided for clerk hire, as authorized by law, is $1,200?

Mr. FOWLER. Yes.

Mr. CANNON. The gentleman is correct. For several years the appropriation was $1,500. For this year has the gentleman taken his extra $300? [Laughter.]

Mr. FOWLER. That increased appropriation was made by a Republican Congress while you were Speaker of the House. [Laughter.]

Mr. LANGLEY. Is that the reason you accept it? [Laughter.]

Mr. FOWLER. Mr. Chairman, I regard my private secretary as being worth as much as any other man's private secretary.

Mr. LANGLEY. He is worth $2,000, I have no doubt.

Mr. FOWLER. And for that reason I have allowed him the full amount of the appropriation. [Applause.]

Mr. Chairman, I am told that the proposed increase is too small to make a fuss about; that the cost of living is so high in Washington that our poor clerks need the increase to live

decently. I am well aware of the high cost of living everywhere, but that is no reason why we should violate the law. Neither do I agree that it is a small thing. There are 393 Members of this House and 96 Members of the Senate. If we increase the salary of our clerks the Senate will make at least a like increase in the salary of their clerks. It will amount to more than $300,000 in the House alone for 1 year and for 10 years it will amount to more than $3,000,000. The question of the amount is not all that is involved. The question of the honor of this House is at stake.

The amount of the proposed increase, $800, is a much larger sum than our forefathers received as Members of Congress while fighting out the battle of self-government. They were contented with $6 a day during the session, which in many instances amounted to much less than $800. During the short session, which is about three months, their salaries did not amount to much more than $500 a year. They had no secretary, and had to pay for their own quarters while remaining in Washington, while we have both clerks and offices furnished at the expense of the people.

Mr. Chairman, after the work of constructive government had been finished by our forefathers a period of administrative government set in which lasted for many years, during which Congress was deeply interested and busily engaged in conquering and developing a new country and establishing a new civilization. But few changes were made in their salaries for more than half a century. But, Mr. Chairman, shortly after the close of the Mexican War, flushed with the acquisition of a vast stretch of new territory, many of our people, more especially the aristocratic class, grew weary over the old order of things, and by a systematic combination they were able to push above the political horizon of the times that awful visage of government known as government for the exploitation of the people. It was not until the 16th day of August, 1856, that the majority of the Members of Congress became thoroughly imbued with the new order of things and boldly placed on the statute books the first real salary-grab law, increasing the salary of the Members of both Houses to $3,000 and the salary of the Speaker to $6,000. It is true that on the 19th day of March, 1816, Congress passed a law, increasing the salary of the Members of both Houses from $6 a day during the session to $1,500 and the salary of the Speaker to $3,000 a year, but the people were so wrought up over this radical change that Congress was forced to repeal the law on the 6th day of February, 1817, within less than one year after its passage.

On the 22d day of January, 1818, Congress enacted a law fixing the salary of the Members of both Houses at $8 per day and that of the Speaker at $16 per day, which practically remained the law until the 16th day of August, 1856. The Civil War gave capital a splendid opportunity to organize into gigantic corporations, which was the real beginning of government for the exploitation of the people. Many scandals have grown out of their domination in national affairs. They have controlled the election of every President since the death of Lincoln and have steadily increased in wealth and power until to-day the directorate of one corporation, the United States Steel Trust—23 men—now control the business interests of other corporations with a capital stock of more than $30,000,000,000.

In keeping with the spirit of the new order of things, on the 28th day of July, 1866, Congress passed an act increasing their salaries to $5,000 and that of the Speaker to $8,000 a year. The Civil War had brought about high prices, and they had a good excuse to appeal to the people that it was only just and proper to give the lawmakers of the Nation a salary commensurate with the prices of the times. But within a few years the tide changed and a lower level of prices ruled, yet the Members of Congress sought to dignify their salary again by another increase, so, on the 3d of March, 1873, they passed a law increasing it to $7,500 and that of the Speaker of the House to $10,000 a year. This sudden unwarranted increase was resented by the people throughout the land, and at the next election many of the old and leading Members were defeated at the polls and forever relegated to political oblivion, and justly so, in my opinion. New blood was now injected into the veins of Congress by the election of new men from every quarter of the country, who repealed the odious salary-grab act within less than a year after its passage, to wit, on the 20th day of January, 1874, and fixed their salary at $5,000 and that of the Speaker at $8,000 a year.

The resentment of the people was so pronounced against big salaries for big men that no Congress dared to tinker with this dangerous business for more than 30 years. However, in the course of time the craze of big money for big men gained the ascendancy and hovered over the Nation like the dreadful darkness on a weary night, and our lawmakers again sought to dignify their salary by another increase by fixing it at $7,500 and that of the Speaker of the House at $12,000 a year. Besides this, two magnificent stone buildings, costing more than $5,000,000 each, have been erected as the home of Members of Congress, so that each Member is now furnished with a well-equipped office, supplied with costly furniture, a telephone, hot and cold water, and everything necessary for his comfort and convenience. Besides this, he has an ample allowance for traveling expenses and stationery, with an allowance of $1,200 a year for clerk hire.

In the face of all this, Mr. Chairman, it is proposed by this amendment to leap into the Treasury of the United States again to the tune of more than $300,000 for the next year, and that, too, without any legal authority. The patience of the people, the patience of the people! How long will you tax them? Have you counted the cost? Just such high-handed deeds have been very expensive to Members of Congress in the past, costing them their seats in this beautiful Hall. What the people have done they can and will be likely to do again. Go slow, boys, go slow.

Mr. Chairman, the Members of the American Congress receive more than twice as much as that paid to the members of any other legislative body in the world. The senators and deputies of the French Parliament receive only 15,000 francs annually, which is equal to $2,895 in our money. The members of the German Reichstag receive 3,000 marks for the session, which amounts to $714 in our money, which is less than one-tenth of what we get. The members of the Russian Douma receive 10 rubles, or $5.15, per day during the session. The members of the lower house of the British Parliament receive £400, or $1,948, per year, which is a little more than one-fourth what we get. This is by act of August, 1911. Formerly they did not get any salary, and the members of the House of Lords do not and never have received any salary.

Mr. Chairman, the salary of the Vice President and President have not been neglected by our lawmakers. On examination it will be seen that several very important increases have been made. The Vice President's salary was originally fixed at $5,000 a year and that of the President was fixed at $25,000 a year. This was by the act of Congress, September 24, 1789. By the act of March 3, 1873, the salary of the Vice President was raised to $10,000 and the President's was raised to $50,000 per year. On the 20th day of January, 1874, the salary of the Vice President was reduced to $8,000 a year. On the 26th day of February, 1907, it was raised to $12,000 a year, where it now stands, being the same as the salary of the Speaker of the House. By the act of March 4, 1909, the salary of the President was increased to $75,000 annually, which is the present salary.

Mr. Chairman, let us now turn to the changes which have been made in the salary of the members of the Supreme Court of the United States from time to time. By the act of September 23, 1789, the salary of the Chief Justice was fixed at $4,000, and that of the justices was fixed at $3,500 annually. On the 20th day of February, 1819, these salaries were increased to $5,000 for the Chief Justice and $4,000 for the justices. No changes were made thereafter for more than 50 years. On the 3d of March, 1873, an act of Congress was passed increasing the salary of the Chief Justice to $10,500 and that of the justices to $10,000 a year, and, again, on the 18th day of March, in 1904, Congress passed another act increasing the salary of the Chief Justice to $13,000 and that of the justices to $12,500, which are the present salaries.

Mr. Chairman, just what Congress will do in the future relative to increasing salaries of big offices, I presume can not be foretold definitely. But, if we may judge the future by the past, it is reasonable to suppose that many increases will be made and many more attempted to be made. Whether any of them will stand will depend upon the temper of the people. Democratic Congresses have passed three salary-grab acts, two of which the people permitted to stand, and the other the people recalled by forcing Congress to repeal it within less than a year after its passage. Republican Congresses have passed six salary-grab acts, two for members of the Supreme Court, three for Members of Congress, all of which included the salary of the Speaker of the House, two of which included the salary of the Vice President, and one of which included the salary of the President, and one for the President alone, all of which the people have permitted to stand except one, and they recalled it within less than a year after its passage, and at the same time they recalled a big bunch of Congressmen. Beware boys, beware!

If the same ratio of increase should be maintained during the next hundred years as has taken place during the past hundred

years the salaries of the offices which we have examined will be about as follows at the close of the twentieth century:

Salary of the President	$225,000
Salary of Speaker of the House	204,000
Salary of Members of Congress	75,000
Salary of Justices of the Supreme Court	44,000
Salary of the Chief Justice of the Supreme Court	42,000
Salary of Vice President	28,000

Some of these figures seem odd and reversed, but it is brought about because the ratio of increase is not uniform. The increase in the salary of the Speaker of the House is nearly twenty times what was first allowed, while the increase in the salary of the Vice President is only a little less than two and one-half times what was fixed by the first act of Congress dealing with this subject. I presume that none of us will be Members of this House at that time.

What is true of the increase in these salaries is true, more or less, as to the increase in salaries of the heads of departments and other high stations of office and trust, both in military and civil affairs. Just how long public opinion will wink at it or tolerate it is very hard to tell. We do know one thing, however, and that is this: When public opinion becomes thoroughly aroused it sweeps everything before it like a mighty hurricane, leaving death and destruction in its wake. Keep your ears to the political ground, boys; keep your ears to the political ground. I have offered an amendment to the amendment of the gentleman from South Carolina [Mr. LEVER], which provides for an appropriation of $1,200 for clerk hire, which is in harmony with the law. I can see no reason why it should not pass. I am sure that no one can give any reason for supporting the original amendment, because there is no law for it. I feel quite sure that public opinion will not indorse an appropriation of $2,000, but, on the other hand, will condemn it in bitter terms. If you want to be right and save your scalps, vote for my amendment to the amendment, boys; vote for it and save the honor of this House.

Mr. Chairman. I now desire to give a synopsis of the different acts increasing the salaries of the Members of Congress, and to compare the present salary with the salary of the members of the various legislative bodies of the most influential countries of the world:

Various acts fixing salaries of the Members of Congress (both Houses).

Act of—	
September 23, 1789, Members, $6	$6
March 19, 1816, Members, $1,500	1,500
February 6, 1817, salary to $6	6
January 22, 1818, salary to $8	8
August 16, 1856, salary to $3,000	3,000
July 28, 1866, salary to $5,000	5,000
March 3, 1873, salary to $7,500	7,500
January 20, 1874, salary to $5,000	5,000
February 26, 1907, salary to $7,500	7,500

Salaries of foreign legislative bodies.

Senators and Deputies of France receive	annually	$2,895
House of Commons of Canada	do	2,500
House of Commons, Great Britain	do	1,948
House of Representatives, New Zealand	do	1,458
House of Representatives of Hungary	do	970
German Reichstag	do	714
Russian Duma	per diem	5
Lower House, Autrian Reichsrath	do	4
Members Italian Senate and Chamber		No salary.
British House of Lords		No salary.

Salaries in tabular form of the President, Vice President, Speaker of the House, Members of Congress, Chief Justice and Associate Justices of the Supreme Court, together with the various acts from the beginning of the Government, making changes therein.

	President.	Vice President.	Speaker of the House.	Members of Congress.	Chief Justice of the Supreme Court.	Justices of the Supreme Court.
Sept. 22, 1789			[1]$6	[1]$6		
Sept. 23, 1789					[2]$4,000	[2]$3,500
Sept. 24, 1789	[2]$25,000	[2]$5,000				
Mar. 10, 1796			[1]6	[1]6		
Mar. 19, 1816			[2]3,000	[2]1,500		
Feb. 6, 1817			[1]6	[1]6		
Jan. 22, 1818			[1]16	[1]8		
Feb. 20, 1819					[2]5,000	[2]4,000
Aug. 16, 1856			[2]6,000	[2]3,000		
July 28, 1866			[2]8,000	[2]5,000		
Mar. 3, 1873	[2]50,000	[2]10,000	[2]10,000	[2]7,500	[2]10,500	[2]10,000
Jan. 20, 1874		[2]8,000	[2]8,000	[2]5,000		
Mar. 18, 1904					[2]13,000	[2]12,000
Feb. 26, 1907		[2]12,000	[2]12,000	[2]7,500		
Mar. 4, 1909	[2]75,000					

[1] Per day. [2] Annually.

Mr. Chairman, by the examination of the various acts, since the organization of our Government, dealing with the salaries of the various members of the President's Cabinet, it will be seen that the changes made for the increase thereof are just as striking and as impressive as those we have just examined. The act of Congress, September 11, 1789, provided that the Secretary of State and the Secretary of the Treasury should each receive a salary of $3,500 per annum; that the Secretary of War should receive a salary of $3,000 per annum. By the act of September 23, 1789, the salary of the Attorney General was fixed at $1,500 per annum. By the act of March 3, 1791, it was increased to $1,900 per annum. By the act of March 8, 1792, it was increased to $2,300 per annum; and by the act of March 2, 1797, it was increased to $2,800 per annum. The office of Postmaster General was brought over from the Government under the Articles of Confederation, and the act of September 23, 1789, fixed his salary at what he was receiving as Postmaster General under the Articles of Confederation, which was $1,000. By the act of February 20, 1792, it was increased to $2,000, and by the act of May 4, 1794, it was increased to $2,400. The Navy Department was created by the act of April 30, 1798, and the salary of the Secretary of the Navy was fixed at $3,000 per annum. By the act of March 21, 1799, the salaries of the various heads of departments were fixed as follows:

Secretary of State and Secretary of the Treasury	each	$5,000
Secretary of War and Secretary of the Navy	each	4,500
Attorney General and Postmaster General	each	3,000

By the act of February 20, 1819, their salaries were increased and fixed as follows:

Secretary of State, Secretary of the Treasury, Secretary of War, and Secretary of the Navy	each	$6,000
Postmaster General		4,000
Attorney General		3,500

By the act of March 3, 1849, the Department of the Interior was created, and the Secretary of the Interior's salary was fixed at $6,000 annually.

The Department of Agriculture was created, without a seat in the Cabinet, May 15, 1862.

By the act of July 18, 1888, the Secretary of Agriculture was allowed a salary of $5,000 annually, and by the act of March 18, 1889, it was increased to $8,000.

By the act of March 3, 1853, the Secretary of State, Secretary of the Treasury, Secretary of War, Secretary of the Navy, Secretary of the Interior, Postmaster General, and Attorney General were each allowed a salary of $8,000 per annum.

By the act of February 14, 1903, the Department of Commerce and Labor was created, and the salary of the Secretary thereof was fixed at $8,000.

By the act of February 26, 1907, the heads of all of the departments were fixed at $12,000 each, which is the present salary.

Mr. Chairman, I desire now to submit a table of these salaries, with chronological data, showing the various changes and increases made since the creation thereof as members of the President's Cabinet:

The salaries of the members of the President's Cabinet, with the dates of various acts making changes and increases.

	Secretary of State.	Secretary of the Treasury.	Secretary of War.	Secretary of the Navy.	Attorney General.
Sept. 11, 1789	$3,500	$3,500	$3,000		
Sept. 23, 1789					$1,500
Mar. 3, 1791					1,900
Mar. 8, 1792					2,300
Mar. 2, 1797					2,800
Apr. 30, 1798			$3,000		
Mar. 21, 1799	5,000	5,000	4,500	4,500	3,000
Feb. 20, 1819	6,000	6,000	6,000	6,000	3,500
Mar. 3, 1853	8,000	8,000	8,000	8,000	
Feb. 26, 1907	12,000	12,000	12,000	12,000	12,000

	Postmaster General.	Secretary of the Interior.	Secretary of Commerce and Labor.	Secretary of Agriculture.
Sept. 23, 1789	$1,000			
Feb. 20, 1792	2,000			
May 4, 1794	2,400			
Mar. 21, 1799	3,000			
Feb. 20, 1819	4,000			
Mar. 3, 1849		$6,000		
Mar. 3, 1853	8,000	8,000		
July 18, 1888				$5,000
Mar. 18, 1889				8,000
Feb. 14, 1903			$8,000	
Feb. 26, 1907	12,000	12,000	12,000	12,000

NOTE.—The salary of the Postmaster General was fixed at $1,000 on September 13, 1780, under our confederacy during the Revolutionary War.

Mr. Chairman, when we look back over the various changes in the salaries of the members of the President's Cabinet during the last century, we are led to inquire as to what will be the action of Congress in dealing with these salaries during the next century. If the changes should be as radical and as often, we may expect to find them ranging at a very high and unwarranted figure, some of which would be very low and others correspondingly exorbitant and high. They would range in round numbers as follows:

Commerce and Labor	$18,000
Secretary of the Interior	24,000
Secretary of Agriculture	30,000
Secretary of the Treasury	41,142
Secretary of State	41,142
Secretary of the Navy	48,000
Secretary of War	48,000
Attorney General	100,000
Postmaster General	144,000

The present members of the President's Cabinet are putting in no more time than did our forefathers, who filled some of these offices, in working out the complex system of our Government, but these large salaries only indicate the trend of sentiment among the aristocratic for luxury and ease. While I believe in the doctrine that the servant is worthy of his hire, yet I believe also in the common-sense policy of leveling the pay which is given to men for their services. The gap between the wages of the day laborer and the salary of the chief officers of Government and of corporations is too great, and, in my opinion, there is great need for a leveling force which will operate rapidly toward the relief of the toiling many and to an economy among the rich, which will result in placing them in harmony with the laws of economy.

Laws Relative to Seamen.

SPEECH

OF

HON. RUFUS HARDY,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 18, 1912.

The House having under consideration the bill (H. R. 23073) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen—

Mr. HARDY said:

Mr. SPEAKER: The Committee on Merchant Marine and Fisheries have more than other Members of the House, and more than the country at large, been interested in the study of the American merchant marine and in the question of the welfare of the American seamen, as well as in the question of the upbuilding of our trading interests as embodied in our traffic, both domestic and foreign. I have myself given an earnest study to the claims of persons interested in ship subsidies and in all other means suggested for building up the merchant marine. I have been interested in the claim of these parties that our merchant marine had dwindled and our foreign merchant marine died on account of the high wages of our seamen and costly food scale, and other alleged items of higher costs, incurred by our shippers under our laws and methods of transportation on the water.

And I have listened with interest to differing claims as to what to attribute the waning fortunes of our merchant marine. It has been claimed by those favoring subsidies and subventions and grants and favors by the Government in different forms that the cause of the decrease in our merchant marine was the high cost of the service, the high wages of the seamen, the extraordinary and costly equipments of vessels, and of provisions made requisite under our law for the care and comfort of the seamen, and, in general vague expression, many have said our marine has declined on account of our antiquated navigation laws.

On my investigation of these many claims, I found that most of these claims are without any foundation whatever. The food scale provided by our laws is not extravagant or expensive. The food provision is not more than it is in the marine of their countries. To lessen the food-scale requirements, such as they are, of our law would harm rather than help the cause. And then another element that goes into the question of the amount of expenditure or actual cost of ship transportation is the amount of space to be occupied by the sailors and seamen on our ships. Subsidists leave the impression on the public mind that our laws require so much better accommodations for seamen than the laws of other nations. I found on investigation that the crew space required by the laws of the United States was among the lowest of all the nations. Our great rival, England, provides that each seaman shall have a cubic space for his accommodation and living of 125 feet. Our law requires only 72 feet. So that upon our merchant vessels they may huddle and pack the seamen and sailors in such a space as shames civilization; and we have provided an increase in that space in the bill now before the House as a matter of common humanity.

Mr. Speaker, one of the purposes of the bill before the House now is not to make an American ship more expensive than those of other nations, not to make accommodations for American seamen greater than those of the seamen of other nations, but to provide that the American seaman shall be cared for nearly as well as the British seaman. We require that there shall be provided for the accommodation of American seamen 100 cubic feet of space.

Mr. HUMPHREY of Washington. One hundred feet instead of 72 feet as at present.

Mr. HARDY. Yes. Under our law the American seaman is expected to accommodate himself in a space 6 feet long, 2 feet wide, and 6 feet high. One of the witnesses who appeared before our committee said it was too big for a coffin and not quite big enough for a grave. And yet the better accommodations for American seamen is one of the reasons alleged as to why our merchant marine can not compete and has gone down—the expensive requirements of our laws, our "antiquated navigation laws." Like many other things said on this subject, it does not bear investigation.

Another is that the wages of our seamen are away beyond those of the seamen of Great Britain, Norway, Sweden, Italy, and other nations. We investigated that question, and I trust you will give close attention to what I shall say on this matter.

We found that the wages of seamen did not depend upon the flag that flew at the mast, whether it was an American or a British or an Italian or a German flag, but that the wages of the seamen depend absolutely upon the ports in which the seamen were engaged. For example, a German vessel, coming to the port of New York and finding it necessary to employ men in her service, must go into the New York labor market for seamen and give exactly the same wages in New York that an American vessel gives; and likewise an American vessel in Liverpool, seeking to enlist men in her service, must give the standard of wages paid seamen in Liverpool. The same thing is true in any other port in which an American vessel or any other vessel employs her seamen. English and American and German vessels can employ on an equal footing in Liverpool or New York or Bremen. Thoughout Great Britain or throughout Germany a seaman enlisting on a British or a German vessel on taking service will ask just as much as he would to go on an American vessel. I want it understood that the wages of the seamen depend not on the flag the ship flies, but on the port in which they are engaged to serve. This fact was testified to over and over again before our committee.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER pro tempore. Does the gentleman from Texas yield?

Mr. HARDY. I will yield if the question is a brief one.

Mr. MONDELL. Is it not true that the wages paid to American seamen on American vessels are considered higher than the wages paid on foreign vessels?

Mr. HARDY. I am going to discuss that very question. In our coastwise trade that is true; but if the gentleman will go to the Pacific coast, where Chinamen are largely employed on merchant vessels, he will find that they can get practically the same wages as Americans, and every man who appeared before our committee has testified that the wages received by the seamen depend upon the ports in which they are engaged.

Mr. MONDELL. Mr. Speaker, will the gentleman yield further?

The SPEAKER. Does the gentleman from Texas yield?

Mr. HARDY. I regret that I can not yield now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HARDY. I apprehend that there never has been a difference on that position, but there is one thing that adds some color to what the gentleman says and that is this fact, that seamen, under the laws recognized by the treaties of nations, are the only remnant of the barbarism and slavery left in the civilized world to-day. A seaman engaging at the port of Milan, Italy, a low-wage port in a low-wage country, signs articles of agreement by which he agrees to go from that country on the whole voyage and return with the ship. Likewise a seaman in

Germany or in Sweden, taking employment in his home port, a low-wage port, agrees to go to New York or to some foreign port and return. I hope the House clearly comprehends the point I am making. He agrees to go with that ship. He signs articles to return with her. Then suppose he deserts when he gets to New York. If a farm hand on my farm, after agreeing to work with me for 12 months, quits his work and leaves me I may sue him; I may get damages; I may retain his wages to meet the damages incurred by his quitting within that time, but I can not send out and bring him back and make him carry out his contract.

Not so with the seaman. When the seaman signs that contract he becomes the serf, the slave, the property of the master of that vessel; and if in the port of New York he abandons it, for whatever reason, the treaties between the United States and foreign nations say that the consular authorities of that foreign nation may go to the constabulary of the United States, make out a complaint against the deserting seaman, have him arrested and thrown in chains and brought back to that vessel and starved or put in irons or perhaps flogged till he obeys orders and completes his contract, and so he is carried back home to the low-wage port where he enlisted. What is the result? The result is a condition of serfdom, a condition of slavery, a condition under which the foreign shipowner is not required to meet the conditions of labor in this country, but he hires his labor abroad in the cheapest market where he can find it.

He may be a Liverpool shipowner. He goes to some city that is even a cheaper labor city than Liverpool. He may be a Bremen shipowner. He finds the cheapest labor market in the world, and there he employs his seamen to make a round trip with him, and whenever a seaman deserts, the master calls on the authorities of the United States to arrest that seaman and bring him back in chains and throw him on the vessel's deck, to be held there until his contract is completed. For that reason there may be some color to the claim that the American seaman receives on an average a little higher wages than foreign seamen. The treaties that the United States has with many low-wage countries, binding us to arrest and deliver deserting seamen to foreign shipowners, aids in this result. This bill says that now, in the light of the twentieth century, now 12 years old, we will abolish the last remaining element of human slavery so far as it is found in the United States; and while it may be to the detriment of the shipowner whose seamen shall no longer be enslaved, and while the seaman may be allowed the privilege of deserting and abandoning his contract, we will place the seaman, as we place every other wage earner, upon his manhood and let him, if he sees proper, break his contract and leave the owner to a civil remedy and not to what is worse than a criminal remedy—the jail and chains. [Applause.]

The result will be that every seaman who comes to this free land of ours will be free; and if, under the galling terms and conditions of labor abroad, he has found himself unable to make better contracts than he did make, he can desert. I say that plainly. What will be the result? The result will be while we free the seaman we give absolute equality so far as wages are concerned of seamen sailing from and to American ports whether they are on American vessels or foreign vessels. This bill will equalize the wages of the seamen on vessels that enter the harbors of this country whether they be American or foreign vessels, and those wages will be raised to the standard of American labor. [Applause.] Perhaps shipowners would be willing to equalize the wages of American and foreign seamen by reducing the level of American wages. We wish to equalize wages by raising all to the level of American wages. That is the purpose of one feature of the bill.

Mr. UTTER. Will the gentleman answer one question?

Mr. HARDY. Yes.

Mr. UTTER. Do I understand the gentleman to say that the right to seize a seaman who deserts from a foreign ship is a treaty right?

Mr. HARDY. It is; under the treaties of our country with some 20 other countries.

Mr. UTTER. Is not a treaty a supreme law that can not be affected by statute?

Mr. HARDY. This bill provides for the abrogation of these treaties, and that is one reason why the term of its going into effect is not instantaneous. It requires that the President shall notify the nations with whom we have such treaties that the provision requiring our constabulary force, upon the complaint of a consul of such nations, to arrest a deserting seaman be and is hereby abolished. That is the purpose of it.

Now, I want to call the attention of the House to the fact that those on the other side of the aisle who think that something else might be done to build up the merchant marine have said that we need to repeal our antiquated navigation laws. I have tried to find out what they mean by our "antiquated navigation laws." Is it the law that allows our seamen to be cooped up in 72 cubic feet of air space while the other nations require 120 cubic feet? Is it the law which requires a scale of provisions, which may be varied by the contract that the seaman signs and which never is exacted? What are our antiquated navigation laws? I have asked and asked, and have never found but one. There is but one antiquated law that militates against our merchant marine. It is as old as the Government. It is the law that requires vessels of this country flying our flag to be built in this country, and excludes all ships flying any other flag or built in any other country from engaging in our coastwise or inland trade. Added to that has been our tariff taxation that lays a heavy burden on all the material that goes into shipbuilding.

Given the absolute monopoly to build every vessel that flies the American flag or that may engage in our coastwise and inland trade, the ship builders of the United States have abused that monopoly, and the result is that to-day, by the concurrent testimony of all parties appearing before us, the merchant vessels of the United States are so much more expensive than foreign-built vessels that vessels built abroad can be bought at from 40 to 60 per cent less than they can be purchased in this country.

To meet that condition another bill has been introduced and has been reported by the Committee on the Merchant Marine and Fisheries, which authorizes those who desire to engage in a foreign trade to buy their ships where they wish. This will be some relief—not much, however, because such foreign ships, though owned by Americans, will not be permitted to carry coastwise traffic; but I have not time to discuss that fully. Now, I will tell you what is the matter with the merchant marine. It is this: If you will put a vessel that cost a million dollars on the ocean carrying freight in competition with another vessel that cost only $600,000, or 40 per cent less, and let those two vessels engage in competition with each other, the man who owns the the vessel costing a million dollars has got $400,000 more invested than the other fellow, and the interest at 6 per cent is $24,000 per annum. The insurance at 6 per cent is $24,000 more. Now, the life of a vessel is estimated at 20 years; that is to say, in 20 years the cost of repairs and deterioration equal the original cost. In 20 years the American shipowner has spent $2,000,000 and the other fellow only $1,200,000. You will find from the difference between the cost of the foreign and the domestic vessel in the 20 years, and it must have earned over $800,000 more than the foreign vessel to put itself on an equal footing with the foreign ship. This misfortune is that the ocean is worldwide. We can not put a tariff wall around the ocean; we can not make the public freight carriers give an additional compensation by a tariff wall. And so the shipowners come to us and say, "Give us, in lieu of the amount of expense we have incurred, a subsidy." But, my countrymen, they do not tell us that the great expense they have incurred is by reason of the unusual cost of their vessel. They have a compact of silence on that fact. The shipbuilders maintain a deep, death-like silence on the question of free shipbuilding materials, because if they start to tearing down this house of favoritism they might lose their exclusive shipbuilding privilege. They try to lay the death of our foreign merchant marine to our higher wages, to higher food scale, and better accommodations for seamen, and vaguely and generally to our antiquated navigation law, but never to the real cause—the monumental price they have to pay for ships. When this bill is passed, there will be no shadow of truth in any claim of higher cost or expenditure in carrying on American ships than on foreign ships, except the higher cost of the ship itself.

Mr. SHARP. Will the gentleman yield?

Mr. HARDY. Certainly.

Mr. SHARP. Does not the gentleman find in this condition one very good reason that has existed all these years in the past why we have not built up the American merchant marine commensurate with the importance of this country in the fact that there is to-day in existence, and has been for years past, a gigantic international shipping trust that gives special favors in the form of rebates and reduced rates to a small class of large shippers who otherwise would go into the shipbuilding business themselves?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY. Mr. Speaker, I would like five minutes more, and I would like to answer the question of the gentleman from Ohio.

Mr. ALEXANDER. I yield five minutes more to the gentleman from Texas.

Mr. HARDY. Of course, Mr. Speaker, I would like to go on at great length, but I want to say that if the Alexander bill authorizing the purchase of ships anywhere where they can be bought cheapest, and the bill before the House now is put in operation, there will be no difference of cost in wages. Wages will be raised to the American standard, and there will be no reason why the American flag shall not float in every port, except if we limit foreign-built ships to the foreign trade only we will cripple them, and for a time, at least, American builders will still charge somewhat more for ships than they can be bought for abroad, but sooner or later the day will come when the Americans can have as cheap ships as can be bought abroad and can use them everywhere under the American flag. Then our flag will float everywhere, but not till then. In times past it did float everywhere. It floated over every sea in time of peace. The American shipbuilder built the very best ships, the strongest ships on earth or on the sea, and up to the time of 1860 our shipbuilders were building the standard ships, the best ships and the cheapest ships, and were carrying more than half of our trade between us and all other nations, and carrying much of the trade between other nations, and selling our ships abroad—here, there, and everywhere—because we built the best and cheapest ships. Now, for reasons that are plain, we build the dearest ships, and build none except for our coastwise and inland trade, from which we exclude all competition by law. Until we can reach the ultimate reduction of the cost of ships there can be no American merchant marine in foreign trade. So long as it must be the fact that the American shipowner must pay 40 or 60 per cent more than the foreigner for his ship, just so long you will have a dead merchant marine; and as long as the irons remain on the wrists of the seamen, that long you will never have an American merchant marine without paying the most stupendous subsidies. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the views filed by myself with the report made from the Committee on the Merchant Marine and Fisheries at the third session Sixty-first Congress on House bill 32127.

There was no objection.

VIEWS OF MR. HARDY.

In addition to the foregoing statement signed by Mr. ALEXANDER and myself, I submit the following:

In addition to the sums given by way of annual payment directly from the National Treasury, as already explained, this bill (H. R. 32127) gives benefits as follows:

First. Compensation for service required by the Secretary of the Navy. This is indefinite, and, of course, can not be estimated.

Second. By section 7 there is a reduction of 5 per cent of the customs duties on all cargoes imported in these vessels on dutiable goods. If the average duty on dutiable imports carried in these vessels is 50 per cent ad valorem, this will make a benefit in their favor of 2½ per cent of the value of such imports. This is a provision carried in the Spight bill, which was approved by all the Democratic members of the committee at the last session, but it was accompanied in that bill by other provisions entirely omitted from this bill, as appears from appendix hereto.

Third. Section 8 of this bill puts a duty of 2 per cent ad valorem on all goods on the free list when imported in vessels not of the United States, and this gives to these vessels a benefit of 2 per cent ad valorem on all goods on the free list, so that whether the goods imported in these vessels are on the free list or the dutiable list, these vessels are virtually given 2 to 2½ per cent of the value of their cargo as a benefit. We are told that cargoes of vessels of the second class mentioned in this bill are frequently worth as much as $2,000,000. The bonus, benefit, or advantage given them on such a cargo would be $40,000, and if such a vessel makes 12 voyages per annum, the benefit it would receive from sections 7 and 8 alone would run into the hundreds of thousands of dollars.

Where the goods are dutiable, the benefit consists in lowering the duty, and there will be no added burden put upon the people, and it was for that reason alone I acquiesced in that part of the Spight bill; but where a 2 per cent duty is put by law on all goods now on the free list, if imported in foreign vessels, in order to favor our ships, that duty is an added burden on the people. It may not, it will not, amount to much on each separate item, but in the aggregate 2 per cent levied on the whole of our duty-free imports would amount to many millions of dollars. I think it hardly worth while asking whether other nations would not impose a like duty of 2 per cent on all the goods now admitted free by them, unless those goods were imported in their vessels. This would be another species of commercial warfare, and as we export more goods than we import, it is easy to see who would get the better of it if we ever came to have any considerable merchant marine. Our present absolute want of any vessels engaged in foreign commerce would, however, for a while at least, render any great amount of reprisal by levying special duties on goods imported into other countries in our vessels impossible. I think it possible that a mere lowering of duties on goods imported in our vessels may not provoke retaliation by other nations, but the imposition of a new duty on goods solely because imported in foreign vessels, I think surely would.

Fourth. Section 9 imposes additional duties on all imports that may be brought in in what may be classed as tramp ships, or ships of any nation other than the nation producing the goods. It does not seem to me wise to make a wholesale raise of the tariff in this way, nor does it seem to me wise to endeavor to injure the tramp ships for the benefit of the great foreign and domestic shipping combines which we charge and believe to exist. Having practically no merchant marine of our own engaged in foreign commerce, it seems to me folly to give an advantage to some foreign ships over other foreign ships, especially when such advantage is to be given to the ships which we believe are in a combine and against the tramp ships which might cheapen both our import and export freight rates. The advantage or benefit given vessels provided for under this bill over the tramp ships would be 10 per cent of the duties on dutiable goods and 3 per cent on goods on the free list. It seems to me on the whole that this bill might better be termed a bill to raise freight rates and tariff taxes on all imports into our country and perhaps on all exports from our country.

Fifth. Section 10 gives a special remittance of $4 per head on all immigrants brought in the vessels provided for. If these vessels may carry 3,000 soldiers as required, they should be able to carry, perhaps, nearly that number of immigrants. On that basis, there would be an advantage or bonus of $12,000 per trip on each load of immigrants they might bring in. Whether that would conduce to a better of class of immigrants may be questioned.

Sixth. Section 11 relieves these ships of all Panama tolls, or rather pays it for them out of the Treasury. This item may run into millions. We have no way of estimating how many. Altogether, this bills seems to me protection run mad, and subsidy, direct and indirect, far greater than would be granted under the Humphrey or Gallinger bills.

I believe that when the builders of ships and the iron and steel masters of the United States finally abandon the hope that the Government will protect them against all competition, either by subsidies to our ships or by shackles put upon foreign ships, then and not till then will they produce the material and build the American ships as cheaply as such ships can be built anywhere in the world. I believe it is impossible for our ships to meet competition on the ocean if their owners must pay 40 to 60 per cent more for their ships and repairs and insurance on them than their competitors. If an American-built ship costs $1,000,000 under our present laws, the same ship built in England would cost not more than $600,000, and that, in fact, is about the proportion of cost that to-day exists between American and foreign-built ships. The life of a ship is 20 years, during which the repairs equal the original cost. Insurance is high, and during all that 20 years the American pays for insurance nearly twice as much as his competitor. Leaving out insurance, the account between the two ships (foreign and American built) at the end of 20 years stands thus: American ship, first cost, $1,000,000, repairs, $1,000,000; British ship, first cost, $600,000; repairs, $600,000—a difference of just $800,000 for the whole period of 20 years in favor of the British ship. That is $40,000 per year, or 4 per cent on the original cost of the American ship, or 6⅔ per cent on the original cost of the British ship. Insurance being something over 6 per cent, if the American and British ships are each fully insured under a 6 per cent premium, insurance would cost the American ship $60,000 and the British ship $36,000. Add this $24,000 annual handicap to the burden of the American shipowner. Can any nation on earth ever keep afloat a merchant marine under such impossible burdens? Yet the protectionist and the subsidist, in all their searchings for a way to put our flag back on the sea, have never sought or been willing to give us cheaper ships, without which our flag will never float.

Only a short while since our shipbuilders secured, in open competition with all the world, the contract to build two great warships for Argentina by making the best and lowest bid. They tell us that was because warships are standardized and that they can not compete in merchant vessels until they have built enough of them to standardize; but if we will protect

them and help them along in the beginning they do not doubt that in the end they can and will build merchant ships also as cheaply as other nations. It is the old song, plausible, but false. They have had an absolute monopoly always of the building of our great coastwise and inland merchant vessels. The tonnage of the vessels engaged in this coastwise and inland trade is second only to the ship tonnage of Great Britain. We presume they have such vessels standardized; but having a monopoly has enabled them to charge 60 per cent more for building vessels engaged in our coastwise trade than the same vessels could be bought for elsewhere, and they do it. Mr. Carnegie asserted, and it is true, that we can produce the steel and iron materials that go into ships cheaper here than they can be produced anywhere else, yet our shipbuilders claim that the great reason they can not compete with the world is the high price they are compelled to pay for their material. Only a few days ago, before our committee, one of the representatives of the Newport News yard, on a hearing at which he was opposing the admission to American registry of some foreign-built ships engaged in the foreign fruit trade, complained that his company was not given a chance to bid on the building of those vessels, and expressed a belief that they might have secured the building of them if given a chance.

The truth is, as I believe, that our iron and steel manufacturers can and do compete with the foreigner whenever and wherever they are not protected by our laws from having to do it, and that where our shipbuilders are given the right to buy free ship material they get it not from the foreigner, but from our own producers at the foreign price, and that where they get such cheap material they can and do build ships as cheaply as ships can be built elsewhere. But the shipbuilder and the Steel Trust alike are loath to give up any part of the monopoly that is given and guarded for them by our law. The shipbuilder would like to have free raw material out of which to build, but he is afraid to fight the Steel Trust for fear he may pull down his own monopolistic house when he pulls down the Steel Trust temple, and so neither the shipbuilders nor the Steel Trust ever say a word about free ships or free ship material except to oppose them. They cry aloud for a merchant marine on the ocean flying the glorious flag, but they always want to fly it on such a ship as they may build and they only, under such conditions as absolutely protect them from competition. For one, I am tired of a system that puts over $12,000,000 of net profits monthly into the coffers of the United States Steel Trust. I am tired of a system by which the American people levy on themselves a tribute of hundreds of millions of dollars for the benefit of Mr. Carnegie in exchange for the public libraries with which he so generously dots the villages and towns and cities of Europe and America. I want this "Old man of the sea" to be shaken from the shoulders of the American people and from the back of the American merchant marine.

RUFUS HARDY.

What Will the Farmer Do in November?

A REPLY TO HON. WOODROW WILSON

BY

HON. EBENEZER J. HILL,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

Mr. HILL said:

Mr. SPEAKER: Permission has just been given by the House to insert in the RECORD a speech delivered by Dr. Woodrow Wilson a few days ago to the farmers at Gloucester, N. J. As the obvious purpose is to make it frankable for campaign uses, it is not inappropriate that a suggestion or two, by way of correction of facts, should be made, that the speech may have due weight with the parties to whom it was addressed.

First. Dr. Wilson is reported by the Hartford Courant as saying:

> I have seen the interests of a great many classes specially regarded in legislation, but I must frankly say that I have seldom seen the interests of the farmer regarded in legislation.

Dr. Wilson evidently has not had his attention called to the bill specially designated in the extra session as the Farmers' Free-List Bill, by which a Democratic House unanimously voted to admit free from all the world "beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compound and lard substitutes, sausage and sausage meats, buckwheat flour, cornmeal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oat meal and rolled oats, and all prepared cereal foods, biscuits, bread, wafers, and similar articles not sweetened," and then subsequently, with equal unanimity, accepted an amendment offered by the last Democratic candidate for the Vice Presidency, in the Senate, nullifying the whole thing except as to Canada, and that, with full knowledge that we supply Canada with most of these things.

Query. Were the interests of the farmer regarded in this attempted legislation or were they not? If they were, was it by the original bill or by the amendment?

Second. Dr. Wilson is reported as saying:

> I have not heard of farmers waiting for a hearing before the Committee of Ways and Means of the House and the Finance Committee of the Senate in order to take part in determining what the tariff schedule should be.

The fact that he had not heard of it does not necessarily disprove it.

As I read this statement I had a distinct recollection of a large number of men and some women, representatives of granges and other farmers' organizations, and individual farmers in every kind of agricultural production and from almost every State in the Union, appearing before the Ways and Means Committee at the public hearings in the preparation of the Payne bill, and to verify that recollection I have asked the statistician of the committee to separate the 8,425 pages of testimony and briefs printed by the committee in 1909 showing how many pages were devoted to each subject.

I submit his report as follows:

Schedules.	Printed pages.		Agricultural products.
	No.	Per cent of total.	
C. Metals	1,672	19.85	.....
N. Sundries	986	11.70	266
K. Wool	802	9.52	353
G. Agricultural products	796	9.45	796
B. Earthen and glass ware	792	9.40	.....
A. Chemicals	672	7.98	.....
M. Pulp, paper, and books	610	7.24	.....
D. Wood	460	5.46	.....
Free list and miscellaneous	435	5.16	.....
J. Flax, hemp, and jute	374	4.44	.....
E. Sugar	268	3.18	268
I. Cotton	204	2.42	55
H. Liquors	136	1.61	.....
L. Silk	122	1.45	.....
F. Tobacco	96	1.14	96
Total	8,425	100.00	1,834

It will be seen that out of a total of 8,425 pages of testimony, 1,834 pages, or 21.76 per cent of all, were devoted to agricultural products, and that no other schedule equaled it, and none except Schedule C, Metals, received anywhere near the consideration that was given to this.

Not only the so-called staples such as wheat, corn, oats, rye, barley, potatoes, cotton, tobacco, and sugar were fully discussed, but peanuts, hops, lemons, oranges, nuts, figs, grapes, fruits of all kinds, and practically all of the products of our soil, even to seeds and shrubs were given exceedingly thorough and able presentation to the committee by farmers, growers, producers, importers, buyers, and shippers. Competitive conditions here and abroad, transportation to markets, farm wages, land values, all of the things which enter into cost of production were put before the committee by men who knew their business by actual experience and hard work in all agricultural lines, and it has been a source of great regret to members of the committee that only a few people in the country have ever read these volumes or that so many have never heard that these things were so.

It is a gratifying fact, however, that a large quantity of these books is still on hand, and that the information which they will give is attainable even now.

Dr. Wilson probably derived his impressions of tariff making from the course pursued by the Democratic committee in this Congress, where no public hearings were given, and schedules were made in secret, not even being given to their own party associates until a party caucus was to vote upon them, and then put through the Ways and Means Committee, without even being read.

He certainly must have had the present Democratic committee in mind when he said that tariffs were made by small groups of individuals in certain committees "who even refused information to their fellow members as to the basis upon which they had acted in framing the schedules." The great majority of the Democratic membership of the Sixty-second Congress could probably testify to the accuracy of this statement.

The methods pursued by the respective parties fairly illustrate the difference between making a tariff for politics only, and a tariff for protection to American industry.

Third. Dr. Wilson is reported as saying to the Gloucester farmers: "It makes a great deal of difference to you that Mr. Taft the other day vetoed the steel bill. It makes a difference to you in the cost of practically every tool that you use upon the farm and it is very significant or ought to be very significant to you that a Democratic House of Representatives has just passed the steel tariff reduction bill over the President's veto."

Possibly it would have made a difference to the farmers if it had been true, but Dr. Wilson is 18 years behind the times on agricultural tools, and apparently has not only not read the testimony in the Payne tariff bill hearings, but has not even read the present law or the Dingley law or the Wilson law, for agricultural implements and tools have not been in the metal schedule in 18 years and Mr. Taft's veto of that schedule or its passage through a Democratic House over his veto had nothing to do with the case about which Dr. Wilson was talking.

Agricultural implements and tools composed in chief value of metal were in the basket clause of the McKinley law 18 years ago and dutiable at 45 per cent. If the chief value was of wood they were in the wood schedule and dutiable at 35 per cent. In 1894 Mr. W. L. Wilson specified them by name and put them on the free list with a proviso as follows:

> Plows, tooth, and disk harrows, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, threshing machines, and cotton gins: *Provided*, That all articles mentioned in this paragraph if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to the duties existing prior to the passage of this act.

Under the Wilson law, imports were made under all three rates, 45 per cent, 35 per cent, and free.

Mr. Dingley took them from the free list and using the identical language except the proviso, put them in Schedule N, Sundries, with a straight duty of 20 per cent.

They are now in the sundries schedule of the Payne bill, put there by Mr. Payne with the hearty approval of the producers, free of all duty coming from any country which admits our like products free, and otherwise dutiable at 15 per cent, which is the lowest rate they have ever borne, coming from dutiable countries.

They will be found in paragraph 476, Schedule N, Sundries, with the following language used:

> Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, threshing machines, and cotton gins, 15 per cent ad valorem: *Provided*, That any of the foregoing, when imported from any country, dependency, Province, or colony, which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty.

The terms used are broad and all embracing, covering tools and implements for preparing the soil, for planting all kinds of seed, and for cultivating and harvesting the crops.

There are practically but two other exporting nations in this line, Great Britain and Germany. Germany maintains a duty against us, but there has been no time since August 5, 1909, when any farmer in the United States could not buy these agricultural tools in Great Britain and bring them here without a cent of tax. The only reason he has not done so was because he could buy them cheaper at home. Under these circumstances, it would seem to me that Dr. Wilson owes it to himself and Mr. Taft and to the New Jersey farmers to withdraw the statement that Mr. Taft's veto made a difference to them in the cost of practically every tool that they used upon their farms.

Fourth. Dr. Wilson is reported as saying:

> When the United States was the granary of the world and was supplying the world far and near with the foodstuffs that it subsisted upon, the farmers were not looking for protection, and while they were not looking, everything else had duties upon it, and the cost of everything that they had to use was raised upon them, until now it is almost impossible for them to make a legitimate profit.

It is perfectly apparent that Dr. Wilson has not been keeping track of what the farmers have been doing with reference to tariff making.

If he will take the average price of imported farm products for a period of 10 years prior to the panic of 1907 as the normal price on which to figure the ad valorem rate, he will find the rates as follows:

	Per cent.		Per cent.
Bacon and hams	21	Hops	49
Beef	20	Honey	51
Mutton	17	Butter	28
Veal	13	Cheese	41
Poultry	24	Milk	17
Wheat	26	Eggs	64
Wheat flour	25	Wool	59
Oats	35	Lemons	69
Corn	22	Apples	31
Buckwheat	31	Zante currants	67
Barley	61	Rice	80
Hay	52	Onions	54
Potatoes	42	Almonds	57
Figs	41	Preserved citron	55
Oranges	69	Filberts	56
Dried fruits	45	Walnuts	50
Green olives	27	Peanuts	21
Raisins	39	Sugar	85
Preserved fruits	47	Leaf tobacco	70

The farmers have evidently been "looking" while Dr. Wilson himself has been busy at other things, and though the situation may be a new one to him, the farmers fully understand and appreciate it.

Now, I am well aware that Dr. Wilson will say, that as many of these things are export products, the duties are to some extent useless and ineffective, but that is just as true of many manufactured products which are exported, and yet the Doctor and his associates all insist that the tariff is a tax which in all cases is added to the cost of the competing domestic product, and no consideration is given to the factor of domestic competition.

In view of the fact that our exports of manufactures materially exceed in value those of agricultural products, will it not be a little difficult to convince the farmer that what he buys is increased in cost by the tariff and that what he sells is not?

I commend him to a statement made in the United States Crop Reporter for January, 1911. It seems that the Agricultural Department made an investigation of the average money return per acre in the United States from the 10 principal crops of the country and it showed an average increase in 1909 of 72.7 over and above a like return per acre in 1899.

The same document shows for the same period an average increase in price on 85 listed manufactured articles used on the farm and in the farmer's house of 12.1 per cent.

From the data given, Mr. Victor H. Olmsted, chief of the bureau, draws this conclusion—

> that whereas the acre of the farmer's crop of 1900 was 72.7 per cent more than in 1899 and the cost of the articles purchased by him increased about 12.1 per cent, the purchasing power of the product of 1 acre in 1909 was about 65 per cent greater than the purchasing power of the product of 1 acre in 1899.

Conditions are even more favorable to the farmer this year than in 1909, for the crops are abundant, his prices are higher, and the margin of price between his sales and purchases is materially greater than it was then.

Now, I do not care what the reasons for these conditions are. The vital fact to him is that they exist as shown. What is the wise course for him to pursue? It is a plain, practical business proposition for him to decide. I agree with Dr. Wilson's statement, at the beginning of his speech, that "politics ought not to be considered as a mere occasion for oratory. Politics ought to be considered as a branch of the national business, and a man who talks politics ought to tell his fellow citizens very distinctly what he thinks about their affairs and what his own attitude toward them is."

If I understand Dr. Wilson's view as expressed in this speech, it is that a protective tariff is of little value to the farmer. I do not so look at it, but believe that there is a positive and direct benefit to him in many cases, and an indirect benefit in all, by giving him a protected market in which to sell his product. I shall go home to my people—farmers and manufacturers alike—and tell them that I stand for the maintenance of a protective tariff measured by the difference in cost of production here and abroad as nearly as the same can be ascertained, always giving the American farmer and manufcturer the benefit of the doubt.

Dr. Wilson has recently said in another speech that this proposition is "ignorant and preposterous." His party platform not only denies the right to "impose" duties for protection, but also denies the right of the Government to "collect" duties so imposed.

He says that the platform on which he is running for the Presidency "is not a program."

Is it not fair then to ask him in his own words with reference to the farmers of the country, and the duties upon the things competing with the products of their toil, "what he thinks about their affairs and what his own attitude toward them is?"

I say frankly I would lower or raise the duties in such a way as to give the American farmer a chance of equal competition in this market with his foreign competitor. What would he do? If I can draw any inference from this speech and many others made by him, he is opposed to "all protective tariffs," and would entirely remove them from the competing products of the farm and factory alike.

It will not do to say that taxation at the customhouse is necessary for revenue purposes. It is not. The taxing power of this Nation has not even been scratched as yet, and it is not

a case of necessity to collect revenue from any food product. In this very session his own party proposed to take all taxation from imported beet and cane sugar and substitute an internal-revenue or excise tax for the revenue lost by it. Every dollar of customhouse taxation could be removed and the amount procured with less cost of collection and with no recurring industrial revolutions by collecting all the expenses of the Government from internal taxation.

In the fiscal year of 1912 we received $314,497,071.24 from customhouse taxation, and $386,875,303.75 from other sources. Is he ready to collect it all by internal taxation, and as he says—

> break down the dam against which all the tides of our prosperity have banked up, that great dam that runs around all our coasts, and which we call the protective tariff.

I prefer to keep the dam unbroken and control the sluice gate. Does he propose, if elected President, to break it down and bring about a world's sea level of prosperity?

I have seen much of the prosperity of other lands, and say unhesitatingly that I prefer the American brand. I am going home and in my humble way tell the farmers of my district and the workmen at the factory gates just where I stand on this great question. Will he, from his more exalted place, tell them also where he stands? They have a right to have from every candidate a clear and definite statement of his position. What they want to know is, What does he propose to do with the prosperity which he admits has banked up against the protective dam, and what does he intend to substitute for it when the dam is broken down and the stream has run dry?

Some of us remember a former experiment, when W. L. Wilson, a great student, a college president, a magnificent orator, and a sublime theorist, broke down the dam, and gave us a dose of his world-wide prosperity, and the taste of that experience still lingers with us.

Dr. Wilson says in his speech:

> I am interested in politics, not as a search for office, but as a great contest devoted to something very definite and practical indeed.

Many who are old enough to remember the candidacy of Horace Greeley will accept this statement with a grain of salt. Mr. Roosevelt has told us that his platform is his program. I confess that it is difficult to understand how it is to be put in operation, but there is not the slightest doubt about the positiveness with which his views are stated or the things which he seeks to do.

Mr. Taft in his veto messages and speech of acceptance has left no doubt as to where he stands. I have read and am still reading with great pleasure Dr. Wilson's writings and speeches. Does he still hold the views expressed before the Tariff Commission at Atlanta many years ago, when he said in part:

> Protection also hinders commerce immensely. The English people do not send as many goods to this country as they would if the duties were not so much, and in that way there is a restriction of commerce, and we are building up manufactories here at the expense of commerce. We are holding ourselves aloof from foreign countries in effect, and saying, "We are sufficient to ourselves; we wish to trade, not with England, but with each other." I maintain that it is not only a pernicious but a corrupt system.
>
> By Commissioner Garland:
>
> Q. Are you advocating the repeal of all tariff laws?
>
> A. Of all protective-tariff laws; of establishing a tariff for revenue merely. It seems to me very absurd to maintain that we shall have free trade between different portions of this country, and at the same time shut ourselves out from free communication with other producing countries of the world. If it is necessary to impose restrictive duties on goods brought from abroad, it would seem to me, as a matter of logic, necessary to impose similar restrictions on goods taken from one State of this Union to another. That follows as a necessary consequence; there is no escape from it.

In 1883, the year that speech was made, our exports were $823,839,402. In 1892 they had increased to $1,030,278,148. In 1896, under the Wilson law, they went back to $882,606,938.

For the year ending June 30, 1912, our exports, under what he calls a "restrictive tariff, a tariff that holds us back, that hems us in, that chokes us, that smothers us," were $2,204,222,083, and yet the dam is still standing but the sluice gate is under our control.

In 1883 our imports were $723,180,914. In 1892 they had increased to $827,402,462. In 1896, under the Wilson law they went back to $779,724,674, and the balance of trade against us that year was $102,882,264.

For the year ending June 30, 1912, our imports were $1,653,426,174 and the balance of trade in our favor was $550,795,914.

In view of these amazing facts would it not seem to be just ordinary prudence and business common sense to keep the dam still standing and William Howard Taft in charge of the sluice gate? As I understand Mr. Taft's position he proposes to have a corps of experienced hydraulic engineers (or tariff board) keep constant watch of the tidal flow in and out, and keep us all posted as to the situation so that the gate screw may be turned up or down as the necessity may indicate. Just now we are doing fairly well. In 1883 the rate of duty on the incoming flow was 30.04 per cent. In 1896 it was 20.67 per cent. In 1908 it was 23.88 per cent. In 1912 it is 18.82 per cent. I am in favor of giving the screw another downward turn, but I am not in favor of putting dynamite under the dam and blowing the whole thing to pieces and letting the flood waters run uncontrolled, for the great trusts organized under New Jersey laws which are still unchanged, can protect themselves by international agreements as they do now, but the waters will drown out the lowlands, which in this illustration means the small farmer, the independent manufacturer, the American workingman, and the women and children dependent upon them all. In some respects the Democratic policy reminds me of the old lady who decided to drown the cat, but in the tenderness of her heart warmed the water before the deed was done.

Dr. Wilson says that—

> the legitimate business enterprises of this country have absolutely nothing to fear, provided they will stand on their own bottoms, but they have everything to fear if all they have under them is the prop of a tax which everybody is obliged to pay in order that they may be able to conduct their business.

As I read that sentence I was forcibly reminded of William G. Sumner, professor of economics in Yale University. He was a great teacher and a firm believer in the ultimate destiny of this Nation as the industrial leader of the world under a free-trade policy, but he frankly admitted that it would be necessary for us all to pass through the valley of the shadow of death before we reached the promised land. For one I am not ready to journey by that route now, under Democratic leadership, but would prefer to keep on the high level of prosperity and under the policy of true protection make progress slowly but surely, but always making progress toward a definite end.

Fifth. Dr. Wilson is reported as saying to the farmers that "now it is almost impossible for them to make a legitimate profit." In some cases that is true now, and has been for many years on the rocky hillsides and gravelly soils of New England. These men and their sons and daughters have been driven from the old homesteads of their fathers by the competition of the western prairie and forced into other occupations, where they could use their labor and their skill, united with the savings of 200 years, resulting from an economy and thrift which has found no equal elsewhere in the land. But the farmers as a class the Nation over will hardly appreciate the temporary sympathy which Dr. Wilson holds for them when they read the Census bulletin, just published, for the census of 1910. It shows—

Value of farm property in 1910	$40,991,449,090
Value of farm property in 1900	20,439,901,164
Gain in 10 years (or 100.5 per cent)	20,551,547,926

With a nine billion value in this years' crops, and with a gain of twenty billions of good gold standard dollars or their equivalent in the last 10 years, the farmers of this country will be the conservative force which will hold the Nation to the tried and successful policies of sound money and protection, or as William McKinley forcibly epitomized it, "an honest dollar and a chance to earn it."

Against such a showing as this, with all that it implies of prosperity, happiness, and comfort in the American farmer's home, I cite from one of England's greatest authors, a description of the lot of the laborer on the farm in that land of free trade. Mrs. Humphrey Ward gives it in these words:

> Men of 60 years of age and upward, gray and furrowed, like the chalk soil into which they have worked their lives, not old as age goes, but already the refuse of their generation and paid for at the rate of refuse, with no prospect but the workhouse if the grave should be delayed.

Which policy will the American working farmer approve in November next?

APPENDIX.

SPEECH OF HON. WOODROW WILSON, AT GLOUCESTER, N. J., AUGUST 15, 1912, AS REPORTED IN THE HARTFORD COURANT, HARTFORD, CONN., AUGUST 16, 1912.

Gov. Wilson said in part:

"I am interested in politics, not as a search for office, but as a great contest devoted to something very definite and practical indeed. Politics ought not to be considered as a mere occasion for oratory. Politics ought to be considered as a branch of the national business, and a man who talks politics ought

to tell his fellow citizens very distinctly what he thinks about their affairs and what his own attitude toward them is.

"Here we are at a farmers' picnic and on this day I suppose we might say that the farmers occupy the center of the stage. When did the farmers ever occupy the center of the stage in our politics? I don't remember any time.

"There is not a single class of the Nation that ought to demand that it should be occupying constantly the center of the stage, but there is also not a single class in the Nation that ought not to demand constantly that it be regarded as a member of the firm in the great partnership. I have seen the interests of a great many classes specially regarded in legislation, but I must frankly say that I have seldom seen the interests of the farmer regarded in legislation. And one of the greatest impositions upon the farmer of this country that has ever been devised is the present tariff legislation of the United States.

"I have not heard of farmers waiting for a hearing before the Committee of Ways and Means of the House and the Finance Committee of the Senate in order to take part in determining what the tariff schedule should be. I have not heard anybody but orators on the stump say that the tariff was intended for the benefit of the farmer, because you have to be on the stump to keep a straight face when you make a statement like that.

"When the United States was the granary of the world and was supplying the world far and near with the foodstuffs that it subsisted upon, the farmers were not looking for protection, and while they were not looking everything else had duties upon it, and the cost of everything that they had to use was raised upon them and raised upon them until now it is almost impossible for them to make a legitimate profit.

"While you were feeding the world, Congress was feeding the trusts. Nobody doubts what the process of tariff legislation has been, because everybody who has been curious enough to inquire knows what the process of tariff legislation has been. We could give up a list of the gentlemen who have been most prominent in securing tariff legislation. We know the kind that secured it and the purpose they secured it for, and they weren't thinking about the general prosperity of the United States. They were thinking about the balance sheets in particular investments, and those investments were not investments which were easily within the reach and work of the farmer himself.

"I would be ashamed of myself if I tried to stir up any feeling on the part of any class against any other class. I wish to disavow all intention of suggesting to the farmer that he go in and do somebody up. That isn't the point. All that I am modestly suggesting to you is that you break into your own house and live there. And I want you to examine very critically the character of the tenants who have been occupying it. It is a very big house and very few people have been living in it, and the rent has been demanded of you and not of them. You have paid the money which enabled them to live in your own house and dominate your own premises.

"I regard this campaign as I regarded the last one and the one before the last, and every campaign in which people have taken part since the world began, as simply a continued struggle to see to it that the people were taken care of by their own Government; and my indictment against the tariff is that it represents special partnerships and does not represent the general interest. It is a long time since tariffs were made by men who even supposed that they were seeking to serve the general interests, because tariffs are not made by the general body of Members of either House of Congress. They have in the past been made by very small groups of individuals in certain committees of those Houses, who even refused information to their fellow Members as to the basis upon which they had acted in framing the schedules.

"One of the gentlemen who has been most conspicuously connected with this thing has in recent years prudently withdrawn from public life. I mean the one-time senior Senator from Rhode Island, Mr. Aldrich. I, at least, give Mr. Aldrich the credit of having had a large weather eye. He saw that the weather was changing in Rhode Island—even in Rhode Island, as well as in the rest of the Union—that men who had long known that he was imposing upon them felt that the limit had been reached, and they were not going to be imposed upon any longer. They saw that he was not even doing what he pretended to do, namely, to serve the special interests of Rhode Island, because he was serving only some of the special interests of Rhode Island, not all of them. Every time we get on the platform, therefore, we put on our war paint and say we are in this thing to see that everybody is considered a member of the great firm of the United States of America when we transact business.

"Now there are various questions which you gentlemen ought to realize are pending, questions that directly concern the farmer of this country. The tariff intimately concerns the farmer of this country. It makes a great deal of difference to you that Mr. Taft the other day vetoed the steel bill. It makes a difference to you in the cost of practically every tool that you use upon the farm, and it is very significant or ought to be very significant to you, that a Democratic House of Representatives has just passed the steel tariff reduction bill over the President's veto, a thing I am informed is unprecedented in the history of the country, that a House should have passed two tariff measures, the wool measure and the steel measure, over the veto of the President. Why? Because these gentlemen know that they are pushing this thing forward against some of the most powerful combined interests of this country, and that they are under bonds to represent the people of the United States, and not the special parties in it.

"Tariff measures are not measures for the merchant, merely, and the manufacturer. The farmer pays just as big a proportion of the tariff duties as anybody else. Indeed, some times when we are challenged to say who the consumer is as contrasted with the producer, so far as the tariff is concerned, I am tempted to answer 'the farmer,' because he does not produce any of the things that get any material benefit from the tariff, and he consumes all of the things which are taxed under the tariff system."

The governor explained the benefits that might accrue to the farmer from the digging of the Panama canal if the merchant marine were restored. The short route for the western farmer for the Orient, he said, was by way of the Suez Canal, yet in recent years hardly a ship flying the American flag has passed through that route except "some private yachts."

"One of the great objects in cutting that great ditch across the Isthmus of Panama," he continued, "is to allow farmers who are near the Atlantic to ship to the Pacific coast by way of the Atlantic ports; to allow all the farmers on what I may, standing here, call this half of the continent to find their outlet at the ports of the Gulf or the ports of the Atlantic seaboard, and then to have coastwise steamers carry their products down around the canal and up the Pacific coast or down the coast of South America.

"Now, at present there are no ships to do that. And one of the bills pending, just passed by Congress, provides for free tolls for American ships through that canal and prohibits any ship from passing through that canal which is owned by any American railway company. You see the object of that. We don't want the railways to compete with themselves, because we understand that kind of competition. We want the water carriage to compete with the land carriage, so as to be perfectly sure that you are going to get better rates around by the canal than you would across the continent.

"Then there is another thing in which you ought to be deeply interested which is in the program of the great party I belong to. That is the parcel post. This is the only civilized country in the world where the Government does not see to it that rates established by the Government enable men to ship their goods, large and small, as they please from one end of the continent to the other. We have no parcel post until you reach the ports, and from the ports to the other side of the Atlantic you can have parcel-post rates, but you can't have them inside the United States. Because—may I conjecture the reason—because there are certain express companies which object.

"Now, I move that the objections of all private enterprises be overruled. I move that we establish a parliamentary procedure by which they will not even be considered, not in order that men who have made legitimate investments of capital may not have their proper return for it, but in order that they may not look to the Government for their proper return for it. The trouble with the business of the United States under the tariff is that men think they can not make money without the assistance of the Government. And as long as you allow them to think that, then every mother's son of us is tied to the apron strings of the old grandmother sitting in the Capitol at Washington.

"But I want at every turn of every argument that I make of this nature to say that the legitimate business enterprises of this country have absolutely nothing to fear, provided they will stand on their own bottoms, but that they have everything to fear if all they have under them is the prop of a tax, which everybody is obliged to pay in order that they may be able to conduct their business, and I believe that that is the just principle of government.

"There is another matter in which I am deeply interested. There are only three lines devoted to it in the Democratic plat-

form, but there are no lines devoted to it in the Republican platform, and there are so many lines in the bull moose platform that I have not found it yet. It is a Sabbath day's journey through that program. If there are such lines I have not reached that station yet. But in the Democratic platform there are three lines in which the party declares it to be its duty to devote such funds of the National Government as it may constitutionally devote to such purposes to the promotion of industrial, agricultural, vocational education."

The governor explained that the platform in this connection meant a system of university extension to the farmer, making available to the farmer the knowledge stored in the universities of the country on scientific farming. He referred to a bill pending in the House of Representatives to promote agricultural development in that way. "You see," he remarked, "the men in the House are not waiting until you elect national officers on their platform. They are going ahead with their duty now, because our platform is not molasses to catch flies; it means business.

"There is one label that I often see on goods sold in our shops that makes me blush a little bit. That label is 'made in Germany.' Why should that be a commendation? Why should you prefer to buy something made in Germany rather than something made in the United States? The only conceivable reason is that you believe that the hands that made that in Germany were better trained than the hands that made the similar article in the United States. And what I don't like to admit, but must admit, is that in some instances that is true. We don't give our lads a chance to learn how to do the work as well as it is done in Germany, because the German Government long ago saw the sings of the times, saw that we must live by science, by knowledge, by skill, by the infinite dexterity of our hands, and that if they were to be masters in the world of commerce they must also have supremacy in the world of knowledge.

"If prosperity is not to be checked in this country, we must broaden our borders and make conquest of the markets of the world. That is the reason that America is so deeply interested in the question of which I have already spoken, the merchant marine, and that is also the reason why America is so much interested in breaking down, wherever it is possible without danger to break it down, that dam against which all the tides of our prosperity have banked up, that great dam that runs around all our coasts, and which we call the protective tariff. I would prefer to call it the restrictive tariff. I would prefer to call it the tariff that holds us back. I should prefer to call it the tariff that hems us in, the tariff that chokes us, the tariff that smothers us, because the great unmatched energy of America is now waiting for a field greater than America itself in which to prove that Americans can take care of themselves.

"There was a time, not many years ago, when I would have uttered sentiments like these with a certain degree of heat, because I would have known—I would have felt, at any rate—that I was against an almost irresistible force.

"But I don't feel the least heat now. We have got them on the run now, and the resistance is very little. The friction is going to come when they try to put on the brakes and try to stop. There is no heat in the business now, there is hopeful confidence that the people of the United States at large at last realize their opportunity, know what they want and are out to get it. I have never known anything like the awakening that has occurred in the United States in recent years. It is just as if we had all been taking a long and comfortable sleep, with sometimes very disturbing dreams. We would wake up once in awhile in a nightmare and say, 'Who is this sitting on my chest?' and then we would turn over and go to sleep again, and at last we waked up and found there was somebody sitting on our chests. And now we have come entirely to the consciousness of the new day. There are not going to be any more nightmares. It is going to be daytime all the time, and somebody is going to be on the outlook all the time to see that this thing does not happen again, and what we are trying for in this campaign is merely this: Who of you, how many of you, which of you, have enlisted for the fight? I believe that it is going to be one of those general recruitments when you won't need to have recruiting officers.

"I believe that there is going to be a great handsome, peaceful, hopeful revolution on the 5th day of November, 1912, and that after that revolution has been accomplished men will go about their business, saying, 'What was it that we feared? We feared chains and we have won liberty. We feared to touch anything for fear we should mar it, and now everything wears the bright face of prosperity, and we know that the right is also the profitable thing; and that nobody can serve a nation without serving himself.'"

Desired Oleomargarine Legislation.

EXTENSION OF REMARKS
OF
HON. GILBERT N. HAUGEN,
OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. HAUGEN said:

Mr. SPEAKER: By unanimous consent I extend my remarks to have printed in the CONGRESSIONAL RECORD a statement entitled "Desired oleomargarine legislation." The statement sets forth the idea of a committee consisting of a number of men representing the dairy interests, men who have given much time and thought to oleomargarine legislation. It gives the conclusions reached by these men after months and years of study, and I believe it of great value to the country, and especially to Members of this Congress who will have to deal with this all-important question next December; that is, if the plan decided on by the Committee on Agriculture and the majority side of this House is carried out. The statement also includes a bill prepared by the committee and introduced in this House by me August 12, 1912, at their request, being H. R. 26234, with a brief explanation of each section of the bill. Inasmuch as this statement was prepared by men of such experience, knowledge, ability, authority, and speaking for and representing the views of the great dairy interests of this country, it occurred to me that it should be printed in the RECORD, so that the Members of this Congress as well as the country may know what is desired and have the benefit of the judgment of these men of expert knowledge on this subject, and especially now that this matter is to come up for consideration and determination by Congress next December.

The statement is as follows:

DESIRED OLEOMARGARINE LEGISLATION.

The law now on the Federal statute books regulating the sale of oleomargarine was enacted for the purpose of placing a handicap on commercial dishonesty by taxing the counterfeit article 10 cents per pound, while the honest, natural product was taxed only one-fourth of a cent per pound. This law has been so effective that it has met with the emphatic disapproval of the oleomargarine interests, and therefore a determined attempt has been made to break it down. The Lever bill, so called, is pronounced by the oleomargarine people as containing substantially all that they want. In order that those opposing this measure might have something positive to fight for, rather than to be merely opposing the Lever bill, a bill was prepared somewhat hurriedly by representatives of the dairy interests and was introduced by Representative Haugen. After taking more time to perfect the bill, a second Haugen bill was introduced, and when the Committee on Agriculture postponed further consideration of oleomargarine legislation until the 4th of December, the directors of the Dairy Union called into consultation with them representatives of other dairy interests and gave much care and thought to further perfecting the Haugen bill. In brief the effort has been to strengthen the present law, by remedying some weaknesses that have developed in it. In addition the new bill meets the claim of the oleomargarine people that the present law, with its 10-cent tax on colored oleomargarine increases the price of living. This claim is false, but to save controversy over the point, and to show that the dairy interests do not desire to do anything that would even by implication add to the consumers' burdens, the bill which has been prepared eliminates the 10-cent tax in consideration of a provision that the coloring of oleomargarine in imitation of butter and the mixing of butter and oleomargarine shall be prohibited. The oleomargarine manufacturers claim as a distinctive merit for some grades of their product that it contains 50 per cent of butter. The butter interests have no war with honest oleomargarine as such, but believe that each article should stand on its merits and find its own market based on those merits.

Another feature of the bill is the prescribing of a color standard beyond which oleomargarine can not go. This is for the purpose of rendering more effective the administrative features of the law, and is rendered possible by the working out by the National Bureau of Standards of a practical means for scientifically measuring colors. It is now as feasible to submit a sample to an optical laboratory and get a statement of the measurement of the color as it is to submit a sample to the bacteriologists and get a report as to the number of bacteria it contains.

The following bill represents the ideas of the representative workers who have prepared it. It will be introduced into Congress at an early date. It is given publicity in this form in order that all persons interested, whether as producers of dairy products or as consumers of the same, can have opportunity to learn its provisions and present a united front in favoring its passage when it comes before Congress.

Respectfully,

G. L. Flanders, president National Dairy Union; J. A. Walker, president American Creamery Butter Manufacturers' Association; S. B. Shilling, secretary National Butter Makers' Association; N. P. Hull, president American Dairy Farmers' Association; H. E. Van Norman, president National Dairy Show Association; Geo. M. Whitaker, president Farmers' National Congress; Oliver Wilson, master, T. C. Atkeson, N. P. Hull, lecturer, legislative committee National Grange.

A bill to change the name of "oleomargarine" to "margarin"; to change the rate of tax on margarin; to make margarin and other substitutes for dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to repeal an act defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, with amendments thereto.

Be it enacted, etc.

SECTION 1.

(Definition: Name is changed to "margarin" because it is three syllables shorter and more easily pronounced than the word "oleomargarine" and because "margarin" is the word used by all other nations. The Lever bill contains the same provision as to change of name. Mixing butter with margarin prohibited.)

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter fat, shall be known and designated as "margarin," namely: All substances heretofore known as oleomargarine, oleo, butterine, and all mixtures or compounds of or with oleo oil, lardine, suine, neutral, tallow, beef fat, suet, lard, lard oil, lard extracts, tallow extracts, intestinal fat, offal fat, cottonseed oil, palm oil, peanut oil, soya-bean oil, or any other oil or fat, with or without coloring matter, whether in imitation or semblance of butter or not, when well calculated to be used as a substitute for butter. It is hereby declared unlawful and prohibited for any manufacturer to use any butter in the production or manufacture of margarin or to manufacture margarin containing more than 5 per cent of milk fat.

SECTION 2.

(This is the provision of the present law making certain dairy products and imitation dairy products subject to the laws of the several States, even when in the original package.)

That all articles known as oleomargarine, margarin, butterine, imitation, process, or renovated butter, or imitation cheese, and any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers, to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

SECTION 3.

(Special taxes on manufacturers and dealers with definitions: These taxes are reduced from the taxes now in existence in order to show the consuming public that the dairy interests care less about the size of the tax than about honest dealing in margarin. This paragraph requires servers of oleomargarine in hotels and boarding houses to pay a special tax for the protection of consumers of dairy products at such places. The administrative details of this section are substantially the same as in the present law or regulations and are the same in the Lever bill.)

That special taxes are imposed as follows:

Manufacturers of margarin shall pay $240 per annum. Every person who manufactures margarin for sale shall be deemed a manufacturer of margarin.

Wholesale dealers in margarin shall pay $120 per annum. Every person who sells or offers for sale margarin in the original manufacturer's packages in quantities of 10 pounds or more at one time shall be deemed a wholesale dealer in margarin. Any manufacturer of margarin who has given the required bond and paid the required special tax, and who sells only margarin of his own production, at the place of manufacture, in the original packages, shall not be required to pay the special tax of the wholesale dealer in margarin on account of such sales.

Retail dealers in margarin shall pay $6 per annum. Every person who sells margarin in quantities of less than 10 pounds at one time shall be deemed a retail dealer in margarin. Servers of margarin shall pay $3 per annum. Keepers of hotels, restaurants, boarding houses, lunch counters, and any other place where margarin is sold, vended, furnished, or served with other food for compensation shall be deemed servers of margarin. Every such server of margarin shall display, and keep continually on display, in the room or place where margarin is so served, and where the same may be plainly seen by everyone to whom the same is served, his tax receipt, which shall contain in roman letters at least 2 inches high the words "Margarin served here."

That every person who carries on the business of a manufacturer of margarin without having paid the special tax therefor as required by law shall, besides being liable for the payment of the tax, be fined not less than $1,000 and not more than $5,000; and every person who carries on the business of a wholesale dealer in margarin without having paid the special tax therefor as required by law shall, besides being liable to the payment of the tax, be fined not less than $500 nor more than $2,000; and every person who carries on the business of a retail dealer in or server of margarin without having paid the special tax therefor as required by law shall, besides being liable for the payment of the tax, be fined not less than $50 nor more than $500 for each and every offense.

That every manufacturer of margarin shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books, and render such returns in relation to his business, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require.

Every manufacturer of margarin shall enter daily in a book, in such form as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, the quantity and kind of materials brought upon the factory premises, the quantity of such used for the production of margarin, the quantity and kind of materials otherwise used, the number of packages and pounds of margarin produced, the number of packages and pounds of margarin sold or removed, and the name and place of business or residence of each person to whom sold or consigned; and he shall, when so requested by any authorized internal-revenue officer or agent, exhibit the original receipts of all persons, firms, or corporations to whom he has sold or delivered any such packages of margarin. Every wholesale dealer in margarin shall enter on the day when received, in a book, in such form as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, the number of packages and pounds of margarin disposed of, on the day when sold or removed, and the name and place of business or residence of each person, firm, or corporation to whom sold or consigned; and the wholesale dealer shall, when so requested by any authorized internal-revenue officer or agent, exhibit the original receipts of all persons, firms, or corporations to whom such packages have been sold or delivered.

Such books shall be open to the inspection of any internal-revenue officer or agent. Whoever fails to keep such books or render such returns in relation to his business as required by the regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury, or makes a false entry in such books or returns, shall be fined not more than $500 or be imprisoned not more than six months, or both, for each offense. The bond required for such manufacturers shall be approved by the collector of internal revenue and be in a penal sum of not less than $5,000; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

SECTION 4.

(This is practically a new section. It requires all oleomargarine to be sold in half-pound, pound, or 5-pound packages sealed with a strip revenue stamp. The same feature is in the Lever bill. This section regulates the marks on wrappers and gives administrative details with penalties for violation of the section.)

That all margarin shall be put up by manufacturers in their manufactories in cartons or fiber containers in quantities of either one-half, 1, or 5 pounds each, in no larger or smaller quantities, and such cartons or containers and each and all coverings or wrappers of margarin shall have indelibly printed or branded conspicuously upon them the word "Margarin" in distinct letters which shall be not less than one-half inch square and be in color distinctly different from that of the package, and shall be so placed as to be the only marking on one side or surface of such carton or container except the revenue stamp hereinafter mentioned. No other marks, labels, printing, or branding than those mentioned in this law shall be made or used on any carton, containers, wrappers, or coverings used by the manufacturer in connection with any margarin with the exception of shipping marks necessary in transportation unless the same be approved by the Secretary of Agriculture, but no marks or brands containing names of breeds of cattle or dairy terms or processes shall be approved. True and correct copies of all so approved marks, labels, printing, or brands must be kept on file and at all times accessible to the officers or agents of the Department of Agriculture at the office or place of business of the manufacturer. Such packages shall then be packed by the manufacturer thereof in wooden or other containers, each containing not less than 10 pounds, which shall be marked conspicuously as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The internal-revenue stamp or stamps shall be so affixed to such one-half, 1, and 5 pound packages as to seal them securely, so that such packages may not be opened without destroying the stamp or stamps affixed thereto; and all sales made by manufacturers of margarin and by wholesale dealers in margarin shall be of packages containing not less than 10 pounds. Retail dealers in margarin shall sell only the one-half, 1, and 5 pound packages, to which the tax-paid stamps are affixed and unbroken in such manner as to seal them securely, and in quantities of less than 10 pounds at one time. Every person who sells or offers for sale, margarin in any other form than the packages above described, or who packs in any package any margarin in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall be fined for each offense not less than $100 or more than $2,000 or be imprisoned not less than six months or more than two years, or both.

SECTION 5.

(This section is a copy of the present law relative to a caution notice to be affixed to each package and a penalty for violating the provision of the section. The same section is in the Lever bill.)

That every manufacturer of margarin shall cause to be securely affixed on each such carton or container containing margarin manufactured by him a label on which shall be indelibly printed the number of the manufactory manufacturing the margarin therein contained, together with the district and State in which it is situated, and in addition these words: "The manufacturer of the margarin herein contained has complied with all the requirements of the law. Every person is cautioned not to use this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

Every manufacturer of margarin who neglects to comply with each and all the requirements of this section, and every person who removes such label so affixed from any such package or obliterates any part of the notice thereon, shall be fined $50 for each package in respect to which such offense is committed.

SECTION 6.

(This section provides for a flat tax of 1 cent per pound on all oleomargarine instead of the present tax of 10¼ cents, and conforms with the Lever bill.)

That upon margarin which shall be manufactured and sold or removed for consumption or use there shall be assessed and collected a tax of 1 per cent per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by suitable special stamps denoting the weight and character of the article; and the provisions of existing laws, including penal provisions, governing the engraving, issue, sale, accountability, effacement, cancellation, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

SECTION 7.

(This section relates to imported oleomargarine and is substantially a copy of the present law.)

That all margarin imported from foreign countries shall, in addition to any import duty imposed on the same, pay the internal-revenue tax herein provided, and the Commissioner of Internal Revenue shall prescribe rules and regulations as to the manner of stamping, repacking, and withdrawing from the custody of the customhouse officers all of such imported margarin. The stamps required by this act shall be affixed and canceled by the owner or importer of the margarin while

it is in the custody of the proper customhouse officers, and the margarin shall not pass out of the custody of said officers until the stamps shall have been so affixed and canceled, but shall be put up in packages as described in this act for margarin manufactured in the United States, and the stamps likewise affixed in the same manner. The owner or importer of such margarin shall be liable to all the penal provisions of this act prescribed for the manufacturers of margarin produced in the United States. Whenever it is necessary to take any margarin to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such margarin is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such margarin to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be fined not more than $5,000 or be imprisoned not more than three years or both. Whoever sells or offers for sale any imported margarin or margarin purporting or claiming to be imported, not put up in packages and stamped as provided by this act shall be fined not more than $5,000 and imprisoned not more than two years.

SECTION 8.

(This section provides penalties for violation of the law with a special penalty for persons who purchase oleomargarine to sell again when the provisions of the law relative to branding, stamping, and special taxes have not been complied with. This is a copy of the existing law.)

That all packages of margarin subject to tax under this act that shall be removed from the manufactory or offered for sale without stamps or marks as hereby provided shall be forfeited to the United States. Any person who shall remove or deface the stamps, marks, or brands on any packages containing margarin, taxed as provided herein, or who reuses such stamps, shall, for each such offense, be fined not more than $2,000 and be imprisoned not more than six months.

Every person who knowingly purchases or receives for sale any margarin which has not been branded or stamped according to law shall be liable to a penalty of $50 for each such offense; and every person who knowingly purchases or receives for sale any margarin from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100 and to a forfeiture of all articles so purchased or received, or of the full value thereof.

SECTION 9.

(This section permits oleomargarine to be exported without payment of tax, and the same provision is in the present law.)

That margarin may be removed from the place of manufacture for export to a foreign country or for consumption upon vessels plying between ports of the United States and those of foreign countries, without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export margarin shall brand upon each package the word "Margarin" in plain roman letters, not less than one-half inch square.

SECTION 10.

(This section relates to penalties; some of it being in the existing law and some of it having been added at the suggestion of the Commissioner of Internal Revenue for the sake of remedying defects in the present law.)

That whenever any person engaged in carrying on the business of manufacturing margarin defrauds or attempts to defraud the United States of the tax on the margarin produced by him, or any part thereof, he shall be fined not more than $5,000 or be imprisoned not more than three years, or both; and, in addition thereto, all margarin and all raw material for the production of margarin found in the factory and on the factory premises shall be forfeited to the United States.

Whenever any manufacturer of margarin sells or removes for sale or consumption any margarin upon which the tax is required to be paid by stamps without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

If any manufacturer of margarin, any dealer therein, any server thereof, or any importer or exporter thereof shall omit, neglect, or refuse to do or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this act prohibited, if there be no specific penalty or punishment imposed by any other section of this act for the neglecting, omitting, or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of not less than $100 or more than $1,000 or by imprisonment of not less than three months or more than nine months, or both.

All fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

SECTION 11.

(This section provides means for assisting the Internal-Revenue Bureau in the collection of revenue and the detection of fraud. This is accomplished in three ways: First, by making applicable to the oleomargarine law all of the general provisions of existing law as to the administrative details of internal-revenue measures; second, by prohibiting the manufacturing of any oleomargarine in imitation or semblance of butter of any shade of yellow, and defining what is meant by "butter of any shade of yellow"; and, third, by prohibiting the mixing of butter with oleomargarine. The last two provisions will go far to prevent much oleomargarine from escaping taxation, which, were it not for them, might be overlooked by revenue agents.)

That to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of revenue, sections 3164 to 3177, 3179 to 3243, 3346, as amended, 3445 to 3448, and 3450 to 3463, all inclusive, of the Revised Statutes of the United States, and all laws relating to internal revenue, so far as applicable, are hereby made to extend and apply to the taxes imposed by this act and to the substances upon which and the persons upon whom they are imposed; no margarin shall be manufactured in imitation or semblance of butter of any shade of yellow—for the purpose of this act margarin shall be deemed to be in such imitation or semblance of butter of any shade of yellow when it has a tint or shade coloring less than 55 per cent of white as determined by color analysis, the methods of color analysis and such color reference standards as may be used being those approved by the National Bureau of Standards; no margarin shall be manufactured by mixing butter with the same or which contains more than 5 per cent of milk fat. If any person who sells, vends, or furnishes margarin for the use and consumption of others, except to his own family table, without compensation, shall add to or mix with such margarin any coloration that causes it to look like butter of any shade of yellow, such act shall be deemed a violation of this law. Any person violating any provision of this section shall pay for the first violation thereof not less than $100 nor more than $1,000, and for each subsequent violation not less than $500 nor more than $5,000, or be punished by imprisonment of not less than six months nor more than two years, or by both such fines and imprisonment. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for carrying into effect the provisions of this act.

SECTION 12.

(This section repeals all existing laws relative to oleomargarine, process butter, and adulterated butter. The law relative to these is now found in one statute. It is the belief that the enforcement of law would be facilitated by having a separate law for each article, and this section is prepared with the understanding that laws governing process butter and adulterated butter amply protecting the consumer have been introduced or are being prepared and will be introduced at an early date.

That the act of August 2, 1886 (24 Stat. L., p. 209), and the act of October 1, 1890 (26 Stat. L., p. 621), and the act of May 9, 1902 (32 Stat L., p. 194), be, and the same are hereby, repealed: *Provided, however,* That such repeal shall in no manner affect any liability incurred or action or proceeding now pending in any court of the United States, or any indictment heretofore found or returned thereunder in any of said courts; but said liabilities incurred and actions, proceedings, and indictments shall proceed to final determination and judgment, the same as though such repeal had never been enacted, and for all purposes pertaining to said matters, including full and complete performance of all penalties therein provided or imposed thereunder, said repealed provision is to be and remain in full force and effect.

SECTION 13.

That this act shall take effect on the 1st day of July following its enactment.

And in order that the Members may known and that the country may know of the pressure brought to bear and who is back of the oleo movement, and who is responsible for its coming up, I will also ask leave to print in the RECORD an editorial purported to be from the Dallas (Tex.) News. The editorial is authority and speaks for itself, and I do not care to comment on it or to discuss oleomargarine at this time, as I take it that ample time will be given for discussion next December, and will content myself with simply saying that inasmuch as articles and editorials pro and con on this subject are going the rounds in the press, it seems fair and proper to make the request which I have made:

[From the Dallas (Tex.) News.]

DEMOCRATS BACK DOWN.

Another bill is to be treated by the House majority from the viewpoint of helping out some northern and western Democrats.

When the Democrats carried the House overwhelmingly at the last general election it was expected that the grip which the dairy interests have held on Congress ever since they forced through the oleomargarine tax bill over the strenuous opposition of the Democrats would be broken.

It was expected with certainty the the House Democrats would speedily adopt the pending oleomargarine bill, which has the indorsement of the southern agricultural and live-stock interests and masses of the city workingmen, but the supporters of the bill to repeal the oleogmargarine tax find they can not muster sufficient votes to force a report on the pending measure.

It is said that great pressure has been brought to bear upon some of the northern Democrats who slipped into office on the crest of the last political tidal wave.

Review of Work of Democratic House of Representatives—Sixty-second Congress, First and Second Sessions.

EXTENSION OF REMARKS

OF

HON. OSCAR W. UNDERWOOD,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 15, 1912.

Mr. UNDERWOOD said:

Mr. SPEAKER: The thorough and businesslike way in which legislation has been effected during this Congress, and the manner in which all the Democratic campaign promises of 1910 have been kept, mark a real epoch in the legislative history of this country. The people had become aroused by the hampering influences on legislation which had resulted through the autocratic practices under "Cannonism." The rules of the House were promptly liberalized when the Democrats took charge at the beginning of this Congress by a radical change made in the appointments of the committees of the House. The Ways and Means Committee was designated the committee to nominate to the House the other committees, thus taking out of the Speaker's hands a function which has lodged with every Speaker of

the House since the Second Congress. The Democratic membership has worked with such marvelous celerity and effectiveness, its legislative results have aroused universal interest, and all the 1910 campaign promises of the party have been fulfilled.

IMPORTANT LEGISLATION.

This Democratic Congress has offered reforms on a score of issues, of which the following are some of the most important which have passed the House:

First. It has revised and liberalized the rules of the House so as to give the representatives of the people freedom of speech and of action.

Second. It has authorized and directed investigations of certain executive departments of the Government and of certain industrial combinations, including the United States Steel Corporation, the American Sugar Refining Co., the Shipping Trusts, Beef Trust, and the Money Trust.

Third. It has enacted a law providing for the publication of campaign expenses before and after election, and fixed a limit on the election expenses for Senators and Representatives.

Fourth. It has proposed an amendment to the Constitution providing for the popular election of United States Senators.

Fifth. It has admitted New Mexico and Arizona to statehood.

Sixth. It has enacted a law to prevent the abuse of the writ of injunction.

Seventh. It has passed a bill establishing an eight-hour day for workingmen on all national public works.

Eighth. It has passed a contempt bill, which provides, under certain conditions, for a trial by jury and appeal, as in other legal proceedings.

Ninth. It has passed a resolution which forced the President to take immediate steps to abrogate the Russian treaty in vindication of American citizenship.

Tenth. It has passed a bill to establish agricultural extension departments in connection with agricultural colleges in the several States.

Eleventh. It has passed a bill providing for stricter laws and regulations to promote the safety of passengers and crew at sea.

Twelfth. It has enacted a law prohibiting the manufacture of and trade in poisonous white phosphorus matches.

Thirteenth. It has enacted a law establishing a Children's Bureau, charged with timely investigations of infant mortality, the birth rate, orphanage, juvenile courts, desertions, dangerous occupations, accidents, and diseases of children.

Fourteenth. It has passed a bill "to protect American trade and American shipping from foreign monopolies."

Fifteenth. It has passed a bill creating a Department of Labor, making its head a member of the President's Cabinet.

Sixteenth. It has made liberal special appropriations amounting to $1,500,000 for relief work in flooded districts of the Mississippi River. Ordinarily the annual river and harbor bill carries from $3,000,000 to $4,000,000 for improvements to that river, whereas the amount this year is $6,000,000, including the flood emergency sums.

Seventeenth. It has in the passage of supply bills worked out great economies in national expenditures.

Eighteenth. It has made an excellent record in its endeavors to revise the tariff downward to a revenue basis, having passed measures thus affecting the schedules of most vital moment to the people, namely: Wool, cotton, metal, chemical, sugar, and in the farmers' free-list bill placed necessary food products on the free list.

Nineteenth. It has passed a bill providing for an excise tax on incomes, thereby transferring a considerable portion of the tax burdens to the wealthy which are escaping their proper proportion.

Twentieth. It has enacted the Alaskan civil-government act, creating a legislature of two houses with authority to enact laws.

Twenty-first. It has made provision in the Post Office appropriation bill for a parcels post whereby delivery of fourth-class mail matter, embracing farming and factory products, shall under certain conditions and at specified rates be delivered within the time reasonably required for transportation and delivery.

Twenty-second. It has provided for an antitrust feature in the legislation on the Panama Canal; also made provision for free ships, free shipbuilding materials, and for the joint and independent operations of ships and railroads.

Twenty-third. It has passed a bill providing for a most comprehensive and efficient health service through the reconstruction of the public health and marine-hospital work.

Twenty-fourth. It has passed a bill strengthening the pure-food act so as to have it conform to the decisions of the Supreme Court made since the passage of the original pure-food law.

Twenty-fifth. It has under way many other measures of great general and local importance, including those providing for Government aid to public highways and post roads, revision of the patent laws, a sound system of easier agricultural credits, the improvement of the Lighthouse Service, the betterment of the facilities of commerce through provisions for bridges and dams, the development of water powers and the promotion of navigation, the investigation of the physical values of the property of all public carriers and the status of their stocks and bonds; also making provision for much-needed life-saving and quarantine stations, and for greater efficiency in the Revenue-Cutter Service.

INVESTIGATIONS.

Searching investigations made by the Democrats during this Congress of the several departments of the Government and of important trust-controlled industries have shown most undesirable conditions in the administration of the departments in certain instances, and legislation is being framed to correct defects in administration of the departments and to curb extravagances from which the people have long suffered unnecessary burdens and to regulate and better control the evil influences of trusts and combinations. Following the investigations of the American Sugar Refining Co. the bill was passed placing sugar on the free list, and following the investigations of the United States Steel Corporation a bill has been passed reducing the rates of duty on the metal schedule of the tariff act.

REGULATION OF INJUNCTIONS.

Measures looking to this end have been before Congress for several years and have been emphatically demanded by the Democratic national platform since 1908. The measure will remedy the evil of administration of injunction as follows: (1) The issuance of injunction without notice; (2) the issuance of injunction without bond; (3) the issuance of injunction without detail; (4) the issuance of injunction without parties; (5) the issuance of injunction in trades disputes against well-established and indisputable rights.

EIGHT-HOUR DAY LAW.

This is a fitting recognition of labor. The bill provides that every contract made after its passage to which the United States is a party and every contract made for and on behalf of the United States requiring the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work shall be required to work more than eight hours in any one calendar day. This measure will contribute greatly to the moral elevation of our workers. The Democratic Party through this bill recognizes the obligations of the country to labor and shows its appreciation of how much is dependent upon the care, elevation, dignity, and education of labor.

CONTEMPT BILL.

This measure conforms to a sound public policy to adjust the processes of the courts so as to disarm any legitimate criticism. The charges most commonly made and which this bill proposes to do away with are that the courts under the equity power have invaded the criminal domain and under the guise of trials for contempt have really convicted persons of crimes for which if indicted they would have had a constitutional right to be tried by jury. This measure, therefore, removes a cause of just complaint and proposes that popular affection and respect for law, which in the last resort, is the true support of every form of government activity.

ABROGATION OF THE RUSSIAN TREATY.

For several years Russia has departed from the accepted interpretation of our treaty by refusing to recognize passports issued by our State Department when presented by Jews, Roman Catholic priests, or Protestant missionaries of various denominations, thus creating a classification of American citizens indefensible under our Constitution and laws and contrary to the institutions we hold most dear. This measure recognizes the Democratic pledges to the people to insist upon the just and lawful protection of our citizens at home and abroad and to use all proper measures to secure for them the enjoyment of all rights and privileges and the covenants of our treaties of friendship.

AGRICULTURAL EXTENSION DEPARTMENTS.

The object of this bill is to establish agricultural extension departments under the direction of the land-grant colleges of the several States to aid in carrying to the people useful and practical information relating to agriculture and home economics through field instruction, demonstrations, publications, and otherwise. When it is remembered that only a very small per cent of the people can enjoy the direct benefits of agricultural colleges, it is evident that the system of Federal aid to agriculture is yet incomplete. The colleges deal with ideas; the agricultural stations with facts. The colleges teach theories of agriculture; the stations prove good theories and disprove poor ones. The stations gather facts of a practical

and scientific nature; the colleges disseminate these facts, but only to limited numbers in proportion to the total population. This bill is the next logical and necessary step to give this country the most comprehensive system of governmental aid to agriculture in the world.

FOREIGN SHIPPING MONOPOLIES.

The House has passed a bill which provides remedies for present violations of our shipping laws. More than 90 per cent of the over-sea trade of this country is carried by foreign ships that belong to rings, pools, and combines. Between these ships there is no competition. Each combine is a complete monopoly. Freight and passenger rates are fixed by agreement of sailing apportioned. Thus the combines drive out independent shipping lines. The rates between this country and Europe and between this country and South America are exorbitant and much higher than a fair compensation for the services performed. These combines annually unjustly levy millions upon American commerce. To a great extent they have destroyed our foreign trade, not only by exorbitant freight rates but by discriminating against us in all the ports of the world in favor of the products of their own country. The bill undertaking to correct this deplorable condition is therefore most timely.

DEPARTMENT OF LABOR.

A bill has been passed providing for a department of labor by changing the present Department of Commerce and Labor into two departments, one to be known as the department of commerce and the other to be known as the department of labor. It provides for a secretary of labor, who shall be a member of the President's Cabinet. The Democratic platform of 1908 declares, "We pledge the Democratic Party to the enactment of a law creating a department of labor, represented by a secretary in the President's Cabinet." The action of the House in passing the bill to create this new department is therefore in strict accord with the party pledge, and the organized wageworkers of the country are unanimous in supporting the measure.

EXCISE TAX.

The excise-tax bill provides for the extension of the corporation-tax law so as to include individuals, firms, and copartnerships. It accomplishes the very desirable purpose of transferring tax burdens from those less able to carry them to the shoulders of the wealthy, who have heretofore escaped from a proper share of taxation for the support of the Government. When a citizen pays taxes according to his earnings, from whatever source, he gives support to his Government and receives protection from it in a more equitable manner than under any other plan of taxation yet devised. If his earnings increase, his taxes increase; if his gains decrease, so do his taxes, and fortunately for him because he is less able to pay them. The present burden of indirect taxation falls upon people having incomes of less than $2,000 per year. The large percentage of the customs taxes is paid by people whose incomes do not exceed that amount. This excise bill aims to distribute more justly the tax burden by shifting it to the shoulders of those of larger earnings. A man whose net earnings amount to but $5,000 per year would under this bill pay no tax; a man earning $10,000 per year would pay nothing on the first $5,000 and $50 per year on the second $5,000. This measure would also have the further valuable effect of providing, it is believed, approximately the same amount of revenue as produced now from taxing sugar, and hence enabled the Democrats of the House to recommend that sugar be placed on the free list.

The Senate attached to this bill amendments to repeal Canadian reciprocity and to provide for the continuance of the present Tariff Board; and on these the measure rests in conference.

FOREIGN RURAL CREDIT SOCIETIES.

The resolution, in course of passage through the House, providing for an investigation of the European rural credit societies, justly prompts the hopes of our farmers for better and easier credit facilities.

The conversion of our vast and fertile prairies into productive farms years ago materially affected the agricultural interests of Europe. To meet the emergency for cheaper and easier money to compete with the conditions in America, some of the most thoughtful European citizens devised cooperative societies, which have been so successful that agriculturists in European countries are at this time securing credit for productive purposes at cheaper rates than those persons engaged even in commercial pursuits in this country. The volume of business transacted by some of these foreign societies is enormous, those of Germany transacting in 1909 business of more than one and one-half billion dollars.

The demands of the smaller farmers for productive credit do not especially appeal to the commercial banks for two reasons—the loans are small in amount and run for long periods of time. It is the opinion of the students of the operations of the foreign credit societies that some have produced inflation while others have been entirely free of this evil. It therefore behooves us to act with caution and secure all the facts possible before undertaking to launch these credit societies in the United States. Let the good and the bad systems of Europe be thoroughly investigated and studied, and then let us adopt the best or adapt a system suitable to our peculiar conditions. Productive credit is too expensive and too difficult to obtain in this country, while consumptive and speculative credits are too cheap and too easily secured. So long as this condition obtains, so long will the multitudes of our busy producers continue to labor under adverse circumstances and our people as a whole be speculators and spendthrifts and the wealth of the country gravitate from the masses of producers into the hands of the few.

REPUBLICAN BROKEN PROMISES AND DEFEAT.

In its campaign platform of 1908 the Republican Party promised to revise the tariff, and its candidate for the presidency, Hon. William Howard Taft, pledged his efforts to secure a revision which, as generally understood, was to be a revision downward. The tariff act of 1909 proved, however, to be not a revision downward, and the two parties went before the people in 1910 on the issue of "broken faith" on the part of the Republican Party. The Democrats charged that the Republicans had promised a revision of the tariff downward, whereas they had in many instances revised the duties upward. The so-called tariff revision of the Republicans in 1909 was, as theretofore, guided and directed by the protected interests and was, therefore, no revision at all. Hence, in the national election of November, 1910, the people were thoroughly aroused against the Republican Party, and the Democrats swept the country overwhelmingly.

DEMOCRATIC TARIFF WORK.

Thus the Democratic majority of the House was by the results of the election of 1910 charged with the important duty of making good where the Republicans had so utterly failed at tariff reform. True and faithful in the performance of this trust, the Democrats have during both sessions of this Congress worked with unceasing devotion to tariff revision, and but for the persistent vetoes of a Republican President, committed to the policy of protecting the profits of manufacturers, legislation would have been secured which would have effected annual savings in prices, and hence decreased the high cost of living to the extent of at least three-quarters of a billion dollars.

As has been forcefully stated, "A system of taxation correct in principle and just in operation is the final goal, the real definition of free government. As we approach such a system we broaden and equalize our freedom. As we depart from it, we narrow and make unjust discrimination in that freedom." It is the contention of the Democrats that the present methods of taxation in this country are neither correct in principle nor just in operation. Nothing better illustrates this than the present tariff act. As shown in the analyses in the appendix of this review, of all the money exacted from the people through the operation of this law only about $1 for every $7 reaches the Treasury of the United States. Much of the other $6 is an enforced gift from the consumers to the manufacturers as a "protection of profits."

CANADIAN RECIPROCITY.

The first tariff work of the Sixty-second Congress was the passage of the Canadian reciprocity agreement, which prompted the President to assemble Congress in the extraordinary session of April 4, 1911. This measure was supported by the Democrats, because it was in accord with the Democratic principle of reducing the duty on food products, and made a breach in the high protective-tariff wall of the Republican Party. It was, therefore, an advance from a protective policy to the Democratic competitive policy. When at the present session of Congress an amendment to the metal bill proposed to repeal this act, the House rejected the proposition, assigning, among others, the following reasons for its action: In the passage of this measure by the House 268 Members recorded themselves as favoring it, more than two-thirds of the entire membership of the body. Furthermore, it would not be in keeping with the dignity of the United States to repeal without sufficient cause or reason a measure which became a law as a result of so much investigation and labor only a few months ago.

THE FARMERS' FREE-LIST BILL.

It is estimated in Table 6 that the results which would have followed the enactment of this bill would have saved the American people not less than $390,000,000. The first articles placed on the free list by this bill were agricultural implements. Our

domestic production of agricultural implements amounts to over $111,000,000 annually, our imports are less than $165,000, and our exports during the last fiscal year were nearly $36,000,000. Our manufacturers of these farming implements are therefore able to compete with manufacturers of like implements in the world's markets. The bill placed sewing machines on the free list, meeting the requirements of the poor seamstress. The measure met the wishes of the farmers with free agricultural implements and free fence wire; the cotton grower with free bagging and ties; the builder with free lumber, laths, and shingles; the great masses of city folk, pressed for food and clothing, with free meats, free leather and shoes, and free salt. Under our tariff law a barrel of flour valued at $4 abroad is taxed 25 per cent ad valorem at our ports, or $1 on the barrel. This bill removed the entire tax. Beef valued at $5.30 per 100 pounds abroad pays a tariff tax equivalent to 25.88 per cent, or $1.50 per 100 pounds. This bill proposed to remove this entire tax.

WOOL.

The energy and persistent work of the Democrats of the House in their efforts to relieve the people from present exorbitant taxes and reduce the high cost of living is well illustrated in its work in connection with wool. Five times within practically a year they have passed a bill revising the wool schedule—their own bill at the first session of this Congress and then the compromise measure reported by the conferees of the two Houses. The same two measures at this session were passed, and in addition to this the President's veto of the compromise bill was overridden, thus making five times that the House has actually passed wool bills thus far during this Congress, very materially reducing the duties on wool and wool manufactures.

Immediately upon the convening of the Sixty-second Congress in the special session of April 4, 1911, the House at once applied itself to the work of revising Schedule K of the tariff act, which the President of the United States had so repeatedly declared to be indefensible. The Democratic bill vetoed by the President reduced the average rate of duty on wool manufactures (imports of 1910) from 90.10 per cent to 48.36 per cent. The rates of duty in this compromise bill were slightly higher than in the original House bill, but greatly reduced the rates which had so long burdened the consumer, and they would have produced the necessary revenue from this schedule. The President vetoed this bill August 17, 1911, assigning as his reason that the Tariff Board had not reported to him as to what revision was necessary. The report of the Tariff Board was sent to Congress by the President in a message on December 20, 1911. A very careful analysis of this report by the Ways and Means Committee failed to reveal anything that required a single change in the rates fixed in the Democratic bill of the first session of this Congress, and the Ways and Means Committee again presented to the House, without change, the results of their investigations of last summer and embodied in the bill presented at that time. The only real effect of the delay in the revision of Schedule K, based upon the necessity, as stated by the President, of awaiting the report of the Tariff Board, was to allow manufacturers another year of excessive rates and to compel the people to pay for their woolen clothing during the year over $50,000,000 more than they would have paid under the rate of the bill of the first session of this Congress. To illustrate the meaning of this bill, a wool hat valued at $1 in the port abroad is taxed 78 cents upon its entry into the United States under the present tariff law. This Democratic bill proposed to reduce this duty from 78 cents to 49 cents. Flannel underwear valued at $27 per dozen suits is taxed under the present law at the equivalent ad valorem rate of about 106 per cent. The Democratic bill proposed to reduce this to 49 per cent. A suit of ready-made woolen clothing worth in Europe $10 is taxed under the present law at the equivalent ad valorem rate of 75 per cent, or $7.50. The Democratic bill proposed to reduce this tax from 75 to 49 per cent and save the consumer $2.60 per suit.

COTTON.

This bill reduced the duties on cotton manufactures from 48.12 per cent (imports, 1910) to 27.06 per cent, a reduction of the tariff burdens under this schedule as shown in Table 6 from not less than $200,000,000 to about $112,000,000 for a year, or a saving of about $88,000,000 for a 12-month period. It appears that for every dollar of loss to the Treasury that would have resulted from the enactment of this bill the tax burdens of the people would have been lessened by about $29.

In vetoing the Democratic cotton bill of the first session of this Congress the President of the United States gave as one of his reasons that the Tariff Board had not reported to him concerning this schedule. The message transmitting the Tariff Board report on this schedule was received by Congress on March 26, 1912. A very careful analysis by the Ways and Means Committee failed to discover any facts in the report which justified changes in the cotton bill passed at the first session of this Congress and vetoed by the President. Hence the old bill was reintroduced, and it passed the House August 2, 1912. In the Senate the repeal of Canadian reciprocity was attached and on this amendment the bill rests in conference.

To illustrate the effectiveness of the revision sought by this bill, men's cotton half hose valued at 80 cents per dozen pairs wholesale are taxed under the present law at the equivalent ad valorem rate of about 92 per cent. The Democratic cotton bill proposed to reduce this to 40 per cent. It proposed to reduce the tax on cotton thread from an equivalent rate of 34 per cent to 15 per cent. A suit of ready-made cotton clothing valued at the foreign port at $6 is taxed under our present law 50 per cent ad valorem, or $3, a suit. This Democratic bill proposed to reduce this tax to 30 per cent and save the consumer $1.20 per suit.

METALS.

The bill revising the metal schedule reduced the average rate of duty on the entire schedule from 33.35 per cent (imports 1910) to 22.42 per cent. This revision, it is estimated, would have saved the American consumers in a 12-month period more than $80,000,000.

This bill passed the Senate in practically the same form in which it left the House and was vetoed by the President August 14, 1912, the main reason given being that, in the opinion of the President, the iron and steel industries were not adequately protected by the rates. The iron and steel industry has reached a position of independence where it does not need the helping hand of the Government in order to stand in competition with foreign countries. This desirable state of affairs has been reached as a result of progressive improvement in industrial methods coincident with steady reductions of the tariff which have impressed upon steel producers the necessity of shaping their methods in accordance with the recent inventions and processes and with the principles of effective business organization. The condition with regard to machine tools illustrates the strength of the industry. Machine tools made by American manufacturers are exported and sold in large quantities in every European country in competition with foreign manufacturers. Our annual output of these tools is estimated at $50,000,000; our exports are not less than $5,000,000, while our imports are less than $200,000. Our exports of these tools during the fiscal year 1912 amounted to about $12,000,000 or $1,000,000 a month.

Manufacturers are therefore successfully competing in the world's markets with rivals from other countries; and as no increase in imports or revenue could be expected from this item, machine tools and other articles of like condition were placed on the free list.

CHEMICALS.

This bill not only corrected numerous defects in the classification of the schedule, but made a systematic adjustment of rates in the light of the present industrial condition of the various businesses as well as in the interest of the consumers. To this end a careful study was made of the chemical free list and low rates of duty were levied upon noncompetitive articles not produced in this country, with the view of having them share in equitable taxation for revenue purposes. The chemicals used in the textile industries were given special attention, an adjustment being made in accordance with the revision of the cotton schedule proper. This plan was also observed with regard to the wool industry, the paper industry, and special consideration was given to the interest of the consumer in the matter of the chemicals and drugs used for medicines. The revision of this schedule would have effected a saving to American consumers of about $17,000,000 by reducing the price of all chemicals, and at the same time the revenue to the Government would have been increased. This measure was defeated in the Senate.

SUGAR.

The bill placing sugar on the free list was passed in deference to a very general and persistent demand on the part of consumers. By it the consumers would save during a year not less than $115,000,000 from sugar prices, and if enacted the measure would have substantially reduced the cost of living. The tariff tax on sugar amounts to about 1½ cents per pound. As this entire tax enters into the price of sugar to the consumer, it is easy to estimate the consumer's burdens because of tariff duties on sugar. The amount of sugar consumed in continental United States in 1911 was about 7,663,000,000 pounds, and the application of 1½ cents per pound to this consumption affords the estimate of $115,000,000 as representing the saving to the people.

The Senate substituted for the House sugar bill one which only slightly reduced the duties on sugar, the cut of the rate of duty being from $1.90 to $1.60 per hundred, or only about 30

cents on the hundred. This would have given no relief to the people from sugar prices, and hence the Democrats of the House refused to accept it as a compromise, the conferees reporting a total disagreement on the measure.

RÉSUMÉ OF TARIFF WORK.

Table 1 presents a summary of the results of the strictly tariff work of the first and second sessions of the Sixty-second Congress:

Measure.	Equivalent ad valorem rate. (Average per cent.)		Estimated saving to consumers (a 12-month period).
	Import, 1911.	Democratic bill.	
Free list	18.75	Free.	$390,000,000
Wool:			
Raw	42.20	29.00	50,000,000
Manufactured	87.65	48.36	
Cotton	47.05	27.06	88,000,000
Metals	34.51	22.42	80,000,000
Chemicals	25.72	16.66	17,000,000
Sugar	53.95	Free.	115,000,000
Total			740,000,000

In arriving at the estimate of the saving to the consumers from the revision of the tariff shown in this statement, it has been the plan to reckon that the duty is 50 per cent effective in increasing prices, except for sugar, where the full amount of duty is passed into the price paid by the consumers. According to Table 6, the estimated protection in the wool, cotton, metals, chemicals, and sugar schedules aggregate about $1,000,000,000. The revision proposed by the Democrats it is estimated would have saved the consumers in prices about $740,000,000, or an average saving of more than $8 for every person in the United States, and the readjustment of duties in these revision bills would have entailed very little, if any, loss to the Treasury.

TARIFF-REFORM STRENGTH IN HOUSE.

There are 230 Democrats in the House of Representatives, 159 Republicans, 1 Independent, and 1 Socialist, and there are at this time 3 vacancies. The Democratic majority, therefore, is 69. As shown by the record of the passage votes, every Democratic bill except that revising the chemical schedule received not only the solid support of the Democrats in the House, but enlisted many Republicans. While, as stated, the Democratic majority is only 69, the free-list bill passed with a majority of 127, the wool bill of last session by 120 majority and this session by 98 majority, the cotton bill by 112 majority at last session and by 86 majority at this session, metal bill by 101 majority, and the excise bill by a majority of 212.

VOTES.

TABLE 2.—*Votes on tariff reform bills.*

Measure.	Date passed House.	Record of passage vote in House.				Disposition.
		Ayes.	Nays.	Majority.	Page Congressional Record (62d Cong.).	
Free list	May 8, 1911	236	100	127	1121, first session	Vetoed.
Wool bill	June 20, 1911	220	100	120	2357, first session	Do.
	Apr. 1, 1912	190	92	98	4313, second session	
Wool veto overridden [1]	Aug. 13, 1912	174	80	94	11629, second session	
Cotton bill	Aug. 3, 1911	202	90	112	3535, first session	Do.
	Aug. 2, 1912	158	72	86	10848, second session	In conference.
Metals (iron and steel)	Jan. 20, 1912	211	110	101	1563, second session	Vetoed.
Metal veto overriden [1]	Aug. 14, 1912	174	83	91	11797, second session	In conference.
Chemicals	Feb. 21, 1912	179	127	52	2406, second session	Defeated in Senate.
Sugar	Mar. 15, 1912	198	103	95	3538, second session	Disagreement.
Excise tax	Mar. 19, 1912	252	40	212	3721, second session	In conference.

[1] The necessary two-thirds was not secured in the Senate, the votes on the question of overriding the vetoes being: Wool, yeas, 39; nays, 35. Metals, yeas, 32; nays, 39.

THE PRESIDENT'S TARIFF VETOES.

In vetoing the tariff-revision bills of this Congress Mr. Taft makes it plain that he is determined that the tariff shall not be revised except by the "stand-pat" element of the Republican Party. The following excerpt from an editorial indicates the attitude in which he has placed himself with the people:

[From the Baltimore Sun, Aug. 10, 1912.]

Mr. Taft stands firm behind a high tariff wall. He will make his fight from the citadel of protection. We had hoped for his own sake, as well as that of the country, that he would sign the modified and moderate tariff bills which have been sent to him by Congress. They are not all the people have the right to demand, but, like the half loaf, they would have been better than nothing at all, and would have afforded a measure of relief to millions of people oppressed by the high cost of living.

But Mr. Taft refused to help them. He bends all his energies and all his mind to finding an excuse for standing by the protected interests instead of the unprotected people.

The President's present course gives final proof that nothing need ever be expected from him in aid of tariff revision, despite the protestations in his veto message that he wants to sign the proper kind of wool bill. He would sign no bill presented to him that would give any real relief. He is now and forever allied with those who think they ought to have a perpetual license to pluck the American consumer. Those who vote for him will do so with the full knowledge that Mr. Taft will not lift his little finger to lighten popular burdens if lightening those burdens means lessening even in the slightest degree the enormous profits of the New England mill owners and other favorite and favored sons of the high tariff system.

TARIFF PRINCIPLES INTERPRETED.

A most important work of the Sixty-second Congress is the clear distinction which has been given to the interpretation of the tariff issue of the Democratic and Republican Parties. As brought out in the tariff work of this Congress these interpretations may be tersely stated as follows:

REPUBLICANS.

(1) That duties shall be levied to protect "infant industries." This means a progressively higher tariff wall, for instead of helping infant industries to get on their feet it weakens them to the extent of making them forever dependent on charity. Also that the vested right to tax the people to protect special interests exists in this country.

DEMOCRATS.

(1) That duties shall be levied for revenue only, and that there exists in this country no vested right to tax the American people in the interest of special privileges for the benefit of special classes.

(2) That such tariff rates should be fixed as will equalize the cost of production at home and abroad and protect manufacturers' profits.

(3) That artificial protection should be provided by high tariff duties for the purpose of developing industries in places and under conditions where they could not otherwise flourish.

(4) That specific duties should be used when possible. Such duties conceal the true effect of the rates. Under specific rates coarser and cheaper goods pay as much as the finer and expensive grades, and hence such rates bear more heavily upon the poor than upon the rich.

(5) That the present method of exclusively indirect taxation should be continued, thereby keeping the public in ignorance of the actual tax burdens, and thus the easier enabling special protection for the favored few and the trusts.

(6) That tariff threats and legislation in higher duties offer the best means of making our way in foreign markets, illustrated by the addition of 25 per cent ad valorem to existing rates in the maximum section of the present Republican tariff act.

(2) That no tariff should be imposed upon any article above the lowest rate which will yield a just and needed quantity of revenue for the support of the Government.

(3) That the protection afforded through advantages of situation and natural resources is sufficient for the wisest and most economical development of industries.

(4) That ad valorem rates of duty should be used whenever practicable, as such protect the people against oppressive rates, adjusting, as they do, according to value of article.

(5) That the burden of the present indirect taxation should be more equitably adjusted by transferring a portion of it from those with small earnings to those of larger incomes, as in the Democratic excise measure. That "taxes should be paid by people in proportion to their ability to pay."

(6) That foreign markets can best be obtained and foreign consumers conciliated by offering proportionate reductions in duties in exchange for similar reductions in their rates of duty on our goods entering their markets.

THE TARIFF BOARD.

Democrats welcome all possible data concerning the tariff which will afford light as to the proper rates of duty. The reasons why the Democrats oppose the Tariff Board as now organized may be briefly summarized as follows:

(1) As now organized, the Tariff Board is responsible solely to the President of the United States, although the duty of formulating tariff legislation is intrusted by the Constitution to the House of Representatives.

(2) The Tariff Board has been very expensive, having spent $550,000 during the last three years, and the results obtained from this expenditure have been quite unsatisfactory, affording no helpful data for guidance in constructive tariff legislation.

(3) The board has been operating on a partisan basis, since it has been instructed by the President to attempt to ascertain the cost of production of commodities in different countries and to consider existing tariff schedules in the light of data thus obtained. This has proved to be an erroneous theory and can not furnish results of unbiased and sound judgment or establish facts in a nonpartisan manner. Even the Republican Party has abandoned the theory, as evidenced by the fact that no mention was made of it in its platform of 1912.

DEMOCRATS HAVE EARNED CONFIDENCE OF PEOPLE.

The Democratic Party is entitled to the confidence of the American people because it has kept its pledges with them. It has demonstrated that it can and will revise the tariff taxes down to a revenue basis; that it can administer the affairs of the National Government; that it will stand for the Constitution of the United States. On the other hand, the Republican Party has failed to keep its pledges with the people in reducing the customs taxes, and has more than doubled the expenses of running the National Government since Cleveland's first administration. The Republican Party is now so badly divided by internal dissensions that they are not capable of united action on any of the legislative questions now before the people, and it is impracticable to believe that the Republican Party can set in order the House and bring about the proper reforms of its own misconduct, extravagance, and greed.

APPENDIX A.

TARIFF LEGISLATION.

Tariff legislation has been so continuous a factor in the industrial and political record of this country that the review of it takes one over the entire scope of the country's history since the establishment of its free government, reaching from the first administration of Washington to the present time. During this period of 123 years the United States has had 26 Presidents and about eight times as many partial and complete tariff acts.

At the close of the Revolutionary War all the leading States passed acts imposing duties on imports, and from this time until 1789, when the National Government came into existence, new laws regulating commerce, navigation, and trade were enacted by all but one of the States. The duties were on imports from foreign countries, and the States agreed that all goods, wares, and merchandise of the growth, product, or manufacture of the United States or any of them should be, with only a few insignificant exceptions, admitted into each State free of duty. All of the independent State tariffs were abolished by the Constitution as adopted by the convention in 1787. The first national tariff law was passed by the First Congress, and went into effect on July 4, 1789; it was strictly a revenue tariff, though some of the leading men of that Congress argued for protective duties. It was only intended to be a temporary and partial measure. This tariff was superseded on January 1, 1791, by the act of August 10, 1790, which was likewise a revenue tariff, but was a complete tariff law covering all classes of merchandise. The average ad valorem rate of duty collected on free and dutiable merchandise was as low as 11.21 per cent in 1795, and did not reach 20 per cent before 1803. This law continued to be the basis of all the subsequent measures passed by the Congress down to April 27, 1816, the intervening tariffs being but amendments covering special articles.

The above-mentioned acts were enacted as a rule for revenue purposes only. The tariff of April 27, 1816, was principally for revenue with incidental protection. The protective movement grew and secured the enactment of the tariff of May 22, 1824, involving protection for its own sake. The rate on the dutiable imports of 1827 for the first time reached 40 per cent, the equivalent ad valorem rate of duty in 1827 amounting to 41.35 per cent. Further protectionist agitation and the political strength and opportunity given to it by a peculiar combination of circumstances brought in the tariff of May 19, 1828, known as "the tariff of abominations." The rate on imports reached 48.88 per cent in 1830. This law of 1828 was superseded by the act of July 14, 1832, with lower protection. The act of March 2, 1833, closely following, involved the abandonment of protection and the return to a revenue basis, and the equivalent ad valorem rate of duty on dutiable imports in 1837 was 25.36 per cent. Under this act the revenue of the Government fell behind its expenditures and afforded the occasion for the protective tariff of August 30, 1842, raising the equivalent ad valorem rate in 1844 to 35.13 per cent. This law was followed by the famous Walker tariff for revenue only of July 30, 1846, which went into effect on December 1 of that year and continued until superseded, because of superabundant revenue, by the lower revenue tariff of March 3, 1857. To show the result of the operations of this act the equivalent ad valorem rate on dutiable imports in 1859 was 19.56 per cent.

The coming of the Civil War, with its abnormal requirements for revenue and the industrial disturbances, introduced a great change in the course of our tariff history. The act of March 2, 1861, was to provide for more revenue, and that of June 30, 1864, to meet even greater demands. After the war the abnormal fiscal situation afforded the opportunity for the tariff of March 2, 1867, which was the beginning of the high protective duties which have continued through the acts of 1883, 1890, 1897, and the present act of 1909, except for the interruption by the Wilson Act of 1894, which was in force only until 1897, a period too brief and too much disturbed by unusual and abnormal conditions to enable its merits and usefulness to be generally established.

The following table giving the annual equivalent ad valorem rates of duty on merchandise imported into the United States from 1791 to 1911 will afford an illustration of the operations of the tariff laws, showing the steady development of the protective tariff policy in this country:

TABLE 3.—*Average ad valorem rates of duty collected on imports, 1791 to 1912.*

[This table has been compiled from statistical abstracts of the Bureau of Statistics, Department of Commerce and Labor, and shows the average ad valorem rates of duty actually collected for the years mentioned. Prior to 1821 the rates are on "free and dutiable" imports; after that date "dutiable" only are given.]

FREE AND DUTIABLE.

Year.	Per cent.	Year.	Per cent.
1791	15.34	1806	19.18
1792	11.54	1807	18.43
1793	14.68	1808	18.71
1794	17.10	1809	18.26
1795	11.21	1810	17.88
1796	12.02	1811	18.50
1797	15.60	1812	18.66
1798	19.99	1813	32.72
1799	19.70	1814	32.72
1800	17.42	1815	33.66
1801	16.61	1816	22.32
1802	19.45	1817	22.30
1803	22.06	1818	21.24
1804	23.40	1819	24.50
1805	18.49	1820	22.29

DUTIABLE.

1821	35.97	1867	46.67
1822	31.73	1868	48.63
1823	32.71	1869	47.22
1824	37.53	1870	47.08
1825	37.10	1871	43.94
1826	36.06	1872	41.35
1827	41.35	1873	38.04
1828	39.26	1874	38.49
1829	44.30	1875	40.58
1830	48.88	1876	44.70
1831	40.81	1877	42.84
1832	33.83	1878	42.71
1833	31.96	1879	44.82
1834	32.67	1880	43.46
1835	36.04	1881	43.27
1836	31.65	1882	42.61
1837	25.36	1883	42.41
1838	37.84	1884	41.57
1839	29.90	1885	45.83
1840	30.37	1886	45.53
1841	32.20	1887	47.08
1842	24.00	1888	45.61
1843	25.73	1889	45.11
1844	35.13	1890	44.39
1845	32.57	1891	46.26
1846	31.45	1892	48.69
1847	26.86	1893	49.56
1848	24.97	1894	50.00
1849	24.73	1895	41.75
1850	25.85	1896	39.95
1851	25.44	1897	42.17
1852	25.96	1898	48.80
1853	25.93	1899	52.07
1854	25.61	1900	49.24
1855	26.82	1901	49.64
1856	26.05	1902	49.79
1857	22.45	1903	49.03
1858	22.44	1904	48.77
1859	19.56	1905	45.24
1860	19.67	1906	44.16
1861	18.84	1907	42.55
1862	36.19	1908	42.94
1863	32.62	1909	43.15
1864	36.69	1910	41.52
1865	47.56	1911	41.22
1866	48.33		

The equivalent rates of duty shown in this table have been calculated on the value of the articles imported and are no index of the duties imposed by law on all dutiable articles, some of which duties were prohibitory and others of which were restrictive in different degrees. Up to the War of 1812 the average rate of duties collected was about 15 per cent. The lowest was 11.21 per cent and the highest 23.40 per cent. The average rate from 1862 to the close of the war was about 38 per cent. Since then there have been only three years when it was below 40 per cent.

PROTECTION IN PRESENT TARIFF LAW.

With a full appreciation of the necessity of immediate revision of the high tariff duties of the present law and with a keen sense of the responsibility placed upon them by the people

through the election of 1910, the Democrats immediately upon the organization of the Sixty-second Congress began to apply themselves to the study of the tariff act with a view to giving the people much-needed relief from high prices and the high cost of living. The following series of tables, while involving some estimates, are believed to be approximately correct and throw much light on the tariff situation.

TABLE 4.—*Production for 1905 and 1910, average yearly increase in production between 1905 and 1910, and estimated production for 1912, by tariff schedules.*

Schedule.	Production.		Average yearly increase.	Estimated production for 1911.
	1905	1910		
A	$512,890,000	$705,000,000	7.49	$811,000,000
B	406,344,704	577,000,000	8.40	674,000,000
C	2,977,025,253	4,359,946,000	9.29	5,170,000,000
D	1,454,777,286	1,761,082,000	4.31	1,913,000,000
E	413,085,333	510,966,000	4.74	559,000,000
F	331,105,340	416,695,000	5.17	460,000,000
G	2,320,590,021	3,329,073,000	8.60	3,908,000,000
H	474,487,379	645,720,000	7.22	739,000,000
I	870,198,012	1,221,400,000	8.07	1,419,000,000
J	176,219,826	245,153,000	7.82	283,000,000
K	803,219,168	1,177,161,000	9.28	1,396,000,000
L	134,265,987	202,678,000	10.19	244,000,000
M	415,249,829	600,824,000	8.94	708,000,000
N	1,490,540,747	2,155,312,000	8.92	2,540,000,000
Total production	12,779,988,885	17,908,010,000		20,824,000,000
Free	940,328,050	1,109,667,000	3.60	1,190,000,000

The statistics of production shown in this table are based upon the census returns for the calendar year 1909. To these census figures have been added a two-year increment of increase based upon the average increase of the five-year period from 1904 to 1909, and hence the statistics of production represent the condition as of 1911. The import and export statistics employed are those for the fiscal year ending June 30, 1911.

It is known that considerable duplication exists in census figures of manufactures, because of the fact that in many instances the finished product of one establishment becomes the material of another for the purpose of further manufacture. The effort has been made to eliminate duplication where it has been apparent, and then to make an arbitrary reduction to cover the intangible duplication above referred to. Only approximate accuracy can, however, be claimed for some of the figures of Tables 4, 5, and 6. In preparing Tables 5 and 6 the further assumption has been made that the rates of the tariff revision bills of this Congress would bring those schedules to a revenue basis, and similar revision has been assumed for the remaining schedules.

An analysis of the tariff is given in Table 5, which shows the domestic production by schedules, the imports, exports, and values of the articles retained for consumption by schedules, together with the percentage of production and imports to consumption and the per cent that the exports bear to the production.

TABLE 5.—*Summary showing by tariff schedules estimated production, imports, exports, and estimated consumption, together with the percentage of production and imports to consumption and the per cent of production exported.*

Tariff schedule.	Description.	Estimated production.	Imports (1911).	Exports (1911).	Estimated consumption.	Production of consumption.	Imports of consumption.	Production exported.
						Per cent.	*Per cent.*	*Per cent.*
A	Chemicals, oils, and paints	$811,000,000	$48,869,382	$49,615,284	$810,000,000	100.12	6.03	6.12
B	Earths, earthenware, and glassware	674,000,000	24,495,258	21,348,881	677,000,000	99.56	3.62	3.17
C	Metals and manufactures of	5,170,000,000	58,757,341	400,193,235	4,829,000,000	107.06	1.22	7.74
D	Wood and manufactures of	1,913,000,000	24,709,532	93,600,235	1,844,000,000	103.74	1.34	4.89
E	Sugar, molasses, and manufactures of	559,000,000	97,877,463	8,736,113	648,000,000	86.27	15.10	1.56
F	Tobacco and manufactures of	460,000,000	29,788,180	43,638,904	446,000,000	103.14	6.67	9.49
G	Agricultural products and provisions	3,908,000,000	105,974,044	340,476,654	3,674,000,000	106.37	2.88	8.71
H	Spirits, wines, and other beverages	739,000,000	20,354,501	3,479,596	756,000,000	97.75	2.69	4.71
I	Cotton manufactures	1,419,000,000	26,204,150	37,348,936	1,408,000,000	100.78	1.86	2.63
J	Flax, hemp, and jute, and manufactures of	283,000,000	99,401,935	9,059,892	373,000,000	75.87	26.65	3.20
K	Wool and manufactures of	1,396,000,000	48,395,406	2,293,473	1,442,000,000	96.81	3.36	.16
L	Silk and silk goods	244,000,000	30,993,562	1,538,543	273,000,000	89.38	11.35	.63
M	Pulp, paper, and books	708,000,000	26,110,975	20,630,129	713,000,000	99.30	3.66	2.91
N	Sundries	2,540,000,000	109,049,968	173,479,256	2,476,000,000	102.58	4.40	6.83
Total dutiable		20,824,000,000	750,981,697	1,205,439,131	20,369,000,000	102.23	3.69	5.79
Free list		1,190,000,000	776,963,955	808,109,894	1,159,000,000	102.67	67.04	67.91
Total		22,014,000,000	1,527,945,652	2,013,549,025	21,528,000,000	102.26	7.10	9.15

The following table makes an analysis of the present tariff law by schedules, with a view to presenting at least an approximation to the total tax burden of the people because of customs duties, and the segregation of these into the revenue and protection taxes:

TABLE 6.—*Summary showing, by schedules, estimated consumption, customs, revenue, and consumers' tax because of tariff.*

Tariff schedule.	Description.	Estimated consumption.	Consumers' tax.					Ad valorem rate, imports 1911.
			Revenue.	Protection.	Total.	Per family.		
						Revenue.	Protection.	
								Per cent.
A	Chemicals, oils, and paints	$810,000,000	$12,563,788	$45,756,212	$58,320,000	$0.66	$2.41	25.71
B	Earths, earthenware, and glassware	677,000,000	12,669,182	162,402,818	175,072,000	.67	8.55	51.72
C	Metals, and manufactures of	4,829,000,000	18,869,321	415,354,679	434,224,000	.99	21.86	32.11
D	Wood, and manufactures of	1,844,000,000	2,959,669	50,000,331	52,960,000	.16	2.63	11.98
E	Sugar, molasses, and manufactures of	648,000,000	52,809,371	62,190,629	115,000,000	2.78	3.27	53.95
F	Tobacco and manufactures of	446,000,000	26,159,615		26,159,615	1.38		87.82
G	Agricultural products and provisions	3,674,000,000	28,744,295	339,757,705	368,502,000	1.51	17.88	27.12
H	Spirits, wines, and other beverages	756,000,000	17,298,858		17,298,858	.91		84.99
I	Cotton manufactures	1,408,000,000	12,325,584	210,251,416	222,577,000	.65	11.06	47.04
J	Flax, hemp, and jute, and manufactures of	373,000,000	47,053,000	23,578,000	70,631,000	2.48	1.24	47.34
K	Wool and manufactures of	1,442,000,000	28,982,553	323,326,447	352,309,000	1.53	17.02	59.89
L	Silk and silk goods	273,000,000	16,053,261	54,053,739	70,707,000	.84	2.87	51.80
M	Pulp, paper, and books	713,000,000	5,645,302	58,524,698	64,170,000	.30	3.08	21.62
N	Sundries	2,476,000,000	27,448,145	170,631,855	198,080,000	1.44	8.98	25.17
Total dutiable		20,369,000,000	309,581,944	1,916,428,529	2,226,010,473	16.30	100.85	41.22
Free list		1,159,000,000						
Total		21,528,000,000						

As shown in Table 6 the total estimated amount of tax burden imposed upon the people from tariff duties is about $2,226,000,000, of which about $309,500,000 went into the Treasury in 1911, and $1,900,000,000 would represent the amount which is added to prices because of tariff, and which, therefore, may be classed as protection.

PROTECTION FAVORS FOREIGNERS.

Great impetus has been given the Democratic work of tariff reform in recent years by the revelation of the practice of many manufacturers of selling protected American goods cheaper abroad than at home. Among such manufactures may be enumerated such important agricultural implements as reapers, binders, harrows, hayrakes, and plows; also steel rails, wire rope, sewing machines, illuminating and lubricating oils, and so forth. The meaning of this condition is that our tariff duties have long been unnecessarily high, even from a protective point of view, and, under the cover of this excessive protection, combinations have grown up and taken control of our home markets, which exact exorbitant prices from domestic consumers. Instead of encouraging home industries, this protective policy has weakened and discouraged all unprotected exporters, whether manufacturers or farmers. Not less than $50,000,000 of American money is now invested in European plants devoted to the manufacture of various American specialties, including electric apparatus, sewing machines, belting, radiators, shoe machinery, coal-conveying apparatus, steel chains, machine tools, hoisting machinery, boilers, pumps, blowing engines, mining machinery, printing machinery, elevators, match-making machinery, pneumatic tools, and photographic apparatus. Says a high Republican authority, "This will necessarily result in a large diminution of our export trade in American manufactures. Instead of making in America electrical apparatus, cotton looms, all kinds of machinery, tools, and so forth, to ship abroad for sale, our manufacturers will increasingly produce these wares abroad for their foreign trade, and the statistics of our exports will be correspondingly reduced."

PROTECTION OF PROFITS AND TRUSTS.

A fundamental issue before the country is the encroachment of the powerful and favored few on the rights of the many. The work of the Democrats at this Congress in revising the tariff, the harbor of protection for the trusts, is therefore keenly appreciated. It has been constructive work which looks to relieving the individual, the farmer, the laborer, and others forced to pay tribute to those who by the protection of the tariff are permitted to make unjust exactions on the consumer.

Franklin Pierce, in his book entitled "The Tariff and the Trusts," says:

> The mistake in our day has been in permitting a force outside of government to be created that is powerful enough to control government in spite of the people. This force is becoming so powerful and so corrupt that it seeks to control the editor in his sanctum and the professor in his lecture room. Independence recoils from its power and free thought and free speech are absolutely endangered by its existence.

As stated in La Follette's Weekly Magazine of March 16, 1912:

> The combinations have unlawfully taken possession of the whole country. They control transportation, manufacturing, mining, capital and credit, the market price of everything the farmer sells, the market price of everything the consumer must buy. They have achieved this control * * * almost entirely under the last two administrations, notwithstanding the prosecutions for which so much has been claimed. When Roosevelt became President, the total amount of the stock and bond issues of all combinations and trusts, including the railways then in combination, was only $3,784,000,000. When he turned the country over to Taft, whom he had selected as his successor, the total capitalization of the trusts and combinations amounted to the enormous sum of $31,672,000,000, more than 70 per cent of which was water. Prices were put up on transportation and on the products of the mines and factories to pay interest and dividends on this fraudulent capitalization.

The significance of the tariff as a factor in the study of the rapid growth of these monopolies is indicated by the fact that but few industries in the country at this time are not protected by large customs duties, which have influenced the formation of the trusts for the purpose of controlling competition and of raising the price of manufactured products to the duty line. The organization of these combinations is in violation of the common law and of an expressed Federal statute, the law making it specifically the duty of the Government to execute the law.

In this connection the following article on growth of industrial trusts under protection, by John Moody, will be found of especial interest:

Prior to the entry of the Republican Party into power in 1897 there were few industrial trusts in the United States. The Sugar Trust, the Standard Oil Trust, and the so-called Whisky Trust were the only ones of very large capital which were in the public eye. But immediately upon the enactment of the Dingley tariff law trusts began to increase and multiply, and at the end of a few years the number of separate plants which had been absorbed into great combinations ran into the thousands. At the same time the capitalization created by these combinations rose by leaps and bounds. At the beginning of 1898 there were in all only 38 real industrial trusts in the United States, representing a combination of 672 plants, and carrying a total capitalization of but $1,419,428,500.

But within two years from the opening of 1898—that is, at the close of 1899—the number of trusts had more than doubled and the capital represented had increased to $3,027,910,561. The following three years, however, proved to be the halcyon period of industrial trust formation. Between the opening of 1899 and the close of 1902 the trust-forming movement expanded to an astonishing extent. It was in this period that the various independent steel interests of the country were converted into nearly a dozen mammoth trusts and then finally absorbed, en masse, into the great United States Steel Corporation, with its capital of a billion and a half. During the same period the Woolen Trust was formed and the Tobacco Trust was enlarged from a minor combination covering only one or two branches of the industry to a vast consolidation covering complete production and distribution. At the close of 1902, therefore, trust capitalization had leaped to $5,723,741,660, represented by 136 industrial trusts, which embraced no less than 3,264 plants.

At the end of 1902 there was a widely held theory that the trend toward industrial consolidation had reached its limit. Subsequent events, however, have proven the unsoundness of this idea. For steadily throughout every year of the past decade trust capitalization has continued to increase. By the end of 1905, the year in which Theodore Roosevelt began his second administration, the figure had risen to $6,843,891,760, and in the year when Mr. Taft entered the White House a further expansion to $7,560,004,000 was shown. And now, with Mr. Taft closing his term, we note that, notwithstanding the so-called trust prosecutions and the enforcement of the Sherman law, the total industrial trust capitalization has reached the astounding total of $8,066,290,861.

This, moreover, does not include industrial concerns which are not trusts. There are thousands of manufacturing concerns enjoying the benefits of the tariff which can not be included, strictly speaking, in any list of trusts. The Government's Federal corporation-tax report for 1911 shows that the total capitalization represented by industrial concerns was about $26,000,000,000. This includes the many close corporations, concerns of small capital, which, while "industrial," are not trusts in the ordinary understanding of the term.

It will be noted that the growth of trusts during Mr. Taft's administration has practically all been accomplished since the enactment of the present Payne tariff law.

It is a noteworthy fact that the capital represented by industrial trusts in this country does not reflect, except to partial extent, the investment of money or property. While no exact figures on the subject are obtainable, it is reliably estimated that not more than 25 per cent of the eight billions of capitalization represents original investment. The remaining 75 per cent is what is commonly called "water," but which is more definitely described as the "capitalization of earning power." For industrial trusts, like franchise trusts, railroad trusts, etc., have all adopted the method during the past generation of capitalizing, not only the original and current investment in the plants and property, but also the net profits which can be shown. Thus, it is apparent that in the case of those trusts which have been built up chiefly on tariff benefits, a large part of the net profits shown, and in some cases two-thirds or three-fourths of the profits, are the direct result of the protective legislation which they have received.

Industrial combinations in the great majority of cases have been formed primarily for the purpose of controlling or advancing prices to the consumer. While the theory has been persistently urged for many years that the main purpose of combination was to reduce producing and operating costs and thus increase profits without the advancement of prices, yet the records shown during the entire trust era go to prove that such has not been the case. The great enlargement in profits has for the most part been accomplished by price advances and not by cost curtailment.

Never in our history, perhaps (except in war periods), has the price level risen faster than it rose during the first few years after the passage of the Dingley Tariff Act in 1897, and during the period when trusts were forming most rapidly. From July 1, 1897, to January 1, 1900, the cost of living advanced 31 per cent. From July 1, 1897, to May 1, 1902, the cost of living advanced 41 per cent. That the trusts were largely responsible for this great advance is clear from the fact that from July 1, 1897, to January 1, 1900, the prices of foodstuffs—in which there are but few trusts—advanced but 25 per cent, while the prices of metals, clothing, and miscellaneous products—in which there are most trusts—advanced 37 per cent. Notable advances occurred in Steel Trust productions, some of which more than doubled within one or two years.

If this process had not taken place the Steel Trust to-day would doubtless be able to show substantial profits on its original and current investment, but no profit whatever on its "water."

Growth of industrial trusts since the enactment of the Dingley tariff law.

	Number.	Plants contained.	Total capital.
Total prior to—			
1898	38	672	$1,419,428,500
Total at end of—			
1898	48	837	1,679,582,500
1899	88	1,746	3,027,910,561
1900	98	1,862	3,249,001,061
1901	117	2,980	5,202,350,560
1902	136	3,264	5,723,741,560
1903	146	3,469	5,941,042,560

Growth of industrial trusts since the enactment of the Dingley tariff law—Continued.

	Number.	Plants contained.	Total capital.
Total at end of—			
1904	153	3,687	$6,576,918,500
1905	163	3,846	6,843,891,760
1906	178	4,013	7,284,750,760
1907	186	4,068	7,367,745,000
1908	194	4,157	7,506,004,000
1909	200	4,210	7,608,426,000
1910	206	4,245	7,706,621,100
1911	224	4,426	8,066,290,861

TARIFF FOR REVENUE ONLY VERSUS PROTECTION OF PROFITS.

It has also been brought out during this Congress that there are two kinds of tariff—one for revenue, one for protection. That a revenue tariff is intended to produce the necessary money to support the Federal Government; that a protective tariff is to raise revenue for private pockets. All revenue taxes must be paid by the people. The same law which collects money from them for the Government also assesses for the vaults of the trusts. While a customs tariff for revenue only derives its funds for the Government support from taxing foreign goods imported into this country, a protective tariff derives its revenue through increased prices for goods in our own country. As the tariff wall of prohibitive duties is increased, just so are trade combinations fostered and the people required to pay exorbitant prices. Prohibitive tariffs prevent relief from without the country while combinations plunder the people within the country. Again, as the revenue for private pockets increases, that for the Public Treasury diminishes because of the high and prohibitive tariff wall created against imports. There can be a tariff for revenue only without it being a protective tariff, and there can be a protective tariff without it being a tariff for revenue; that is, tariff rates can be so adjusted as to yield revenue for the Government only or to yield revenue for private pockets. Here is the line of demarcation between the Republican and Democratic Parties. The Republican Party has established and continues to encourage the high-protective tariff, which has built an insurmountable wall around the Nation. The Democratic Party believes in a tariff for revenue only, and thus aligns itself with the great consuming public. The Republican tariff policy favors combines; the Democratic tariff policy favors the people—the real consumers. The question now before the American people is: Shall the combines or the people receive the support of the Government through its use of the taxing power?

LABOR AND TARIFF.

Wage earners are fast finding out that high prices are traceable to the tariff as a leading cause. The high cost of living is supported by the trusts and combinations which have grown out of and been fostered by the long-continued high protective policy of the Republican Party. It does not require wage statistics to prove that wage earners are not benefited, but severely injured by high protective duties. Every wage earner knows how his earnings compare now with those of former years and how little of the necessities of life he can buy now as compared with former years. The cost of living has been rapidly increasing since the enactment of the present tariff law. Since 1896 the prices of the necessities of life have been increased about 60 per cent, so that what was purchasable for $1 in 1896 now commands $1.60. On the other hand, wages have not been increased, but in some instances even lowered.

Notwithstanding continuous increases in the tariff rates during the recent past, the earnings of labor have not properly shared in the benefits of these rates. As late as July 15, 1912, a strike was commenced by the workers in the cotton mills of New Bedford, Mass., involving some 20,000 employees, for the avowed purpose of adjusting conditions and forcing cotton manufacturers to allow them a small participation in the increased tariff protection. Furthermore, not more than 4½ per cent of American labor is affected by tariff duties; this means that about 95½ per cent of the labor of this country is paying from 25 per cent to 50 per cent more for the necessities of life than it would have to pay without the duties which have been levied for the avowed purpose of chiefly benefiting labor. Then, as stated, a small number of laborers for whom benefit is claimed by the advocates of tariff protection secure an inequitable portion of the benefit, the most of the advantage remaining with the manufacturers and contributing to the creation and fostering of trusts and combinations which regulate and elevate the prices of the necessities of life.

If it takes a man 10 days to earn a suit of woolen clothes worth, without the tariff, say, $10, he must work 15 days to pay for it with the tariff. This means that the tariff costs the average laboring man 5 days for each suit of woolen clothes he buys. The fact that the total labor cost in cotton "print cloths" and other cheap forms of cotton fabrics is less than 1 cent per square yard, proves that labor is really not protected by the cotton tariff. The increase which was effected in the act of 1909 for certain fine qualities of cotton fabrics, as, for instance, the mercerized goods, has not proved of benefit to labor. Wages in the mills producing these goods are, as a rule, actually lower now than before the enactment of the 1909 law. One of the largest manufacturers did increase wages 10 per cent, but it must be remembered that the protection secured under the guise of wishing to benefit labor was 16 per cent. There was a time when metal workers participated to some extent in the high protection afforded that industry, but machinery has so generally superseded the great majority of the expert workmen that their places are now mostly filled by the cheapest kind of unskilled labor from foreign countries. As brought out through a recent investigation by the Bureau of Labor of the steel industry, not only do the steel plants of the country work their employees excessively long hours, but the general rates of wages paid are extremely low. Even the highly protected tinplate workers have been forced to accept lower wages on tin plate produced for export on the contention of the trusts that foreign orders could not be filled at the prices demanded by foreign competition.

That the tariff has little or nothing to do with wages is seen from the fact that wages in free-trade England are higher than in the high protection countries of France and Germany. On the other hand, high protection does increase the cost of living to the workingman. Much the highest wages paid in the United States are found in the unprotected industries, such as the building trades.

ILLUSTRATIONS OF TARIFF BURDENS.

Concrete illustrations of the tax burdens borne by the individual from the excessive rates of the present tariff law are afforded by the following tables, in which are presented selected articles for a man and for a woman during a period of 12 months:

TABLE 7.—*Domestic and foreign selling prices of selected articles of apparel for a man, together with the tariff tax thereon, and the estimated increase in prices due to tariff for a 12-month period.*

Article.	Selling prices (retail).			Tariff.	
	Domestic.	Foreign.	Estimated increase from tariff. (One-half duty rate applied to domestic selling prices.)	Equivalent ad valorem rate, 1911 (per cent).	Total tax (assuming all imported).
Suits:					
Wool and cotton	$48.00	$32.37	$15.63	74.89	$20.51
Overcoat	15.00	11.25	3.75	50.00	5.63
Hats:					
Wool	3.00	1.83	1.17	78.32	1.43
Straw	2.00	1.50	.50	50.00	.75
Shoes	9.00	8.46	.54	11.90	1.01
Rubber goods	3.00	2.47	.53	33.00	.85
Underwear:					
Wool	3.00	1.41	1.59	105.85	1.49
Cotton	3.00	2.10	.90	60.17	1.26
Pajamas	3.00	2.25	.75	50.00	1.13
Shirts	7.50	5.24	2.26	60.17	3.15
Hose	3.00	1.90	1.10	73.31	1.39
Collars	1.50	1.02	.48	63.90	.65
Cuffs	1.00	.68	.32	63.90	.43
Suspenders	1.00	.77	.23	45.00	.35
Ties	3.00	2.25	.75	50.00	1.13
Handkerchiefs	2.40	1.69	.71	59.41	1.00
Gloves	3.00	2.14	.86	57.36	1.23
Jewelry, etc	8.60	6.02	2.58	60.00	3.63
Total	120.00	85.35	34.65	55.08	47.01

TABLE 8.—*Domestic and foreign selling prices of selected articles of apparel for a woman, together with the tariff tax thereon and the estimated increase in prices due to tariff for a 12-month period.*

Article.	Selling prices (retail).			Tariff.	
	Domestic.	Foreign.	Estimated increase from tariff. (One-half duty rate applied to domestic selling prices.)	Equivalent ad valorem rate, 1911 (per cent).	Total tax (assuming all imported).
Suits, dresses, etc. (wool, cotton, and silk).	$100.00	$71.01	$28.99	[1] 74.89 [1] 50.00 [1] 60.00	$40.72
Shoes	10.00	9.40	.60	11.90	1.12
Hosiery	5.00	3.17	1.83	75.31	2.32
Underwear	10.00	6.99	3.01	60.17	4.21
Gloves	8.00	6.22	1.78	44.53	2.77
Handkerchiefs	3.00	2.11	.89	59.41	1.25
Rubber goods	5.00	4.12	.88	35.00	1.44
Collars	5.00	3.40	1.60	63.90	2.17
Ties	5.00	3.75	1.25	50.00	1.88
Ribbons	5.00	3.50	1.50	60.00	2.10
Laces	5.00	3.45	1.55	61.79	2.13
Veils	2.00	1.40	.60	60.00	.84
Corsets	5.00	3.71	1.29	51.39	1.91
Hats:					
Wool	12.50	7.60	4.90	78.32	5.95
Straw	12.50	9.37	3.13	30.00	4.69
Jewelry and ornaments	7.00	4.90	2.10	60.00	2.94
Total	200.00	144.10	55.90	54.43	78.44

[1] According to kind.

HOW THE TARIFF OPERATES.

When duties are levied on articles not produced in this country, such as tea, coffee, spices, and the like, the tariff becomes a revenue producer, pure and simple; when it is levied on articles manufactured in this country which can be bought abroad cheaper than in the United States, then it enables our home manufacturers to make the consumers pay them nearly and in some instances quite as much for their like articles of manufacture as they can be bought for abroad with the tariff tax added. In other words, our home manufacturer of such tariff-taxed articles has collected that tax from us when we buy that article of him, and in such cases the Government does not get the revenue—the tax is for the benefit of the home manufacturer. If the duty imposed upon such manufactures is sufficiently high as to prohibit their importation, and such is frequently the case with the present tariff law, we have a "protective tariff." It is simply a way of enabling manufacturers to compel us to pay them a bonus for carrying on their business in this country.

The following borrowed illustration will serve to make plain the workings of the tariff:

Suppose a Philadelphia man manufactures all the hats made in this country, and makes a hat at a cost of labor and material that enables him to sell it for $1 and make a fair profit. A Frenchman in Paris makes precisely the same kind of a hat at the same cost and sells it at the same price. If I buy a hat from the Philadelphia man, he gets the profit. If I order a hat from the Frenchman, he gets the profit and I pay the freight to bring my hat home. The Philadelphia man now has the advantage of that freight over the Frenchman in selling hats to us here in this home market. But that Frenchman buys our shiploads of pork, which we have more of than we can use or sell at home, and he trades us his hats for our surplus pork at a better price than we can get for it at home. Our pork ships are coming back empty and the freight on the Frenchman's hats is practically nothing. We naturally buy a good many hats of that Frenchman.

This does not suit the Philadelphia man. He wants to make bigger profits and wants himself to sell all the hats that are sold in this country. How shall he do it? Suppose he can make us pay something for the privilege of buying that Frenchman's hat, and so make us pay for it more than it is worth, if we buy it.

But it will never do to propose that directly. We, "the people," vote and rule this country, and "we" will never stand it. But he contrives a plan to do that very thing indirectly.

He goes to Uncle Sam and says: "My good uncle, that Frenchman is trading here and selling his hats in my home market, where I pay taxes and he does not, and he is taking money out of this country, and I want protection. Now, you need revenue. Suppose you make a law that for every hat that Frenchman sells into this country he shall pay you $1. That will put money in your Treasury and protect my home market."

Uncle Sam says, "Well, you are a sharp fellow. That looks like a good scheme. I will do it." And forthwith a law is made that each one of that Frenchman's hats shall pay a tariff tax of $1 when it is brought into the United States.

Now, what is the situation? If I buy that Frenchman's hat now I must pay $2 for it; $1 to the Frenchman in Paris and $1 to Uncle Sam at his customhouse. How about the Philadelphia man selling us his hats now? Will he continue to sell us his hats at $1 each? Not much. We must have hats, and his hats are just as good as the Frenchman's, which now cost us $2. Now, the Philadelphia man can charge us $2 each for his hats, and $1 of that is increased profits which he is able to make us pay him by reason of that $1 tariff tax on the Frenchman's hats.

Now, if the Philadelphia man wants to sell about all the hats sold in this country, he has a margin of $1 extra profits upon which to undersell the Frenchman. Suppose he puts the price of his hats at $1.90 each, just 10 cents under what we must pay for the Frenchman's hat, the tariff then protects him against the competition of that Frenchman in selling me a hat, at a cost to me of 90 cents if I buy the Philadelphia man's hat, and at a cost to me of $1 if I buy the Frenchman's hat; and if I buy the Frenchman's hat, Uncle Sam gets $1 taxes of my money, but if I buy the Philadelphia man's hat he gets 90 cents increased profits of my money, and Uncle Sam gets nothing.

If, under these circumstances, six men out of seven will prefer to buy the Philadelphia man's hat while only one in seven will buy the Frenchman's hat, then while the Government is collecting $1 into its Treasury by tariff taxation on these French hats, it enables the Philadelphia man to make out of the people of this country extra or increased profits to the amount of six times 90 cents, or $5.40.

Experience has shown us that under a protective tariff those manufacturers are liable to form trusts and combines or consolidated corporations among themselves and put up the prices on their protected goods as high as the market will bear. That is, they agree among themselves what prices they shall all sell us their goods at, and then those prices we are compelled to pay them or do worse.

MAN BESET BY TARIFF TAXES.

Under the present oppressive tariff law the laboring man returns at night from his toil clad in a woolen suit taxed 75 per cent, his shoes 12 per cent, stockings and underwear 71 per cent, a cotton shirt taxed 50 per cent, a wool hat, and a pair of woolen gloves, each taxed 78 per cent.

He carries in his hand a dinner pail taxed 45 per cent and greets his wife as she looks at him through a windowpane taxed 62 per cent, from which she has drawn aside a curtain taxed 42 per cent.

After scraping his shoes on an iron scraper taxed 75 per cent, he wipes them on a mat taxed 50 per cent. He lifts the door latch taxed 45 per cent, steps in on a carpet taxed 62 per cent, kisses his wife, clad in a woolen dress taxed 75 per cent. She is mending an umbrella taxed 50 per cent with thread taxed 30 per cent.

The house is made of brick which has been bought with their hard earnings through a building association. The bricks were taxed 25 per cent, the lumber 9 per cent, and the paint 32 per cent. The wall paper was taxed 25 per cent, the plain furniture 35 per cent. He hangs his pail on a steel pin taxed 45 per cent. He washes his hands in a tin basin taxed 45 per cent, using soap taxed 20 per cent. He then proceeds to the looking-glass taxed 45 per cent and arranges his hair with a rubber comb taxed 35 per cent.

He proceeds to eat his supper which the wife has cooked on a stove taxed 45 per cent, for which she has used pots and kettles taxed 45 per cent. On the table is common crockery taxed 55 per cent and cheap glass tumblers taxed 45 per cent. The sugar he puts in his tea is taxed 54 per cent, which he stirs with a spoon taxed 45 per cent. His meal is a frugal one, because of the high cost of living. He uses a knife and fork taxed 50 per cent in eating a piece of salt fish taxed 10 per cent, bread taxed 20 per cent, potatoes taxed 22 per cent, carrying as seasoning salt taxed 33 per cent, butter taxed 24 per cent, and finishing with rice taxed 62 per cent. He proceeds to read a book taxed 25 per cent, and at the close of the day reclines on an iron bed frame taxed 45 per cent, which contains a spring taxed 45 per cent, a mattress taxed 20 per cent, sheets taxed 45 per cent, a pair of woolen blankets taxed 75 per cent, and a cotton spread taxed 45 per cent.

He is taken ill, and the doctor prescribes medicine taxed 25 per cent, which, being ineffective, he passes from his active sphere of life and his remains are deposited in a coffin taxed 35 per cent, which is conveyed to the cemetery in a wagon taxed 35 per cent, deposited in its last resting place in mother earth, and the grave filled in by use of a spade taxed 45 per cent, and over his grave is raised a small monument taxed 50 per cent.

APPENDIX B.

TABLE 9.—*Comparative average wholesale prices of 72 specified commodities in 1900 and 1911, together with the present tariff rates and the reduction in these rates which would have resulted from the enactment of the Democratic tariff bills of the first and second sessions of the Sixty-second Congress.*

[Prices compiled from Bulletin No. 99, Bureau of Labor, Department of Commerce and Labor.]

Article.	Prices.			Relative increase, 1911 prices, over average 1890–1899 (100 per cent).	Ad valorem rate per cent.	
	1900	1911	Increase.		Present tariff (imports 1911).	Democratic revision bills.
Boots and shoes:						
Men's seamless Creedmores (pair)	$0.938	$1.063	$0.125	111.1	10.00	Free.
Men's vici calf shoes, Blucher (pair)	2.240	3.000	.760	116.7	10.00	Free.
Men's vici kid, Goodyear welt (pair)	2.000	2.617	.617	113.8	10.00	Free.
Women's solid grain (pair)	.904	1.017	.113	124.4	10.00	Free.
Bread, homemade (New York market) (loaf)	.032	.040	.008	126.2	20.00	Free.
Flour:						
Buckwheat (100 pounds)	2.104	2.438	.334	125.5	25.00	Free.
Rye (barrel)	3.425	4.694	.269	141.5	16.13	Free.
Wheat, spring patents (barrel)	3.842	5.078	1.236	118.2	25.00	Free.
Wheat, winter straight (barrel)	3.349	3.884	.535	103.6	25.00	Free.
Glucose (100 pounds)	1.488	1.858	.370	131.0	51.32	Free.
Glycerin, refined (pound)	.152	.223	.071	162.2	14.52	9.75
Implements:						
Augers (each)	.200	.340	.140	181.2	45.00	25.00
Axes, M. C. O. Yankee (each)	.483	.650	.167	138.5	45.00	25.00
Chisels, extra, socket firmer, 1-inch (each)	.242	.250	.008	132.0	45.00	25.00
Door knobs, steel, bronze-plated (pair)	.181	.250	.069	147.3	45.00	25.00
Hammers, Maydole No. 1½ (each)	.419	.440	.021	121.8	45.00	25.00
Lard, prime, contract (pound)	.069	.091	.022	138.8	11.24	Free.
Lime, common	.683	1.108	.425	133.0	9.41	Free.
Lumber:						
Hemlock (M feet)	16.500	20.682	4.182	172.9		
Oak, white plain (M feet)	40.833	54.682	13.849	146.1		
Oak, white quartered (M feet)	64.458	87.182	22.724	162.4		
Pine, white boards No. 2 barn	21.500	38.346	16.846	200.6	6.78	Free.
Pine, white boards, uppers	57.500	100.500	43.000	207.2		
Pine, yellow siding (M feet)	20.708	30.591	9.883	165.7		
Poplar (M feet)	37.688	61.591	23.903	196.4		
Shingles, cypress (1,000)	2.850	3.608	.759	127.9	23.06	Free.
Meal, corn, fine white (100 pounds)	1.012	1.293	.281	123.3	19.44	Free.
Meat:						
Bacon, short clear sides (pound)	.075	.095	.020	140.6	16.93	Free.
Beef, fresh native sides (New York market) (pound)	.080	.098	.018	127.4	25.88	Free.
Hams, smoked (pound)	.103	.140	.037	142.1	16.93	Free.
Mutton, dressed (pound)	.073	.075	.002	99.7	18.14	Free.
Port, salt mess (barrel)	12.507	19.159	6.652	164.7	8.02	Free.
Sugar, granulated (pound)	.053	[1].061	.008	112.8	54.35	Free.
Textiles:						
Blankets, all wool, 5 pounds to pair (pair)	.900	1.000	.100	119.0	67.64	30.00
Broadcloths, first quality, black, 54 inches, XXX wool (yard)	1.870	2.020	.150	116.6	104.04	45.00
Blankets, cotton, 2 pounds to pair (pair)	[2].525	.570	.045	153.9	45.00	30.00
Carpets—						
Brussels, 5-frame, Bigelow (yard)	1.032	1.200	.168	119.9	72.02	30.00
Ingrain, 2-ply, Lowell (yard)	.492	.528	.036	111.1	55.00	25.00
Wilton, 5-frame, Bigelow (yard)	1.872	2.232	.360	121.1	65.69	35.00
Cotton thread, 6-cord 200-yard spool, J. & P. Coates (spool)	.037	.039	.002	126.4	34.09	15.00
Cotton cloth—						
Cotton flannels, 2¾ yards to pound (yard)	.074	.100	.026	141.6		
Cotton flannels, 3½ yards to pound (yard)	.057	.076	.019	132.7		
Denims, Amoskeag (yard)	.107	.138	.030	131.9		
Drillings, brown, Pepperell (yard)	.061	.082	.021	143.9		
Drillings, 30 inches, Mass. D standard (yard)	[3].054	.081	.027	163.3		
Flannels, white, 4–4, Ballard Vale No. 3 (yard)	.410	.430	.020	114.1		
Ginghams, Amoskeag (yard)	.052	.068	.016	127.8		
Ginghams, Lancaster (yard)	.055	.065	.010	112.7		
Print cloth, 64 by 64 (yard)	.031	.035	.004	122.8		
Sheetings—					42.99	24.53
Bleached, 9–4, Atlantic (yard)	[4].204	.209	.005	121.1		
Bleached, 10–4, Pepperell (yard)	.229	.245	.016	130.0		
Brown, 4–4, Pepperell R (yard)	.059	.068	.009	124.0		
Shirtings—						
Bleached, 4–4, Fruit of the Loom (yard)	.075	.087	.011	118.8		
Bleached, 39 inches, Lonsdale (yard)	[5].073	.078	.005	114.1		
Bleached, 4–4, Rough Rider (yard)	[6].079	.079	.....	95.1		
Bleached, 4–4, Wamsutta (yard)	.097	.111	.014	116.6		
Tickings, Amoskeag A. C. A. (yard)	.108	.133	.025	125.6		
Horse blankets, all wool, 6 pounds each	.680	.750	.070	130.9	67.64	30.00
Hosiery:						
Men's cotton half hose, seamless, fast black, 20 to 22 ounces, 160 needles, carded yarn (dozen pairs)	.784	.800	.016	94.9	92.42	40.00
Women's cotton hose, seamless, fast black, 26 ounces, 176 needles, single thread carded yarn (dozen pairs)	[7].760	.825	.065	86.8		
Suitings:						
Clay worsted diagonal, 12 ounces (yard)	1.082	1.093	.011	132.7		
Indigo blue, all wool, 14 ounces, Middlesex	[8]1.138	1.489	.351	112.5	94.17	40.00
Serge, 11 ounces, Fulton mills 3192 (yard)	.810	1.127	.317	123.7		
Trouserings, fancy worsted, 17 to 18 ounces	2.287	2.381	.094	119.0		
Underwear, shirts and drawers, white, all wool (dozen)	23.400	27.000	3.600	115.8	105.85	45.00
Underwear, shirts and drawers, white merino, 60 per cent wool (dozen)	[9]14.850	18.000	3.150	106.0		
Women's dress goods:						
Cashmere, all wool, 809 twill, 35-inch, Atlantic mills (yard)	[10].346	.354	.008	141.1	104.40	45.00
Cashmere, cotton warp, Atlantic mills F	.164	.218	.054	143.5	96.65	45.00
Cashmere, cotton warp, 36-inch, Hamilton (yard)	.088	.190	.102	123.6		
Panama cloth, all wool, 54-inch (yard)	[11].610	.671	.061	121.9	125.82	45.00
Poplar cloth, cotton warp and worsted filling, 36-inch (yard)	[12].076	.199	.123	114.9	96.65	45.00
Sicilian cloth, cotton warp, 50-inch (yard)	[13].071	.328	.257	117.5		

[1] Quotation for March 18, 1912. (Grocery World and General Merchant.)
[2] Blankets, 11–4, 5 pounds to pair, cotton warp, cotton and wool filling, per pound.
[3] Drillings, 30-inch, Stark A.
[4] Sheetings, bleached, 10–4, Atlantic.
[5] 4–4, Lonsdale.
[6] 4–4, New York mills.
[7] Hosiery, women's cotton, seamless, fast black, 26 to 28 ounces, 160 to 176 needles, September price, which represents bulk of sale.
[8] 22 to 23 ounces.
[9] Shirts and drawers, white, merino, full-fashioned, 52 per cent wool, 48 per cent cotton, 24-gauge.
[10] Cashmere, all wool, 10–11 twill, 83-inch, Atlantic mills, J.
[11] Franklin sacking, 6.4.
[12] Cashmere, cotton warp, 22-inch, Hamilton.
[13] Alpaca, cotton warp, 22-inch, Hamilton.

Work Accomplished by the Committee on the Merchant Marine and Fisheries.

EXTENSION OF REMARKS
OF
HON. JOSHUA W. ALEXANDER,
OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. ALEXANDER said:

Mr. SPEAKER: Under the permission granted by the House to extend my remarks in the RECORD, I desire to submit a statement of the work done by the committee of which I have the honor to be chairman during the present session.

FREE SHIPS AND FREE SHIPBUILDING MATERIALS.

For the first time in 21 years a law has been enacted which assures a substantial increase of the American merchant marine in the foreign trade. On May 5, 1911, the chairman of the committee introduced a bill (H. R. 8765) to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and with the Philippine Islands, and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes. This bill with slight verbal modifications was introduced again on January 3, 1912. The committee gave public notice of hearings on this measure, and at several sessions listened attentively to the arguments of shipbuilders, shipowners, and others in favor of and in opposition to the bill. It is entirely erroneous therefore to state that the proposition was laid before the President of the United States after it was adopted by both Houses without giving the opponents of the measure an opportunity to state their case. The Committee on the Merchant Marine and Fisheries did not close its hearings until everyone who desired to appear had been heard. The shipbuilders, as a rule, offered no valid objection to the bill, but claimed that they dreaded its enactment lest it be an entering wedge for free ships in the coastwise trade. The committee promptly and effectively disposed of this claim when on a vote to amend the bill by allowing foreign-built ships to secure enrollments for the coastwise trade only one member of the committee, Mr. HARDY, favored that proposition, and on subsequent votes, both in the Senate of the United States and in the House of Representatives, the proposition was voted down by so decisive a majority that there can be no doubt as to the attitude of the Sixty-second Congress toward the coastwise trade.

The free-registry bill for foreign trade after extended hearings was reported by the committee on March 11, 1912, and at a later date in the session, by the courtesy of the Committee on Rules and the vote of the House of Representatives, it was included in the measures to have precedence over all bills except those relating to tariff, appropriations, and conference reports.

Before it was reached under this order, the Senate adopted as an amendment to the Panama Canal bill a brief measure embodying the principle of the free-ship bill offered by the Senator from Mississippi [Mr. WILLIAMS]. A similar bill had also been introduced by the Senator from Indiana [Mr. SHIVELY]. It has been demonstrated during the last quarter of a century in Congress that any measure for the rehabilitation of the merchant marine, to succeed, must command support from both parties. Gov. Wilson, in accepting the Democratic nomination for President, declared, "We must build and buy ships in competition with the world. We can do it if we will but give ourselves leave." It is significant that the Williams free-ship amendment was supported by speech and by vote by the Senator from New York [Mr. ROOT], who had been chairman of the Republican national convention.

The conference committee on the Panama Canal bill did the chairman of the Committee on the Merchant Marine and Fisheries the honor to call him into consultation, and section 5 of the Panama Canal act, containing the free-ship provision as well as the provision for materials free of duty for American shipbuilders for either the foreign or coastwise trade, is with slight verbal changes the bill reported by the Committee on the Merchant Marine and Fisheries of March 11, 1912. The provision in the Panama Canal bill is as follows:

That section 4132 of the Revised Statutes is hereby amended to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel, not used or intended to be used for trade, admitted to American registry pursuant to this section, shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States, and all such materials necessary for the building or repair of their machinery, and all articles necessary for their outfit and equipment, may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General, under the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said act."

The Secretary of Commerce and Labor, the Hon. Charles Nagel, who represents Missouri in the Cabinet of the President, in his report for 1911 favored the passage of the free-ship bill.

RADIO COMMUNICATION.

The impression that Congress took no action to increase the security of life and property at sea until the *Titanic* disaster spurred it to action does injustice to the long and faithful work upon this subject of the Committee on the Merchant Marine and Fisheries for months before the shock came in April. The disaster proved that radio communication, or wireless telegraphy as it is popularly called, is the most potent agency at our command for the protection of life at sea. It also proved that its efficacy depends to a very large measure upon its careful regulation by statute and by international convention. On December 11, 1911, the chairman of the committee introduced a bill to regulate radio communication, and for two months this intricate subject was under consideration by a subcommittee and again by the full committee, who heard at numerous sessions all the experts who cared to testify. The Committee on the Merchant Marine and Fisheries was also in constant consultation with a subcommittee of the Senate on the same subject, of which Senator BOURNE, of Oregon, was chairman, and the result of these labors was incorporated in a bill of which the committee reported on April 20 as follows:

The committee recommends the passage of the bill as amended, in the belief that it is a practical measure to help accomplish five important results for the general good of the people of the United States, for the greater safety of life and property at sea, for the national defense, and for the orderly and scientific development of an instrumentality of human progress and civilization. This conclusion has been reached after three months' study of the subject by such time as the members of the full committee could devote to it and by patient hearings by a subcommittee of all interests concerned. The hearings have been printed. During the same period the Senate Committee on Commerce and a subcommittee of that committee have been holding similar hearings and have reached substantially the same conclusions as has your committee in the bill recommended herewith.

The principal purposes of the bill are:

First. To prevent the establishment of a monopoly in the United States by any private corporation in the use of radio communication, or "wireless telegraphy," as it is popularly called. The attempt to establish such a monopoly on a world-wide scale led the maritime nations of the world in 1906 to join in an international agreement, and there is reason to apprehend that an attempt to establish such a monopoly is at least contemplated in the United States.

Second. To promote the most general use of this means of communication without interruption (or "interference," as it is technically called), and this to insure the full measure of usefulness both to the Government wireless stations for the establishment of which Congress has voted large sums of money and to such stations as have been established by commercial enterprise. In the present state of the development of wireless telegraphy such interruptions or "interference" can be prevented only by the observance of regulations which can be framed and carried out only by the exercise of the power of Congress "to regulate commerce with foreign nations and among the several States."

Third. To give the greatest efficacy to the distress calls of vessels at sea and thus enhance the usefulness of a powerful agency for the preservation of human life.

Fourth. To bring the United States into accord with the advance other nations have already made in the use and regulation of radio communication and to carry out the provisions of the Berlin Radiotelegraphic Convention, to which, by the action of the Senate of the United States on April 3, the United States became a party and by which we are honorably bound to carry out in legislation the necessary measures to execute that convention. While the Congress of the United States may to-day be thankful that it was the first parliamentary body to require by the act of June 24, 1910, wireless apparatus and operators on ocean passenger steamships, we must own that in the regulation of radio communication to render it effective we are as yet behind other maritime nations. This bill will bring the United States abreast of all, and in some particulars (pure and sharp wave) in advance of all.

Fifth. To insure to the people of the United States an uninterrupted wireless service 24 hours a day for every day in the year between vessels at sea and the entire Atlantic, Pacific, and Gulf coast lines of the United States and the outlying Territories of Porto Rico, the Canal Zone, Hawaii, and Alaska. (A Government system of radio communication for the Philippines has already been established.)

The subject of radio communication was considered at an international conference at London in June. The rule and custom that international treaties and conventions are held in confidence until laid before the Senate and the seal of secrecy released, is not violated in the statement that the international conference has adopted in substance the advances in the regulation of radio communicaion provided in the bill which has passed both Houses and has been approved by the President and is now the law.

CONSTANT WIRELESS WATCH.

The importance of maintaining a constant wireless watch on shipboard was brought to the attention of the committee by the bill (H. R. 16803) introduced by Mr. MAGUIRE of Nebraska on January 4, 1912. A similar bill was passed by the Senate and considered carefully by the Committee on the Merchant Marine and Fisheries. The committee extended the scope of the Senate bill, making it applicable to all vessels, whether passenger steamers or cargo boats, carrying 50 or more persons, whether they be passengers, crew, or both, and in addition to two operators, one or the other of whom must be at all times on watch, the committee, in the light of experience, decided that it was also necessary that auxiliary apparatus, capable of sending messages at least four hours over a distance of 100 miles ,should be prescribed by law. Again, it is not a breach of confidence to state that the principles of this legislation were approved in substance by the London International Radiotelegraphic Conference. I believe I am safe in venturing into the realm of prophecy to the extent of saying that within two years all the principal maritime nations will enact laws requiring radio apparatus, operators, and auxiliary power in case of emergency, on all ships carrying 50 or more passengers. The act approved by the President on July 23, 1912, embodying the labors of the Committee on the Merchant Marine and Fisheries on this subject, with the sections not amended of the act of June 24, 1910, reported by the Merchant Marine and Fisheries Committee of that year, is as follows:

SECTION. 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry or carrying 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles day or night.

An auxiliary power supply, independent of the vessel's main electric power plant, must be provided, which will enable the sending set for at least 4 hours to send messages over a distance of at least 100 miles, day or night, and efficient communication between the operator in the radioroom and the bridge shall be maintained at all times.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

That provisions of this section shall not apply to steamers plying between ports or places less than 200 miles apart.

SEC. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean-cargo steamers shall take effect on and after July 1, 1913: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

The remaining sections of the act of June 24, 1910, which are unchanged, read as follows:

SEC. 2. That for the purpose of this act apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication.

SEC. 3. That the master or other person being in charge of any such vessel, which leaves or attempts to leave any port of the United States in violation of any of the provisions of this act, shall, upon conviction, be fined in a sum not more than $5,000, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

SEC. 4. That the Secretary of Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this act by collectors of customs and other officers of the Government.

The members of the Committee on the Merchant Marine and Fisheries of the House of Representatives may look back with some satisfaction on the work which they began in January upon the subject of radio communication and the constant wireless watch. Their conclusions were well on the way toward statutory enactment before the world was taught the need of such laws by a disaster. I have received within the last few days the report of a British commission, which began work in May and concluded its labors during the current month. The similiarity of its recommendations for further action by the British Parliament to the laws which we have already passed will be obvious from even a cursory glance. It is gratifying that international uniformity on this subject is approaching so rapidly. The British recommendations are as follows:

WIRELESS TELEGRAPHY.

Having regard to its proved value, we are of opinion that the time has now come when the State may reasonably prescribe the class or classes of vessels on which a wireless installation shall be compulsory and the conditions which are to govern its use.

* * * * * * *

For the purpose of considering what compulsory requirements should be imposed we have divided the merchant vessels into three classes:

1. Foreign-going vessels carrying passengers.
2. Home-trade vessels carrying passengers.
3. Vessels not carrying passengers.

In vessels of the first class, with many people on board, the installation of wireless telegraphy is, in our opinion, a necessity, and we therefore recommend that all foreign-going vessels, British and foreign, carrying passengers from or to the United Kingdom and having on board 50 persons or more, including both passengers and crew, shall be required to be equipped with radiotelegraphic apparatus.

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The position of the vessels in the third class which do not carry passengers requires careful consideration. We recognize the desirability of an adequate number of vessels, using the established trade routes of the world, being equipped with wireless installations, so that a distress call at sea may have the greatest chance of receiving attention; but from the life-saving point of view, we think that little would be gained by requiring the cargo-carrying vessels which trade otherwise than on regular trade routes, where the passenger vessels are limited in number, and consequently not in constant touch with one another, to be fitted with the installations, whilst it must be borne in mind that the more ships there are fitted with wireless telegraphy the more complicated becomes the control. It must be recognized, however, that if the class of vessels under consideration were brought under the compulsory rules they would in the great majority of cases be carrying the installation for the benefit of others and not for their own benefit. These vessels are required by the existing life-saving appliances rule to provide on each side of the ship sufficient boat accommodation for everyone on board. These vessels are in many instances carrying their cargoes in keen competition with the cargoes carried on the passenger ships; and whilst the passenger ships may hope to place the cost to which they are put in providing the additional safeguards, in whole or in part, upon the passenger fares, the cargo vessels can expect no return in increased freights for equipping themselves to be in readiness to render assistance to passenger vessels in distress.

Having regard to these considerations, we are of opinion that if Parliament, in the interests of the community, compels any of the cargo vessels to carry wireless installations, the owners of such vessels should be reimbursed out of public funds for any expenditure imposed on them by complying with such compulsory requirements.

If the community are not prepared to bear this expense, then in our opinion compulsion can not be justly applied to this third class of vessel.

As regards the range of the installations to be provided, we are of opinion that in the foreign trade an installation capable of a normal range by day of 100 miles oversea will be effective for life-saving purposes.

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We are further of opinion that in the case of all vessels compulsorily fitted with wireless telegraphy, the regular installation should be supplemented by some form of energy-transmitting apparatus employing accumulators or dry cells, or some other effective supplementary motive power, and capable of working for not less than four hours after the current supplied by the ship's engines has failed.

Any compulsory provisions for the installation of wireless apparatus should, in our opinion, be preceded by a comprehensive review by the post office of their present system of receiving stations, with a view of establishing such stations at every point, whether on the coast or on the lightships or in lighthouses, at which they can be most effectively used for the preservation of life at sea. We have been informed that it is the intention of the War Office to abandon the military wireless stations in the Channel Islands, and that the post office do not see their way to open a wireless station in the islands for ship and shore work, unless they are guaranteed by the lines whose vessels trade in those waters a certain income. If the carrying of the installations on the passenger ships is to be made compulsory, the policy upon which such a demand was based must be entirely abandoned. The necessary receiving stations must be maintained as a national duty, and without regard to questions of commercial returns.

At the present time the land stations are instructed, in the event of receiving messages of distress, to communicate at once with the coast-guard and lifeboat stations nearest to the place of disaster and with Lloyd's and the Underwriters' Associations, at Liverpool and Glasgow, and further to use every other possible method of securing that prompt assistance is rendered to the distressed vessel.

In order that the time expended in communicating the distress messages received may be reduced to a minimum, we recommend that every possible effort be made to establish, so far as is consistent with efficiency, the land stations at points in immediate touch with the ports from which the most effective assistance can be sent.

We further hope that all possible steps will be taken to improve the system of land wireless stations in other parts of the world, with special reference to the desirability of providing means for a vessel in distress to communicate with the shore.

It is in our opinion absolutely essential, in the interests of safety, that there shall be unimpeded intercommunication between ship and ship without regard to the particular system of radiotelegraphy adopted by the two vessels. We understand that, as a matter of fact, a distress message is always accepted whatever may be the system by which it is transmitted, but the right of free intercommunication in regard to ice, derelicts, and other dangers is so important that we think that it should be placed beyond all doubt, and we hope that the Govern-

ment will now see their way to adhere to the additional undertaking appended to the International Radiotelegraphic Convention of November, 1906.

* * * * * * *

We recommend that all foreign-going vessels compelled to be equipped with wireless apparatus should be required to carry one fully qualified operator, and in addition such assistants as will enable a constant watch to be maintained during the absence of the operator. Such assistants must possess sufficient experience to be able to recognize at once a distress or danger signal, but they need not be qualified either to receive or to send messages.

From the life-saving point of view it is clearly not necessary for any vessel to keep open throughout the 24 hours a telegraph office for the receipt of either commercial or private messages, and therefore whilst the skilled operator is off duty it would be quite reasonable for the assistant on watch to ignore all but distress or danger calls.

The qualifications required from a skilled operator are already definitely laid down by the International Regulations.

In the case of the assistants we are informed that no great amount of skill is necessary. Their sole duty will be to listen for a distress or danger signal and, in the event of such a signal being received, to summon the operator to the installation. We are advised that the training required in order to secure the efficient performance of this duty is not considerable and that it would not be beyond the capacity of any reasonably intelligent member of the ship's company. In this connection it has been suggested—and we think the suggestion a good one—that training ships and schools for the mercantile marine should be encouraged to give a preliminary training in wireless telegraphy to the boys under their charge so as to fit them to discharge the duties of an assistant to the skilled operator.

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Finally, it should, in our opinion, be impressed upon all concerned that the operator should be under the captain's control and that every message transmitted and received by the operator—other than private messages to or from passengers sent whilst the installation is being worked under the captain's orders for the sending of such messages—should be transmitted and received under the control of the captain.

INTERNATIONAL CONFERENCE.

Immediately after the *Titanic* disaster, upon consultation with the members of the committee, the chairman determined that while the committee could deal with some phases of the subject, a catastrophe so great must call for international action, particularly in view of the fact that while American citizens or immigrants intending to become such constitute the great majority of trans-Atlantic passengers—cabin and steerage—nevertheless the ships which carry them are with six exceptions foreign ships. On April 18 the chairman introduced a resolution for an international conference which had the united support of the members of the Committee on the Merchant Marine and Fisheries. Out of deference, however, to the Committee on Foreign Affairs (inasmuch as an international conference was involved) the resolution was acted upon by that committee as to its form, though its subject matter was particularly within the province of the Committee on the Merchant Marine and Fisheries. Shortly after the resolution was introduced, the German Emperor also took steps toward the calling of an international conference, and subsequently the British Government informally expressed its wish that a conference be held, preferably at London as the most convenient center for deliberation. The joint resolution (H. J. Res. 299) as approved by the President on June 28, 1912, is as follows:

Resolved, etc., That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being to consider uniform laws and regulations for the greater security of life and property on merchant vessels at sea, including, if practicable, regulations to establish standards of efficiency of the officers and crews of merchant vessels and the manning of such vessels; regulations for the construction and inspection of hulls, boilers, and machinery; regulations for equipment of ocean steamers with radio apparatus, searchlights, submarine bells, lifeboats, and other life-saving and fire-extinguishing appliances; regulations concerning lights, sound signals, steering and sailing rules; regulations for an international system of reporting and disseminating information relating to aids and perils to navigation; the establishment of lane routes to be followed by trans-Atlantic steamers; and such other matters relating to the security of life and property at sea as may be proposed.

SEC. 2. That, in case such international maritime conference shall be called by the United States or any other nation, the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the representatives of the United States at said conference.

At this conference I shall be disappointed if the representatives of the United States do not stand firmly for the advanced legislation which has been enacted at the present session of Congress or has been carefully considered by both branches and is in a fair way to become statute law.

SEAMEN'S BILL.

The long discussion on the seamen's bill (H. R. 23673), introduced by Mr. WILSON of Pennsylvania, is too fresh in the minds of the Members of the House of Representatives for me to do more than refer to its salient features. The principal purpose of the bill is "to abolish involuntary servitude" and repeal the penalty of imprisonment for the breach of the civil contract of the seamen. The sentiment of the country is apparently united in support of this proposition. The Democratic national platform affirms:

We favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit if not the letter of the Constitution of the United States.

The Republican national platform less explicitly declares:

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude.

One purpose of the bill was to endeavor to establish a standard of efficiency of seamen and to provide that an ocean passenger steamer must have a sufficient crew to afford two competent seamen for each lifeboat. The provisions of this section have been criticized in some quarters as arbitrary and unreasonable, but since the bill passed the House I have received a copy of the report of the special committee appointed in April to offer suggestions in British laws and regulations calculated to diminish the risk or mitigate the effect of accidents at sea. This British committee was composed of leading men of the maritime interests of Great Britain, including shipbuilders, shipowners, officers of chambers of shipping, British registration societies, assisted by officers of the navy. Before the House Committee on the Merchant Marine and Fisheries is charged in any part of the country with radicalism or a lack of knowledge of the subject in recommending two men of the rating of able seamen to man each lifeboat on a passenger steamer, it might be well to review the following recommendations, made only 10 days ago by this conservative British commission, composed to a considerable extent of British shipowners:

EFFICIENT SEAMEN.

The question of the manning of boats has been very carefully considered, and the following alternative resolutions were proposed:

1. That no passenger vessel trading outside of home trade limits should be considered efficiently manned unless it carries at least three efficient boat hands (of whom two shall be able seamen) for each boat carried.

2. That the effective manning of all the boats carried on passenger and emigrant vessels can be only secured by the training and organizing of the crew as a whole. If the crew as a whole be so trained and organized, the boats can be effectively manned if there are two efficient boat hands carried for each of the boats carried under the davits or immediately available for attachment to the davits. Facilities should be given to enable all hands to prove their competency as efficient boat hands.

On a division the second resolution was approved by a majority, a minority of the members of the committee being in favor of the first resolution.

Special consideration has been given to the case of vessels employing lascars, and in connection with this question we have had before us the recommendations as to manning of boats made by the court of inquiry into the loss of the *Oceana*. The following alternative resolutions were proposed:

1. That lascars, if efficient boat hands, may be accepted as equal to white boat hands, but it is necessary that there be provided for each boat, in addition to two efficient lascar boat hands, one officer or one petty officer, able to communicate orders to the lascars.

2. No passenger vessel carrying lascars shall be deemed efficiently manned unless it carries two efficient white boat hands for each boat.

The first resolution was adopted by a majority of the committee, a minority being in favor of the second resolution.

Boat drill.—It will be seen from the foregoing paragraphs that we consider that the owners of emigrant and passenger vessels should be required to arrange for the training and organization of the crews of their vessels, so that every member of the crew will be acquainted with the duties he will have to perform in the event of an emergency arising in which it is necessary to take to the boats. We consider that a similar requirement should be made in the case of the crews of cargo vessels.

We have further considered suggestions that the passengers should be required to take part in boat drill and that each passenger should be allotted to a particular boat. In our opinion any efficient training of passengers is impossible, and the allotment of passengers to particular boats is sure to break down in time of disaster. The safety of the passengers will be more effectively secured by the training and organization of the members of the crew in their several duties, so that they will take charge of the passengers and direct them to the boats in a prompt and orderly manner.

THE GERMAN LAW RELATING TO WORK BY SEAMEN ON SUNDAYS AND HOLIDAYS, AND THE BRITISH REGULATIONS RELATING TO CREW ACCOMMODATIONS, FOR COMPARISON WITH PROVISIONS OF WILSON BILL.

While the ship is underway at sea it is, of course, impracticable to apply to her crew those rules for the observance of Sundays and holidays which have become familiar to us on shore, both by custom and by statute. It is possible, however, to an extent at least, to apply these rules when an American ship is in port or anchored in a safe roadstead. Germany recognized this fact 10 years ago, and the following concise translation of three of the provisions of the German law of June 2, 1912, are worth our attention:

SEC. 35. When the ship is in port or in a safe roadstead the seaman shall not, except in case of emergency, be required to work more than 10 hours daily, including hours on watch. (Not more than 8 hours in the Tropics.) This does not apply to officers, who, however, under such conditions must be allowed at least 8 hours off duty out of every 24 hours. Work beyond the time limits named shall be entitled to overtime pay, except when the ship is in peril. (Extra pay is not required for extra work by stewards or those in personal attendance on passengers, officers, or crew.)

SEC. 36. At sea the deck and engine-room departments shall each, respectively, be on duty watch and watch. The watch off duty shall be called only in case of emergency. This provision does not apply to voyages of less than 10 hours' duration. On trans-Atlantic steamers the engine-room force shall be divided into three watches.

SEC. 37. On Sundays and holidays, while the ship is in port or anchored in a safe roadstead, the crew shall be required to work, including duty on watch, only so far as indispensable or urgent or in personal attendance (as stewards). On Sundays and holidays in German ports the crew shall not work in discharging or taking on cargo.

For some years the laws of the United States concerning forecastle accommodations were in advance of those of other nations, but within the last few years the statutes of Great Britain at all events have shown more consideration in this respect than those of the United States. The act of Parliament of 1906, in section 64, contains the following provisions concerning forecastles, bathrooms, and wash rooms, quite similar to those proposed in section 5 of the Wilson bill:

64. (1) Subsection (1) of section 210 of the principal act (which provides for the space required for each seaman or apprentice in any place in a British ship occupied by seamen or apprentices and appropriated to their use) shall be construed as if a space of not less than 120 cubic feet and of not less than 15 superficial feet measured on the deck or floor of that place were substituted for a space of not less than 72 cubic feet and of not less than 12 superficial feet measured on the deck or floor of that place.

(2) In estimating the space available for the proper accommodation of seamen and apprentices there may be taken into account the space occupied by any mess rooms, bathrooms, or washing places appropriated exclusively to the use of those seamen or apprentices, so, however, that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than 72 cubic feet and 12 superficial feet for each seaman or apprentice.

(3) Nothing in this section shall affect—(a) any ship registered before the passing of this act which was in course of construction on the 1st day of January, 1907; or (b) any ship of not more than 300 tons burden; or (c) any fishing boat within the meaning of Part IV, of the principal act, or require any additional space to be given in the case of places occupied solely by lascars and appropriated to their use.

The following is a summary of the provisions of the bill H. R. 23673:

Section 1 of this bill amends the present law by regulating the hours of labor at sea by dividing the sailors into at least two, and the firemen into three, watches—this is the statute law of France and Germany; it is the custom in England and custom protected by law in Norway—and in port by establishing a nine-hour day, except on Sundays and legal holidays, when no unnecessary work shall be required. This is, in substance, the laws of France, Germany, and Norway.

Section 2 amends the present law by increasing the penalty for its violations.

Section 3 amends present law by striking out the following: "unless the contrary be expressly stipulated in the contract" and inserting in its place as follows: "and all stipulations to the contrary shall be held as void." The section thus amended gives the seaman the right to demand one-half the wages due him in an port, notwithstanding any contract to the contrary, and extends its application to seamen on foreign vessels while in American harbors, and the whole section becomes part of the means by which the cost of operation of all vessels taking cargo out of any American port may be equalized.

Section 4 amends existing law so as to give a majority of the seamen the right to demand a survey of the vessel while in a foreign port to determine its seaworthiness. That is the existing law relative to vessels engaged in the domestic trade.

Section 5 amends existing law by striking out "not less than 72 cubic feet and not less than 12 square feet" and inserting "not less than 100 cubic feet and not less than 16 square feet" as forecastle space allotted for each member of the crew and by providing opportunity for cleanliness. The laws of England, France, Germany, and Norway require 120 cubic feet of forecastle space for each member of the crew.

Section 6 amends existing law so as to give the seaman the same freedom as landsmen when his vessel is in a safe harbor and to enforce proper discipline while at sea.

Section 7 amends existing law by striking out the words "reclaim deserters."

Section 8 amends existing law relative to corporal punishment by enabling the seaman who has been thus punished to sue the vessel for damages if the master permits the officer guilty of the violation to escape.

Section 9 amends existing law by prohibiting advances and allotment of wages except to near relatives of the seaman. This would destroy the power of the crimps.

Section 11 amends existing law by extending to fishermen on deep-sea fishing vessels the provision which prohibits the attachment of a seaman's wages.

Section 12 is new to American maritime law. It proposes a standard of skill in the able seaman of three years' service on deck at sea or on the Great Lakes in 40 per cent of the deck crew, exclusive of licensed officers, in the first year after the pasage of this act and gradually increases the number of able seamen required until it reaches 65 per cent in five years after the passage of the act.

It also provides that no vessel shall be permitted to leave any port of the United States unless she has a crew on board not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officer of such vessel.

Passenger vessels are not permitted to depart unless they shall have a sufficient crew to man each lifeboat with not less than two men with the rating of able seaman or higher. The enactment of this section is absolutely essential to promote the safety of travel at sea.

Section 13 is new law and provides means by which American boys may be trained to a seafaring life.

Section 14 is new and seeks to stop wanton waste of life and property inseparable from the present system of towing barges.

Section 15 provides for the repeal of existing law relative to the arrest, imprisonment, or delivering up of deserting seamen to the vessels from which they deserted and for the abrogation of all treaties in conflict with the provisions of the act.

Section 16 provides the dates upon which the bill shall go into effect.

The following countries now have treaties with the United States mutually providing for the arrest and delivery of deserters from ships: Austria, Belgium, Bolivia, Brazil, Colombia, Denmark, France, Germany, Greece, Haiti, Italy, Japan, Kongo, Mecklenburg-Schwerin, Netherlands, Prussia, Spain, Sweden, Norway, Tonga, Great Britain. The treaties with these countries would be affected by this bill.

LICENSED OFFICERS.

The committee, after hearings which begun in the early spring and continued over several weeks, decided to report a bill specifically providing for the number of licensed officers on vessels subject to inspection (H. R. 23676). This bill provides that on all such vessels there shall be one duly licensed master, and on all such vessels over 100 gross tons there shall be at least one licensed mate which is the law of Great Britain and, doubtless of maritime countries generally. The bill also provides that on vessels of over 200 gross tons on voyages of any considerable length there shall be a second mate, and on vessels of over 1,000 gross tons on voyages of any considerable length a third mate.

It is perfectly evident that an officer after many hours of continuous hard work in superintending the loading of the ship at the dock is not in a physical condition to take the bridge as soon as the ship goes to sea and go on watch. If Congress shall endeavor to meet this situation and desires precedents, they can be found. The principle of the Hardy bill is to be found, for example, in article 41 of the Netherlands seamen's law of 1909, applying to crew as well as to licensed officers and reading:

When a ship departs from port at such an hour that she will first be at sea between the hours of 10 p. m. and 6 a. m., arrangements must be made so that those who are to be on watch shall have at least 3 hours' continuous rest in the 15 hours which immediately precede their going on duty.

The Hardy bill provides that the officer of a vessel shall not be permitted to take charge of the deck watch upon leaving, or immediately after leaving port, unless such officer shall have had at least 6 hours' off duty within the 12 hours immediately preceding the time of sailing.

The Hardy bill not only has the earnest support of the masters of vessels, but of the managers of many of our great steamship lines.

Capt. Hibbard, representing the steamship lines on the Pacific coast, in his statement before the committee said:

"The captain has no right to stand watch on any vessel that goes to sea. The captain is on deck all the time when there is any necessity."

While the bill was passed so late in the session, on August 12, that the Senate may not be able to reach it, there is little doubt that substantially in its present form the bill, which reads as follows, will pass next December:

An act to regulate the officering and manning of vessels subject to the inspection laws of the United States.

Be it enacted, etc., That section 4463 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the Supervising Inspector General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any number of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew to the local inspectors within 12 hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall not be manned as provided in this act, the owner shall be liable to a penalty of $100, or, in case of an insufficient number of licensed officers, to a penalty of $500."

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean-going and coastwise merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That no such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

That every such vessel of 1,000 gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than 400 miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of 200 gross tons and less than 1,000 gross tons, propelled by machinery, shall have two licensed mates.

That every such vessel of 100 gross tons and under 200 gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds 24 hours, then such vessel shall have two licensed mates.

That nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yatches, or motor boats as defined in the act of June 9, 1910.

SEC. 3. That it shall be unlawful for the master, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least 6 hours off duty within the 12 hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed 9 hours of any 24 while in port, including the date of arrival, or more than 12 hours of any 24 at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of $100.

SEC. 4. That all laws or parts of laws in conflict with this act are hereby repealed.

LIFEBOATS.

The Board of Supervising Inspectors of the Steamboat-Inspection Service already has the power to require that steamers shall be equipped with such lifeboats, etc., as will best secure the safety of all persons on board such vessel in case of disaster. Nevertheless the Committee on the Merchant Marine and Fisheries deemed it wise to give specific statutory direction that the number of lifeboats on ocean steamers must suffice to carry at one time all the passengers and members of the crew on board the vessel and take away from the supervising inspectors the discretion to permit such vessels to carry a less number of lifeboats. The committee on May 4 recommended and the House has passed the following bill (H. R. 24025):

An act to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers.

Be it enacted, etc., That section 4400 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, public vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers to or from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer in any of the ports of the United States respecting any of the provisions of the sections aforesaid.

"That there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality: *Provided*, That the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued."

SEC. 2. That section 4488 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4488. Every steamer navigating the ocean or any lake, bay, or sound of the United States shall be equipped with such lifeboats, floats, rafts, life preservers, ring buoys, water lights, ring-buoy lights, line-carrying projectiles, and the means of propelling them, and such other life-saving and fire-fighting devices as will best secure the safety of all persons on board such vessel in case of disaster, and in addition thereto steamers navigating the ocean shall be provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and every steamer shall have such lifeboats provided and equipped with suitable boat-disengaging apparatus so arranged as to allow such boats to be safely launched while such vessel is under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water; and every such vessel shall be equipped with a searchlight of sufficient power to be an efficient aid in the safe navigation of said vessel in the nighttime.

"The Board of Supervising Inspectors shall fix and determine by their rules and regulations the character and equipment of lifeboats, floats, rafts, life preservers, ring buoys, searchlights, water lights, ring-buoy lights, line-carrying projectiles and the means of propelling them, and such other life-saving and fire-fighting devices that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer of water in case of heavy leakage, the capacity of such pumps or appliances being suitable to the navigation in which the steamer is employed, but shall have no discretion whatever with respect to the number of lifeboats on steamers navigating the ocean, such number to be determined solely by the actual capacity of such lifeboats to carry and transport at one time all of the passengers and members of the crew licensed to be carried on board the vessel. And for the purposes of this act seine boats carried by vessels engaged exclusively in fishing shall be held and considered to be lifeboats.

"Every vessel subject to the provisions of this title shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew. It shall be unlawful for any such vessel to sail from any port of the United States without first obtaining from the local inspectors a certificate specifying the number of passengers and crew licensed to be carried on board, and that such vessel is fully equipped as hereinbefore provided.

"Every captain, owner, and charterer of such vessel, and, when the owner or charterer shall be an association or corporation, every executive officer and every resident general agent of such association or corporation for the time being actually charged with the control and management of the operation, equipment, or navigation of such vessel, who shall knowingly and willfully cause or allow or permit such vessel to sail from any port of the United States without being equipped as hereinbefore provided, and without obtaining the certificate hereinbefore provided, shall, upon conviction, be fined not less than $1,000 nor more than $5,000, and may, in addition thereto, be imprisoned not exceeding 10 years, in the discretion of the court.

"Any person who knowingly or willfully manufactures or sells, or offers for sale, or has in his possession with intent to sell, life preservers containing metal or other nonbuoyant material for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell, any other material commonly used for the preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall, upon conviction, be fined not more than $2,000 and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

SEC. 3. That this act shall take effect on and after January 1, 1913.

I believe the hundreds of thousands of Americans and prospective American citizens who cross the Atlantic every year will find that the recommendations of the committee embodied in the above bill have provided for safety as carefully as the more detailed recommendations of the British committee made in August, which follow:

LIFEBOATS.

Although we are of opinion that the standard for the boats to be carried under davits should continue to be based on the gross tonnage, we are also of opinion that the standard for additional boat and life-raft accommodations should be based on the numbers on board and not upon a percentage calculated on the tonnage scale, so that accommodation may be provided for the total number carried.

Having regard to these considerations, we recommend in regard to passenger and emigrant ships that the existing regulations be modified upon the following lines:

First. The stability and seaworthy qualities of the vessel itself be regarded as of primary importance and every provision made against possible disaster be subordinated to this primary consideration.

Second. The existing scale based on the gross tonnage of the vessel as extended in accordance with our recommendation (as varied by this report) of the 4th July, 1911, be maintained in regard to the number of boats to be carried under davits or inboard alongside a boat directly under davits. Various mechanical arrangements for the launching and lowering of boats have been brought to the attention of the committee, but we are not prepared to make any detailed recommendations with regard to them. Such recommendations could only be arrived at after exhaustive inquiry, which would delay this report, but we are of opinion that any contrivance for the launching of boats should be dealt with on its merits and not by hard-and-fast rules. Any contrivance for the launching of boats otherwise than from davits should, if approved, be accepted in whole or in part in substitution for the davits so long as—

(1) The boats can thereby be launched at least as quickly and as safely as from davits.

(2) The concentration of the boats around the launching appliances will not either expose them to additional risk or interfere with the prompt embarkation of the passengers.

Third. The existing scale for additional boat and life-raft accommodation be varied by substituting for a percentage calculated on the tonnage scale the principle that the carrying capacity of the boats provided under the tonnage scale, and of the additional wood, metal, collapsible, or other boats of approved description, whether placed under davits or otherwise, and of the approved life rafts be sufficient to accommodate all persons on board.

Fourth. In the provision of the additional boat and life-raft accommodation regard be had to the following points:

A. So far as practicable and with due regard to the safety of the vessel for the voyage, the additional accommodation be provided in the boats under davits or readily available for the davits, but so that the length of each individual boat, carried under ships' davits of the existing standard types, does not exceed 30 feet. We recommend that, in all vessels of a registered length of more than 640 feet, an additional set of davits should be required on each side of the vessel for each length of 80 feet or portion of 80 feet by which the total registered length exceeds 640 feet. Such davits should be erected within the midships portion represented by two-thirds of the length of the vessel.

B. Provided suitable arrangements be made for prompt launching, it is not necessary for all boats carried under davits to be actually attached to the tackles; e. g., decked lifeboats of the type recommended by us on the 1st of May 1911, can be safely carried under open lifeboats, or under other decked lifeboats, actually attached to the tackles.

C. It is essential that any increase in the number of boats above the number to be carried under the tonnage scale be made so as not to interfere in any way with the prompt handling of the boats to be carried under that scale.

D. The additional accommodation, in so far as it is not provided under A, be provided by additional boats or life rafts of approved description to be placed as conveniently for being available as the vessel's arrangements admit of, having regard to the avoidance of undue encumbrance of the ship's decks, and to the safety of the ship for the voyage.

E. The boat accommodation to be provided under the tonnage scale and under A should, in our opinion, be sufficient for all but extraordinary and exceptional disasters, and in providing the additional accommodation under D, it must be recognized that in the event of such disasters considerable time must elapse before the sinking of the vessel if such accommodation is to be of any use. We are, therefore, of opinion that such additional accommodation need not be carried so as to be immediately available for launching so long as it is carried so as to be readily available in sufficient time when required.

F. It is not desirable, in regard to character, size, and stowage of the additional accommodation to be provided under D, to lay down hard and fast rules. All such accommodation should be judged on its own merits, so as to afford the greatest opportunity to the shipowners and their naval architects and shipbuilders to devise the character

and size of the additional boats and life rafts and to provide for their stowage as may be best calculated to attain the object in view.

G. The use of a motor lifeboat should remain optional.

LIFE-BUOY LIGHTS.

We are of opinion that the provisions of section 435 of the merchant shipping act, 1894, with reference to the supply of lights inextinguishable in water and fitted for attachment to life buoys should be extended so as to apply to cargo vessels as well as to passenger and emigrant ships.

* * * * * * *

We are also of the opinion that every lifeboat should have added to her equipment one dozen (self-igniting) red lights in a water-tight tin, and also a box of matches in a lever lid, water-tight tin.

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

The committee also considered and reported to the House the bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

The bill passed the House without a dissenting vote, but has not yet passed the Senate. Its purpose is to make more effectual the remedies provided by the Sherman antitrust law and compel owners, managers, and operators to respect its provisions.

It is generally understood that the greater part of our ocean commerce is carried in ships belonging to rings, pools, conferences, and combines. Between these ships there is absolutely no competition. Each conference or combine is a complete monopoly. Freight and passenger rates are fixed by agreement. The lines in these combines distribute the business, pool their earnings, and divide their profits.

The text of the bill is as follows:

A bill to protect American trade and American shipping from foreign monopolies.

Be it enacted, etc., That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce, or are monopolizing or attempting to monopolize any part of such trade or commerce, in violation of such act, the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States; whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

SEC. 2. That a penalty of $25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in section 1 of this act, for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and which court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

SEC. 3. That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," on satisfactory evidence to him that any vessel performing such a service under such contract is, at the time of performing such service, owned, operated, or controlled by any person or persons, who, in any proceeding, civil or criminal, instituted by the Government of the United States have been adjudged by a court of the United States to have violated the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that said vessel performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceeding.

SHIPPING TRUST INVESTIGATION.

Under House resolution 587 the committee is empowered and directed, among other things, to make a complete and thorough investigation of the methods and practices of the various ship lines, both domestic and foreign, and the connection of such ship lines with railroads and other common carriers, and generally to investigate whether such lines have formed agreements, conferences, pools, or other combinations among one another, or with railroads or other common carriers, for the purpose of fixing rates and tariffs, or of giving and receiving rebates, special rates, or other special privileges or advantages, or for the purpose of pooling or dividing their earnings, losses, or traffic, or for the purpose of preventing or destroying competition.

The resolution is very comprehensive in its terms and embraces many subjects for investigation, and the House authorized an expenditure of $25,000 for the purpose of conducting the investigation.

Immediately after the passage of the resolution experts were employed by the committee, and very substantial progress has been made in the investigation, and the expenditures thus far have been very small in view of the work done.

In the investigation the committee has had the hearty cooperation of the Department of State, and the Bureau of Trade Relations of that department has been of great service to us. We have also had the cooperation and assistance of the Department of Justice and the Department of Commerce and Labor. No public hearings have been had. Our effort thus far has been to gather information from all available sources without public hearings. It is not the purpose of the committee to hold public hearings if they can secure the information directly from the interests involved, or from other sources.

LIFEBOATS EQUIPPED WITH GASOLINE MOTORS.

The committee also considered and reported a bill amending section 4472 of the Revised Statutes of the United States, and providing that steam vessels carrying passengers for hire may carry lifeboats equipped with gasoline motors and tanks containing gasoline for the operation of such lifeboats—the use of such lifeboats equipped with gasoline motors to be under such regulations as may be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce and Labor.

OTTER AND BEAM TRAWLING.

The committee began hearings on a bill introduced by Mr. GARDNER of Massachusetts, the purpose of which was to prohibit the sale of fish caught by the methods known as "otter and beam trawling." Large delegations from England interested in the fish industry appeared before the committee and were granted a hearing. The purpose of the hearings was to ascertain whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable. After two days' hearings, the committee became convinced that the subject was one which should be made the subject of expert investigation, and the committee reported to the House House joint resolution 173, also introduced by Mr. GARDNER of Massachusetts, providing that the Commissioner of Fisheries be authorized and directed to make an investigation into the subject, and in the event the Commissioner of Fisheries should find this method of fishing to be destructive, harmful, or undesirable, to recommend to Congress such legislation as he deemed necessary. The appropriation of $7,500 was authorized by the resolution.

REPAIR WORK IN AMERICAN SHIPYARDS.

The committee considered and reported favorably the following act, which has been approved by the President:

An act to provide American registry for the steamer Damara.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer Damara, rebuilt at San Francisco, Cal, from the wreck of the British steamer Damara, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

At the extended hearings on this bill the fact was developed that the Union Iron Works Co. had received, including salvage charges, the sum of $262,052.43, which was wholly profit to an American shipyard, wages to American labor, or purchase price for American material. Only $22,500 of the *Damara* was British, or, in reality, less than one-tenth of the investment in the vessel. The fact that a part of this total was paid by English underwriters does not lessen the benefit derived by American industries. The committee was convinced that repair work can be made an important and profitable factor in the employment of American capital and labor in American shipyards on repaired wrecks. Accordingly, after several hearings of those concerned, the following general bill was reported:

A bill to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards.

Be it enacted, etc., That section 4136 of the Revised Statutes of the United States be reenacted and revised to read as follows:

"The Secretary of Commerce and Labor may issue a register or enrollment for any vessel built in a foreign country whenever such vessel shall be wrecked in the waters of the United States or her possessions and shall be purchased, salved, and repaired by a citizen of the United States if it shall be proved to the satisfaction of the Secretary of Commerce and Labor that the repairs actually made upon such vessel in a shipyard of the United States or her possessions are equal to three-fourths of the cost of the vessel when so repaired: *Provided*, That in estimating the cost of such repairs only one-half of the cost of salvage of such vessel shall be allowed as part of such cost."

Amend the title so as to read: "A bill to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions and salved by American citizens and repaired in American shipyards."

The Senate has passed unanimously a bill (S. 5958) on the same subject, which reads:

An act to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards.

Be it enacted, etc., That section 4136 of the Revised Statutes of the United States be reenacted and revised to read as follows:

"SEC. 4136. The Secretary of Commerce and Labor may issue a register or enrollment for any vessels wrecked on the coasts of the United

States or her possessions or adjacent waters and when purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Secretary of Commerce and Labor through a board of three appraisers appointed by him that the said repairs put upon such vessels are equal to three-fourths of the appraised value of the vessel: *Provided*, That the expense of the appraisal herein provided for shall be borne by the owner of the vessel: *Provided further*, That if any of the material matters of fact sworn to or represented by the owner or at his instance to obtain the register of any vessel are not true there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackle, apparel, and furniture thereof.

While concurrence on the two measures may not be reached this session, the subject will certainly result in action early in the next session, and the labors of the committee will not have been wasted.

ASSISTANCE AND SALVAGE AT SEA.

To carry out the Brussels International Convention on Maritime Law the chairman of the committee on April 10 introduced a bill in respect to assistance and salvage at sea similar to the bill introduced by Senator BURTON, of Ohio. While the subject matter was for the consideration of the Committee on the Merchant Marine and Fisheries and was informally approved by the committee, inasmuch as it dealt with an international convention, out of courtesy to the Committee on Foreign Affairs, it was referred to that committee, and has now become the following law:

An act to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

Be it enacted, etc., That the right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

SEC. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding $1,000 or imprisonment for a term not exceeding two years, or both.

SEC. 3. That salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

SEC. 4. That a suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salved vessel within the jurisdiction of the court or within the territorial waters of the country in which the libelant resides or has his principal place of business.

SEC. 5. That nothing in this act shall be construed as applying to ships of war or to Government ships appropriated exclusively to a public service.

SEC. 6. That this act shall take effect and be in force on and after July 1, 1912.

Approved, August 1, 1912.

MISCELLANEOUS.

The work of the committee has covered a wide range of subjects, some of which are only of local or special interest, but in every case the Committee on the Merchant Marine and Fisheries has made a painstaking effort to ascertain the facts, and in no instance has a full hearing been refused to all interests concerned. Indeed, the committee has taken pains to invite the presence before the committee of all those interested either for or against the legislation upon which the committee was required to pass. In a few remarks to the Association of Passenger Steamboat Lines at their annual meeting in Washington on December 13, 1911, the chairman of the committee took occasion to say:

So far as this committee is concerned, I think I voice the sentiment of all when I say to you that whenever any measures come before that committee which affect your interests you shall have ample opportunity to be heard, and that those measures will receive careful consideration; and unless it is the deliberate opinion that those measures are for the public welfare they will not receive favorable consideration. [Applause.] You have no right to expect anything more, and you have a right to demand that we shall give you nothing less.

As this very long session is drawing to its close, that promise, in every instance I believe, has been fulfilled.

The committee took pleasure in reporting unanimously in favor of the resolution of Senator NELSON, of Minnesota, which has since become a law (S. J. Res. 69), enabling the comrade and navigating officer of the eminent Norwegian Arctic and Antarctic explorer, Capt. Fridtjof Nansen, to serve as a master in the American merchant marine before his naturalization had been completed.

The committee was also prepared to report favorably House joint resolution 307, which was referred to it, bestowing a medal of honor to Capt. A. H. Rostrom, of the steamship *Carpathia*, for his brave and meritorious conduct in saving the survivors of the shipwrecked steamship *Titanic*, which subsequently became a law, in the form of a resolution introduced by Senator SMITH of Michigan and passed without dissent by both branches of Congress.

Both our customs and navigation laws contain sundry restrictions which the committee has found are not adapted to the conditions of modern life. The motor boat has taken its place among the instruments of navigation both for purposes of trade and of pleasure on all the navigable waters of the United States. These vessels fill a large part in the wholesome out-of-door life of all parts of the country. As soon as the committee ascertained that these small yachts plying on the waters of the Great Lakes, the Detroit River, and other communicating waters were subject to the same requirements as to entry and clearance as are imposed on the powerful trans-Atlantic steam yachts, the committee willingly provided larger freedom from unnecessary legal restraint for their owners by passing the bill H. R. 22650, which has become a law.

A small step for the better construction of wooden barges which are employed on inland waters was taken by the committee in its favorable report on Senate bill 4445, now on the statute books in the following form:

An act concerning unrigged vessels.

Be it enacted, etc., That upon affidavit by a reputable shipbuilder of the United States that an unrigged wooden vessel of the United States has been rebuilt, giving the date and place of such rebuilding, is sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Commissioner of Navigation shall include in the list of merchant vessels a notation to that effect.

Approved, July 9, 1912.

The law which required several thousand small vessels on the Great Lakes to take out two separate documents, an enrollment and license, seemed to the committee a small but unnecessary burden on owners and to double the work and increase the expense to the Government of customhouses in so far as these documents are concerned. Accordingly, the committee early in the session reported the bill covering the subject, which is now the law.

FISH HATCHERIES AND BIOLOGICAL STATIONS.

About 100 bills for the establishment of fish hatcheries and biological stations were referred to the committee for consideration.

After most painstaking and thorough investigation and many hearings a subcommittee selected 11 bills from the number considered as of the greatest present importance and combined them in an omnibus bill, which was approved by the committee, and has been reported to the House and is pending on the Union Calendar.

Several of the bill reported provide for the establishment of salt-water fish hatcheries, with the view to replenish the fast diminishing fish-food supply, and are regarded by the committee of great public importance.

TAKING AND CATCHING SPONGES IN THE WATERS OF THE GULF OF MEXICO AND STRAITS OF FLORIDA.

The committee has also concluded hearings on Senate bill 6385, an act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida, and will report said bill, with amendments, at the beginning of the next session.

At all times the committee and I have had the hearty cooperation of the Commissioner of Navigation, as well as of the different departments that might be affected by proposed legislation. The long service of Mr. Chamberlain as Commissioner of Navigation and his expert knowledge of the navigation laws and other subjects which come before the committee for consideration has made his services invaluable to us, and it gives us great pleasure to bear testimony to his services.

The chairman of the committee and Messrs. HARDY of Texas, GREENE of Massachusetts, who was for many years the honored chairman, HUMPHREY of Washington, and HENRY of Connecticut are the only members of the committee who have served on the committee in previous Congresses. In view of the fact that 16 members of the committee were without previous experience in the work of the committee, the showing made is a very creditable one. While some of the committees of the House were having trouble getting quorums for the transaction of business, it gives me pleasure to state that the business of this committee has never been hampered or embarrassed by a failure to secure a quorum. Thursday of each week was regular meeting day, but the committee often met several times in the week and subcommittees often held night sessions in order to facilitate the work of the committee. The chairman has always had the hearty cooperation of the members of the committee, and to that fact, together with the promptness with which each member of the committee responded to every demand for service, is due the good showing made.

Supremacy Between Two Leaders of the Republican Party.

EXTENSION OF REMARKS

OF

HON. ALBERT S. BURLESON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. BURLESON said:

The matter which I am presenting for insertion in the CONGRESSIONAL RECORD represents three phases of a most illuminating contest for supremacy between two leaders in the Republican Party.

First, I present what the President of the United States, Hon. William Howard Taft, said about Col. Theodore Roosevelt before and after the Republican national convention of this year.

Next, I present what the former President of the United States, Col. Roosevelt, said before and after the Republican national convention about President Taft.

And lastly, I present extracts from a series of editorial utterings by Col. Roosevelt in The Outlook, in which the former President of the United States, with startling directness, discusses the results of the Republican national convention at Chicago and President Taft's responsibility in connection with what took place at that convention.

It is not with any feeling of satisfaction or pleasure that I enter upon this task of enlightening the public, but out of a solemn sense of duty toward an electorate for whose support at the polls both of these gentlemen are now appealing. Having confided in speeches and statement to the members of their own party the reasons why each considers the other too dangerous and unfit to be intrusted with the presidency, both of these gentlemen are now appealing to the country at large for election to that high office over Gov. Woodrow Wilson, of New Jersey, the candidate of the Democratic Party.

In presenting this testimony of President Taft as to the menace to the Nation that lies in Col. Roosevelt, and the testimony of Col. Roosevelt as to the unfitness of President Taft, I have no comment to make except to say that each of these two distinguished gentlemen has known each other for many years, and that both are qualified to testify of the matters which form the bases of their accusations from long and intimate observation of each other from all angles and at close range.

Having thus qualified my two witnesses as experts on the particular subject under consideration, I will now present to you the reasons each advances why the other should not be made President, and which, in my judgment, furnish convincing evidence that NEITHER Mr. Taft nor Mr. Roosevelt, but Gov. Woodrow Wilson, of New Jersey, should be elected President of the United States.

TAFT ON ROOSEVELT.

ROOSEVELT PLAN REACTIONARY AND WITHOUT MERIT.

(Toledo, Ohio, dispatch of Mar. 8, published in New York Times, Mar. 9.)

President Taft * * * made no direct reference to Col. Theodore Roosevelt, nor to the latter's speech at Columbus, but referred freely to some of the policies that were enunciated by the former President before the Ohio constitutional convention.

Utterly without merit or utility and reactionary instead of progressive, crude, revolutionary, fitful, and unstable were the terms in which the President referred to the recall method of reversing judicial construction of the Constitution.

"I have examined this method of reversing judicial decisions on constitutional questions with care," President Taft said. "I do not hesitate to say that it lays the ax to the root of the tree of freedom and subjects the guaranties of life, liberty, and property without remedy to the fitful impulse of a temporary majority of an electorate."

ROOSEVELT NOT SAFE.

Broke His Promise to the People and Appeals to Class Hatred, Says President Taft.

At Boston, on April 25, President Taft first broke his silence on Roosevelt and delivered his first extended attack. As reported in a dispatch to the New York Times and published on April 26, the President said:

"Neither in thought, nor word, nor action have I been disloyal to the friendship I owe Theodore Roosevelt. When the time came for this campaign to begin I let the people know that I would like to have my administration approved by their giving me another term. At that time Theodore Roosevelt said he was not a candidate, and that it would be a calamity if he were nominated. Since then he has changed his mind."

Declaring that Mr. Roosevelt "ought not to be selected as a candidate of any party," Mr. Taft said that the former President might now be paving the way, if successful in the present campaign, to remain the Chief Executive of the Nation for as many terms as his natural life would permit.

"If he is necessary now to the Government, why not later?" asked the President, and continued: "One who so lightly regards constitutional principles, and especially the independence of the judiciary, one who is so naturally impatient of legal restraints and of due legal procedure, and who has so misunderstood what liberty regulated by law is, could not safely be trusted with successive presidential terms."

Mr. Taft referred to some of Mr. Roosevelt's charges against him as the "loose and vague indictment of one who does not know and who depends only on second-hand information for his statement." * * *

"I represent a cause. I stand for wise progress in governmental affairs and in the improvement of the conditions of all the people. * * * The supporters of that cause look to me to see to it that it is not seriously injured by the unjust, unfounded charges against me and by the adroit appeals to discontent and class hatred that Mr. Roosevelt is now making to the public. They feel that by such charges and appeals Mr. Roosevelt has clouded the real and critical issues of the campaign and has misled a great many good and patriotic people of the country to his support because no one has answered them as they ought to be answered * * *."

Mr. Taft next took up what he termed the "unfair" charge that he was in favor of an oligarchy of bosses.

"He (Col. Roosevelt) says that all the bosses are in my favor and all of them against him. That is not true. By his association with William Flinn, of Pittsburgh, there is being restored to power in that city and in Pennsylvania one of the worst municipal bosses that the history of that State knows. Mr. Roosevelt's chief supporter in Ohio to-day is Walter Brown, the only boss in full commission in that State, and who is looking forward to State control under Mr. Roosevelt's administration. He charges me with association with Mr. Barnes, of New York, while he is silent as to the support and advice he is receiving from William Ward of the same State. Mr. Roosevelt knows that, in 1910, but for the support he received from my friends as against Mr. Barnes and Mr. Ward he would not have been nominated as temporary chairman of the New York convention.

"When I am running for the Presidency I gratefully accept such support as comes to me. Mr. Roosevelt has done so in the past; he is doing so now. When I consider the eagerness with which Mr. Roosevelt has accepted in his various campaigns the assistance of Mr. Aldrich, Mr. CANNON, Mr. PENROSE, Mr. Quay, Mr. Platt, Mr. Foraker, and many other men prominent and influential in politics and Congress, I do not hesitate to say that it involves the most audacious effrontery on his part to attack me and to charge me, on that account, with helping machine politics.

"Has Mr. Roosevelt ever condemned the Payne (tariff) bill?" he asked. "Does he say he would not have signed it if it had been presented to him under conditions I had to meet? He has never said that, as far as I know, and the New York platform of 1910, adopted by the convention of which he was a part, indorsed the pending bill and approved its passage.

"With characteristic boldness and lack of facts and evidence and resting on his false and distorted construction of my language as to government by a representative part of the people, Mr. Roosevelt charges that I stand for the so-called interests and special privilege. If nothing else would serve, the record of my administration as to suits against railways to stop increases in rates and suits against trusts of all kinds to dissolve them and punish their directors must show to a fair-minded public that this administration has no favorites among lawbreakers or those seeking special privilege."

Mr. Taft quoted from Mr. Roosevelt's statement in 1904 the following:

"The wise custom which limits the President to two terms regards the substance and not the form; and under no circumstance will I be a candidate for or accept another nomination."

"He now says, although his language does not bear such a construction, he would not accept a nomination for a consecutive third term," said the President. "He says so in the face of the fact that the most noteworthy precedent in which the tradition was asserted and maintained was that of 1880, when Gen. Grant was denied a third term four years after he had left the presidential office.

"The promise and his treatment of it only throw an informing light on the value that ought now to be attached to any promise of this kind he may make for the future."

DON'T TAKE ROOSEVELT'S TESTIMONY.

[Boston dispatch, dated April 29, and published in the New York Times April 30.]

"No man has the right to misrepresent another to get himself up in office, no matter how humble that man is," the President shouted at one point in his Lowell address.

"Condemn me if you will," he said in conclusion, "but condemn me on other witnesses than Theodore Roosevelt.

"I was a man of straw, but I have been a man of straw long enough; every man who has blood in his body and who has been misrepresented as I have been is forced to fight."

ROOSEVELT PROTECTS HARVESTER AND STEEL TRUSTS.

[Baltimore dispatch under date of May 4, published in the New York Tribune on May 5.]

In several of his speeches the President attacked Col. Roosevelt, accusing him of misstatement and misquotation of the President's speeches, and denounced the recall of judges and judicial decisions. At Hyattsville the President referred to the colonel as "the innovator" of a policy that would force varying interpretations of the Constitution. He also said that his opponent for seven years favored the bosses he now denounces. * * *

President Taft added a new chapter to the history of the Harvester Trust here to-night. Speaking to an audience that filled the Lyric theater to the doors, Mr. Taft declared that Col. Theodore Roosevelt did prevent the prosecution of the trust after George W. Perkins, one of its directors, and now a Roosevelt supporter, had asked that the trust be not taken into the courts. * * * He said in part:

"The truth about the Harvester Trust is that Mr. Bonaparte thought it ought to be prosecuted. George W. Perkins, who was director in the Harvester Trust, then a director in the Steel Trust, and also a member of the firm of Morgan & Co., came to Washington and pleaded with Herbert Knox Smith, of the Bureau of Corporations, not to bring the suit, and induced Mr. Smith to make a report to Mr. Roosevelt in which he set forth the fact that the Steel Trust and the Harvester Trust and the other Morgan interests had attempted to carry out Mr. Roosevelt's idea of publicity, and therefore ought not to be subjected to prosecution under the antitrust law even though they were technically guilty, threatening that if they were prosecuted they would fight the administration, would give them no more access to their books, and would conduct themselves in opposition to the administration.

"The result was that Mr. Smith made a report on the 21st of September to Mr. Roosevelt, in which he detailed this conversation and recommended that no suit be brought until he had made a full investigation of the Harvester Trust. Before this, a report was made by the assistant district attorney of North Dakota and by the district attorney of Minnesota that there was ground for prosecuting the Harvester Trust, and that this trust had violated the antitrust law.

"Between September 21 and November 1 the matter was under consideration, and on November 7 the President directed Herbert Knox Smith to notify Mr. Perkins that no prosecution would be begun until after the investigation. That settled the matter, because that is what Mr. Perkins asked for. * * *

"Mr. Roosevelt's assumption of virtue is so intense that it is sufficient to purify anyone when he becomes a supporter of Mr. Roosevelt, even though it be a trust, and even though it be a director of a trust contributing to his campaign. In other words, when the facts are shown with reference to his failing to prosecute certain trusts, and with reference to contributions from a directing officer of such trusts, it hardly lies in his mouth, as a matter of the 'square deal,' to charge me with being controlled by special interests and privileges * * *."

The President then summed up what he called the colonel's failure to keep the "square deal." He said:

"As to popular government and his misquotation. As to bosses and my association with them, and his association. As to the Lorimer case and his misleading the people of Illinois. As to the character of the delegates for me and for him. His classing me as a reactionary because I associated with CANNON and others in securing legislation to fulfill the Republican platform, and did so at his instance. Reciprocity, when he favored it before its adoption. Misrepresentation as to the railroad bill. His misrepresentation as to my being under control of the interests and his being free from them.

"Mr. Roosevelt's chief theme is to attempt to stir up class feeling and hatred, and to array those who have not much against those who have more—a plea most dangerous to make in a community, and one which in his calmer moments, when not seeking an office, he would deprecate in others as emphatically as he pursues the course now.

"With his power of inducing the people to support him, with the opportunity that a President has, and as active as he is to perpetuate his power, he becomes a real danger.

"And with his little regard for constitutional restriction, his little regard for the due process of law, I can not but think that there is a great crisis in the country's history involved in the question whether now for a third term he shall be the nominee of the Republican Party and be elected to the Presidency."

ROOSEVELT'S PATH NOT STREWN WITH DEAD BOSSES.

[Cincinnati dispatch, under date of May 7, published in New York Tribune on May 8.]

"'What bosses are for me?' asked Mr. Taft late to-day at Hamden. 'What bosses am I upholding? Mr. Roosevelt says they are all for me. I could go over the list and show you a good many for him. There is Mr. Flinn, in Pennsylvania, one of the worst bosses they have ever had in that State. He is strongly for Roosevelt. So is Walter Brown, who is a budding boss in Ohio. He is also for Roosevelt. * * * I do not recall in the seven years that Theodore Roosevelt was President that his path was strewn with the bodies of bosses that he had killed. I don't recall any of them. * * *

'I have followed the administration of Theodore Roosevelt on his policies in every respect but one, and that was that I directed the prosecution of the Steel Trust and also the Harvester Trust. Now, under these conditions, when there is a published statement by Mr. Perkins, of the Steel Trust and the Harvester Trust, saying that if he were prosecuted or his company sued they would fight, no suits are brought against them; and Mr. Perkins is now the leading contributor to the Roosevelt campaign. I ask you, if the circumstances were reversed, with his proneness to impute improper motives, where would Mr. Roosevelt put me under those conditions? * * * I say it takes the most audacious courage on his part to charge me with being under the control of special privilege when the evidence is such that it calls for explanations from him.'"

THE UNPROSECUTED PERKINS AND THE ROOSEVELT FUND.

[Columbus (Ohio) dispatch of May 8, published in New York Tribune May 9.]

"'Mr. Perkins is one of the chief contributors of Mr. Roosevelt's present campaign fund. Now, I want to ask you: What would you think Mr. Roosevelt would say of me if I had not prosecuted the Steel Trust and the Harvester Trust, and it appeared subsequently that Mr. Perkins was a large contributor to a special fund expended for my use? Well, what does he do on the face of that? He charges me with being in control of the special interests—with those facts staring him in the face. * * *.'

"Mr. Taft said he accepted the support of 'Uncle JOE' CANNON when Speaker of the House of Representatives on the advice of Mr. Roosevelt, although the colonel now attacks him for that. The President went so far as to say that for a time he contemplated an attempt to defeat Mr. CANNON for reelection to the Speakership, but after receiving a letter from Mr. Roosevelt advising against that course, changed his mind. * * *

"At Jackson Mr. Taft talked frankly about Canadian reciprocity. In this connection he charged that Mr. Roosevelt had been unfair in denouncing the plan after first promising it his support. * * *

"'I am up against the wall and I am being hit,' shouted the President, at Portsmouth. 'I am being hit below the belt, and I am here to fight.'"

ROOSEVELT, DEMAGOGUE, FLATTERER, AND EGOTIST, A MENACE TO THE REPUBLIC.

On May 13 President Taft began his final swing through Ohio. Speaking at Steubenville and elsewhere, as reported in a dispatch dated Steubenville, May 13, and published in the New York Tribune, May 14, President Taft said:

"I think it would be dangerous to put a man with Mr. Roosevelt's present constitutional views and with the intoxication he would necessarily feel by reason of having gotten something that all of the great Presidents never got—it would not be safe to put him in the White House again. He says the reason that the American people are going to elect him again is because he is necessary for the job. * * * I want to call your attention to what that job is which he proposes. It is the millenium which he is going to bring about when he gets into office. All bosses are going to disappear; politicians are going to be fewer; and he is going to have a finger in every community in every State in every country, and everything is going to heaven. * * * If that is the job he is going to do, it is going to take him longer than four years to do it. I beg

of you to ask him when he comes here whether he would take a fourth term; ask him whether he is going to take a fifth term; and why he should not continue in office during his life?"

Speaking at Cambridge of the job Mr. Roosevelt said the people wanted him to do, President Taft asked:

"Suppose Mr. Roosevelt were wafted to the skies in a chariot, like the prophet of old, and were to disappear from sight, how do you suppose the country would get along, anyhow?

"My friends, it is a dangerous thing to put into the White House a man for the third term with his views of the Constitution and his views of himself. In every announcement he makes you will think he is the whole show, and there is not anybody else in this country. It is 'I,' 'I,' 'I,' and therefore I say you feed that vanity and that egotism by giving him something that Washington did not get, and Jefferson did not get, and Jackson did not get, and Grant could not get; you are going to put him in office with a sense of power and with a view of constitutional restriction that will be dangerous to this country. * * *

"Mr. Roosevelt likens himself to Abraham Lincoln more and resembles him less than any man in the history of this country. * * *

"I hold that that man is a demagogue and a flatterer who comes out and tells the people that they know it all. I hate a flatterer. I like a man to tell the truth straight out, and I hate to see a man try to honeyfugle the people by telling them something he does not believe."

PLAIN TRUTH VERSUS PLAIN FICTION.

Youngstown, Ohio, dispatch, dated May 14 and published in the New York Tribune of May 15, quotes Mr. Taft as follows:

"I may be puzzle-witted. That is a question you can not discuss any more than you can discuss whether you are good-looking. But whether I am puzzle-witted or not, I know the difference between truth and fiction; I know what a square deal is; and I know that he does not resemble Abraham Lincoln in any respect."

—

Sandusky, Ohio, dispatch, dated May 15 and published in the New York Tribune May 16, says:

"At Galion the President, who had been talking about Col. Roosevelt, said:

"'I may be puzzle-witted, but I know the difference between plain truth and plain fiction, and there are some people I do not think do.'"

INDICTED MEN SUPPORT ROOSEVELT.

[Toledo, Ohio, dispatch, dated May 17 and published in the New York Tribune of May 18.]

"In his speech in Bellevue President Taft declared that much of the support now being given to Col. Roosevelt in his fight for a renomination was coming from men indicted by the Taft administration. He added:

"'Mr. Roosevelt does not differ from me, and to say that because a man supports you therefore you are bound with him is to say something that the mere fact of his support does not justify. If it did, I could say that Mr. Roosevelt ought not to be supported, because all the indicted people are supporting him as they are, or most of them.'"

CONSTITUTIONAL GOVERNMENT IN DANGER.

Speaking in Cleveland, Ohio, according to a dispatch dated Cleveland, May 16, and published in the New York Tribune May 17, President Taft said:

"I would not be here to bother you to-night if it did not concern the American people more than it does me to defeat Theodore Roosevelt for the Presidency. * * * More than my own feelings in the matter is at stake. It is of supreme importance to the American people."

The dispatch continues:

"At one point he called the colonel's idea of constitutional government 'wild and ridiculous notions,' and at another he spoke of Mr. Roosevelt's 'tyranny' and 'explosive inconsistencies.'"

ROOSEVELT TREACHEROUS TO PARTY.

Cincinnati dispatch dated May 19 and published in the New York Tribune, May 20, quotes President Taft in a statement as follows:

"Mr. Roosevelt says that he is the Republican Party. * * * The arrogance of his statement that he is the Republican Party and that failure to comply with his wishes and views puts those doing so in the attitude of bolters, finds no parallel in history save in the famous words of Louis XIV, 'The State, I am it.' It is on par with his declaration that 'I typify and embody' the progressive sentiment of the age. * * *

"He announced that unless he is nominated the interests of the party and the interests of its members are to be sacrificed, and only his selfish ambition is to be consulted. It can not be that Republicans can countenance such a breach of party fealty, such treason to the party's properly constituted government, and such defiance to the will of the majority.

"Mr. Roosevelt has not yet seen fit to answer the question whether, if he is nominated and elected, he will discontinue the Steel Trust, nor has he answered the question whether he will accept a fourth term."

CHANGED VIEWS TO CATCH VOTES.

[Speech by President Taft at Flemington, N. J., May 24, and published in New York Tribune of May 25.]

"I can not change my views just to gain votes as Mr. Roosevelt has done."

ROOSEVELT'S DEFEAT AVERTS CALAMITY TO NATION.

[Statement by President Taft from White House to New York Times on June 22 and published in that paper June 23.]

The WHITE HOUSE, *Washington, D. C., June 22.* President Taft gave the following statement to the New York Times to-night:

"Never before in the history of the country was such a pre-convention campaign fought. Precedents of propriety were broken in a President's taking the stump, much to the pain and the discomforts of many patriotic, high-minded citizens, but the emergency was great and the course thus taken was necessary to avert a national calamity, and in view of the result it was justified.

"A national convention of one of the great parties is ordinarily important only as a preliminary to a national campaign for the election of a President.

"The Chicago convention just ended is much more than this, and is in itself the end of a preconvention campaign presenting a crisis more threatening and issues more important than those of the election campaign which is to follow between the two great parties.

"The question here at stake was whether the Republican Party was to change its attitude as the chief conservator in the Nation of constitutional representative government, and was to weaken the constitutional guarantees of life, liberty, and poverty, and all the rights declared sacred in the Bill of Rights, by abandoning the principle of absolute independence of the judiciary essential to the maintenance of those rights.

"The campaign carried on to seize the Republican Party and to make it the instrument of reckless ambition and the unsettling of the fundamental principles of our Government was so sudden and unexpected that time was not given clearly to show the people and the party the dangers which confronted them.

"It was sought to break the wise and valuable condition against giving more than two terms to any one man in the Presidency, and the dangers from its breach could not be measured.

"The importance of the great victory which has been achieved can not be overestimated.

"All over this country patriotic people to-night are breathing more freely, that a most serious menace to our republican institutions has been averted.

"It is not necessary to-night to speak of the result in November or of the issues which will arise between the Republican and Democratic Parties in the presidential campaign to follow.

"It will be time enough to do that after the action of the Baltimore convention.

"It is enough now to say that, whatever may happen in November, a great victory for the Republican Party and the people of the United States has already been won.

"The party remains as a great, powerful organization for carrying out its patriotic principles, as an agency of real progress in the development of the Nation along the constitutional lines upon which it was constructed and has ever been maintained, and its future opportunity for usefulness is as great as its achievements in the past.

"WILLIAM H. TAFT."

A DANGEROUS DEMAGOGUE.

[From President's speech of acceptance at the White House, August 1, 1912.]

The issue presented to the convention, over which your chairman presided with such a just and even hand, made a crisis in the party's life. A faction sought to force the party to violate a valuable and time-honored national tradition by intrusting the power of the Presidency for more than two terms to one man, and that man one whose recently avowed political views would have committed the party to radical proposals involving dangerous changes in our present constitutional form of representative government and our independent judiciary.

For the present it is sufficient for me to say that it is greatly in the interest of the people to maintain the solidarity of the Republican Party for future usefulness. * * * May we not hope that the great majority of voters will be able to see

that those who would deliberately stir up discontent and create hostility toward those who are conducting legitimate business enterprises, and who represent the business progress of the country, are sowing dragons' teeth? Who are the people? They are not alone the unfortunate and the weak; they are the weak and the strong, the poor and the rich, and the many who are neither; the wage earner and the capitalist, the farmer and the professional man, the merchant and the manufacturer, the storekeeper and the clerk, the railroad manager and the employee—they all make up the people and all contribute to the running of the Government; and they have not any of them given into the hands of anyone the mandate to speak for them as peculiarly the people's representative. Especially does not he represent them who, assuming that the people are unfortunate and discontented, would stir them up against the remainder of those whose Government alike this it.

ROOSEVELT ON TAFT.

TAFT FAVORS RULE BY SPECIAL CLASS.

[Carnegie Hall speech by Roosevelt March 21, printed in New York Times March 22.]

"Mr. Taft's position is perfectly clear. It is that we have in this country a special class of persons wiser than the people, who can not be reached by the people, but who govern them and who ought to govern them; and who protect various classes of the people from the whole people. This is the old, old doctrine which has been acted upon for thousands of years abroad and which here in America has been acted upon sometimes openly, sometimes secretly, for 40 years by men in public and private life, and, I am sorry to say, by many judges—a doctrine which has in fact tended to create a bulwark for privilege—a bulwark unjustly protecting special interests against the rights of the people as a whole. Naturally, every upholder and beneficiary of crooked privileges loudly applauds the doctrine."

BENEFICIARIES OF PRIMARY FRAUDS.

[Statement issued by Col. Roosevelt at New York on return from his western trip March 31 and published in New York Times April 1.]

"As for the men who engineered the frauds or who were in any way or shape their beneficiaries, they take their places beside Mr. Keeling and his associates who were responsible for what was done at Indianapolis, beside Messrs. GUGGENHEIM and EVANS, who are responsible for what was done in Denver, and, in short, beside the various other bosses to whom Mr. Taft's cause has been committed in the present contest; that is, they stand with Mr. PENROSE, of Pennsylvania, who has just announced that Mr. SHERMAN is to be renominated for Vice President; with Mr. GALLINGER, of New Hampshire, who is struggling to reintroduce in that State the reign of the boss and the special interest; with Mr. Cox, of Ohio; with Mr. Patrick Calhoun, of California, whose part in San Francisco politics can hardly be forgotten, and with Mr. Lorimer, of Illinois, whose very name describes with precision just what he represents. * * * These are the 'representative part' of the people, who, in accordance with Mr. Taft's doctrine, are to govern the rest of the people."

TAFT NOT A PROGRESSIVE.

[Louisville dispatch synopsizing Roosevelt's speech at Louisville on Apr. 3 and published in the New York Times on Apr. 4.]

"Four years ago the Progressives supported Mr. Taft, and he was opposed by such representatives of special privilege as Mr. PENROSE, of Pennsylvania; Mr. Aldrich, of Rhode Island; Mr. GALLINGER, of New Hampshire; as Messrs. Lorimer, CANNON, and MCKINLEY, of Illinois, and he was opposed by practically all of the men of the stamp of Messrs. GUGGENHEIM and EVANS in Colorado and Mr. Patrick Calhoun, of San Francisco. These men were not Progressives then, and they do not pretend to be Progressives now. But, unlike the President, they know who is a Progressive and who is not. Their judgment in the matter is good. After three and a half years' association with and knowledge of the President these and their fellows are now the President's chief supporters. * * * These men have known him well and studied the President for three years, and they regard him as being precisely the kind of Progressive whom they approve. * * * However good the President's intentions, I believe that his actions have shown that he is entitled to the support of precisely these men. * * *

"Take the most important bit of legislation enacted by the last Republican Congress—the rate bill. When this bill was submitted by the administration it was a thoroughly mischievous measure, which would have undone the good work that has been accomplished in the control of the great railroads during the last 20 years. In that shape it was reported out of the Senate committee by its ardent champion, Senator Aldrich. In that shape it was championed by all the representatives of special privilege and special interest, and it received the earnest support of those gentlemen whom I have mentioned, who had it in their power to give such support. But the Progressives in the Senate amended the bill against the determined opposition of the reactionary friends of the administration. * * *

"The gentlemen in question and their allies cordially approve the administration of the pure food and drug law during the past three years, which has resulted in Dr. Wiley's resigning, because, as he says in print, the situation has become intolerable and the 'fundamental principles of the food and drug act had one by one been paralyzed and discredited.'

"For two years the administration did everything in its power to undo the most valuable work that had been done in conservation, and especially in securing to the people the right to regulate water-power franchises in the public interest. This effort became so flagrant and the criticism so universal that it was finally abandoned by the administration itself. As for the efforts to secure social justice in industrial matters by securing child-labor investigation, for instance, the administration abandoned them completely.

"Alike in its action and in its inaction the administration during the last three years has been such as to merit the support of and the approval of Messrs. Aldrich, GALLINGER, PENROSE, Lorimer, GUGGENHEIM, and the other gentlemen I have mentioned. I do not wonder they support it * * *."

INTERROGATE THE DEMAGOGUE.

[Manchester (N. H.) dispatch of April 13, published in New York Times April 14—Roosevelt speech.]

"I once said that I believed in both the man and the dollar, but that when the interests of the two conflicted and one had to yield, I put the man above the dollar. President Taft, in commenting upon my remarks, said: 'When the demagogue mounts the platform and announces that he prefers the man above the dollar, he ought to be interrogated as to what he means thereby.'

"I want to point out this fact: My statement was not original. It was a quotation from Abraham Lincoln. When Mr. Taft alluded to the demagague who made that statement he was alluding to Lincoln."

TAFT MEANS WELL FEEBLY.

Roosevelt Says President is Guilty of "the Crookedest Kind of Deal" Toward Him.

Col. Roosevelt began his Massachusetts campaign with a speech at Worcester on April 26. An Associated Press dispatch, dated Worcester, April 26, and published in the New York Times on April 27, says in part:

"Merciless denunciation of President Taft was Col. Roosevelt's reply to-night to the President's attack upon him yesterday. * * * The colonel quoted from a letter by Mr. Taft thanking him for his help in the presidential contest of 1908. Then he said: 'It is a bad trait to bite the hand that feeds you.' * * *

"When, for instance, he—Taft—said that I have endeavored to minimize the importance of my Columbus speech, he says what he must know to be untrue. * * *

"Again, when Mr. Taft in any speech speaks of me, directly or obliquely, as a neurotic or a demagogue, or in similar terms, I shall say nothing except to point out that if he is obliged to use such language, he had better preserve his own self-respect by not protesting that it gives him pain to do so. No man resorts to epithets like these if it really gives him pain to use them."

Col. Roosevelt referred to President Taft's explanation of his statement that "ours is a Government of all the people by a representative part of the people."

"For him to try," said Col. Roosevelt, "to escape the consequences of his statement by saying that he alluded only to women and children, is trifling with the intelligence of the people. To speak of such action on his part as a 'square deal' is itself the crookedest kind of a deal. He is trying to dodge the consequences of his statement by deliberate misrepresentation of that statement."

"Col. Roosevelt defined the political boss as 'the man responsible for the alliance between crooked politics and crooked business. * * * The trouble with Mr. Taft is that he gets their—the bosses'—assistance at the price of going their way and opposing the cause of the people.

"Mr. Taft said yesterday that never in thought, word, or deed had he been disloyal in his friendship for me. It is hard for me to answer such a statement save by calling it the grossest and most astounding hypocrisy. When Mr. Taft made that statement he had just sent into the United States Senate, on half an hour's notice, obviously in collusion with the Lorimer Democratic Senator who made the request, papers which were intended to convey the impression that I had improperly fa-

vored the Harvester Trust by declining to prosecute it in 1907. He has not merely in thought, word, and deed been disloyal to our past friendship, but has been disloyal to every canon of ordinary decency and fair dealing, such as should obtain even in dealing with a man's bitterest opponents. Such conduct represents the very crookedest kind of a crooked deal, and when Mr. Taft within 24 hours after taking it complains that he has not been given a square deal by me, he exposes himself to derision and contempt.

"Mr. Taft says," Col. Roosevelt continued, "that the influence of Federal office holders in the Chicago convention will be less effective for any one candidate than ever before in the history of the party. This is not only an untruth, but it is an absurd untruth. Never in 30 years close observation have I seen such scandalous abuse of the patronage as this year. Some of the abuse of patronage has been done directly by Mr. Taft himself, as in the case of the various North Carolina nominations. Moreover, does Mr. Taft think the people have forgotten the letter he sent out as to restoring to the insurgent Senators the patronage of which he had deprived them? Having all these facts in view it is simply astounding that Mr. Taft should venture the assertion that he has not used the Federal patronage to defraud politics.

"It is a most curious thing that Mr. Taft should actually criticize me for not having assailed him about the Payne tariff law. As he now insists that I should break silence about that tariff law, I will say that I hold him culpably responsible for having led the people to believe that he favored a substantial downward revision, and that he would work actively for it, and for then having sat supinely by and allowed his new friends under the leadership of Messrs. Aldrich and CANNON to produce a bill which made him convict himself of insincerity when he signed it. * * *

"Long after I felt deep in my heart that he was unfit to lead his people I refused to acknowledge the fact to myself and struggled to convince myself that he was fit. Until less than a year ago I kept desperately hoping that either Mr. Taft would at least show himself reasonably fit for the task before him, or that if he failed, some one else would arise to whom the people could turn.

"I do not think that Mr. Taft means ill; I think he means well. But he means well feebly and during his administration he has been under the influence of men who are neither well meaning nor feeble. It is this quality of feebleness in a thoroughly amiable man which preeminently fits such a man for use in high office by the powers of evil."

TAFT USELESS TO PEOPLE.

Roosevelt Says President Helped Standard Oil and Tobacco Trusts, Used and Cast Off Lorimer.

[Statement issued at Oyster Bay May 5 and published in New York Tribune May 6.]

"With Mr. Taft's personal opinion about me I have no concern beyond pointing out the sufficiently obvious fact that he never discovered that I was dangerous to the people until I had been obliged to come to the conclusion that he was useless to the people. But his specific statements as to the trusts, the crookedness in selecting delegates, and the Lorimer incident I shall once again answer, although I have already answered them specifically in Massachusetts, and although Mr. Taft's repetition of them now is incompatible with sincerity of purpose or conviction on his part.

"Mr. Taft knew all the facts about the Harvester Trust decision, and he was present at a Cabinet meeting when they were all discussed, and at that Cabinet meeting and in private conversation with me he repeatedly and emphatically approved the course actually taken, just as he repeatedly and emphatically approved the course taken as regards the Tennessee Coal & Iron Co. He was absent from the country when Mr. Smith was reporting to me and consulting with Mr. Bonaparte, but after his return in January the matter came up again, and it appeared that Mr. Bonaparte had not understood that my judgment was that the course advocated by Mr. Smith was the proper one to follow. Accordingly the matter was gone over at length in the Cabinet meeting. Mr. Bonaparte was the only member who was inclined to believe that the suit should be continued without regard to Mr. Smith's investigation. Mr. Taft emphatically took the opposite ground, and it is utterly impossible that he should have forgotten that he did thus, as a member of my Cabinet, take the opposite ground.

"Of course, as a member of my Cabinet, who at that time I was supporting for the Presidency, he knew, and could not avoid knowing, everything of any importance that went on. It is impossible to reconcile his present position with any standard honorable conduct, whether we accept the view that he then approved what he believed to be wrong, or whether we accept the only alternative, which is that he now denies what he can not possibly help remembering. Moreover, he has been President for three years. Every document was in his possession throughout these three years, and if he is right now, his three years' delay has been inexcusable. * * *

"Mr. Taft says I have said the antitrust law ought to be repealed. Mr. Taft well knows that this is not true. I have always explicitly stated that it ought to be kept on the books and really enforced (not nominally enforced, as has been done by Mr. Taft in the Standard Oil and Tobacco Trust cases) against all trusts guilty of antisocial practices. * * *

"Mr. Taft says I criticize him because he prosecuted the Standard Oil and Tobacco Companies to the Supreme Court and got decisions there. Mr. Taft knows well that I criticized him, not for the prosecution of the suits that I had begun, but because, after he had gotten these decisions, he permitted the Department of Justice so to shape matters that the result was a complete nullification of all the good results of his suits.

"His conduct in this respect is quite incompatible with any sincere purpose to really enforce the antitrust law. As a result of his action the stocks of the corporations in question rose greatly in value, the rise in the Standard Oil stocks being over $200,000,000. Evidently Wall Street has made up its mind that Mr. Taft's prosecutions are fake prosecutions. * * *

"'In Kentucky and Indiana, in New York City and elsewhere, Mr. Taft knows well that the delegates elected for him represent barefaced frauds. He stands guilty of connivance at and condonation of these frauds; he stands guilty of approving and encouraging fraud which deprives the people of their right to express their will as to who shall be nominated. In all these primaries and conventions Mr. Taft has stood for crooked misrepresentation of the will of the people. * * *

"'Originally Mr. Taft was secretly against Lorimer. As the Illinois primaries approached Mr. Taft's opposition vanished. Almost all of Mr. Taft's followers in the Senate supported Mr. Lorimer. Mr. Lorimer was the leading Taft worker in Illinois. As long as there was hope that Mr. Lorimer might carry the State for Mr. Taft, Mr. Taft kept silent about Mr. Lorimer; but as soon as Illinois was lost, Mr. Taft rushed to Massachusetts, where there were no Lorimer votes, and repudiated Mr. Lorimer. * * * It was wrong in a peculiarly mean way, after having thus endeavored to use him (Lorimer) while he might help Mr. Taft, to turn around and for the first time openly condemn him when the chance for using him had vanished.'"

WHEN TAFT DID NOT CALL ROOSEVELT A DEMAGOGUE.

(On May 14 Mr. Roosevelt began his final tour of Ohio. A dispatch from Canton on May 14 and published in the New York Tribune on May 15 quotes Mr. Roosevelt as follows:)

"'I see that Mr. Taft yesterday alluded to me as a demagogue, a neurotic, a flatterer, an egotist, and as engaged in honeyfugling all of you. * * * I wish to point this out to you: Four years ago Mr. Taft had not discovered that I was a flatterer, a demagogue, an egotist, and engaged in honeyfugling the people, and yet I stood then exactly as I stand now. * * *

"'Four years ago we progressives had every reason to believe that Mr. Taft was devoted to the cause for which we stood and for which we now stand, and accordingly we supported him. Four years ago the bosses of the Republican Party * * * were against Mr. Taft because they believed Mr. Taft would be loyal to us. After three and a half years of actual experience of Mr. Taft, the bosses now support him. They have not changed position; they stand exactly where they were. It is Mr. Taft who has gone over to their side.'"

TAFT FAVORS A LORIMER-GUGGENHEIM GOVERNMENT.

Speaking at Columbus, Ohio, on May 16, according to a Columbus dispatch in the New York Tribune of May 17, Col. Roosevelt said:

"I hope you will remember from now on just what Mr. Taft means by constitutional government. Mr. Taft's theory of constitutional government is that it is a government administered by Messrs. Lorimer, GUGGENHEIM, Barnes, GALLINGER, and their like in defiance of the will of the people and imposed by them on the people; that it is a Government under which the people are defrauded of their rights by these men. He believes that these men should be given the guardianship of the Constitution which the people themselves made to protect their own interest against just such men and to secure justice for themselves and for all men."

JAILBIRDS SUPPORT TAFT.

A Cleveland, Ohio, dispatch, dated May 18 and published in the New York Tribune of May 19, says:

"For one hour to-night Theodore Roosevelt faced a crowd of thousands in the Central Armory here and struck blow after blow at President Taft.

"The colonel asserted that the President had made untruthful statements about him. He declared the President's action in the Ballinger case was such that had he taken a similar course as president of a bank 'he would have been in imminent danger of having the matter laid before the district attorney.'

"He attacked Mr. Taft for alluding to the fact that Dan R. Hanna, of Cleveland, son of the late Mark Hanna, was supporting him and that Hanna had been indicted on the charge of rebating.

"One by one the colonel took up points on which President Taft had assailed him, and as he brought his speech to an end he exclaimed:

"I am against Mr. Taft, because Mr. Taft has proved faithless to the cause of the American people."

In his speech to-night Col. Roosevelt said: "Yesterday he (President Taft) in his own person and through his private secretary made a number of bitter and, incidentally, untruthful personal attacks upon me."

The Colonel said that if Mr. Taft would read the current number of a weekly magazine, he would find name after name of men among his southern delegates and supporters who had been indicted and even served terms of imprisonment. He said that one Taft candidate for delegate from the District of Columbia, "who is now contesting the seat of a rightfully elected delegate, with Mr. Taft's cordial approval, was not only indicted, but served a jail sentence."

"The newspapers," the Colonel continued, "have announced that in New Jersey next week Mr. Taft is to be the guest of a Taft candidate for delegate" who was indicted in connection with the wire pool investigation last year." He said: "The boss of Atlantic City, the leader of the Taft forces in his county," was indicted and is waiting disposal of his appeal from a sentence of a year in prison.

The Colonel's reference to the Ballinger case was his first extended discussion of this case in his campaign. He asserted that Mr. Taft "supported Mr. Ballinger against every honest official in the Interior Department, and especially against Gifford Pinchot and Louis Glavis." He added: "If Mr. Taft had been president of a bank and had acted toward the stockholders and depositors as he actually acted toward the people in the case, he would have been in imminent danger of having the matter laid before the district attorney."

TAFT A WOBBLER.

Cleveland, Ohio, dispatch dated May 19 and published in the New York Tribune May 20, quotes Col. Roosevelt's statement as follows:

"Mr. Taft promptly began to wobble (in the Brownsville case) and to show urgent need that somebody should supply the strength and firmness of purpose which he lacked. He explained to me on various occasions that his request (to rescind the order dismissing the rioting negroes) was due to his apprehension as to the political effect of the order."

PARTY REPUDIATED TAFT.

[Statement by Col. Roosevelt at Oyster Bay, June 3, in opposition to Root and published in New York Tribune June 4.]

"In these States (which held presidential primaries) I secured 154 delegates and Mr. Taft secured 17, with 3 uninstructed. In those cases where the Republican voters have had a fair chance to express their convictions, they have repudiated Mr. Taft so completely that he has been able to obtain less than one-eighth of the delegates, his popular vote being one in three or four, and in some cases only one in nine or ten.

"The great majority of the Republican Party have unequivocably repudiated Mr. Taft. If the wishes of the Republican voters could be given fair expression, Mr. Taft would have but a corporal's guard in the convention. Under these circumstances it is fitting and appropriate that Mr. Barnes should be chosen to head the Taft forces at Chicago in the effort to override the expressed wish of the rank and file of the party and to give the nomination to the candidate whom the party has explicitly and beyond all question repudiated."

TAFT BENEFICIARY OF BRIGANDAGE.

[Statement by Col. Roosevelt at Oyster Bay, June 4, and published in New York Tribune June 5.]

"The plain people of the Republican Party of Ohio have just held a State-wide primary in which they repudiated Mr. Taft by over 30,000 majority. The politicians by adroit manipulation have succeeded in giving Mr. Taft the six delegates at large in frank and cynical defiance of the emphatic action of the people themselves. This is, of course, pure political brigandage. This action in Ohio is merely a fresh and conclusive proof that Mr. Taft and his friends care nothing for the will of the people, and are eager to get the nomination without any reference to whether or not the delegates represent the people whom they are supposed to represent.

"It is a crowning illustration of Mr. Taft's theory of government of the people by a representative part of the people."

TAFT NEAR TREASON.

[Statement by Col. Roosevelt at Oyster Bay on June 11 in reference to action of Republican national committee at Chicago on the Indiana contests, published in the New York Tribune June 12.]

"Mr. Taft was not ashamed," says Col. Roosevelt, "after he had been overwhelmingly repudiated in his own State, to beg the politicians to stand by him and to misrepresent the people in his interest. Such conduct," he declares, "comes dangerously near being treason to the whole spirit of our institutions and to the whole spirit of free government.

"Mr. Taft has been repudiated by the people, and he now appeals to his representatives in the national committee, half of whom have themselves also been repudiated, and asks them to force his nomination on the rank and file of the Republican Party, who have declared that they do not want him.

"Mr. Taft at one period of the campaign said I was unjust to him, because I stated that the bosses were for him and the people against him. Events have proved that I was right. The people were against Mr. Taft in his own State of Ohio. They were against him in New Jersey, in Maryland, in Maine, and in Vermont. They were against him overwhelmingly in Pennsylvania, Illinois, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Wisconsin, Washington, Oregon, and California. In only two States where they had a chance to express themselves at all was there even a small—and in one case a doubtful—plurality for Mr. Taft.

"The people are against him. Who are in his favor? Who are trying to secure his nomination at Chicago? Mr. Barnes, of New York; Mr. Crane, of Massachusetts, who has been beaten as a delegate in Massachusetts; Franklin Murphy, of New Jersey, who was defeated as a delegate in that State; Mr. Mulvane, who has been repudiated in Kansas; Mr. Penrose, who has been repudiated in Pennsylvania; Mr. McKinley, who has been repudiated in Illinois; and Mr. Guggenheim, of Colorado.

"In short, practically every boss in the country, every representative of a combination of privilege in politics and privilege in business is personally or by deputy now working at Chicago to overthrow the will of the people in Mr. Taft's interest, and this in the teeth of the fact that in the States where the people have voted they have repudiated Mr. Taft by astounding majorities.

"These men prattle about regularity. Who are the regulars? The great majority of the Republican rank and file who have been overwhelmingly repudiated by the bosses, or the bosses who have just been overwhelmingly repudiated by the rank and file? To whom does the Republican Party belong? I hold that it belongs to the plain people who make up the enormous majority of its rank and file. Mr. Taft, through his lieutenants, acts on the belief that the party belongs to the bosses."

BAD PLACE FOR THIEVES.

[Col. Roosevelt's speech at his arrival in Chicago, June 15, as reported in the Associated Press dispatch of June 16.]

"Chicago is a bad place for people who steal," said the colonel when the cheers which greeted his appearance had subsided; "California's 26 votes were cast for us at the primaries and will be counted as such. Look at that sign over there.

"This is a fight of honesty against dishonesty, of honesty against theft. The people have spoken and the politicians, dead or alive, will be made to understand that they are the servants, not the masters, of the rank and file of the plain citizens of the Republican Party.

"The people will win. We have won in every State where the people could express themselves, three to one, and sometimes eight to one. They are stronger with us now than they were then."

"Illinois was with you," shouted some one from the street.

"Yes," Mr. Roosevelt continued, "we have Illinois' 56 votes. Many more are with us who were not with us at the time of the primaries; these men will not tolerate brazen theft. They refuse to sanction robbery.

"This is a naked fight between corrupt politicians and thieves and the people, and the thieves will not win."

MEANS RUIN OF PARTY.

[Statement of Col. Roosevelt at Chicago June 16, and published in New York Times June 17.]

"All of the influence of the Federal patronage in the Democratic States and all of the influence of combined bosses and moneyed interests in the Republican States which did not hold primaries could not together bring Mr. Taft anywhere near a renomination. His representatives on the national committee have sought to supply the deficiency by stealing from me 70 or 80 delegates to which he had not the slightest claims in law or morals. There has been no more discreditable action in our political history.

"The simple truth is that these men in their spite against the Republican Party have deliberately set to work to wreck that party. They wish to bring the party to ruin, and their action must be repudiated by the convention about to assemble unless the convention itself is willing it should be so ruined."

MR. TAFT'S WORDS AND DEEDS.

[From Col. Roosevelt's speech in the Auditorium Theater at Chicago June 17, published in full in the New York Times of June 18.]

"Mr. Taft at first denied that he represented the bosses. His denial was of little consequence, for his deeds belied his words. But I doubt if at present he would repeat the denial. As it has become constantly more and more evident that the people are against him he has more and more undisguisedly thrown himself into the arms of the bosses.

"Here in Chicago at this moment he has never had one chance of success, save what was given him by the actions of Messrs. CRANE, Barnes, PENROSE, Murphy, GUGGENHEIM, Mulvane, SMOOT, New, and their associates in cheating the people out of their rights.

"He was beaten so overwhelmingly by the people themselves in the States where primaries were held that in the last State in which he spoke (New Jersey) he permitted himself to be betrayed into the frank admission that he expected to be nominated because he believed the national committee would stand by him. One member of his own Cabinet, representing a State that has just repudiated him, has been working hand in glove with the other Taft members of the national committee, under the lead of Mr. Crane, of Massachusetts; Mr. Penrose, of Pennsylvania; Mr. Mulvane, of Kansas; Mr. Murphy, of New Jersey, and Mr. Scott, of West Virginia—all of whom have just been repudiated by their own States—to steal from the people the victory which the people have won.

"Last February it was evident that Mr. Taft was the accepted representative of the bosses, of the men who uphold the combination of crooked politics and crooked business, which has been the chief source not only of our political but of our social and industrial corruption. It has now, alas, become evident that Mr. Taft is willing to acquiesce in and to condone and accept the fruits of any course of action on which these men embark, even though such action represent treason, as well as destruction, to the Republican Party, to which they nominally belong, and also treason to the cause of the American people as a whole.

* * *

"Mr. Taft need never again explain what he means by government of the people by a 'representative part' of the people. He has shown in actual practice that he means government of the people by politicians who shall misrepresent them in the selfish interest of someone else."

TAFT ENCOURAGED FOUL MEANS.

[From Col. Roosevelt's statement at Chicago June 20, as reported by the Associated Press in newspapers on June 21.]

"Mr. Taft's strength as indicated by the two roll calls already taken consists chiefly (aside from his 90 stolen delegates) of the nearly solid delegations from the Territories and from the Southern States, in which there is no real Republican Party—South Carolina, Georgia, Florida, Alabama, Arkansas, Mississippi, and Louisiana—and of the Northern States like New York, where the people had no chance to express themselves at primaries and where the delegates were picked by the bosses.

"In spite of these odds against me, I obtained a clear majority of all the delegates elected to the convention.

"In my campaign I again and again stated that if the people decided against me I would have nothing to say, but if they decided for me, and the politicians then robbed me of the victory, I would not silently and tamely acquiesce. It was already evident that my opponents, with Mr. Taft's encouragement, intended to beat me by foul means, if they could not do so by fair."

"THOU SHALT NOT STEAL."

[From Col. Roosevelt's speech of acceptance at Orchestra Hall, Chicago, after the nomination of Mr. Taft, June 22, as reported in the New York Times, June 23.]

"I am in this fight for certain principles, and the first and most important of these goes back to Sinai and is embodied in the commandment, 'Thou shalt not steal.'

"Thou shall not steal a nomination. Thou shalt neither steal in politics nor in business. Thou shalt not steal from the people the birthright of the people to rule themselves.

"I hold, in the language of the Kentucky Court of Appeals, that 'stealing is stealing.' No people is wholly civilized where a distinction is drawn between stealing an office and stealing a purse. No truly honest man could be satisfied with an office to which his title is not as valid as that of the homestead which shelters his family.

"I do not know whether our countrymen fully realize the gravity of the crisis which we at this moment face. There is no use in holding primaries, no use in holding elections, if we permit a small group of unscrupulous politicians, some of whom are certainly acting in the interest of big, crooked business, to exercise the veto power over those primaries and elections by upsetting the results at their own pleasure.

"The convention which to-day closes its creditable career here in Chicago represents a negligible minimum of the rank and file of the Republican Party."

THEFT AT CHICAGO.

Roosevelt Says It Was Done By the Same Men Who Kept Lorimer Two Years in the Senate.

[Statement by Col. Roosevelt in reply to White House statement defending Taft's title to the nomination. Given at Oyster Bay, July 29, and published in the New York World on July 30.]

"I wish to state with all emphasis that there is no room for honest doubt as to what happened at the Chicago convention. It is not a case for honest discussion. The fraud was as barefaced and shameless as any fraud ever committed at the elections by the Tweed machine in those days when there was no pretense at holding a fair election in New York City.

"Mr. Hilles was reported the other day as expressing enthusiastic gratitude on behalf of Mr. Taft to Mr. Barnes for the way he held the bridge at Chicago.

"It is nonsensical to suppose that Mr. Hilles and Mr. Taft do not know just exactly how that particular bridge was held. It is no mere coincidence that at least nine-tenths of the senatorial leaders in the theft of the Chicago convention were also leaders in the fight to retain Mr. Lorimer in his seat in the Senate—Messrs. PENROSE, GUGGENHEIM, GALLINGER, and CRANE, for instance. The two cases stand on a par. The successful theft and fraud which resulted in Mr. Taft's nomination in Chicago made a piece of political work which, fundamentally, from the standpoint of decent politics and honest popular government, deserves to rank with the proceedings which culminated in the election of Mr. Lorimer to the Senate, and his retention in the Senate for over two years after the mass of honest citizens had fully determined that he should leave.

"There are politicians and newspapers who continue to uphold Mr. Lorimer's innocence and to assert that there was nothing improper about his election. Almost all these politicians and newspapers and some others in addition make precisely similar assertions that there was no fraud or theft of delegates at the Chicago convention. One assertion has precisely as much merit as the other.

"It is as idle to assert that Mr. Taft was honestly nominated at Chicago as to assert that Mr. Lorimer was honestly elected to the United States Senate, and the beneficiaries of, participants in, and defenders of the action of the fraudulent Republican national convention at Chicago stand on the same moral plane as those men who brought about Mr. Lorimer's election to the Senate and after his election sought to retain him in the Senate.

"The fraudulent nomination of Mr. Taft can be defended only upon grounds which would also justify Mr. Lorimer's election to and his retention in the Senate."

ROOSEVELT ON THE REPUBLICAN CONVENTION.

TAFT AND THE BOSSES.

[From an editorial, "The Rank and File," by Roosevelt, in The Outlook of June 1, 1912.]

In this campaign we have shown that wherever the people have a chance to express themselves they have no use for bosses. Eleven States, including Ohio, have allowed the voters of the party to express their wishes. Out of 324 delegates elected at these primaries, the most that Mr. Taft could secure with the help of party organization and patronage, and with the bosses on his side, amounts only to 48. The only States where Mr. Taft has secured his real victories are the States where the party is in the control, not of the people, but of the bosses. That shows clearly on which side in this issue Mr. Taft stands. That shows that this is a straight issue between the bosses on the one side and the people on the other side.

When, in the face of that fact, Mr. Taft says, in spite of this vote, that he expects the Chicago convention to be under the control of the "friends of constitutional government," it is clearly evident what he means by such "friends." All that this means is that the convention which will make the Presidential nomination would have to defy the will of the voters; it would have to override the people's will.

When he was speaking in Ohio, President Taft said, "Bossism is a false issue and a sham." Is it? The Republican voters in Ohio, where Mr. Taft made that statement, did not think so. They joined with the Republican voters of Illinois and Pennsylvania and Oregon and California and Maryland and Nebraska and Wisconsin and North Dakota in deciding that they did not want what the bosses had been telling them they must have.

Is bossism, then, "a false issue and a sham," as Mr. Taft says? Let us see. This is what the Republicans of North Carolina think about it. After instructing delegates for me, the thousand delegates assembled in the Republican State convention at Raleigh by unanimous vote adopted this resolution:

Whereas President Taft did on the 17th day of March by single order withdraw from the Senate the nominations of 10 citizens of North Carolina without assigning any reason therefor and without any charges against the character or qualifications of said nominees; it being understood that the fate of the nominees is to await the actions of this convention—the appointments to be awarded to the factional leaders who shall deliver the largest number of delegates to Mr. Taft; we therefore resolve and declare that this action of the President is ill-advised, indefensible, subversive of good government and good morals, and in flagrant violation of the statutes governing the civil service. We therefore declare that President Taft has underestimated the pride and self-respect of the Republicans of North Carolina in supposing that we would participate in a political auction whose object is to make merchandise of men.

We unhesitatingly repudiate, resent, and rebuke the whole proceedings and all parties thereto.

That is what Republicans have to say about the question whether public office shall be used by men to get mastery over the voters, or whether the voters should remain masters themselves. The Republican voters of North Carolina have had a good example of bossism, and they have decided that it is not a sham or a false issue, but real and true.

STOLEN NOMINATION DISHONORABLE.

[From editorial, "A Naked Issue of Right and Wrong," by Roosevelt, in The Outlook of June 15, 1912.]

During the last six weeks Mr. Taft's campaign has been carried on, on his behalf, by those behind him—I do not say merely those under him, for I think some of the interests to which I allude are really over him and not under him—in such fashion as to make the contest a far simpler one. The talk of the Taft managers, and even of Mr. Taft himself, the utterances of the great dailies, especially the great metropolitan dailies which are controlled or influenced by Wall Street, and the action threatened by many members of the national committee, all combine to show that the backers of Mr. Taft realize that they have lost in the appeal to the people, and are now deliberately conspiring to steal the victory from the people. In a government by popular vote, where under certain definite limitations the majority is supposed to rule, such theft is quite as great a crime against the body politic as any species of commercial robbery—indeed, in some ways it is worse. This is recognized by law as regards elections. It is just as true as regards nominations; but as yet the law has not grown so far as to be able to control nominating conventions as it does elections. There is, however, not the slightest moral difference between controlling a nomination for the Presidency by fraudulent and improper means in seating and unseating delegates, and controling the election to the Presidency by fraud at the polls. The Republican convention to nominate a candidate is now about to meet at Chicago. The national committee has already met. Properly speaking, the national committee's only function is honestly to judge what delegates have prima facie the right to a seat and to suggest the name of a temporary chairman who shall call the convention to order. Practically the attempt is being made by the Taft managers to use the present national committee for the purpose of unseating honestly elected delegates and of seating enough fraudulently elected delegates, especially from States where there is no real Republican Party, to secure the nomination for Mr. Taft. Such a nomination would morally stand on precisely the same plane as any election secured in New York State in the old Tweed days by fraudulent voting at the polls.

Yet in a recent speech in New Jersey Mr. Taft stated that he believed he would be nominated because he believed that the national committee would support him. Apparently Mr. Taft was not aware of the full significance of his words. He is himself being used by men who know thoroughly what they want and what they mean, who had doubtless told Mr. Taft that the national committee would be for him, but with no idea that he would repeat the statement in public. The real meaning of such a statement is that an appeal from the people lies to this body of 50 men chosen not by the people but by the politicians four years ago. I have made my appeal to the people of the States where there is a real Republican Party. Mr. Taft, unwarily stating the real truth of his canvass, announces that he puts his trust not in the people but in a body of 50 men chosen four years ago over whom the rank and file of the Republican Party to-day have no power whatever, and who, as a matter of fact, have been in case after case by overwhelming majorities repudiated by the Republican Party at the primaries just held.

I fail myself to see how an honorable man can profit by or take part in such a piece of trickery as this Ohio State convention "victory." In the same way I fail to see how an honorable man can profit by or connive at or approve of the farcical New York county primaries, where the Taft organization removed 200 inspectors of elections because they were suspected of being Roosevelt men, and left the polls in the absolute control of the Taft men—an act which should be held to create much more than merely a presumption of fraud. But the case was far worse in Washington, in Indiana, in Michigan. The Indianapolis Star was originally a Taft paper, and was supporting Mr. Taft at the time of the Indiana State convention. But in a temperate and fair-minded editorial it stated that the convention was fraudulent, that the Roosevelt delegates were cheated out of their seats, and that the Taft delegates were unfairly elected. The Spokane Spokesman-Review was originally a Taft paper, although, as I understand it, it has not supported Mr. Taft since the Taft people affected to hold what was obviously a fraudulent State convention after they had been beaten in the primaries three or four to one, and in some places eight to one.

In many of these cases the Taft delegates represent absolutely nothing but fraud as vulgar, as brazen, and as cynically open as any ever committed by the Tweed régime in New York forty-odd years ago. No honorable man can profit by or connive at these frauds and escape having his honor tarnished. This applies not merely to the participants and would-be beneficiaries, big and little, of the Chicago convention; it applies also to every man who has hitherto supported Mr. Taft, and especially to every college president, to every man who pretends to preach high ideals, to every man who asserts that he stands for decency in politics. Whoever—especially among these classes—fails now at once to do his part in publicly denouncing these actions and in helping create a public opinion which will refuse to tolerate them is estopped from ever again preaching ideals, estopped from ever again professing devotion to the cause of honest government and civic decency. The man who stands for the practices by which Messrs. Barnes, McKinley, PENROSE, and their allies now seek to nominate Mr. Taft will make himself an object of derision if he hereafter states that he believes in honesty in politics or preaches a high standard of public morality.

TAFT'S NOMINATION NOT BINDING.

[From editorial, "Mr. Taft's Majority," by Roosevelt in The Outlook of July 6, 1912.]

The Chicago Evening Post and the Indianapolis Star were originally Taft papers. They believed that the voters ought to choose Mr. Taft over me in the primaries, and advocated their doing so. But they also believed that the voters themselves had the right to decide. When the Taft managers in Indiana stole the majority of the delegates for Mr. Taft, these papers immediately protested, taking the same attitude that another paper which had favored Mr. Taft, the Spokane Spokesman-Review, shortly afterwards took in reference to the theft of the Washington delegates. These several papers were for Mr. Taft, but they were for honesty first, and when it became evident that Mr. Taft's cause was identified with dishonesty they adhered to honesty and not to Mr. Taft.

To start with, Mr. Taft had over 200 delegates from the Territories and from States controlled by Federal officeholders in which there was no real Republican Party, and he thus began the contest with nearly half the necessary number of delegates to nominate him. In addition he had with him the votes of certain purely boss-controlled and privilege-controlled States like New York, Connecticut, Rhode Island, Utah, Wyoming, and Colorado, where the voters had no chance to express their preferance (and where the leading papers were controlled by the special interests, so that the sources of general information were choked and the truth was sedulously hidden from the people). Adding these votes to the others, Mr. Taft had nearly 400 delegates in whose selection the people had no say whatever.

Nevertheless, we started in making our fight, especially in the primary States. In these States the rank and file of the Republican voters had their say instead of the politicians, and in these States we beat Mr. Taft on the popular vote over 2 to 1 in a total vote of 3,000,000 or thereabouts, and in delegates beat him very nearly in the proportion of 7 to 1. So overwhelming was our victory in the States where the people had even a partial chance to express themselves in primaries that we overcame Mr. Taft's nearly solid vote from the rotten borough States and among the boss-picked delegates, and obtained a clear majority of all the delegates elected to the convention—that is, about 560 delegates. By Mr. Taft's direction and connivance, and under the personal supervision of his private secretary and one member of his Cabinet, Messrs. Barnes, PENROSE, GUGGENHEIM, CRANE, Franklin Murphy, and Mr. Taft's other lieutenants proceeded to steal from the people

enough delegates fraudulently to convert my majority into a minority.

Over half the delegates to the convention had been honestly elected by the people on a fair appeal to the people against Mr. Taft. The bosses of certain Northern States, the Federal patronage crowd in certain purely Democratic States and in the Territories, and the national committee by its cynically brazen theft, gave him seven-eighths of his vote. The action of the so-called Republican National Convention was in no shape or way representative of the feeling in the Republican Party, and stands for nothing but barefaced trickery deeply discreditable to every man who took part therein or profited thereby. The convention's make-up was fraudulent, its action was fraudulent, and binds no Republican; and it should be repudiated by every man who sincerely believes in honesty.

TAFT PROUD HE OUTWITTED THE PEOPLE.

[From editorial, "Thou Shalt Not Steal," by Roosevelt, in The Outlook of July 13, 1912.]

Seriously and literally, President Taft's renomination was stolen for him, from the American people and the ratification or rejection of that nomination raises the critical issue whether votes or fraud shall determine the selection of American Presidents. There may have been loose or arbitrary decisions of individual contests before; but this is the first time—and it must be made the last time—that a national committee, by conscious and intentional fraud, deliberately transforms the minority of a national convention into a majority, and thereby substitutes the brute power of a committee of professional political bosses for the expressed will of the people as a whole.

The California, Arizona, Washington, and Texas cases were the best known, and in them there was practically no room for dispute as to the facts. It is significant that these four cases were among the last decided by the national committee. The committee first heard a large number of contests which had evidently been brought more for the purpose of demonstrating the misrepresentative character of the delegations from certain Democratic States than for the hope of seating the particular contestants. Then it decided a number of other cases, some of which ingenuity might make plausibly debatable. Not until it was demonstrated that even all these cases were insufficient to reverse the majority in the convention did the committee go to the final length of throwing out the honest representatives of these four States. When this drastic course was finally decided on, debate was obstructed and curtailed, roll calls were refused, and the proceedings of the committee lost all semblance of even pretended fairness. It was public and undisguised robbery, and all who instigated it and helped carry it out, all who profited by it, and all who condone or apologize for it stand on the same low plane of morality.

There was no form of trick or fraud which did not find favor in the eyes of the conspirators. I have merely cited a few cases, so conspicuous that the facts can not be truthfully disputed, and sufficient in number to show by actual figures that the nomination of Mr. Taft could not have been procured except by their inclusion. The men responsible for the theft of the delegates in question cared not one rap for the rights or wrongs of any of the cases. They were concerned only with getting the requisite number of delegates. They did steal as many as were needed; they would have stolen as many more as might have been needed.

No free people can afford to submit to government by theft. If the will of the people is defeated by fraud, then the people do not rule. If those who are thus foisted on them represent the special interests instead of the people, then the interests and not the people rule. When the people are denied their only thoroughly efficient weapon, the direct primary, against this usurpation, as was done by the ruling in the California case, then under the system thus established the people can not rule. The only remedy is to break from the system. It is useless to counsel patience until the next convention, because the organization is already complete to nullify the action of the people as effectively then as it was done this time. The same arbitrary powers have been conferred on the national committee that were exercised this time, and that committee, which is to act in 1916, is already elected. It is composed of men the majority of whom, under the lead of one of their number, Mr. Barnes, have already shown by their votes in the convention that they are prepared to repeat in 1916 the usurpation of 1912. Every State in the Union might pass presidential primary laws, and all these States might vote for the same candidate, but if that candidate were not satisfactory to the national committee now in office, it could, and would, reverse the action of the people. On a square issue of power between the Republican national committee and the Republican voters the committee has won, and has demonstrated that it can win again. The organization has frankly abandoned the pretense of making effective the will of the voters. Its leaders, from the President down, take especial pride in the fact that they have outwitted the majority and have controlled the convention against the will of the rank and file of the voters—the "rabble," as Mr. Taft's chairman, Mr. McKinley, termed them. If the American people are really fit for self-government, they will instantly take up the challenge which a knot of political conspirators have so insolently thrown down.

REPUBLICAN PARTY NO PLACE FOR SELF-RESPECTING PEOPLE.

[From editorial, "The Steam Roller," by Roosevelt, in The Outlook of July 20, 1912.]

As a final result the fraudulent convention then named a new fraudulent committee, to which it gave absolute power over the next Republican national convention; so that the official heads of the Republican Party, having complete control of the party machinery, have carefully provided in advance that four years hence the Republican voters shall be delivered bound hand and foot to the political bosses. The rank and file of the Republican Party have absolutely no chance of regaining control over the party; the party has been definitely and finally brought by theft and fraud under the control of the bosses. No self-respecting man should stay within the Republican Party under these conditions.

The vital point in the fight between honesty and dishonesty at Chicago was the decision as to whether the fraudulent delegates should vote on one another's cases. Mr. ROOT as chairman decided that they should do so. From the standpoint of that kind of pure legalism which is not merely divorced from justice but which is invariably resorted to by those who desire to do injustice such a ruling could be both defended and attacked. But it is wholly indefensible if considered merely from the standpoints of honesty and of justice, and of a sincere desire to find out the real will of the people who elected the delegates. There is not a penitentiary in the land which would not be speedily emptied if each convict in turn were tried by all his fellow convicts; there is hardly an indicted criminal who would not escape if at the session of court he were tried by a jury impaneled from his fellow-indicted criminals who were themselves awaiting trial. In any ordinary legislative or deliberative body where the proceedings have been undertaken in good faith cases of contest are not related to one another, and good arguments can be made both for treating them together and for treating them separately. But at Chicago the essence of the situation was that all the cases were of the same kind; that there was what was in its essence a conspiracy to overturn the will of the people entered into by the bosses and the beneficiaries of privilege with the consent, or at the instigation, of Mr. Taft, and for his and their benefit; and that in order that the conspiracy should succeed it was necessary for the chairman to rule that beneficiaries of the theft should all vote on one another's cases.

There were certain things done by Mr. Taft and Mr. Taft's supporters in the pre-convention contest and in the convention itself which do not come under the head of technical illegality, which indeed from a legal standpoint could probably be defended as not technically dishonest, but which nevertheless are utterly incompatible with any proper standard of public morality.

There were in the convention and acting with the leaders in the movement various men who in their private lives were presumably respectable. It seems incredible that these men should have been willing to take part in what was nothing more nor less than the deliberate theft from the plain people of one of the two great parties of the country of their right to nominate the man they chose for President. As the Kentucky Court of Appeals has said, "Stealing is stealing. No people are wholly civilized where a distinction is drawn between stealing an office and stealing a purse."

In February last I began my campaign for the nomination. Mr. Taft then vehemently protested that I was wrong when I said that he owed his strength only to the bosses; and all my opponents no less vehemently insisted that I raised an empty issue when I upheld "the right of the people to rule," because, as they insisted, the people did rule. The result has shown that I was right in both contentions; that Mr. Taft owed his sole strength to the bosses, and that under present conditions the people do not rule. Mr. Taft would not have had a hundred delegates at Chicago if it had not been for the unscrupulous use of the patronage by his political subordinates, especially in the States where there is no real Republican Party, and, above all, if it had not been for the unscrupulous support given him by the great political bosses. When the Republican platform was read aloud in the convention, and the reader unctuously

recited that this was a Government "of the people, for the people, and by the people," the convention burst into a roar of derision. It was a piece of such utter hyprocrisy, such utter dishonesty, that even the Taft men felt uneasy when the words were uttered. The convention was the embodied proof that under our present convention system the people do not rule. If Mr. Taft, having been thus nominated, is elected, his triumph will mean the definite abandonment for the time being of the doctrine that this is a Government by the people. It will mean that it is a Government of the people by the bosses in the interests of special privilege; and no man who is sincere, intelligent, and well informed can deny this. There was but one action of the Republican convention so far as the platform was concerned that was of any consequence, and this was the action against direct primaries. This was really of high significance. The Chicago convention stood against the people. It stood for the boss and special privilege against the plain people of the United States. It recognized in the rule of the people the one vital enemy to the political system that has produced the boss, and the business system that has produced special privilege. It recognized in the direct primary, and in all direct action by the people, the certain undoing of special privilege both in politics and in business. Therefore it stood against all such action.

TAFT COULD NOT RESIST TEMPTATION.

[From editorial, "People who live softly," by Roosevelt, in the Outlook of July 20, 1912.]

A man who means well, but who only means well feebly, rarely stands the strain of serious temptation. Mr. Taft's feeble intentions for good gave way as soon as he found that he could not win his nomination honestly. By the time that he was closing his New Jersey campaign it had become obvious even to him that, in spite of the aid given him by every prominent boss of his own party, and by every representative of privilege, and by every paper that could be directly or indirectly controlled by the great special interests dominant in politics and business, he yet had no chance before the people; and when this was fully brought home to him, in a moment of irritable expansiveness, he told the voters, in effect, that it mattered not how they voted, because the national committee were with him. There are fifty-odd national committeemen. The national committee to which Mr. Taft appealed was the national committee chosen four years previously, not by the people, but by the politicians; and the people had no power over it, while nevertheless it arrogated to itself absolute power to nullify the action of the people. My victories were won in the primary States by the decision of the people themselves; the victories which gave Mr. Taft his stolen nomination were won for him by the national committee when it fraudulently unseated the delegates elected by the people and seated in their stead delegates whom the people had rejected.

The men who support Mr. Lorimer are naturally and inevitably the men who support Mr. Taft. The Lorimer delegates at Chicago all voted for Mr. Taft. Every Roosevelt man at Chicago, like every Roosevelt man at Washington, was an opponent of Mr. Lorimer. Every man who condones or approves the action taken at Chicago is doing his part to spread practices which, if successful, would mean the inevitable and certain triumph throughout the entire Union of the kind of politician which has found its highest expression in Mr. Lorimer himself and of the kind of political practice which found its expression in the election of Mr. Lorimer to the United States Senate. The men of Vermont, of Massachusetts, or of other States who profess hostility to Lorimerism can show that hostility in only one really effective way, and that is by repudiating the action taken at Chicago.

Mr. Taft, in the statement he made when informed that he had received the fraudulent nomination, practically announced that the end justified the means, and that it was so important to beat me and the forces I represented in order "to save the Constitution" or to "save the State"— the same kind of excuse that the men of the Red Terror advanced for their actions—that it would not do to look closely into the methods by which the feat had been accomplished. This, of course, is the attitude frankly taken by the political bosses of the stamp of Mr. PENROSE and Mr. Barnes. Neither Mr. Barnes nor Mr. PENROSE cares a rap for the Republican Party as it was organied in the days of Lincoln—they probably have not the slightest idea what the Republican Party of those days was, and would regard with measureless scorn the men who founded the party if they were still alive. These very wealthy men, these big political bosses who stole that convention, are by their actions encouraging exactly the kind of lawless feeling of which, when shown by other classes, they stand in such dread, and for which they feel such horror. If the representatives of privilege encourage and condone the theft of the Presidency in the fancied interest of their own class, they can not expect to have their protests heeded when they declaim against outrage and violence by labor men in the fancied interest of their own class. The worst blow that can be struck against the cause of law and order is that struck by the big men of great wealth who by corruption try to overthrow the will of the people. They are acting in a spirit of as naked class selfishness as that which was shown by the fanatical extremists among the labor men who condoned the McNamara dynamiting. They are condoning a far worse outrage, infinitely more far-reaching in the damage done to the country as a whole. They fear the people; they care more about retaining the benefits of privilege than they care for honesty or patriotism; and therefore they encourage and condone the theft from the people of their right to rule the country.

I also submit for printing in the RECORD, under the authority granted me for that purpose, an article prepared by a distinguished Republican newspaper correspondent of Indiana, who, in detail, gives the real record of Col. Theodore Roosevelt, the candidate of the Progressive Party for President, showing just how progressive this candidate is:

Over in Washington the other day one of the Progressive Republican United States Senators received this inquiry from a constituent:

"Why is it that you Progressive Republicans in Congress are not supporting Roosevelt's third party movement?"

The Senator sent back a three-word answer:

"We know him."

And they do know him. They have excellent reasons for knowing him. There is not one of them that does not bear a political scar inflicted by him. One and all they have had to overcome obstacles laid in their paths by this man who now would have the country believe he is the progressive political movement. The fact is, the Progressive Republican Senators and Representatives, with one or two exceptions, regard Roosevelt as a political mountebank, and this is the reason they will have nothing to do with the new party movement which he will try to launch in this city this week.

With the Bull Moose convention at hand, it seems to be a good time to help fair-minded thinking people who take an interest in politics to refresh their memories. When Roosevelt came on the scene with his third-term ambition the Republican Party was rapidly being made over to meet the new needs of the times. That was something like seven months ago. Now, in the minds of many competent observers, the question as to whether the Republican Party is to live has arisen. The following is the briefest sort of a summary of what the Progressive Republicans, under the leadership of Senators LA FOLLETTE, of Wisconsin; CUMMINS, of Iowa; and other Senators and Representatives had accomplished when the party wrecker made his appearance:

(1) The JOSEPH G. CANNON dynasty in the House of Representatives had been overthrown.

(2) Before the House of Representatives passed to the control of the Democrats the Progressive Republicans held the balance of power.

(3) The Progressive Republicans in the Senate had increased from 1 (LA FOLLETTE) to 14, and held the balance of power.

(4) The country, since the appearance of the progressive band, had witnessed the disappearance from the Senate of Nelson W. Aldrich, Eugene Hale, Julius C. Burrows, and the other men who for years had formed the "inner circle" and had controlled every important action of the body.

(5) The time had come when it was not difficult to obtain from Congress progressive legislation of the most pronounced type.

(6) The Progressives were in control of the party machinery in many of the States, and were in a fair way to take control everywhere.

Did Theodore Roosevelt have any part in this work? The men who did the work, and therefore know, say he did not. They say he not only did not have any share in the work that was done to make the party progressive, but that he opposed the movement from the day it was started. Now, they say, he is in a fair way to undo everything that has been done by dividing the progressive strength—all that a personal ambition may be gratified.

Facts count. So it seems worth while to look at a few of them. ROBERT M. LA FOLLETTE, of Wisconsin, was the first man in the Republican Party to attract attention to himself as a progressive—a man who was insisting on legislation, State and national, more radical in character than his party was willing to champion. Even the third-termer would hardly dispute the

statement that LA FOLLETTE is the originator of the progressive movement within the Republican Party.

When Roosevelt became President in 1901 LA FOLLETTE was serving his first term as governor. In all, he served five years as governor. In that office he made a record that impressed the Nation; he put Wisconsin on the map, so to speak. He compelled the State legislature to enact progressive laws that have become the models for half the States in the Union. When he began his fight for progressive legislation the cry went up that he would ruin the State; when he insisted on railroad legislation the roads said he would bankrupt them. To-day Wisconsin is one of the most prosperous States in the Union; the railroads make a better financial showing in the State than do the railroads of the country as a whole.

Did Theodore Roosevelt ever lend LA FOLLETTE any help or even encouragement in the fight for progress in Wisconsin? He did not. When the Wisconsin legislature of 1901 met, Gov. LA FOLLETTE asked for two important pieces of legislation—a primary election law (the first popular-government move in the Republican Party) and a law under which railroads would be taxed on an equality with other kinds of property. These were the big issues in the legislature in 1901–1903. The Roosevelt Federal officeholders lobbied against this proposed legislation in season and out of season. Some of them even made speeches before legislative committees in opposition to the proposed legislation. Conspicuous in this fight against the LA FOLLETTE legislative program were James G. Monahan, collector of internal revenue at Madison, and Henry Fink, collector of internal revenue at Milwaukee.

William Devoe was a Republican senator from the city of Milwaukee. He was elected on a pledge to vote for both the primary election law and the railroad taxation law. He voted against the primary election law and helped to smother the railroad bill in committee. After he had thus betrayed the La Follette cause, President Roosevelt made him collector of customs at Milwaukee.

William O'Neal was another State senator who was counted on to support the La Follette bills, but he did not, and as a reward he received an appointment—a sort of sinecure—as scaler of logs on an Indian reservation.

As a reward for his opposition to the LA FOLLETTE progressive legislation, Francis B. Keen, a member of the assembly, was appointed by President Roosevelt to a place in the Consular Service.

One of the most aggressive opponents of the La Follette legislative programs during the legislative sessions of 1901, 1903, and 1905 was A. L. Sanborn, of Madison. He represented the railroads as attorney. His determined opposition made the work of the progressive Republican senator extremely difficult. In March, 1905, Judge James Jenkins, of the United States district court at Milwaukee, and Judge Alonzo Dunn, of the United States district court at Madison, retired on account of age. President Roosevelt immediately appointed J. V. Quarles district judge at Milwaukee and A. L. Sanborn district judge at Madison. ROBERT M. LA FOLLETTE had just taken his seat as a United States Senator. The appointments were extremely obnoxious to him because both men had fought him and opposed the things for which he stood in Wisconsin. Strange as it may seem, President Roosevelt did not even notify the new progressive Republican Senator that he was to make these appointments. The first Senator LA FOLLETTE heard of it was when the associated press called him on the telephone.

One of the Republican Members of Congress from Wisconsin who always fought LA FOLLETTE and the progressive movement was Joseph W. Babcock. Babcock appeared in the lobby at Madison in opposition to the progressive legislation for which LA FOLLETTE was fighting. When Governor LA FOLLETTE went over into the Babcock district to make a fight against the Congressman he found Babcock armed with a letter from Roosevelt urging his reelection.

Another man who always fought the progressive cause in Wisconsin was Samuel Barney. President Roosevelt rewarded him with a place on the Court of Claims at Washington.

Joseph G. Farr, one of Representative Babcock's political lieutenants, and a vigorous opponent of the La Follette policies, was made superintendent of logging on all Indian reservations in the United States by President Roosevelt.

About this time the President rewarded another anti-La Follette man, Graham L. Rice, by appointing him to an important place in the immigration inspection service at San Juan, Porto Rico.

The Roosevelt administration was even used to reward Wisconsin newspaper men who were helping to carry on the fight against the progressive LA FOLLETTE. At Madison there was a paper edited by H. A. Taylor, and later by Amos P. Wilder. When Roosevelt entered the White House he found Taylor serving as an Assistant Secretary of the Treasury, and retained him, and he rewarded Wilder by giving him an $8,000 position in the Consular Service.

These examples of how President Roosevelt used Federal patronage in his attempt to crush the new Republican progressive in Wisconsin might be extended indefinitely. Every postmaster that was appointed was named with special reference to his attitude toward the progressive Republican move. To obtain office it was necessary for him to show that he was against LA FOLLETTE. Henry C. Payne, one of the leading anti-La Follette men in Wisconsin, was made Postmaster General by Mr. Roosevelt, after Mr. McKinley had declined to appoint him to a place in the Cabinet. This appointment was intended to be a direct affront to the Wisconsin progressive.

In June, 1904, LA FOLLETTE, as governor, after three and one-half years of fighting, and in spite of the direct opposition of the Roosevelt administration, had succeeded in writing on the statute books of his State most of the progressive legislation to be found there to-day except the railroad commission bill.

As a reward for all he had done toward getting the Republican Party started toward a progressive course, Theodore Roosevelt had him thrown out of the Republican national convention on June 22, 1904.

Most persons have probably forgotten that. Roosevelt was the candidate and the only candidate before the convention. His word was law with the party organization. LA FOLLETTE along with W. B. Connor, ISAAC STEPHENSON, and J. H. Stout were elected delegates at large to the national convention by the regular Republican State convention. The supreme court of the State after it was too late to give the delegates their seats in the convention, held that the State convention was regular, and that LA FOLLETTE and his associates were entitled to seats in the national convention. Four standpatters of the worst type, J. V. Quarles and John C. Spooner, senators, and Joseph W. Babcock, and Emil Baensch appeared at Chicago and demanded the seats of LA FOLLETTE and his colleagues. On the day the anti-LA FOLLETTE delegation arrived at Chicago, a committee representing Governor LA FOLLETTE arrived in Washington to see President Roosevelt. It was composed of W. D. Connor, Walter L. House, Henry P. Myrick, and C. C. Gittings. It came to the National Capital to appeal to President Roosevelt to use his influence to have the LA FOLLETTE delegates regularly elected seated in the national convention. All the committee got out of Roosevelt was that it should go see national committeeman Charles F. Brooker, of Connecticut.

The national committee, a Roosevelt organization throughout, voted to throw LA FOLLETTE and his three associates out on the ground that they were not Republicans. LA FOLLETTE refused to submit his case to the committee on credentials of the convention on the ground that he could not obtain fair treatment. So the man who had started the progressive movement within the Republican Party was not allowed to participate in the convention that nominated Mr. Roosevelt for President. That is the way the man who is now trying to convince the country that he is the progressive movement treated the man who started the movement.

The fight for the creation of a railroad commission kept LA FOLLETTE in the governor's chair after his election to the United States Senate. The railroads opposed a body which would regulate their business. How thoroughly unfounded their fears were is demonstrated by the fact that during the first five years of the railroad commission freight charges were reduced so that shippers saved more than $1,200,000 a year. Reductions in passenger rates resulted in a saving to the people of Wisconsin of more than $800,000 a year. This would have been a serious loss to the railroads had it not been for the fact that the commission was as zealous in protecting the rights of the railroad as it was in protecting the rights of the citizens of the State. This is demonstrated by the fact that during the same period of years, the net earnings of the railroads in Wisconsin increased relatively just a little more than the net earnings of all railroads in the United States. There was an actual increase of 30 per cent in the revenues of the roads from traffic.

This railroad legislation was to be LA FOLLETTE'S crowning work as governor of his State. He needed all the outside help he could get. He did not get any from Theodore Roosevelt, President of the United States. On the contrary, the President by the use of Federal patronage and by permitting Federal officeholders openly to go to Madison, the State capital, and lobby against the governor's legislative program, did all it was possible for him to do to prevent the success of the governor's railroad bill. There came a time one day when it seemed to Governor LA FOLLETTE that he was to lose his fight with the

legislature. As good fortune would have it, William Jennings Bryan arrived in Chicago that very day. He called the Wisconsin Senator at Madison over the telephone and asked him if he could be of any service to him. Governor LA FOLLETTE told him he could; he explained to him the critical situation with respect to the railroad commission bill, and asked him if he would come to Madison and address the legislature. The Nebraskan said he would. He canceled a lecture engagement to go. The following forenoon he talked to the legislature in joint session, and as a result the Democratic members supported the railroad commission bill and it became a law. Thus it will be seen that the man who started the progressive Republican movement, when he was in an extremity due largely to the embarrassments that had been put in his way by Theodore Roosevelt, President of the United States, was compelled to call on a Democrat for help.

Senator LA FOLLETTE, having won his fight for a State railroad commission, resigned as governor and took his seat in the United States Senate. He did not receive any recognition from President Roosevelt. John C. Spooner, the other Senator from the State, was permitted to control the patronage. In every possible way the administration made the task of its new Progressive Senator—the only one—unpleasant. LA FOLLETTE started in at once to advocate Federal railroad legislation. He got no support from the White House. When Roosevelt finally did see the political advisability of advocating railroad legislation he ignored the one man in the Senate who was best fitted to deal with the subject. As Senator, LA FOLLETTE was just as much a stranger to Roosevelt as he was as governor. To the end of his term Roosevelt continued to do business with the "old crowd" in Wisconsin and to make all the trouble possible for the leader of the Progressive movement within the Republican Party.

Next to Senator LA FOLLETTE, Senator ALBERT B. CUMMINS, of Iowa, is undoubtedly entitled to credit for the progressive movement within the Republican Party. CUMMINS was elected governor of Iowa in 1901. He served seven years as governor. His occupancy of that office was coincident with the occupancy of the presidential chair by Roosevent. CUMMINS was then and is now a statesman of the LA FOLLETTE school. He was elected governor as a Progressive Republican, and during the seven years he was in the office he was in constant warfare with the standpatters of his party. At no time did he ever receive any support from Roosevelt. On the contrary, President Roosevelt worked with the standpat organization in the State, at the head of which was United States Senator William B. Allison, with such lieutenants as Representatives Hull, Hepburn, and Lacey. It was a notorious fact with which everybody in public life was acquainted in those days that President Roosevelt "had it in for CUMMINS." He did not like the conduct of the Iowa governor in constantly striving to keep the tariff question before the country; he was bound and determined that the tariff should not come before Congress to trouble him, and he could not understand why this Iowa Progressive was eternally striving to make the tariff a live issue.

In the distribution of Federal patronage in Iowa the President saw to it that the political enemies of Gov. CUMMINS were regularly rewarded. He took into his Cabinet Leslie M. Shaw, as Secretary of the Treasury, a man who for years had been fighting the Progressive CUMMINS, and he found there James Wilson as Secretary of Agriculture, another Iowa man, who had never had anything in common politically with the CUMMINS crowd. The appointment of Shaw as Secretary of the Treasury was intended as an affront to the Progressive Republicans of Iowa, and it was such. Shaw was not only a standpatter on the tariff but he was opposed to everything advocated by the Progressive CUMMINS and the Progressive LA FOLLETTE.

In his last race for governor, CUMMINS found the administration forces arrayed solidly against him and he had full knowledge of the fact that President Roosevelt was doing all he could to bring about his defeat. On one occasion announcement had been made in the newspapers that Secretary of the Treasury Shaw would go to Iowa to make several speeches in opposition to CUMMINS. The Progressive Republicans saw this announcement and were enraged. The chairman of the Scott County committee took it on himself to send to President Roosevelt a telegram demanding to know if Shaw was coming into Iowa as the spokesman for the administration. Thus cornered, the President quietly issued orders to Secretary Shaw directing him to stay in Washington. Like LA FOLLETTE in Wisconsin, Gov. CUMMINS was fighting for railroad legislation, and like the Wisconsin Senator he had constantly to contend with the opposition of the administration forces. Secretary Shaw was the bitter opponent of the CUMMINS railroad policies, and on every occasion tried to embarrass the governor. In spite of the bitter opposition of the Roosevelt crowd in politics, Gov. CUMMINS obtained from the legislature a Progressive legislative output that compared favorably with that obtained by Gov. LA FOLLETTE in Wisconsin. All the while he was advocating tariff revision by the Federal congress. At one time Roosevelt, after a conference with CUMMINS, agreed to insert in one of his messages to Congress a paragraph advocating revision, and the paragraph was inserted, but it was killed after the message had been sent to the newspapers and before it was presented to Congress. After that experience Gov. CUMMINS gave up all hope of being able to interest the Roosevelt administration in the tariff.

CUMMINS made the Republican Party in Iowa Progressive, like LA FOLLETTE, he has believed right along and still believes it is possible to make the Republican Party of the Nation Progressive. But for CUMMINS Senator Jonathan P. Dolliver would never have turned Progressive. CUMMINS pointed the way. Dolliver saw what was coming and deserted the old reactionary crowd. As a member of the United States Senate CUMMINS has been a constructive legislator. Next to Dolliver he was LA FOLLETTE's ablest lieutenant in the fight for lower tariff duties when the Aldrich-Payne bill was before the Senate three years ago this summer. He fought for and won the revised interstate commerce law.

At no time since he entered the Senate and began his great fight for progressive legislation has he ever received a word of encouragement from Roosevelt. On the contrary, Roosevelt has said repeatedly that he does not like "that man CUMMINS."

From Wisconsin the Progressive germ traveled not only to Iowa but to Kansas, Nebraska, the Dakotas and other States. Republicans who believed in LA FOLLETTE and the Progressive ideas he advanced came to the front rapidly. LA FOLLETTE was indefatigable in spreading his political doctrines and he made himself the most unpopular man in the Republican Party so far as President Roosevelt was concerned. The Roosevelt idea was that the Progressive movement within the party should be scotched wherever possible; his instructions were that the Progressives should be opposed wherever they dared ask for recognition. In spite of the opposition of President Roosevelt and the agents of his administration, the Progressive movement by 1906 had gained a substantial foothold in Kansas. LA FOLLETTE had made many political speeches in the State; he had lectured before the county Chautauquas in every section of the State, and had never failed to talk about the Progressive policies for which he was fighting.

In 1908 Chester I. Long was a United States Senator from Kansas. He was a part of the old guard in the Senate—a cog in the Aldrich-Hale machine. The Progressive Republicans in the State brought out JOSEPH L. BRISTOW against Long. The nomination was to be made at a State-wide primary which had been provided by law as a result of the LA FOLLETTE Progressive influence. BRISTOW had had a rather remarkable career. In 1897 President McKinley found him editing a country paper at Ottawa, Kans., and made him Fourth Assistant Postmaster General. In 1900, under the direction of President McKinley, BRISTOW investigated the Cuban postal frauds. In 1903, as Fourth Assistant Postmaster General, he investigated the Post Office Department and unearthed a great scandal. As a result of his investigation several postal officials were sent to the penitentiary.

He was a marked man politically from the day he uncovered the frauds in the Postal Establishment. In 1905 he was relieved as the Fourth Assistant Postmaster General. President Roosevelt undertook to "take care" of him by making him a special commissioner of the Panama Railroad, but this did not satisfy the aggressive Kansan, and he went back to his native State and purchased the Salina Daily Journal, a paper he had owned years before. He responded to the call of the Progressive Republicans to be their candidate for the Senate against Senator Long. One would have supposed that President Roosevelt would have remembered BRISTOW's splendid service to the Federal Government as the man who uncovered the Cuban fraud and the frauds in the Post Office Department, and would have supported him for the Senate, but he did not. On the contrary, he extended powerful assistance to Long. By his permission Federal officeholders in Kansas were openly for Long. It turned out to be one of the greatest political battles Kansas had ever witnessed.

On the one side was the administration Senator, backed by the President and all the reactionaries, and on the other BRISTOW, backed by the LA FOLLETTE Progressive Republicans. Senator LA FOLLETTE became interested. He saw how the Roosevelt administration was trying to defeat BRISTOW, the Progressive, and he went to Kansas. During the closing weeks of the campaign he went up and down the State advocating the nomination of

BRISTOW. He read at every meeting Senate roll calls, showing how Long had invariably voted with the Aldrich crowd in the Senate. The result was the nomination of BRISTOW at the primaries. His election followed, in January, 1909.

This, then, is a fair statement: If Theodore Roosevelt had had his way ROBERT M. LA FOLLETTE, ALBERT B. CUMMINS, and JOSEPH L. BRISTOW would never have come to the United States Senate. He certainly did everything that was within his power to keep these three pioneers in the progressive Republican movement out of the Senate.

LA FOLLETTE stood alone in the Senate as a Progressive Republican when CUMMINS came in in December, 1908. He was persona non grata at the White House because he was a Progressive. BRISTOW was the third man to join the Progressive band in the Senate. The tariff fight in 1909 brought recruits until LA FOLLETTE could count on from 8 to 12 followers. The election of two years added to the Progressive ranks in the Senate, until the Wisconsin Senator could depend on 13 men who would stand with him on most public questions. In the House of Representatives the Progressives had increased to a company of 53. Much might be said of the Progressive legislation that has been written on the statute books since these Progressives entered Congress.

When the Republican national committee met in Washington last December to fix a time and place for the national convention of the party the Progressives were looking ahead to the time when they would come into control of the party machinery. They felt that they had made splendid progress. Senator LA FOLLETTE had been put forward as their candidate for President. They did not expect to nominate him this year, but they wanted the principles for which they were contending represented by a candidate. They did have reason to believe that by 1916 the Wisconsin Senator or some one representative of the LA FOLLETTE political school could be nominated for President by the party.

Then there appeared on the scene the old enemy of the Progressive movement within the party, Theodore Roosevelt. In the face of all he had done to prevent the growth of the Progressive movement within the party he came proclaiming himself as the leader of the Progressives; he did not let the fact that his campaign was being backed by the Harvester Trust and the Steel Trust interfere with his program to go before the country in the disguise of a Progressive.

As the campaign progresses the men who have made the Progressive movement in the party what it is will contest the right of the Bull Moose candidate to go before the country representing himself as truly representative of the Progressive movement in politics. Senator LA FOLLETTE will take the lead in this exposure of the third-termer. He will have the moral if not the active support of other Progressive Republican Senators and of many of the Progressive Republican Representatives. Some of the Progressive Senators express the view that the former President started out to destroy the Progressive movement within the Republican Party. They point out that it was to the advantage of the Steel Trust, the Harvester Trust, and other trusts that the movement should be destroyed. They say that whatever the purpose of the Bull Moose candidate, he has succeeded in undoing pretty much everything the Progressive Republicans have been able to accomplish in the years since LA FOLLETTE began his fighting in the State of Wisconsin.

The Progressives in Congress say the record supports the assertion that Roosevelt has opposed not only the leading Progressive Republicans individually, but has fought every important thing for which they have contended. As an example of his inconsistency they point to the fact that only a little while ago he was denouncing the initiative and referendum. That, they note, was when he was doing business with what he pleases to call the old gang in politics and was trying to crush the Progressive movement that was springing up within the party. They point out that he is now vociferously demanding the "rule of the people" through the initiative, referendum, and recall. "Evidently the people have forgotten that when Oklahoma was proposing to incorporate the initiative and referendum in its constitution Mr. Roosevelt served notice on the new State that if the initiative and referendum were put in the constitution he would refuse to approve the constitution," said one of the Progressive Senators. This Senator was right. Roosevelt not only gave notice that the constitutional convention must not incorporate the initiative and referendum in the constitution, but after the convention had voted in favor of an initiative and referendum provision and the constitution had been submitted to the people he sent William H. Taft, who was then his Secretary of War, down into the prospective State to make speeches against the proposed innovations. Now, the Progressive Senators point out, the Bull Moose candidate not only wants the initiative and referendum, or pretends to want them, but wants judges' decisions as well as judges themselves recalled.

In the light of this record of the Bull Moose candidate it is not strange that the men who are really responsible for the Progressive movement within the Republican Party are unwilling to follow the former President into a new party and therefore are absent from this convention. Their attitude may be summed up in one short sentence: They do not trust Roosevelt.

Battleships v. Good Roads.

EXTENSION OF REMARKS

OF

HON. JOHN M. HAMILTON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

The House having under consideration the conference report on the bill H. R. 24565, the naval appropriation bill—

Mr. HAMILTON of West Virginia said:

Mr. SPEAKER: I am opposed to concurrence by this House in the amendment of the Senate providing for the building at this time of two new battleships. In the spirit of compromise and conciliation which seems prevalent in both branches of the Congress, I am willing to vote for one battleship, but no further. The cost of the building of two battleships will be $30,000,000, and it seems to me that the interests of this country would be far better served by devoting one-half of this money, if not the whole thereof, to purposes of internal improvement.

This bill was originally passed by the House on the 28th day of May, without any provision for battleships. Nearly a month before that time the House had passed the Post Office appropriation bill, which carried a provision for assistance by the Government in the betterment of roads throughout the country. This road provision, known as the Shackleford measure, was one of about 50 propositions pending in the House for the improvement of roads. I was much interested in it because I knew that in no other way could I as well serve the interests of my constituency as in the advocacy of some good-roads measure. I was one of the 25 Members of the House who, some time prior to the passage of the bill, signed the petition for the procurement of a rule by which the Shackleford bill or proposition could be considered in the House, under which rule it was considered and acted upon, with the result that the House passed it by an overwhelming vote. Now, the Senate has stricken out of that bill the provision for better roads and has inserted in the bill under consideration a provision for the building of two battleships. Both matters are in conference. It seems to me that if this House shall yield to a partial extent its convictions on the battleship question the Senate should meet us half way, at least, upon the road proposition, and in the hope that they will do so I am willing to vote for one battleship.

It is a very much disputed question whether this country needs any more battleships, but there is not the slightest doubt that there is a great necessity for better roads. We are a nation of peaceful people, without the desire of any considerable part of the people for territorial conquest; and it is advocated from the highest sources that our present Navy is sufficient for all purposes of defense. More than 50 years ago Abraham Lincoln stated that the armies of Europe combined could not penetrate into this country beyond the Allegheny Mountains, and if that was true then what must be the situation now, when we have coast defenses all along our shores and millions of young and vigorous men ready and willing to respond to our country's needs should a foreign war occur?

Battleships are useful only in war. They subserve no good purpose in times of peace. Roads are absolutely necessary to every citizen of the land, especially to the agricultural classes, who constitute the bone and sinew of the country—its producers of all that is eaten and worn, and by far the most important class, both in numbers and patriotism.

The great Roman Empire was a nation of warlike people. By war it extended its conquests over the civilized world. But it was also a road builder, and to-day the foreign traveler is more forcibly struck by the vast highways built by this ancient nation, many of them still existing and in public use, than by

the history of its great military achievements under its justly famed generals. The great Appian Way, over which the apostle Paul was conducted as a prisoner into Rome, still exists as a monument to the enterprise of its great projector and builder, while monuments erected to military heroes have passed away. This great country of ours annually spends millions of dollars for public improvements on our waterways and harbors, and it is a crying shame that not one dollar has ever been expended for the improvement of the public roads to alleviate the hardships upon the great mass of its citizenship, which must travel over them and use them in the transportation of its wares.

The subject of improvement of roads is not a new question before Congress, as it has been many times forward, but not until the present House adopted the Shackleford bill and sent the same to the Senate has anything ever been accomplished toward a definite plan of action; and inasmuch as the House will, as I believe, consent to the building of one battleship it is to be hoped that the Senate will agree with us and make some provision for the betterment of roads. In the contest between battleships versus roads the defendant should prevail.

Battleships.

EXTENSION OF REMARKS

OF

HON. WILLIAM KENT,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. KENT said:

Mr. SPEAKER: A battleship, as its name would imply, is an instrument to extend man's efficiency as a fighting animal, just as are brass knuckles.

Now, people fight from various causes, one of which is because they like to fight. This primordial instinct has been largely eliminated from the surface of our civilization. Our reason revolts against it; and in this respect, at least, mankind can show an advance.

Another reason for fighting is that of self-defense; but this self-defense implies that somewhere there are able-bodied persons who, without justification, would infringe on the rights of others, and this by violent methods. The law has stepped in and, through organized society, has endeavored to prevent this cause of physical contention.

Other reasons for fighting are found in cowardice which invites attack, and, again, in that sort of intoxication that finds expression in braggart boasting and in the petty nagging that goes with lack of human kindliness.

And, finally, in that species of falsehood that fails to recognize the sanctity of a promise or a contract.

I shall vote for two battleships as a reluctant confession of the impropriety of our position as a nation, and as a further confession of our lack of the ordinary good manners that are necessary to secure peace. Would that our contribution might go into an international pool to provide an international police force and not be an added burden upon us and upon our neighbors who, in racing for naval supremacy are starving their people and destroying the possibility of the growth of the ideal of peace.

First of all, as a cause of offense, we have established the Monroe doctrine which, in the language of Secretary of State Olney, holds that "We are supreme on the American Continent; our fiat is law." This doctrine renders us responsible for all the misdeeds of all the peoples that may be described as incompetent, misgoverned, and impossible that infest the continent and the islands adjacent thereto.

President Diaz, having been asked why Mexico did not possess a navy, shrewdly replied that the United States "of the North" kept one for Mexico's especial benefit.

The Monroe doctrine was doubtless of value at the time when we, as a weaker nation, might have feared absorption by some great European power. Then it was a defensive and not an offensive measure. That danger has long passed and with it the excuse of all others to police the American continent.

It has not been enough for us to assert this continental doctrine, but inadvertently we found ourselves mixed in the interminable Eastern struggle by our capture of the Philippines, so that now we are not only "supreme on the American continent" but take our pro rata share of supremacy in Asia—that is, if our own words are to be believed.

As a continental power we have nothing to fear, but as "a world power," whatever that may mean—indulging in coconut trees, mangoes, bubonic plague, and dependencies—we certainly are not completely armored as we would be if we stayed at home and reasonably managed our own affairs. A sensible turtle does not extend beyond its shell.

We have entered into solemn contracts with other nations, sometimes in treaties, and, at other times, conventions. It is more than probable that we have overdone the treaty-making occupation, but having entered into such treaties, we are bound to keep them until such time as either, by mutual agreement, they may be dissolved, or at least until such time as we may with courtesy request their abandonment, leaving to The Hague tribunal justification for our act.

But that is not the way our modern American statesmanship is conducted. We had a treaty with Russia which was absolutely untenable in its nature—untenable to both sides. With all courtesy, we could have jointly abandoned stipulations which neither party could uphold. But in both Houses of Congress, for political reasons, we indulged in tirades against a friendly nation of such a nature as might well have been provocative of war. Gentlemen who have differences of opinion which they desire to settle do not begin their negotiations with the verbiage of a blackguard, nor can nations enter upon the delicate matter of diplomatic differences with bluster and bad language.

In the case of tolls through the Panama Canal, there was much discussion in both Houses as to the meaning of the Hay-Pauncefote treaty, which emphatically declares that—

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charge of traffic or otherwise.

It seems to me that the arguments against construing this clause as affecting ourselves are plain sophistry. It was bad enough, from my point of view, even to make such argument, but back and forth through the speeches there ran a still more discordant note which might well lead our English friends to believe us a nation easily willing to disregard the sacred nature of a promise, if such promise in any way interferes with our immediate objects.

The plain question of good faith and of justice was submerged under a torrent of jingoism and obscured in the waving of flags.

After years of struggle and careful negotiation, our State Department had arrived at a convention with other powers whereby pelagic sealing might be prevented. While I am thoroughly convinced that the arrangement contemplated was for the best interests of all concerned, and especially of the seal herd, yet granting the proposition as open to discussion, there was no excuse for the heedless manner in which we kicked over all mutual understandings and virtually proposed to dominate the sea.

Whatever criticisms may be urged against President Taft and his peace treaties, which, in the eyes of many persons, would have gone so far as to be the cause of strife rather than of tranquillity, this certainly must be said, that in the face of pressure of all sorts and of almost unbearable complications he refrained from war with Mexico and showed himself a friend of peace.

In this connection, I would insert a letter sent to him in April, 1911:

HOUSE OF REPRESENTATIVES,
Washington, D. D., May 10, 1911.

The PRESIDENT, WHITE HOUSE.

DEAR MR. TAFT: As one interested in Mexican investments, I wish to commend in the highest terms your policy of noninterference. Every American dollar and every American life in Mexico is there subject to the risk of the possessor. If I would not myself go to Mexico to risk my life in defense of my property interests I would be no less than a murderer to ask that the men in our Army should assume such a risk.

Yours, truly,

WILLIAM KENT.

Far rather than vote for additional battleships I would vote, if such a matter were possible, for neutralization of the Philippine Islands, with a definite promise of self-government to them within a short time; for the abandonment of such portion of the Monroe doctrine as is not essential to our own self-defense, and for the elimination from our public life of a spirit of reckless jingoism that masquerades as patriotism, but which, by the encouragement of military armament, is working the greatest harm to our peace and welfare.

The statesman who insults a foreign nation is not, as he may suppose himself, the fourteenth stripe and the forty-ninth star in our flag, but is a public nuisance. He should be given special license to shoot himself if he so desires, rather than to bring about a state of affairs where those guiltless of offense may be compelled to act as targets.

Braggadocio, bluster, and battleships, world power, and du Pont powder, the abuses of protection, commercial reprisals, and subsidies, these blend in fortifying privilege, in creating a need for pensions, in wasting the treasure of the people. The combination is too strong, Mr. Speaker. Possessing such luxuries as Philippines, doctrines, and bad manners, we need the ships.

Sidestepping the Constitution, Invading the American Shipyards, and Injecting Free Trade via the Panama Canal Bill.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: In the 20 minutes assigned to me to discuss the Panama Canal bill (H. R. 21969) and its extraordinary amendments I was able to deal only with a few of the important questions involved. Under leave to extend I desire to amplify my remarks and to add a few exhibits in line with the arguments presented.

I believe the point of order made by me that the conferees exceeded their authority was well taken and that the Speaker would have been obliged to so rule had it not been for that convenient expedient of the Democratic majority—the Rules Committee—which, after discussion of the point of order by the gentleman from Pennsylvania [Mr. OLMSTED] and myself as opposed by the gentleman from Maryland [Mr. COVINGTON] and the gentleman from Georgia [Mr. ADAMSON], arbitrarily declared, in substance, that the Speaker should not rule upon any point of order relating to the bill.

I also believe that had it not been for the same convenient and arbitrary recourse, the additional point of order, that the amendments inserted by the conferees invaded the revenue-creating power of the House in contravention of section 7 of the Constitution of the United States, must also have been sustained. But if majority rule was ever effective in any Republican House, it is doubly so in a Democratic House, and whatever the rule is, is the law, despite the Constitution. It was evidently so in this particular instance.

TRIED TO MAKE A CANAL BILL.

What the President and the people of this country wanted was a Panama Canal bill which should provide for "the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone." This is borne out by the title of the so-called Adamson bill, which, as amended, we are now considering. It was never intended that advantage should be taken of our necessity to provide for the government of the Canal Zone by making the law with respect thereto the vehicle for the regulation of trusts in the United States, the overthrow of navigation laws, and the revision of the tariff to the extent of free trade. And to the credit of the Committee on Interstate and Foreign Commerce it is to be conceded that in the first instance they undertook to deal with this question as a canal problem and as that only. The committee very properly considered questions of government, of tolls, of courts, of maintenance, and of sanitation, not disregarding our treaty obligations with foreign nations, so it would seem that the committee proceeded in the regular way, about as far as it ought to go.

WHERE THE CHANGES WERE MADE.

When the bill reached the Senate, however, a number of amendments were added to it, amendments which related to matters not directly associated with the operation and government of the canal. But it was not until the bill was sent to conference and was virtually beyond the control of both the House and the Senate, that the most skillful injections of new material were made. I do not think I overstate the facts when I say that the nearest approach to absolute free trade as between the United States and foreign nations, in defiance of existing tariff laws, was made while the bill was in the hands of the conferees and when they were virtually beyond the reach of the bodies that created them.

In response to the statements made by me, alleging that the conferees had exceeded their authority, the distinguished gentleman from Missouri [Mr. ALEXANDER], chairman of the Committee on the Merchant Marine and Fisheries, expressed amazement at my apparent "ignorance" of the provisions of the bill.

The gentleman from Missouri, in answer to the charge that the free-material amendment was inserted by the conferees without authority of House or Senate, fell back upon the Payne tariff bill and quoted section 19 to show that the conferees had merely taken the liberty of inserting as an amendment a paragraph of the existing law.

In order that it may be clear that I am not wholly ignorant of the difference between the provision of the Payne law, which was intended to encourage American shipbuilding—with a very important six months' limitation as to the coastwise trade—and the unrestricted foreign free-trade amendment that was taken from the Alexander bill, H. R. 16692, "To provide American registers for seagoing vessels wherever built," and so forth, I invite a comparison of the two paragraphs:

THE PAYNE BILL AN INDUCEMENT.

The Payne bill paragraph, which is existing law, is as follows:

SEC. 19. That all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than six months in any one year except upon the payment to the United States of the duties of which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

The Alexander amendment to the Adamson Panama Canal bill does not restrict the use of free materials as an inducement to foreign owners to build their ships in the United States, as in the case of the Payne bill. It is an entirely different proposition, as will be seen from the following:

That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe.

The purpose is to get the material cheap, regardless of labor conditions.

NOT PROPERLY IN THE BILL.

Since neither the Payne bill paragraph nor the Alexander bill paragraph were subject to discussion in either House, or were matters of disagreement therein, it was not within the province of the conferees to insert them. It is clear also, as I have already stated, that the conferees were without authority to inject into the bill those provisions of the reconstructed sections 11 and 12, Senate amendments which dealt with "vessels built within the United States"; with "foreign-built vessels" given registery to do business "in the Philippine Islands and the islands of Guam and Tutuila," and with respect to foreign-built yachts, none of these matters having been subject to disagreement between the two Houses.

I am aware that a large portion of the Panama Canal bill is given over to the creation of courts and tribunals to govern the Canal Zone; that there has been much discussion in the newspapers with regard to treaties and tolls, and that large problems, involving railroads, trusts, and combinations have been inserted in the bill. I would rather some of these matters, which are clearly extraneous, might have been fairly and openly discussed on the floor, but the conferees have seen fit to hold them in the bill and the House has seen fit to stand with the conferees.

AMERICAN LABOR MENACED.

In any event, the conferees in the House have taken a tremendous chance with the rights of American labor. In Philadelphia and vicinity there are at least 50,000 people dependent upon the shipbuilding industry for their support. This bill proposes to hazard the wages of the American shipyard employees against the cheap labor of foreign shipyards. In admitting free materials for "ships wherever built," and without restriction or limitation, as proposed in this bill, an assault is made upon the chandler, the shopkeeper, the mill worker, and every occupation engaged at fair American wages in the manufacture and sale of commodities used in the equipment and outfitting of ships. The extent to which this free trade proposition may have effect upon American labor is almost incalculable.

We could have had a Panama Canal bill that would have enabled us to govern the Canal Zone with dignity and with honor, and we could also have inspired the trades people of the world to come to the manufacturers and artisans of America for their supplies; but instead, we are to conduct the canal at great expense to the American people for the benefit of all the nations of the earth, and in this bill we are offering inducements to the manufacturers of foreign countries and their poorly paid labor to undermine the toilers of the United States.

THE WAGE QUESTION INVOLVED.

Mr. Speaker, it has been said by the gentleman from Missouri [Mr. ALEXANDER] that some of the great shipbuilders are in favor of this bill. When they are big enough and strong enough

to control the world's trade in ships and to secure labor at European prices I assume they would be. I am not pleading the cause of the great shipbuilder here or abroad; I am asking fair play for the American workman, to whom the continuance of American shipbuilding and the right of Americans to supply materials to equip the ships is more important than free trade or cheap imported material or the profits of any capitalist.

With the permission of the House, I append interviews from officials of the Cramp Ship Building Co., which is located in the third Pennsylvania district, which I have the honor to represent, and of the New York Ship Building Co., which is on the opposite side of the Delaware River, in the district represented by the gentleman from New Jersey [Mr. BROWNING], and certain other exhibits:

CRAMP OFFICIAL AGAIN CONDEMNS CANAL BILL—DECLARES FREE MATERIAL AMENDMENT REASON WHY PRESIDENT SHOULD VETO MEASURE.

(By J. W. Powell, assistant to the president of the Cramp Ship & Engine Building Co.)

[Special telegram to the Public Ledger.]

WASHINGTON, *August 15, 1912.*

In answer to your telegram asking what effect the amended Panama Canal bill admitting material for all vessels to be built or to be repaired in American yards free of all duty will have, I reply:

I consider this legislation enacted in this way equally as pernicious as the clause admitting foreign-built ships to American registry for foreign trade.

This means that American shipyards and repair yards can buy everything from steel plates to anchors, and from electric generators to carpets, and from glassware and coal to run a trial trip to lumber for ship's joiner work and steel forgings from any market all over the world. It means absolute free trade for shipbuilding and repair yards, and places Strawbridge & Clothier in direct competition with Robinson, of London, for ships' furnishings, and the Midvale Steel Co. in direct competition with the Krupps for steel forgings.

About one-third of ships' cost is material, and this means over $25,000,000 worth of material yearly can be purchased duty free abroad instead of from American manufacturers. Probably this material will average 20 per cent cheaper abroad, including cost of delivery in this country, which is a saving of 6⅔ per cent in total cost of ship, but this will not appreciably help American shipyards (which pay two and one-fourth times as much for their labor as is paid in England) to compete in the world's business.

But while this amendment is of some benefit to shipbuilding, it is not beneficial to American business as a whole, and the manner in which it is being enacted is so offensive to American principles that we believe it to be an added reason why President Taft should veto this bill already loaded with a free-trade provision as to ships.

—

[From the North American, Aug. 16, 1912.]

SAYS PANAMA BILL WILL CLOSE AMERICAN SHIPYARDS.

As finally amended, the Panama Canal bill, if signed by President Taft, will mean the closing of every American shipyard, in the opinion of De Courcey May, president of the New York Shipbuilding Co. Mr. May declared yesterday that the free-trade provision in the bill, as inserted by the conferees, would be of little value to American shipbuilders. The fact that foreign-built ships in foreign trade are to be admitted to American register, he declared, is the dangerous feature of the measure.

"Surprising as it may seem to you," said the shipbuilder, "the removal of duties from all materials of foreign production for the construction, repair, and equipment of vessels built in the United States will not benefit the American shipbuilder to any appreciable extent.

"Take lumber for decks. It is cheaper here than abroad. Let us look at the steel in the hulls of the ships. Steel plates and frames cost very little more here than abroad. Why, take a battleship recently constructed at these yards in Camden. We were paid $3,946,000 for it by this Government. The entire hull, exclusive of equipment, guns, and armor, honeycombed with steel, with bulkheads and what not, only cost us $590,000 to construct, exclusive of the cost of labor. Not a large proportion of the total cost, is it?

"COST OF LABOR BIG FACTOR.

"What, then, is our greatest handicap in this country? It is the cost of labor. Skilled labor costs us almost twice as much here as it does abroad, and that is where the foreign shipbuilder has us. In point of fact, taking the bare cost of materials alone, I am not so sure we can not build ships cheaper than they can in England. It is this item of labor cost that is the crucial matter.

"When we build a ship for a foreign Government or a foreign owner in American shipyards, foreign-made products that enter into the construction of the vessels have been admitted free of duties, anyway. That, also, is not generally known, I suppose. Take the Argentine battleship *Morcno*, which is now being built here. All its plumbing, its anchors and cables, its boilers, rigging, and so on, it is specified in the contract, must come from England. These are duty free. If these things were to be used in a ship for an American owner, the cost would be much more, plus the duty.

"A THREAT FOR TAFT.

"The claim that American shipyards will not be injured by this Panama Canal bill is ridiculous. I repeat to you, if the movement to give American registry to foreign ships owned by Americans engaged in freight trade succeeds, we will never build another ship in this country for that trade. That is, in reality, a bill to discourage shipbuilding in the United States.

"Here in the New York Shipbuilding Co. yards we employ 5,000 men. That means 25,000 men, women, and children are dependent upon this enterprise for a living. I tell you, if President Taft does not veto that bill every one of these men will vote against him.

"It is not possible for me at this moment to give the difference in cost of ships under present conditions, and under the proposed law. The free-trade provision, however, you may rest assured will not make much difference in the cost of construction. Congress has the idea the steel in ships, for instance, is the all-important thing. Well, it is not, as I have shown you."

[Editorial from Philadelphia Inquirer.]

SWINDLING THE AMERICAN PEOPLE.

President Taft would be fully justified in vetoing the Panama Canal bill, if for no other reason than that it has lugged into it matters that belong to the tariff. He may have other reasons, but this one offense is enough. He vetoed the legislative, executive, and judicial bill because, besides interfering with the term of office of Government employees, it sought to abolish the Commerce Court. If Congress desires to abolish the court, the proper way to do it is by a special bill. This business of tacking general legislation to an appropriation bill is vicious. This is what the Panama Canal bill has done.

The Panama Canal bill is supposed to confine its attentions to the establishment of a permanent form of government for the Canal Zone and the rate of tolls for the passage of ships. But it has done much more than that. It has incorporated the Democratic idea of permitting American citizens to purchase ships abroad and sail them under the American flag. It has admitted free of duty—purely a matter for the tariff schedules—all materials that enter into shipbuilding. So if the President concludes to veto the bill he will not have to hunt for valid excuses.

There are some points about the bill that are excellent. It provides, for instance, for a single-headed government, which is the only thing to do. The canal has been built by centering authority in Col. Goethals.

It permits coasting vessels to go through the canal free of tolls. That also is the thing to do. But, as finally adopted, it has stricken out the Senate provision for passing all American vessels free. That is a blunder. It is worse than a blunder.

We have no ships of any account engaged in foreign commerce. We had indulged in a lively hope that at last something was to be done in the way of encouraging the construction of an American merchant marine. The opportunity came with the consideration of the Panama Canal bill. Permit all American vessels to use the canal free of charge, and the shipyards would become busy turning out vessels for foreign traffic by the way of the canal. Charge American vessels the same tolls that foreign steamships are assessed, and not a single order for an American ship for the foreign trade would go to a shipyard.

The bill places American vessels designed for foreign trade on the same basis as foreign ships. That settles the American ships. There will be none. We hand the canal over to foreign steamship lines. They will do all of our trade—will carry every ton of it. Congress weakly has knuckled down to England's protest—a protest without a shred of common sense or of justice in it.

Shame on the American Congress!

The admission free of duty of shipbuilding material in itself amounts to little one way or another. It isn't the cost of material that counts. It is the wages paid the workingmen that make up the greater cost of ship construction in American yards. Wages are about twice what they are abroad. So we shouldn't object to the bill because of free ship material were it not for the fact that that subject has no right to be in a canal bill—is a tariff matter entirely. Under the circumstances, we do object.

And we object to the proposition to permit American entry for ships bought in foreign yards. The scheme may or may not menace American shipyards, but it certainly is powerless to promote an American merchant fleet. No one is going to buy a foreign ship and sail it under the American flag, for it is the cost of running the ship that makes it all but impossible for an American vessel to compete with the subsidized steamship lines of other countries. Add a third more to the running expenses than foreigners pay, and refuse to discriminate in favor of American ships, and what hope is there for an American vessel?

There is just none whatever, and as the bill refuses to discriminate in the matter of tolls, it throttles American commerce.

We hope the President will veto the bill. Since it hands the canal over to foreigners, what possible interest can an American citizen have in that canal now?

We do not mind saying that in passing the bill as it stands to-day the American Congress has swindled the American people.

—

[Editorial from Public Ledger.]

CANAL LEGISLATION.

If President Taft believes that the canal bill is in violation of the Hay-Pauncefote treaty, it is his plain duty to veto it, regardless of the possibility that his veto may be overridden. To attach a clause compelling a foreign corporation to take action in the United States courts to establish its rights under an act of Congress is tantamount to serving notice to foreign countries that a treaty with the United States is not a compact we will observe unless such nations assert their rights in an action before the United States Supreme Court. This would place us in a grotesquely intolerable position.

The bill as it passed, beside being a measure to provide for the administration of the canal, is an amendment to the Sherman law, an extension of the powers of the Interstate Commerce Commission, a radical modification of the shipping laws, and a reversal of the protective-tariff laws.

The President should assert firmly our fidelity to solemn treaty obligations and his firm rejection of riders to legislative acts which carry measures that would not stand upon their own merits. Congress meets again in December, and legislation affecting the canal can then be passed fully a year before the canal is ready for business.

THE PHILADELPHIA MARITIME EXCHANGE. PANAMA CANAL LEGISLATION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial of the Philadelphia Maritime Exchange respectfully represents:

First. That the exchange has before it a copy of bill H. R. 21969, commonly known as the Panama Canal bill, as amended and reported from conference August 14, 1912, and has given consideration to the same.

Second. The exchange views with anxiety and disfavor any legislation that might be interpreted as an infringement of the provisions of the Hay-Pauncefote treaty, as being likely to subject the Nation to widespread and merited criticism and possible retaliation.

Third. The exchange takes exception to legislative riders in a public measure having for its prime object provisions "for the opening, maintenance, protection, and operation of the Panama Canal" of matters not pertinent to said canal legislation, such as the clauses relating to the admission to American registry of foreign-built ships

and the free importation of materials for the construction and repair of vessels. These subjects appear to be of such great importance that laws concerning them should, in the opinion of the exchange, only be enacted after the most careful consideration and after all parties in interest have been given an opportunity of presenting their views.

Fourth. In view of the above presentation the Philadelphia Maritime Exchange respectfully submits to your honorable bodies that bill H. R. 21969 in its amended form should not receive your indorsement, and to that end asks that present legislation shall be confined exclusively to the provisions specified in the title of the bill. All of which is respectfully submitted.

By order of the executive committee:

[SEAL.] THE PHILADELPHIA MARITIME EXCHANGE.
By C. R. HEARWOOD, *Secretary.*

PHILADELPHIA, *August 16, 1912.*

Bureau of Mines and Mining.

SPEECH

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 22, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910—

Mr. RAKER said:

Mr. Chairman and gentlemen of the committee, I have given some thought to this bill as now presented by the Committee on Mines and Mining in conjunction with the act that passed on May 16, 1910.

This bill, while providing certain wise restrictions against investigations in behalf of private parties, clearly prescribes a proper field for the operation of the bureau, which is fair to all branches of the mining industry. The existing organic act of the Bureau of Mines is unsatisfactory to all parties, and especially in the metal-mining States.

The bill now proposed has been given most careful consideration by the representatives of all branches of mining, by mine workers as well as mine operators, and it has the indorsement and support of all these interests. It has the unanimous approval of members of the Committee on Mines and Mining of the House of Representatives.

We urge the enactment of this bill especially for the benefit of the public-land States. We feel sure that mine workers and mine operators alike will greatly appreciate the action of the House in bringing about its enactment.

The act of May 16, 1910, was passed at the solicitation and demand of the mining interests of the United States that had been at work industriously since July 1, 1897, for the purpose of establishing a bureau of mines or a secretary of mines as a Cabinet officer. When this matter was first introduced in the House and finally reported at the Sixty-first Congress, there were a number of bills, and so this Mines and Mining Committee drew up and introduced what became, after amendment, the law, the bill we now have. When the bill was taken before the House there were a number of its provisions eliminated, which made it practically inapplicable to the western mining States, and, as a matter of fact, from the investigations of the work that has been done, there has been practically no work done by the Bureau of Mines and Mining, so far as mineral mining is concerned. They have devoted their attention almost entirely to the mining of coal and to rescue work, which, of course, has been very beneficial and splendid results have been obtained. But I want to call the committee's attention to the fact that on July 1, 1897, at Denver, Colo., the first mining Congress met and resolved on a bureau of mines.

Mr. MANN. A bureau of mines or a department of mines?

Mr. RAKER. A department of mines, to start with, but finally had to come down to a bureau of mines. In July, 1898, at Salt Lake City, Utah, they again met and unanimously requested Congress to prepare a bill that would give relief, and on the 1st of July, in 1899, at Milwaukee, Wis., they did the same. That has been continued every year by the mining congress until the act of May 16, 1910, was passed.

After this bill was passed creating the Bureau of Mines, the mining congress unanimously again requested that their wishes and desires and the interests of the mining interests of the West be considered, by an amendment to the present law to enlarge it so that it might apply to metalliferous mining as provided for and intended to be included in this bill. It seems to me that the great value involved in metalliferous mining of all kinds and character justifies the House in permitting the splendid work that has been done by the Bureau of Mines and Mining to be thus extended to that industry, so that it may be extended to the mining operations of gold and silver, as has been done in the case of coal. It was the original purpose of this bill, but by its restricted language and restricted appropriation practically no relief has been extended. I shall insert in the RECORD, as a part of my remarks, a tabulated statement as to the mineral resources of the United States of all kinds for last year, also one from the State of California, showing the enormous sum of money that pours in from each State from the mining industry to the Government of the United States, and thereby swells its wealth and resources. We overlook and forget the men who are engaged in the mining industry. We forget the miner that is doing this work; we are not providing him with safe and necessary methods as we are providing other men in other occupations, lines, and pursuits.

So it seems to me that this Congress, having established a principle, when they have had a precedent set in the last Congress that it was the object and purpose of legislating along this line, and we find it so beneficial, so wise, that we would enlarge the act by which this good work has already been accomplished, I say we hear men and have heard them two years ago and hear them now claim the benefits of this mine legislation wherever and whenever they go into the mining districts, and where they go into the territory where these miners are working and tell them what they have done in behalf of legislation in their favor to better their conditions, to better the health conditions surrounding them, and in the mines as well as bettering the conditions and looking into the questions of danger that the owner of the mine might be compelled to put in the necessary up-to-date appliances for the purpose of protecting the health of those who are at work in those mines, we say those men are interested in it personally. You can answer that by saying every industry that we have men are interested in it personally, but we do not want to forget that in at least two times when this Government needed assistance and help we find the men by virtue of being able to produce wealth from that native new country came to the relief of this country, and we were able to pay our financial debt and put ourselves upon our feet when we needed it, back in the sixties, and we have not forgotten the relief that came in 1907. This industry is such that it does no one any harm; it does not even affect agriculture in the way of retarding the land that can be used, but makes it more capable of being developed, and wherever you find a mine being developed—gold, silver, or any other kind of mineral—you find agriculture develops, you find a community surrounding the mine, and you find homes and better conditions. Why? Because they are getting from the earth a material that will add that much to the wealth of this country. Every dollar coming from the mine adds that much material wealth to us all, and wherever we can legislate to the benefit or to the interest of this great industry we ought to do it and we ought not to stand and stop because it will cost us a few dollars for the purpose of the administration of these offices.

Let me call your attention, if this is a fact—and I can not believe it is upon examination—if the Geological Survey and the Bureau of Marine and Public Health and the Bureau of Standards had been doing this work, why has the American Mining Congress, with as brainy, as able men as gather at any public gathering in the United States, with as much patriotism and as much desire to benefit this country and aid it materially, why have they been appealing for the last 15 years at their annual conventions, with from 1,000 to 5,000 men present, for this legislation if they were getting the results? The answer is from the report of the Bureau of Mines, if you will observe it, that their work has been limited, that their work has only extended to a few Eastern States, and that they believe that they have not the power to make the same analyses, to make the investigations in regard to the metalliferous mines as they have had in relation to the mining of coal and the other matters incident thereto. I do not care to take up any more time——

Mr. POWERS. Will the gentleman yield for a question?

Mr. RAKER. Yes.

Mr. POWERS. The fact is they do not attempt to reach the character of cases at all that this bill proposes to reach, do they?

Mr. RAKER. I did not hear the gentleman's question clearly.

Mr. POWERS. The fact is they do not attempt to reach the class of cases and character of cases that this bill proposes to reach?

Mr. RAKER. That is my understanding—that they do not—but the question of health conditions, improved conditions, provided for by this bill start at a distance of from 100 to 5,000 feet under the ground and to the conditions there where the men have to work and stay for eight hours a day, out and back again. Those are the health conditions that we are looking after now.

Mr. WILSON of Pennsylvania. Will the gentleman yield for a question?

Mr. RAKER. Yes.

Mr. WILSON of Pennsylvania. Is it not true that the health conditions referred to here in this bill have reference to trade diseases that are not themselves contagious or infectious, and, consequently, the usual health bureaus do not undertake to deal in any way with them?

Mr. RAKER. That is my understanding in addition to what I say. I believe it intends to cover conditions of health peculiar to mining, every condition of disease incident to the miners' life, that the Public Bureau of Health does not now intend, or does not now, by virtue of its operations, investigate.

Mr. WILSON of Pennsylvania. Now, if the gentleman will permit me further——

Mr. RAKER. I yield.

Mr. WILSON of Pennsylvania. I want to call his attention to the fact that tuberculosis is not one of the diseases that is prevalent in coal mines, and, consequently not one of the diseases that the Health Bureau would undertake to deal with; that the disease known as "miners' asthma," a combination of bronchitis and asthma proper, is prevalent in coal mines, and none of the health bureaus in the country, either Federal or State, have undertaken to discover any method of dealing with that disease.

Mr. RAKER. I think that is absolutely true, and in addition to that, because you are mining for gold—digging out gold and silver from the earth—they imagine it is yours, but in many instances you are but working for the owner of the mine, and my idea, from personal observation, is that in the production of gold in the regions of the West that the miner's health and the conditions surrounding his work have been overlooked and ought to be given fair, clear, and earnest consideration, the same as you give to like conditions of the people in other enterprises and in other employment.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. I do.

Mr. MONDELL. The gentleman would not think the General Government, under authority of this bill or any other legislation, assumes responsibility for the general health of the citizens of his State, would he? That is not his idea, is it?

Mr. RAKER. Why, no; but I would have the Bureau of Mines investigate, from their experience, by virtue of their wide knowledge in mining generally, the information they can get from all sources and from visiting these places, and then give these men assistance and instruction by which the health conditions can be improved. That is one of the purposes of the bill. That is what should be done.

Mr. MONDELL. I am very much in favor of the legislation, but I certainly would not be in favor if I thought this was a national bureau of health or if I supposed it was the proposition to take from the States and localities the general responsibility of looking after and caring for the sanitary condition and health of their citizens.

Mr. RAKER. Oh, clearly not; this has no relation to that nor does it affect it in any way.

Mr. MONDELL. The gentleman was rather broad in his statement as to what he would have done.

Mr. RAKER. When I referred to the subject in hand, which is mines and mining, or of a mine 30 miles out in the desert, I did not speak of any other conditions except that mine.

I would fix it so that the health conditions in mines out in that desert and on that mountain might be provided for and be looked after, make investigations as to nature, causes, and prevention of accident, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in mining. That relates to men who are working down in the bowels of the earth, and their conditions there, and not men of the city and not to officers in control of public health generally.

Mr. MONDELL. Not by any manner of means, of course. But those miners are in a Commonwealth of the Union.

Mr. RAKER. We have stock in the Commonwealths of the Union, and when they cross the border from Nevada to California we have an inspector as to their health. Do you tell me that the health conditions of a miner right across in Nevada ought not to be looked after? It is most important that the miner be given the same consideration as men in other employments. It will be of great good and is a humanitarian work as well.

Mr. MONDELL. While I am very much in favor of the legislation, I do not want the gentleman to drive me away from it by an argument in favor of Federal jurisdiction and control over the health of the people of the Commonwealth of California or the Commonwealth of Wyoming and of other States of the Union. I had not supposed the bill contemplated any general Federal supervision over the health of the people anywhere. A very important part of its work is to aid the people in establishing and maintaining safe conditions in mines, the prevention of accidents, and all that sort of thing. But I did not assume it contemplates a general supervision over the health of the citizens of the States.

Mr. RAKER. Why, no.

Mr. MONDELL. I should be very glad to be assured on that point.

Mr. RAKER. Now, that is all it applies to, that is the purpose of the bill, which is set out fully in section 3, and knowing the distinguished gentleman from Wyoming so well and the way he puts the matter, and having met him a number of times in committees, I feel satisfied, when his support has been ardent for this bill and this legislation, I will not drive him away from the support that he intended to give it in advance.

Mr. MONDELL. I feel confident the gentleman does not intend to do so. The gentleman is getting rather earnest in advocacy of a proposition that some time may be very far-reaching.

Mr. RAKER. You find yourself that way sometimes, do you not?

Mr. MONDELL. Not entirely in that direction.

Mr. MANN. Will the gentleman yield?

Mr. RAKER. I yield to the distinguished gentleman from Illinois [Mr. MANN].

Mr. MANN. I do not think it would be possible to drive the gentleman from Wyoming [Mr. MONDELL] away from the support of the measure. Unless the gentleman from California changes his remarks in the RECORD, he made a statement, in effect, that in certain places in California it was the duty of the Government to provide healthful and sanitary conditions around the mines there. Now, does not the gentleman recognize the State of California as being in existence?

Mr. RAKER. I think it is in existence very vitally.

Mr. MANN. These mines are in the State and are controlled by State laws. Why does not the State of California provide for sanitary conditions around its mines and provide for healthful conditions for its miners? Under what authority can the General Government do it at all?

Mr. RAKER. Do they contemplate that?

Mr. MANN. That is what the gentleman from California has stated.

Mr. RAKER. The gentleman is mistaken about that.

Mr. MANN. Then you will have to change your remarks in the RECORD.

Mr. RAKER. We have as fine State laws for public health as any State in the Union. We want the same rules applied to the investigation of health conditions in mining in the East as in the West. To investigate conditions, report them, so that the men may know what to do and how to do it, is the purpose of the bill and the object of it, and that is the purport of my statement.

Mr. MADDEN rose.

Mr. RAKER. I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I understood the gentleman from California to say a few minutes ago, in reply to a question of the gentleman from Wyoming [Mr. MONDELL], that he thought the Government of the United States—I am not using his words but substantially what he said—in cases where a mine was separated 30 or 40 miles from a settlement, the Government of the United States should take jurisdiction over the sanitary condition of the mine and look after the health of the miners.

Mr. RAKER. I am sorry for my friend's understanding, for which I am not accountable, but if he understands it that way he did not understand what I said.

Mr. MADDEN. The gentleman's language could not be construed in any other way, so far as I could understand it.

Mr. RAKER. I am not responsible for the gentleman's understanding.

Mr. MADDEN. Does the gentleman understand that this bill intends to provide for the health of the miners in any State of the Union? Is it not a fact that the bill simply intends to provide protection for miners and to point out ways by which explosions can be avoided and accidents prevented?

Mr. RAKER. That is the purport of the bill, and no further.

Mr. MADDEN. The gentleman is talking about health conditions all the time.

Mr. RAKER. As I will say again, I am not responsible for the way the gentleman understands the bill. I want to call the committee's attention to a little history of the American Mining Congress, that represents the mining interests generally and has for its purpose the bettering of conditions for the miner.

The American Mining Congress was organized in Denver, Colo., in July, 1897, for the particular purpose of urging the adoption of legislation providing for Federal cooperation in the development of the mining industry.

Its first demand was for the creation of a department of mining with its head a member of the President's Cabinet. At all of its annual conventions from 1897 to 1906 it continued to urge a department of mining. At its Joplin convention in 1907 it was decided after careful deliberation to modify its request and to make every effort to secure from Congress the creation of the Bureau of Mines in the Department of the Interior. At this convention a practical campaign was organized, the secretary being instructed to go to Washington and urge upon Members of Congress the importance of legislation of this character.

The first bill, known as the Huff bill, was passed by the House of Representatives in 1909, but did not secure the approval of the Senate. This bill was again introduced at the following session, was quickly passed by the House, and went to the Senate early in 1910, where after proper discussion it received the approval of the Senate and was signed by the President.

I might add that annual sessions of the mining congress have been held as follows: July 1, 1897, Denver, Colo.; July 2, 1898, Salt Lake City, Utah; July 3, 1899, Milwaukee, Wis.; June 3, 1900, Milwaukee, Wis.; July 4, 1901, Boise, Idaho; September 5, 1902, Butte, Mont.; September 6, 1903, Deadwood and Lead, S. Dak.; August 7, 1904, Portland, Oreg.; November 8, 1905, El Paso, Tex.; October 9, 1906, Denver, Colo.; November 10, 1907, Joplin, Mo.; December 11, 1908, Pittsburgh, Pa.; October 12, 1909, Goldfield, Nev.; October 13, 1910, Los Angeles, Cal.; October 14, 1911, Chicago, Ill.

This mining congress urges upon Congress the adoption of this legislation, the amendment of the original act of 1910, believing that it will give good results to all concerned.

New conditions are continually arising in the mining industry of California. Gold, through the agency of the gold-dredging industry largely, is making a better showing, with fine prospects of an increase for a long period to come. Copper is more and more important as an annual mineral product of this State.

The California State Mining Bureau makes a study of the production of the leading minerals, among which are included some of the structural materials.

The fact is made obvious that there is a general increase in production all along the line. The grand totals for each of the years summarized by the California State Mining Bureau attest to that satisfactorily.

There are some fifty mineral substances that are produced commercially in quantities that are accounted for every year. The mining area is continually growing wider, and the statistics relating to petroleum, gold, copper, and many other minerals concisely point that out to students of the mineral progress of California. The total output for 23 years of California minerals as returned by producers and from other sources that are reliable is $757,508,849.

While this is the general condition as to mining in California, nevertheless there can and will be great improvement. With the provisions of this bill carried out in the mining territory of California most excellent results will be had, and in particular as to the miner and his condition. The information obtained by the bureau will be of much benefit to the prospector and small-mine operator who owns and runs his own mine.

The following provisions of the act fully carried out will mean much to the mining industry and the miner, viz:

That the director of said bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires

For the past 15 years the mining men of the Western States have been demanding Federal recognition and aid in behalf of the mining industry. With the help of representatives of the coal-mining regions, the Bureau of Mines, the agency through which this aid can be given, was finally secured and its work should now be extended to the metal mines of the public-land States. The organization of mine-safety work in the metal mining districts has not been entered upon, but is greatly needed. The loss of lives in many of these districts is almost as great as in the coal mines.

For some years past the metalliferous mining industry of the West has not kept pace with the development of other lines of enterprise. Under the stimulating effect of Federal aid given through the Department of Agriculture, the average annual valuation of agricultural production of the public-land States has increased from an annual value of $966,000,000, during the five years from 1901 to 1905, to an average annual valuation of $1,365,000,000 for the five years preceding 1910. During those same years the average production of precious metals from those States has decreased from $136,000,000, during the first period, to $127,000,000 during the second period.

With rare exceptions the population of all the mining camps in the West decreased during this period, and in many instances low-grade mining camps have been entirely abandoned.

A solution of the problem of economical treatment of low-grade ores is the one method through which this great fundamental industry can be revived. This problem is too great for private enterprise, and whenever improvements are made by private effort the results are kept secret and do not serve the general good. The West has a right to expect Federal aid in the solution of these problems.

Yearly average of gold and silver production in the public-land States of the United States in five-year periods from 1881–1910, inclusive:

	Yearly average.
1881–1885	73,934,030
1886–1890	91,736,201
1891–1895	109,044,258
1896–1900	136,892,859
1901–1905	135,871,425
1906–1910	127,037,458

During these 10 years, this entire fund arising from the proceeds of the sale of all such public lands, including the $6,793,000 arising from the sale of coal and other mineral lands, has been devoted to the upbuilding of agriculture in the public-land States, and no part of this fund has gone to help the mining industry in any of these States.

During this time the mining industry in the public-land States has fallen far behind agriculture in progressive development. Many branches of the industry are showing the need of extended investigations.

Appropriations for mining and geological investigations in the United States, as compared with similar appropriations in Canada.

	Population.	National appropriations for mining and geological investigations.	Total yearly value of mineral production.
United States	91,972,266	$1,681,020	$2,003,744,869
Canada	7,204,527	616,789	102,291,686

The population of the United States is nearly thirteen times that of Canada.

The mineral production of the United States is nearly twenty times that of Canada.

The appropriations for mining and geological investigations in the United States are not quite three times that of Canada.

The appropriations for mining and geological investigations in the United States average about $18,000 per million population.

The appropriations for mining and geological investigations in Canada average about $88,000 per million population.

The appropriation for metallurgical research work in Canada 1910–11, $50,000.

The appropriation for metallurgical research work in the United States, nothing.

The appropriation for researches in behalf of agriculture for the fiscal year 1913 will no doubt be more than $16,000,000.

This is as it should be, but we should have researches on behalf of mining commensurate with this great industry. The Bureau of Mines will be in a position to do the work as it should and can do under the provisions of this bill. Then in due time the proper appropriations can be made for properly maintaining it.

TOTAL GOLD PRODUCT OF CALIFORNIA—1848–1909.

Gold is next to the leading mining product. Gold is more widely distributed than any other substance thus far mined in California, 33 counties out of the 58 in the State showing a gold yield in 1909, and gold is known to exist in several others.

The following table shows the total gold yield of California, by years, from the time mining commenced in 1848 to 1909, in-

clusive (figures for 1906, 1907, 1908, and 1909 by U. S. Geological Survey):

1848	$245,301
1849	10,151,360
1850	41,273,106
1851	75,938,232
1852	81,294,700
1853	67,613,487
1854	69,433,931
1855	55,485,395
1856	57,509,411
1857	45,846,599
1858	43,628,172
1859	46,591,140
1860	44,095,163
1861	41,884,995
1862	38,854,668
1863	23,501,736
1864	24,071,423
1865	17,930,858
1866	17,123,867
1867	18,265,452
1868	17,555,867
1869	18,229,044
1870	17,458,133
1871	17,477,885
1872	15,482,194
1873	15,019,210
1874	17,264,836
1875	16,876,009
1876	15,610,723
1877	16,501,268
1878	18,839,141
1879	19,626,654
1880	20,030,761
1881	19,223,155
1882	17,146,416
1883	24,316,873
1884	13,600,000
1885	12,661,044
1886	14,716,506
1887	13,588,614
1888	12,750,000
1889	11,212,913
1890	12,309,793
1891	12,728,869
1892	12,571,900
1893	12,422,811
1894	13,923,281
1895	15,334,317
1896	17,181,562
1897	15,871,401
1898	15,906,478
1899	15,336,031
1900	15,863,355
1901	16,989,044
1902	16,910,320
1903	16,471,264
1904	19,109,600
1905	19,197,043
1906	18,732,452
1907	16,727,928
1908	18,761,559
1909	20,237,870
Total	1,508,513,120

Summary by counties—Value of mineral products, 1900–1909, including amounts heretofore unappropriated for period.

Alpine	$55,735
Alameda	8,460,903
Amador	20,431,559
Butte	20,578,557
Calaveras	22,370,606
Colusa	1,957,597
Contra Costa	3,830,862
Del Norte	89,854
Eldorado	4,394,302
Fresno	28,585,635
Glenn (Glenn County first reports production in 1909)	49,000
Humboldt	742,774
Imperial	118,501
Inyo	4,417,100
Kern	60,342,945
Kings	185,660
Lake	2,425,504
Lassen	604,428
Los Angeles	31,651,491
Madera	2,350,287
Marin	2,119,130
Mariposa	4,475,619
Mendocino	160,070
Merced	483,056
Mono	4,944,612
Monterey	1,081,479
Napa	7,015,156
Nevada	25,347,577
Orange	12,307,530
Placer	8,706,714
Plumas	3,084,546
Riverside	5,031,093
Sacramento	8,973,412
San Benito	3,625,315
San Bernardino	16,951,827
San Diego	4,623,382
San Francisco	4,202,786
San Joaquin	1,572,659
San Luis Obispo	1,921,850
San Mateo	1,977,842
Santa Barbara	19,611,295
Santa Clara	4,327,174
Santa Cruz	4,720,934
Shasta	58,043,218
Sierra	$4,295,609
Siskiyou	8,313,768
Solano	9,154,175
Sonoma	2,715,071
Stanislaus	469,985
Sutter	5,000
Tehama	105,100
Trinity	6,454,871
Tulare	894,959
Tuolumne	14,163,300
Ventura	4,819,260
Yolo	7,278
Yuba	8,114,135
Total	478,464,087

TOTAL MINERAL PRODUCT OF CALIFORNIA FOR 1909.

The following table shows the yield of mineral substances of California for 1909, as per returns received at the State mining bureau, San Francisco, in answer to inquiries sent to producers:

	Quantity.	Value.
Asbestos ..... tons	65	$6,500
Asphalt ..... do	136,664	1,707,159
Bituminous rock ..... do	34,123	116,436
Borax ..... pounds	33,257,000	1,163,995
Cement ..... barrels	3,779,205	4,989,437
Chrome ..... tons	436	5,309
Clay, brick ..... thousand	333,846	3,059,929
Clay (pottery) ..... tons	299,424	465,647
Coal ..... do	49,389	216,913
Copper ..... pounds	65,727,736	8,478,142
Fuller's earth ..... tons	459	7,385
Gems	.....	193,700
Gold [1]	.....	20,237,870
Granite ..... cubic feet	358,008	376,834
Gypsum ..... tons	30,700	138,176
Infusorial earth ..... do	500	3,500
Iron ore ..... do	108	174
Lead ..... do	1,343	144,897
Lime ..... barrels	520,752	577,824
Limestone ..... tons	337,676	419,921
Macadam ..... do	3,567,120	1,636,125
Magnesite ..... do	7,942	62,588
Manganese ..... do	3	75
Marble ..... cubic feet	79,600	238,400
Mineral paint ..... tons	305	2,325
Mineral water ..... gallons	2,449,834	465,488
Natural gas ..... thousand cubic feet	1,148,467	616,932
Paving blocks ..... thousand	4,503	199,803
Petroleum ..... barrels	58,191,723	32,398,187
Platinum [1] ..... ounces	416	10,400
Pyrites ..... tons	457,867	1,389,802
Pumice stone ..... do	50	500
Quicksilver ..... flasks	16,217	773,788
Rubble ..... tons	1,964,441	1,071,701
Salt ..... do	155,680	414,708
Sand (glass) ..... do	12,259	25,517
Sandstone ..... cubic feet	79,240	37,032
Silver [1] (commercial value) ..... ounces	2,098,253	1,091,092
Slate ..... squares	6,961	45,660
Soda ..... tons	7,712	11,593
Soapstone ..... do	33	280
Tungsten	.....	190,500
Total	.....	82,972,209

[1] Figures supplied by U. S. Geological Survey.

With that statement, Mr. Chairman, I ask unanimous consent to extend these tables in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Good Roads.

EXTENSION OF REMARKS
OF
HON. PAUL HOWLAND,
OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, August 20, 1912.

Mr. HOWLAND said:

Mr. SPEAKER: The people of my State are vitally interested in the matter of good roads. I take advantage of the courtesy extended to me to print proposal No. 29, amending the constitution of Ohio to extend the State bond limit to $50,000,000 for inter-county wagon roads, and some comments on the advisability of the adoption of the proposed amendment.

Number 29. To extend State bond limit to $50,000,000 for intercounty wagon roads.

ARTICLE 8.

SEC. 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether

contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed $750,000; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever: *Provided, however,* That laws may be passed to contract debts and authorize issues of bonds to an amount which in the aggregate of all issues shall not exceed $50,000,000 for the purpose of constructing, rebuilding, improving, and repairing a system of intercounty wagon roads throughout the State. Not to exceed $10,000,000 of such bonds shall be issued in any one year, and there shall be levied and collected annually by taxation an amount sufficient to pay the interest on said bonds and to provide a sinking fund for their redemption at maturity, and laws shall be passed to provide for the maintenance of said roads. Such wagon roads shall be determined under general laws, and the cost of constructing, rebuilding, improving, repairing, and maintaining the same shall be paid by the State. The provisions of this section shall not be limited or controlled by section 6 of article 12.

Section 1, article 8 of the constitution limits State indebtedness to $750,000.

This amendment raises the limit of indebtedness for the specific purpose of constructing, rebuilding, improving, and repairing a system of intercounty wagon roads to $50,000,000 and, if adopted, will authorize legislation providing for an issue of State bonds not to exceed in the aggregate of all issues $50,000,000. Not more than $10,000,000 in bonds can be issued in any one year. The cost of constructing and maintaining this system of intercounty wagon roads shall be paid by the State, and provision shall be made for the redemption of said bonds. The object is to authorize and empower the State to construct and maintain an intercounty system of permanent wagon roads, the cost of which shall be levied upon the entire tax duplicate.

Based upon statistics given by the Ohio tax commission and computing interest and sinking fund charges on $50,000,000 at 3½ per cent on 35-year bonds issued in amounts of $5,000,000 each year, the proportion of the tax on account of such bonds borne by the different classes of property within the State will be as follows:

	Duplicate.	Proportion.
		Per cent.
Real estate in cities and villages	$2,544,547,115	41.0
Farm lands	1,676,590,965	27.1
Public utilities	912,862,833	14.7
Banks	174,693,439	2.8
Personal property	891,437,728	14.4
State tax duplicate	6,202,132,080	100.0

Average per capita cost per year	$0.53
Average annual tax on each $1,000—	
For first 10 years	.26½
For next 10 years	.43
For the last 10 years	.20

To the voters of Ohio:

Your attention is invited to the good roads amendment to be voted upon at the special election on September 3, and to some reasons why you should vote for it.

It was adopted by the constitutional convention after a more prolonged and exhaustive discussion than was given to any other proposition, and by many it is regarded as meaning more to the well-being of the State of Ohio than any other of the proposed amendments.

In an address before the constitutional convention Gov. Harmon said: "The existing limitation of State indebtedness should not be changed except with respect to building a system of good roads.

"The need of this is great and the cost too heavy to be borne by present taxation.

"The improvement is permanent and its benefits are not confined to those who make it.

"So the expense may well be spread over a period of years by issuing bonds under a careful limit of amount with proper provisions for a sinking fund."

The proposed method of building roads by a bond issue, which Gov. Harmon recommended, will not destroy the low tax-rate idea to which the people of the State seem to be committed and preserve to the counties, townships, and road districts their local funds. The campaign for indorsement by the people of the proposal at the polls has been started. It is a true progressive movement. Spreading the interest and sinking-fund charges over a term of years will fix a charge not to exceed three-tenths of 1 mill. Undoubtedly the investment of $50,000,000 during the next 10 years will be the greatest asset ever added to the State by internal improvements. It will increase farm values, give employment to men, stimulate many kinds of industry, and begin an era of prosperity throughout the State. The most important part of the proposal is the stipulation that the State shall pay all the cost of these roads, thus leaving to the counties and townships the control and use of county and township road funds for construction and upkeep of local roads.

YOU SHOULD VOTE FOR THIS AMENDMENT.

If you are a farmer, because your farm will increase in value; you can raise more profitable crops; your cost of haul will be lower; you can market your products when prices are best; your children can get to school; your family can attend church; your physician will be in closer touch with you; your boys and girls will stay on the farm; you will have better mail service, better social life, and happier conditions all about you.

If you are a merchant, because good roads will enlarge your trading radius and make possible for purchasers to reach you every day in the year.

If you represent a chamber of commerce or board of trade, because public roads are commercial feeders to the cities, and every improvement of these roads means a greater prosperity to the cities through increased agricultural productions and greater stimulus to all industries.

If you are a day laborer, because a large per cent of the cost of construction of public roads goes to labor.

If you are a highway official, because you are striving for a better method of road construction and maintenance and more efficient road administration.

If you are interested in railroads, because improved wagon roads mean greater production, consequently more traffic, prevent freight congestion, bring more industries, more tourists, and larger dividends.

If you are an automobile user, because you can get the benefit of your machine every day in the year, your repair bills will be lower, longer and better tours will be possible at all seasons of the year.

If you are a dealer in farm products and implements, because you can receive the products and deliver the implements at all times of the year.

If you are an automobile manufacturer, because every mile of improved roads means a greater demand for both pleasure and commercial cars, increases wealth, and consequently the power to purchase your machines.

If you are a publisher or editor, because improved roads make wider circulation possible, increase advertising by stimulating commercial enterprises, and because road improvement is the most important economic question of the day.

If you are a manufacturer of road machinery or road materials, because road improvement means more business for you.

If you are the proprietor of a hotel, because improved roads mean more tours and more commercial travel.

If you are a banker, because good roads will increase agriculture, commerce, manufacture, deposits, depositors, and dividends.

If you are a minister of the gospel, because good roads will make it possible for you to visit the people and for the people to reach your meetings.

If you are a traveler or a tramp, because good roads are more attractive than mud holes.

If you are a father or a mother, because your children can get to the public schools, the Sunday school, the mass, and the church.

If you are a progressive citizen, because you can not progress so long as your State and Nation remain in the mud.

Battleships and Navy Yards.

SPEECH

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

The House having under consideration the conference report on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes—

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Although I have not been able to get any time to speak on this bill, I desire to be recorded as favoring the construction of two battleships in accordance with the recommendation of the Navy Department. I believe the American Navy should be maintained and that its efficiency should be equal to that of any other country. The Democratic majority in this House is opposed to the construction of two battleships, and to that extent is prepared to let the Navy fall behind the standard most Americans have set for it.

I regret, too, that the Democratic Party, now in control of Congress, has seen fit to cut down the appropriations for the various navy yards, particularly that at Philadelphia, the appropriation for which has been reduced from $160,000 last year to $130,000 this year. It is a matter of regret also that the conferees should have stricken out of the present bill Senate amendment No. 42, providing for the rebuilding of Building No. 7, at the Philadelphia Navy Yard, at a cost of $50,000. The request was certainly not unreasonable.

At League Island we have nearly a thousand acres capable of improvement and available as a fresh-water station for all the vessels in the Navy. In the matter of location and availability as to men and materials it is without a peer in the United States. Because of these facts we had been led to expect that the navy yard would be improved and that, at this session of Congress, appropriations would be made to begin a 1,700-foot dry dock which would connect up the Delaware River with the back channel and thus provide one of the finest basins for naval vessels extant.

We not only had reason to expect an increased service at the Philadelphia yard, but we were actually promised it, and if frequent display headlines in newspapers were to be taken into account, there was no question about the generosity and good intent of our Democratic brethren. They were going to do great things for us.

But notwithstanding our hopes and expectations and the splendid speeches that were made to us by some of our Democratic colleagues, we have not only been denied the 1,700-foot dry dock but the usual routine appropriation has been cut down, as stated, and the reconstruction of a burned building has been refused. The distinguished and genial gentleman from Tennessee, who presides over the Committee on Naval Affairs, frankly admitted, in response to my inquiries a few minutes

ago, that the committee had never seriously entertained the dry-dock proposition and suggested that "banquet" promises were not always to be taken seriously.

We are at the mercy of the Democrats in this House, Mr. Speaker, and if they can not understand our necessities we must continue to suffer reductions in appropriations and loss of work to navy-yard employees until the people are brought to a true realization of their own responsibility in putting the Democratic Party into power.

We have a long coast line to defend on the Atlantic seaboard, and while the Representative of Iowa or Kansas or Tennessee may not fully appreciate the value of naval construction, or the necessity of providing the wage for the workman, he would realize soon enough that an attack upon the coast line will have its effect upon the interior, and that a denial of the wage to the navy-yard employee will mean a lessening of the purchasing power in the bread market of the Middle States.

But the people are trying an experiment, and for a short while the Democratic caucus is in high glee. The individual Democratic Member thinks he counts for something, but we observe here that his best professions go glimmering with the crack of the caucus lash. It has been so with regard to battleships and navy yards.

Brooklyn, for instance, has a full equipment for the construction of battleships, and there is no other navy yard in the country which has been similarly favored. To-day, under the Democratic caucus rule, we are voting for one battleship only. The query for the workingman in every other navy yard of the country is this: "Who will get the one battleship if it is to be built in the navy yards of the United States?"

Put the Democratic economy proposed in the naval bill alongside the Democratic free-trade provision of the Panama Canal bill and much will be found for theorists and philosophers to ponder over, but mighty little for anyone to eat.

Battleships and navy yards mean national honor and national defense. They also mean employment in a thousand different directions. For these reasons it is regrettable that the Democratic caucus has seen fit to lower the standard.

General Deficiency Appropriation Bill.

SPEECH

OF

HON. FREDERICK H. GILLETT,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 26, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for prior years, and for other purposes—

Mr. GILLETT said:

Mr. CHAIRMAN: I wish to state, so briefly as not to be tiresome but so clearly as not to be misunderstood, what my position is and has been on important questions of the day. I favor—

First. A protective tariff just high enough to prevent the cheaper labor of the world swamping us with their cheaper products and thus compelling us to reduce our wages. The stand-pat Republican doctrine that a tariff too high does little harm was valid in the old days, when domestic competition kept down prices, but in these days of combinations and trusts it is obsolete.

Second. A nonpartisan tariff board, like the present one, to ascertain by thorough investigation the differences in the cost of production here and abroad, and to furnish the basis for a scientific tariff law, so that the tariff may be a business and not a political issue.

Third. The merit system in our civil service applied universally, without fear or favor, and preventing the use of political offices to build up a machine or a boss.

Fourth. A strict immigration and naturalization law, for a large immigration of undesirables keeps lowering our standard of citizenship and lowering our standard of wages.

Fifth. The equal right of all our citizens abroad to the protection of the United States passports.

Sixth. Full liability of the Government to its artisan employees for injuries received in its service, the same as any other manufacturing concern.

Seventh. A workman's compensation act along the lines of the bill framed by the commission appointed by President Taft and indorsed by the Brotherhood of Trainmen.

Eighth. The strict and impartial enforcement of the Sherman Antitrust Act, and the Federal incorporation of companies doing interstate business, with a commission for their regulation.

I inaugurated in Congress the movement for an employer's liability bill. I have supported with speeches, or votes, or both—

The pure-food and meat-inspection bill.
The railroad safety-appliance bill.
The corporation tax.
The power of the Interstate Commerce Commission to fix railroad rates and prevent rebates.
The bureau to protect children's labor.
A general parcel post.
The postal savings bank.
Conservation of our natural resources, including the White Mountain Reservation.
Publicity of campaign expenses.
Suppression of the white-slave traffic.
Regulation of the manufacture of phosphorus matches.
The prevention of easy divorce in our Territories.

An independent judiciary is the safest guaranty and the ultimate refuge of individual rights and liberty. Thus far in the United States its necessity has happily been seldom tested, but history proves that we shall need it, and I am unalterably opposed to the judicial recall or any measure which would cripple the independence of the judiciary.

I claim to be neither a radical nor a reactionary, but our present upheaval and unrest is but a repetition of what history has often recorded, and I indorse the philosophical statement of Macaulay, when, discussing the radicals and reactionaries of two centuries and a half ago, he said:

> In the sentiments of both classes there is something to approve, but of both the best specimens will be found not far from the common frontier. The extreme section of one class consists of bigoted dotards. The extreme section of the other consists of shallow and reckless empirics.

I am a member of the Republican Party, proud of its origin, its leaders, its marvelous achievements. It has always been the party of courageous, constructive progress, and I believe that to-day it is the most reliable political agency for effecting that social and industrial betterment, that business prosperity, and that equality of opportunity which the overwhelming majority in all parties are earnest to attain.

Comparison of Senate [Bourne] with House [Moon] Substitute Parcel-Post Bill.

EXTENSION OF REMARKS

OF

HON. DAVID J. LEWIS,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. LEWIS said:

Mr. SPEAKER: Availing myself of the privilege accorded me by the House, I beg leave to present the following comparison of the House (Moon substitute for section 8 of the Post Office appropriation bill) bill with the Senate (Bourne) bill in relation to parcel post, setting forth the points of each in parallel columns:

House substitute.	*Senate section.*
MATTER MAILABLE.	MATTER MAILABLE.
Farm and factory products and matter carried by express and fourth-class mail matter.	Fourth-class mail only; excludes farm and factory products.
WEIGHT LIMIT.	WEIGHT LIMIT.
Fifteen pounds; and may be raised by the Postal Department as facilities permit.	Eleven pounds; can not be raised. (Continental countries have limit of 100 pounds or more.)
RAILWAY PAY.	RAILWAY PAY.
Provisions for reducing pay from letter rates of 13.2 cents a ton-mile to express-parcel rates of 7 cents a ton-mile (cost of hauling 1 ton 1 mile by rail).	No provision on the subject, which would mean that the Postal Department would have to pay 13.2 cents instead of 7 cents, the express rate.

House substitute—Contd.

C. O. D.

Provides for C. O. D. service for retail and wholesale business use, as most of the traffic goes C. O. D. Other countries give this privilege.

LOST SHIPMENTS.

Provides for indemnification for lost or damaged shipments, by insurance or otherwise. This privilege is commercially necessary and is given by other countries.

RATES TRAFFIC CAN BEAR.

Most of the traffic will take place within a distance of 150 miles.

First pound 6 cents, and 2 cents for each additional pound.

10 pounds, 24 cents.

PUBLIC-SERVICE MOTIVE.

House substitute treats subject as experimental, as it is; and gives board of experts administrative power to amend rates, weight limit, classifications; to promote public service and insure revenue adequate to pay cost of service.

ZONES AND RATES.

The zones provided are simple; the first, or local zone, includes the county of shipment and a contiguous county. The second zone, a distance of 150 miles; the third zone, an additional 150 miles, with an additional zone for each additional 150 miles. The rate is always a cent a pound per number of zones, plus 4 cents. By multiplying the number of pounds by the number of zones and adding 4 cents, the charge in cents can always be determined for the shipment. No charge can be more than 12 cents a pound of actual weight. Outside of the first zone, measurements are made radially from county seat to county seat on the map by a simple scale.

Senate section—Contd.

C. O. D.

Has no provision on the subject. Thus commercial shipments requiring this service would have to go by express, no matter how much higher the rates.

LOST SHIPMENTS.

No provision on the subject. Articles requiring insurance would have to go by express, no matter how high the rates.

RATES TRAFFIC CAN BEAR.

For 150 miles, first pound, 6 cents, and each additional pound 4 cents.

10 pounds, 42 cents.

These rates exceed by 250 per cent the indicated cost of service. (See table.)

PUBLIC-SERVICE MOTIVE.

No provision for experimental elasticity or for experts. Scheme entirely rigid.

ZONES AND RATES.

Adopts the lines of longitude and latitude, and divides them "into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude * * * which shall be the basis of eight postal zones" of irregular sizes, requiring a page and a half of the bill to describe. The rates are similarly irregular in progression and require another page of the bill to describe. While the unit of area in some respects is scientific the other features are irregular, and its technical character renders it impractical for popular use.

House substitute—Contd.

ZONES AND RATES—Contd.

Rate schedules.

Zones.	First pound.	Additional pounds.
	Cents.	*Cents.*
1 local zone	5	1
2 150 miles	6	2
3 300 miles	7	3
4 450 miles	8	4
5 600 miles	9	5
6 750 miles	10	6
7 900 miles	11	7
8 1,050 miles	12	8
9 1,200 miles	12	9
10 1,350 miles	12	10
11 1,500 miles	12	11
12 1,650 miles	12	12
13 above	12	12

The House bill rates run from 33 per cent to 50 per cent higher than the indicated costs of the service.

Senate section—Contd.

ZONES AND RATES—Contd.

Rate schedules.

Zones.	First pound.	Additional pounds.
	Cents.	*Cents.*
Rural-route zone	5	1
1 zone 50 miles	5	3
2 zone 150 miles	6	4
3 zone 300 miles	7	5
4 zone 600 miles	8	6
5 zone 1,000 miles	9	7
6 zone 1,400 miles	10	9
7 zone 1,800 miles	11	10
8 zone above	12	12

The Senate bill rates run from about 16 per cent in the sixth to 200 per cent higher in the second and third zones than the indicated cost of the service. Beyond the fourth zone, for fractions of a pound, the Senate charges would exceed the present 4th-class charge of 1 cent an ounce.

Mr. Speaker, at this point I shall insert a table giving the rates by express as compared with the rates provided in the House [Moon] and Senate [Bourne] bills.

Table showing express, Senate, and House bill rates.

	1 pound.	1 1/16 pounds.	1 1/2 pounds.	2 pounds.	3 pounds.	4 pounds.	5 pounds.	7 pounds.	9 pounds.	11 pounds.	15 pounds.	20 pounds.
150 miles:												
Express rates from New York	$0.25	$0.30	$0.30	$0.30	$0.30	$0.35	$0.40	$0.40	$0.45	$0.45	$0.45	$0.50
Senate (Bourne) bill	.06	.10	.10	.10	.14	.18	.22	.30	.38	.46	.....	.....
House bill	.06	.07	.07	.08	.10	.12	.14	.18	.22	.26	.34	.44
200 miles:												
Express rates from New York	.25	.30	.30	.30	.35	.35	.40	.45	.50	.53	.55	.60
Senate (Bourne) bill	.07	.12	.12	.12	.17	.22	.27	.37	.47	.57	.....	.....
House bill	.07	.08	.09	.10	.13	.16	.19	.25	.31	.37	.49	.64
300 miles:												
Express rates from New York	.25	.30	.30	.30	.35	.40	.45	.50	.55	.60	.60	.70
Senate (Bourne) bill	.07	.12	.12	.12	.17	.22	.27	.37	.47	.57	.....	.....
House bill	.07	.08	.09	.10	.13	.16	.19	.25	.31	.37	.49	.64
400 miles:												
Express rates from New York	.25	.30	.30	.30	.35	.40	.45	.55	.60	.65	.60	.70
Senate (Bourne) bill	.08	.14	.14	.14	.20	.26	.32	.44	.56	.68	.....	.....
House bill	.08	.09	.10	.12	.16	.20	.24	.32	.46	.58	.64	.84
500 miles:												
Express rates from New York	.25	.30	.30	.30	.40	.45	.50	.55	.60	.65	.65	.75
Senate (Bourne) bill	.08	.14	.14	.14	.20	.26	.32	.44	.56	.68	.....	.....
House bill	.09	.10	.12	.14	.19	.24	.29	.39	.49	.59	.79	1.04
600 miles:												
Express rates from New York	.25	.35	.35	.35	.45	.50	.55	.60	.70	.75	.75	.85
Senate (Bourne) bill	.08	.14	.14	.14	.20	.26	.32	.44	.56	.68	.....	.....
House bill	.09	.10	.12	.14	.19	.24	.29	.39	.49	.59	.79	1.04
900 miles:												
Express rates from New York	.25	.35	.35	.35	.45	.55	.60	.70	.75	.85	.90	1.10
Senate (Bourne) bill	.09	.16	.16	.16	.23	.30	.37	.51	.65	.79	.....	.....
House bill	.11	.12	.15	.18	.25	.32	.39	.53	.67	.81	1.09	1.44
1,200 miles:												
Express rates from New York	.30	.35	.35	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.30
Senate (Bourne) bill	.10	.19	.19	.19	.28	.37	.46	.64	.82	1.00	.....	.....
House bill	.12	.13	.17	.21	.30	.39	.48	.66	.84	1.02	1.38	1.83
1,500 miles:												
Express rates from New York	.30	.35	.35	.35	.45	.60	.75	1.00	1.15	1.35	1.35	1.65
Senate (Bourne) bill	.11	.21	.21	.21	.31	.41	.51	.71	.91	1.11	.....	.....
House bill	.12	.13	.18	.23	.24	.45	.56	.78	1.00	1.22	1.66	2.21
1,800 miles:												
Express rates from New York	.30	.35	.35	.35	.45	.60	.80	1.00	1.25	1.50	1.60	2.00
Senate (Bourne) bill	.12	.24	.24	.24	.36	.48	.60	.84	1.08	1.32	.....	.....
House bill	.12	.13	.18	.24	.36	.48	.60	.84	1.08	1.32	1.80	2.40
2,500 miles:												
Express rates from New York	.30	.35	.35	.35	.45	.60	.80	1.00	1.35	1.60	2.15	2.85
Senate (Bourne) bill	.12	.24	.24	.24	.36	.48	.60	.84	1.08	1.32	.....	.....
House bill	.12	.13	.18	.24	.36	.48	.60	.84	1.08	1.32	1.80	2.40
3,000 miles:												
Express rates from New York	.30	.35	.35	.35	.45	.60	.80	1.05	1.35	1.65	2.15	2.85
Senate (Bourne) bill	.12	.24	.24	.24	.36	.48	.60	.84	1.08	1.32	.....	.....
House bill	.12	.13	.18	.24	.36	.48	.60	.84	1.08	1.32	1.80	2.40

The differences in these rates are very marked. Part of the difference in the rates of the House and Senate bills is accounted for by the needless jumps in the sizes of the zones in the Senate bill after the fourth or 300-mile zone. Of course the rate has to jump with the dimension of the zone. It ought not to be a matter of question that jumps costing more than an additional cent per pound should be avoided, and we shall see that this means zones of 150 miles each, approxi-

mately. This feature of the subject brings us to the question of what the service will cost, both for added distance and for added weight.

COST OF SERVICE.

The Postmaster General has stated that the cost of railway transportation under present postal railway law amounts to 1 cent (.01032) per pound for 200 miles of haul. We thus have a definite rule for calculating the necessary loading in the rate to cover the weight of the parcel and the distance it has to travel in order to pay the railway.

But what should the loading be to pay the postal system for its service in handling, etc.? Obviously, the cost of this service would not be in exact proportion to weight or distance. It would not increase appreciably with distance while on the rail, but would be practically the same, whether the journey were long or short. But it would increase in some proportion with the increase of the weight of shipments. In what proportion or according to what curve or declension would it increase? We have data from which we can deduce the rate of increase in the cost of handling the average and express shipments.

The total number of pounds carried by the postal system in 1908 was 1,204,080,927 pounds, and the number of mail pieces 13,173,340,329. Thus the weight of the average mail piece was about an ounce and one-half (1.46). The total postal expenditures were $208,351,886.15 and the railway transportation pay was $49,405,317.27, leaving $158,946,568.88 for postal expenditure, exclusive of railway pay. Dividing the number of mail pieces handled into the cost of postal administration, excluding railway pay, the average mail piece of 1.46 ounces cost 1⅛ cents (1.20) apiece. The average haul was 620 miles.

The weight of the average express package for 1909 was 33 (32.52) pounds, and the gross revenue per piece was 50.64 cents. Of this sum 24.07 cents was paid to the railways by the express companies for transportation. The profit per piece to the express company was about 6 cents (5.72) and the taxes one-third of a cent apiece, and thus the net "general expense," excluding transportation pay, profits, and taxes, amounted to 21 (20.62) cents per piece for handling the 33 pounds.

Comparing post office costs with express costs, we have thus 1.20 cents as equal to handling 1.46 ounces and 20.52 cents as equal to handling 32.52 pounds express. Thus, a line drawn diagonally between these weights and costs would represent the declension of decrease of cost according to increasing weight from the smaller shipment to the larger shipment. If both weights and cost could be taken from postal experience the declension between them would be an infallible index for postal purposes. If it were shown that express administration is organically more costly than postal administration, the declension would overstate the cost for increasing weights. This fact is assumed, and the evidence for it absolutely demonstrative, I believe, will be given later.

I have thought it well to present a chart giving the declension in the cost of handling from 1 pound up to 33.

CHART SHOWING INCREASE OF COST OF HANDLING WITH INCREASING WEIGHTS.

We thus see that overhead or general expense of handling shipments tends to increase from 1 pound up to 33 at the rate of 6 mills for each additional pound. If it be said that the ascertained cost of express handling may not prove an accurate guide for postal purposes, the answer is given that the cost to the express companies for handling and "transportation accounting" is very much greater than it will be to the Postal Department. To support this statement, it seems only necessary to insert a list of 11 acts of transportation given by the express companies to every small shipment, which are replaced by the postage stamp in handling the same small shipment in the Post Office Department:

The express company—

(1) Ascertains the rate to be paid.
(2) Makes out waybill.
(3) Copies waybill into record of shipment "forwarded."
(4) Copies same into record of shipments "received."
(5) Makes statement of "shipment sent" to auditor.
(6) Makes same of shipments "received."
(7) Auditor checks waybills against record of "sending" agent.
(8) Auditor checks same against record of "receiving" agent.
(9) In case of "through" waybills previous items repeated.
(10) Auditor makes division of percentages going to express company and the railway or railways.
(11) In case of "through" waybills auditor makes like division of percentages between express companies and railways.

The indicated cost of service, then, is a cent a pound for 200 miles of railway transportation and 1.7 cents for the first pound and 6 mills additional for each additional pound, for general handling and miscellaneous expense. In the Bourne report on the Post Office appropriation bill this cost of handling is given as 3 cents for the first pound and a progressive increase of 20 per cent for additional pounds, which coincides with the increase of 6 mills per pound. The following table shows this combined cost of service for handling and transportation, for the different weights and distances, as compared with the rates proposed in the House substitute for the Bourne bill:

Table showing indicated cost of service, compared with rates proposed in House substitute.

Distance (or zone).	1 pound.		2 pounds.		3 pounds.		4 pounds.		5 pounds.		6 pounds.		7 pounds.		8 pounds.		9 pounds.		10 pounds.		15 pounds.	
	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.	Cost.	Rate.
Local	.....	$0.05	.....	$0.06	.....	$0.07	.....	$0.08	.....	$0.09	.....	$0.10	.....	$0.11	.....	$0.12	.....	$0.13	.....	$0.14	.....	$0.19
150 miles	$0.02½	.06	$0.04	.08	$0.05	.10	$0.07	.12	$0.08	.14	$0.09	.16	$0.11	.18	$0.12	.20	$0.13	.22	$0.15	.24	$0.21	.34
300 miles	.04	.07	.05	.10	.07	.13	.10	.16	.12	.19	.14	.22	.16	.25	.18	.28	.20	.31	.22	.34	.32	.49
450 miles	.04	.08	.07	.12	.10	.16	.13	.20	.16	.24	.18	.28	.21	.32	.24	.36	.27	.40	.30	.44	.43	.64
600 miles	.05	.09	.08	.14	.12	.19	.16	.24	.19	.29	.23	.34	.26	.39	.30	.44	.34	.49	.37	.54	.55	.79
750 miles	.06	.10	.10	.16	.14	.22	.19	.28	.23	.34	.27	.40	.32	.46	.36	.52	.40	.58	.45	.64	.66	.94
900 miles	.06	.11	.11	.18	.17	.25	.22	.32	.27	.39	.32	.46	.37	.53	.43	.60	.47	.67	.52	.74	.77	1.09
1,050 miles	.07	.12	.13	.20	.19	.28	.25	.36	.31	.44	.36	.52	.42	.60	.48	.68	.54	.76	.60	.84	.89	1.24
1,200 miles	.08	.12	.14	.21	.21	.30	.28	.39	.34	.48	.41	.57	.47	.66	.54	.75	.61	.84	.67	.93	1.00	1.38
1,350 miles	.09	.12	.16	.22	.23	.32	.31	.42	.38	.52	.45	.62	.53	.72	.60	.82	.67	.92	.75	1.02	1.10	1.52
1,500 miles	.09	.12	.17	.23	.26	.34	.34	.45	.42	.56	.50	.67	.58	.78	.66	.89	.74	1.00	.82	1.11	1.22	1.66
1,650 miles	.10	.12	.19	.24	.28	.36	.37	.48	.45	.60	.54	.72	.63	.84	.72	.96	.81	1.08	.90	1.20	1.33	1.80

The proposed rates above the cross line run 50 per cent or more above indicated cost of service. Those below 33 per cent or more above such cost.

Thus the rates proposed are ample to protect the Treasury, since they run from 33.33 per cent to more than 50 per cent higher than the indicated cost of the service. The rates in the Senate bill for the 150-mile zone are more than double the cost of service, and for the 300-mile zone nearly double. Such rates can only prove prohibitive for shipments above 2 or 3 pounds, and are wholly unnecessary for conservative purposes.

I come now to a more general discussion of the features of the subject presented in the parallel columns. And for this purpose I can not do better than utilize without further mention a discussion of these points by the junior Senator from Maine, the Hon OBADIAH GARDNER:

"FUTILE PARCEL-POST SCHEMES.

"What, again I ask, is the function of the parcel post? Obviously to provide an agency, a real working agency, to move the small shipment. Let us investigate briefly the technical or regulatory elements necessary to enable this small shipment to move. Dr. W. A. Henry, former dean of the agricultural department of the University of Wisconsin, has epitomized these elements, and I will give the Senate the advantage of his classification:

"ESSENTIAL CONDITIONS OF SMALL-SHIPMENT TRANSPORT.

"(a) An enlargement of the mailing privileges to include factory and farm products and other matter popularly and commercially desirable.

"(b) Weight limit high enough to meet the needs of shippers and secure relative lowness of rates. (A rigid 11-pound limit would needlessly prevent the traffic attaining the quantitative character necessary to economical service.) Also the use and return of hampers, etc.

"(c) The fullest C. O. D. privileges. (Consignors now enjoy these with the railway and express companies. To withhold them from farmers and others as postal facilities would simply destroy the potential traffic.

"(d) Rates only so high as the articles can afford to pay and still move to their market with a profit. (Flat rates for all distance, or rates uniform for all kinds of articles, tend to prevent the traffic moving.)

"(e) Provision for administrative readjustment of rates, zones, weight limits, service conditions, etc., by experts who can adapt the rates and service conditions to their function of moving the potential traffic and protecting the Treasury.

"(f) Postal pay to the railways as low as the express companies pay the railways. (The latest data show that the postal department paid 13.2 cents a ton-mile, while the express companies paid 7 cents a ton-mile, on the gross weights of their traffics, excluding equipment weight in both cases.)

"(g) All the privileges and facilities from the railways that are given to the express companies: Provisions for the insurance or indemnification of shippers for losses. Complete power in the administrative agency to supply any other condition necessary to economical and effective conduct of the service.

"It must be plain to any Member of the Senate who gives this subject an attention proportionate to its importance that of the seven elements enumerated not one can be omitted without an organic deficiency in the agency itself. Our busy constituents at home may be pardoned for regarding the parcel post unanalytically, as the child regards a horse. When children, to our limited experience a horse represented four legs, a head, a trunk, and a tail, and in pictorially defining it, leaving nothing to chance, we labeled it, "This is a horse." To our limited experience the heart, the lungs, the liver, the stomach, and the kidneys, absolutely essential to horse locomotion, were nonexistent. I regret to say that such has been the indifference and incompetence of parcel-post thought and investigation in Congress that the illustration of purility I have given is only too applicable to the situation at hand. The vital organs or elements of a parcel-post agency, enumerated by Dr. Henry and obvious to any person as soon as mentioned, are singularly absent, one and all, from the schemes which they have offered to this Congress.

"Mr. President, such parcel-post bills, if accepted, would be inadequate and would prove but disappointing in operation. Time does not permit me to take up each of those bills to prove this statement, but I do feel it a duty to take up the measure now most prominently spoken of in the Senate, namely, the bill of the Senator from Oregon, chairman of the Committee on Post Offices and Post Roads.

"THE BOURNE BILL.

"In discussing this measure I wish not to be considered as wanting in kindliness to its author, however unworthy of him and the great needs of the subject and the people I consider his tentative measure to be. I can only attribute its defects to the circumstances first suggested in this address, namely, that a body of competent and serviceable literature on the parcel post to guide his efforts has been almost entirely wanting.

"If the Senate will pardon the simplicity of my illustration, I would say that we all understand that plant and animal life have each their physiological attributes and organs, each indispensable to vital action and progress. The agency necessary to the movement of the small shipment may be characterized in the same way. It, too, must have a full complement of vital prerogatives and privileges if it is to become anything more than an idle paper structure wanting physiological powers for action or effect. Let me take up separately the elements which are absolutely essential to the life of such a structure and discuss them in the order they are stated by Dr. Henry and in relation to the Bourne bill.

"MAILING PRIVILEGE.

"Of course, a shipment or parcel can receive no service from the parcel-post agency unless the bill gives the privilege of mailing or entry to such shipment. The Bourne bill makes no enlargement of the mailing privilege.

"Under the various mailing classes as they have been defined by the Post Office Department's construction of the statute nothing produced on the farm except "queen bees" and "dried fruits" can be shipped by post. I understand that the author of the bill intends this very result and is adverse to giving the parcel-post privileges to produce of the farm. What objection he may have has not been stated. Certain it is that of all the great advantages to follow an adequate transport of the small shipment, that of the consumer securing his table necessaries fresh from the farm and direct as the first purchaser, rather than the third or fourth, is the paramount advantage. I not only suggest that unless this possible traffic is made mailable the postal van will have to return empty from the farm to the town or city, but I may also add that the potential traffic from the farm to the town or city is normally as great or very much greater than from the town to the farm. Of course, if the wagon must return empty all that possible revenue must be lost; and since the public must pay for the service full or empty the exclusion of farm products from the postal van can only operate to penalize instead of promote the public welfare. The empty return trip will cost almost as much as the full trip would cost and might be made the means of securing substantially lower rates on traffic both ways.

"Perhaps the distinguished Senator from Oregon can give some reason for this defect in his measure? I can not.

"MAXIMUM WEIGHT PRIVILEGE.

"In Belgium, Germany, Austria, and Hungary the weight privilege is extended above 100 pounds; though in those countries, differing from our own, the minimum freight shipment is graduated down to about 25 pounds, as compared with 100 pounds here. The obvious implication from our transportation conditions is that we should take the small shipment at the point where existing railway transportation denies it its privileges, namely, from 100 pounds and down, if, indeed, any maximum weight limit be fundamentally necessary at all.

"There is now no maximum weight limit on second-class mail matter when mailed by the publishers. Similarly, the express companies impose no maximum weight limit on shipment intrusted to them, although their relations to the small shipment are practically identical with that of the post office. I mean by this to say that while the shipment is on the railroad, it makes no difference whether its weight be great or small; the trouble, if it arises at all, in the case of the post office could only come when the shipment left the railroad and carried the obligation of delivery to the consignee. With respect to this part of the transaction, the administrative authorities of the post office should be given discretion by regulation to determine the maximum weight and size limits for the purpose of collection and delivery. Senators can understand that in the progress of things these maxima might change very radically with the progress of improved conveyance and road construction.

"I think it not inaccurate to say that this low weight limit of 11 pounds has been one of the circumstances which has strongly affected the attitude of the local or retail merchant toward this legislation. He, as much or more than anybody else, is entitled to relief from prohibitive express rates; but if the limit is to be 11 pounds, such a scheme gives him little or no relief, since he generally ships in larger quantities, securing the resulting quantitative declension in rates; but he may well think that this 11-pound limit is intended to be just large enough to get his customer away from him to the mail-order house with his cash orders, leaving the doubtful transactions as they were before. Partiality, however innocent its purpose may be, is always likely to produce such serious discriminations when enacted into public law. It is not surprising that the retail merchant looks upon the whole proceeding as a denial of the equal privileges to which he is justly entitled.

"The truth is that the costliness of the rate will afford sufficient protection against using this agency for the shipment of very heavy quantities; and if this inference be doubted, powers should be given to the postal management or the Interstate Commerce Commission to define the maximum weight from time to time as the operating facilities of the postal organization may render necessary.

"Perhaps the distinguished Senator from Oregon can give some reason for this arbitrary and unprecedented 11-pound limit? I can not.

"THE C. O. D. PRIVILEGE.

"I need only suggest to the Members of this body that the C. O. D. practice with respect to both the price of the article shipped where credit relations have not been established and the rate itself are indispensable to commercial transportation in the United States. Suppose the Interstate Commerce Commission, with the power over the subject it now enjoys, were to pass regulations compelling the consignor to pay the freight rate at the time of consignment, and a regulation denying him the right to have the price of the article paid by the consignee before the delivery of the article, what would the conclusion be as to the sanity of that reputable body? This is exactly the situation presented by the Bourne bill. The consignor must prepay the rate if he is to be allowed to use the service, and must also be denied the C. O. D. privilege of having the rate or the price of the shipment collected from the consignee. Of course, the express companies grant this C. O. D. privilege both as to the rate and the price of the shipment. If they did not, it is safe to say their business next year would produce a greater deficit than it has a profit in any year of their history. We understand that the usual method of transportation by railroad and express in commercial transactions is to have the consignee, whose obligations they are, pay both the transportation rate and the price of the article, where credit relations are not established. To deny these privileges to the postal agency is simply to deny relief from exorbitant express charges to the commercial world, and thus work needless discrimination and injustice, saying nothing of the loss of traffic necessary to a self-sustaining agency which such a denial would cause.

"A concrete illustration of the effect of such a defect in the system may be given. Let us say that the rate under the Bourne bill for a given shipment were 25 cents, while the prevailing express rate were 40 cents. The consignor, unwilling to

advance the rate to the post, would ship the article by express at the larger rate, because he would thus be able to make the consignee pay both the price and the rate. The postal system would lose 25 cents and the consignee would have to pay an extra 15 cents, all because of the obstinate refusal of his Government to grant him the C. O. D. privileges which universally belong to and go with such transportation.

"Perhaps the distinguished Senator from Oregon can give some reason for denying this C. O. D. privilege to the patrons of his parcel post. I can not.

"INDEMNIFICATION FOR LOST SHIPMENTS.

"So far as I have been able to ascertain all of the parcel-post agencies abroad afford adequate indemnification to their shippers and patrons for shipments which may be lost. That this is actually essential to securing the potential commercial traffic goes without saying. Men are not disposed to needlessly risk the loss of their property without adequate assurance in this regard. In most countries the indemnification is provided through insurance features, and that method probably is preferable to the practice in vogue with the railroads and express companies, where some kind of negligence in the carrier must be shown. The Government might not wisely subject itself to such relatively expensive litigious methods of securing indemnification for the lost shipment; and a system of insurance would be much cheaper as well as much more satisfactory to all concerned. To deny this assurance of indemnification to the shipper could only operate to drive from the postal agency a considerable quantity of its normal traffic necessary to a self-sustaining system.

"Perhaps the distinguished Senator from Oregon can give some reason for omitting this important matter from his bill. I can not.

"RATES THE TRAFFIC CAN BEAR.

"We have learned from our extensive experience in railroad transportation two very simple truths with regard to transportation charges. I shall state them categorically:

"(a) The function of a body of transportation rates is to secure the gross revenue desirable.

"(b) The function of the specific rate is to move the article it is applied to from its producer to its natural market with a profit.

"I need not say to the Senate that in obedience to these maxims the railroads of the country have fashioned their rates to suit the ability of the article to pay them and move to its market. The railroads have divided the traffic into as many as eight classes, each paying a different rate, although the weight carried and the service rendered are practically identical. It is obvious enough that if they only charged the same rate for carrying silks and other high-priced articles which they charge for carrying coal or minerals they would suffer seriously in the matter of their necessary revenue (maxim A), while if they charged the same rate for carrying coal that they do for the high-priced articles they would be in danger of losing the largest part of the coal traffic.

"What all this means, in effect, is that transportation charges are inherently taxes, possess the incidence and the ethics of taxation; and that different kinds of traffic, like different kinds of citizens, should only be taxed in proportion to their ability to pay. In the case of the Government or the State the rules of taxation can be made very general and be applied to the citizen's conditions without encountering those difficulties which might defeat their purpose. But in the case of transportation taxes, or charges, where the complexity of the subject matter requires special and prolonged study to fit the burden to the sustaining ability of the shipment's back, legislative rate making is obviously absurd and impracticable. If we wish to have rates at once necessary to a self-sustaining system and also sufficiently adapted to enable the shipment to pay it and move to its natural market, then I say to the Senate that a legislative body is as incapable of drafting those rates as it would be to make the astronomical observations and calculations necessary to determine the time of the day. This great legislative body has recognized the commanding sense of this view in all its relations with transportation. It does regulate railroad and express rates, but it regulates them, not legislatively, but through an administrative tribunal, the Interstate Commerce Commission, which has shown its competency through administrative freedom to deal with the subject matter in a practical way.

"The Bourne measure seems to have gained nothing from the lessons and experience with regard to transportation rates. The rates fixed in it, if we except the first and last zones, are obviously about twice as high as they need be under his own showing as to cost elements. It is all very well to argue that the rates should be made sufficiently high to make the Treasury absolutely secure; if we do not ignore the correlative circumstance that if made needlessly high they will operate to needlessly kill the potential traffic and thus render the cost of conducting such traffic as may be offered as high or higher than the rates themselves. I have carefully analyzed the schedule of rates in this bill and I challenge Members of the Senate to compare these rates with the cost elements of the service as stated by the Senator from Oregon himself, and then not agree that they are excessively high from every standard.

"For example, the experince of the express companies shows that the average cost of the collect-and-delivery service is about 6 cents for the average package of 33 pounds. The testimony before the Post Office Committee shows a local express company willing to contract to deliver shipments up to 25 pounds at 5 cents per package. The postal railway pay is shown to be about 1 cent per pound for distance of 200 miles. The fourth zone, excluding the rural zone, in the Bourne measure is from 600 miles to 1,000 miles. Obviously traffic destined to the fourth zone would tend to fall equally between the 600 miles and the 1,000 miles, or, in other words, would travel an average distance of 800 miles. We should thus have a cost to pay of 4 cents a pound in the way of railway pay, or 44 cents on the 11-pound package. Add to this 8 cents for collect and delivery and general expense and you have a rate of 52 cents. The rate fixed in the Bourne measure, however, is 79 cents, or fully 50 per cent more than the demonstrated cost. I append a table giving the rates as fixed in the Bourne bill and in parallel columns the rates based on actual cost. Excepting the first and the last zones and the first pound, I repeat that these rates are about 100 per cent higher than they need be. To this complaint some may say that the bill errs, if at all, only in the direction of extra caution. Let us grant this statement to be true. But, even if it be true, why does not the bill provide some tribunal with power, as experience dictates, to amend and change these rates to correspond with the cost of service and the interests of the traffic? Why is the Interstate Commerce Commission given the power to fix telegraph, telephone, express, and railroad rates, and the right of revision of these parcel-post rates denied the shipping public? If these rates are needlessly high, all will agree that they should be lowered. If, in fact, they were too low, all will agree they should be raised, just as in the case of other transportation rates. Why does the bill deny this indispensable element and privilege if the Treasury is not to be endangered or the traffic itself destroyed?

"Perhaps the distinguished Senator from Oregon can give some good reason? I can not.

"OBVIOUSLY SERVICE RATE-MAKING MOTIVE.

"Obviously rigid law-made rates unadapted to the commercial requirement of the small shipment would kill more of the potential traffic than they would move. Congress, as I have stated, may very well lay down general principles of social conduct, but it is not a rate-making body, and even if the rates it made were momentarily adapted to secure the mobility of the shipment, the changed conditions from year to year would destroy this adaptation. Senators will perhaps agree that it is only once in a generation that noncurrent subjects can be reached by Congress, and if we once have law-made but unadapted rates without an administrative tribunal to revise them, the probability of their being reformed is not good within a generation. These rates ought, then, to be revised, as occasion requires, by men proficient in rate making, since the subject is beyond all question an administrative than a legislative one.

"If the rates are administratively made by experts it can not be denied that the public-service motive determining their policy would be of momentous advantage to the public welfare. I mean no reflection on private investors when I suggest that there are some subjects, like the latter, to which class the small shipment belongs in transportation, as to which the private motive is ineffective and inadequate. You go to an express company and say 'You moved 4,000,000 tons of express in 1909; your gross receipts were $132,000,000 and your profis $11,000,000. If you cut your rates in two this year the traffic will double in volume. Your profits may be slightly less, but the service to the public will be doubled.' What would the express company do under such circumstances? It would do just what the average individual does, act on its normal private motive, retain the smaller traffic and the more assured or higher profits. But you go to a public-service institution, like the postal department, where you find the public motive. The postal system would say: 'If cutting the rate in two will double the service, I will take my chances on the profits. If I lose 1 per cent in one pocket I shall be making 100 per cent in the other pocket, and since both pockets belong to the public it will be immensely the gainer.' This is true, as exemplified in the history of the

reductions of postal rates and the improvement of postal services throughout the world.

"Even a small temporary deficit for experimental purposes would be fully justified, especially if the rate were elastic, and some administrative tribunal could thus promote the traffic and yet protect the treasury by rate adjustments from time to time. This is, indeed, a wide margin in which the public-service motive may economically operate to give increased service without substantially increased expense. This margin we know has been very wisely utilized in the transportation of the letter; and if we stop to remember that the small shipment or express traffic in the United States has scarcely reached its normal volume, it is apparent that the public-service motive may be very usefully employed in this field.

"It is beyond question that the express companies constitute to-day an undoubted monopoly; and where monopoly obtains the rates may be made relatively high or low according as the private or the public motive may determine the degree of desirable service to be rendered the public. Some generations ago a British railway determined by experiment how best to graduate its passenger rates in order to secure the highest dividends. From month to month it adjusted and readjusted its passenger rates between the two extremes of 6 cents a mile and one-half cent a mile, just as one might adjust his field glass to secure the most distinct vision. The remarkable result of these wide variations in the rate produced was this: That whether they used the lower rate or the highest rate such was the ratio of response in the volume of traffic that the dividends did not differ by 2 per cent. Of course, they adopted the rate which produced the highest dividends and rejected the rate producing the most extensive public service—a rate of 3 cents a mile.

"It is apparent from what we know of this subject that the small shipment, like the small man in society, is in need of all the favorable inducements and conditions which can be granted. The public-service motive is not the least, and may indeed be the very greatest requirement of the small shipment. Why should its efficacy and advantage be denied to it, then, when a Government is undertaking to provide a system for its transport? Why are expert rate makers, free to apply experimental methods and the wisdom of such experience under the auspices of a public-service motive, denied to this shipment when the Government is undertaking to provide the remedy?

"Perhaps the distinguished Senator from Oregon can give some reason for this fundamental defect in his measure. I can not.

"PAYING THE RAILROADS.

"In 1908 the postal matter, excluding equipment, weighed 602,040 tons, which were carried on the average 620 miles, or 373,277,675 ton-miles, for which the railroads were paid $49,404,763, or at the rate of 13.2 cents per ton-mile (excluding the weight of equipment). In 1909 the express companies under these contracts paid the railroads $64,032,126 for hauling 4,556,296 tons an average of 200 miles, or 911,359,200 ton-miles, being at the rate of 7 cents a ton-mile, also excluding the weight of equipment. I need not say that in carrying parcels under the Bourne measure the railroads would be performing the same transportation service for the Government which they perform for the express companies. In a country like ours, where density of population is relatively low and transportation distances so very great, it goes without saying that the principal element of cost in the rates must be the money necessary to pay the railroads for their services. To be fair to the railroads, it must be confessed that they have made no demands or suggestions that they should be paid nearly twice as much for carrying a ton of parcels for the Government as, under their contracts, the express companies are now paying them for a ton of express parcels. I will not here enter into a discussion of the righteousness of the rate of pay made by the express companies to the railroads for such service, except to say that the railroads make no complaint that the express railway pay is not satisfactory.

"As shown in the Bourne report, the Government under the present postal law for the carriage of letters, a different traffic from the carriage of parcels, will have to pay the railroads about 1 cent a pound for each 200 miles. From New York City to San Francisco this compensation to the railroads for a journey of approximately 3,600 miles would amount to about 18 cents a pound, while a parcel carried for the express company on the same train and receiving the same service from the railroad would cost the express companies for railway pay only about 7 cents a pound. Even considering all distances, the Bourne measure, by this utter inattention to the matter of parcel railway pay, would oblige the Government to pay the railroads something over $13,000,000 for services as to which the railroads receive but $7,000,000 from the express companies. I repeat the statement that no railroad company of which I have heard has plotted or contrived to secure this result; and I also wish to say that the Senator from Oregon is not chargeable with any purpose to give the railroads nearly twice as much as they are satisfied with for like services from the express companies. At the same time the utter neglect of provision in his bill with regard to railway pay must work out this very result. Why should the Government pay two fares when a similar functionary, the express company, is paying but one? Why should the Government oblige itself to pay twice as much for transportation service as its supposed competitor under the bill?

"Perhaps the distinguished Senator from Oregon can give some reason for this grave infirmity in his measure. I can not.

"The express companies do enjoy other transportation facilities from the railroads, like depot and storage privileges, which have proven very serviceable—indeed, are indispensable to the express companies. Nothing is said whatever in the Bourne measure with regard to any of these, although equally as necessary to the Government. Indeed, it may be said that the small shipment and parcel are treated in this bill as if they were only larger letters or postal cards, when in fact business experience and common sense plainly indicate that this small shipment requires all the facilities proper and usual with the express business.

"Allow me to briefly recapitulate the essential elements in a parcel-post measure which are absolutely wanting in this:

"The proper extension of the mailing privilege to include factory and farm products.

"A maximum weight limit reasonably adapted to public needs.

"The C. O. D privilege and the return of hampers.

"Provisions for the indemnification of shippers for losses.

"Rates which the potential traffic can pay and move.

"Elastic rate making, administrative readjustment of rates, and other service conditions, with an operative public-service motive.

"A rate of pay to the railroads for carrying the parcel-post traffic not greater than the express railway pay.

"What must be the verdict of Senators upon a measure which ignores such elementary essentials in the movement of the small shipment? For myself, I can only say that, endeavoring to conscientiously represent in this body the great State which has honored me, not to speak of the great agricultural interests, the shipping, and consuming people of the United States, I must protest with all the earnestness and vigor I possess against the enactment of such a mockery into the form of law. Consider, sirs, that our people have been asking for bread, and have waited its giving for 40 years. Who can say that this or similarly deficient measures will not provide them with the veriest stone?

"Senators, of course, will recognize that no discussion has taken place in this body whatever on this grave and complex question. They will equally recognize, I am sure, that in the present exigency of the session proper discussion and deliberation can not be given to this subject. The people of the United States, while justly impatient at the neglect of Congress to provide them with this necessary agency, are not unwilling that the Senate should take such time as is actually necessary to work this legislation out in a satisfactory way. While, as I have said, no discussion has taken place in the Senate or can take place in an adequate way at this session, several days' discussion was given it in the House of Representatives. That body came to the conclusion that even further investigation was necessary in order to be fair to the subject and the people, and instead of passing immature, defective, and unconsidered legislation as a sop to the unwary, met this question in a manner at least creditable to their sincerity of purpose. The postal appropriation bill as it passed the House contains a provision that a committee of six—three Members of the House and three of the Senate—be appointed to report a bill on this subject at the December session. If the House of Representatives, with a week's discussion of the subject, felt that it was a patriotic duty to confess its inadequacy of information to deal intelligently with this subject, surely the Senate, with adequate discussion impossible under the circumstances, will be willing to do the public a like favor."

STATEMENT OF PROVISIONS ESSENTIAL TO A SYSTEM OF PARCEL POST ADEQUATE TO MEET THE SERVICE REQUIREMENTS OF PRODUCERS AND CONSUMERS.

(By the farmers' national committee on postal reform.)

WASHINGTON, D. C., *June 1, 1912.*

To the FARMERS' NATIONAL COMMITTEE ON POSTAL REFORM,
52 Bliss Building, Washington, D. C.

The undersigned, your subcommittee, appointed to prepare a statement of the essential provisions of an adequate general parcel-post service, herewith submit our findings:

INDISPENSABLE ELEMENTS.

(a) An enlargement of the mailing privilege to include farm and factory and mercantile articles and products. (The present law and the proposed Bourne bill exclude nearly all of these from the mails.)

(b) A weight limit high enough to meet the needs of shippers, whether of the farm, the factory, or the store. (A fixed 11-pound limit, that can not be enlarged administratively, will preclude the most important part of the traffic of all three, and force it at higher rates from its natural channel, the postal system, to the express companies.)

(c) The fullest "collect on delivery" privileges. (Where the farmer sends his eggs and butter to his customer he must have the privilege of having the price collected from his customer when desired, and the rate of postage paid by the consignee. If no such "collect on delivery" of price and postage is given, little use can be made of the system by either farm, merchant, or factory.)

(d) Provision for the use of hampers for the carriage of articles that can not be disposed in bags, etc. (Without the use of hampers farm produce or articles easily damaged in the handling could not be sent by post. Without hampers a large part of the business would be lost and the public suffer serious inconvenience.)

(e) Provision for the return of empty hampers, either free of charge or at a greatly reduced rate. (If hampers can not be returned the shipping cost of the producer and the purchase price to the consumer will be made excessively high, and result in preventing the post express having the full effect it should have in reducing the cost of living.)

(f) Rates only so high as the articles can pay and still move to their natural market with a profit. (A uniform rate like a flat rate for all distances would prevent more traffic moving than it would move, just like the 11-pound limit and the rule of requiring the rate to be prepaid.)

(g) Provision for the readjustment of rates, weights, and zones, whenever the conditions of the service warrant, by expert rate makers who understand what rates the articles can pay and move the traffic necessary to be moved. (Rigid law-made rates will prevent, by their nonadaptation to the character of the traffic, more articles moving than they will move.)

(h) Postal pay to the railways at least as low as the express companies pay the railways. (Since the whole question of maintaining a self-sustaining service is one of rates based on the actual cost to the Government, it is manifestly impossible for the postal express to compete with the express companies if the express companies have very marked advantage in the railway pay. In 1908 the mail pay to the railways amounted to 13.2 cents a ton-mile, while the express companies paid only 7 cents a ton-mile to the railways, excluding equipment in both cases.)

(i) The same facilities and privileges from the railways that are given the express companies; and provisions for the insurance or indemnification of shippers for shipments lost.

Fraternally submitted,

W. A. HENRY,
GEO. P. HAMPTON.

Approved:

C. B. Kegley, Master Washington State Grange; Wm. T. Creasy, Master Pennsylvania State Grange; C. S. Stetson, Master Maine State Grange; C. E. Spence, Master Oregon State Grange; F. P. Wolcott, Master Kentucky State Grange; George R. Malone, Master South Dakota State Grange; John Morris, Master Colorado State Grange; O. Gardner, President; and H. L. Loucks, Vice President; Conference of Progressive State Granges, Executive Committee.

Pure Food and Drugs.

SPEECH

OF

HON. J. HARRY COVINGTON,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912,

On the bill (H. R. 11877) to amend the pure food and drugs act.

Mr. COVINGTON said:

Mr. SPEAKER: The bill now called simply seeks so to amend the pure food and drugs act as to make it possible for the Government to prosecute successfully manufacturers of "fake" remedies and manufacturers who deliberately misbrand deleterious drugs. The Committee on Interstate and Foreign Commerce has held hearings on the subject of certain desired amendments to the existing pure food and drugs law, but the exact method of extending its operation in some fields the committee believed is still a matter of doubt. There was, however, a unanimous vote upon the proposition that the opening through the recent decision of the United States Supreme Court given to those who make and sell "nostrums" which defraud and injure the public should at once be closed.

The report on the bill was written by me and as a part of my remarks I shall append it hereto:

"Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, submitted the following report to accompany H. R. 11877:

"The Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11877) providing an amendment to section 8 of the pure food and drugs act relating to misbranding of drugs, begs leave to report the said bill and recommend to the House that it pass.

"The pure food and drugs act of June 30, 1906, was passed to prevent among other things the false labeling of worthless or injurious drugs so as to deceive people into a belief that in purchasing them they are obtaining medicinal remedies which have a valuable curative effect.

"The act was originally introduced in the Senate and was amended in the House, and finally became a law in its amended form. In House Report No. 2118, accompanying that act, the purpose of that part of the bill referring to misbranding of drugs is stated in the following language:

"It provides that articles covered by the act shall be deemed misbranded when the package or label shall bear any statement regarding the ingredients which shall be false or misleading in any particular.

"The hearings held at the time that bill was being considered do not show that there was any intention to limit the meaning of that language to a narrower legal scope than the ordinary usage of the words implies.

"The whole pure food and drugs act, and particularly that part of the same which restricted the sale of worthless and injurious proprietary medicines, was received with general approval by the public and was vigorously enforced until a little more than a year ago. At that time the case of United States v. Johnson (221 U. S., 488) originated in the District Court of the United States for the Western District of Missouri. That case was an indictment for delivering for shipment from Missouri to Washington certain medicines bearing labels which stated that the contents were effective in curing cancer. It was alleged in the indictment that the defendant well knew that such representations were false. On motion of the defendant, the judge in the district court quashed the indictment, and the case came up on writ of error to the Supreme Court of the United States. The majority of that court, speaking through Mr. Justice Holmes, construed that part of the pure food and drugs act of June 30, 1906, relating to the misbranding of drugs to limit a prosecution for false statement upon the label to cases in which there is a false statement as to what the ingredients are. In other words, they confined the term "misbranding" to false statements of identity of the contents. This decision created considerable comment all over the United States, and it has since been recognized by the proprietary-medicine manufacturers and by the officials of the Department of Agriculture as making impossible, under the existing law, a successful prosecution of any person who sells a worthless or injurious drug with false and deceptive statements upon the label regarding its curative effect.

"The decision of the Supreme Court in the Johnson case was considered so serious to the people of the United States by the President that on June 21, 1911, he transmitted to Congress a special message calling attention to the necessity of passing at an early date an amendment to the law to remedy the situation. In the course of that message the President stated:

"It follows that without fear of punishment under the law unscrupulous persons, knowing the medicine to have no curative or remedial value for the diseases for which they indicate them, may ship in interstate commerce medicines composed of substances possessing any slight physiological action and labeled as cures for diseases which in the present state of science are recognized as incurable. An evil which menaces the general health of the people strikes at the life of the Nation. In my opinion the sale of dangerously adulterated drugs or the sale of drugs under knowingly false claims as to their effect in disease constitutes such an evil and warrants me in calling the matter to the attention of Congress. Fraudulent misrepresentations of the curative value of nostrums not only operate to defraud purchasers but are a distinct menace to the public health. There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of serious ailments by misstatements of facts as to worthless mixtures on which the sick will rely while their diseases progress unchecked.

"Whatever may be the proper construction of section 8 of the pure food and drugs act, wherein it is made a punishable offense to misbrand drugs to enter interstate commerce by placing on the package or label thereof any statement, design, or device regarding such articles, or the ingredients or substances contained therein, which shall be false or misleading in any particular (and we are bound to accept as final the construction of the majority opinion in the Supreme Court of the United States in the Johnson case in that respect), there can be no doubt that Congress did not intend to restrict the operation of the statute to cases of false statements of identity of the article. It seems to the committee that the intent of Congress, as gathered from the hearings held at the time the bill was being considered, and from the context of the statute itself, is accurately expressed in the language of Mr. Justice Hughes in the minority opinion in the Johnson case:

"It is strongly stated that the clause in section 8—"or the ingredients or substances contained therein"—has reference to identity and that this controls the interpretation of the entire provision. This, in my judgment, is to ascribe an altogether undue weight to the wording of the clause and to overlook the context. The clause, it will be observed, is disjunctive. If Congress had intended to restrict the offense to misstatements as to identity, it could easily have said so. But it did not say so. To a draftsman with such a purpose the language used

would not naturally occur. Indeed, as will presently be shown, Congress refused, with the question up, so to limit the statute.

"Let us look at the context. In the very next sentence the section provides (referring to drugs) that an article shall "also" be deemed to be misbranded if it be "an imitation of or offered for sale under the name of another article," or in case of substitution of contents or of failure to disclose the quantity or proportion of certain specified ingredients, if present, such as alcohol, morphine, opium, cocaine, etc.

"It is a matter of common knowledge that the "substances" or "mixtures of substances" which are embraced in the act, although not recognized by the United States Pharmacopœia or National Formulary, are sold under trade names without any disclosure of ingredients, save to the extent necessary to meet the specific requirements of the statute. Are the provisions of the section to which we have referred introduced by the word "also," and the one relating to the place of manufacture, the only provisions as to descriptive statements which are intended to apply to these medicinal preparations? Was it supposed that with respect to this large class of compositions, nothing being said as to ingredients except as specifically required, there could be, within the meaning of the act, no false or misleading statement in any particular? If false and misleading statements regarding such articles were put upon their labels, was it not the intent of Congress to reach them? And was it not for this very purpose that the general language of section e was used?

"It seems obvious, therefore, that if Congress had intended to provide against false statement of identity of drugs alone, it would have required with much more particularity some statement on the label relating to the drugs themselves.

"Now, with the state of the law as it is declared to be to-day by the Supreme Court, it certainly ought to be the purpose of Congress to amend the statute so as to reach the many cases of false branding of drugs intended to deceive and defraud the public. There have been some persons who have questioned whether it is possible to do this, but it can safely be said that the proposition is practically free from doubt. The majority opinion in the Johnson case does not indicate any doubt about the ability or right of Congress to legislate upon the misbranding of drugs so as to prevent false and fraudulent statements of fact upon packages or labels. The minority opinion does contain a statement which the committee believes to be accurate and convincing. Mr. Justice Hughes says:

"The argument is that the curative properties of articles purveyed as medicinal preparations are matters of opinion and the contrariety of views among medical practitioners and the conflict between the schools of medicine are imperfectly described. But granting the wide domain of opinion, and allowing the broadest range to the conflict of medical views, there still remains a field in which statements as to curative properties are downright falsehoods and in no sense expressions of judgment.

"Again, he says:

"Nor does it seem to me that any serious question arises in this case as to the power of Congress. I take it to be conceded that misbranding may cover statements as to strength, quality, and purity. But so long as the statement is not as to matter of opinion, but consists of a false representation of fact—in labeling the article as a cure when it is nothing of the sort from any point of view, but wholly worthless—there would appear to be no basis for a constitutional distinction. It is none the less descriptive—and falsely descriptive—of the article. Why should not worthless stuff, purveyed under false labels as cures, be made contraband of interstate commerce as well as lottery tickets?

"I entirely agree that in any case brought under the act for misbranding—by a false or misleading statement as to curative properties of an article—it would be the duty of the court to direct an acquittal when it appeared that the statement concerned a matter of opinion. Conviction would stand only where it had been shown that, apart from any question of opinion, the so-called remedy was absolutely worthless, and hence the label demonstrably false; but in such case it seems to me to be fully authorized by the statute.

"The bill H. R. 11877, commonly called the Sherley bill, was drafted to make section 8 of the existing pure food and drugs act in unmistakable terms carry out the original intention of Congress to prevent the misbranding of drugs by which people are falsely and fraudulently deceived as to the curative properties or effects of proprietary medicines.

"The paragraph to be added to that part of section 8 of the existing law, which defines misbranding, in the case of drugs reads in the bill the committee has reported as follows:

"Third. If its package or label shall bear any statement, design, or device regarding the curative or therapeutic effect of such article which is false and fraudulent.

"The committee has examined this language with some care as to its effectiveness in prosecuting the class of violators which the law is designed to punish. The expression "false and fraudulent" has a well-defined meaning in the criminal law. The word "false," of course, means untruthfulness in its ordinary sense. "Fraudulent," as used in a criminal statute and as a material word in an allegation in an indictment charging that a person has fraudulently represented certain things, is given the meaning which attaches to the word in common usage; that is, a deliberately planned purpose and intent to deceive. In other words, in a criminal statute in which the gravamen of the offense is a false and fraudulent statement, the word "fraudulent" is descriptive of the wrongful motive with which the statement is made and is thus capable of being established by the ordinary criminal evidence applicable to cases in which proof of motive is essential.

"The proposed paragraph by using the word "fraudulent," will require the Government, in any prosecution thereunder, to prove a state of facts regarding the properties of the drug sold which imply a knowledge on the part of the manufacturer that the drug will not do the thing that is asserted on the label. There is, however, a wide field in medicine within which the curative or therapeutic effect of drugs is as well known and as definitely determined as is the law of gravitation. Within that field, apart from any question of opinion, the fact that a so-called remedy is absolutely worthless and its label false and fraudulent is easily susceptible of proof. The false statement and its attendant circumstances are capable of being brought home to the manufacturer. The proof of intent in the criminal law does not mean the metaphysical reading of a man's mind. Specific proof of intent is not necessary; it may be established by evidence of attending facts and circumstances, and therefore the Government can easily show that a false statement on a label regarding a drug is one from which fraudulent intent must be implied. Conviction in all proper cases will be consequently comparatively sure.

"The legitimate manufacturers of medical products admit the necessity for additional legislation along the lines of the proposed bill, and in the recent hearings before the committee on the subject of pure food and drugs the secretary and counsel for the National Association of Manufacturers of Medicinal Products stated that there was no opposition from them to some effective measure of the kind, intended to meet as far as possible the decision in the Johnson case and President Taft's recommendation relating to the desirability of making the law more stringent respecting fraudulent nostrums.

"The committee firmly believes that the proposed legislation will be effective to produce the result desired, and as indicating that, it is well to call the attention of the House to the fact that during the hearings upon the bill the representative of one of the drug associations was extremely solicitous to have the paragraph amended so as to provide that no witness should be permitted to express any opinion concerning the curative or remedial value of a drug unless by personal experience and observation he has actual knowledge of its curative or remedial value. The effect of that suggestion, if embodied in law, would be to limit the expert testimony relating to the curative property of any proprietary nostrum to a physician or chemist who had prescribed it or observed its therapeutic effect on persons. The insistence of such an amendment seems of itself a justification for the propriety and the effectiveness of the proposed bill."

Steamship Companies.

EXTENSION OF REMARKS
OF
HON. JOHN L. BURNETT,
OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. BURNETT said:

Mr. SPEAKER: Under the leave given me I insert the following:

NEW YORK CITY, *August 15, 1912.*

Hon. JOHN L. BURNETT,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN BURNETT: My attention has been called to the CONGRESSIONAL RECORD of August 5, 1912, which contains a discussion on H. R. 19544, a bill to amend the immigration act so as to fine steamship companies for bringing insane persons whose condition could be detected at the time of embarkation, as well as other classes already specified, and to increase such fine to $200.

In the discussion on this bill Mr. SABATH said that he took exception to "the unfair and unwarranted report accompanying this bill, which, on page 2, embodies a part of the report of the New York State Board of Alienists for the year 1911, and reads as follows:"

"It must be remembered that foreign countries look with favor upon the emigration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually upon their merits, but as soon as it is learned that an applicant for passage has been in an

institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number of those unable to sustain themselves."

After reading this extract Mr. SABATH said:

"Now, Mr. Speaker, this portion of this report is unjustifiable by any facts or any evidence that can not be substantiated."

Mr. SABATH then quoted another extract from the same reports of the New York State Board of Alienists as follows:

"For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year) it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the 'new immigration' commenced to be felt the 'old immigration' (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day the prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries."

After reading this extract Mr. SABATH said:

"Mr. Speaker, I am satisfied that the figures as well as the statements contained in these two extracts are incorrect, and furthermore are direct insults not only to the people coming from Austria-Hungary, Italy, and Russia, but as well to those coming from Germany, Ireland, and Scandinavia."

After quoting the newspaper report of a statement made by Mr. McGarr, secretary of the New York State commission in lunacy, Mr. SABATH said:

"I admit that the deplorable conditions under which these people are often obliged to work and live drive some of them insane, but, on the whole, if you take into consideration the percentage of those in the insane asylums, you will find that it is not greater—yes, not as large—as that of the native born who at no time are obliged to undergo the hardships, the trials, and the tribulations that the foreign-born citizen must."

While a member of the New York State board of alienists, I wrote the paragraphs which were quoted by Mr. SABATH, and I feel that Mr. SABATH'S statement that the parts of this report which were quoted in the report of the bill under discussion are "unjustifiable by any facts or any evidence," and that the mere statement that insanity is more prevalent in some races than in others constitutes "a direct insult to people coming from Austria-Hungary, Italy, and Russia, as well as those from Germany, Ireland, and Scandinavia," should not be permitted to pass unnoticed.

The first statement to which Mr. SABATH takes exception can be summarized as follows: Foreign governments look with favor upon the emigration to America of diseased and mentally defective persons, while they place obstacles in the way of the return of such persons from the United States.

Believing that this attitude on the part of foreign governments and foreign steamship companies seriously affected the welfare of our State and country, considerable space was given to a statement of the facts in the report referred to. February 29, 1912, while chairman of the New York State board of alienists, I wrote letters to you and to Hon. HENRY CABOT LODGE, chairman of the Senate Committee on Immigration and Naturalization, inviting their attention to a number of instances in which foreign steamship companies and representatives of foreign governments had refused to permit insane aliens to return to their families in Europe. A copy of the letter to Senator LODGE is inclosed.

A few days ago another particularly interesting instance was brought to my attention by Dr. George B. Campbell, medical examiner of the Bureau of Deportation of the New York State Hospital Commission. An Italian boy, named Antonio Morace, came to this country in 1909, and some time ago was committed to a State hospital with a mental disease dependent upon epilepsy. While he was in the institution the Italian Consul General, who was not aware of this fact, called upon a brother of the patient, Joseph Morace, 446 Henry Street, Brooklyn, to produce the patient in order that he might report for military duty in Italy. He was then regarded as an Italian subject, but when, a short time later, he had recovered from his mental disease and it was the desire of the patient and his friends that he return to his parents in Italy, the Italian Consul General refused even to use his good offices in having him accepted as a passenger. As previous experience had shown Dr. Campbell the difficulty in inducing foreign steamship companies to accept passengers on this side of the Atlantic who had been in institutions for the insane, he wrote to the Italian Consul General and received the following reply:

"NEW YORK, *August 6, 1912.*

"In re Antonio Morace.

"Dr. GEORGE B. CAMPBELL,
"Chief Examiner, State Commission in Lunacy,
"Office of the Board of Alienists, New York City.

"SIR: Replying to your favor of the 13th ultimo, I beg to state that with reference to the case of Antonio Morace, I regret to state that this Consulate General is not in a position to take any steps in the matter, as the family of said Morace, residing in Italy, has not made any request to this office through the proper authorities in the Kingdom to have him sent to them. And also, as the steamship companies raise many objections to the transportation of insane persons or persons suffering from epileptic seizures, this consulate has not the authority to compel the captains of the vessels to accept any such persons on board.

"Respectfully, yours,
"G. FARA FORNI,
"Consul General of Italy."

No better illustration could be found than this of the readiness of certain foreign Governments to maintain their control over subjects residing in this country when they are well and the loss of interest and supervision which promptly follows their admission to an institution for the insane.

On May 23, 1912, representatives of nearly all the transatlantic steamship lines met representatives of the New York State hospitals commission and entered into an agreement by which insane aliens desiring to return to their homes in Europe were to be accepted under certain conditions. At this conference it was freely admitted by the steamship lines that such passengers had not been accepted in the past simply on account of their mental disease.

The statement in the report of the New York State board of alienists that during the year 1911 more than 55 per cent of the aliens deported by the United States Immigration Service from New York State hospitals were natives of Austria-Hungary, Italy, and Russia can be verified very easily by making inquiries of the Commissioner of Immigration at Ellis Island, through whose office all warrants for the deportation of aliens in New York State institutions must pass. During the year ending September 30, 1912, 345 aliens were deported from New York State hospitals for the insane by the United States Immigration Service. Of this number 65 were natives of Austria-Hungary, 85 of Russia, and 44 of Italy.

I absolutely fail to see how the statement by a physician of the ratios of insanity in different races in this country constitutes a "direct insult" to representatives of those races any more than comment upon the high prevalence of mental diseases among American soldiers in the Philippines in the early days of the American occupation constituted an insult to the United States Army. As Mr. Sabath says, the immigrant of to-day finds the severest stress in this country. That is a very important reason for study of the prevalence of the mental diseases common in immigrants in the new environment and for the selection of those immigrants most likely to withstand the stress successfully. We know that every race that migrates must, in time, either die out or show the constitutional characteristics which fit it for the new environment. It is surely not outside the province of the physician to study the apparent effects of migrations upon the prevalence of certain types of disease and to state what he learns, if he does it honestly and for the public good.

The statement is made in the report referred to that there is a higher prevalence of insanity in New York State in the immigrant races than in the native-born population. Mr. SABATH said that if the number in the general population is taken into consideration, it will be found that the percentage of those in insane asylums is "not greater—yes, not as large—as that of the native born." It happens that there are some very definite statistics available upon this point. In order to determine the prevalence of insanity in any race in this country it is necessary to make use of the very latest statistics available, for immigration is so large that it changes the composition of the foreign-born population at a very rapid rate.

The nativity of the insane population of the United States as determined by the United States census for 1910 has not yet been announced, but a very careful census of the insane in institutions in New York was made by the State hospital commission February 10, 1912. A preliminary bulletin issued by the United States Census Bureau May 13, 1912, gives the nativity of the foreign-born population of the United States. These data enable us to compile the following table, showing the nativity of the foreign-born population of New York, the nativity of the foreign-born insane in institutions, and the ratio of the insane to population for each of the principal nationalities of the old and of the new immigration:

Nativity of patients under treatment in New York State hospitals and ratio of such patients to the population.

Countries.	Insane Feb. 10, 1912 (special census).	Population, 1910 (United States census).	Insane per 100,000 population.
The old immigration:			
Germany	3,262	437,966	745
Ireland	4,381	367,735	1,191
England and Wales	761	153,847	494
Scotland	164	39,408	416
Scandinavia	452	91,199	496
The new immigration:			
Austria-Hungary	1,093	341,395	320
Russia and Poland	1,584	566,069	279
Italy	781	471,910	140
All other countries	1,231	259,853	469
Total foreign-born white population	13,709	2,729,282	502
Native-born, foreign, colored, and unascertained	19,953	6,384,332	314
Total	33,662	9,113,614	369

It is seen that the old immigration furnishes the higher ratios and that Austria-Hungary is the only country of those supplying the new immigration which has a higher ratio than the native-born population. This is due to the fact that the new immigration has been of such recent origin. An analagous condition may be found in rapidly growing sections of those countries in which the new population is largely of native birth. In New York State the three counties having the lowest ratios of insanity to the population are the three in which there is the most rapid increase in population. Two are near New York City, where the new population consists mostly of young married people, and one is a small county containing a large industrial city, which has increased in population 59.2 per cent since 1900. The young natives who come to such counties do not bring their aged relatives with them, and the composition of the population as to age periods is very similar to that in our large cities which are composed so largely of recently landed immigrants. In such communities the death rate, too, is always exceptionally low.

The low ratio of the insane to the population among the new immigrant races has been taken to mean that these races are singularly free from mental disease. Those who reach this conclusion fail to take into account the factors justly mentioned and the fact that a large proportion of the aliens admitted to our public institutions are returned to their native countries. During 1911 the number of insane aliens deported from New York State hospitals under the provisions of the Federal immigration law was 345; by the State board of alienists, with the consent of friends or of the patients, 204; and by friends and relatives without State aid, 235, making a total of 784 insane aliens returned to Europe in a single year by agencies similar to those which are at work in nearly all the States. There were 2,737 foreign-born patients among the first admissions to the New York State hospitals during 1911, and so it is seen that more than 28 per cent of all foreign-born patients admitted were returned to their homes abroad. This greatly reduces the number of foreign-born patients in public institutions, and the reduction occurs very largely among representatives of the new immigration, for nearly three-fourths of the patients admitted within five years of the time of their arrival in this country are Italians, Slavs, or Hebrews.

A study of first admissions to institutions for the insane discloses the real prevalence of insanity among the new immigrant races. The

following table shows the nativity of first admissions to New York State hospitals during the year ended September 30, 1911, compared with the population of the State in 1910:

Nativity of first admission to New York State hospitals, 1911, and ratio of such admissions to population.

Countries	First admissions during year.	Population 1910 (U. S. Census).	Admissions per 100,000 population.
The old immigration:			
Germany	488	433,866	111.4
Ireland	586	367,735	159.4
England and Wales	135	153,847	87.7
Scotland	38	39,408	96.4
Scandinavia	84	91,199	92.1
The new immigration:			
Austria-Hungary	348	341,395	101.9
Russia and Poland	456	566,069	79.5
Italy	261	471,910	55.3
All other countries	341	259,853	138.6
Total foreign-born white population	2,737	2,729,282	100.3
Native-born, foreign, colored and unascertained	2,963	6,384,332	46.4
Total	5,700	9,113,614	62.5

It is seen that each of the races of the new immigration furnishes a much higher ratio of admissions than the native population, and that in spite of the comparatively recent origin of immigration from Austria-Hungary that nation is third in the number of admissions per 100,000 population. Russia is third in the absolute number of admissions and far ahead of the United States in the number of admissions per 100,000 population.

In 1906 the writer made a study of the admissions to the New York State hospitals during the year ended September 30, 1905, using special reports from each superintendent which were obtained through the courtesy and the interest of Dr. William L. Russell, who was then medical inspector. This study, which included consideration of the types of mental disease, was published in the American Journal of Insanity in July, 1907. The only enumeration of the foreign-born population which was then available was the census of 1900, but by comparing admissions from New York City with those from the districts just being reached by the new immigration it was possible to determine that the ratio of admissions to population rose with the period of residence of representatives of the new immigration. This fact made it possible to predict that "when the young Hebrews and Slavs of the immigration of to-day have been here long enough to develop the pyschoses of later years with the frequency with which it has been shown that they develop those of adolescence, it is likely that, even disregarding its volume, the 'new immigration' will prove more adverse in its effect than the 'old immigration' has been."

The foregoing table shows that this prediction is being fulfilled very rapidly, and it is safe to predict now that, if immigration continues from the same sources in the same volume for another seven years, all the races of the old immigration except the Irish will be outstripped by Hebrews and Slavs and possibly Italians in the prevalence of insanity. When the enormous volume of the new immigration is taken into consideration and the vastness of the sources of population in Russia and southeastern Europe realized, one can foresee the dimensions which the problem of the care of the insane may reach 20 years hence.

If the admission rate for the entire population of the State had been the same in 1911 as it was for the natives of Austria-Hungary, there would have been 9,286 first admissions to the New York State hospitals during the year. If the admission rate had been the same for the entire population of the State as it was for the native-born population, there would have been only 4,229 first admissions. The gravest aspect of this question is that with such an abnormal prevalence of insanity in a group certain to constitute in less than 10 years the larger part of the population in several of the States, the prevalance of insanity in the second generation is sure to rise through the influence of heredity. Another serious aspect of this rising prevalence of insanity due to immigration is that it will be increasingly difficult to maintain present standards of care, in view of the enormous sums which will be required for maintenance.

It is very easy to make an arbitrary denial of the facts shown, but if they are incorrect and enumerations of the foreign-born population made by the United States census and of the insane in institutions made by the New York State Hospital Commission were incorrect.

It does not seem necessary to deny the motives which Mr. SABATH said that he believed animate the members of the New York State Board of Alienists, but it is an interesting illustration of the failure of many who discuss immigration questions to conceive of an inquiry into possible evils associated with immigration which is not based upon some selfish purposes, partisanship, or prejudice. The only recommendations for the exclusion of any immigrants which were made in the annual report of the State board of alienists were for the exclusion of insane and mentally defective immigrants, and Mr. SABATH has expressed his approval of the exclusion of the insane.

Respectfully, yours,

THOMAS W. SALMON, M. D.

STATE OF NEW YORK,
STATE COMMISSION IN LUNACY,
OFFICE OF THE BOARD OF ALIENISTS,
New York, February 29, 1912.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: We beg to invite your attention, as chairman of the Senate Committee on Immigration, to a state of affairs which has an important bearing upon our immigration laws and which affects very unfavorably the welfare of aliens in this country and also our own communities.

About 1,750 aliens are admitted every year to the New York State hospitals for the insane. A relatively small proportion of these aliens can be deported under the section of the immigration law which provides for the return, within three years, of those who become a public charge from prior causes. A much larger number of aliens are returned every year at the expense of the State or, with the assistance of the State, at the expense of friends or relatives. In the fiscal year ended September 30, 1911, 439 such aliens were returned; in all cases it was the desire of the patients to return to their native lands or of their near relatives to have them returned.

Many more such patients could be returned but for the arbitrary refusal of foreign steamship companies to receive them. It is a notorious fact that there is practically no selection of immigrants with regard to their mental condition at European ports of embarkation, but upon presenting our patients for return they are almost invariably examined by the steamship surgeons and representatives of foreign Governments stationed at the gangways of departing vessels and most of those presented are rejected.

It should be stated that the State board of alienists presents no cases for return unless fully satisfied that their mental condition is such that they are able to travel with entire safety to themselves and to others. These cases, however, are not considered by the representatives of steamship companies, individually, upon their merits. On the contrary, as soon as it is learned that an applicant for passage has been in an institution for the insane, he is usually rejected without any reference to statements which we desire to make.

We have sought relief for this condition by appealing to the foreign consuls in New York, but here we meet with opposition, particularly on the part of the consuls for Italy and Germany. It is seen, therefore, that there is a concerted effort on the part of representatives of foreign Governments and steamship officials to prevent the return of citizens to their own countries who have been insane in the United States.

We attach herewith a press clipping in which the consul general of Italy flatly denies the statement contained in the last annual report of the board that representatives of the Italian Government prevent the return to Italy of insane passengers. We regret to say that this statement is not in accordance with the facts, and we feel it our duty as citizens, as well as representatives of a State board which has to do with the alien insane in our hospitals, to present evidence to the Federal authorities bearing upon this subject:

[Extract from New York Herald, Feb. 22, 1912.]

"SAYS ALIENS ARE TAKEN BACK—ITALY'S CONSUL GENERAL DENIES HIS GOVERNMENT PREVENTS RETURN OF UNDESIRABLES.

"G. Fara Forni, consul general of Italy in New York, yesterday denied the statement of Dr. Thomas W. Salmon, chairman of the State board of alienists, to the effect that representatives of the Italian Government prevented the return to Italy of insane and physically crippled persons.

"'The Italian officers on board steamships and the doctors have instructions to place on the captain of the vessel the responsibility of taking on board a case of insanity or a person who is suffering from tuberculosis or any other illness,' said Mr. Forni. 'The Italian consul has the right to send back on each vessel returning to Italy from 16 to 30 persons, and this consulate in 1911 returned to Italy more than 3,000 Italians, among whom were sufferers from insanity and tuberculosis.'"

It is a fact that almost invariably the royal Italian commissioners (medical officers of the Italian Government, who are attached to all vessels carrying a certain number of Italian immigrants) examine passengers whom we present to them and arbitrarily refuse to accept those who are insane. It has been our practice to protest against this decision, and we are then referred to the captain of the vessel by the royal commissioner, who states that if the captain of the vessel is willing to accept the responsibility he will interpose no objection. The next step in the farce is for the captain to state that he can not accept the responsibility without the consent of the royal Italian commissioner, and upon renewing our request to the royal Italian commissioner we are usually met with the statement that he has no authority in the matter.

After some difficulty we secured an interview with Dr. M. Serrati, superintendent of the Royal Italian Emigration Service at New York, and Dr. Serrati informed us that the Italian royal commissioners act in an advisory capacity only, but admitted that the commanding officers of the Italian ships are exceedingly likely to accept the advice thus given.

In individual cases we have appealed several times to Dr. Serrati for a note of introduction to the royal commissioners of certain vessels in order that we might at least obtain a hearing. These requests invariably have been denied, and in spite of the newspaper statement of February 22, 1912, of the consul general that he does not prevent the return to Italy of insane persons, we are in receipt of a letter under date of February 27, 1912, a copy of which is inclosed. We beg to bring to your attention some illustrative cases:

I. Carmelo Cantanzaro. This alien arrived in New York on June 3, 1911, from a Western State and purchased a ticket to Italy at the Banca de Lucca. While waiting for the departure of the vessel he had an episode of excitement in which he jumped or fell from a window and was committed to the Manhattan State Hospital in New York City. The agent from whom he had purchased his steamship ticket refused to refund the money to him, and so we requested the good offices of the consul general for Italy. He very promptly investigated the subject and was instrumental in compelling the agent to return the proceeds of the unused ticket. In September the patient had so much improved that it was possible for him to continue his interrupted journey to Italy unaccompanied. We therefore asked the Italian consul general for a letter of introduction to the royal Italian commissioner detailed to steamship *Principe di Piemonte*. A copy of our letter is inclosed, and also a copy of the reply of the Italian consul general, refusing to give a member of this board even a letter of introduction to the Italian royal commissioner of the vessel named. We then applied to Dr. Serrati, superintendent of the royal Italian emigration service, asking what method of procedure he would suggest to insure the reception of this patient and two others aboard an Italian vessel. A copy of our letter to Dr. Serrati is inclosed. No reply was received, and on October 13 we again requested Dr. Serrati to aid us in returning these cases. He refused absolutely to do so and, feeling that these insane people were as much entitled to the protection of the Italian flag as more fortunate citizens of that country, we again renewed our request in a letter dated October 20, 1911, a copy of which we inclose. No reply has ever been received to this letter.

Thus Carmelo Cantanzaro when he lost his money was an Italian subject, and the Italian consul general assisted him in recovering it. But a very short time later, when he had recovered from his mental disease and desired to return to his only living relatives, who were in Italy, he was no longer entitled to any consideration on the part of the same consul general.

II. Saverio Marano, one of the other patients mentioned in our letter to Dr. Serrati and to the consul general, has since died in the Manhattan State Hospital.

III. Camillo Cantoni, another patient mentioned in the same letter, is still at the Middletown State Hospital, where he will die without ever having an opportunity of seeing his wife again.

IV. John Casula came to this country from Italy in 1907, leaving his wife and children in Italy. On June 26, 1911, he was admitted to the Manhattan State Hospital for the Insane. He improved after a time and now desires to return to Italy, and his cousin, Giovanni Michele Arbau, who resides in New York City, desires to accompany him and care for him on the voyage. The cousin called at our office February 19, 1912, and we gave him a letter to the Italian consul general, stating that the patient is in condition to travel without danger to himself or others. The cousin returned to us, saying that the consul general had refused to accept our letter because it did not come to him through the mails.

February 23 we sent another letter to the consul general, a copy of which is inclosed, offering to have the patient brought to the consul general's office for examination by his own medical representative. In reply to this we received a letter, dated February 27, 1912, from the consul general, refusing to take any steps in the interest of the patient because the request had not been made by the family, through the proper authorities "in the Kingdom." This letter was quoted above as showing that the consul general's statement that he interposes no objection to the return of insane Italians was incorrect. The cousin of the patient then prepared a written appeal to the consul to return his cousin to Italy, a translation of which is inclosed. The reply of the consul general to this letter is best shown in the inclosed affidavit of Vincent Capparelli, an Italian resident of this city, who accompanied Giovanni Arbau on his visit to the consul.

V. Filomena Masitto came to this country in 1901, and the same year was admitted to the Willard State Hospital for the Insane. Although she is an alien, and under the present immigration laws would be deportable, the State has maintained her for 10 years past. Now her husband desires to return to Italy and feels a very natural disinclination to do so, leaving his wife, hopelessly insane, in a hospital in this country. We inclose a copy of his appeal to us to help him out of his troubles, so that he can "see his native land once more." We were informed by the superintendent of the hospital that the patient would require some supervision on the journey and so we wrote to Dr. Serrati, copy of letter inclosed, asking his aid in returning this Italian subject to her native land, offering to purchase transportation not only for the patient but for her husband. Although this letter was sent on February 5, 1912, we have never received an acknowledgment and do not expect to.

We feel that from a humanitarian standpoint this course on the part of the Italian Government is intolerable. It is certain that public opinion in the United States would not tolerate the action of the American consul at Southampton if he refused to permit an American citizen to return to his family, and yet that is precisely what the Italian consul general in New York did in the case of Carmelo Cantanzaro and the others.

We would be very glad to furnish additional evidence regarding the medical inspection conducted by foreign governments at the port of New York, and we wish it might be possible that some official representing the United States Government could be present and observe what occurs when we present cases for return.

The only remedy which we can suggest for the conditions outlined above is the enactment of some such amendment to the immigration law as the fifth one suggested in the memorandum which we recently transmitted to members of the Committees on Immigration of the United States Senate and the United States House of Representatives.

Respectfully,

THOMAS W. SALMON, *Chairman.*

Panama Canal—The Canal Bill—Fortifications.

EXTENSION OF REMARKS
OF
HON. FRANK W. MONDELL,
OF WYOMING,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, August 20, 1912.

Mr. MONDELL said:

Mr. SPEAKER: Taking advantage of the unanimous consent granted me at the close of the discussion on the Panama bill and not having had an opportunity to discuss the bill at the time, I desire to present the following observations relative to that legislation.

The canal bill as agreed upon is in the main excellent legislation, but it contains some provisions which are not only in conflict with our treaty obligations but embody a policy which can not be defended from any standpoint of the general public interest. The provision to which I have special reference is that granting free passage through the canal to ships engaged in the coastwise trade of the United States. I have heretofore expressed my views in regard to that matter at length, so that I shall content myself with a further brief statement with regard to it.

The bill as it passed the House provided for the free use of the canal by American ships in the coastwise trade. In the Senate that privilege was extended to American ships in the foreign trade, but in conference the latter provision was stricken out, owing, it has been stated, to the insistence on the part of some of the conferees that the provision was in conflict with the Hay-Pauncefote treaty. With that view I heartily concur, but I am unable to follow the spider-web theory whereby it is held that we can give free passage through the canal to our ships in the domestic trade without violating the treaty but can not grant the same privilege to American ships in the foreign trade without such violation. I am willing to admit, however, that the violation of the treaty by the latter provision is so clear and manifest that no one who has any regard whatever for the treaty obligations of the Government could agree to it, and yet, if we are to violate our treay—and gentlemen seem insistent upon it—there are many arguments in favor of doing so in the case of our ships in foreign trade, whereas there is absolutely no argument, from the standpoint of public interest, in favor of granting our coastwise ships this privilege. On the contrary, it is a pure gratuity to a few favored shipowners and localities at the expense of all the people of the country.

The building of the Panama Canal reduces by at least one-half the cost of ordinary water-bound business between our Atlantic and our Pacific coasts and makes the cost of transportation from coast to coast by ship, through the canal, so much lower than the cost of transportation overland by rail that as to the overwhelming volume of the business there will be no sort of competition between the railroads and the steamships. The only competition there will be will be between the steamships themselves, and no one is simple enough to believe that the steamship companies will not absorb and keep in their own pockets most or all the tolls which we remit by our legislation.

But if this were not so, if the remission of tolls to the coastwise trade would result in lower coast-to-coast rates by the amount of tolls remitted, there would be no justification for it. While all the people may properly contribute to the general reduction of transportation charges from coast to coast, as they have done in the building of the Panama Canal, nothing but the most monumental selfishness on the part of the communities on either coast could support the contention that it is the duty of all the people, after having contributed by the building of the canal to the lowering of freight rates by nearly one-half, to agree that they be taxed for all time for the expenditures necessary to put the cargoes, which have already been greatly benefited by the building of the canal, through the canal free of all charges. The word "subsidy" in its most offensive sense does not describe the proposition. It is a gratuity to special interests or to particular localities, a graft on the body politic pure and simple.

It is a curious illustration of intense selfishness that practically the same influences which prevailed in giving American coastwise shipping the free use of the canal, laying the burden of its upkeep upon the entire country, are responsible, to a considerable measure, for the policy of fortifying the canal, which will add to our burdens in caring for it an unnecessary initial expenditure of at least fifty millions and an unnecessary increased annual outlay of from twenty to twenty-five millions for troops and fortifications.

On this subject of canal fortification I spoke at length on June 4, and I take advantage of this opportunity to insert in the RECORD an article from the Independent Magazine of July 4, 1912, as follows:

WHY SHOULD WE FORTIFY THE PANAMA CANAL?

[By FRANK W. MONDELL, Member of Congress from Wyoming.]

The veteran statesman, Eugene Hale, said on the floor of the Senate that this Nation was Army and Navy mad. Congress lent color to the indictment when, in the closing days of the last Congress, it made a first appropriation of $3,000,000 to begin the fortification of the Panama Canal. Careful estimates of the final cost of the initial work place it at not less than $50,000,000. In this first appropriation Congress apparently indorsed the entire plan. A second appropriation will shortly be called for, and it will be voted unless the people make a determined protest and restrain their representatives from carrying out this utterly unprofitable and distinctly dangerous program. If the people understood, they would protest.

For years we have been emptying the Treasury into the War and Navy Departments with reckless prodigality, supporting the most expensive military system ever known on earth, while this new proposition to enlarge its scope is the more astonishing because our national aspirations, theories, and convictions are all opposed to it. The first appropriation was carried against the earnest protests of many able and patriotic Members of Congress. It was carried by a cry for "armed neutrality" and that slogan of a departed age of feudal despotism—"in time of peace prepare for war." It was a shock to many, even of those who are under the influence of the mania of militarism, when it was announced that the bill had passed, for there were few beyond the most devoted camp followers who really believed that Congress would ever seriously consider the fortification of the canal.

To-day a strong movement is going on in Congress to prevent further appropriations along this line, but it needs the help of public opinion. It will receive it if the people will only look seriously into the subject instead of thoughtlessly following the predilections of boyhood to run after soldiers; if they would realize that while this initial expenditure of a probable $50,000,000 has not itself the shadow of a chance of being of practical benefit it entails other immense expenditures which at once become automatically obligatory, and that whatever may be promised to the contrary in the natural course of things it is but the modest forerunner of vaster demands which must of necessity be granted by Congress if we adopt the policy of depending upon fortifications for the protection of the canal.

Even if the whole question was closed with the appropriation of fifty millions for fortification there would be added to the cost of the canal the annual interest $1,500,000, the annual depreciation placed at $5,000,000, the annual cost of maintaining the force behind the guns, which a year ago was placed by Gen. Wood at 7,000 men and a minimum cost of $8,400,000, but which he has since raised to 12,000 men with proportionate increase in cost, adding at least $17,000,000 annually to the already serious burden which we are handing down to posterity on account of the canal—$11,225,000 interest on the authorized bond issue and $7,000,000 estimated for the ordinary maintenance of the canal, not allowing for any serious accidents. Thus at a low estimate the United States Treasury must stand pledged for $35,000,000 annually, while the bravest hopes for revenue accruing to the Government through the use of the canal do not venture materially above $4,000,000 a year. Without further incidents and no accidents the Panama Canal means a certain loss to the people of the United States of at least $31,000,000 a year.

But there will be accidents and there are further incidents. With Army appropriations alone, if progress is made in the art of war as during the last 10 years, another decade of perfect peace will find all that we do to-day obsolete and pitiably inadequate—helplessly old-fashioned as the present harbor defenses of our great cities and useless as the dry dock *Dewey* at the bottom of Subic Bay. To keep pace with progress in even a plausible pretense at protecting the canal against the world would mean a literal mortgage of the United States, while the canal would still remain as vulnerable as the Philippines, really protected, just as they are, by the potent fact that while everyone wants the use of them no one hankers after the expensive ownership.

But Army appropriations will not stand alone. Already the Navy Department wants a war harbor at either end of the canal as indispensable to its usefulness. Preparing and protecting such harbors can not be accomplished for $50,000,000. It is also provided that there shall be naval stations and dry docks, as a matter of necessity, at a cost of from $50,000,000 to $100,000,000 more if properly and adequately equipped in a way to be of real war value.

The saddest feature of all this is the absolute inertia of the public. I believe that it is as often indifference as it is military madness—indifference due to our system of indirect taxation. We know that the United States is rich and we like to parade the fact before other nations, just as some people like to parade their individual wealth before their neighbors. In the popular hysteria of the world to-day the Army and Navy appeal to us as the ideal thing to decorate for this purpose. No one has the remotest expectation of ever applying any of these decorations to real war. We simply enjoy the splurge because other nations, with some substantial excuse for it, appear to us to be splurging. We complimented ourselves immensely on sending a fleet of big battleships round the world, though to keep it going we had to hire of other nations a larger fleet of supply ships and in the end only betrayed the helplessness of our own Navy for anything like real war. We do it all without realizing the silly side or the serious side that these extravagant policies exhaust this Nation's wealth to a far greater extent than Army and Navy maintenance exhausts the wealth of other nations. We thoughtlessly dissipate our most precious economic resources, deprive ourselves of the productive energy of thousands of hands and brains, and incidentally materially increase our cost of living.

From the President down we hear brave talk of Government economy. For sweet economy's sake Congress peremptorily refuses appropriations for much-needed home development which would incalculably increase the value and wealth of our country; yet we annually pass the billion-dollar mark, lavishing money for the development of our Army and Navy—appropriations which are unproductive, unremunerative, largely exhausted and gone with the going of each fiscal year.

For the past 10 years we have expended 72 per cent of our entire Federal income on war, past and future. In preparing for dream wars we have spent $2,200,000,000 in the past 10 years, a sum only $500,000,000 less than our entire national debt at the close of the Civil War. The entire loss by fire in the whole of North America in the last 85 years amounts to about one-quarter of what we have spent in the last 10 years to maintain our military policy. Yet to-day we are told by our great militarists that we are deplorably weak. Official reports, published and suppressed, declare that almost any nation on earth could invade and desolate our land. Through a decade of profound peace, with constantly increasing certainty of perpetual peace, we have refused much-needed expenditures for the development of our country and seen the cost of living constantly increase that we might devote more than $200,000,000 a year to the demands of our fighting men—to insure our country against being swept from the map by some vague, impossible enemy—only to learn from them to-day that we are less adequately prepared for war than at any time in our history. As a simple business proposition, after such experience, we should hesitate when the same agents urge this new policy costing hundreds of millions more to protect the Panama Canal.

Incidentally we must remember that the canal can be absolutely protected by neutralization treaties; that it is as safe to-day, and always will be, as the Suez Canal, which has existed in the very hotbed of war without a single fort or battleship to defend it, and with never one single attempt to injure it. We must admit that it is a great waste of money to fortify the canal, while as a theory it is the most dangerous which the Nation could follow, and as a policy it is morally wrong. Even if it cost us absolutely nothing, there is every reason why we should not fortify the canal, and there is not one honorable or practical reason why we should. It is diametrically contrary to the public opinion we have officially expressed through almost a century while a canal connecting the two oceans has been a topic of world-wide discussion. We have radically opposed any possibility that such a waterway should ever become an asset of war.

Let us glance at our participation in the prenatal history of the canal. In 1826 Henry Clay, Secretary of State under John Quincy Adams, wrote officially:

> If this work should ever be executed, so as to admit the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe alike.

A few years later the United States Senate adopted a resolution requesting the President to "open negotiations with other Governments for the purpose of securing forever, by treaty stipulations, the free and equal rights of all nations for navigating any canal constructed across the Isthmus of Panama upon the payment of reasonable tolls."

In 1839 the House of Representatives unanimously adopted a resolution to investigate the practicability of a canal and "of securing forever, by suitable treaty stipulations, the free and equal right of navigating such a canal to all nations."

In 1847 President Polk, sending the Senate the treaty with New Granada, said:

> The ultimate object is to secure to all nations the free and equal right of passage over the Isthmus. There does not appear to be any other effectual means of securing to all nations the advantages of this important passage but by the guaranty of the great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

In 1858 Mr. Cass, Secretary of State, put the proposition even more strongly, and in 1881 Mr. Blaine, while Secretary of State, wrote officially to Minister Lowell, in London:

> The United States recognizes the property guaranty of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama.

In 1885 President Cleveland said:

> Whatever highway may be constructed across the barrier dividing the two great maritime areas of the world must be for the world's benefit, a trust for mankind, *to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition.*

All this was our opinion before we expected to become proprietors, but President Roosevelt said, in his special message to Congress: "The principle enunciated by Secretary Cass was sound then, and it is sound now"—a sentiment to which many still say "Amen."

The great powers controlling the Suez Canal were the strongest on the earth at the time, but, realizing the difficulties and dangers of a policy of defense, they neutralized the canal by international treaties, declaring it "forever free and open to all nations in time of war as in time of peace, to every vessel

of commerce or of war, without distinction of flag." And though wars have been waged all about it, no hand was ever raised to injure it—or ever will be—because it is a neutralized highway of the world. If forts had been established, there would have been "a point of invitation for hostilities," and if they had been captured the canal would rightly have been considered a perquisite of war. It will be precisely the same with the Panama Canal.

But to go on a little further in the history of our canal. In 1901 we consummated a treaty with Great Britain in which the theories and principles of neutralization were taken, almost word for word, from the convention of Constantinople concerning the Suez Canal, and mutually accepted as applying to the Panama Canal. That treaty—our treaty with Great Britain—says:

> The canal shall never be blockaded nor shall any right of war be exercised or any act of hostility committed within it. * * * The plant, establishment, buildings, and all work necessary to the construction and maintenance and operation of the canal shall be deemed a part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as parts of the canal.

If our fighting departments deem these forts and naval stations as included in this treaty, they are demanding these colossal expenditures simply for amusement—to play with painted ships upon a painted ocean. If not, then they know that by these expenditures they cause us to vitiate all of the benefits of neutralization, inviting assaults upon the canal and making it "a prize for warlike ambition." In other words, they cause us to discard the perfect and perpetual protection of neutralization, which would cost us nothing, for the doubtful defense afforded by our own Army and Navy at an initial outlay of hundreds of millions of dollars and an annual cost of many millions more, with the added certainty that if there should ever be a war their presence there will throw the canal into otherwise impossible danger.

Obviously this military outlay will not be profitable in time of peace. Still less is it expedient if there is any possibility of war. But our Government went yet further in promising neutrality. In 1903 we entered into treaty with Panama for the right to construct and maintain a canal. In this treaty we promise that "the canal, when constructed, *and the entrances* thereto, shall be neutral in perpetuity and shall be open in conformity with all the stipulations of the treaty" with Great Britain.

This suggests an important fact which we must not overlook, and that is that we do not own in sovereign right one single foot of land in Panama. We only acquired the right to construct and maintain a canal across the Isthmus for the benefit of the commerce of the world, leaving no possible excuse which we can give for those fortifications which is not in violent antagonism to all of our promises and pledges. Why, indeed, should we set this gift to the commerce of the world in a frame of forts and battleships? There is only one possible excuse, and that redounds to our disgrace and shame.

It is true, as the advocates claimed, that nothing in the treaties positively prohibits the fortifications, except that in a general way we overstep the rights granted us by Panama; but it is obvious that the very idea of fortification was so foreign and antagonistic to every theory of neutralization and so abhorrent to every principle ever advanced by the United States that it would have been deemed absurd at the time when the treaties were signed to deny or abrogate the right. So that our only excuse for erecting the fortifications to-day is a hideous declaration to the nations of the earth that we do not propose to trust their promises or to keep our own; that they will use the canal only while it is for our interest to allow it. This is not overdrawn. Read the statements made by Lieut. Gen. Wood, the Chief of Staff, to the Committee on Appropriations in the House:

> The CHAIRMAN. Is it not true in the last analysis that the purpose in fortifying the canal is to insure to the United States its use as a military asset in case of war?
>
> Gen. WOOD. That is undoubtedly the most important of all purposes in fortifying the canal.
>
> ANOTHER MEMBER. To secure to the United States the exclusive control of the canal in time of hostilities?
>
> Gen. WOOD. That is the principal purpose of fortifying the canal. * * * to control it in time of war as our safety and interest demand.

This, then, is why we fortify the Panama Canal. We, the great advocate of peace and honor among nations, who began the canal for glory and the unhampered commerce of the world, have decided to finish it as an asset of war for ourselves, only to be used by others in accordance with our interests. It is doubtless true, as stated in debate on the floor of the House, that England had been approached and had signified that she found nothing in her treaty to prevent our erecting fortifications if we chose. But England's real comment upon our changed attitude came a little later, when she began the expenditure of a large sum, making another Gibraltar of her already formidable naval station at Jamaica almost opposite the entrance to the canal. And how the other nations of the world must laugh at us—laugh in their sleeves at us—that we neglect Honolulu, Samoa, and other really strategic points, which at comparatively small cost—like Jamaica—might be made strongholds of infinite importance in defense, while we expend hundreds of millions of dollars in efforts to defend the colossal canal, which, if it is not already invulnerably immune, can be made so through neutralization, and which, no matter how well we may defend it, can be utterly wrecked at any moment by a bomb dropped from an airship, or a *Merrimac* blown up by some patriotic Hobson in one of the locks. And how they must enjoy the quiet comment of the work going on at Jamaica.

There is not a nation on the earth which would dare to disregard its obligations to the commerce of the world by doing any injury to the great international waterway. Even as a war asset it is of far greater value to us, left unguarded, except by neutralization, than if fortified beyond any possibility in our power; while, on the other hand, if we desire to challenge the world to injure or capture the canal, there is no better way of extending the invitation—and of securing the result—than by taking upon ourselves, as we are doing, the barbaric responsibility of preserving it by force of arms. Suppose a time of war and that we reserved the canal for our own use, giving us a great advantage over the enemy. What is surer than that the enemy would wreck it, as our important asset. Suppose the same war with the canal unfortified and strictly neutral. What is surer than that any enemy would scrupulously refrain from injuring it? It would not be an act of hostility against the United States, but against the entire commercial world, which would be universally resented. France and England realized this from the outset, concerning the Suez Canal.

The proper policing of the canal at all times is our duty. It is easily, simply, and effectively accomplished. We shall do it anyway, wholly irrespective of the forts. We shall do it at no great expense, as a part of the cost of maintenance. In policing the entrances we can even utilize, at no cost whatever, a few of our already equipped battleships, giving them at last a little real responsibility. But the fortifications and war harbors are solely and absolutely for nothing in the world but war. We have even officially acknowledged it.

Let us look into this point a little further, for here comes in the silly side. War presupposes an enemy. Puzzle: Find the enemy. The menace of a hostile fleet at Panama is most remote. It requires no prophet to predict that not in this twentieth century shall we become entangled with any European power capable of sending such a fleet across the Atlantic. Nor does it take the wisdom of a sage to realize that England, France, and Germany will see to it that the canal is handled as carefully as we could wish. For they are the ones who will derive the benefits—with their vast commercial interests upon the sea—and simply by the payment of accruing tolls; while we, with but a few lone merchantmen flying our flag on either ocean, to take advantage of the waterway, must foot the bills, repair all damages, bear all losses, and maintain the canal for the benefit of the commerce of the world.

On the other side of the canal the nearest possible enemy is 8,000 miles away; and so busy and so successful in absorbing the fading remnant of our commerce in the Pacific that it considers any other kind of war with the United States unthinkable. Some few Americans have been Hobsonized into believing that Japan is ready to rise in wrath and obliterate America. But even Mr. HOBSON would be slow to admit that she would run the international risk of obliterating the canal—unless we have fortifications there and use it as a war asset. Besides, Japan's budget for the next six years includes $6,500,000 a year for her navy, while we propose, during the same time, to expend at the least $130,000,000 a year upon our Navy—without taking into account any new war harbors or appurtenances thereto. But if we are still afraid of Japan, one-tenth of the first cost of protecting the canal, if expended upon Pearl Harbor, Honolulu, and on our Samoan harbor, would create two stalwart naval stations on the Pacific which would forever prevent Japan from the possibility of bringing a battleship within a thousand miles of either Panama or California.

Where, then, is the enemy in fear of which we expend these hundreds of millions of dollars in fortifying the Panama Canal? If searching the twentieth century through does not disclose the remotest possibility more formidable than a dream, can we not calm our fears with the assurance that a few of the big battleships from our otherwise utterly useless Navy, patrolling the

waters at either entrance, can probably protect the canal from any possible vagrant of the sea?

This is the exact situation; the folly, the danger, and the crime in our expending millions upon millions of dollars in fortifying the canal. The first appropriation asked for was small. The main object in securing it was to bind Congress to an indorsement of the policy for the benefit of future appropriations. Now is the last opportunity for public sentiment to demand a halt. Those in Congress most earnestly opposed to the policy are rousing for one more struggle to veto it; but they need the aid of public sentiment, and they ought to have it.

The social and economic organization of the world has advanced beyond the political organization, and far beyond the military organization. Industrially and commercially we are living in the twentieth century—not back in the eighteenth or earlier. Commerce, industry, and finance have created empires more comprehensive than any federation of nations; world spheres, knowing no international boundary; binding nations together with chains of gold which render belligerency suicidal. It is only the old hysteria of militarism which instigates us still to run mad over the feudal policies of forts, just as we used to run after the soldiers parading on election days. But with such an age as ours to live up to, with such a record for international arbitration and world peace as ours has been, can we not shake off the charm of the smell of gunpowder and the clank of spurs, and repudiate this proposition now before it is too late? Realizing the inordinate extravagance, the dangerous folly of it, and the preposterous absurdity, can we not rouse ourselves and oust from our national policy forever the barbaric theory that promises are pie crust and that might makes right?

A Navy or Not.

SPEECH

OF

HON. E. R. BATHRICK,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 17, 1912.

On the conference report on H. R. 24565, the naval bill.

Mr. BATHRICK said:

Mr. SPEAKER: Those who oppose building more battleships offer the following reasons for their contention:

First. That there should be international peace and that this drain upon the people of all nations for the support of armament should cease.

Second. That there is no danger of this country becoming involved in war and that we do not need to maintain a navy.

To the first argument I have no opposition. I give it my hearty assent and in every way possible would support any movement intended to bring about international peace that the array of contending armies and clash of nations may forever cease. My heart revolts at thought of the horrors of war, and I have wept with those who are bereft of home and kinsmen by the ruin wrought by armies. I wish that it were possible that this House of Representatives of the people could by its debates or its votes forever abolish the fearful clouds of human conflict and the fear that it brings to our hearthstones, and let a perpetual peace flow in upon our farms and our villages and our cities. Looking to this glorious purpose which no man contends will be accomplished to-morrow or next month, next year, or the next decade, what shall we do in the meantime? Shall we refuse to do that which a constitutional provision plainly intimated that it was the purpose and duty of Congress to do and fail to provide for the common defense? Shall we assume now that the whole world is at peace and no rude nation covets any of our insular possessions? Shall we assume that this country, which possesses the greatest per capita market in the world, offers no temptation for commercial reprisal to a stronger nation, and that if we permit our defenses to decay and neglect to improve them that our great national resources and rich territory will not be coveted by some ambitious nation?

Nations are composed of human beings. And what about the natural belligerent characteristics of a human being. Why, but a short time ago we saw two men in this House fling reason and courtesy to the winds and appear ready to fly at each other's throats. One of these men is an ardent advocate of peace and believes that we should have no weapons of warfare, yet I know that he will fight at the drop of a hat for himself and for his country. He illustrates the human character—a fighting animal. Nations are composed of these same fighting animals, and when we speak of a nation in the abstract we must speak of it as composed of human beings who are fighting animals and will quarrel among themselves and are ready to quarrel with other nations. To defend oneself or to be the aggressor is a human instinct. You see it exhibited in the child before it has left the cradle, when it raises its hand to strike its mate. Nearly 2,000 years have elapsed since the coming of the gentle Christ, who taught the doctrine of peace and good will to all men. He was the greatest exponent of peace ever born from the womb of time. His influence, overwhelmingly powerful but supernaturally gentle, has invaded every clime and every nation and found its way into the hearts of all people of the world; but still the human being will fight. He will fight for self-defense, for defense of his family, for defense of his country, for money, for glory, and for so cheap a thing as personal conceit.

Some day, perhaps, a great and gentle light from some supernal source will break upon the darkness of human vision and all men will be at peace and no nation can be cajoled or tempted to attack another. What is the condition now? What is the reason that some of us desire to be practical, and, though willing and anxious to assist any movement for international peace, still desire to exercise reasonable caution and keep our national defenses intact?

It is the reason founded upon a good old common-sense doctrine propounded by one of our illustrious forbears, that we should "trust in the Lord, but keep our powder dry." It is a reason founded upon the doctrine that caution is better than carelessness. It is the same reason that prompts the head of the household to lock the door when he retires at night or lock the stable before the horse is gone. This ordinary precaution which the practical men of this Nation desire to exercise costs no more in its relation to the power of the whole Nation to pay than it costs the dweller in the city or upon the farm to buy this lock for his door. One more modern sea fort, one more up-to-date defender of our coasts and our national honor, will cost each citizen of this country not more than 14 cents. After it is built it will cost them not more than 3 cents each per year to maintain it. Every man's house fitted with locks upon the doors and locks upon the windows represents a far greater expense than this. Why were these locks put upon the doors and upon the windows, and why are they used at night or when we are absent from our homes? The answer is, in the abstract, ordinary horse-sense caution. There may be no more robberies, there may be no more burglars, but we know that there have been, and we are not sure, absolutely certain, that there will not be more of them.

So it is in the consideration of a national defense. There have been wars, and we are not sure there will be no more. We have not a supreme confidence that man, the fighting animal, in the collective capacity of some other nation, will not attack this Nation. We sincerely hope that such an emergency will not arise, but if it does we propose to be prepared. Those who are the strongest for peace and are willing, before peace comes, to take long chances with the national defense do not follow this policy in their private affairs, but are as quick as anybody to lock their doors and take precaution for personal protection. Another fact: It is the absolute truth that the Members of this House who are against an adequate Navy represent districts like my own, which are far removed from our seacoasts, and would not be the point of a naval attack. I well know the reason of this. Down in their interior districts, the people object to the so-called enormous burden of the Navy. I do not blame these people for objecting. I object to it myself on the same principle that I object to the enormous expense of maintaining the hundreds of thousands of policemen in this country and the thousands of sheriffs and constables, for every man should behave himself and be at peace with his neighbor and not invade his house or climb his porch at night and try to rob him. Man should not be a fighting animal, and if he were not such and the spirit of Christianity and brotherly love would only enter his soul and stay there, we would not be obliged to carry this heavy burden of the cost of policemen and sheriffs and constables. But the children fight, the young people fight, the old people fight, and even the song birds fight, and some of us believe that until this spirit of conflict is changed and the nature of all things is transformed for the better that the practical plan is to be ready to defend ourselves against nations composed of this kind of beings.

As for myself, and as to the interests of my district, I believe that I am more liable to encourage peace by presenting appearance of a sturdy means of defense than would be the case if I advocated a policy of leaving the national doors and windows unlocked, and thereby offering temptations for the weakest nations to attack us.

What is the liability of this attack? No one has dared to assert that the whole world is at peace, because they know that

the whole world is at war. At war now. They know that Germany, England, France, and even Japan are building more battleships than we. They know that this is no more nor less than warfare. They know that it is a warfare of accumulation of means by which one nation hopes to coerce or annihilate another. They know that two of the signatories of The Hague peace agreement, namely, Italy and Turkey, are slaughtering each other at this moment and that they totally disregard their agreement in this conference. If the other nations intended to keep this agreement sacred, why are they constantly increasing their armies and navies in preparation for war? If these nations are at peace with each other and there is no war, why do they give this undoubted evidence of suspicion and distrust of each other?

Some have said that this Nation should not enter this extravagant race for supremacy. We have not entered it. We are so far behind in our naval program that it would take a person of rather wild imagination to conceive that we are in the race. We are wrangling now on the question whether it shall be one battleship, two battleships, or none. England has 16 in the course of completion; Germany has 11 in the course of completion; Japan has 7 in the course of completion; Italy has 7 in the course of completion; Russia has 7 in the course of completion; the United States has 6, and if some had their way we would soon have none. In 1916 England, Germany, France, and Japan will be so far ahead of us in naval power that no one will consider us in the race.

We have many thousands of miles of seacoast, and cities rich beyond comparison with any age of time are builded upon these shores. There are thousands of places upon our shore line where an enemy well equipped with a superior navy could land an army. The day has gone when the vast distance from this country to Europe prevented bringing up supplies for an army. The space and distance has been shortened by modern means of transportation and communication. In event of invasion upon our Pacific or Atlantic coast what would happen? Simply this: The fife and drum would rattle and scream in the streets of our cities and awake the echoes again in the villages and at the farms. By the evolution of all conditions modern warfare on this continent must necessarily be a sea fight; and if that be lost, then the young man must leave the plow and the desk and the counter and the mill and shoulder a rifle and go forward to repel invaders. He will not come only from the seacoast cities and villages, but he will come from the interior districts as well. He will come from the villages and farms of my district, which has never failed to respond quickly and fully to the demands of our country, and the tears will be shed, and the fearful heartbreaking farewells will be said by mothers and sisters, wives and fathers in all these interior sections of the country as well as those upon the coast.

And so, Mr. Speaker, in my consideration of this great nasional subject, I will take all risk that falls upon me politically for whatever difference of opinion there may be between myself and my constituents. I take it that I am, in this high office, endowed with power of decision vested in me by the confidence of the people of my district and I will try to look further into the interests of the whole country than would be permitted by any dissension that my vote for one battleship may arouse.

I know the people in my district are proud of their country, and, however earnestly they may join me in the desire for universal peace, they are not in favor of a foolhardy policy which risks the danger of war before we are in sight of the blessings of universal peace.

It has been a knotty question to decide. The subject has been befogged by a great deal of sentiment, wherein eloquent gentlemen have discoursed with beautiful rhetoric upon the subject of peace, as if their plea could pluck from the very atmosphere, like the sleight-of-hand performer, the much wished-for, prayed-for brotherhood of man; as if in this plea it was only necessary to recite the universally acknowledged terrors of war, and then we would not need any battleships. On the other hand, gentlemen moved by opposite motives have filled our ears with a recital of the same terrors for the purpose of frightening us into a policy of reckless military expenditures. Between these two, only the practical can decide. On the one hand is glittering peace afar off in the dim, misty future, and on the other hand all about us is a fevered preparation for war, which makes the millennium of peace seem further away than ever. In this conflict of opinion, I conceive but one rational policy to pursue. I believe in the reduction of our military and the maintenance of a Navy strong enough with which, not to frighten our adversaries or possible enemy, but to make them feel that an invasion of our coast and an insult to our national honor would be a dangerous and costly proposition.

This policy might easily permit a reduction of our military by half, and with the other half we could build proper protection for our coasts, encourage the education of our civilians in the art of national protection, and have still many millions to the credit of economy and retrenchment. For geographical reasons and those of traditional friendliness we have no fear of our neighbor upon the north nor upon the south. Then, why so large an Army which should bear the most of the burden of criticism placed upon our expenditure for defense? It is because of mistaken policy instituted years ago, of colonial extension, and a "benevolent assimilation." There is in the Philippine Islands to-day, and Hawaii, all the standing Army that this Government would require were it not for these possessions. Again, these very islands are among the very strongest reasons why we need to maintain our Navy and carry forward a program of building. The Philippines stand far out into the ocean, so distant that they are only a temptation to some nations to insult us. They are mainly the vulnerable point which tempts attack. If this attack should be made, what must we do? Having gained prestige among the nations as one of the leading influences in the universe, would we supinely retire from our process of "benevolent assimilation" which we have carried on for many years at a cost of many millions of dollars and many human lives? Having retired without a fight and thus served notice upon all the world that we would not or could not protect our own, what then would become of our prestige and our peace?

Ever since the day of Monroe we have sturdily maintained his announced doctrine that European nations generally should keep their hands off of this continent. Many of our wisest statesmen believe that policy has saved us much warfare and contributed largely to our national greatness. If this be true, the Monroe doctrine is worth sustaining. It has been truthfully said that it is no stronger than our Navy, and if the Navy becomes weakened by inaction and a fatal policy of dangerous economy then we must give up the Monroe doctrine and permit the warlike nations of Europe to establish a base of supplies, fortifications, and other means of aggression upon our very borders. Then we will understand what militarism really is in its most serious aspect and we will know what the nations of Europe now know, that self-protection imposes a far more serious burden than the people of the United States have ever dreamed of.

Mr. Chairman, I am for defense as the best means of sustaining peace under the conditions that now exist. I am for peace by any means by which it can be procured with honor to the people of this country. In no instance, during my brief career in this House, have I failed to vote to lighten the burdens of the people whenever and wherever it has been possible to do so. In every particular I have sought to care for the interests of my district, to follow the wishes of my constituents as nearly as possible. I believe they will stand sturdily with me in this matter and will denounce that doubtful statesmanship which, seeking for the international peace we all desire, would urge our people into the folly of being the first nation to tear down our defenses and scuttle our ships when the plain intent and purpose of all other nations is to continue to make themselves more powerful than we and capable of crushing us if they choose.

The Wool Bill and a Challenge.

SPEECH

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: The Democrats are about to close up their work for this session of the Sixty-second Congress, and in to-day's RECORD the gentleman from Alabama [Mr. UNDERWOOD] publishes a résumé of the work of the House under his direction as floor leader. That the gentleman from Alabama has been courteous and industrious will be freely admitted by most of the Members upon either side. He has played his part as a Democrat with skill and courage, for he has been able, with the aid of a powerful caucus, to push through bills of great importance, for good or ill; and upon the issue of protection and free trade he has been more frankly outspoken against protection and more clearly headed for ultimate and complete free trade than many of his colleagues in the industrial States have dared to be.

NO PUBLIC HEARINGS ACCORDED.

In standing for the reduction of tariff duties to a point which, in many instances, carry them below the rates of the Wilson-Gorman bill, the gentleman from Alabama [Mr. UNDERWOOD], as the spokesman of his party, has made the issue in the

coming campaign so clear that "he who runs may read." And it will be remembered that during the course of the discussion over the tariff bill, the gentleman from Alabama conceded that the Ways and Means Committee, of which he is chairman, gave no heed to requests and petitions for public hearings upon schedules relating to the textile industries, but went ahead framing up the bills upon such information as the gentlemen upon the committee, most of them lawyers, already possessed. In thus declining to follow the Republican practice in the preparation of tariff bills, the gentleman from Alabama and his associates let it be known that they were dealing with the industries of the country, not for purposes of protection, but solely in the interest of revenue and without regard to the difference in the cost of production, including wages, at home and abroad. Hence, it is but natural that those who have differed from the majority in the course it has pursued with reference to the wage account of the country should not accept the findings of the Ways and Means Committee upon tariff measures as accurate or of general benefit to the people.

MANUFACTURERS MADE THE TARGET.

Since one of the subjects treated of by the gentleman from Alabama in his review of the work of the Democratic House relates to wool, and certain statements are made therein concerning the profits of manufactures, I think it fair, with the permission of the gentleman from Alabama, to submit an open letter which was addressed to him in December, 1911, by Mr. George C. Hetzel, a wool manufacturer of Chester, Pa. I have known Mr. Hetzel for many years and believe him to be one of the fairest and best-equipped spokesman upon the wool question that this country has produced. He is a practical business man and knows what he is talking about. His letter to the gentleman from Alabama was given wide publication, but so far as I am advised has not been answered. It was penned as the result of a desire on the part of many wool and woolen manufacturers, who were being everlastingly charged up to a "Woolen Trust," to have an intelligent examination of their business made by the Ways and Means Committee. Mr. Hetzel is an independent manufacturer doing business in the city of Chester, and his letter to the gentleman from Alabama indicates that the net profit of the cloth manufacturer does not add as much as 40 cents to the cost of a suit of clothes.

While the wool bill was under discussion it was freely asserted upon this side of the House that manufacturers could be found aplenty willing to accept 5 cents a yard as their net profit upon the three and a half yards necessary for a suit of clothes. It was further contended and frequently shown in argument that the tariff had little or nothing to do with the cost of a suit of clothes, since nearly all of the expense was due to labor in one form or another, which labor in the United States would inevitably be displaced if the tariff upon wool and woolens was removed and the material was admitted free.

The gentleman from Alabama, in his carefully prepared review, persists, however, that the manufacturers are tariff malefactors, since, as he says with some degree of sarcasm, referring to the report of the Tariff Board that the effect of its operations was "to allow manufacturers another year of excessive rates and to compel the people to pay for their woolen clothing during the year over $50,000,000 more than they would have paid under the rate of the bill of the first session of this Congress." The gentleman from Alabama [Mr. UNDERWOOD] does not tell us how many men would be turned out of employment in the textile industry had President Taft not had the foresight to veto the wool bill and thus insure for another year at least the protection accorded to the toilers of this industry under existing Republican law.

MR. HETZEL'S CHALLENGE UNANSWERED.

But my purpose is not to attempt at this time an analysis of the statement of the Democratic floor leader. Having stated that the Ways and Means Committee, of which he is chairman, refused to give hearings to those directly interested in the woolen and cotton industry, I submit the open letter of Mr. Hetzel, which up to this time has remained unanswered, as indicating what one intelligent and well-informed citizen thinks with regard to the Democratic wool schedule:

AN OPEN LETTER FROM GEORGE C. HETZEL, WOOL MANUFACTURER, CHESTER, PA., TO HON. OSCAR W. UNDERWOOD, CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, SIXTY-SECOND CONGRESS.

CHESTER, PA., *December 29, 1911.*

Hon. OSCAR W. UNDERWOOD,
Washington, D. C.

DEAR SIR: On pages 2348 and 2349 of the CONGRESSIONAL RECORD, of the first session of the Sixty-second Congress, appears the following:

"Mr. MONDELL. The great bulk of our fine wool, as the gentleman knows, shrinks about 65 per cent.

"Mr. UNDERWOOD. Yes; that is, all your western wools.

"Mr. MONDELL. That is true of the Territorial and the fine merino wools.

"Mr. UNDERWOOD. That is true of the western wools, but the wools of Ohio do not shrink as much as 65 per cent and very few of the imported wools shrink 65 per cent.

"Mr. LONGWORTH. Will the gentleman permit me?

"Mr. UNDERWOOD. Yes.

"Mr. LONGWORTH. If the gentleman will permit, I would like to call his attention to his own report, wherein he states that the shrinkage in Ohio wool is 51 per cent. That is the average shrinkage, of course.

"Mr. UNDERWOOD. Yes; the average. And I will say to the gentleman from Ohio that although his wool shrinks only 51 per cent or, say, 50 per cent in round numbers, 2 pounds of raw wool are necessary to make 1 pound of cloth, according to his own statement with respect to the wool from his own State; and when the gentleman from Ohio participated in writing Schedule K of the Payne tariff bill he gave to the woolen manufacturers a protection of 4 pounds of wool instead of 2 pounds; he levied a tax on the American people of 11 cents a pound on 4 pounds of wool instead of 11 cents a pound on 2 pounds of wool, as compensation to the American manufacturer, and allowed the American manufacturer to put 22 cents a pound in his pocket, deceiving the American people to that extent."

On page 2351 appears the following:

"Mr. UTTER. I understand the gentleman to say that the bill has been framed for the purpose of securing revenue?

"Mr. UNDERWOOD. Certainly.

"Mr. UTTER. Therefore, in fixing the ad valorem duty, I ask on what you have based the duty to come from, either from less imports or larger imports than at present?

"Mr. UNDERWOOD. Larger imports. If the gentleman will examine the report, the fact will appear very clearly.

"Mr. UTTER. Larger imports means less home manufactures.

"Mr. UNDERWOOD. Not necessarily less home manufactures, because the country is growing.

"Mr. HUGHES of New Jersey. Some people will wear two pairs of shoes instead of one, for example.

"Mr. UNDERWOOD. I will answer the gentleman and say that no man in this country is entitled to a monopoly. Does the gentleman agree with me?

"Mr. UTTER. We all agree on that; oh, yes.

"Mr. UNDERWOOD. And no industry in this country is entitled to a monopoly. Does the gentleman agree on that?

"Mr. UTTER. We all agree on that; yes.

"Mr. UNDERWOOD. That no combination of industries in this country is entitled to a monopoly whereby it can put burdens on the American people?

"Mr. UTTER. That is correct.

"Mr. UNDERWOOD. If we all agree on that, I say that this combination of woolen industries has had a monopoly of the woolen business in this country for many years. * * * Now, in this consumption of goods under Schedule K, valued at $530,863,000, there were only $18,102,000 worth of imports. The importations amounted to only 3.4 per cent of the American consumption of woolen goods. Was that a monopoly for the American manufacturer?

"Mr. UTTER. A monopoly for the American people, but not, perhaps, a monopoly for the American manufacturer.

"Mr. UNDERWOOD. Not a monopoly for the American manufacturer! My friend, if you had a grocery business in your town and by law had control of 96 per cent of the groceries sold in that town, while outside competition could only bring in 4 per cent to compete with you, would you have a monopoly?

"Mr. UTTER. If we had 100 groceries in that town we would not have a monopoly for any individual grocer, but we would have the protection of our home market for the home man.

"Mr. UNDERWOOD. But you would have a monopoly for the industry; and, more than that, there is nobody in this country who does not know that the American Woolen Co. to-day fixes the price of woolen goods; that it is a monopoly; that it is a trust; and that this industry and that company dictated to a Republican House, prohibiting you from reducing the exorbitant rates under Schedule K in the last Congress." [Applause on the Democratic side.]

Query: Why was the investigation of the American Woolen Co. authorized under House resolution No. 147 at the extra session dropped so suddenly; nay, never commenced?

In a speech made by you before the Industrial Club of Chicago several months ago you had this to say concerning the effect of the duty on woolen goods:

"The price of the corresponding or competing American fabric is increased in price by the amount of the duty, as is known to be the case, and it is inevitable."

That whole speech inspires the thought that if it were possible for some of you lawyers and armchair economists to get a little practical experience in the wool-manufacturing business, you would subsequently be highly entertained if you listened to phonographic records of what you had previously said about efficiency, averages, profits, monopolies, etc.—and you would marvel at the temerity of unsophistication.

However, it is very evident from the foregoing quotations and other more recent statements made by you that it is your firm belief that, under the shelter of the duty on woolen goods, the American manufacturers obtain a profit which is invariably the difference between the domestic cost of production and the foreign price with the duty added.

An experience of about 25 years in the manufacture of worsted goods warrants me in stating, with absolute confidence, these facts:

1. There never has been, and there is not now, anything even remotely approaching a monopoly in the manufacture of woolens. On the contrary, there is free, open, unrestricted, keen domestic competition.

2. The wage earners employed in wool manufacture are paid twice to four times the wages obtainable anywhere else in the world for the same service.

3. American woolen goods are sold at cost with only a reasonable profit added, irrespective of whether they be high-price goods worn by the rich or low-price goods worn by the poor.

4. The profit is fixed by intense domestic competition, just as it is in other lines of industry, and is never based upon the import duty on corresponding foreign fabrics.

5. Specifically, I am quite certain that the cloth manufacturers' average net profit does not add as much as 40 cents to the cost of a suit of clothes.

The foregoing five propositions state the true facts, and they are antagonistic to what you and your allies teach. Should you question them and possess the courage to risk the consequences, the opportunity and the power to disprove them are in your hands.

The approaching presidential campaign will probably be fought on the tariff issue, and, as usual, the woolen schedule will be the center of attack. It is therefore important that the people shall know the truth, and know it in time, so that they shall not again be fooled by the fallacious arguments and deliberate misrepresentations of 1892, which are being reemployed to-day upon a new generation of unconscious victims of political opportunists. Those who are old enough to remember the Democratic Wilson tariff, with its silent mills, its great army of unemployed, and its soup houses, need no warning.

How much does the woolen manufacturers' profit add to the cost of a suit of clothes? That is what the public wants to know, and that is the meat of the whole question.

I therefore challenge you to offer in Congress a resolution, or other necessary legislative device, directing either the Tariff Board or other competent, disinterested experts to ascertain the average net profit per yard earned by the woolen and worsted cloth manufacturers during the years the alleged "indefensible" Schedule K of the Payne-Aldrich tariff bill has been in force.

This investigation will show, I am sure, that the 96.6 per cent of home-made goods, representing the product of about 900 American manufacturers (which you call a monopoly) are sold at only a fair profit above cost, and therefore at prices considerably below the duty-paid value of corresponding foreign goods.

It will then not longer avail to employ the common and venerable trick of reducing a compound duty to an ad valorem equivalent of 200 per cent or more (which nobody ever pays on goods which nobody ever imports), and then melodramatically invoke high heaven to witness such iniquity. That method of deception will be dead.

You will then realize that you and your party will be in a very awkward position.

You can not, in fairness, deny the right of the manufacturer to a reasonable profit, and you would not dare demand a reduction in wages in order to lower the cost of goods. Such a demand would cost the Democratic Party not only the votes of the wage earners engaged in wool manufacture, but the votes of prospective victims employed in all industries affected by the other tariff schedules marked for slaughter in your program of a tariff for revenue only.

There would be a repetition of what happened in 1896 when the people "woke up" after having been put to sleep in 1892.

The experience of these four years taught them effectually that low commodity prices without the wherewithal to purchase are less desirable than steady employment at good wages, even if accompanied by high prices.

A protective tariff conserves the American market for the American producers (employer and employed) who rightfully have the first claim on it.

Domestic competition keeps down the price.

You unwittingly paid the finest possible tribute to the Republican tariff when you called attention to the fact that 96.6 per cent of the American consumption of woolen goods are manufactured in American mills by our own people. That exhibit justifies Henry Clay's designation of a protective tariff as "the American policy."

In an authorized interview which appeared in the New York World of the 3d instant you stated:

"There is an effort now being made to develop foreign trade, and I think that one of the most important questions that confronts the American people to-day is the development of markets abroad, so as to assure the consumption of our surplus production, in order that we may keep our mills and factories running all the time, even when our home market is passing through periods of business depression. To accomplish this result, it is necessary first of all to lower the tariff wall that the Republican Party has maintained in order that foreign nations may trade with us on reciprocal lines. Trade breeds trade, and we can not expect to develop our own trade abroad if we do not invite other nations to trade with us."

Do you not know that the only way under the sun to win foreign markets for our products is to sell them as cheap, or cheaper, than they are now being sold in those markets? Lowering the tariff wall will not do it; on the contrary, it will throw our own market, the best market in all the world, into the hands of aliens and it would remain in their hands until we were able to reduce the wages of our workpeople, and other items of production cost, to or below the cost level of the foreign invaders.

The Democratic Party would be wiped off the map long before the necessary cost reduction could be effected, and all you would have for your pains would be the remorseful knowledge that you had brought unnecessary distress to the people least able to bear it, in a vain effort to make a silly theory do the work of sound and tried common sense.

The American standard of wages is adjusted to a high protective tariff, and the American standard of living is adjusted to our high wage scale. A lowering of that standard will mean political annihilation to the party responsible for it. You are again respectfully referred to 1896 as an illustration and a warning.

It is true that in your speech before the Southern Society of New York, on the 16th instant, you stated that you "are not in favor of free-trade conditions or of being so radical as to injure legitimate business," but that sentiment does not harmonize with your deeds, for there is not the shadow of a doubt that the wool tariff bill you fathered would have done irreparable injury to both wool growing and wool manufacturing had it become a law.

There would have been no comfort in the assurance that your sentiments were benevolent.

One of Lord Byron's characters was "the mildest-mannered man that ever scuttled ship or cut a throat."

Every effort to secure foreign markets for those products of factory or farm which we are able to export with benefit to ourselves is commendable, but our first duty is to safeguard our own market. "An acre in Middlesex is better than a principality in Utopia."

Trade does not breed trade; the only thing that breeds trade is price. Trade is not carried on between nations, as such, but between individuals, and there is nothing reciprocal about it except the mutual assurance of buyer and seller of a satisfactory bargain. You can not sell American wheat to an Englishman because some other Englishman has sold British woolen goods to an American merchant, nor sell an Indiana plow to a German farmer because some Nuremberg manufacturer has sold mechanical toys to a New York storekeeper.

Each transaction stands on its own feet. Quality being equal, the lowest price secures the business—there is no sentiment about it, nor patriotism, nor reciprocity. These things are axiomatic in the kindergarten of real business.

According to your figures we buy from Europe only 3.4 per cent of the woolen goods we consume, but that fact does not hinder Europe from buying our exportable products of industry to the value of hundreds of millions of dollars in excess of what we purchase. Europe would not buy any less from us if her merchants and manufacturers did not sell us a dollar's worth of woolens.

* * * * * * *

Since the foregoing was written the Tariff Board's preliminary report has been published.

Every one of the five propositions stated herein is thereby confirmed except the average net profit per yard of the cloth manufacturers of the country.

That item is up to you.

With all these Tariff Board facts abundantly testifying that duties which are absolutely prohibitory work no harm to the consumer, it is unthinkable that any patriotic citizen of any party would be willing to reduce the duty on woolen goods to a point that will invite foreign competition.

You have shown that 96 per cent of the goods we consume are made at home. Those who import the remaining 4 per cent do so to meet the demand of that portion of our people who, for high novelties, exclusive patterns, or (mostly) because of a prejudice for things that are "foreign," are willing to pay any price.

Such importations are really luxuries, and it is proper that they be taxed as such.

The people who buy them are willing and able to pay for this preference and would buy them just the same if the duty were twice as high—hence such duties really become revenue duties.

Yours, truly,

GEO. C. HETZEL.

Antitrust Prosecutions.

EXTENSION OF REMARKS

OF

HON. FREDERICK H. GILLETT,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. GILLETT said:

Mr. SPEAKER: I desire to insert in the RECORD the following short statement recently made by the Attorney General in regard to antitrust prosecutions:

The Attorney General pointed to a document that had just been issued by the department, which enumerates the cases instituted under the Sherman antitrust law since its enactment in 1890.

This shows that only 44 cases, 25 criminal and 19 civil, were brought during the seven and one-half years of President Roosevelt's occupancy of the White House, as compared with 66 cases, 39 criminal and 27 civil, brought during the three and one-half years of the Taft administration.

Mr. Wickersham pointed out the significance of this enumeration. He showed that in the entire seven and one-half years of the Roosevelt administration only four proceedings of importance were begun and concluded. Two of these were against the so-called Beef Trust and were abortive. The other two were the Northern Securities case and the proceedings against the Licorice Trust.

ALL BIG CASES ENDED.

All the other big cases brought by the Roosevelt administration have been pushed to conclusion or virtually to an end by the Taft administration. In addition, the Taft administration has begun proceedings against all the other big trusts in the country that were overlooked or exempted by the Roosevelt administration.

Attorney General Wickersham points out that the Standard Oil Trust dissolution, which Mr. Roosevelt now says accomplished nothing, was based on the exact principle of pro rata distribution established by President Roosevelt's own Attorney General in the Northern Securities case. Mr. Wickersham has repeatedly pointed out also that the decree finally rendered and enforced in the Standard Oil case was precisely the decree which, with the full approval of Mr. Roosevelt and his law officers, was prayed for when Mr. Roosevelt's Attorney General first brought the suit.

While Attorney General Wickersham makes no pretense of claiming credit for the Taft administration on the mere number of suits instituted, he does contend that the proceedings brought by the Department of Justice during President Taft's three years and one-half have ranged over the entire subject of undue restraint of interstate trade.

THE BIG ACCOMPLISHMENT.

The great big accomplishment by the Taft administration, in his opinion, has been the bringing home of the law to the country as a vital rule of conduct. This has been done, the Attorney General says, through systematic, well-conceived prosecutions vigorously pressed to an effective conclusion without regard to friend or foe.

Attorney General Wickersham agrees with ex-Senator George F. Edmunds, one of the framers of the Sherman Act, that as the result of President Taft's vigorous and impartial policy the greatest of the lawbreakers have now found that "the hand of justice is too strong for them."

"A mere enumeration of the number of cases brought or pending," said Mr. Wickersham, "does not in itself mean anything. It is easy to bring suits. It is a very different matter to bring a well-conceived, carefully prepared, and well-founded suit which will result in substantial achievement of results of importance to the public. That requires thorough investigation, often extending over months, into all sources of available information; the sifting of gossip from evidence, the procurement of statistics, examination of records, etc., and then the careful collation and analysis of all of this material and the determination of whether or not the law is being violated, and if so, in what manner, to what extent, and how the case can best be dealt with.

PACKERS' DECREE INEFFECTIVE.

"It is rather interesting to look over the record of the proceedings brought during the last administration. Mr. Roosevelt became President on September 14, 1901. The first suit brought under the Sherman law during his administration was a suit against the Northern Securities Co., which was brought by Attorney General Knox on March 10, 1902, and resulted in a decree granting to the Government the result asked, which decree was affirmed by the Supreme Court on March 14, 1904. The next was a civil suit in equity against Swift & Co. and other beef packers in Chicago, filed May 10, 1902. A demurrer to the petition was overruled by the circuit court and this ruling affirmed by the Supreme Court in January, 1905, in an opinion by Justice Holmes, which was an interesting exposition of the scope and meaning of the law. The decree entered in the circuit court, however, seems to have been drafted with a very inaccurate conception of the precise method in which the defendants were carrying on their combination, for the prohibition of the acts specified in the decree did not interfere in any appreciable degree with the carrying on of the same control of prices and markets by the defendants as had been complained of in the petition.

PRO RATA DISTRIBUTION.

"The decree in the Northern Securities case compelled the dissolution of that company and the distribution to its stockholders pro rata of the stocks of the two competing railroads, the Northern Pacific and Great Northern, which it had been organized to acquire. Mr. Harriman, representing the Union Pacific interests, strove hard to compel a modification of the decree which would give back to the organizers of the securities company the stocks in the Great Northern and Northern Pacific Railroads, respectively, which they had exchanged for that of the Northern Securities Co. Mr. Roosevelt's Attorney General objected to this, and upon his expressing the satisfaction of the Government with the pro rata distribution the court declined to alter its judgment. Thus was established the principle which controlled later on when the Standard Oil Trust was dissolved, a dissolution which Mr. Roosevelt now proclaims accomplished nothing.

"The next important case was the indictment of the Chicago packers on July 1, 1905, after the commencement of Mr. Roosevelt's second term, which was rendered abortive by reason of the employment in aid of the criminal prosecution of information which had been secured by the Bureau of Corporations for statistical purposes, and as claimed and held by the court, under circumstances which entitled the defendants to protection against its use as a basis of their prosecution. The first of the proceedings against the Tobacco Trust was begun June, 1906, being the indictment of the two corporations controlling the licorice business as a part of that trust, which resulted in the conviction of the corporations and the acquittal of the individual officers who had directed the operations which the jury found to be illegal.

LEFT OVER FOR TAFT.

"No other proceeding of any importance brought during the Roosevelt administration was concluded during its term.

"There were left pending undetermined when Mr. Taft was inaugurated President the civil suit in New York against the Tobacco Trust, pending on an appeal from a decree partially in favor of and partially adverse to the Government's contention; the civil suit against the Powder Trust, brought July 30, 1907; the civil suit against the Terminal Railway of St. Louis, brought December 1, 1905; the suit against the Standard Oil Trust, brought November 15, 1906; the suit against the Reading Coal Co. combination, brought June 12, 1907; and the suit against the Union Pacific and the Southern Pacific railways to enjoin their merger, brought February 1, 1908.

"Of the 25 criminal cases brought during the entire seven and one-half years of Roosevelt's administration, 10 resulted in pleas of guilty, or nolo contendere, and fines aggregating $148,265, besides $17,500 unpaid pending appeal; 4 were dismissed on special plea or demurrer; 2 resulted in the acquittal of the defendants; verdicts of guilty in 3 were reversed on appeal and the cases dismissed, and in 3 nothing was done after indictment.

"Of the civil suits, besides the Northern Securities case and the Swift case, which were decided in favor of the Government, in 6 other cases injunctions were granted as prayed, 2 were dismissed, and 18 were left pending, undetermined at the expiration of the Roosevelt administration. Of the important cases thus left the suits against the Standard Oil, Tobacco, and Powder Trusts have been carried through to a decree of dissolution. The proceeding against the St. Louis Terminal Co. resulted in a decree, rendered in the Supreme Court at the last term, May, 1912, requiring the termination of certain illegal features of its organization. The suits against the Reading coal companies and the Union Pacific merger have been argued and are under consideration in the Supreme Court. The indictments of the representatives of the Turpentine Trust in Savannah resulted during this administration in the conviction and imposition of fines and terms of imprisonment, the affirmance of the conviction on appeal, and then the carrying of the case to the Supreme Court, where it will be argued in the autumn.

"So much for the record of the Roosevelt administration.

THE SUGAR CONSPIRACY CASE.

"The first proceeding brought under the Taft administration was the indictment of John E. Parsons and others in New York for acts which prevented the Peninsular Sugar Refining Co. from beginning the business of manufacturing and refining sugar in competition with the American Sugar Refining Co. Special pleas and demurrers in that case were overruled in the Supreme Court in an opinion which established the doctrine of continuing conspiracy under the Sherman law, which greatly strengthens the efficacy of that statute. On the trial the jury disagreed, largely because of the great lapse of time since the acts done which were the foundation of the indictment.

"The 66 cases brought during the three and one-half years of the Taft administration (which have now grown to 69, by reason of the bringing of 3 important suits during the present month) represent largely the rsults of thorough, systematized, and comprehensive work in the Department of Justice itself. Some of the criminal proceedings were brought by district attorneys at their own instance, but in view of the fact that section 4 of the antitrust law expressly puts the institution of equity proceedings under the direction of the Attorney General, those proceedings have been in almost every case originally prepared and brought through under his personal supervision. It goes without saying that the department has been at times deluged with correspondence and at all times a recipient of letters from various sources complaining of the existence of trusts and combinations of one sort or another and of oppressive acts by competitors working through trade agreements or combinations. Every complaint presented from an apparently reliable source has been carefully investigated. In a great many instances such investigation has resulted in a failure to establish the existence of any illegal combination or contract. In many instances it has resulted in the discovery of illegal conditions which have been made the basis of action.

SIXTY-SIX CASES IN THREE AND ONE-HALF YEARS.

"Of the 66 proceedings enumerated in the pamphlet issued by the department, 27 were civil suits in equity and 39 criminal indictments. The 3 proceedings since brought were civil suits in equity. Two criminal proceedings—the Parsons-Kissell prosecution and that against the Bathtub Trust—have resulted in disagreements of the jury. In two others—viz, the prosecution of the packers in Chicago and that of members of a combination to exclude competition in wall paper in Cleveland—the jury acquitted the defendants. To the 9 indictments of members of the so-called wire pools, embracing some 80 defendants, pleas of nolo contendere were interposed and received by the court and fines approximating $127,700 were imposed and paid. In 2 other criminal cases pleas of guilty or nolo contendere were entered and fines aggregating $67,000 paid.

"In the case of the night riders in Kentucky eight defendants were found guilty and fined amounts aggregating $3,500. This conviction was affirmed on appeal and subsequently the President remitted the fines upon payment of the costs of the prosecution.

"In 6 cases demurrers were sustained and 17 cases are now pending undetermined. These include some of the most important of the prosecutions brought during this administration.

"I should not omit in passing to refer to the suit brought against the railroads in the Western classification territory to enjoin the increase of commodity rates proposed by them just on the eve of the passage of the act of June 18, 1910, which amended the interstate commerce act by giving, among other things, the commission power to stay a proposed increase of rates until the reasonableness of the increase and its justice should be investigated. In that case the granting of the preliminary injunction accomplished the entire object of the suit by preventing the increase from going into effect, leading to the withdrawal of all other proposed increases before the taking effect of the new law, and their submission to and investigation by the Interstate Commerce Commission after the passage of the new act. The commission after full investigation held that the proposed increases were not either just or reasonable and should not be permitted. This suit, having thus accomplished its entire purpose, was dismissed by the Government.

COVERED THE TRUST FIELD.

"The various proceedings brought during this administration range over the entire subject of undue restraint of interstate trade. Those against the Sugar Trust, the Harvester Trust, and the Steel Trust, added to the proceedings already brought against the Standard Oil, the Tobacco, and the Powder Trusts, brought before the court substantially the only remaining of the great so-called trusts against which the legislation of 1890 was primarily directed. It is safe to say that there is no other combination existing in the United States to-day of extent and character comparable to any one of those mentioned.

"While many of such combinations were formed between 1901 and 1905, no great combination has been organized since March 4, 1909. Most of the proceedings brought strike at combinations or agreements between the independent producers or dealers having for their purpose the elimination of competition, fixing of prices, and control of the market. Especial consideration has been given to the breaking up wherever their existence has been discovered of combinations affecting the price of foodstuffs or articles of common necessity. Thus proceedings have been directed against combinations to control the price and regulate or restrict competition in groceries, butter and eggs, milk, meat, kindling wood, ice, and coffee, besides such articles of common necessity as paperboard, window glass, wall paper, charcoal, plumbing supplies, paving blocks, wire and wire products, electric lamps, agricultural implements, cash registers, watch cases, shoe machinery, as well as aluminum, elevators, magazines, and more recently to prevent the complete monopolization of the business of furnishing ready print and plate matter to newspapers and the control of the business of bill posting and the monopolization of the business in motion pictures.

THE COTTON CORNER.

"One of the most important proceedings brought was the indictment of a number of individuals for undertaking to control the price of cotton by means of a pool or corner in cotton. This was decided adversely to the Government in the circuit court upon the ground that while a pool was an immoral thing, it was not a direct restraint of interstate commerce. The case was argued on appeal in the Supreme Court in October last, and was held throughout the session, and just before the adjournment of the court was by the court's own order reassigned for argument in October. It involves an important principle, which, if sustained for the Government, will extend the operation of the Sherman law to all efforts to corner the market in commodities which are the subject of interstate commerce.

"A number of proceedings, civil and criminal, against the various associations of lumber dealers strike at a practice which has become quite common in many industries, of combinations for the purpose of preventing the consumer from purchasing supplies directly from the wholesale producer. It is the artificial effort of the middleman to preserve his existence and to compel the consumer to support him as well as the producer. Four civil suits have been directed at pooling associations of owners of steamships engaged in commerce between the United States and foreign ports, agreements avowedly contrary to our law, but which, it is claimed, can not be reached because made in foreign countries. It is believed by the department that the process of our courts is potent to reach and break up these combinations and to prevent their further conduct, and the proceedings are being pressed to that end.

QUOTES EX-SENATOR EDMUNDS.

"Ex-Senator George F. Edmunds, one of the framers of the so-called Sherman Act, whose recent unprejudiced commendation of the course of the Taft administration in administering this law called forth a characteristic, ill-tempered, and vindictive outburst from Col. Roosevelt, in speaking of the act says that:

"'Like all laws enacted to punish and prevent selfish disturbance of social order and equal rights, the act would fall into "innocuous desuetude" without the vigilant and persistent exer-

tions of the executive department, for of course the courts can not act without cases properly brought before them. For several years following the passage of the act it seemed as if the Department of Justice doubted its constitutionality or was unable to find evidence of constant and increasing violations of it. Those engaged in and profiting by schemes to dominate and monopolize trade went boldly on. Others followed the bad example, until much of almost every variety of the business of the country came to be carried on and controlled by combinations making war upon those who could not or would not come into the conspiracies and fixing prices destructive of fair competition and putting small traders and all consumers in bondage.'

BROUGHT HOME THE LAW.

"The first vital departure from this lukewarmness on the part of the Department of Justice in the enforcement of the act was the bringing by Mr. Knox of the suit against the Northern Securities Co. This was followed by half a dozen other proceedings of importance, besides a number of minor importance, during the Roosevelt administration. But to bring home the law to the country as a vital rule of conduct it was necessary that prosecutions should be systematic, well conceived, covering every phase of agreements in undue restraint of trade and commerce, and that they should be vigorously pressed to effective conclusion, and, above all, that they should be directed at the most powerful as well as those of minor importance. I believe that this has been done during the present administration. At all events, an earnest effort has been made to accomplish it, and that owing to President Taft's vigorous and impartial action it has come to pass, as Senator Edmunds says, that 'times have changed and the greatest of the lawbreakers have found that the hand of justice is too strong for them.'"

The Friar Lands.

REMARKS

OF

HON. HENRY ALLEN COOPER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 8, 1912.

The House having under consideration the bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"—

Mr. COOPER said:

Mr. SPEAKER: Although not physically in condition to-day to discuss this most important measure, I feel it my duty to say a few words concerning it.

On a former occasion I was asked by the gentleman from Virginia, the chairman of the Committee on Insular Affairs, as to my understanding of those provisions of the Philippine organic act of 1902, which relate to the friar lands, and especially as to whether it was my understanding that unoccupied friar lands in the Philippine Islands could be disposed of to purchasers in different amounts than was provided in the same act for the sale by the Philippine Government of the other public lands in the islands. I replied no; that from the day that law was enacted it was my distinct understanding that the limitation of 16 hectares—approximately 40 acres—for an individual, and of not more than 1,024 hectares—2,500 acres—for a corporation, applied to the unoccupied friar lands, exactly as it did to the other public lands of the islands.

It is a fact, Mr. Speaker, that I never heard anyone claim that a different understanding ever obtained in the Committee on Insular Affairs, while I was a member of it, than that which I have just announced, until I heard it some time after the new committee was appointed in August, 1909, in the last Republican Congress. Never, while I was chairman of the Committee on Insular Affairs, did I know that anybody in the United States claimed that the members of that committee intended that a different construction ought to be, or thought that a different construction properly could be, put upon that law.

Mr. McCALL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Massachusetts?

Mr. COOPER. With pleasure.

Mr. McCALL. I think I brought to the gentleman's attention the letter written by Mr. Moorfield Storey, of Boston, and I think I asked him if he agreed with the view taken in that letter.

Mr. COOPER. I did.

Mr. McCALL. Which was substantially what the gentleman has just given?

Mr. COOPER. Yes. That was in 1909, was it not?

Mr. McCALL. I think it was in 1910. It was a little over two years ago, I think.

Mr. COOPER. The Philippine organic act was enacted by Congress in July, 1902. The Committee on Insular Affairs began the consideration of the bill in January of that year, but it did not come on for discussion in the House until the 19th of June of that year. I doubt if ever in the history of the American Congress any committee has labored more assiduously in the preparation of a measure to be submitted to the House of Representatives than did the Committee on Insular Affairs in that Congress on the Philippine bill. Week in and week out—yes, month in and month out—these labors continued. In those days, the House will remember, the problem of the Philippines was the paramount issue. The questions presented were new and of vast importance. There were no precedents by which to determine what this Republic should do for territory so acquired, so remote, and so inhabited. And not only were the questions new and of great importance, but they were also of exceeding difficulty.

The House perhaps will remember that during a debate in March two years ago I told of my experience with President McKinley soon after my appointment as the first chairman of the Committee on Insular Affairs; but I am justified in again speaking of it, now that 55,000 acres of friar lands have been sold to one purchaser.

I went to the White House and asked President McKinley if he had any suggestions to make as to what should be the legislation for the archipelago, suggesting to him what, of course, he well knew—the difficulties of the problem. At first he said no, he did not think of anything to suggest; but as I was going away he reached up his hand, clasped mine, and said, "Mr. COOPER, I do not know but there is one thing I would like to say, I hope that there will be no exploitation of any of those islands."

And those of you who ever saw McKinley in his serious moods know what was the expression at that moment upon his noble countenance.

I hope that there will be no exploitation of any of those islands.

Mr. Speaker, it is fundamental in the interpretation of a statute, as it is in the interpretation of a will, that the intention of the maker is to govern where this is possible without violating a supreme law. Potter's Dwarris on Statutes states this rule of statutory construction—a rule with which every Member of the House is familiar—in these words:

The great object of the rules and maxims of interpretation is to discover the true intention of the law; and whenever that intention can be indubitably ascertained from allowed signs and by admitted means, courts are bound to give it effect, whatever may be their opinion of its wisdom or policy.

I beg gentlemen who have been supporting the construction put upon the act of 1902 by Attorney General Wickersham to give heed to this statement of one of the principles which should govern in construing a law:

Courts are bound to give it effect, whatever may be their opinion of its wisdom or policy.

Questions of the mere wisdom or policy of a law are for legislators, not for courts.

Whatever doubts I may have in my own breast—

said Lord Mansfield, in the case of Pray *v.* Edie—

with respect to the policy and expediency of this law, yet as long as it continues in force I am bound to see it executed according to its meaning. * * * Let us consider what are the mischiefs intended to be remedied and the provisions of the act for remedying them.

Observe Lord Mansfield's statement, that as long as a remedial law is in force it should be "executed according to its meaning," and that in deciding as to its meaning we should consider "what are the mischiefs intended to be remedied and the provisions of the act for remedying them."

Now, what were the particular mischiefs in this case in the Philippines which Congress sought to remedy? One was the mischief of three religious corporations owning great estates of hundreds of thousands of acres of agricultural land.

The remedy was in the act of 1902:

SEC. 63. That the Government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

SEC. 64. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said

Government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said Government for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of said Government after dates named in said bonds, not less than 5 nor more than 30 years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said Government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the Government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government.

A mischief also was the possible future selling of the so-called public lands in the Philippines in great tracts to individuals or corporations unless such selling should be prohibited by law. And therefore the law contained certain provisions strictly limiting the sale of the public lands and the number of acres that could be sold to a corporation or to an individual. These so-called public lands belonged to the Philippine Government.

Section 13 provides:

SEC. 13. That the Government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed 16 hectares in extent.

It will be noted that by section 13 a homestead entry on the public lands is limited to not more than 16 hectares—approximately 40 acres.

And the evidence was uncontradicted that 40 acres of this land is equal, in productivity, to 120 or 160 acres of the average farm lands in the United States.

Section 15 provides:

SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

It will be observed that by section 15 the Philippine Government can not sell more than 16 hectares—about 40 acres—of the public lands to any one person, nor more than 1,024 hectares—about 2,500 acres—to a corporation.

As was suggested a few minutes ago by the gentleman from Massachusetts, [Mr. MCCALL], he was the first to call my attention to the fact that efforts were being made in the Philippine Islands to sell 50,000 acres and more of these friar lands to one purchaser.

Gen. Edwards, of the Bureau of Insular Affairs, said in a telegram in 1909 that there has never been any other understanding here than that the unoccupied friar lands could be sold in unlimited quantities to individuals. And yet the distinguished minority leader of the Committee on Insular Affairs in 1902, now its chairman, the gentleman from Virginia [Mr. JONES] said in the debate on the bill June 19, 1902—he was most earnest in endeavoring to secure a just law for the Philippines—

The friar lands are the finest in the Philippine Islands. The commission has authority to issue bonds and buy them and after their purchase they are to be held and *treated as other public lands.*

In view of this statement in 1902 on this floor that the friar lands were to be "treated as other public lands," what becomes of the statement of Gen. Edwards that nobody here ever had any thought but that the vacant friar lands could be disposed of in unlimited quantities to individuals, when everybody admits, even he, that no more than 40 acres of the other public lands of the islands could or can lawfully be sold to an individual?

Mr. LONGWORTH. Will the gentleman yield?

Mr. COOPER. Certainly.

Mr. LONGWORTH. When did Gen. Edwards make the statement the gentleman refers to?

Mr. COOPER. In 1909, after Congress had adjourned, but I did not learn of it until the next winter or early spring. The gentleman from Colorado [Mr. MARTIN] first brought it to my attention.

Mr. LONGWORTH. Under what circumstances was the statement made, if the gentleman knows?

Mr. COOPER. I will come to that a little later. Now, that quotation from the speech made here in 1902 shows conclusively that Gen. Edwards, who has been one of the most assiduous advocates of the removal of the restrictions on the sale of the other public lands in the Philippines, was mistaken in his statement about the friar lands. For in the very first debate on that bill the gentleman from Virginia [Mr. JONES], the then ranking minority member of the Committee on Insular Affairs, declared that the friar lands when acquired were to be treated like other public lands in the islands. And in the debate a few days ago the gentleman from Virginia repeated that he never had any different understanding than this from the time the bill was passed in 1902 until Gen. Edwards and the Attorney General began to say that there was a distinction to be made between the other public lands and the unoccupied friar lands.

What are the friar lands? The friar lands are the lands which were held by three Catholic orders—the Augustinians, the Recollettos, and the Dominicans. But this was not at all a religious question, a fact to which I called attention in opening the debate in 1902. In reference to the friar-land controversy I said:

An important provision of the bill relates to the lands of the friars. The Filipinos are a Catholic people, ardently devoted to their church, yet for many generations they have been determined enemies of the Spanish friars in the islands, although followers of the same religious faith.

The trouble was between the Filipinos and the Spanish friars. There was none with the Jesuits in the islands, nor with any except the Spanish friars. In the same speech I said:

This is not in the slightest degree an attack upon any church nor upon any religion, but simply an endeavor to remove the source of an animosity which has become dangerous to the peace and prosperity of the islands. The situation is summarized in the report accompanying the bill, an extract from which I will print in connection with my remarks.

I drew the report. It contained this statement:

Your committee has no desire to enter into the merits of this controversy. It is sufficient for the purpose of the proposed legislation that the animosity exists; that it is deep-seated and widespread; that it has heretofore resulted in uprisings of the Filipino people, in bloodshed, and civil war; and that it still is an element dangerous to the peace and prosperity of the islands.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. MARTIN of South Dakota. When the adjustments were made regarding these friar lands, to whom was the fee title to those lands taken?

Mr. COOPER. The Philippine Government, the organic act provided for that.

Mr. MARTIN of South Dakota. Has the Philippine Government also held fee to the other public lands?

Mr. COOPER. It has exclusive jurisdiction to sell and lease them subject to the provisions——

Mr. JONES. They belong to the Filipino people.

Mr. COOPER. Yes.

Mr. MARTIN of South Dakota. Then the fee to the lands purchased or settled with the friars is in the same ownership, is it?

Mr. COOPER. Yes, sir.

Mr. MARTIN of South Dakota. Of course, in the United States, if a gentleman will not be interrupted, the title to the public lands within the bounds of the United States is in the Government of the United States and as from time to time we may clear away claims of Indian tribes to lands they be-

come a part of the public domain in the United States unless otherwise indicated. Is it the view of the gentleman that the same condition by analogy exists in relation to these friar lands?

Mr. COOPER. By the organic act of 1902 the friar lands were made the property of the Philippine Government, and that Government was authorized to sell or dispose of them in its discretion, but subject to the limitations and conditions of the act.

Mr. MARTIN of South Dakota. In the act of 1902, what, if anything in specific language, was placed in that act that would indicate one way or the other whether the lands to be purchased from the friars should become part of the Philippine public domain or public lands of the islands?

Mr. COOPER. Section 65 provides—

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as may be prescribed, *subject to the limitations and conditions provided for in this act.*

Mr. OLMSTED. Will the gentleman yield?

Mr. COOPER. I will.

Mr. OLMSTED. I was appointed a member of the Committee on Insular Affairs May 13, 1902, which was after the hearings on this Filipino organic act, and served with great pleasure under the chairmanship of the gentleman from Wisconsin, but was not a member when the bill was reported from that committee to the House. I ask the gentleman from Wisconsin if he can inform me whether or not section 65, relative to the friar lands, was in the bill when it was reported from the Committee on Insular Affairs to the House, or was a proposition inserted afterwards in the House or in the Senate?

Mr. COOPER. The House struck out all after the enacting clause of the Senate bill and incorporated its own bill. The House bill passed, and there was a conference which reported a bill——

Mr. JONES. Containing this section.

Mr. COOPER. Containing this section.

Mr. MARTIN of South Dakota. Section 65 was not in the original bill as reported from the House committee, was it?

Mr. JONES. I will answer the gentleman if the gentleman from Wisconsin will permit. Section 65 was in the bill as reported from the House. It was then section 15. The Senate sent over to the House a bill which was referred to the Committee on Insular Affairs. That committee struck out all after the enacting clause and substituted its own bill for the Senate bill which contained this section, and it was therefore in the bill when it came back to the House.

Mr. COOPER. I wish here to digress long enough to say that the contest as to what should be in the bill was one of the most determined that I have known during my membership in the House. The Senate bill never contained even so much as the remotest suggestion of a provision for a legislature in the Philippine Islands. Within a week before the House bill came on for debate here prominent newspapers declared that it ought not to pass, that the provision in it for a Philippine legislature was wrong, and that the Senate bill ought to be enacted into law. Distinguished gentlemen came here and insisted to Members of the House that the House bill should not pass because of that dangerous provision. And yet the retention in the final organic act of that provision for a legislature, with an elective lower house, was what preserved peace in the Philippines, made the success of our Government in the islands, and led to some astonishing results in the political history of the United States. [Applause.]

Mr. Speaker, as I have said, the question of the friar lands was not at all one of religion, but, on the contrary, was one purely of politics in the best sense of that term.

There were approximately 400,000 acres of agricultural lands in the Philippine Islands owned by these three religious orders. They were corporations——

Mr. MANN. Will the gentleman yield for a question there for information?

Mr. COOPER. Yes.

Mr. MANN. The impression that I have in reference to the legislation under which we acquired the friar lands was that it was based upon the proposition that these lands, being owned by these orders of friar, were occupied by the Filipino people.

Mr. COOPER. Not entirely occupied.

Mr. MANN. Not entirely, but——

Mr. COOPER. About one-third.

Mr. MANN (continuing). And the complaint was that they were not properly treated, paid too much in the way of leases or rentals or did not have a permanency sufficient to insure their remaining on the land, and that the purpose of acquiring the friar lands was to permit the people who then occupied them as tenants in some form an opportunity of becoming the owners of the land which they then occupied.

Mr. COOPER. That is true of the occupied portion of the lands, and, as was said by the gentleman from Virginia [Mr JONES] during the debate on the bill on the 19th of June, 1902—he repeated the statement in debate here a few days ago—the distinct understanding by the committee was that these friar lands were to be bought with the proceeds of these bonds and the unoccupied portions treated the same as other public lands.

Nobody here to-day denies that the organic act strictly prohibits, and has always prohibited, the sale of the other public lands in quantities of more than 40 acres to an individual, or more than 2,500 acres to a corporation.

Mr. LONGWORTH. Will the gentleman yield at that point? When was the first instance of what might be called a disregard of that understanding? How long after the purchase of the friar lands were any lands disposed of in larger acreage than of the public lands?

Mr. COOPER. My recollection is that it was in 1909. It was after Congress had adjourned that summer. I did not hear of it until the next winter—1910.

Mr. QUEZON. The first sale was in 1909.

Mr. LONGWORTH. Six years after the——

Mr. QUEZON. Very soon after the passage of the Payne-Aldrich bill in 1909, which granted free trade to the Philippine Islands. A very few months later stockholders of the Sugar Trust were allowed some thousands of acres of these friar lands.

Mr. TOWNER. I think there is a misapprehension. There were numerous sales made before this sale was made.

Mr. QUEZON. Those who were tenants were, by the terms of the act, permitted to retain their holdings, regardless of the area.

Mr. TOWNER. But many of them were made that exceeded 16 hectares of land.

Mr. QUEZON. But not in the case of unoccupied friar lands. It was in the case of occupied lands that the law permitted them to purchase their holdings.

Mr. TOWNER. Almost immediately after the law was passed and made effective sales were made that exceeded 16 hectares of land to tenants that occupied it.

Mr. COOPER. Certainly, it would have been utterly unjust to attempt by statute to take away property already in the possession and occupancy of people without first giving them an opportunity to buy it.

Mr. MARTIN of South Dakota. Mr. Speaker, did the act passed make a provision for selling any larger areas to actual occupants of the land?

Mr. LONGWORTH. Was there any distinction made in the act between occupiers of the land and others?

Mr. TOWNER. As to the amount of land to be occupied by them, I believe not. It was the contention of the Government that 16 hectares did not apply at all to the friar lands, and they commenced selling these lands almost immediately in larger amounts than 16 hectares to those who were the actual tenants; and a large part of the land, amounting to over 150,000 acres, and I think nearly to 200,000 acres, were disposed of in this way—not all of it, of course, in excess of 16 hectares, but a very large portion of it.

Mr. LONGWORTH. If the gentleman from Wisconsin [Mr. COOPER] will permit, I would like to ask the gentleman from Iowa [Mr. TOWNER] what extent of acreage in individual cases were lands sold above the 16 hectares in those earlier sales?

Mr. TOWNER. If the gentleman will turn to page 3 of the minority report, he will find there a list. The only large sale that was made there was the one referred to by the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the concluding paragraph of the proviso in section 65, relating to the friar lands, is as follows:

Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government.

Mr. MARTIN of South Dakota. Does the gentleman from Wisconsin [Mr. COOPER] think that would be authority for selling to an actual occupant beyond the 16-hectare limitation of public lands?

Mr. QUEZON. Will the gentleman from Wisconsin [Mr. COOPER] permit?

Mr. COOPER. Certainly.

Mr. QUEZON. I believe it is an authority to the Philippine Government, because it is evident that the only reason why these friar lands were purchased from the friars was for the purpose of selling them back to the tenants, so that if this was

the purpose of the law the Philippine Government was to be authorized to carry out the purpose of the law. If it was limited to 16 hectares, how could they have carried out that portion of the law?

Mr. MARTIN of South Dakota. I will say that it often happens in the administration of public lands in this country that before the surveys occupants have inclosed and had in actual use and possession a great deal more than the law will allow them to hold when the law goes into effect. But that is never construed in our courts to be an actual claim to more than the limitation of the law.

Mr. TOWNER. Mr. Speaker, that was one of the contentions on the part of the Government and others, that there was no limit intended. As has been well said by the gentleman from the Philippines [Mr. QUEZON], now, one of the very objects of the law was that these lands should go primarily to the persons who occupied them as tenants of the friars, and at least there are 82 instances that are mentioned on this page of the minority report where these lands were sold to actual occupants of the lands who had been tenants of the friars and whose holdings were in excess of 16 hectares of land.

Mr. JONES. Will the gentleman permit me to make a statement? I think the statement as just made by him is entirely correct. I made that statement, in effect, on last Wednesday, but the gentleman from Pennsylvania [Mr. OLMSTED] questioned it and asked for my authority. He said, if I remember correctly, that he might, with just as good reason, say that none of those who purchased over 40 acres were occupants of the lands thus purchased.

I think there is no question about the correctness of the gentleman's statement, but I want to say to the gentleman on my left, Mr. QUEZON, that the law itself makes plain the question which he asked of the gentleman from Wisconsin [Mr. COOPER]. Section 65 provides that these lands shall constitute a part and portion of the "public property." Now, some gentlemen say that if the intention of the Congress was to make them a part of the public lands, Congress would have said "a part of the public domain" or "a part of the public lands," and they base their whole argument upon the fact that the words "public property" are used and not the words "public lands." Then the section goes on to say, as has been stated over and over again, that they shall be—

subject to the limitations and conditions provided for in this act.

Now, if that were all that there was in the sixty-fifth section, it would be true that the lands could not be sold to individuals in larger amounts that 16 hectares, or 40 acres, no matter what the holdings of the tenants were. But the gentleman will find the last sentence of that section to read as follows:

Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government.

That is a qualification of the language that precedes.

Mr. LONGWORTH. The gentleman interprets the words "their holdings" to mean no matter how large?

Mr. JONES. No matter how large. Any tenant in actual possession or occupancy of the land could purchase his holding, whether 30 acres or 40 acres or 50 acres; and here is a list of persons who have purchased, which shows that the Government put that construction upon the law and did permit quite a number of tenants to purchase more than 40 acres because they were in actual possession and occupancy of more than 40 acres.

Now, just one other word in that connection. Something has been said as to what was the construction which the Philippine Government placed upon this language. I want to call the attention of the House to this, that in an act known as the "friars' land act," passed by the Philippine Commission——

Mr. COOPER. Will the gentleman allow me there?

Mr. JONES. Will you let me make this statement?

Mr. COOPER. I shall use those facts in replying to the Attorney General's statement.

Mr. JONES. I wish merely to say that on the 27th of April, 1904, the Philippine Commission passed what is known as the "Friars' Land Act," which act expressly provided that these lands were to be disposed of in the same quantities that the public lands were to be disposed of, which showed what the Philippine Commission then thought about this matter. But in 1908, the year Mr. Poole was out there to buy the San José estate, there was passed a law repealing the act of 1904, which, as I have said, limited the quantity of land which could be sold to an individual, so as to put a different construction upon the organic law and to permit the sale of the lands in larger quantities.

Mr. MARTIN of South Dakota. Before the gentleman goes to anything else, I would like to ask the view of the gentleman from Wisconsin [Mr. COOPER] as to the paragraph in section 65. As to that paragraph in section 65, I think it would indicate that it was simply giving a preference right to the individuals in actual occupancy of the land to have the right to purchase, would it not?

Mr. COOPER. The act says "to purchase their holdings."

Mr. MARTIN of South Dakota. It does not say to the extent of their holdings, but it says that they shall have the preference over outsiders to purchase. Now, does the gentleman agree to the interpretation that that would be an authorization to anyone occupying a larger amount to the extent of his holdings, no matter how large?

Mr. COOPER. Oh, there could be no question about that. Congress knew approximately the size of the holdings of these tenants.

Mr. JONES. That was the contention and the position maintained by the Philippine Commission for over three years.

Mr. COOPER. There were in all about 400,000 acres of friar lands, of which 242,000 acres were not occupied.

Mr. JONES. If the gentleman from Wisconsin will permit me, I would say that there were 160,000 people living on the other portions of these lands, and therefore they could not have had very large holdings individually.

Mr. COOPER. Yes. There were 242,000 acres unoccupied, and more than 150,000 people living on the remainder—about 160,000 acres—of the land.

Mr. JONES. One hundred and sixty thousand people.

Mr. COOPER. Yes; 160,000 people living on the occupied portion.

Now, this law provided that when in the opinion of the Philippine Commission land was held in such large quantities by corporations, associations, or religious societies as injuriously to affect the welfare of the people of the islands, the Philippine Government might acquire it by purchase or by the exercise of the right of eminent domain. The Members of the House will understand that while, as the Supreme Court declared, the Constitution of the United States had not followed the flag over there, yet it would be, in spirit and effect, a violation of what we understand to be a fundamental principle of our Government to have the Philippine Government take the private property of these orders by condemnation proceedings and then turn around and sell it to private individuals or corporations.

The Constitution of the United States and the respective State constitutions prohibit the exercise of the right of eminent domain, excepting only for public purposes. Private property can not be condemned and taken for the purpose of selling it to private individuals; and, therefore, if on the face of the Philippine law itself this was declared to be its purpose, a serious question as to its justice and propriety, if not as to its constitutionality, would at once arise. And to avoid this negotiations were conducted with the owners of the friar lands with a view to purchasing them. It was very strongly desired by the Filipino people that nobody be allowed to own such an enormous estate. The purchase was made for a little less than $7,000,000, and bonds were issued by the Philippine government in payment.

Attorney General Wickersham in a written opinion says:

The entire history of the legislation, the discussions over the purchase of the friar lands, and the provisions of the statutes themselves to my mind clearly demonstrate that the restrictions in section 15 of the organic act applicable to the public domain in the Philippine Islands were not intended to and do not apply to the friar lands.

The Attorney General declares that the restrictions applicable to the public lands—that is, of 40 acres to an individual and 2,500 acres to a corporation—were not intended to apply to the friar lands. And yet I have just shown that the exact contrary is the truth by quoting from the RECORD the uncontradicted statement made in the debate on this floor in 1902 by the gentleman from Virginia [Mr. JONES], of the committee which reported the bill. He said, and nobody disputed or thought of disputing him during that week of debate, that the friar lands were to be acquired and then "treated as other public lands."

What, then, becomes of the statement of the Attorney General of the United States that it was the intention of Congress by that law to provide that unoccupied friar lands might be sold to individuals in unlimited amounts? I know that statement to be wholly unwarranted. I know that no man at that time ever suggested such an idea in my presence, and I know that such was not the intention of Congress.

Mr. MANN. Will the gentleman yield for a question? I agree with the gentleman as to what the law ought to be; but was not section 65 written in the way it was for the express purpose of permitting a larger amount than 16 hectares to be sold to those then occupying or holding the land?

Mr. COOPER. Oh, yes; that is true of the proviso. It permitted the sale to tenants of the lands they were occupying.

Mr. MANN. So that as a matter of fact under section 65 the friar lands were not restricted in sales to 40 acres to a person.

Mr. COOPER. Will the gentleman permit an interruption right there?

Mr. MANN. Certainly. I am trying to get information.

Mr. COOPER. I have just stated the constitutional difficulty which appeared on the face of the bill itself, in the provision for the exercise of the right of eminent domain to condemn the private property of the friars for the purpose of selling it to private individuals. The Committee on Insular Affairs thoroughly discussed this difficulty before it reported the bill in 1902.

Mr. MANN. That was not a constitutional difficulty in this case.

Mr. COOPER. No; in a strictly legal sense, it was not. But the principle involved was nevertheless very important in this connection, as I have already shown. So that the Government felt that it would be far better to resort to amicable adjustment, bargain, and sale. Now, does not the gentleman from Illinois see that it was very much easier to conduct negotiations to acquire these 400,000 acres, of which about 160,000 acres were occupied, if we allowed the 150,000 people living on them—many of these as tenants—to continue to reside there and held out in the law itself the opportunity for them to purchase their holdings? In my judgment we never could have made a successful negotiation; at least, it would have been a business of the utmost difficulty, if that particular clause permitting tenants to buy their holdings had been omitted from the friar-land portion of the bill.

It is true that those people were helpless in our power, but we thought that if possible to do otherwise it would not be right to condemn private property in order to sell it to private individuals when nobody would tolerate such a proceeding in any State in the United States. However, to meet a possible emergency, we did put into the law a provision authorizing condemnation proceedings, but we also added another provision permitting occupants of these friar lands to lease or acquire their holdings.

Mr. MANN. Will the gentleman yield for a question, for information?

Mr. COOPER. Yes.

Mr. MANN. The general lands were restricted in sale under the act to 40 acres to an individual; but in the purchase of the friar lands some of the people then occupying the land held more than 40 acres.

Mr. COOPER. Yes.

Mr. MANN. And it was thought desirable when we had purchased those holdings that those holding more than 40 acres should be permitted to purchase their holdings.

Mr. COOPER. Yes; they were merely occupants of the lands. The friars were the owners of the lands.

Mr. MANN. I did not say they owned them. I say their "holdings." I think that is the term used.

Mr. COOPER. Yes.

Mr. MANN. Was not that probably the reason why there was not included in the law the provision that the friar lands should not be sold to individuals in amounts of more than 40 acres?

Mr. COOPER. Not at all as to unoccupied lands.

Mr. MANN. For the very purpose of letting these holders purchase their holdings where they amounted to more than 40 acres.

Mr. COOPER. It was, so far as their holdings were concerned, but what they were holding and occupying did not concern the remaining 240,000 unoccupied acres of agricultural lands, among the best in the islands. These we did not wish to go into the hands of any individual. It is admitted that Congress intended to get those lands out of the hands of the friar corporations, but is it to be supposed that Congress intended to get those lands away from the orders of friars and then to turn around and leave the law open for the sale of 55,000 acres, or of all the 240,000 unoccupied acres, to a single friar or to any other individual? What a preposterous suggestion that would have been. What would have been thought if in 1902 it had been announced on this floor: "The friars own 400,000 acres of land which we propose to acquire, because their possession of such enormous estates is not for the welfare of the Filipino people. So we will take the lands and permit not more than 2,500 acres to be sold to a corporation, but permit any number of acres to be sold to an individual—for example, 55,000 acres to Mr. Poole, who goes over there as the agent of Havemeyer, son of the once famous sugar king, Havemeyer, head of the great trust in the United States." After such an announcement, about when do gentlemen suppose that bill would have passed? And yet the Attorney General of the United States in an official opinion declares that it was the intention of Congress to authorize that sort of thing to be done—its deliberate intention to allow sales in any amount to individuals.

Reason ought to be used in interpreting a law to discover the intent of its maker. And I ask how in the name of reason—of ordinary common sense—it is possible to believe that Congress, thinking that a religious order owned too much land, would cause it to be taken from that order, and then be willing to have it all sold right back to a member of that order or to its chief officer?

Mr. Speaker, of all monopolies, the most dangerous is the monopoly of land. Especially is this true in a restricted area like the Philippine Islands.

The SPEAKER pro tempore (Mr. ROBINSON). The time of the gentleman from Wisconsin has expired.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 30 minutes.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the gentleman's time may be extended 30 minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Speaker, the Congress of the United States limited the amount of land that could be owned by a corporation in Porto Rico to not more than 500 acres. Where people in an island like that begin to crowd upon each other they can not move, as our pioneers moved, over imaginary State lines, on and on, into the almost boundless West. In such an island they move on and on, soon to be confronted by the ocean. Land monopoly in islands of comparatively limited area presents an opportunity for a very cruel kind of tyranny.

Now, Mr. Speaker, Congress adjourned early in August, 1909. Only a month later, September 7, Mr. J. Montgomery Strong, of Little Falls (N. J.) National Bank, wrote a letter to a friend in Manila:

LITTLE FALLS, N. J., *September 7, 1909.*

MY DEAR WILSON: This will introduce Messrs. E. L. Poole and P. A. Prentiss, who are going out to the Philippines, representing the same interests as I did, with the intention of looking toward the purchase of some land in the islands. If it is possible to secure a sufficient amount of suitable land, a modern sugar factory is contemplated. Any advice or information you can give these gentlemen will be greatly appreciated.

With kind remembrances to Mrs. Wilson, Mr. Strong, and yourself, believe me,

Sincerely, yours, J. MONTGOMERY STRONG.

JOHN R. WILSON, Esq.,
Manila, P. I.

That was dated on the 7th of September. Prentiss and Poole were going to the Philippines. Here is a cablegram dated October 22, 1909; showing that they had arrived:

OCTOBER 22, 1909.

SECRETARY OF WAR, *Washington:*

Prentiss and Poole desire to purchase unoccupied sugar lands on San Jose friar estate, Mindoro; say Hammond was informed by the Bureau of Insular Affairs an individual can not purchase more than 40 acres friar lands. Can not understand this, as acts 1847 and 1933 were passed amending friar-land act to give government right to sell vacant friar lands without restriction as to area. Attorney general concurs in the opinion that this has been accomplished. Please confirm by telegraph to satisfy these gentlemen.

FORBES.

The attorney general mentioned in this message was the attorney general of the Philippines. Hammond was the attorney for Prentiss and Poole.

I call attention to the fact that this cablegram was from Gov. Gen. Forbes, of the Philippines, after an interview with Prentiss and Poole, in which they had told him of their desire to purchase unoccupied friar lands, but that their attorney had been informed by the Bureau of Insular Affairs in Washington that an individual could not purchase more than 40 acres of such friar lands. The official who imparted that information was Maj. McIntyre, of the Bureau of Insular Affairs. It is true that later an effort was made to explain away what he had said; but one can not read the record without being absolutely convinced that he told Hammond that the limitations of the act of Congress applicable to the public lands in the Philippines were applicable also to the vacant friar lands, and that not more than 40 acres could be sold to an individual.

On the same day, October 22, Gen. Edwards cabled back:

OCTOBER 22, 1909.

FORBES, *Manila:*

Thoroughly understood here unoccupied friar lands may be sold to individuals without limitation as to area. Will advise Hammond. Wrote you September 27 requesting detailed description of such estates as are to be sold as unoccupied land. When Hammond called it was not understood efforts were being made to sell these estates.

EDWARDS.

Mr. LONGWORTH. Was that the statement the gentleman referred to a while ago as the statement of Gen. Edwards?

Mr. COOPER. Yes.

Mr. MARTIN of Colorado. It was understood, however, to apply only to particular estates or holdings and to no other lands.

Mr. COOPER. On the contrary, neither of these cablegrams makes any reference to holdings, but both do expressly refer to, and refer only to, friar lands that are unoccupied. There can be no question as to what was understood by all the parties to these transactions.

The Mr. Hammond who made the inquiries for Prentiss and Poole was a lawyer, a member of the firm of Cadwallader & Strong, the firm to which Attorney General Wickersham belonged when he entered the Cabinet of the President.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. MARTIN of Colorado. I do not know how many of these letters the gentleman is going to read and comment on, but there is in the RECORD a letter from Gen. Edwards to the governor general at Manila, stating that this call had been made by a representative of one of the best law firms in New York for the purpose of negotiating for the purchase of the friar estates. That letter is in there, and there is a letter from McIntyre to the Bureau of Insular Affairs, in which he acknowledges that he gave out mistaken information, that these lands were not to be purchased in large tracts, and other communications of like character, making it perfectly clear to me that the Bureau of Insular Affairs never had any other idea but that the lands were subject to the limitations the same as the public lands were.

May I ask the gentleman from Wisconsin, is there any claim that this land sold in the name of Poole was in the actual holding of this man or anyone else at the time of the passage of that act? In other words, was any effort made to bring it under what the gentleman considers was an exception to the act, an exception which I very much doubt myself?

Mr. COOPER. Not at all.

Mr. HILL. Will the gentleman yield for a question?

Mr. COOPER. I will.

Mr. HILL. Has the gentleman any idea the lands are not open for sale under the restrictions which are placed on public lands now?

Mr. COOPER. Why, my understanding of the law is that these acts of the Philippine Government are absolutely in violation of the straight and plain intent of the law enacted by Congress in 1902. They permit the sale of vacant friar lands in unlimited amounts to individuals.

Mr. HILL. Then the gentleman does understand that the friar lands now are subject to sale in any quantity for which the Philippine Government chooses to sell them?

Mr. COOPER. Yes; but not because the law of Congress so intended or so permits, but only because of the wrongful construction put upon that law by Attorney General Wickersham.

Mr. HILL. Hence the necessity for this bill?

Mr. COOPER. The necessity comes from the construction put upon the law by the Attorney General, and also because the President has said that unless Congress shall take action he will order the lands sold in accordance with the opinion of the Attorney General.

Mr. HILL. They have bought as a matter of property for the Philippine Government these friar lands, and they are without any restrictions on the manner of disposal of them except to tenants, who should have the preference in the purchase—but no restriction on the quantity. Is not that the gentleman's understanding now?

Mr. COOPER. Not at all.

Mr. HILL. If that is not so, what is the necessity for this bill?

Mr. COOPER. Because the Attorney General has construed the law to mean the exact opposite of what it was understood and intended to mean when enacted. We who oppose his contention maintain that the law should, and that, properly construed, it did and does prohibit the sale to a private individual of more than 40 acres of the unoccupied friar lands, just as the same law specifically prohibited the sale to an individual of more than 40 acres of the other public lands of the islands. The reason for the limitation was exactly the same in the case of the friar lands as it was in that of the other public lands.

Mr. HILL. Then this bill is to correct an omission from the law as it now stands and make it, in other words, what the gentleman conceives to be its intent and purpose?

Mr. COOPER. The gentleman puts his question as an artful cross-examiner would put it; but I have heard a great many witnesses examined and shall make my statement in my own way. It is not for any such purpose, nor do I make any such admission, as the question implies. It is for the purpose of settling a controversy growing out of a construction which has been put upon that organic act.

Mr. HILL. If that is the law now what is the use to pass this bill. That is what I want to get at.

Mr. TOWNER. Will the gentleman allow me, I think I can explain.

Mr. HILL. I know the gentleman is thoroughly familiar with the subject and I ask him in all good faith, if that is the law now what is the use of passing this bill.

Mr. JONES. The law is a very flexible thing.

Mr. COOPER. One moment, please. We passed an organic act in 1902 for the government of the Philippine Islands and, as we thought then and believe now, prohibited the sale of more than 40 acres of the unoccupied friar lands to an individual. The Attorney General has interpreted the law to mean that there is no restriction upon the sale of unoccupied friar lands to individuals, and so 55,000 acres have been sold to a Mr. Poole, who went over there as the agent of Havemeyer, a son of the former king of the Sugar Trust. We are trying by this bill to do away with the Attorney General's interpretation and to interpret the law in accordance with the intention of the Congress.

Mr. LONGWORTH. Some time prior in his remarks, the gentleman from Wisconsin referred to the word "property" in the organic act. It seems to me that this whole question comes down to the proper interpretation of the word "property." If property means the same as public domain, there is no question about it.

Mr. COOPER. Of course it does.

Mr. LONGWORTH. If the word "property" were used in some other significance there might be a question.

Mr. COOPER. The gentleman from Illinois [Mr. MANN] made a similar suggestion the other day—an aside remark across the aisle.

Mr. LONGWORTH. The gentleman does not think there is any difference between the word "property" in this case and the public domain?

Mr. COOPER. Not at all, if we are talking about lands.

Mr. JONES. Will the gentleman yield?

Mr. COOPER. I yield.

Mr. JONES. I simply want to say to the gentleman from Ohio that he does not think that after the Government had acquired these lands, and it was stated in the act that they shall constitute a part of the public property, that that act changed the nature of the property? They were public lands, were they not?

Mr. LONGWORTH. Since these remarks of the gentleman from Wisconsin I am perfectly clear that his construction of this whole proposition is right and that the gentleman from Virginia was right when he interpreted the meaning of the law back in 1902. It seems to me that is a common-sense view of the question.

Mr. JONES. I stated what was the understanding of the committee on the subject.

Mr. LONGWORTH. And that, it seems to me, was correct.

Mr. TOWNER. If the gentleman will permit, the same difficulty has arisen in my mind, and I think likely I will be able to solve it to the satisfaction of both the gentleman from Connecticut and the gentleman from Ohio. Here is the situation. It makes very little difference now who was right with reference to the contention. Affirmatively there can be no action taken unless the Philippine Government is now advised by Washington. The upper branch of the Philippine Government, which is, of course, controlled by the United States, will not take any action until Congress has acted upon this matter.

And if Congress does not act upon this matter, then the lands will be sold without restriction, which is their understanding of the matter. Unless this act is passed, then the Philippine Government will, because the general assembly is favorable and the upper house will be favorable.

Mr. JONES. If the gentleman will permit, I beg his pardon. The assembly is not favorable.

Mr. COOPER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. COOPER] declines to yield further.

Mr. BUCHANAN rose.

Mr. COOPER. I yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN. Is it not a fact that the Attorney General who put this construction on the law, contrary to what was intended by the creators of the law, was a former attorney for the Sugar Trust?

Mr. COOPER. I shall have to ask the gentleman to consult the records. I do not know.

Mr. HILL. Does the gentleman know what the Philippine people want to do in regard to the matter?

Mr. BUCHANAN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. COOPER] yield to the gentleman from Illinois?

Mr. BUCHANAN. Mr. Speaker, I am pleased to have the rules of the House applied to me. They are not applied to others who have taken the floor in regard to this question. I am glad you are starting now to apply the rules. I want to ask further if the gentleman from Wisconsin does not think the construction of this law was made favorable to those who desired to secure these lands for the sugar corporations?

Mr. COOPER. Well, I would not unnecessarily impute dishonest motives to any man, of course, and particularly to one so prominent as is the Attorney General of the United States. But I could not permit that statement of his longer to go uncontradicted. His statement that it was always the undestanding that the restriction as to the amount of land which could be sold to an individual did not apply to the vacant friar lands put me in the attitude, practically, of deliberately attempting to deceive my constituents and of telling them day after day on the stump a wanton falsehood.

Mr. HILL. Will the gentleman kindly answer my question?

The SPEAKER pro tempore. Will the gentleman from Wisconsin [Mr. COOPER] yield to the gentleman from Connecticut [Mr. HILL]?

Mr. COOPER. Yes.

Mr. HILL. What do the Philippine people themselves—I do not mean the Americans over there—want in regard to the disposition of these friar lands which they have bought and paid for and for which they have issued bonds?

Mr. COOPER. Which they paid for by issuing bonds?

Mr. HILL. Yes.

Mr. COOPER. The gentleman speaks of bonds, I presume, because of a thought in his mind similar to one evidently in the mind of the Attorney General when he rendered his opinion.

Mr. HILL. The gentleman should not impute to me any motive except to obtain information so that I can vote intelligently.

Mr. COOPER. No. The gentleman has in mind the alleged financial burden of paying for those lands.

Mr. HILL. That seems to me to be a trivial part of it as compared with the development of the islands. Tell me what the Filipinos desire, if you can. If not, I will try to get it from some other source.

Mr. COOPER. I will answer the question by reading a letter. I did not intend any impertinence toward the gentleman at all.

Mr. HILL. Not at all. Does the gentleman know what is the desire of the Resident Commissioners of the Philippines at the present time?

Mr. COOPER. The legislature is composed of a commission appointed by the President, and the other part is the lower house, elected by the Filipino people——

Mr. HILL. I was aware of that.

Mr. COOPER. The Filipino people chose Mr. QUEZON to come here as one of their representatives. He was elected by the lower house of their legislature.

Mr. HILL. Are the two houses agreed as to the disposition of this land?

Mr. COOPER. I have not heard from Mr. LEGARDA, but I am told by Mr. QUEZON that he himself is of my opinion on this subject. Is that true?

Mr. QUEZON. Yes.

Mr. COOPER. I have here a letter written by MANUEL QUEZON, dated Manila, September 1, 1910, to Secretary of War Dickinson, and by the Secretary made a part of one of his reports. It answers the question of the gentleman from Connecticut [Mr. HILL]:

LETTER OF HON. MANUEL QUEZON.

MANILA, *September 1, 1910.*

Mr. SECRETARY: In compliance with your request, made in a personal conversation with the undersigned, I have the honor hereby to express to you the opinion of the Filipinos on the friar-lands question.

Of these, there are lands that are occupied by tenants and others that are not. It is the opinion of my people that those occupied by tenants should be, as soon as possible, sold to the tenants, irrespective of the size of the lands or parcels thereof so occupied, even though the Government should incur some losses by the speedy disposal of such lands. The reason for this is that the purpose of the Government in buying these lands from the friars was precisely to settle the serious problem arising in these islands by the tenants of those lands through sale of said lands to their tenants.

With regard to the unoccupied lands, it is the opinion of the Filipinos that they should be disposed of subject to the same limitations imposed by law on public lands. The reason for this is the same that the Filipinos have in objecting to the sale of public lands in large areas. It is evident that the Filipinos, in so far as the friar-lands question is concerned, do not give any consideration to the business point of view of the matter, but only to the social and political ones. There are at present no people in this country that are either very wealthy or beggar; the wealth of the country is divided among the people, and this is considered by the Filipinos as the guaranty for the conservatism of this community.

Politically it is the firm belief of the Filipinos that the ownership of large tracts of lands by foreigners constitutes a menace to the independence, both political and economical, of the archipelago.

The foregoing opinion has been expressed and entertained by all Filipino papers, irrespective of their party affiliation, all of which unanimously declared themselves against the Government's policy in the sale of the Mindoro estate, and I know from what I have heard from other sources that the opinion so expressed by the papers is entirely in accord with the opinion of the people in general.

MANUEL QUEZON,
Resident Commissioner to the United States for the Philippines.

THE SECRETARY OF WAR OF THE UNITED STATES,
Manila, P. I.

Mr. HILL rose.

Mr. COOPER. Will the gentleman permit me one word? This letter shows that Mr. QUEZON and the mass of the Filipino people are strongly opposed to the Government's policy in selling 55,000 acres of friar lands to Mr. Poole.

As to the question of Philippine independence, I have nothing to say now. I have my own views on the subject; but as it is not involved here I shall defer what I may wish to say until some other occasion.

That sale of 55,000 acres to one man, Poole, when considered in connection with what the President and Attorney General have said, means that all the rest of the unoccupied friar lands can be sold to one man—Poole or anybody else. It means that Congress, in July, 1902, provided for the taking of the friar lands, and at the same time intended that the entire 240,000 acres of unoccupied friar lands might be sold to a stockholder in the Sugar Trust or to its president, or to a chief officer of the friars themselves.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. COOPER. In a moment. I ask any gentleman on this floor if he has the hardihood to rise and confirm the statement of the Attorney General of the United States, that it was the intention of Congress to enact a thing so indescribably useless and farcical as that would have been?

Mr. HILL. Mr. Speaker, will the gentleman permit me to ask him a question?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Connecticut?

Mr. COOPER. Yes.

Mr. HILL. I would like to ask the gentleman whether Mr. LEGARDA, the other Philippine Commissioner, agrees with Mr. QUEZON in regard to this matter?

Mr. COOPER. I understand that he does, but I have not talked with him about it.

Mr. JONES. I will say, Mr. Speaker, that he does.

Mr. HILL. Now how much of these friar lands are at present unoccupied by tenants?

Mr. COOPER. About 242,000 acres are unoccupied.

Mr. HILL. About 242,000 acres are unoccupied, and it is those which come under the provisions of this bill?

Mr. JONES. I believe 242,000 acres are undisposed of.

Mr. Hill. So that this bill simply affects the unoccupied lands, there being no difference of opinion in regard to the lands that are occupied; and if a man now owns 50,000 acres of that land and is, using it he has a preferential right to buy more, regardless of quantity?

Mr. COOPER. There is no tenant owning so much.

Mr. HILL. But suppose he did. He would have the preferential right under this bill so that those lands would not be treated, so far as the tenants are concerned, as public lands, but as property?

Mr. COOPER. The gentleman from Connecticut was not in when I stated my understanding of the reason that moved Congress in enacting the last part of that paragraph.

Mr. HILL. I think that was right.

Mr. COOPER. The reason is found in the fact that there were over 100,000 tenants and other occupants, and we could not, without great difficulty, condemn the lands under such conditions.

Mr. HILL. I understand that. It is only a question regarding the unoccupied land?

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. COOPER] be allowed 30 minutes more.

Mr. COOPER. I ask that I be allowed to conclude what I have to say.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to be allowed to conclude his remarks. Is there objection?

Mr. JONES. I would like to ask the gentleman how much time he wants to occupy?

Mr. COOPER. Thirty minutes.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] asks unanimous consent for 30 minutes in which to conclude his remarks. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wisconsin is recognized for 30 minutes more.

Mr. JACKSON. Mr. Speaker, will the gentleman permit one question?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Kansas?

Mr. COOPER. Yes; with pleasure. Then I must proceed.

Mr. JACKSON. Will the gentleman give us his opinion as to whether, by passing this present law, we would confirm the very opinion that the Attorney General gave of the law of 1902?

Mr. COOPER. Well, we have not confirmed the Attorney General's opinion very much by what we have said on the floor; but inasmuch as the President has notified Congress in a message that he will authorize the sale of that land to private individuals without restriction as to area unless we do pass it, what else can we do?

Mr. JACKSON. I did not understand we were putting that in the act.

Mr. COOPER. The President has notified Congress that unless it takes action he will order the land sold in accordance with the opinion of Attorney General Wickersham—that is, in unlimited amounts to individuals.

The Attorney General of the United States, in support of his opinion, that sales of unoccupied friar lands were not subject to the restrictions applicable to the other public lands in the islands, quotes from a preamble to a law passed in the Philippines:

> Whereas the said lands are not public lands in the sense in which these words are used in the public-land act of 1904, and can not be acquired under the provisions thereof, and it is necessary to provide proper provisions for carrying out the terms of said purchase and the requirements of Congress in relation to the leasing and selling of said lands and the creation of a sinking fund to secure the payment of bonds so issued,

And so forth.

Evidently the Attorney General wished to call attention to the statement, in this preamble, that "the friar lands are not public lands in the sense that these words are used in the public-land act of 1904." And yet this very law, of which the Attorney General quotes only from the preamble, provided that vacant friar lands, when sold, must be sold in accordance with chapter 2 of the Philippine public-land act of 1904, which chapter 2 expressly provided that the public lands must be sold in accordance with the law of Congress of 1902; and this law of Congress we know limited sales to not more than 40 acres to an individual. What could more perfectly show how the commission understood the law of Congress? Here we find that the Philippine Commission itself, in 1904, two years after Congress enacted the organic act of 1902, passed a law referring to that act and limiting sales of vacant friar lands to not more than 40 acres to an individual. Who can doubt that the commission then knew how Congress intended the friar lands to be treated?

The Attorney General quotes only from the whereas in the preamble, but nothing after the enacting clause; and therefore I will read from this Philippine law regulating the sales of friar lands. It put the Chief of the Bureau of Public Lands in charge of the friar lands and provided:

> SEC. 9. In the event the Chief of the Bureau of Public Lands should find any of the said lands vacant, he is directed to take possession and charge thereof, and he may either lease such unoccupied lands for a term not exceeding three years or offer the same for sale, as in his judgment may seem for the best interests of the Government.

Mark this:

> And in making such sales he shall proceed as provided in chapter 2 of the public-land act.

Observe that sales of vacant friar lands were directed to be made as provided in chapter 2 of the public-land act. Now, what did chapter 2 provide? It provided, as I have said, for the sale of the public lands in the Philippines in accordance with the organic law, passed by Congress in 1902, and this, we know, limited sales to not more than 40 acres to an individual.

Why did the Philippine Commission pass that law so limiting the sales of vacant friar lands? Apparently because they then understood the intention of the act of Congress to be as my friend, the gentleman from Virginia [Mr. JONES], and I understood it, as the reason for the law demanded that everybody should understand it, as Frank McIntyre, of the Bureau of Insular Affairs, understood it when, in 1909, Hammond was told at the bureau that the restriction of 40 acres to an individual did apply to the vacant friar land.

The fact that McIntyre then stated that such was his understanding of the act is absolutely indisputable after a reading of the entire record.

That this was also my own understanding is further demonstrated by what I said in 1906 in an open letter to my constituents, some of whom were much alarmed lest the Sugar Trust exploit the Philippine Islands. Here is what I wrote them:

> Congress has by law prohibited any corporation from taking up or owning more than 2,500 acres of land in the Philippines, thus preventing the creation of vast estates in the islands.

Now, when I told my constituents that Congress had by law prevented "the creation of vast estates" in the Philippine Islands, did I have secretly in mind the fact that the law would permit the Philippine Government to sell to one man 55,000 acres; or, for that matter, to sell to one man, all of the vacant friar lands—242,000 acres? Is it to be believed that I thus deliberately deceived my constituents? Is it not clear that I would have been guilty of a duplicity which would damn me forever in the mind of any honest man, if, holding such a secret, I had told that constituency, as I did repeatedly on the stump, that the law prohibited the Philippine Government from so selling agricultural lands as to create vast estates?

Perhaps, however, the Attorney General of the United States and Gen. Edwards did not think that in the Philippine Islands 55,000 acres or 200,000 or 240,000 acres of rich agricultural land, if owned by one stockholder in the Sugar Trust, would be a "vast estate." But it would look like quite an estate to any man believing in the principle President McKinley had in mind when he said to me, "I hope that there will be no exploitation of any of those islands."

Exploitation does not require corporations. It can easily be accomplished by individuals.

Mr. FOSS. Has this sale of more than 50,000 acres gone through?

Mr. COOPER. They have taken it.

Mr. FOSS. Is there no way by which it can be invalidated at the present time, in the opinion of the gentleman?

Mr. COOPER. Not except by a lawsuit. The Attorney General has said it is all right.

Mr. JACKSON. Why not have a lawsuit? If we pass this bill now and there is a lawsuit, will they not say this Congress has confirmed the opinion of the Attorney General in 1912?

Mr. COOPER. The President has declared that if Congress does not act, he will authorize the sale of the rest of the land in accordance with the opinion of the Attorney General. I do not believe in having a number of lawsuits.

Mr. JACKSON. Let us have one lawsuit.

Mr. COOPER. If sales are made to others, there will be other lawsuits.

Mr. McGUIRE of Oklahoma. I will ask the gentleman whether, in his opinion, Mr. Poole has not already purchased a lawsuit?

Mr. COOPER. He may have purchased one.

Mr. MICHAEL E. DRISCOLL. This is not an enabling act, is it, even if he has?

Mr. COOPER. No; the bill now before us, if made a law, would not help him.

Mr. KENDALL. There will be no lawsuit as long as he acts in accordance with the opinion of the Attorney General.

Mr. COOPER. As is aptly said by the gentleman from Iowa [Mr. KENDALL], as long as Mr. Poole continues to agree with the Attorney General he will bring no lawsuit down on himself—certainly none by the Department of Justice.

Mr. Speaker, I now invite very especial attention to what was said concerning the friar lands by a man knowing all about them and the laws governing them, in a speech before the Commercial Club of Kansas City, Mo., on Monday evening, November 20, 1905, three years after Congress enacted that law. I have in my hand an advance press copy of his speech, marked "To be released November 21, 1905"; and I will read what that distinguished gentleman—William H. Taft—said about the friar lands:

> Gentlemen of the Commercial Club of Kansas City.
>
> * * * * * * *
>
> We have purchased from the ecclesiastical orders 400,000 acres of the best land in the islands for the purpose of distributing it in small parcels among the tenants, to be paid for on long and easy payments.

Of course, tenants did not occupy all that land, as he well knew. Now, Mr. Speaker, is it to be supposed that the man who made that statement had a secret belief which he deliberately concealed from his audience, that 55,000 acres of those lands could lawfully be sold to one person, or, indeed, that the whole 242,000 vacant acres could be lumped off to one man?

But that distinguished gentleman said something else of great importance in that speech. And it shows conclusively just what he understood Congress had done by the law of 1902:

Much is made of the probable investment of American capital in sugar and sugar machinery. In the first place, by the laws of the Philippines enacted by Congress, no corporation can take up or hold more than 2,500 acres of land. This is prohibitory, so far as new investments in sugar plantations are concerned, because the sugar that can be produced from such a tract would not justify the investment of the amount needed for a modern sugar plant.

He told his audience that the law of Congress was in effect prohibitory of new investments in sugar plantations in the Philippines, because 2,500 acres would not justify an investment of the amount needed for a modern sugar plant. But while telling his hearers that the law was prohibitory of new investments in sugar plantations did he believe and conceal his belief that the law of Congress would permit the Philippine Government to sell to one man, Mr. Poole, 55,000 acres of sugar land for the purposes of a sugar plant? Is that the way in which Mr. Taft then construed the law? I can not believe it.

In my open letter and on the stump I told my constituents what Congress had done respecting the purchase of Philippine Government land by corporations, not, of course, having a thought that there would ever be even a pretense that Congress had left it open for a private individual to do what it had prevented a corporation from doing. I told them also that the Secretary of War, William H. Taft, had assured the Commercial Club, of Kansas City, that the law of Congress was prohibitory of new investments in sugar plantations in the Philippines.

Evidently Mr. Taft, at Kansas City, did not think that under the law of Congress 55,000 acres could be sold to Mr. Poole a little time after Congress adjourned in 1909 and a few months after Mr. Wickersham became Attorney General of the United States.

The spirit in which the law of Congress is being executed is revealed by Mr. Forbes, governor general of the Philippine Islands, in a report dated Manila, August 30, 1910, after these cablegrams and letters had passed and the Attorney General's opinion been made public. Says Gov. Gen. Forbes:

Personally I should like to see a contract for the sale of all of these unoccupied friar lands entered into immediately with individuals or corporations. It is of very little interest to me whether the money to be spent for the development of these lands is derived from operations connected with business of sugar in the United States or in the business of guano in Guatemala.

He used that last expression for the purpose of alliteration. [Laughter.].

So long as it is money and is to be spent for the benefit of the Filipinos, and if spent here it can not fail to be of benefit to the Filipinos under laws regulating such matters. I care very little where the money comes from nor how it is obtained. I never thought to inquire whether Poole represented sugar interests or shipping interests.

Gentlemen can see that a shipowner, possibly a shipbuilder, might wish to buy 55,000 acres of sugar land to grow ships on. [Laughter.]

If ever there was an illustration of big business in politics, it is seen in the statement of the Governor General that he does not care who buys these lands nor how much he buys nor whom he represents. The Governor General who would say this about the friar lands very probably holds a similar view as to the other public lands in the islands.

But do not gentlemen know that this spirit if carried out in practice would beget a system of absentee landlordism equal to any that ever cursed Ireland? Land monopoly differs from any other monopoly. A man owning in fee a vast estate can, should he so desire, prevent another from even stepping foot upon it. He can, of course, lay down the terms and conditions on which another may secure an opportunity to labor upon it, and should the owner chance to be thoroughly avaricious, thinking of nothing except the dollar, he is apt not to be overconsiderate in the terms and conditions on which he exercises this authority.

I remember of reading a few years ago a message of Gov. Dole, of the Hawaiian Islands, in which he said that the sugar planters on the vast estates there were too apt to look upon their employees as mere machines and not as factors in the development of the state.

This was Gov. Dole's opinion of one of the evils of the great estates in Hawaii. Congress did not wish to see similar vast estates and their accompanying evils in the Philippines. And to prevent these it passed a law which, construed in the light of reason and in accordance with its plain intent, would strictly limit the amount of public lands, or of friar lands, that the Philippine Government could sell to anybody—corporation or individual.

There was no reason why the law should not seek to prevent great estates in the friar lands just as it did in the other public lands. And, therefore, the law of Congress provided, and still provides, that the friar lands shall be sold "subject to the limitations and conditions of this act"—not of this section, nor of the preceding section, nor of any other section, but subject to the limitations and conditions of the whole act.

The evil to be remedied was the great amount of land owned by three orders of friars. The remedy was to take it away from them and sell it in much smaller parcels to other people—not to sell it all to one man. A fair interpretation of the law, having in mind the evils to be remedied, would have justified the Attorney General in declaring that clearly the intention of Congress could not have been to have the Philippine Government take this great area of the richest of agricultural land away from a corporation and sell 55,000 acres or 242,000 acres to an individual, but that Congress intended to have the vast unoccupied portion of the friar estates divided into smaller areas in the interest of the Filipino people, as it provided should be done with the other vacant public lands. This plain, beneficent intent of the law ought not to have been defeated by an utterly unreasonable construction of its provisions.

Before closing I ask attention to the chief of the alleged arguments urged in the attempt to justify the Attorney General's opinion nullifying the obvious intent of the law and making possible the 50,000-acre sale to Poole, the friend of Havemeyer. The Attorney General and his supporters say that the law left the vacant friar lands open to sale in unlimited quantities to individuals, in order that they might be more easily sold, the bonds more easily paid, and the Filipino people saved from financial loss.

But all this is an afterthought—a mere effort to find an excuse. In enacting that law Congress was not anxious about any very probable and comparatively unimportant financial loss. It was anxious to prevent exploitation and to do something to help bring and preserve peace in the islands.

This attempted excuse is exploded by what Secretary of War Dickinson said on November 23, 1910, concerning "financial loss" in a special report to the President:

Much notoriety has been given in Congress and in the public press to the recent sales of the friar lands. These lands amount in all to 392,000 acres. Six million nine hundred and thirty thousand four hundred and sixty-two dollars were paid for the lands.

It was understood at the time that in disposing of them there would be a loss to the Government, and provision was made, not as a speculation nor for the purpose of distributing the lands, but, as stated by you in your report, on political grounds and for the purpose of bringing on tranquillity.

The Secretary of War declares that it was understood when the friar lands were bought that in disposing of them there would be a loss to the Government.

The true policy would have been to put the price at such a figure as would induce people to buy the lands, even if the Government were to suffer financial loss, because, as the gentleman from the Philippines [Mr. QUEZON] said and as every one having at heart the welfare of the Filipino people must know, the burden of those bonds is nothing compared with the burden which would finally be imposed upon them if their Government lands are to be sold in vast tracts to individuals.

Such sales of the friar lands will lead to powerful, determined efforts to induce Congress to remove the limitations upon the sale of the other public lands, and will finally result in unlimited exploitation.

Mr. MARTIN of South Dakota. Mr. Speaker, I would like to ask the gentleman, would the present bill afford any relief against the excessive sales to which the gentleman refers?

Mr. COOPER. It would against future sales, but not against those already made.

Mr. MARTIN of South Dakota. Can anything be done to relieve that situation?

Mr. COOPER. I suppose a lawsuit would have to be brought.

Mr. KENDALL. Would it not be competent for Congress to instruct the Attorney General to proceed with a lawsuit to settle that question?

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

EXTENSION OF REMARKS.

Mr. COOPER. The sale of 55,000 acres of friar lands to Poole, the friend and agent of Havemeyer, was, as I have shown, in direct violation of the whole spirit and intent of the law of Congress. So also is the construction given that law by Attorney General Wickersham. The Attorney General and Gen. Edwards attempt to justify the 55,000-acre sale to Poole, who, during part of the negotiations, was the client of Hammond—the latter a member of the law firm to which the Attorney General belonged at the time he entered the Cabinet—by saying that it was to an individual. They admit that such sale could not lawfully have been made to a corporation, but

declare that it was all right because made to an individual. As if the exploitation of the Philippines, that President McKinley feared, could not be accomplished by the sale of vast areas of agricultural land to individuals.

I have already answered this alleged argument of these gentlemen.

But now, after all, it appears that this 55,000-acre sale was really, in effect, made not to Poole, but through him to a Havemeyer corporation. Convincing evidence of this is found in an interview with Horace Havemeyer—son of the late H. O. Havemeyer, head of the American Sugar Refining Co., known as the Sugar Trust—which appeared in the New York World, July 30, 1912, as follows:

HAVEMEYER NOT TO FIGHT SUGAR TRUST.

"I am very sorry to spoil a good story," said Horace Havemeyer, son of the late Henry O. Havemeyer, "but it is not true that the much-talked-of fight against the Sugar Trust is about to be inaugurated by me and my associates."

This report came with the announcement of the incorporation on Friday last of a new sugar company to be known as Welch, Havemeyer & Fairchild (Inc.). * * *

"We are not going into the sugar-refining business at all," said Mr. Havemeyer to the World reporter yesterday. * * * "We are simply going into the sugar commission business. Our company has taken up about 50,000 acres of sugar land in the Philippines, and we expect to engage in sugar planting on an extensive scale.

"As a matter of fact, our enterprise is not entirely new, as the insular government made a thorough investigation of it about two years ago and a good deal was published about it at that time. We have one raw-sugar mill on the island of Mindoro, which is engaged entirely in the production of raw sugar. * * * We are going into the business simply to make money."

Observe that not Mr. Poole, but "our company, has taken up about 50,000 acres of sugar land in the Philippines."

This interview entirely justifies the opinion formed and expressed by Members of the House on first learning the details of the Poole transaction, which opinion was and is that the whole elaborate attempt to defend this great sale on the ground that it was to an individual or to individuals was mere pretense and sham.

Further, and utterly to disprove the statement of Gen. Edwards, Chief of the Insular Bureau, in his cablegram of October 22, 1909—already quoted—to Gov. Gen. Forbes, at Manila, viz, that—

It is thoroughly understood here that unoccupied friar lands may be sold to individuals without limitation as to area—

I invite attention to a letter written to the governor of Mindoro by J. Montgomery Strong. This letter is dated six weeks earlier than Gen. Edwards's cablegram, and shows conclusively that the general's statement as to how the law was understood here was wide of the facts. The letter is as follows:

THE LITTLE FALLS NATIONAL BANK,
Little Falls, N. J., September 7, 1909.

Capt. L. J. VAN SCHAICK,
Governor Province of Mindoro, Calapan, Mindoro, P. I.

MY DEAR GOVERNOR: This will introduce Mr. E. L. Poole and Mr. P. A. Prentiss, who are going out to the Philippines representing the same interests that I did. If it is possible to acquire a sufficient amount of suitable land, a modern sugar factory is contemplated. Nearly all the land in the Philippine Islands is public land, and the land laws are so framed that the acquisition of a suitable amount of public land for a sugar plantation is impossible. The friar lands are restricted in the same manner. * * * This matter of the land laws has been gone into very carefully, and the only possible way in which more than 2,500 acres can be acquired is by the purchase of privately owned land. It undoubtedly would be a great thing for the island of Mindoro to have a modern sugar factory there. If the starting of a sugar plantation is possible by the acquisition of the land necessary, it is proposed to do everything we can toward the civilization of the "Mangyans." This is not a purely philanthropic idea, but is mainly a business proposition. * * * If this matter is given publicity, it may result in the whole thing falling through, so for the present it would be advisable to keep it as quiet as possible. * * *

Sincerely, yours,

J. MONTGOMERY STRONG.

It is admitted by everybody that the law of Congress restricts the sale of the vacant so-called public lands—all of which belong to the Philippine Government—to not more than 40 acres to an individual nor more than 2,500 acres to a corporation. The friar lands also belong to the Philippine Government, and Mr. Strong says that "the friar lands are restricted in the same manner"; that "*this matter of the land laws has been gone into very carefully*"—a most important statement—"and the only possible way in which more than 2,500 acres can be acquired is by purchase of *privately owned land*." Evidently Mr. Strong did not then suppose that a few weeks later Attorney General Wickersham would so construe the law as to permit Poole to buy 55,000 acres of government-owned friar lands.

In further demonstration that Gen. Edwards erred in his statement as to how the law was understood at the Bureau of Insular Affairs, I quote the opening paragraph of a letter from Dean C. Worcester, of the Philippine Commission, to Gen. Edwards, and dated one day earlier than the general's cablegram to Gov. Gen. Forbes:

GOVERNMENT OF THE PHILIPPINE ISLANDS,
DEPARTMENT OF THE INTERIOR,
Manila, October 21, 1909.

The CHIEF OF THE BUREAU OF INSULAR AFFAIRS,
Washington, D. C.

MY DEAR GEN. EDWARDS: Two gentlemen who are contemplating the purchase of considerable tracts of the San Jose friar estate called at my office the other day, and in the course of the interview which followed stated that they had been informed in Washington, at the Bureau of Insular Affairs, that the sale of friar lands was subject to the same limitation as that of public lands.

The question of the wisdom and policy of the law of 1902 was one exclusively for Congress. The obvious beneficent intent of that law has been defeated by an utterly unreasonable construction of its provisions.

The Late Representative Gordon.

SPEECH
OF
HON. THETUS W. SIMS,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, May 12, 1912,

On House resolution 535, as follows:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE WASHINGTON GORDON, late a Member of this House from the State of Tennessee.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased"—

Mr. SIMS said:

Mr. SPEAKER: To do his duty was the single aim of GEORGE WASHINGTON GORDON, whose memory we honor. His duty as he conceived it to be was to serve his fellow men and his country, and in that service he spent a long life of indefatigable industry. Soldier, educator, administrator, and legislator, Gen. GORDON never knew what it meant to rest. He was always at work.

When he had reached the Psalmist's span of life he came to take up new duties as a Member of this body. But his three score years and ten had earned him no surcease from toil, had won from his own conscience no indulgence. He attacked his new duties with a vigor that would do credit to a man of half his years, and until his feet carried him into the very valley of the shadow he kept hard at work.

Trained in the hard school of an older generation, he had not learned to use those conveniences of modern life that have lightened the burden of toil, perhaps at the expense of accuracy and pains. He did not dictate his mail, nor intrust his correspondence to a secretary. Every letter from a constituent was answered in detail and at length in his own handwriting, and I have no doubt that the enormous task undertaken in pursuance of this idea of his obligation to his people hastened his taking off. Certain it is that he attended the reunion of the Confederate veterans of whom he had been chosen commander in chief, despite the orders and warnings of his physicians, because he believed it to be his duty, and certain it is that that exhausting experience was more than in his years he could withstand.

I have seen him more than once in this House at the end of a hard day when other and younger men were leaving for refreshment and recreation still at his desk. I have remonstrated with him and warned him that he must not work so hard. But in every instance he pointed out that it was a task of duty and that his duty must be performed.

Such was the devoted end of a man whose whole long life had been ordered and guided by the same principle. A graduate of a military school he adopted the profession of a civil engineer, but his career was cut short at the beginning by the call to arms in 1861. He enlisted as a private in the service of his native State of Tennessee and by his executive ability, his military genius, and his superb bravery won promotion through every successive rank up to that of a brigadier general. Others have spoken of his distinguished military service, it is not for me to add my word of praise.

But I can not refrain from saying that I feel that I am touched more deeply than are my colleagues of younger years

by the fact that Gen. GORDON was the last of the Confederate brigadiers to serve in Congress. I was but a boy when the great war broke out, but a youth when it ended. But I remember it and I remember the cruel years that followed it—cruel years when biting poverty gnawed at the heart of our Tennessee and when the peace that prevailed on paper had not reached our terrorized valleys—years when there was no law.

In that dread time Gen. GORDON did not fail his people. He was soon at the head of an organization that used every means at hand to restore peace and safety, to make possible the resumption of normal habits of life. It was not least among his services.

In later years he served his State as railroad commissioner and the Federal Government as an efficient officer in the Department of the Interior.

But the work that he loved most of all he took up in 1892 when he began his 15-years' service as superintendent of public schools of the city of Memphis. He clung to memories of the past, and he could not rid himself of some old-fashioned ways; but his faith in the younger generation was firm, and it was his delight to serve and train the boys and girls of his home city.

The same executive ability that won him the stars of a general in the Confederate Army now enabled him to reorganize and build anew the public school system of Memphis, and to place it on a high plane of practical efficiency.

From that post he came to Congress. Here he was assigned to service on the important Committee on Military Affairs, and on that committee, as has been attested by so many of his colleagues, he rendered valuable service. His military experience, after 50 years, again was called into action to aid him to do his duty as he saw it.

No man ever doubted him. In the Army his superior officers and his men equally trusted him. In the field of education he was at once the dependence of the authorities and of the pupils. In Congress his colleagues here and his constituents at home knew him to be bravely devoted to the right, indefatigably true to his trust.

His public life began in 1861. It ended with his death in 1911. It spanned a half a century—the most fateful 50 years of the history of his country; the most marvellous 50 years in the progress of the world. To say that he was the servant of his age, and that his work was well done is to give him only what he earned—the full meed of mortal praise.

Russian Passport Question—Democratic Action Against Republican Evasion.

EXTENSION OF REMARKS

OF

HON. JOHN J. FITZGERALD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 21, 1912.

Mr. FITZGERALD said:

Mr. SPEAKER: The platform adopted by the Democratic Party at its recent convention in Baltimore contains the following declaration:

THE RUSSIAN TREATY.

"We commend the patriotism of the Democratic Members of the Senate and House of Representatives which compelled the termination of the Russian treaty of 1832, and we pledge ourselves anew to preserve the sacred rights of American citizenship at home and abroad. No treaty should receive the sanction of our Government which does not recognize that equality of all of our citizens, irrespective of race or creed, and which does not expressly guarantee the fundamental right of expatriation.

"The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government both for himself and his property."

The Democratic platform adopted in 1908 at Denver contained this declaration upon the subject:

PROTECTION OF AMERICAN CITIZENS.

"We pledge ourselves to insist upon the just and lawful protection of our citizens at home and abroad and to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of the law and enjoyment of all rights and privileges open to them under our treaties; and if under existing treaties the right of travel and sojourn is denied to American citizens, or recognition is withheld from American passports by any countries, on the ground of race or creed, we favor prompt negotiations with the governments of such countries to secure the removal of these unjust discriminations.

"We demand that all over the world a duly authenticated passport issued by the Government of the United States to an American citizen shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such."

The Republican platform of 1912 contains the following plank:

PROTECTION OF CITIZENSHIP.

"We approve the action taken by the President and the Congress to secure with Russia, as with other countries, a treaty that will recognize the absolute right of expatriation and that will prevent all discrimination, of whatever kind, between American citizens, whether native born or alien, and regardless of race, religion, or previous political allegiance. The right of asylum is a precious possession of the people of the United States, and it is to be neither surrendered nor restricted."

And in 1908 the Republican platform had this declaration:

CITIZENS ABROAD.

"We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon a just and equal protection of all our citizens abroad. It is the unquestioned duty of the Government to procure for all our citizens, without distinction, right of travel and sojourn in friendly countries, and we declare ourselves in favor of all proper efforts tending to that end."

The difference between the declarations of the two parties is of sufficient significance to attract attention. In the light of events of the past it should arouse keen interest. One fact stands out strikingly and beyond contradiction. Despite assertions and protestations, no effective move was made to bring to a head the controversy with Russia until the Democratic Party obtained control of the House of Representatives.

On December 4, 1911, a resolution was introduced by a Democrat to abrogate the treaty of 1832 with Russia. It passed the House on December 13, 1911, by the overwhelming vote of 301 to 1, and forced President Taft to give the year's notice required by the treaty for its abrogation.

So that there may be no dispute, no controversy, no misunderstanding of the fact that the Republican Party is entitled to no credit whatever for this move to have Jewish American citizens treated by other nations exactly as every other American citizen when traveling abroad, I have had carefully compiled an accurate statement of the treatment of this question during recent years by the Republican administrations of Presidents Taft and Roosevelt, which I set forth here for the information of the House and the country.

REPUBLICAN ADMINISTRATIONS MAKE A PLAYTHING OF AMERICAN CITIZENSHIP.

For more than a generation the passport question with Russia was a subject of diplomatic negotiations between the United States and the Russian Government.

On July 5, 1895, Mr. Adee, the Assistant Secretary of State under President Cleveland, wrote to Mr. Breckenridge, the American minister at St. Petersburg, as follows:

"Your conclusion that it is inexpedient to press the complaint to a formal answer at present appears to be discreet, but the department must express its deep regret that you have encountered in the foreign office a reluctance to consider the matter in the light in which this Government has presented it. The Russian Government can not expect that its course in asserting inquisitorial authority in the United States over citizens of the United States as to their religious or civil status can ever be acceptable or even tolerable to such a Government as ours, and continuance in such a course after our views have been clearly but considerately made known may trench upon the limits of consideration."

On August 22, 1895, he again wrote to Mr. Breckenridge as follows:

"Apart from the constitutional objections to the discrimination made by Russian consular officers against American Jews, this Government can never consent that a class embracing many of its most honored and valuable citizens shall, within its own territory, be subjected to invidious and disparaging distinctions of the character implied in refusing to visé their passports. For, notwithstanding Prince Lobanow's suggestion that his Government's consular regulation upon the subject under consideration does not apply to all Israelites and therefore can not

be regarded as a discrimination against them on religious grounds, the fact remains that the interrogatories propounded to applicants for the consular visé relate to religious faith and upon the response depends the consul's actions.

"Viewed in the light of an invidious discrimination tending to discredit and humiliate American Jews in the eyes of their fellow citizens, it is plain that the action of Russian consular officers does produce its effect within American territory, and not exclusively in Russian jurisdiction.

"But the Russian discrimination against American Jews is not confined simply to the matter of viséing passports. This department was informed a few years since by the Russian minister here that Russian consuls in this country would refuse authentication to legal documents for use in Russia when Jews are ascertained to be interested. This is not merely an unjust and invidious discrimination against Jews, but would seem to be plainly a violation of the spirit of Article X of the treaty of 1832 between this country and Russia in respect of the property rights of American citizens in that country."

In his message to Congress in December, 1895, President Cleveland had the following to say:

"Correspondence is on foot touching the practice of Russian consuls within the jurisdiction of the United States to interrogate citizens as to their race and religious faith, and, upon ascertainment thereof, to deny the Jews authentication of passports or legal documents for use in Russia. Inasmuch as such a proceeding imposes a disability which, in the case of succession to property in Russia, may be found to infringe the treaty rights of our citizens, and which is an obnoxious invasion of our territorial jurisdiction, it has elicited fitting remonstrance, the result of which, it is hoped, will remove the cause of complaint."

This vigorous attitude upon the rights of American citizens under the treaty of 1832 with Russia was sustained with extraordinary ability and ingenuity during the whole course of President Cleveland's second administration.

Since Cleveland's administration ended nothing has been done by the Republican Party.

Appreciating that the administration of President McKinley would take no action upon the matter of the rights of American citizens desiring to travel in Russia, in accordance with the terms of the treaty of 1832 with that Government, Congressman John F. Fitzgerald, of Boston, on March 31, 1897, introduced the following resolution:

(55th Cong., 1st sess. March 31, 1897. Res. No. 25.)

"*Resolved*, That the Secretary of State be requested to demand from the Russian Government that the same rights be given to Hebrew American citizens in the matter of passports as now are accorded to all other classes of American citizens, and also inform the House of Representatives whether any American citizens have been ordered to be expelled from Russia or forbidden the exercise of the ordinary privileges enjoyed by the inhabitants because of their religion."

This was the first of a long series of resolutions which, during the course of 20 years, were introduced by Democrats in the House and Senate, but which were either buried in the Republican Committees of Foreign Affairs or Foreign Relations or so emasculated as to be meaningless.

For nearly five years the Jews of the country waited for some indication that this question would receive consideration by the Department of State. Then, on March 28, 1902, Representative HENRY M. GOLDFOGLE, of New York, introduced the first of his resolutions. This resolution requested the Secretary of State to inform the House whether the Russian Government was excluding American citizens of the Jewish faith, provided with passports by the Department of State, from entering Russia. This was debated and passed April 30, 1902. In his reply to the House of Representatives, dated May 2, 1902, Secretary of State John Hay stated, practically, that nothing had been done since the administration of President Cleveland.

In June of the same year Senator Pettus, of Alabama, also introduced a resolution on the subject, which was debated and passed by the Senate, but with no further result. On January 4, 1904, Representative GOLDFOGLE renewed his efforts and introduced a resolution requesting the President to take steps to compel the Russian Government to honor and recognize American passports irrespective of the religious faith or denomination of their holders.

This resolution was held up in the Committee on Foreign Affairs for more than three months, when, after it was emasculated by the Republican House so as to be meaningless, was adopted on April 21, 1904. The resolutions as passed merely requested the President to renew negotiations with countries which discriminate against American citizens holding duly authenticated American passports, and did not mention the Russian Government at all.

The Department of State became aware, as the election of 1904 approached, that the passport question was reaching an acute stage. It therefore took steps to safeguard the interests of the corporations before attempting to carry out the request of the House of Representatives. These "big interests" are the International Harvester Co., the Singer Sewing Machine Co., the Westinghouse Co., all of which had, or were building, large factories in Russia, employing the ill-paid Russian labor to manufacture harvesting machines, sewing machines, and other American mechanical devices, at less cost than they could be produced in this country, thereby being able to undersell the product of the highly paid American laborer.

Accordingly, Secretary John Hay instructed Ambassador Robert S. McCormick, of Chicago, to negotiate a treaty which would take care of these corporations doing business in Russia, irrespective of the treaty of 1832. Until this treaty was signed by Ambassador McCormick at St. Petersburg on June 25, 1904, Secretary of State Hay took no steps to advise Ambassador McCormick that the resolution of the House of Representatives of April 21, 1904, just referred to, had been passed, and it was not until July 1, 1904, that he transmitted this House resolution to Ambassador McCormick. It was not until August 22, 1904, that Ambassador McCormick transmitted this resolution to Count Lamsdorff, the Russian foreign minister, and it was not until October 4, 1904, that Count Lamsdorff acknowledged receipt of the resolution, and with the usual Russian evasiveness stated that the matter would be referred to a commission, which was dealing with the subject of revising the passport regulations in force in the Russian Government. This was the commission known as the Durnove commission, of which more presently.

The corporation treaty referred to, negotiated and signed in secret, was carefully guarded from the knowledge of the American public for five years, during all of which time no attempt was made by the administrations of Presidents McKinley, Roosevelt, and Taft to redeem the pledges and promises of the Republican platforms of June 22, 1904, and June 19, 1908.

Further, in his speech of acceptance of July 28, 1908, and his speeches delivered and letters written during the campaign of 1908, President Taft gave the most unqualified pledges that he would do his utmost, if elected, to settle the passport question in a manner satisfactory to those most interested. Secretary ROOT, on October 18, 1908, also wrote to Mr. Jacob H. Schiff, of New York, to the same effect.

In the Republican Congresses between 1904 and 1908 nothing was done, until Congressman GOLDFOGLE, on February 4, 1908, introduced the following resolution:

"*Resolved*, That the Secretary of State be, and he hereby is, requested to communicate to this House, if not incompatible with the public interests, the correspondence relating to negotiations with the Russian Government concerning American passports since the adoption of the resolution by the House of Representatives relating to that subject on the 21st day of April, 1904; and also a copy of the circular letter issued by the Department of State of American citizens advising them that upon the department receiving satisfactory information that they did not intend to go to Russian territory, or that they had permission from the Russian Government to return, their application for passport would be reconsidered; and also a copy of the notice accompanying such letter issued by the Department of State, dated May 28, 1907."

ELIHU ROOT was then Secretary of State, and, of course, was familiar with the corporation treaty then pending in the Senate for ratification. February 8, 1908, he wrote to the Committee on Foreign Affairs that "it was not deemed compatible for the best public interests at this time to communicate the subsequent correspondence." At the direct instance therefore of Secretary ROOT the Republican House laid the resolution of Representative GOLDFOGLE on the table.

AMERICAN CITIZENSHIP FLOUTED BY SECRETARY ROOT.

Representative GOLDFOGLE was led to introduce his resolution of 1908 because he had discovered that upon the advent of ELIHU ROOT as Secretary of State, under President Roosevelt's administration, for the first time in the history of the country the equality of all citizens under the Constitution and the laws of the United States, irrespective of race or creed, was not being maintained. Secretary ROOT, in 1907, began to violate the traditions of the United States in the attitude assumed relative to the rights of Jewish citizens, whether native born or naturalized. It was during this period that efforts were being made by the administration to advance the interests of certain corporations doing business in Russia—The International Harvester Co., Singer Sewing Machine Co., and the Westinghouse Co.—for

whose advantage the corporation treaty, already referred to, was negotiated. On May 28, 1907, Secretary Root issued the following circular:

"NOTICE TO AMERICAN CITIZENS FORMERLY SUBJECTS OF RUSSIA WHO CONTEMPLATE RETURNING TO THAT COUNTRY.

"A Russian subject who becomes a citizen of another country, without the consent of the Russian Government, commits an offense against Russian law, for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

"This Government dissents from this provision of Russian law, but an American citizen, formerly a subject of Russia, who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operation.

"*Jews, whether they were formerly Russian subjects or not, are not admitted to Russia unless* they obtain special permission in advance from the Russian Government, and this department will not issue passports to former Russian subjects or to Jews who intend going to Russian territory, unless it has the assurance that the Russian Government will consent to their admission.

"No one is admitted to Russia without a passport, which must be visèd or indorsed by a Russian diplomatic or consular representative.

"ELIHU ROOT.

"DEPARTMENT OF STATE, *Washington, May 28, 1907.*"

Six months passed before the existence of this circular became known. It was upon discovering it that Congressman GOLDFOGLE introduced his resolution of February 4, 1908, heretofore mentioned. The American Jewish Committee, which is a nonpartisan national organization, acting through Messrs. Louis Marshall and Edward Lauterbach, of New York, remonstrated against this circular on February 1, 1908, in the following terms in a letter addressed to Secretary ROOT:

"Hitherto Russia alone has violated that treaty openly and notoriously. Hitherto our Government has consistently remonstrated against such breach and against the practice of Russian officials of making examinations into the religious faith of American citizens. * * *

"Now, however, there seems to have occurred a reversal of a time-honored policy, and it is our Government that seeks to indulge in these inquisitorial practices and to apply an unconstitutional religious test to upward of a million of our own citizens, not only naturalized but native born, thus practically justifying Russia in the violation of her treaty obligations and condoning her contemptuous disregard of the American passport."

In response to these criticisms the offensive circular was withdrawn and another substituted on January 25, 1908, which contained the following:

"*An American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.*"

This circular was sent to Messrs. Marshall and Lauterbach, with an invitation from Secretary ROOT to advise him if they saw anything objectionable in it. On February 13, 1908, they replied to him as follows:

"You are of course thoroughly familiar with the provisions of chapter 249 of the act of July 27, 1868, which are embodied in sections 1999 to 2001 of the United States Revised Statutes.

* * * * * * *

"These sections proclaim to all the world the American doctrine of the right of expatriation, the right of all naturalized citizens of the United States while in foreign countries to receive from our Government the same protection which is accorded to native-born citizens, the duty of the President to demand the release of any American citizen unjustly deprived of his liberty by or under the authority of any foreign government in violation of the rights of American citizenship as defined in these sections, and they denounce any declaration, instruction, or opinion by any officer of the United States which questions the right of expatriation as inconsistent with the fundamental principles of our Government. * * * The circular of January 25, 1908, announces * * * that an American citizen, formerly a subject of Russia, who returns to that country, can not expect immunity from the operation of the Russian law. This, it seems to us, is a declaration which questions the right of expatriation and which restricts the scope and meaning of sections 2000 and 2001 of the United States Revised Statutes. These sections clearly declare that any interference by a foreign government with the liberty of a naturalized citizen, based on his exercise of the right of expatriation, imposes upon our Government the obligation of securing to such citizen immunity from the operations of the law of a foreign government, which is 'inconsistent with the fundamental principles of the Republic.'

"To declare that immunity can not be expected by an American citizen formerly a subject of Russia under these circumstances is a tacit recognition of the contention of the Russian Government, which is at war with our fundamental principles and is an implied invitation to that Government not only to violate the rights of American citizenship, but also to disregard the obligations of the treaty of 1832 solemnized between the United States and Russia.

"The least that our citizens can expect from our Government is that it shall continue to assert the principles embodied in this statute and that it shall not directly or indirectly give sanction to a contrary contention on the part of any foreign power or relax to the slightest degree in the vigor of its assertion and protection of the rights of American citizenship as thus defined."

This sharp, but dignified presentation of the principles involved drew forth the announcement from the Acting Secretary of State, Robert Bacon, on February 18, 1908, that he had directed the objectionable words to be withdrawn, and a new edition of the circular issued.

DEPARTMENT OF STATE MISREPRESENTS FACTS TO THE JEWS OF THE UNITED STATES.

But this circular was never withdrawn. It was issued to Harry Cutler, a member of the American Jewish committee, a Republican, a member of the Rhode Island Legislature and lieutenant colonel of the Rhode Island Militia, on May 1, 1911, bearing Secretary ROOT's signature. The self-same circular bearing Secretary Knox's signature was also issued on March 30, 1911. It was still in force, and circulated as late as July, 1911, when, upon the fact being drawn to the attention of the Department of State by an editorial in the American Hebrew, of New York, the Department of State again announced that the circular would be withdrawn, its issuance having been "due to clerical inadvertence."

PRESIDENT ROOSEVELT ASKED TO ABROGATE THE RUSSIAN TREATY.

On May 18, 1908, the American Jewish committee, of which Judge Mayer Sulzberger, of Philadelphia, is president, in a letter reciting the facts with respect to Russia's continued violation of the treaty of 1832, requested President Roosevelt to terminate the treaties of 1832 and 1887, and used the following language:

"Our Government, we fondly believe, is the greatest on earth with respect to freedom, equity, and justice. Other nations have their ideals, which we must view with respect, and, if possible, with sympathy. No nation can or ought to ask us to adopt its antithetical views and yield our own. And if a request so unreasonable be made, either in words or by a course of conduct, it is our duty energetically to refuse and repel it.

Our prayer, therefore, is that due notice be given to Russia of the intended termination of the two treaties aforesaid, and that no new treaty be made unless all the provisions covering both subjects, and such others as may be agreed upon, are contained in one instrument which shall likewise contain practical provisions to secure its enforcement by denying its further benefits to the party disregarding its obligations thereunder, or any of them."

This letter was referred to Secretary ROOT, who, on June 4, 1908, sent a letter asking for further facts. These facts were supplied in a letter from the American Jewish Committee, by Judge Sulzberger president, dated New York, June 17, 1908, in which he said:

"We may be pardoned for calling attention to the fact that our Government has always faithfully performed its treaty obligations to Russia as to other States and that its insistence upon the rights of our citizens who hold its passport has always been clear and emphatic. Memorable correspondence on the subject of the protection afforded by our national passport not only with Russia but with the Sublime Porte is on file in the Department of State. From this it will be seen that there have been places where and times when Christian citizens of our country were threatened with just such a denial of their rights as Jewish citizens are now subjected to.

"Our letter of May 18, to which we beg again to refer, suggested a lawful, peaceful, regular, practical, and practicable way by which Russia may be persuaded of the impolicy of continuing its unfriendly conduct. Such a course we think our Government ought to pursue promptly and without allowing itself to be diverted from the consideration of the great and fundamental question to the discussion of side issues.

"We can only repeat our original prayer that due notice be given to Russia of the intended termination of the treaties of 1832 and 1887, and that no new treaty be made unless all

the provisions covering both subjects and such others as may be agreed on are contained in one instrument which shall likewise contain practical provisions to secure its enforcement by denying its further benefits to the party disregarding its obligations thereunder or any of them."

This letter was on June 30, 1908, also transmitted to President Roosevelt. But neither to the letter to Secretary Root nor to the letter to President Roosevelt was any acknowledgment of receipt ever vouchsafed. No further attempt was made by the American Jewish Committee to get President Roosevelt or Secretary Root to act, as it was felt to be a useless waste of time.

PRESIDENT TAFT'S RECORD.

On July 17, 1908, Judge Mayer Sulzberger, president of the American Jewish Committee, sent to Mr. Taft, the Republican nominee for the Presidency, the correspondence had with President Roosevelt. We have already seen what pledges he and Secretary Root thereupon made.

It was, therefore, with grave astonishment that the American Jewish Committee learned on May 6, 1909, that the Senate at the instance of President Taft and Secretary Knox, had ratified the corporation treaty, which had been pending for five years. On May 11, 1909, the American Jewish Committee therefore addressed to Secretary Knox a letter requesting him to consider the representations made to President Roosevelt and the Department of State, that no new treaty with Russia be made, and that existing treaties be denounced unless the Russian Government would live up to the terms of the treaty of 1832 and make no discrimination against American citizens on account of their faith. The American Jewish Committee did this, not only because it had been led to believe that its representations were receiving consideration—when, as a matter of fact, they were not—but because, as stated by Judge Sulzberger: "According to Russian view, the benefits of the new agreement would be practically denied to American citizens of the Jewish faith, because corporations, stock companies, and other commercial associations can only work by means of individuals; indeed—in the last analysis—are merely individuals, who, if they happen to be Jews, may be held by the Russian authorities to be persons subject to exceptional and derogatory treatment and to denial of rights."

This letter was acknowledged a week later by Acting Secretary of State Huntington Wilson, who stated that careful consideration would be given to the communication. Acting Secretary Wilson's idea of "careful consideration" was shown by the proclamation by the President of the new treaty of June 15, 1909, without granting the American Jewish Committee a further opportunity to present its views. This was the only important treaty entered into between the United States and Russia in 22 years, a period during which the passport controversy was at its height.

The American Jewish Committee was greatly disappointed at the proclamation of this agreement, but were encouraged to hope for better things, because on June 1, 1909, Mr. W. W. Rockhill was appointed ambassador to Russia, and advantage was taken of his presence in this country to arrange a conference with President Taft, Secretary Knox, and Ambassador Rockhill by the American Jewish Committee, who were represented at this conference by Judge Mayer Sulzberger and Dr. Cyrus Adler. The whole situation was presented to Mr. Rockhill in all its phases, and the desires of the committee with respect to the termination of the treaty were enlarged upon. Assurances were given by President Taft that Mr. Rockhill would be instructed to do everything possible to settle this vexatious question.

But, instead of carrying out these promises, President Taft again ignored the requests of American Jews by granting to Russia, on January 18, 1910, the minimum tariff rates under the provisions of the Payne-Aldrich Tariff Act. That this could be done in disregard of the remonstrances of the American Jewish Committee, already recited, asking that the existing treaty be abrogated, and that no new treaty be made unless Russia would agree to respect the rights of American citizens, convinced the members of the American Jewish Committee that no matter what they did the corporate interests doing business in Russia controlled our foreign affairs, and that nothing was ever to be expected from President Taft.

Nevertheless, on February 24, 1910, negotiations were resumed with President Taft, in a letter signed by all of the executive committee of the American Jewish Committee, which urged him to live up to his pledges, presented new phases of the question, and requested that he grant the committee an interview. This request was, however, not granted. The letter was referred to Secretary Knox, who transmitted a reply on March 10, 1908, which, for the first time in the history of the discussion of the passport question, disclosed a Secretary of State of the United States addressing citizens of the United States in such terms as to make impossible the ascertainment of his intentions or attitude.

For two years the American Jewish Committee had endeavored to make clear to the Department of State that no religious test could be constitutionally established by any authority in this country, and that, therefore, no foreign official could be allowed to do what was forbidden in the highest authorities of our own country.

After all its painstaking representations the American Jewish Committee learned with chagrin that the Secretary of State had not even apprehended what really was involved in the controversy. He considered the rights of American Jewish citizens as measured not by our Constitution, laws, and treaties, but by the laws and treaties of European States, like France, Germany, and Austria.

Not only this, but about the same time, on March 5, 1910, President Taft wrote to the publishers of the Jewish Daily News, of New York City, inclosing a letter of Secretary Knox of February 26, 1910, which showed unmistakably that, while not only doing nothing to settle the passport question, Secretary Knox was mistaken in believing that he was most active. His reference to a Russian "commission" in his letter of February 26, 1910, which was supposedly investigating the passport question, caused Herman Bernstein, the well-known correspondent, to write to President Taft, asking him what commission Secretary Knox had in mind, and stating that those in position to know were convinced that the Russian Government had no intention of changing its attitude on the passport question.

On March 26, 1910, President Taft wrote to Mr. Bernstein a sharp letter, in which he said:

"I venture to think the Secretary of State knows what he is talking about," and inclosed a letter from Assistant Secretary Huntington Wilson, in which he stated that the commission referred to was the Durnovo Commission.

But Mr. Bernstein had found during his visits to Russia that the Durnovo Commission had been out of existence for five years, and yet President Taft could write that Secretary Knox, who well knew, or should have known, that the commission was no longer in existence, "knows what he is talking about."

Discouraging as were these circumstances, the American Jewish Committee arranged for still another conference with President Taft. This conference was held at Washington on May 25, 1910, with the President, the Secretary of State, and Ambassador Rockhill; Judge Sulzberger, Mr. Jacob H. Schiff, and Dr. Cyrus Adler representing the American Jewish Committee. At this conference the proposition was presented that the negotiations with the Russian Government be transferred to Washington, in order to make Russia realize that our Government is in earnest, not only in registering its views, but in following them up by successive steps to show that its efforts are sincere and its purpose fixed.

Mr. Rockhill returned to his post, and, though repeated interviews were had with the President by various members of the American Jewish committee, no communication was received indicating that the administration had taken any fruitful action. The committee waited patiently for favorable results until it reluctantly reached the conclusion that nothing was to be expected from President Taft's administration and that the only hope lay in an appeal to the people of the United States to right this grievous wrong.

PREDATORY INTERESTS CONTROL THE FOREIGN RELATIONS OF THE UNITED STATES.

We have already seen how Secretary of State Root, Assistant Secretary of State Bacon, former partner of J. P. Morgan & Co.; Secretary of State Knox, who has been the legal adviser of Henry C. Frick and other big Pittsburgh interests, and Presidents Roosevelt and Taft assured the American Jewish committee, who represented the Jews of the United States, that they were doing everything to settle the passport question with Russia, whereas, as a matter of fact, they were doing no such thing. On the contrary, they were bartering the rights of American citizens for a mess of pottage in the shape of a corporation treaty with Russia.

Let the Government's Consular and Trade Reports show how the big interests were controlling our relations with Russia and preventing any real steps being taken to terminate the passport controversy:

AMERICAN BANK OPENING IN RUSSIA.

[From Consul General John H. Snodgrass, Moscow, Mar. 29, 1911.]

"In reply to a commercial inquiry, consequent on my report in Daily Consular and Trade Reports of August 6, on banking in Russia, the following additional information is given as to the

location of the proposed American bank in Russia and the advantages of its immediate establishment:

"Moscow is much better situated than St. Petersburg for the site of the proposed American bank, for the reason that it is the center of the Empire, is the leading commercial city, is the center of the textile industry, and has many other factories, such as the International Harvester Co.'s works, the Singer Sewing Machine Co.'s plant, etc. It is also in direct communication with Siberia, which is just opening up, and central Asia, where $50,000,000 worth of cotton is now being raised every year, and where immense irrigation enterprises are starting. Moscow is also the railroad as well as the geographical center of Russia.

"A British syndicate recently purchased on most favorable terms bonds issued by the city of Moscow amounting to $12,000,000 and bearing 4½ per cent interest. This simply illustrates what an American bank could do, if it were on the ground. It is rumored that British and Continental interests are seeking to purchase or establish banking houses in Russia. In order to obtain the best results, American banking interests should take prompt advantage of this relatively new field.

"A French banking organization has already secured control of the Private Commercial Bank, in St. Petersburg, through the purchase of $4,000,000 of the stock. The offer of the English syndicate was not accepted.

"[Mr. Snodgrass also forwards copies of two letters received by him from prominent business men of Moscow, giving their views on the subject of an American bank in Russia. They discuss in a very practical way the situation there and what sources of revenue could be expected. One of the letters is from a man already in the banking business, the other from one of the managers of a department store which does a business of $3,000,000 a year. Copies of both letters may be obtained by American financial interests from the Bureau of Manufactures.]"

Next comes in the figure of John Hays Hammond, the personal representative of a great group of capitalists in an international syndicate to exploit the industries of Russia. It will be recalled that Mr. Hammond is also the personal friend of President Taft, the President of the National League of Republican Clubs, and the personal representative of President Taft at the coronation of King George. He is also well known to be the personal representative of J. P. Morgan in the syndicate referred to below, the American end of which is controlled by J. P. Morgan & Co..

Let the Daily Consular and Trade Reports of March 29, 1911, tell its story:

"An official of the Azov-Don Bank has just confirmed the report that appeared in the St. Petersburg papers, namely, that a Russian, an English, a French, and an American group of capitalists are about to undertake jointly the exploitation of several promising enterprises in Russia. These groups are: First, the International Russian Corporation (Ltd.), including the Azov-Don Bank, the Russian Bank of Trade and Industry, J. W. Junker & Co., G. Waweiberg, Djamgarov Bros., and the Russian Mining Corporation; second, the English, Lazard Bros.; third, the French, Arthur Schnitzer, director of the Societe Generale; Louis Dreifuss, Eugene & Albert Mott, and Giraud & Louchard; fourth, the American, J. Pierpont Morgan & Co.

"Each group is to contribute its part of $2,000,000 as an initial venture, and if everything is favorable these groups will continue to participate in the same ratio. The three projects are: Fifst, the establishment of a refrigerator-car service; second, the development of the irrigation system of Russian Turkestan; and, third, the construction of the Moscow-Serghieve Railway.

"The first and second of these are enormous undertakings and will demand large investments of capital and enterprise. Russian meats, eggs, butter, and fruits are finding a ready market in western Europe and with better means of inland transportation will undoubtedly be sold in steadily increasing quantities. Food products are probably higher in St. Petersburg than in any other European city, and yet in the southern and eastern parts of the country some of these products go begging. Thus, pears retail here at 5 to 30 cents each, according to quality, while in the south they can be bought at astonishingly low rates. All this is due to inadequate inland transportation, not only the lack of refrigerator cars, but the lack of rapid transit, the delays at way stations, and the loss from deterioration of product and other causes.

"The irrigation of Turkestan is of especial interest in view of the cotton-raising industry in that region."

It ought to be added that Mr. Hammond's plans in Russia, if successfully carried out, will work irreparable damage to this country. Mr. Hammond's plan is to raise up a rival cotton industry in Turkestan, to render England independent of American cotton and deprive hundreds of thousands of southern negroes of employment. It would also create a new and formidable labor problem, namely, how to compete in the American cotton fields with the labor of Central Asia, which is compensated at only a few cents a day.

Mr. Hammond went to Russia at the invitation of the Russian Government, selected, as stated by Mr. Wilenkin, the Russian financial agent in this country, to Mr. Jacob H. Schiff, because of his close relations to President Taft. He had an audience with the Czar, and upon his return spoke of the Czar as an elightened monarch, and in a signed statement said that his visit to Russia did much to establish cordial relations between the Russian Government and the United States. It was this same Hammond who, in a speech delivered before the Pilgrim Society on the eve of his departure for England (inspired no doubt by the successful results of his Russian ventures), said:

"Despite all opposition, dollar diplomacy is here to stay, for it recognizes the vital principle of the independence of nations based primarily on their commercial relations, relations which can, and which only can, obliterate differences of race, creed, and of politics, in so far as concerns the financial establishment of the brotherhood of man—the good of humanity."

Thus the utterances of Mr. Hammond can not be regarded as those of a private individual, but must be recognized as representing something more. Commercial negotiations between great States are public affairs, and if Mr. Hammond or anyone else is engaged in such affairs he should not be permitted to have personal and private interests without the full and complete knowledge and assent of our Government, if assent in such a case can ever be wisely given.

Many well-informed Jewish Americans believe that the plans of the syndicate interested with Hammond in the concessions from the Russian Government are mainly responsible for the failure of the Department of State to compel Russia to honor the passports of American citizens. That these interests have small consideration for the industrial development of this country is demonstrated by the following quotation from the Daily Consular and Trade Reports of November 25, 1911:

"The new factories of the International Harvester Co. of America, located at Lubertsy, in the Moscow Government, were recently formally opened and dedicated.

"These factories have been under construction a little over one year and a half, and when running full force will employ about 1,100 men. There are six new buildings in all, and they will be devoted principally to the manufacture of mowing machines and other agricultural implements."

These interests, therefore, are developing in Russia not only the cotton fields of Turkestan, which will rival our great cotton industry, but are erecting huge factories for the manufacture of products by the ill-paid labor of Russia in order that they may undersell the handiwork of our own laborers.

American citizens have the right to expect that our ambassador to the court of the Czar should advocate with all the energy in his power the purely American attitude. What our ambassador, Mr. Rockhill, did is disclosed in an interview had with him by the well-known correspondent, Herman Bernstein, on May 23, 1911, at the American embassy at St. Petersburg, when Mr. Rockhill spoke, in part, as follows:

"The passport question is not an American question. Too much fuss is made about the passport question. To be frank, it is bad policy to force this passport question on Russia. In time Russia will settle it herself.

* * * * * * *

"We need Russia more than she needs us. We, who are so clumsily struggling for new markets everywhere, need Russia. We have already great interests involved here, and still greater to come. We have the American Harvester Co., the Singer Sewing Machine Co., the Equitable Life Insurance Co., and other American concerns, and now many new enterprises—we are interested in improving the cotton fields here and in building grain elevators.

* * * * * * *

"We can not force the passport question. That will be settled in time by Russia herself."

"Did you meet Mr. Hammond when he was in St. Petersburg?" I asked.

"Oh, yes," replied Mr. Rockhill. "My friend Mr. Hammond has now two parties working here on the project of irrigating the trans-Caspian district for the purpose of cultivating cotton there; also a project of building grain elevators. When these projects, in which he and the Government are interested, go through it will mean a $300,000,000 deal for American interests. We need Russia also politically."

"Personally," added Mr. Rockhill, "I can't understand why the American Jews are so keen on the passport question. It is

not an important question. We need Russia. Therefore it would not be wise to press the matter just now."

While, therefore, President Taft was telling the Jews of America that he was doing his utmost to live up to his pledges, his own ambassador at St. Petersburg was demonstrating to a newspaper correspondent the shallowness of President Taft's pretenses and misrepresentations.

But this is not the whole sad story. Statements have been insidiously made to the Senate Committee on Foreign Relations that the question was merely whether a Russian subject who had, without lawful expatriation, acquired American citizenship should be recognized by Russia, in contravention of its own law; that this question is one for diplomatic negotiations, which were being carried on, as they have been for half a century.

No statement could be further from the truth. If the fact was so, Russian consuls could not ask a native American citizen whether he is a Jew. At most they would ask whether he was born in Russia.

In view of all that has transpired and of the keen interest of so many of our citizens it is more than strange that the Department of State has not published a line of the diplomatic correspondence with foreign nations since 1905. Why does not the Department of State disclose its correspondence between Secretaries of State Hay, Root, and Knox and our ambassador to Russia and the Russian Government respecting the negotiations of the treaty of 1904 by Ambassador McCormick? It would make clear the position of our Government; it would make impossible any representations that could be the subject of controversy.

Why does not the administration publish the correspondence between the United States and our ambassador to Russia and with the Russian Government respecting the negotiations, which it repeatedly stated in public and private were being carried on with Russia to vindicate the rights of American citizens desiring to travel in that country?

There have been no dispatches published because, in spite of the pledges of the Republican Party platforms and the published letters of Secretaries Root and Knox and Presidents Roosevelt and Taft, they were, as is shown by the interview with Ambassador Rockhill, merely lip service, while the real service was in the interests of the corporations for whose benefit a treaty was ratified.

The Jews of the country are disgusted with the manner in which both President Roosevelt and President Taft have betrayed them. They are tired of being made the sport of the Republican Party and its candidates during election times and of being fed on pledges made with the mental reservation that they will be disregarded after they have served their purposes.

GOV. WILSON'S RECORD.

How different is the record of Gov. Wilson, who as far back as July, 1911, wrote to Herman Bernstein as follows:

"I do not see how there can be any divergence of feeling among patriotic Americans concerning the situation in Russia with regard to the religious discrimination made by the Russian Government. The principle involved admits of no argument."

This unequivocal position he maintained in the great speech which he delivered at the Carnegie Hall mass meeting on December 6, 1911.

THE DEMOCRATIC PARTY'S RECENT RECORD.

Immediately after the Democratic Party was invested with power in the House of Representatives it took steps to take up the passport question with Russia where it had been left at the end of President Cleveland's administration. Representative WILLIAM SULZER on December 4, 1911, introduced a resolution as follows:

House joint resolution 166, providing for the termination of the treaty of 1832 between the United States and Russia.

Resolved, etc., That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia has violated the treaty between the United States and Russia concluded at St. Petersburg December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

These resolutions were triumphantly adopted by a vote of 301 to 1 in the House on December 13, 1911.

This overwhelming expression of public opinion demonstrated to President Taft that he must do something, and he directed that notice of the termination of the treaty with Russia of 1832 be given the Russian Government. Ignoring the Democratic House of Representatives he requested the Republican Senate to act alone in ratifying the action he had taken. Even his own party in the Senate saw the folly of ignoring the popular branch which had so unmistakably recorded the temper of the American public and refused to act without the House of Representatives. Nevertheless, the Sulzer resolutions were emasculated by the Senate and as the Democratic House had gone on record and had no desire to make a football of our foreign relations, the Senate resolution was accepted by the House and the termination of the treaty with Russia of 1832 was brought about by the Democratic Party from and after January 1, 1913.

The treaty between the United States and Russia, ratified by the Senate May 6, 1909, and proclaimed June 15, 1909, is as follows:

AGREEMENT BETWEEN THE UNITED STATES AND RUSSIA REGULATING THE POSITION OF CORPORATIONS AND OTHER COMMERCIAL ASSOCIATIONS, SIGNED AT ST. PETERSBURG, JUNE 25/12, 1904; RATIFICATION ADVISED BY THE SENATE, MAY 6, 1909; RATIFIED BY THE PRESIDENT, JUNE 7, 1909; PROCLAIMED, JUNE 15, 1909.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas an agreement between the United States of America and the Empire of Russia to regulate the position of corporations or stock companies and other commercial associations was concluded and signed by their respective plenipotentiaries, at St. Petersburg, on the 25/12 day of June, 1904, the original of which agreement, being in the French language, is word for word as follows:

* * * * * * *

[Translation.]

AGREEMENT.

The Government of the United States and the Imperial Russian Government having judged that it would be mutually useful to regulate the position of corporations or stock companies and other commercial associations, industrial or financial, the undersigned, by virtue of the authority which has been vested in them, have agreed as follows:

1. Corporations or stock companies, and other industrial or financial commercial organizations, domiciled in one of the two countries, and on the condition that they have been regularly organized in conformity to the laws in force in that country, shall be recognized as having a legal existence in the other country, and shall have therein especially the right to appear before the courts, whether for the purpose of bringing an action or of defending themselves against one.

2. In all cases the said corporations and companies shall enjoy in the other country the same rights which are or may be granted to similar companies of other countries.

3. It is understood that the foregoing stipulation or agreement has no bearing upon the question whether a society or corporation organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the regulations in this respect existing in the latter country.

This agreement shall go into force on the 25/12 of June, 1904, and shall only be discontinued one year after its denunciation shall have been made by one of the parties to the agreement.

Made in duplicate at St. Petersburg, the 25/12 day of June, 1904.

COUNT LAMSDORFF. [SEAL.]
ROBERT S. MCCORMICK. [SEAL.]

And whereas the said agreement, in accordance with the resolution of the Senate, dated May 6, 1909, has been duly ratified with the understanding that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under authority of the several States of the Union;

And whereas the said agreement is in full force and effect in Russia;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof, subject to the said understanding.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be hereunto affixed.

Done at the city of Washington this 15th day of June, A. D. 1909, and of the Independence of the United States of America the one hundred and thirty-third.

[SEAL.] WM. H. TAFT.

By the President:
P. C. KNOX, *Secretary of State.*

Post Office Appropriation Bill.

SPEECH
OF
HON. JACK BEALL,
OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 30, 1912.

The House being in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes—

Mr. BEALL of Texas said:

Mr. CHAIRMAN: I regret that I can not support this proposition to charge the Federal Government an annual rental for using the roads in delivering the mail to the people. It does not seem to me to be quite fair or square for the people of my district, or the people of any other district, to say to the Government that although its use of the roads is for the purpose of serving them it must pay for using their roads in doing so. If your house were afire and the firemen should come to put out the fire, would you charge them for the use of your premises while they were working to save your property? If you were drowning and some kindly disposed person should use your boat in saving you, would you charge him for the use of your boat?

I am well aware that nothing I may say will interfere with the passage of this amendment. I prefer, however, to stand with the few who oppose it rather than with the many who favor it, because I think it is wrong in principle and will prove disastrous in practice. It is contended by those supporting it that the people of this country favor it, and that it is responsive to the demands of the Democratic platform. If I believed either of these contentions to be true I would support it. I am a Democrat and believe in obedience to platform demands where they can be obeyed without violating my oath of office, but I insist that no Democratic platform has ever declared in favor of appropriating money out of the Federal Treasury for building or maintaining roads, or has ever approved the proposition to pay out millions of dollars for the rent of roads already built.

Mr. SHACKLEFORD. Mr. Chairman, if it will not divert the gentleman too much from his line of argument, I would like to ask him this question: What was meant by the words in the national Democratic platform adopted at Denver in regard to good roads?

Mr. BEALL of Texas. The only declaration ever contained in a Democratic platform that can be tortured into such a meaning is in the 1908 platform, which says:

> We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Yet the gentleman from Missouri is not willing to incorporate in his own bill the very language of the Democratic platform.

Mr. SHACKLEFORD. What was meant by those words?

Mr. BEALL of Texas. It must not mean what this amendment proposes, for the gentleman from Missouri [Mr. SHACKLEFORD] and others favoring this amendment have declared that they were not willing for an appropriation to be made in the language of the Democratic platform. They are not even willing to declare in this amendment that the money paid for the rent of these roads shall be used for their construction and maintenance. When this bill was in committee, I attempted to amend it in this way, and its friends would not agree to it. They were unwilling to declare that this money collected as rent should be used upon the roads at all.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. BEALL of Texas. I would gladly do so, but my time is quite limited.

Mr. BYRNES of South Carolina. I simply wanted to ask the gentleman whether he is in favor of a proposition that would accord with the Democratic platform. In other words, if the bill appropriated money to the States for the construction and maintenance of post roads?

Mr. BEALL of Texas. Mr. Chairman, I would yield obedience to the platform. If I believed the platform meant a direct appropriation of money to State or local authorities to be used for the construction of roads, I would obey the platform. I would do it regretfully, because I would believe it was not the best thing to do, but I would not set my judgment up against a declaration of my party to whose platform I had pledged obedience to my people. But I insist upon the right to construe the platform for myself, and I would not accept the construction of the gentleman from South Carolina as binding upon myself.

Mr. BYRNES of South Carolina. Will the gentleman state what construction he puts upon it?

Mr. BEALL of Texas. I was just coming to that. I would not construe it as meaning a direct appropriation of Federal money for the purpose of renting roads in South Carolina or Texas or for the purpose of building roads in any State, because to give it such a construction you must trample under foot everything the Democratic Party has stood for during the past 100 years. [Applause.]

Now, Mr. Chairman, this platform talks about giving "aid" to State and local authorities in the construction and maintenance of post roads. If it had been intended to declare in favor of "renting" the roads, would it not have been just as easy to say so? If the gentleman meant that the doors of the Federal Treasury should be broken down and its millions poured out for the purpose of constructing roads, is it not reasonable to suppose that the platform would have said so? The Federal Government can "aid" in the construction and maintenance of roads without building roads. It is already "aiding." Every year we are appropriating a large sum of money in maintaining an Office of Public Roads. In that office many experts are employed who are studying every phase of road construction and road maintenance. They are working upon the complex problems connected with the laying out of roads, the proper drainage of roads, the kind of roads suited to different sections of the country, the material best adapted to the construction of roads, the best and most economical methods of construction, and the thousand other important and difficult questions. They are collecting data from all over the world, arranging it, publishing it, and distributing it to all sections of this country, and are industriously, intelligently, and successfully "aiding" our people in solving the good-roads problem.

Let me illustrate what I mean. For several years past, my home county has been engaged in the improvement of its highways. The funds have been derived from the sale of bonds issued by a vote of the people in the several subdivisions of that county. Several hundred thousand dollars have already been spent, and a large amount remains to be spent. This expenditure is under control of a commissioners court, of which the county judge is the presiding officer. This very day a letter came to me from this officer, which I will read:

WAXAHACHIE, TEX., *April 27, 1912.*

Hon. JACK BEALL,
Washington, D. C.

DEAR SIR: In our road construction in the Ennis district, we are having considerable trouble with the material. We are shipping it in from the Hutchins pit in Dallas County, and find that that gravel is different from the material we have heretofore used in this county. The Government furnished us an engineer by the name of C. R. Thomas, whom we found very satisfactory, and we understand that he is somewhere in the State now. If you can secure this man C. R. Thomas, we would like very much for him to come to our county and consult with us about this material; and as we are putting this material on the roads now, and it is unsatisfactory or at least it appears so, we would like to have him at the earliest possible time.

If you can not get Mr. Thomas, then any man who is familiar with gravel road construction and especially with the proportion of sand, gravel, and clay that should constitute the material, will answer the purpose.

Very truly, yours,

J. C. LUMPKINS,
County Judge, Ellis County, Tex.

The Good Roads Office was immediately communicated with and the promise was made that a capable man would be ordered by wire to go to Waxahachie to help the authorities there in overcoming the difficulties they are encountering. This illustrates the character of service the Government is prepared to render and is rendering in aiding the States and local authorities in the construction of good roads and, in my judgment, it is the character of "aid" contemplated by the Democratic platform. I think it is entirely within the proper functions of the National Government to maintain this Good Roads Office with its trained experts to work out the varied problems of road construction and to respond to requests for information, suggestions, or advice, but I can not bring myself to believe that it is a function of the Federal Government, directly or indirectly, to appropriate money for the construction of roads in Texas or elsewhere.

It is a gross violation of the doctrine of State rights for such work to be undertaken.

If the Federal Government assumes the burden of constructing roads, it will not be long until it will demand the right to control the roads it constructs.

Even if the Federal Government could construct roads as economically as local authorities, I would still prefer to see the

work done by the people directly interested, because independence is always better than dependence.

But every man here knows that it always costs the Federal Government much more to do any kind of work than it would cost an individual, a county, or a State to do the same work.

If a people of a county burden themselves with taxes or bonds to create a fund for road improvement, they will see to it that such fund is wisely and economically expended, and they will hold to a strict accountability the ones intrusted with its expenditure.

If roads are to be built with money from the Federal Treasury, there will be a scramble to secure as large a sum as possible, but there will be little concern about whether it is wisely spent.

To secure a million dollars for road improvement by direct taxation the people are compelled to pay only a million dollars.

For 50 years the Democratic Party has claimed that the system of indirect taxation is vicious, because it takes from the people five dollars in order to get one into the Federal Treasury. So in order to provide a million dollars to be appropriated by Congress the people are burdened to the extent of five millions, four millions of which go to the beneficiaries of the tariff system.

Mr. LEVER. Will the gentleman from Texas yield?

Mr. BEALL of Texas. I would like very much to do so, but I fear I will not be given a sufficient extension of time.

SEVERAL MEMBERS. Yes; we will.

Mr. BEALL of Texas. Then, Mr. Chairman, I ask for 10 minutes additional.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BEALL of Texas. It is said that the people favor this legislation, and therefore it should pass. I recognize that I am but the representative of the people, and that their will and not mine should prevail, but I do not believe the people are making such a demand. How are they demanding it? By petition? I went to the Committee on Agriculture and made an examination and found that scarcely a petition was on file asking that the Federal Government should undertake the task of building roads. When the people are interested in matters of legislation here they know how to make their wishes known. They flood Congress with petitions. They have not done so in this case. They pour in letters upon Members. I can not speak for others, but I have not received a single letter from a constituent favoring this proposition.

Mr. Chairman, no consideration has been given this proposition in committee at all commensurate with its importance. It came before the Committee on Agriculture on one Monday and a subcommittee was appointed, which reported the following Monday. On nearly every other subject extended hearings have been had. Sometimes these hearings continued for weeks, sometimes for months. On this proposition the subcommittee had one hearing. I understand that of all the millions of people claimed to favor this proposition not one appeared to urge its favorable consideration. I am advised that nobody was heard except a representative of the Post Office Department and a representative of the Office of Good Roads.

Mr. LEVER. Will the gentleman yield on that proposition?

Mr. BEALL of Texas. If my statement is not accurate, I will yield.

Mr. LEVER. The gentleman has made an incorrect statement.

Mr. BEALL of Texas. Upon that statement of the gentleman from South Carolina [Mr. LEVER], I will yield.

Mr. LEVER. Over a dozen Members of Congress came before the full committee representing their constituencies and begged for the consideration of this bill.

Mr. BEALL of Texas. Well, I meant sure enough people, not Members of Congress. [Laughter.] I meant the millions of this great Republic who must bear the heavy burden if this legislation goes through. None of these came asking for the passage of this proposition. This agitation has been largely confined to Members of Congress who are seeking to educate the people wrong on this subject.

Mr. Chairman, in my limited time I can not indicate the many serious objections to this legislation. In my judgment, it is all wrong. It marks the beginning of a system that will bankrupt the Treasury and will call for new burdens to be placed upon the people. It is estimated that this bill will mean an annual expenditure of about $18,000,000. If it stopped there it would be bad enough. But every man here knows that this is not the end. Once begun, the struggle will be for more and more, and still more. It has been so with appropriations for public buildings, for rivers and harbors, for pensions.

These appropriations have grown until now they are of scandalous proportions. Great as these are, they will be insignificant compared to what will be required if Congress begins the policy of pouring out the Treasury of the people for the construction of roads.

This is an attempt to revive a policy long ago tried and abandoned. A hundred years ago the Government undertook to build roads. There was some excuse for it then. There is none now. Then there were no roads across the mountains. There were no railroads, no telegraph, no means of easy communication among the people. All that is changed now. The people have built their own roads. They are now building more and better roads than ever before.

Our forefathers soon realized that it was folly for the General Government to undertake to do the work that could better be done by the States and counties and they abandoned the attempt. This is the first time in 75 years that Congress has seriously considered the renewal of the attempt.

Let me read you what Jefferson thought about it:

> Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the Executive, jobbing to Members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post-office revenues; but the other revenues will soon be called into their aid, and it will be a scene of eternal scramble among the Members who can get the most money wasted in their States; and they will always get most who are meanest.

It seems idle to quote here what Jefferson said. I prefer, though, to stand with him in warning the people against this folly than with those who would burden the people under the pretense of helping them.

You might just as reasonably attempt to dam the Mississippi with greenbacks as to attempt to provide for the improvement of the public roads of the country out of the Treasury here in Washington. [Applause.]

Pending Campaign.

SPEECH

OF

HON. WILLIAM A. CULLOP,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912,

On the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. CULLOP said:

Mr. SPEAKER: The time is rapidly approaching when the electorate of this country will cast their suffrages for the person who is to be the Chief Magistrate of this Republic for the next four years. This important act means much to the people of this country, its prosperity and its welfare. For 16 years the Republican Party has had the Presidency and both branches of Congress, except the House since March 4, 1911. Conditions forbid its longer control of any department of the Government. Its mismanagement of public affairs in every department clearly illustrates its incapacity and its wanton and almost willful disregard of the public welfare and the best interests of the large majority of the American people. It has during that time, by its notorious extravagance, looted the Public Treasury, plundered our natural resources, exploited the pockets of the people in behalf of the special interests, at whose behests it has legislated and squandered the good faith of the greatest Republic on the face of the earth.

In a campaign for the nomination for the Presidency the present occupant of that high office and his immediate predecessor have exhausted the vocabulary of denunciation and charged each other as guilty of offenses which, in the eyes of the people, disqualify both of them for that high office. We shall not dispute their charges, but accept them as true for the very good logical reason that they having been closely associated together for several years know each other better than anybody else can know them. We have listened here at what the advocates of these two distinguished candidates have had to say in behalf of their candidate, and what they had to say against their opposing candidate in their own party, and believe that both are clearly entitled to defeat at the coming election, and that every Republican on the floor of this House is as thoroughly convinced of this fact as the Democrats are.

It is a fight over spoils, a controversy over plums, and a disagreement over plunder which is now overthrowing the Republican Party. It has sacrificed long since every principle which made that party once strong, militant, and progressive. Its modern-day leaders, the ones who have brought upon it such an inglorious condition in which it is now found, sacrified its principles, its usefulness, at the behest of the special interests, and bartered away the rights of the people to build up the predatory wealth of a few in order that liberal campaign funds might be secured to enable private political machines to hold the control of the party organizations. This has been the controlling factor which has animated its leadership of the last few years, and which has brought about its downfall and disruption. Could anyone who would take the time and exercise the patience to review its history of the last few years be surprised at its disintegrating condition now? It would be almost miraculous if it were otherwise. Cause and effect are as sure to follow each other as night and day. Its condition is the natural result of its conduct; it sowed the wind, its harvest is the reaping of the whirlwind.

In 1908 it adopted its tariff plank to fool the people, to catch the diverging views of its own party members when it declared that it favored a revision of the tariff so that it would "equal the difference in the cost of production at home and abroad together with a reasonable profit to American industries." In the agricultural sections leaders declared this meant a revision downward and in the manufacturing sections they declared it meant a revision upward, and upon this deception it won a victory. That victory was accomplished by deceit and fraud. It could not in the natural order of things be blessed with good results. It had to come to grief, and the punishment is banishment from power. The party of Lincoln and Grant, with its glorious achievements, goes down in oblivion under the leadership of Aldrich, PAYNE, CANNON, and PENROSE, to rise no more. It revised the tariff not downward but upward; if its author does not know this the people of this country do; they know the deceit practiced and the fraud perpetrated on them, and they will have vengeance on the men who deceived them. "Vengeance is mine," sayeth the Lord. Vengeance is ours, say the American people, and we will hurl it against the Republican Party for its duplicity and for its faithless promises. To break faith pledged by party leaders to the rank and file of a patriotic, confiding people requires the severest retribution as a chastisement. Come it must and come it will as it never came before on the 5th of next November.

The Republican Party by its protective policy is attempting a new school of economics. It is attempting to make a people prosperous by taxing them. Does anyone for a moment contend seriously that a people can be made rich by taxing them—that the higher a people are taxed the better off they will become? Such a doctrine is antagonistic to every economical principle ever promulgated and is a bald absurdity on its face. It is a contradiction of every principle of business, wealth, and prosperity known to civilized man. Yet that is the logical effect of the protective principle reduced to its last analysis as advocated by the Republican Party. Does anyone doubt that a party founded upon such a principle should or could control the policies of a great republic containing 90,000,000 of intelligent, responsible people for any great period of time? Would not the frugality and love of self soon teach such a people the gross injustice and error of such a policy? How could it do otherwise? In the face of the duplicity of the tariff plank of 1908 and the legislative application of the same as carried into effect by the enactment of the odious Payne-Aldrich bill the Republican Party attempts the same deception in its platform of 1912. Its leaders well know that the present disruption of their party is due to its fraudulent pretensions on that question. They know that an overwhelming majority of the members of their party are for a downward revision of the tariff, for an abolition of excessive duties, and yet in possession of that knowledge, they attempted in the Chicago platform of 1912 to perpetrate the same deception by saying:

> We hold that the import duties should be high enough, while yielding a sufficient revenue, to protect adequately American industries and wages. Some of the existing import duties are too high, and should be reduced. Readjustment should be made from time to time to conform to changed conditions and to reduce excessive rates, but without injury to any American industry.

It is the body of Esau in the garb of Jacob.

It is the same double-dealing, dual promise of 1908. To those who are for a revision downward it is a promise in accord with their wish and to those who want a revision upward it is an assurance of their desire. It is made to suit the different opinions existing in the various sections of the country—to meet all views of all people.

What does it mean when it says "We hold that import duties should be high enough, while yielding sufficient revenue, to protect American industries and wages"?

Who is to determine the standard? Is this any more explicit than the declaration of 1908, which provided it should be sufficient "to equal the difference in the cost of production at home and abroad, together with a reasonable profit to American industries"? Is not the manufacturer, the beneficiary, to determine as much in one instance as the other? Is there not as much ambiguity in the one as the other? How will you determine difference in cost of production here and elsewhere? Who is to be the arbiter? Who is to determine what is an adequate protection, the producer or the consumer? Between these two there is a wide difference of opinion. One believes it means a high amount, the other a low amount. Whose industry will be taken as the standard? The cost of production is not the same in all plants producing the same kind of products. Transportation facilities, labor conditions, business management, and locality affect these things and make a wide and irreconcilable difference. Which one will be taken as the basis? Does not each embody the same principle, enunciate the same idea, and is not each one capable of the same diversity of construction? Purposely made to be employed for one emergency before the election and for an altogether different one after the election, the former to secure the votes of the tariff-reduction people and the other to assure the standpatter there will be no reduction after the election if by peradventure they should succeed.

Will the people be deceived by this kind of a double-crossing, acrobatic performance, inspired by the same chicanery employed to deceive them in 1908 and operated by the same political plunderbunds who manipulated the deception so successfully then?

What owner of a protected industry, a beneficiary of the favor-dispensing institution, but what could show that to reduce the tariff a single farthing would injuriously affect him? The declaration "but without injury to any American industry" is the promise, the confiding assurance to the tariff barons, to the beneficiaries of the special interests, to the favor-seeking classes that there will be by the Republican Party, if successful, no revision of the tariff downward and that their interests with it are absolutely safe and secure. Measured by such a rule, revision downward is inconceivable. The declaration of this rule as the guiding standard is convincing proof that there will be no revision downward; and if anyone entertains such a forlorn hope he should banish it now and forever, because he can not accomplish such a thing without affecting some American industry injuriously. Under this rule how could any reduction be made without injury to some American industry? The imagination, however fertile, will fail to suggest a single one. "But without injury to any American industry" is an artful statement of a pledge to the protected interests that there will be no downward revision, and that is the crux of the whole situation. Is not this a deception, a snare and delusion, practiced for the purpose and with the hope of again obtaining the votes of Republicans who are reluctant to leave their party but who are sincere in their belief in true tariff reform?

But, Mr. Speaker, how could anyone expect a different declaration of principles from a body constituted as was the late Republican national convention at Chicago? Who would have expected a sincere, honest platform declaration from a body constituted as it is charged it was?

It is a well-settled legal principle, as old as the jurisprudence of the civilized world, that "fraud vitiates everything it touches." It is charged that it is a tainted platform, adopted by a tainted convention, made up from delegates whose titles are tainted with such fraud as casts a cloud, a dark ominous cloud, over everything done there. It is charged by Republicans that delegates' seats were stolen, that State conventions were burglarized, that voters were bribed, and that felony controlled every action which emanated from that criminally constituted tribunal. In all the political conventions this country has ever witnessed it outrivaled them all for criminality and high-handed tactics, if the charges preferred by the contesting factions of that party be half true.

The nominees of that convention stand charged as imposters before the American people; their titles fraudulent, their right as party condidates challenged, and they enter the campaign as the product of a branded conspiracy and which will vex and embarrass their candidacy from now until the close of the polls on the election day. Can it be possible that any man, however great his admiration for the personality of these men, entertains a ray of hope for their success? Does any person believe the American people will ratify by their votes a selection of nom-

inces made under such circumstances, surrounded by such conditions, and resting under such a cloud produced by such grave charges and felonious accusations. If he does he surely does not understand the honesty and high-minded patriotism of the people who believe in fair play and square dealing. If such there be who indulge in such a hope he should banish it at once.

Does any man flatter himself with the belief that either of these candidates can win, one with a clouded title the other a candidate for a third term? A thing Washington, the Father of his Country, refused; a thing Gen. Grant, the hero of the Appomattox, could not get; and a thing the people of this country will never let Theodore Roosevelt have. Both are doomed to defeat.

This situation in the Republican Party to-day is the result of its repudiation of promises made and the unwillingness of its leaders to obey the instructions of the rank and file of the party who bear the heat of the battle and defend its principles in the campaigns.

For its refusal to keep pledges made, its failure to perform platform promises, and denial of petitions made by the people in 1910 the political majority in this House was reversed and the Democratic Party was intrusted with power and commissioned to legislate responsive to the wishes of the people and not alone for the favor-seeking and privilege-hunting classes, as had been the case with the Republican Party. The people had petitioned the Republican Party in vain to liberalize and modernize the rules of the House and eliminate Cannonism, so that legislation desired by them could be enacted and their chosen Representatives heard, but this petition was denied. The first thing which the Democratic Party did when it came into power was to grant this righteous request, and the present Speaker, who adorns the high office he holds, immediately upon assuming its duties, announced that he now handed back the power to the people which had heretofore been taken from them.

The people had for years petitioned the Republican Party to submit an amendment to the Constitution authorizing the election of United States Senators by a direct vote of the people, and it refused this meritorious demand. But, before the Democratic Party had been in power in this House a week it granted this petition and it is now before the people for ratification.

The people had petitioned the Republican Party to enact a law requiring the publicity of both amounts and names of contributors to campaign funds, before the election as well as after, so that the people could know before election who was financing campaigns, and this petition had also been denied. But the Democratic Party, as soon it came into power, enacted this wise and wholesome law without a dissenting vote in this House; and the present Chief Executive, who had refused to agree with his competitor, William J. Bryan, two years before in the campaign for such publicity, lashed and scorned by public opinion was compelled to approve the measure.

The people for years had petitioned Congress for the passage of a dollar-a-day pension law for the old soldiers in commemoration of their heroic services in defending the Union in the hour of its darkest peril, but this patriotic request was refused. This Democratic House, however, responding to the wishes of the people, promptly passed this measure, although a Republican Senate reduced the amount of its liberal provisions.

The people petitioned the Republican Party to reduce the excessive duties on woolen and cotton manufactures in order that wearing apparel might be made cheaper so that the poor might be comfortably clothed. The Republican Party ignored this petition, but the Democratic Party promptly responded and reduced the duties on these necessities of life from 35 to 45 per cent, saying to the great tariff barons who produce these articles, "You have plundered the suffering people long enough."

The people petitioned that the many articles necessarily used by the farmer in the production of his crops and for his comfort be put upon the free list, and the Republican Party refused to entertain this petition. But the Democratic Party granted it and placed 100 articles necessarily used by the farmer on the free list in order to cheapen to him the cost of production and lessen the high cost of living.

The people petitioned for a reduction of the duties on iron and steel products so that their cost might be reduced to the ultimate consumer and the legislative profits of the monopolistic Steel Trust in part be eliminated. But the Republican Party said:

> No; these great controllers of predatory wealth shall not be shorn of their liberal authority to exploit the public.

The Democratic Party promptly passed a bill reducing the duties on these articles approximately 35 per cent.

All four of these measures were defeated by the exercise of the veto power by a Republican President, who is now a candidate for reelection. These four measures, if he had approved instead of vetoing them, would have saved the ultimate consumers in this country annually $500,000,000 and would have redounded that much to the welfare and prosperity of the 90,000,000 people who constitute the bone and sinew of the Republic.

The people have demanded the enactment of an excise law, in order that wealth might bear its just proportion of taxes in support of the Federal Government, and the Republican Party ignored this reasonable demand. The Democratic Party, however, promptly responded to the demand and enacted a wholesome excise tax law, which will raise $60,000,000 revenues per year for the Government from property heretofore escaping taxation.

The people, in order to cheapen the high cost of living, appealed to Congress to place sugar, a necessity of life in every home in the country, on the free list, and the Republican Party denied the appeal. But the Democratic Party cheerfully granted it and placed sugar on the free list, over the protest of the great Sugar Trust, and this will save the ultimate consumers of this country $115,000,000 per year.

The Democratic Party respects the wishes of the people, obeys their mandates, legislates responsively to their desires, and recognizes in them the source of all power, believing that their will is supreme.

This Democratic House has made a record of glorious achievements which commends it to the people of this Republic and enables it to confidently solicit their approval—a record which challenges the entire history of the American Congress for a parallel from its first organization down to the present. It has earned the confidence of the people and the admiration of the public. It has demonstrated beyond cavil or doubt its ability and capacity to manage the affairs of this great Government, costing $1,000,000,000 a year and inhabited by over 90,000,000 of people, pursuing every known avocation and producing more than $30,000,000,000 worth of products annually. It has proven the incapacity of the Republican Party to administer this great Government in the best interests of the people.

The Democratic Party is fortunate in its selection of Wilson and Marshall as its candidates for President and Vice President. As governors of great States they have both given wise, able, and progressive administrations which afford ample demonstration of their ability and capacity for the administration of the great offices for which they have been nominated.

Woodrow Wilson is the greatest constructive statesman of the age and the best all-around equipped man that has entered the political arena since the days of Thomas Jefferson. Rich in scholastic attainments, a great teacher, a profound thinker, a safe counsellor, and an experienced executive. As the president of a great university of learning, the executive of a great State, success has attended his administrations and demonstrated his great wisdom, patriotism, and unselfish devotion to the responsibilities intrusted to his care. His superior qualifications for the high office of President of the United States and the wisdom of his party in his selection are fully vindicated by his splendid achievements. For 25 years he has devoted his time, talents, and energies to a study of the science of government, to the existing inequalities among the people, and for a remedy for the prevailing irregularities which make opportunities unequal, which give advantages to some and withhold them from others. The best years of his life have been devoted to the training of the head and heart of his fellow man and the molding of public opinion in behalf of the uplift of humanity in order that the door of opportunity should open to all alike—that one person should not enjoy advantages denied to others. He has dedicated the best services of a lifetime for the elevation of his race to a common plane of advantage, so that in the great struggles of the ever restless throng clamoring for advantages, endowments of body and mind alone should afford superiority. From the quiet chambers of his study, without the fetters of special privilege on his limbs or the manacles of favor seekers on his body, with an emancipated head and heart, obligated to none save God and the welfare of his country, he has calmly and carefully reviewed the political situation emanating from the adoption of public policies, the ensuing growth of avarice and greed as the natural consequences thereof, and the supreme advantage a few obtained thereby to the permanent detriment of millions who were as much entitled to public consideration at the hands of a great government which was instituted as the result of the oppression of the few against the many. He heard the cry of the wronged, the wail of despair as it was wrung from the oppressed, the mutterings of suffering as they arose from the unfortunate who neither could get the ear nor enlist the voice of those high in authority, to remedy the prevailing

evils or modify the gross inequalities which favored one to the disadvantage of the other, which made potentates of one class and serfs of the other. He surveyed with intense interest the political and social evolution as it arose slowly from the people complaining of the unfair conditions with which they had to contend in their daily walks of life because of unjust policies adopted through favoritism, and he responded to their appeals to rescue them from the deplorable plight into which they had been plunged through the enforcement of national and domestic public policies. To maintain the hopes of the founders of the Republic as bequeathed by them to posterity that here the rights of all mankind should be equal before the law was to him a guide for the best efforts that he could employ. A fearless leader, armed with the consciousness of right, he assailed special privilege and declared his uncompromising hostility until it was eliminated from public policies. He deprecated the fact that for years selfish influences had shaped the legislation of the Republic in behalf of favoritism so that it swelled the coffers of the predatory wealth of a few enormously, until, like knightly courtiers with princely arrogance, they attempted to dictate a nation's policies, dominate its progress at will, control its prosperity at pleasure, and plunder the less fortunate as their avarice and greed might suggest. His tireless and fearless leadership against these wrongs and those responsible for them attracted nation-wide attention and inspired people engaged in the great contest everywhere and gave confidence that the efforts would not be in vain, and the movement grew in substance and in form, gathering momentum, so that now it encompasses a mighty Nation containing 90,000,000 of people who confide in his masterful leadership and his splendid ability to rescue them from the conditions in which they are found which now vex and embarrass the progress and prosperity of a mighty people. He enters the contest to which he has been called with courageous heart and mind in sympathy with the cause it represents, assured by a large majority of his countrymen that victory shall crown the effort and that a better era will result, redounding to the universal prosperity of the mightiest Nation in the world.

The Taylor System, or Scientific Method of Shop Management.

SPEECH

OF

HON. FRANK BUCHANAN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912.

Mr. BUCHANAN said:

Mr. SPEAKER: Workmen all over this American country are highly interested in what is known as the Taylor system of "scientific shop management" and similar systems which are now being considered for adoption and are being installed in some workshops, mills, and factories. Some of the features of these systems are commendable and some are of a vicious character, therefore it is not strange that the thoughtful workpeople of the country and their friends are looking with alarm on the success that Mr. Taylor has made in securing the favorable consideration and installation of his system.

I was occupied at hard labor from my boyhood days until recent years. I have been educated in the college of "hard knocks." I have given these questions of interest to the working people deep study and thought, and on the high ground that the interests of the honest, legitimate employers and business men and the interests of labor lie together and can not be separated. Therefore the installation of any system that tends to impair the morals and physical health and impair the intellectual ability of the wageworkers is indefensible. I am led to believe from the information at hand that these so-called scientific systems of shop management are being worked and installed with a view of securing the greatest possible amount of speed from the working people for the purpose of obtaining the greatest amount of dividends, without due consideration of the human side of the question. Therefore this becomes a question of great importance and is worthy of the best thought of the best men of the country, so that it can be properly solved. If the Taylor system of shop management is being installed and operated at the expense of the physical and moral welfare of the worker, then it is a menace to humanity and should be guarded against as an epidemic, against which the resources of civilization are constantly warring.

I desire to here insert some extracts from a paper on the "Fetishism of scientific management," by Rear Admiral John R. Edwards, United States Navy, who for several years was head of the steam engineering department at the navy yard, for three years inspector of machinery at Wm. Cramp & Sons' Ship & Engine Building Co., and for the past year has been general inspector of machinery for naval vessels building on the Atlantic coast. This varied experience has given him considerable opportunity to observe the various systems of management, and to discuss them with experts having practical knowledge of the subject, and makes him especially qualified to discuss this question.

During the past two decades a considerable number of aggressive engineering experts have proclaimed the doctrine that with the adoption of scientific methods in the management of our railway and industrial corporations and establishments there would result increased profit to the employer, decreased cost to the producer, and easier instead of harder working conditions for the many employed in industrial pursuits.

It is a doctrine rich in promises, prolific in fancies, and of such general attractive character as to appeal to the personal interests of the many. When analyzed, however, the system is found to be substantially an effort to extend the development of shop administration, cost accounting, and business management by sequential progress methods and by a detailed, if not intricate, system of organization and operation.

The recognized leader of these efficiency experts is Mr. Fred W. Taylor, of Philadelphia, Pa., whose research work in the direction of developing advanced and progressive methods of tool making has made him one of the world-wide authorities upon that particular subject.

QUESTION DEVELOPING INTO ONE OF COMMANDING PUBLIC INTEREST.

Due to the personal efforts of Mr. Taylor and the engineering experts who believe in his methods the subject of scientific management now commands public attention to such an extent that the question is being thoughtfully considered from sociological, industrial, political, financial, and military standpoints.

The action of the United States Interstate Commerce Commission in 1910 in investigating the request of the eastern railroads to increase their freight-tariff rates has had a very far-reaching indirect effect in causing extended and thoughtful consideration to be given to the study and scope of scientific management.

This investigation by the commission extended over a period of six months. The railroads unequivocally maintained that higher freight rates were essential to meet their progressively increasing expenditures. In resisting this increase in freight rates various contentions were offered by the protesting commercial organizations. Many of the claims and contentions of the trade organizations were, in general, too technical to be understood by the public; but the catching epigram of Mr. Louis D. Brandeis, counsel of the traffic committee, that "at least a million dollars a day could be saved by the railroads by scientific management" caught the public fancy. From that day the question of scientific management of particular industries has been somewhat intimately associated with the more important problem of national efficiency. Railway officials, industrial managers, and technical experts have been forced to meet the attacks and arguments of the efficiency promoters. Particularly within the past three years the scope and purpose of scientific management have been crefully analyzed, and as a result the subject is now receiving the extended and thoughtful consideration of many able engineering experts, industrial managers, and Government officials.

BASIC PRINCIPLES OF THE SYSTEM.

Probably no clearer exposition of the system has been made than that presented by Mr. Henry G. Bradlee, a member of the well-known Stone & Webster Co., of Boston, a firm noted as expert authorities upon engineering and industrial matters. In a paper prepared for the Congress of Technology, Massachusetts Institute of Technology, Mr. Bradlee thus analyzes the basic principles of scientific shop management:

Stripped of technicalities the method of the modern efficiency engineer is simply this: First, to analyze and study each piece of work before it is performed; second, to decide how it can be done with a minimum of wasted motion and energy; third, to instruct the workman so that he may do the work in the manner selected as most efficient.

There is nothing fundamentally new in this method. The underlying principle is being used to-day to a greater or less extent in all industries, and has, no doubt, been used at all times in the past. Let us keep this fact just as clear in our minds as possible.

The method, as employed by the modern efficiency engineer, is distinctive, not because it is new, but because it is carried to much greater detail.

The modern efficiency engineer is not content to plan out work along broad general lines. He proposes to go at it in a more scientific

spirit. He plans to make a systematic study of every detail and obtain maximum efficiency through preventing waste and loss at each and every point.

With this in view he watches every motion of the workman's hands and body. If any unnecessary movement is made, he tries to change the conditions under which the work is carried on, or gives instructions to the workman so that the wasteful act may be avoided in the future. Every motion made and every bit of energy expended must be made to yield useful results in so far as this is possible.

The form of organization adopted naturally has the same end in view. The number of overseers, supervisors, experts, and specialists in proportion to the number of workmen is materially increased.

Special accounting systems are adopted to show at a glance what proportion of the cost of a piece of work is necessary and what proportion is caused by waste of energy. The information so obtained is used as a guide to prevent waste in the future.

The workman is encouraged to cooperate through the use of a bonus system which aims to give the highest pay to the most efficient worker.

These methods applied in certain cases have produced some very surprising and satisfactory results, but it is by no means a necessary conclusion that they can be universally applied with equal success.

As I have already indicated, we are all of us familiar with the general principles underlying the methods of the efficiency engineer; many of us make frequent use of these principles in the conduct of our business. I think I am correct in saying that in the business with which I am connected every general principle and every detail method which has been suggested by the efficiency engineer has been used at one time or another and many are in use to-day.

The subject is then a familiar one to all of us; the problem presented is not the adoption of something entirely new, but rather the extension to every detail of our work of something which we have already tried.

LITERATURE UPON THE SUBJECT.

The literature upon the subject is not very extensive, but is of striking character in two respects. The wholesale condemnation of administrative organization and shop management is its central keynote. This spirit of condemnation is reflected in statements like the following:

Inefficiency is not a local evil. * * * It extends through the whole of American life. * * * This inefficiency of effort pervades to a greater or less degree all American activities. * * * Inefficiency similar to that in the manufacturing shops exists in all building operations to the same or even greater extent. * * * The United States and State agricultural bureaus have determined like inefficiencies in farming operations. * * * In our whole educational system there is the same inefficiency.

There is no feature of the American industrial affairs that appears to have escaped the condemnation of these efficiency managers. It is asserted that "the American railroad, by the most advanced engineering and industrial methods, carries an absurdly small net load for an absurdly small distance at an unnecessarily high cost." And yet, in an address by Mr. Frank Trumbull, chairman of the board of directors of the Chesapeake & Ohio Railway Co., he states:

If you should write a letter to an American railroad official, his corportation will have to haul a ton of freight, 2,000 pounds of average freight—coal, ore, silks, ostrich feathers, and everything—for more than 2½ miles to get money enough to buy a postage stamp to send you an answer.

With the wholesale condemnation of American efficiency, the literature is replete with superlatives telling of the efficiency accomplishments of the professional scientific-management experts. These experts appear to have had the most remarkable success in directing the affairs of others, if their own statements and conclusions are founded upon facts.

The literature likewise abounds in platitudes, truisms, and proverbs concerning the importance of efficiency and the necessity of preventing waste. The average industrial manager has neither the desire, inclination, nor time to controvert doctrines of such nature.

The trend of this literature does not appeal to intelligent labor, nor does it impress industrial managers with its soundness of doctrine. Such expressions as "instruction cards for workmen," "time studies," "differential piecework systems," "stop-watch studies," "speed bosses," "tasks," and "systematic soldiering" do not commend themselves to the self-respecting mechanic. The wholesale denunciation of existing industrial management is resented by administrative officials.

The promises of higher dividends, reduced operating expenses, and augmented output naturally appeals to every stockholder who is looking for increased returns upon his investment. As in the case of other emotional propositions, however, the system is more successful in obtaining converts than in holding them in the faith.

One is surprised, if not astonished, to find that the supporters of scientific management have been permitted practically to take unto themselves the literary field in regard to industrial management. It has only been within the past two or three years that there has been even any individual earnest effort to controvert the doctrine. The neglect to state the other side of the proposition has probably been due to three reasons: First, the general inclination to encourage and favor any effort to promote efficiency and reduce waste; second, the indifference of many manufacturers and managers to the work and purpose of the efficiency experts, it being considered that the agitation was of an ephemeral nature and that it was not founded upon either fact or experience; third, the contempt with which many executive officials resent the general proposition that the average scientific-management expert could secure help, go to a mill or enter a shop, and solve problems which those in charge of management had not been able to solve with years of experience, with patient research work and experiment, and with the benefit of traditions of the business.

Conservative industrial leaders are just coming to a realization concerning the depth and extent to which the doctrine has soaked into the public mind and the marked favor in which the system is held by certain elements of the general public. It is quite probable that from henceforth the literature upon the subject will not be of such one-sided character.

THE SCOPE OF THE SYSTEM.

The efficiency experts primarily intended to confine their operations to effecting improvements in shop management, but during the past few years their aspiration and scope have greatly broadened. The most progressive and competent of them now maintain that scientific management is more necessary in the conduct of administrative affairs than in that of shop management.

It is significant that the trend of development is thus in the direction of securing a more efficient administrative staff. The effort to commence reforming the methods of the unskilled laborer seems to be giving way to the purpose of securing a more systematic and efficient industrial directive organization. It is therefore probable that the business researcher will supersede the efficiency expert, since success in promoting efficiency is more likely to be obtained by a comprehensive study of every feature of an industrial organization than by assuming that the essential weakness of management can be located in the producing department.

Concentration of effort in the study and investigation of manufacturing and operating problems alone will never meet the demands of successful business administration. The economies strained after in the production department are often of minute character. In reference to this matter Mr. H. F. Stimpson, chief engineer of the Universal Audit Co., New York City, thus writes:

Practical examples of the mistake of putting operating experience in the saddle will come readily to mind. In steel manufacture they are frequently measured in cents per ton of product. Yet mistakes in cost finding, in the price at which product is sold, in the price paid for materials, or in credit improperly extended, may often neutralize all that the best equipped manufacturing department has accomplished in lowering the unit of production cost. President Farrell, of the United States Steel Corporation, said in an address before the New York meeting of the American Iron and Steel Institute:

"Without any desire to belittle the practical value and importance of effecting a saving in cost production, however small, it has always seemed particularly hard on the men who have accomplished what may appear as an insignificant reduction of the previous month's cost of producing pig iron or ingots or wire rods to have this saving in mill costs dissipated by the sales department 'quietly meeting in the market' with a reduction of $1 or $2 per ton at the first sign of any cloud on the commercial horizon. Good salesmanship and sound business principles in the conduct of the selling of iron and steel are just as essential and vital to the low cost as up-to-date machinery and manufacturing practice."

BASIC PRINCIPLES OF SYSTEM ENUNCIATED OVER A CENTURY AGO.

In reference to the development of the system, Mr. John Calder, manager Remington Typewriter Works, thus comments:

The minute subdivision of processes in manufactures was predicted and its advantages set forth in 1776 by Adam Smith, the Scotch philosopher at the University of Glasgow and the gifted author of "The Wealth of Nations."

Sixty years later the principle was firmly established, and Charles Babbage, the noted English mathematician and mechanician, described, in 1834, in his Economy of Machines and Manufactures the minute division of labor possible in repetition work in his day in various industries. He also furnished a complete philosophy of the subject and examples of calculations as to the limits of reasonable investment in labor-saving machinery.

Industries, such as textiles, in which machinery reigned supreme at a very early stage, were most affected by the new principle which evolved quite naturally with the dawn of modern industrialism.

In our own day practical political economy has been somewhat neglected by engineers, and three-quarters of a century after Babbage we find the division of labor by machines carried much further than the divisions of handicrafts which he also advocated and described.

LIMITATION IN EFFICIENCY METHODS OF OPERATION.

Even where conditions appear favorable to efficiency methods we find important limitations to their adoption. In regard to this special feature of the question, Mr. Bradlee, of the Stone & Webster Co., thus comments:

Low cost of operation or of manufacture is, after all, only one factor out of many to be considered in measuring industrial efficiency. It frequently happens that the lowest cost can only be secured through sacrificing other and more important factors. Let us consider some examples.

We use a special delivery stamp, send a telegram in place of a letter, or ship merchandise by express instead of freight, because saving in time is more important than saving in expense, or because there are advantages in extending our business over a considerable area, and this can only be done by using these methods.

The steam railroads increase their operating costs per ton-mile by operating express service. By doing this they have helped build up industries which could not otherwise exist. We are glad to pay this extra cost so that we may no longer be dependent on a local supply of fruits and other perishable goods.

In construction work we frequently adopt methods which might be considered extravagant if we overlooked the advantages which come from completion of the work by a certain date. Delay in completion is often far more serious than quite a considerable increase in cost of work.

It is often more economical for a street railway to attach trailers to its regular car to handle rush hour business than to operate additional motor cars. The public, unfortunately, do not like trailers, and, here again, the railway decided that public good will is more important than a slight saving in expense.

A very simple case will illustrate how efficiency in one direction may conflict with efficiency in another. The crew on a locomotive have three duties: First, safety of the train and its contents; second, the maintenance of schedules; and, third, operation of the locomotive at the lowest possible cost. Let us suppose the railroad is making a special effort to improve fuel economy. The locomotive crew became very much interested in the matter, and the first year they succeeded in saving several hundred dollars worth of coal. The second year they decide to do even better, but one day when they are trying to make a particularly good coal record they run by a signal, wreck the train, and kill a dozen passengers. How shall we measure efficiency in this case? Coal efficiency is high, accident efficiency is low; the two are always somewhat in conflict. It would have been much better for this road to have burned a little more coal and avoided the accident.

The spirit which runs through an organization, its "esprit de corps," is an important factor in its success or failure. A superintendent or foreman who has the faculty of keeping his men always happy and contented, even though he is at times somewhat extravagant, may be more valuable and more truly efficient than another who is able to get a little more work out of his men, but who keeps them continually growling and grumbling against the business and their employer.

In these few examples we see that diversified industries, public health, safety and welfare, speed of action, time of completion, esprit de corps, quality and quantity of service, public good will and patronage; all these and many others enter into measurement of success and efficiency.

SYSTEM ENTAILS EXCESSIVE NUMBER OF RECORDS.

Ex-Senator Aldrich, who, in many respects, was the ablest business man that ever entered public life, declared that it was through simplification of Government business methods that the most material reduction in national expenditures could be brought about. The several executive departments of the Government, as well as the leading railway and industrial corporations, are progressively reducing the number of their records.

The trend of scientific management, however, is to increase the clerical force several fold. This feature alone has a tendency to discredit its value in the minds of those who believe that too many, rather than too few, records are now being kept.

Several years ago one of the most noted engineering experts of the country was retained to revise shop methods and improve the product of an established concern whose business had been progressively decreasing. It appears that it had been the practice of the firm to attach exceptional importance to the work of determining in detail the cost of each part of every article manufactured. The engineering expert found so many records and card indexes that he epigrammatically stated that it appeared to him as if the man who had designed such a cost-accounting system must have had a personal interest in some stationery establishment.

There is a tale extant of a certain flag lieutenant in the Navy, who, upon being told of the fruitless night-and-day effort of his predecessor to dispose of matters pending, threw all these records into the sea, with the remark that he would start with a new slate. The story goes that there were but few of these documents concerning which further inquiry was simply directed to start the correspondence anew.

The trend of business management has been to simplify the character and reduce the number of records, and surely scientific management is not in line with such practice.

SUPERVISION AN IMPORTANT FACTOR IN INDUSTRIAL MANAGEMENT.

An important element of industrial success is efficient, systematic, and complete supervision by the administrative and technical officials of the plant. Where intelligent, considerate, and capable supervision exists the best energies of the employees are aroused. Scientific management tends rather to minimize supervision by substituting a very comprehensive system of planning and routing the work. Experience shows that the most efficient method of keeping track of the work is by personal supervision, and not through a system of cards and records.

One of the most successful features of the shop management of the Baldwin Locomotive Works is the exceptionally efficient and capable supervisory force employed. In this establishment it is not considered that the resourcefulness and inventive talent of the plant is concentrated in either the planning or drafting rooms. Simple common-sense methods are employed in routing the work, and the foremen and quartermen are not burdened with the work of looking out for a mass of records as regards the time and cost of making detailed parts. More accurate information is obtained from mass costing.

The average workman wants to do right, and he is more content to have his work judged by competent and conscientious supervisors than by intricate records compiled and tabulated by clerks in the planning or auditing offices who can have no conception of his technical skill, experience, and resourcefulness.

Where extended personal supervision is conducted there exists definite information concerning the character, skill, and efficiency of each individual employee, and thus the idlers can be selected for discharge when work is slack.

PLANNING AND ROUTING OF WORK.

In analyzing much of the literature published upon the subject one notes the exceptional importance attached by the advocates of the system to the planning and routing of the work through the shops. In fact, such a degree of importance is attached to this phase of shop methods that the actual production of the article or accomplishment of the task appears as a small factor compared with the manner in which the work is done. Planning and routing work in a simple, practical, and systematic manner has been coincident with shop development and extension, and the effort to attach undue importance to the planning and routing of work will not stand the test of time.

Upon this phase of shop management London Engineering thus comments:

Scientific management postulates a system in which every movement of every workman is the subject of written instruction supplied to him on cards, in which every tool to be used and the speed of every machine is regulated by a special department, which again deals with the workmen who are using the tools and running the machines by means of written instructions. It postulates a system in which every workman is subject to instructions from five different foremen and three distinct sets of clerks, each dealing with one part of his work only and each acting independently from the others; and it postulates a system in which the route of every piece of work through the shops is the subject of daily written instructions from a special department and in which bodies of men and gangs are similarly controlled in their movements by a special department, which in some cases works out its instructions by means of a sort of diagrammatic chessboard arrangement.

We have no quarrel with any of the methods on which scientific management is based if they are used within reason, but we simply do not believe that such a system as is outlined above is a practicable one for everyday life. It introduces some seven new links into a chain which under ordinary methods contains about four, and with these seven new links must introduce seven new possibilities of efficiency and failure. At each of the new stages there is always a chance of small delays and losses creeping in, and with ordinary men under ordinary conditions these delays and losses will creep in. The whole organization is of such complexity and delicacy that a little derangement of one of its parts will upset the whole working, while its expense must be such that savings over ordinary methods can only be shown if it works consistently at its best. The setting in motion of such a system of management shows a lack of appreciation of the capabilities of ordinary men for whom systems are made, and, in our opinion, any attempt at its general adoption can only end in disappointment.

CONFIDENCE AND COOPERATION.

During the recent great railway and coal strikes in Great Britain one of the most noteworthy features observed by visitors was the unswerving confidence of the people in the ability of the Government to handle the situation. The reason was simple. The railway administrators, the various labor unions, and the general public had implicit confidence in the integrity, justice, and common sense of the commissions appointed to arbitrate the various matters.

In some respects the most objectionable feature to the introduction of the system of scientific management is the lack of confidence and respect which it breeds between capital and labor. It is hammered into the employer that soldiering and loafing is the general rule upon the part of the workmen, while the employee is told that inefficient and wasteful methods of management prevail everywhere. The first impression that the ordinary manager would form upon reading one of the standard books is the general lack of efficiency, loyalty, and zeal upon the part of those in his employ. In turn, a cursory reading of the same book would probably cause the average workman to believe that the organization and shop management of his employer are not in accord with modern business methods. Such literature is not conducive to mutual confidence between employer and employee.

INDUSTRIAL OPERATION AND ADVANCE DEPENDS UPON MANY FACTORS.

In the conduct of every enterprise it is essential that rules and regulations, based upon business experience and sound judgment, should be established and regularly maintained. There are certain essential features of business management

that must be considered in the organization of every shop, whether large or small, among which are the following:

Staff and departmental organization.
Care of stores, stock, tools, and machines.
Systematic methods of keeping time.
Regulations concerning discipline and methods of work.
Wage and premium system; rates for overtime.
Use of bulletin boards and suggestion boxes.
Systematic method of noting the progress and cost of work.

It is unnecessary to state that the detailed list of items of essential elements of shop management could be extended indefinitely. The items enumerated above are simply mentioned as illustrative of the fact that the ordinary shop should be, and probably is, operated under fairly good rules. The scientific-management experts are, therefore, no more responsible for the introduction of ordinary common-sense system of cost accounting and efficient methods of shop management than they are responsible for the installation in modern shops of either the telephone or the electric light.

Where a remunerative business is being carried on and the establishment has no spirited competitors, it is exceedingly probable that certain lax methods may prevail, both as regards shop practice and management, and any practical expert could probably offer suggestions that would promote efficiency.

Increasing the ordinary capacity of a plant which has to seek business against keen and aggressive competitors is a problem that is more likely to be solved by those familiar with the industry than by one unacquainted with the business. It requires an expert of extended experience to effect improvements in detail, and it is not surprising, therefore, that nearly all connected with industrial development refuse to accept the doctrine without protest that improvement can so easily be brought about by men unfamiliar with the work.

As regards improvement in cotton mills, Mr. Henry D. Martin, superintendent of the Lancaster (Mass.) Weaving Mills, declares that the earning capacity of a plant depends upon many distinct features, such as—

First. Convenient location of plant.
Second. Proper layout of buildings.
Third. Right kind of machinery.
Fourth. Correct arrangement of machinery.
Fifth. Uniform engagement of the processes.
Sixth. Purchase of good raw material at lowest price available.
Seventh. Skilled manufacturing organization.
Eighth. Homogeneous service of the entire force.
Ninth. Maximum production.
Tenth. Minimum quantity of seconds.
Eleventh. Minimum waste account.
Twelfth. Lowest degree of wear and tear.
Thirteenth. Sufficient expenditure to keep machinery in good running order.
Fourteenth. Lowest cost of production.
Fifteenth. There must be a good market for the finished product at fair selling price.

It might not require extended experience or marked ability in management upon the part of any expert to note wherein improvements might be effected as regards certain features of administration. The introduction of such changes, however, might interfere with the operation or impair the efficiency of other features of the plant. Criticism and condemnation as regards special features are therefore unwarranted and unjustifiable unless the whole fabric of organization and management is considered in relation to apparent defects in the management of special shops of the industry.

The effort to increase the producing capacity of every man and machine connected with manufacturing establishments has been coincident with the development and extension of every industry. The suggestion that the country possesses a contingent of efficiency experts who, after a few months' study of an industry, can effect economies and improve the character of the article manufactured has met with but little approval in the industrial world. It may be possible for such experts to familiarize themselves with certain important features of an industrial plant, but the lack of special knowledge of even a few of the elements entering into the earning capacity of such industries would undoubtedly baffle any attempt of the average efficiency expert to effect any permanent improvement or to bring about any substantial economies.

REPETITION VERSUS REPAIR WORK.

Probably no more effective argument could be advanced against attempting to apply an extensive system of scientific management for varied or repair work than by briefly showing the general character of shop methods requisite for repetition work.

The Remington Typewriter Works is one of numerous concerns manufacturing thoroughly standardized products which, for periods of at least a year, they will not modify. In the conduct of such a business the special difficulties experienced by the ordinary industrial establishment are not encountered. Where repetition work is carried on, therefore, close attention can be concentrated on a limited number of definite problems, the satisfactory solution of which may be attained by gradual and experimental stages.

The Remington typewriter contains about 2,500 highly finished individual pieces, each of which passes through from 6 to 30 manufacturing operations. A total of about 1,000,000 interchangeable metal pieces, of several thousand varieties, are produced daily, and built each day into one of the various standard appliances turned out by the Remington Co.

The buildings connected with the plant contain about 1,600 machine tools operated by mechanical power. About 60 tools are operated by hand labor. The equipment likewise contains a large quantity of finely made and costly jigs, tools, fixtures, and other labor-saving devices. Many of the machines are of such special design that they have to be constructed at the works. While the greater portion of the machine tools are of standard make, it has been found essential to fit a considerable number of them with special attachments whereby repetition work can be carried on in an intensive manner. It is unnecessary to state that such an equipment of machinery is not found in any establishment where work of varied or repair character is carried on. The manager of the works states that every arrangement of shop methods has been based on business facts and careful analysis and not on any preconceived fancies. No scientific claim is advanced for the management, since the system is modified in its details whenever circumstances warrant such change.

About 1,700 men are employed in the manufacture of the various parts of the machine. About 500 additional men are required to assemble the machines and to repair tools. These shops run almost automatically, since seven-tenths of the employees are assured of steady employment. It requires about 20 persons to look out for the accounting as well as for the labor and motion-study sections. It will be observed that this small contingent of employees not only plan and route the work, but likewise look out for the accounting. As regards planning, routing, and cost accounting, the manager of the works, in an address before a joint meeting of the Engineering and Railroad Clubs of Altoona, thus spoke:

Planning.—I do not favor the running of shops such as those here described, or indeed any class of manufactures, by fiat in every detail from a central planning department. Attractive as a general scheme, the complete centralization of the initiative and thinking of a plant is neither "scientific," economical, nor practical. If attempted, to square with some theory, it undoubtedly slows up the plant and lessens the internal "good will," a most valuable asset.

In the works system here described each section of the organization in conference with the manager and superintendents has its appropriate part in planning, and complete records of the same are readily accessible.

Costing.—It follows from the system of payment (straight-forward piece-rate system) applying to a large proportion of the employees, that, in addition to the daywork accounting on plant maintenance and betterments, the determining of the direct cost of a very varied product is a simple matter. It is needless to maintain a clerical staff large enough to cost every recurring order for each part. Mass costing is found on this system to be more accurate than that carried out continuously in great detail, but the time and quantity cards are accumulated for every order, and every part is costed by selection at intervals.

The manner in which an establishment turning out a standardized product is organized and the method of planning and routing work are shown on the two accompanying tables. One has but to note the size and character of the typewriter parts, together within the fact that the cost of the various parts were obtained from the record of a hundred thousand pieces of the same dimensions, to show the extremely narrow limitations within which repetition methods can be applied to repair work.

It is because cost is the determining factor in repetition work, while speed of completion and efficiency of output are the determining factors in repair work, that the organization and methods of the one plant can not be duplicated in any essential features by the organization of the other.

MEN ARE MORE IMPORTANT THAN MACHINES.

One of the fundamental weaknesses of scientific management is due to the importance attached to the efficiency of the machine as compared with the efficiency of the man. The man frequently appears to be regarded as a hopper for feeding or watching the machine, it being considered that the shop foremen and planning experts will supply all the brain work required.

The fact seems to be overlooked that the distinctive features of modern industrial advance have been the resourcefulness

and observing talent of the individual. Any attempt to dispense with the experience and originality of the artisan is marked retrogression. The shop practice of the past generation invariably placed the man above the machine, and therefore the best energies of the most successful administrative officials have been in the direction of arousing the interest and latent resources of the man in front of the tool.

Scientific management calls for an intensive standardization of men and machines. As regards the standardization of men, one writer thus comments:

How can you standardize the strength and character of one man's arm behind the rammer with another?
How can you standardize the clear judgment necessary in certain manufacturing operations?
How can you standardize the various intellect and moral character of the men whom one encounters in shop management?

ECONOMY AND PROGRESSION THE NATIONAL WATCHWORD.

The business and financial interests of the country are fully cognizant of the fact that this Nation has now reached a stage where progressive methods must be installed and rigid economy practiced in order to meet foreign competition. These industrial leaders, however, are also appreciative of the fact that any effort to resort to extremes along such lines will result in harm rather than in benefit to industrial conditions. The line of action that the most thoughtful are working along is in the direction of that suggested by President Taft, in his address at Portland, Oreg., wherein he stated that "A progressive is one who recognizes existing and concrete evils and is in favor of practical and definite steps to eradicate them." Officials who are directing progress along such practical lines are neither timid nor conservative, but rather the highest and best types of progressive leaders.

Those who doubt the value of scientific management as outlined by Mr. Taylor are not reactionists. It is strikingly noticeable that the special industries which have been able to export their products to foreign countries are, without exception, industries which have had nothing to do with the system. Surely their shop methods and business management must be of efficient character to have their product successfully enter the entire industrial field of the world against the cheaper labor of their European and Asiatic competitors.

INDUSTRIAL MANAGEMENT AN ART RATHER THAN A SCIENCE.

Science has been defined as knowledge reduced to a sytem and art as knowledge reduced to practice.

Industrial and railway management deal with too many unknown and variable quantities to be regarded as a science. The administrative officials of such organizations are well content to reduce their knowledge, experimental research, and experience to certain flexible practices and customs, and as a rule the fewer the fixed practices and regulations the greater the efficiency.

The efficiency experts accord too much importance to system and too little weight to practice. As a result the principles of management offered by them are of such detailed, complicated, rigid, and expensive nature as to be inapplicable for every-day shop needs. The installation of the whole machinery of scientific management has been very seldom attempted, and it is the rare exception where such installation has been permitted to continue for even a few years.

Some of the problems that these experts recommend to be worked out in individual establishments should only be attempted under commonwealth or national agencies, and then only under conditions where such experimental efforts would not interfere with regular current work.

NORMAL OUTPUT AN AID TO EFFICIENCY.

Probably no factor counts higher for efficiency and economy of output than that of a constant normal production. Where the output is of a constant normal character, substantially accurate data as regards cost accounting can be obtained. Friction between employer and employees ought then be reduced to a minimum, for when labor is assured of steady employment it puts a personality into its work that makes for efficiency, economy, and endurance.

Probably the great majority of plants that are operated under constant normal conditions are not of large size, since competition is too keen to permit great industries to be operated under such satisfactory conditions. Where normal output is the rule confidence generaly exists between the executive officials and the employees. Substantially any system of management can be attempted at such plants with the assured expectation that it will be given a fair trial.

There are hundreds of plants operated under constant normal conditions, and in many cases they are the principal if not the only industrial establishments located in the vicinity. Under such conditions labor is exceedingly yielding if not loyal to management, and it would appear as if such plants offered ideal conditions for the installation of scientific efficiency methods. It is exceedingly doubtful if any scientific system of management has ever been put in operation or even attempted in a dozen of these establishments, even though it appears to be logically adaptable for such industries, and surely this testimony ought to be of value in showing how exceedingly inapplicable such system appears for general repair plants, shipbuilding yards, and naval stations.

If manufacturing plants, therefore, which turn out a constant normal output of standard articles do not find the system applicable to their needs, wherein is the justification for its installation at a navy yard where the work is not only of repair nature, but likewise varies in extent and character? The military engineering needs of the fleet should be the determining factors in the permanent organization of our navy yards, and efficiency results should be regarded as of more importance than stop-watch and time-card methods.

The measure of efficiency for the navy yard for the day of battle should be best determined by the character, endurance, and rapidity of repairs, and not by the cost as gathered from time cards, whose accuracy may even be questioned.

EXTENT OF DEVELOPMENT OF THE SYSTEM.

The glittering generalities and the catching epigrams that have been so diplomatically and successfully used in telling of the advantages resulting from the operation of the system have undoubtedly caused quite a considerable number of plants to attempt to follow, at least in part, the methods inaugurated by Mr. Taylor. The system has therefore been introduced into probably a sufficiently large number of shops of diversified character to thoroughly test its value. The general worth of the system ought to be fairly definitely determined by this time by the industrial managers of the country.

From the best information obtainable the system has been adopted in its entirety by only a very few firms. In a considerable number of cases it has been a simplification of the system that has permitted it to remain in existence. The general opposition and resentment shown by the great majority of shops which have tested the system best tells of its unsatisfactory character.

The system does not wear well, and for this reason only a proportionately small number of the plants which have tried it are still using it. The cost of installation generally, if not invariably, far exceeds the estimate, and this is due to the fact that the efficiency experts are often without practical knowledge of the special industry whose methods they attempt to revise. As one manufacturer stated, once you permit such experts to attempt to revise shop and management methods, it will be found exceedingly difficult to get them out of the plant, since their professional pride, if not their conscience, prompts them to remain on the job until they can develop or perfect some system that will compare, at least passably, with the organization that they propose to supplant.

After months of careful inquiry, the writer has been unable to learn the names of even a dozen firms that use the system in its entirety. He has not heard that even a score of firms have adopted the substantial features of the project. When pressed for the names of particular establishments that have successfully and continually used the system, there is a disinclination to dwell upon this feature of the proposition. One is thus reminded of the story of Uncle Mose, a plantation negro, who, upon being interrogated about his religious affiliations, replied: "I's a preacher." "Do you mean," asked the astonished questioner, "that you preach the Gospel?" Mose felt himself getting into deep water, and said: "No, sah; ah touches that subject very light."

It is reasonable to presume that if the introduction of the system had met with a fair degree of success the public would have special knowledge of the fact. Prospective purchasers or students of the system are generally advised to visit two industrial establishments in Philadelphia, where it is said the scheme has been in successful operation for years. It is somewhat surprising that such success has not inspired a few of the hundreds of neighboring industrial concerns to adopt the essential principles of the scheme. It is only because success is seldom achieved that the scientific managers are reluctant to tell in detail of their accomplishments at other establishments. In turn, the average industrial manager is generally too humiliated to dwell upon the details of the character of the "gold brick" that he purchased. It is always good business policy to wipe out regret and reference to past failures.

As regards the practical effect of the system upon industrial progress, Mr. Calder thus writes:

"It appeared at first with a more modest title and made its appeal through the ordinary professional channels to the engineer. It was a worthy appeal, based upon a quite unusual amount of self-denying in-

vestigations, but it did not receive the immediate consideration it deserved. This was partly because the straw man which it set up and repeatedly and vigorously knocked down was merely a lay figure and not really representative, as alleged, of the best existing shop practice.

In the case of the more open-minded and thoughtful engineers, ready to learn from any source, the "science" of the movement was accepted with considerable reservation, and from the humanitarian point of view the illustrations used by the gifted author of the system laid it open to not unjustifiable attack and to the complaint that though a deeply interesting experiment had been made, it did not justify the far-reaching generalizations based upon it.

"Science management" itself has caught the fancy of the press and of the man in the street, and has been let loose through a popular propaganda upon an indiscriminating public. It will come back to its moorings after awhile.

Actually the particular system described and advocated by Mr. Fred W. Taylor has made relatively little progress, and while economic administration of industrial establishments has been quickened not a little by its advent and discussion, the most of the general advance has been the result of causes operating before that event, and much of it has not been along the specific lines of such proposals in "scientific management" as are original with its author.

The fact of the matter is that Mr. Taylor's "scientific management" is a very big and difficult task, requiring professional ability of the highest order. Stripped of the data, apparatus, and phraseology which have led careless readers to think of it as a new way of running machinery, of paying men, of avoiding labor trouble, of insuring dividends, etc., it is neither more nor less in its essence than a proposal to revolutionize our industrial life.

VITALITY OF AMERICAN ARTISAN ALREADY STRAINED.

In a pamphlet issued by the London Board of Trade regarding the industrial conditions of the States of New York, New Jersey, and Connecticut for 1910, there is contained the following extract from a report submitted by the British consul general of the port of New York:

Every worker in America puts more energy in his work than does the European in his own country. Speeding is partly responsible for this, but the reserve of energy is no greater in American than in European stock. American energy is consequently exhausted more rapidly. Between the ages of 40 and 50, when the European workman is at his best, the American frequently breaks down. Physical exhaustion, dyspepsia, or nervous prostration follows, and the man's life as a worker is done. His place is taken by a younger man.

So long as there is an abundant supply of labor through foreign immigration the vacant places can easily be filled. If the stream stops there will not be so much heard of the superiority of the American workingman, for America would then have to depend upon her own children, whose stock of vitality is not greater than that of their parents, whether American or foreign.

Brighter and more energizing conditions of work are required. The daily task idea is simply another step to enervating work and exhausted vitality, and it is not surprising that welfare experts believe that a halt should be called in the attempt to increase the work pace.

The minute subdivision of operations and the speeding up of machines constitute two of the basic principles of scientific management. Such practice does not make for the training of high-grade artisans, although it may result in financial benefit to highly skilled or experienced individual employees.

It is not difficult to train common labor and boys to operate some special machines with rapidity and skill. Such training, however, is neither of permanent benefit to the Nation nor the individual, for after the laborer is detailed to such work it will be the exception when he will cheerfully go back to manual labor. Time-study methods may increase for a time the output of the machine, but only at the expense of the development of the man.

The most serious evil connected with automatic work is due to the fact that it makes for mental retrogression of the employee. It is likewise responsible in considerable part for the general socializing process that is going on even in the better class of shops of the country.

In relation to this special feature Dean Herman Schneider, of the University of Cincinnati, gave an address on "An analysis of work" before the Chicago Commercial Club on November 11, 1911. This address contained the results of his investigations of the psychological effect of various kinds of work upon the operator. It was his opinion that when the work became more and more automatic the minds of the artisans became more and more lethargic.

The best kind of citizenship can not be built on 54 hours per week of automatic work, compensated for on a differential basis. The repeated spontaneous and unaccountable strikes of automatic workers bears testimony to the fact that these employees undoubtedly labor under intense strain, and the whole plan of scientific management, at least as regards shop management, is in the direction of increasing both the toil and the strain.

THE RESENTMENT OF SKILLED LABOR TO THE PRINCIPLES OF THE SYSTEM.

In general, organized labor opposes the introduction of the principles of scientific management. In analyzing the cause of this resentment it appears as if the opposition of skilled labor is based upon the following distinct objections:

First. According to Mr. Taylor's own statement, it does not increase wages in proportion to the increased output produced by the employee.

Second. The employees bitterly resent the implication that they do not render either efficient or conscientious service and that "soldiering" is the rule and not the exception when day-work is carried on.

Third. The labor leaders regard the movement as a step to general piecework payment—a system which the average artisan believes to be of some benefit to the highly skilled workman when first introduced, but of eventual detriment to the average mechanic. It appears to be their belief that the compensation for piecework is generally reduced just as soon as the employer finds out the maximum output which can be secured from the high-grade man. It has been asserted by a welfare labor organizer that "the bait of higher earnings for the energetic has too often proven a delusion and snare. Pacemaking, speeding up, and rate cutting are processes with which labor has been long familiar. And, taught by past experience, labor is not unnaturally suspicious now lest scientific management may turn out to be a new method of scientific skinning."

Fourth. The system has a tendency to entail such an intense and close application to work as to be injurious to the permanent health of the employee.

Rightfully or wrongly, labor thus considers that scientific management is but an attempt to hold it permanently responsible for our business ills and for the general results of inefficient management. The inference may not be founded upon facts, but such appears to be the belief of a very large contingent of both skilled and unskilled labor.

SCIENTIFIC MANAGEMENT IN TEXTILE INDUSTRY ESTABLISHMENTS.

Due to the exceedingly large number of textile workers employed in the cotton, silk, and woolen mills, the advocates of scientific management have made strenuous efforts to induce these industries to adopt the system. The success achieved has not been encouraging, since neither mill owner nor operatives look with favor upon the proposition. The pace work already in existence in the textile mills is about as severe as capital can expect or as labor will endure.

In reference to this matter a very distinguished authority upon cotton manufacture writes:

I am free to state that, so far as I can learn from observation, whenever opportunity occurred, during the past five years, and from conference with a great many manufacturers, the so-called scientific efficiency system has no place in cotton manufacturing.

One of the scientific experts was a guest of the Cotton Manufacturers' Association of New England, where he read a paper on scientific management. Later, at a meeting of the A. S. M. E., he stated that he found comparatively few of the members of the New England association who were familiar with the details of their shops, and that they were more skilled as merchants than as manufacturers. At a subsequent meeting of the Cotton Manufacturers' Association a vote of protest against what was termed "the inaccurate opinions" of the expert was passed unanimously.

It would seem but natural that the men who have successfully developed great industries from small beginnings should be resentful of both the criticisms and unasked advice of inexperienced experts who possess neither the training nor the facilities intelligently to pass judgment upon the conduct of enterprises that are the outcome of thoughtful study, patient investigation, costly research, and extended experience in the business.

Capital, however, upon this question is compelled to take much more conservative action than organized labor. In particular establishments some wasteful methods may undoubtedly prevail, and therefore no one is justified in unequivocally rejecting any suggestion to effect improvement. There is not, however, an unnecessary wasteful method prevailing that the ordinary manager is not trying to reduce or eradicate; but waste is sometimes a necessary concomitant in the manufacture of special articles or in carrying on particular processes.

Due to the progressive reduction in the number of orders in the past few years for manufactured products, a considerable number of the most energetic members of the National Metal Trades Association retained efficiency engineers to suggest improved methods of business organization and shop management. Within the past year about 15 Cleveland companies belonging to one of these associations thus engaged outside experts to aid them in developing plans for the more scientific management of their shops. In regard to the success achieved by these scientific experts, the annual report of the Cleveland branch of the National Metal Trades Association thus states:

In the past year, at the request of some of our members, we made an investigation regarding the employment of efficiency engineers in the

metal-working establishments in Cleveland. I refer to the employment of outside experts to rectify or remedy so-called existing ailments or to lessen production costs, standardized methods of production, and matters of a similar nature. To our surprise we learned that from a great number of experts so employed by different factories in Cleveland the results have not been what were anticipated. The results of our investigation can not be better expressed than by making extract from a letter from a manufacturer, this being one of many received:

We beg to state that our experience with outside efficiency engineers has been, on the whole, unsatisfactory, and we are impressed that an efficiency campaign or program should not be undertaken in the average factory except with efficiency men who are permanent members of the factory organization. In the case of our own business we have intrusted all efficiency work to members of our permanently employed staff. The results seem to indicate that this is by far the better way to promote efficiency measures.

VIEWS OF AN ECONOMIC EXPERT CONCERNING THE SYSTEM.

Probably no book of reference that has been written concerning the principles of industrial management shows such exceeding thought and investigation of the question as the work of Prof. John C. Duncan, of the University of Illinois.

In analyzing the three kinds of industrial organizations that have been evolved—the military, functional, and departmental types—Prof. Duncan thus writes of the functional or Taylor system ("The principles of industrial management," pp. 191–192):

Notwithstanding all its advantages the functional system of organization has not proven popular or successful in a number of plants where it has been tried. It causes men to lose initiative. It has a tendency to shift and divide the responsibility in spite of the contrary intention. This has been found to be true in several places where the plan has been tried. The difficulties that have been encountered in carrying the scheme through are:

1. It requires a great amount of clerical work to fill out instruction cards and write out all orders and minute instructions necessary for the complete enforcement of the scheme.

2. It is exceedingly hard at times to define clearly to whom certain functions belong and on whom the responsibility rests when things go wrong. For instance, no less than eight bosses outside of the shop disciplinarian come into direct contact with the workmen. Four of these men make out instructions and four others say how they should be carried out. It not infrequently happens that the man who makes out the instructions is somewhat vague in his directions in the hope that the speed boss or gang boss will make up deficiencies. If a mistake occurs under these conditions, it becomes a difficult matter to determine who is to blame, because the instructions man will plead that they were not interpreted correctly and the other bosses will assert that such interpretations could be made. Sometimes the instruction-card man will give instructions and the gang bosses may see a better method. If they do, the chances are that they will want to put their scheme into operation. Hence there will be a conflict of authority. If a boss adheres to the system and doesn't follow the best method possible under the circumstances, the firm is paying for a system of management which is failing in its purpose of getting the goods out in the cheapest possible manner.

3. It is cumbersome and expensive to operate. In every shop the jobs must be assigned to men at all kinds of odd times during the day. If a workman desires to start on his job he must come into contact with at least three of those bosses before he can do anything. There are usually several men desiring jobs at one time. Under a system where the workman is supposed to know how to set up a job and interpret instructions he merely needs to find out what he is supposed to do and do it, calling on the boss only when there are complications. With this functional scheme he is not supposed to act on his own initiative. As a matter of fact so many bosses really hinder the work. They irritate the men and are expensive to keep up, because in a large shop they must have a number of sets of bosses to carry out the scheme as laid down.

IMPORTANCE ATTACHED TO THE SYSTEM BY THE MECHANICAL ENGINEERS OF THE COUNTRY.

Probably no better estimate of the general value attached by the mechanical engineers of the country to the subject of scientific management can be shown than by having Mr. Frederick W. Taylor tell of the action of the American Society of Mechanical Engineers in regard to his monograph upon "The Principles of Scientific Management."

It may be incidentally stated that Mr. Taylor is a past president of the society. His inaugural address upon assuming that position is an engineering classic, and represents years of extended study, heavy financial expenditure, and thoughtful research. The various annual proceedings of the society contain many of his carefully prepared contributions. It could therefore be expected that upon any subject of particular importance any article submitted by him would receive special consideration. As regards the consideration accorded his latest work upon scientific management, Mr. Taylor's preface reads as follows:

This paper was presented by the writer to the American Society of Mechanical Engineers during the month of January, 1910, and has been in the hands of the meetings committee for nearly a year. The general interest which has been awakened during the last few months in scientific management has caused the editors of a number of the monthly magazines to visit the writer for the purpose of obtaining material for articles upon scientific management, to be printed in their various publications.

The writer has naturally explained the underlying principles of scientific management to these men in very much the same manner in which he has endeavored to set them forth in the accompanying paper.

Inasmuch as the American Society of Mechanical Engineers has received and published in the past all the early articles which appeared upon this subject, it seems appropriate that this paper, which attempts to set forth the underlying principles of this management, should go before the members of the society before being given to the general public.

This object can now be attained only by printing this special edition of the paper, because the time remaining before the publication of the magazine articles referred to is so short as to preclude the possibility of printing the paper in the journal of the society. The writer has therefore been reluctantly obliged to withdraw his paper from the hands of the meetings committee of the American Society of Mechanical Engineers, and presents it to the membership of the society with the hope that many of our members may find it of interest.

ATTITUDE OF THE TECHNICAL JOURNALS.

With the exception of a very few of the most influential and important engineering magazines the attitude of the technical press is generally agnostic if not hostile to the system. This opinion is not only reflected in the letters of various contributors to the various scientific publications, but likewise in the editorial columns. The following editorial published in the American Machinist of December 7, 1911, is perhaps characteristic of the position taken by the technical press:

The abuse of the words "efficiency" and "scientific" * * *. No word in the English language has been more abused than "efficiency," especially during the last year or two. This has reached the point where those whose business it is to improve shop output and conditions balk at the name "efficiency engineer," of which they were once so proud, and are using different titles to convey the same meaning.

Next comes the much maligned "scientific," and the two words may well be used sparingly until we forget the base uses to which they have been put, and they once more come to mean what the dictionary makers and time-honored usage intended.

But the agitation which has been raging will make for good, since, after the spasm is over and we settle down to a realization that all of us will bear improvement; also that the human element can not successfully be bound by the same ironclad rules as a machine, and will always be something of a variable quantity, we shall get down to a more rational and substantial basis.

There are few of the systems advocated which do not contain some good points, the main objection being in most cases that they attempt too much. The great danger is in building up a system that collects data which are never used or not worth what they cost, which puts a barrier between the workers and the executives, and which becomes so top heavy that it falls into disrepute and becomes an object of contempt. The system, like a law, must either be enforced or it is worse than useless and should be taken out of active use.

Another common fault is in attempting to make the system cover too many departments. While in theory a good system should be logically extended to a limit, it is far better to confine its application to such departments as prove its practical value.

Nor must it be forgotten that much so-called efficiency is only apparent and not real. And just as the coal pile or the cost of power is the only real indication of a steam engine's efficiency, so the net bank account is the real test of a system's worth.

THE PERSONAL EQUATION IN BUSINESS MANAGEMENT.

Until about 25 years ago the home market of this country afforded such a profitable field for manufacturing interests that there was no impelling demand for strict economy as regards details in general business management. The rapid development of industries in favored portions of the South and West, however, gave warning to certain industries of the Central and New England States that hereafter, in order to retain the valuable and extensive trade that had been theirs for several decades, they would have to reduce profits or effect economies.

Instead of meeting competition, there were in many instances a consolidation of certain industries, the principle argument advanced for such action being the large possible saving that could be effected by eliminating many expenses common to each of the separate plants. Through the elimination of competition it was anticipated that the product could be sold at a higher price, and that a very material reduction in administrative, operating, and traveling salesmen's expenses could be effected.

For a time all the anticipated benefits of consolidation appeared to materialize. As the best of the managers and technical experts of the individual concerns had been retained by those controlling the mergers, it was not surprising that the net earnings under the new management were generally of very satisfactory character.

It was not long, however, before it was noticeable that some of the old managers failed to continue to take the special interest in the consolidated business which had been given to their own individual establishments. With the loss of personal responsibility, pride and initiative there came delay in acting upon important matters, since under the consolidation system many matters affecting policy had, as a rule, to be acted upon by a board of directors or by some special committee.

In the administration of these great trusts it was frequently found an easier matter to consolidate plants than it was to consolidate brains, and as a result the overhead expense increased to a surprising extent. As one expert states, "corporation consolidations tend to produce routine officials from top to bottom." It is because individual incentive was sacrificed too much to system that the business pendulum now appears to be swinging in the direction of personal control and authority rather than along the line of centralized effort.

The tendency therefore appears toward decentralization as regards industrial consolidation, since there can be no enduring

efficiency in the installation of any system of management which attempts to provide brains and methods for all subordinates. The theory of corporation consolidation is strikingly similar in certain respects to the basic principles of scientific management, since both attempt to achieve success by obliterating the resourcefulness and the initiative of the subordinate. The zeal and resourcefulness of the individual workman is suppressed when he is compelled to use special tools and follow implicitly a blue print and routine card of instruction which were probably prepared by some one whose practical knowledge and experience did not compare with that of the skilled artisan. The manager of a branch industrial plant likewise naturally resents receiving detailed instructions from distant superiors who can not possibly have personal knowledge of local conditions.

CONSERVATISM SHOULD BE OBSERVED IN CHANGE OF MANAGEMENT.

The writer has personally conferred with a considerable number of managers in regard to the advantage of effecting radical and sudden changes in the management of industrial plants. While it appears to be the unanimous opinion of these experts that progression is desirable and should receive all possible encouragement, they are likewise in accord in considering that it is generally detrimental to efficiency to permit any outside expert to enter an establishment and subordinate its organization and operation to his individual views.

In most cases the intrusion of such experts produces the following demoralizing and baneful effects:

The workmen regard with suspicion the advent of such experts, since they are inclined to believe that his entrée is simply a forerunner of action that will result in extensive discharges.

It creates exceeding resentment upon the part of the foreman. The more authority there is given experts the more inclined they seem to insist upon changes that are often of unimportant character. The foremen are naturally irritated and provoked to have their professional efficiency discredited by men who are not experienced in the business.

It encroaches upon the time and patience of the managers to a very marked extent. Due to lack of knowledge and experience of the efficiency specialists, it often becomes necessary for the manager and leading foreman to neglect their regular duties in preventing the experts from making serious mistakes.

It has been probably due to the fact that the scientific managers have been given too much rather than too little authority that their success has been of such limited nature. It is in those establishments where the efficiency experts have not had control, but where they have been simply requested to observe and suggest, that the most enduring and satisfactory results appear to have been obtained.

RESULTING ADVANTAGES FROM THE PROPAGANDA.

Careful study of the question, however, will repay close investigation by all interested in industrial operations. The experience already obtained from the application of the system has probably been of some permanent benefit in promoting efficiency. The possible development of the proposition as regards administrative organizations rather than shop methods affords a most interesting study. The resulting direct and indirect benefits have been of the following nature:

Special corporate interests have been compelled to seek advice from sources outside of their own administrative organizations. There is no doubt but that experienced and skilled experts, if afforded opportunity to make extended inspection of industrial plants, can often make suggestions that would promote efficiency. The average efficiency expert, however, often appears more inclined when making such discovery to use it as a pretext for insisting upon wholesale changes in administrative methods and shop management. The ability of an individual to effect detailed improvements does not, however, logically constitute a reason for placing such an expert in control of matters affecting general policy.

The importance of the engineer as regards executive control has been augmented. The education and professional training of the engineer distinctly fits him for executive duty, and where important executive duties have been intrusted to him there has been resulting efficiency and economy. It has been asserted that one of the impelling causes that has made Germany a great manufacturing nation has been due to the importance attached to the engineer as a factor in administrative management.

The value and importance of management have been enhanced. In opposition to the claim made by many efficiency experts that the adoption of scientific management methods would not only render the efficiency of such business self-perpetuating, but that it would also enable industries to become to a large extent independent of their managers and higher executives, a careful study of the problem brings into even greater prominence the value and importance of efficient leadership. Applicable to this feature of the matter, Mr. Calder, manager of the Remington Typewriter Works, thus comments:

> No army of clerks mechanically following planning instructions, however perfect, can take the place of able engineering administrators and shop assistants under any conceivable work system.
>
> The human element in system as well as in organization is half of the problem, and there is a tendency to too great rigidity in most of the shop systems offered for general application.
>
> It is not a recommendation for any business system imported from the outside, but rather the reverse, that it should insist upon absolute conformity in type and details without regard to the problem in hand and the great amount of experience already acquired from it.
>
> At the outset we must reckon with the fact that the organization, not the system, is the primary consideration.
>
> This is not the order of precedence prescribed by some professional systemizers, but any other is a mistake.
>
> The organization must move forward as a harmonious unit. No amount of clever scheming alone will secure this. Herein lies the task and the genius of the organizer of men as distinguished from the mere systemizer of things.
>
> The modern administrator of industrial establishments is a manager of men rather than of things, and the human factor touches his business on all sides.
>
> An organization, therefore, can not go into commission. It must have a strong, resourceful leader and a carefully selected, well-trained, loyal and enthusiastic staff. This will only come through intimate contact with a man, not a mere machine or inanimate system.
>
> The cold-bloodedness of some of the modern schemes for exploiting the higher human energies is not only repelling—it is a fatal defect.

Labor has been compelled to take note of its own shortcomings. The efficiency experts have dwelt so forcibly upon the general inefficiency prevailing in individual plants that many administrative officials have been compelled to dispense with some of the humanity that has heretofore existed in shop management and to insist upon a more rigid application to work upon the part of the employees. The first and last half hours of each day, also the quarter hours before and after dinner, are worth as much to the manufacturer as any other part of the working time. Starting apd closing operations on time will probably be more rigidly insisted upon in the future than has been practiced in the past. The leniency and consideration accorded the inefficient and irresponsible employees will likely hereafter be considerably abridged. It is not, therefore, surprising that certain organizations of union labor are particularly resentful of the trend of scientific management as regards shop discipline. As a matter of self-protection various administrative officials have found it necessary, in deference to the sentiment prevailing concerning waste and efficiency, to demand increased attention to work upon the part of the individual employee.

Increased consideration has been given the question of economic administration of industrial establishments. Spurred on by the frequent unsparing and unjust criticism directed against the management of our industrial enterprises, the administrative and technical officials have bent their best energies to improve their organization methods so far as consistent with humanitarian and welfare principles. These managers were told that their records were incomplete and unsatisfactory; careful investigation shows that the records which it is often proposed to use as substitutes are useless, because their form is so complicated as to render them inapplicable for the purpose of frequent and rapid reference. As stated by one writer upon the subject, it was to an already progressing and intensely developing shop practice that the question of scientific management was forcibly presented. There is probably not an industrial manager of recognized ability in the country who does not have a full appreciation of the far-reaching importance of increasing efficiency even to a small degree and who does not realize that important results would ensue by improving the relationship between the help, the machines, and the processes of manufacture. The development of nearly every machine in every line of industry bears testimony to the progressive character of the administration, organization, and operation of the Nation's industries.

THE MILITARY VALUE AND IMPORTANCE OF THE NAVY YARDS.

Due to the progressive increase in size of the modern battleships, it becomes more difficult and expensive with each succeeding year to maintain the modern naval fleet in a state of efficiency. The military necessity and the engineering value of both shipbuilding plants and naval stations to national defense have therefore become correspondingly greater with the increase in size of the fleets of the world.

From both financial and military standpoints it is extremely advisable that the modern battleship should be made self-sustaining as regards repairs. By reason, however, of the fact that the modern battleship does not, and can not, contain the installation of machine tools requisite for handling and fabricating heavy machine parts, it may be that with the increase in size of the fleet the work of the navy yards will not be lessened.

The policy inaugurated by Secretary Meyer of demanding that the large complement now comprising the crew of a modern battleship should do its part in maintaining the vessel in a state of efficiency has been productive of far-reaching and beneficial results. While general instructions had been previously issued to utilize the ship's force in making repairs, it is a well-known fact that one of the great industrial departments of our navy yards not only looked askance upon the proposition, but substantially maintained that assistance of such character was rather a hindrance than a help in producing either economy or efficient results. The action of the Secretary has been particularly advantageous in three directions. It has compelled the commanding officers of certain ships to scrutinize more carefully recommendations for changes and requests for repairs; it has given the complements of the ships a better knowledge of the design, construction, and installation of the various appliances; and it has developed a system of inspection of repair work upon the part of the ship's force that in turn has resulted in work being done in a more expeditious, efficient, and economical manner. Without the help of the ship's force there would have been either exasperating delay or excessive expenditures in maintaining the battleships in a state of efficiency.

There will always be a continual demand upon the part of the battleships for repairs that are beyond the capacity of the ship's force, and in this respect the navy yards are factors that will always count for much in measuring the naval strength of a nation. It has been stated by certain military experts that the actual naval strength of a nation should be measured by its ability to replace its fleet as well as by the number of battleships that it possesses. From this standpoint, the navy yards and shipbuilding plants are important weapons of defense. Speed, extent, and character of naval construction are in many respects Great Britain's most valuable naval assets.

Another measure of naval strength is the relative knowledge possessed by the personnel of the several navies as regards the details of design and operation of the various types of ships comprising its fleets. Any navy which does not provide extended shore service for its officers, whereby such men can observe the building and testing of engineering, ordnance, and electrical appliances, will never be efficiently prepared for the day of battle.

The navy yards are, therefore, more than repair plants. They are necessary, practical, and important postgraduate schools of instruction for men and officers. Those who have been to sea are therefore the logical ones to be placed in full control of every feature relating to the administration and detailed management of our navy yards. Unless the turret and engine-room officers of our battleships are given occasional tours of shore duty, where the opportunity will be offered them to acquire an intimate knowledge of the design, construction, installation, and testing of the motive appliances installed on the battleships, it is certain that the ships themselves can not be brought to that state of efficiency which the country demands and expects.

It would be strange if the industrial organization of our navy yards was not founded upon efficiency methods, particularly when there is taken into account the following conditions that tend to develop efficiency of management and operation:

Every commissioned officer assigned to technical duties is either a graduate of the Naval Academy or one promoted for meritorious conduct and efficient service from warrant rank. The mechanical engineering course at Annapolis is probably not surpassed by the engineering course of any technical college in the country.

Every commissioned officer attached to a modern warship by reason of the varied technical duties to which he may be assigned has an excellent opportunity to specialize along such mechanical lines as appear most adaptable to his talents. The latest battleships are equipped with an installation of steam, hydraulic, pneumatic, and electric appliances whose cost will approximate about $2,000,000. The supervision of the operation and repair of auxiliaries of such diversity and magnitude should certainly fit the modern naval officer for executive work at our navy yards.

As the Government always maintains a considerable force of inspection officers at the various shipyards where naval vessels are in course of construction, the organization and shop methods of the leading American shipbuilding plants are within the observation and study of a considerable contingent of seagoing commissioned officers. The official log books and records of the Navy are accessible to its officers, and these records contain information of exceeding value to the designer and builder.

Advance information from abroad concerning naval progress may be obtained by all naval officers by making application for such information to the Director of Naval Intelligence.

The organization and administration of many of the leading foreign dockyards also comes within the observation of certain naval officers.

An inspection of both the merchant vessels and battleships of foreign nations is often possible to our naval officers.

The discipline and training which naval officers receive are of decided benefit in fitting them for executive duty. The complement of a modern battleship now approximates 900 men, and it requires executive leadership of high order to train these men for the varied and important duties which devolve upon them.

The fact that the average tour of duty seldom exceeds three years permits naval officers to be assigned to a wide range of work. The shop methods of men in various parts of the country therefore becomes familiar to them.

The fact should also be kept in mind that on board our warships there are probably 4,000 men who have served a regular apprenticeship at some industrial trade. Many of these men have worked in various progressive shops and are therefore quick to point out any obsolete methods that may exist in the manufacturing establishments of the Government. The career of the modern naval officer is now one of continued mechanical experience and training, and the marked success achieved by those officers who have resigned from the service and taken up executive and technical duties particularly tells of their qualifications for such work. The keen rivalry for naval supremacy now existing between nations is a factor that compels the average naval officer to keep abreast of the times; and, whatever may have been the conditions prevailing in the past, there is no branch of the Government where one is forced to progress as in the Navy.

There are but few executive officials of commercial industrial plants who do not consider it a tribute to their patriotism, technical efficiency, and business ability to be called upon for advice in regard to promoting military engineering efficiency. It is therefore possible for commandants of naval stations to obtain technical information from private shipyards in the vicinity of their commands that might reluctantly be granted or even positively denied individual parties.

THE EFFICIENCY OF OUR NAVAL STATIONS.

The several navy yards are substantial rivals of each other, and each is keen to obtain the highest state of efficiency. The Navy Department notes very carefully the comparative cost of work as well as the relative efficiency and endurance of repairs made at the several yards, and the naval station that falls backward in efficiency is not kept long in official ignorance of the fact.

The officers who have been assigned to duty at various times at both navy yards and shipbuilding plants unqualifiedly state that the organization of the navy yards will, as a whole, compare favorably with the organization of the private yards. There have been built at the navy yard barges, tugs, colliers, cruisers, and battleships, and in every case the character of this construction will compare favorably with the vessels built by contract. Every navy yard is, and should be, an experimental military plant for the development of engineering and ordnance appliances. The character rather than the quantity of the product turned out should be the prime factor in determining the efficiency of the station. Cost is measured not only in dollars and cents but in time, and in the case of military engineering establishments national prestige and safety may be involved in the character and rapidity of repairs made at these plants. Those who may be called upon to fight these battleships, and through whose personal efforts the existing efficiency of the vessels has been secured, are surely the logical ones to whom should be intrusted the responsibility of administration and management of our naval stations.

Probably the distinctive weakness of navy-yard organizations is the lamentably insufficient compensation rendered some of the civilian officials. The wage rate of the laborers and artisans is amply adequate for the service rendered, but the pay of the chief clerks, master mechanics, foremen, and leading draftsmen is not commensurate with the duties assigned them. Ever since the close of the Civil War there has been a progressive increase in the wages of the navy-yard mechanics, and the wage rate of the laborers and artisans now probably averages 50 per cent more than it did 30 years ago. As the compensation of the leading men, however, has not been increased proportionately, it is not surprising that the navy yards do not always tempt the class of men that are essential for the exceedingly important duties of foremen, master mechanics, chief draftmen, and chief clerks. The officials of private shipbuilding plants, performing duties substantially corresponding to those assigned the leading civilian employees at the navy yards, receive compensation far in excess of that paid the navy-yard officials. In

some cases the shipbuilding plants pay double the amount for corresponding superintendence.

THE VICKERS (LTD.) SYSTEM.

With a thorough realization of the fact that the navy yards are but a series of mechanical auxiliaries to the fleet, and yet auxiliaries of exceeding military importance, Secretary Meyer upon assuming office gave special and extended consideration to the problem as to how the military and industrial efficiency of the navy yards might be augmented. Information was sought from every possible source, even from interests having widely divergent views upon the matter. The services of several well-known efficiency experts, as well as leading cost accountants, were retained.

Numerous boards were appointed to collect data and to submit recommendations, and, as a rule, every interest in the Navy had representation on such boards.

In his extended and thoughtful study of the problem Secretary Meyer made a careful inspection of the principal dockyards and shipbuilding plants of Great Britain. As shipbuilding is a profitable industry in Great Britain, management should naturally have been developed in that country to an exceptionally satisfactory degree, and therefore the visit to the English dockyards gave the Secretary an excellent opportunity to note the comparative merits of American shipbuilding methods with those of British practice. It also permitted him to note the trend of advance as regards management of the English shipbuilding plants.

Secretary Meyer was particularly impressed with the administrative organization and management of the Vickers (Ltd.) shipbuilding plant. The management of this establishment is based upon the assumption that the organization and work of the three branches of the plant—hull, engineering, and finance—are so technically and physically distinct that each division should be managed independently of the other. Instead, therefore, of combining the operation of the three branches under one manager, it is considered that more satisfactory results are secured by intrusting the management of each division to an individual director. These three directors form a local board who are expected to coordinate their work in such manner as will best promote the purpose and policy of the London office. While the engineering director, by virtue of his seniority, can exercise authority in any branch of the plant when deemed necessary, it is understood that this prerogative is seldom exercised.

The Vickers system is considered to accomplish the following:

(a) Expeditious estimating.

(b) Speed in getting work actually started in shops.

(c) Absence of copious preliminary paper work.

(d) The "following up" of work by means of alert intelligence (progress men), in lieu of multiple automatic card service.

(e) The checking of locations of components under manufacture, by means of a "stores" clearing house.

(f) The securing of increased effort and iniative on the part of the workman by means of a well-considered premium bonus system.

Except in respect to difference of detail in management that could be expected to exist in the industrial establishments of different nations, the system at Vickers is strikingly similar in many essentials to that prevailing in some of the leading industrial plants of America. The system in general is founded upon common sense and experience, and attaches little value to espionage over workmen beyond that essential to efficient supervision. Judged from American practice and experience, it might seem advisable to dispense with some of the progress men detailed under the Vickers system for following up work and detail these experts to the duties of quartermen and subforemen. Much of the work arranged for the progress men would naturally be taken up by an efficient and conscientious supervisor.

As a result of the Navy Department's extended investigation of the matter, there is being installed at the Norfolk Navy Yard a system of management that is in certain essential respects the system in existence at the Vickers works. As regards one detail of the Vickers system, payment by the premium bonus system, the Navy Department's past experience with piecework does not appear to have been satisfactory. There are probably other minor features of the Vickers system which the department may not regard as applicable to American industrial life.

The friendly but spirited rivalry existing between the various navy yards undoubtedly will cause all rival navy yards to give the most careful and extended consideration to the system inaugurated at Norfolk. It can reasonably be expected that the officials at the Norfolk station will make a very determined effort to develop the system so as to make it particularly applicable to the needs of our naval service. The outcome of extended investigation of the matter, combined with practical trial and experiment, will undoubtedly develop a system of management that ought to promote industrial economy and augment military efficiency. The Navy and the Nation are to be congratulated upon the action of the Secretary in thus directing the installation of a system of management that is not of that inflexible and exasperating nature which appears to be the distinguishing feature in many of the systems designed by the professional scientific managers.

NATIONAL INDORSEMENT DESIRED.

Coincident with the wholesale condemnation of general business management and operation, the professionals have made a most persistent and special effort during the past few years to compel some of the executive departments of the Government to give at least limited official indorsement to the system of scientific management. In fact, the more aggressive exponents of the science are even demanding that a new executive department be created, and that such department have not only exclusive control of all duties relating directly or indirectly to engineering and business affairs, but that it be administered along the inflexible and intolerant lines that have in general been productive of subsequent resentment.

It is somewhat difficult to understand in which department of the Government the principles of scientific management could be made applicable except to a very limited extent. The organization of each of these departments represents extended experience and progressive development. Their methods and operations are continually under the supervision of both friendly and hostile critics. Friendly critics naturally are desirous of overcoming all inherent weaknesses as regards organization and management, while hostile critics are bent upon discrediting the existing organization. Progressive development has therefore taken place under the spur of both friendly and hostile critics. Is it not, therefore, reasonable to presume that, as least in the manufacturing and technical departments, it will be found somewhat difficult to effect any radical change in carrying on the business affairs of the Government and that any other than conservative and progressive changes would result in detriment to the public good?

While the adoption of scientific management by even a single division of any executive department might not directly affect any considerable number of individuals, the indirect results are likely to be of far-reaching nature. This fact is not only appreciated by the leaders of various labor organizations, by scientific management experts, but likewise by the manufacturing interests.

With any unqualified official indorsement of scientific management by an executive department of the Government there would result a manifold increase in the ranks of scientific managers, business researchers, industrial organizers, efficiency experts, and the numerous other technical specialists who are bent upon telling successful business managers of some better way to operate their establishments. The courts would be besieged to assign these experts to the receivership of financially embarrased firms. There seems to be a particular desire upon the part of the efficiency promoter to develop into a very important concomitant on municipal and national administrative affairs. Some of these professors of efficiency actually expect many of their visions of extended influence to turn into verities. Such may be the case, unless the engineering, educational, and commercial associations take some concerted and far-reaching action in showing the extreme limitations of the system as regards industrial matters.

As regards the industrial extension of scientific management, reaction already has set in, and therefore it can well be understood why the desire is keen upon the part of the efficiency promoters to stem the tide of commercial opposition and resentment by governmental support and indorsement.

REPORT OF THE GANTT-EMERSON-DAY BOARD ON INDUSTRIAL MANAGEMENT OF UNITED STATES NAVY YARDS.

In examining the report of the experts on scientific management, one is struck by the fact that the members of the board realized that they were confronted by conditions which were new to them, conditions that do not obtain in industrial establishments with which they may have been more or less familiar. It is apparent that they did not know how to meet the conditions existing at the navy yards. This is shown all through their report, but best finds expression in the statement that "the demands on the navy yards are largely military in character and therefore outside the scope of our experience." Their unfamiliarity with navy-yard demands is also reflected in the advice to the Secretary to "apply the same thorough methods in the navy yards that you have adopted in the fleet."

These gentlemen had previously to do with manufacturing establishments, where the same kind of work is done day in and day out and where they could lay down specific rules for

the operation of the shops. In the navy yards they found big repair shops as distinguished from manufacturing shops, and the magnitude of the job was appalling in the variety of work that these shops were called upon to do.

The subject required treatment far different from what they had previously imagined, and in their perplexity they exclaim "it is only when the number and variety of the operations to be performed in the navy yard are recognized that the size of the undertaking can be realized."

And yet there are those who would rashly and ill-advisedly overturn existing organization and install a system of management that was attempted at one or two American shipbuilding plants, but which was so expensive to maintain and which was so exasperating to labor that every vestige of such system has had to be eradicated. There is not a single executive administrative official of a shipbuilding plant who considers the management question of a navy yard as a simple one, and as one that could be handled better by him than by the Secretary of the Navy and the able officers who are cooperating with him. Even the board states that "it must be realized, of course, that several years will be necessary to bring about even an approximation to this ideal."

Notwithstanding the awe with which the board approached the question of organization, it made certain specific recommendations which the Secretary of the Navy is already carrying out.

They recommended a "central organization" for navy yards, and this has been carried out under an officer who is known as the "director of navy yards," to whom is assigned, as far as can be under the law, the specific duties enumerated by this board.

They recommended a planning department, and an efficient system has already been introduced in each yard. It is not, however, of the inflexible and detailed character recommended by the board.

They recommended the establishment of a separate corps of specialists, which could not be done; but, realizing this, they recommended as best some plan which "would develop a more efficient personnel and effect more complete cooperation." The board also recommended there be "but a single class of officers, which would include all specialists within its ranks." This the Secretary is endeavoring to carry out by legislation aimed to consolidate the naval constructors and the paymasters with the line officers of the Navy.

They also suggested that the plan which they recommended in abstract form be introduced in its entirety in a single yard, and that certain features be introduced in all yards. This is being carried out, but not quite on the plan which these gentlemen had in mind, for it must be remembered that they were all apostles of what has come to be known as the Taylor system, which is so repugnant to our ideas of what is due the mechanics in our navy yards. The prominent feature of this system is "time studies," exemplified by a clerk with a stop watch timing each operation of the workman in order to set a standard which none but the most expert and the most vigorous can reach, a standard which is far above the average performance and upon which the workman's rate of pay is fixed.

It was such a system as this which was being gradually introduced into the navy yards and which was checked by Secretary Meyer when he commenced to investigate conditions, as even there experts state that it would take several years to reach an approximation to ideal conditions. It is not surprising that little was accomplished. Mr. Meyer was not satisfied that such a system would be a success in our navy yards; indeed, he was convinced that it could not be, and, while he was aware that there was room for much improvement, he was not blind to the fact that improvement must be along sane lines and must be carried out under a system which would not work a hardship on the employees, still less subject them to some of the humiliation which accompanies typical scientific management as embodied in the Taylor system.

That there has been marked improvement of navy-yard conditions during Mr. Meyer's administration is attested by the fact that the fleet is to-day the largest in the history of the Navy and that it is being maintained at less cost than it was a few years ago, notwithstanding the fact that the new vessels added to the fleet are in some cases fully twice as big as those they replaced.

That Mr. Meyer's judgment is correct in not adopting the controlling features of the so-called Taylor system is manifest in the reflection that there is not a single shipbuilding establishment in this country which operates under it.

Mr. Meyer has all along been impressed with the fact that officers who achieve success in handling large bodies of men on board ship will be most successful in like positions on shore when reenforced by men of exceptional ability in industrial operations. That this opinion was also shared by this board is evident from the concluding paragraph of their report, which reads:

> While navy-yard problems differ in detail from those presented by the operations of the fleet, yet substantially the same possibilities are presented in each case, and a full recognition of this fact, coupled with the subordination of all detail considerations to the end sought, should place the Navy organization in a position where it will be the national example of efficiency.

The one portion of the report of the Board of Experts on Scientific Management which would seem to reflect upon the organization of the navy yards is found on page 19, where it is stated that—

> It is impossible to expect efficient management when conditions prevail such as are evidenced by the records from the navy yard, Philadelphia, where the tenure of many engineer officers holding important executive positions has been less than a year.

This statement was evidently very carelessly prepared, and it is evident that the board must have consulted other "records" than the official ones, for the official record shows that only one officer of the machinery division had been on duty at Philadelphia less than a year, and he the youngest one. Mr. Meyer's plan contemplates giving these young officers experience in navy-yard shops in order that they may become familiar with the methods of doing work and thus be in a position to know how to execute repairs on board ship, and in this way make the fleet as nearly as possible self-sustaining.

Is it not a fact that only one of the "experts" ever visited the machinery division of the Philadelphia Navy Yard, and that this member spent about two hours in consultation with the commandant, about one-half hour in the office of the engineer officer of the yard, followed by a hurried trip through the machinery-division shops and a short visit to the *Idaho* to see the character of the work in her turrets, the entire time devoted to a personal investigation of the machinery division having consumed not more than one hour?

The other engineer officers at Philadelphia had, of course, had much more experience than the youngest one. The one at the head of the machinery division, and to whom the others were assistants, is an officer of exceptional ability, having had 37 years' service, every day of it as an engineer, and at the time this report was written had been 3 years at the Philadelphia yard. He had also been head of the engineering department of the Cavite Navy Yard for several years. It is, therefore, apparent that the affairs of the machinery division were in competent hands. At the time of the visit of the "expert" this officer had about worked out a system of management for navy-yard shops which, though not embodying the refinements insisted upon by advocates of the Taylor system, has been pronounced by many officers and master workmen as being admirably adapted for the conditions which navy-yard shops have to meet. Can it be that the slap of the "expert" was intended as disapproval of this officer's system because of his failure to recognize the Taylor system as being the only one applicable to navy-yard needs?

The principal assistant to the engineer officer was an officer of 19 years' service, who at the date of the report had been nearly 2 years at the Philadelphia Navy Yard, and previously had served with distinction in the Gun Factory at Washington, being a recognized expert in ordnance and electricity. The other officers had been at Philadelphia 18 months.

It may not be amiss to compare the organization of the machinery division at Philadelphia as it existed at the time of the expert's visit with what it was when the Newberry system went into effect. At that time the present experienced engineer officer was in charge of the shops of what is now known as the machinery division. As soon as the Newberry system went into effect he was displaced and the work of the machinery division distributed between two young assistant naval constructors. The senior of these assistant constructors had only completed his college course 20 months before, and for the last 8 months of this time had been supervising hull repairs at Philadelphia. The junior, who was charged with the important duty of making estimates and recommendations for machinery work, had had 8 months' navy-yard experience in the hull department, during which time his principal duty was the "supervision of requisitions and the purchase of material." (Report of Secretary of the Navy, 1908, p. 512; 1909, p. 491.) He had had absolutely no experience either with the operation or the repair of motive machinery, and had completed his course of study at the Massachusetts Institute of Technology just 8 months before he was ordered to Philadelphia.

If the board of "experts" could criticize an organization where the junior assistant had had only one year's shop experience, imagine what their criticism would have been if con-

fronted with the organization under the Newberry system, where the officer in charge of recommending what repairs to machinery should or should not be undertaken had been only eight months out of school, had had only eight months' navy-yard experience, and none whatever in the special work of which he had been appointed to assume charge.

CONCLUSIONS.

The writer has conversed with numerous technical experts and executive officials in regard to their estimate of the value of scientific management. Their general opinion appears to be reflected in the answer of a woman to the question as to whether her youthful husband was all she expected him to be, who stated that he was pretty much what she thought he would be, but that was a whole lot short of what he thought himself to be.

Scientific management appears to fall far short of what its advocates claim in the following respects:

It is exceedingly costly to install.

It attaches too little value to the humanity of labor. Men can not be forced like machines.

It discredits labor to an inordinate degree by impeaching its integrity. It attempts to set a daily task of such character as to be beyond the capacity of the ordinary workman.

Intensive work can never be obtained for any extended period from the average mechanic. In order to promote his own interests or to accomplish some definite purpose the individual, for a brief time, may work under such strain. The intensive demands of the system will, however, always be a bar to its extended use.

It arouses the resentment of shop superintendents and administrative officials by the tactless manner in which it attempts to change and discredit existing shop methods and business management.

It calls for an increased staff of planners and shop foremen, although the labor market is already short of competent quartermen and subforemen.

It exploits system to such a degree that it becomes a hindrance rather than a help to efficient management and industrial development.

Experienced, conscientious, and highly proficient mechanics will not cheerfully submit to any system of petty tutorage. There are so many good shops open to them where they will not be subjected to the humiliating situation of having every motive impeached and every motion supervised that they will not remain in shops where such methods prevail.

Particularly for repair work the system tends to discourage the mechanic from any inclination to exercise resourcefulness and to devise improvements for permanently overcoming any inherent defects of design or construction. It is a well-known fact that for repair work concentrated effort and sense of personal responsibility often results in effecting important changes of both arrangement and design. The effort to suppress such resourcefulness upon the part of the individual and the inclination to cast all inventive effort upon management is not in line with engineering advance; it partakes more of the nature of retrogression.

It attempts to put into force methods of precision, refinement, and discipline that are not compatible with practical shop management.

The salient principles of the system have been subjected to such limited application that in the attempt to operate the system for any extended period it has been found, notably in the case of the shops of the Santa Fe Railroad Co., that the projected methods of operation were of such unstable character as to necessitate constant changes of administration, these changes even extending to the administration of the bonus system of payment.

Spectacular promises and startling deductions seem to be the general rule in exploiting the system and telling of its operation. Actual and permanent results, and not promises and deductions, are the factors which determine real efficiency. In the practical operation of the system it is the exception where the fancies of the enthusiasts have materialized into substantial accomplishments, when measured either from the standpoint of net profits or the humane operation of mechanical activities.

There is not a single article manufactured under the Taylor scientific-management system whose cost has been reduced to the consumer.

The numerous isolated instances cited by various experts, wherein efficiency has been augmented, are, as stated by Engineering (London), "examples of a class of improvement which is being carried on every day and all over the world by people who never heard of motion study."

The proverb "that those who live the longest see the most" appears to be applicable in this case. It is significant that, with the exception of its originator, the movement has not appealed to one recognized captain of industry; nor does it appear to have met the approval of any one identified with the distinct development of any mechanical industry. One has yet to hear of a half-dozen men of mature age, commanding executive ability and of recognized talent, who have recommended adoption of the scheme in anything like its entirety.

Although its advocates claim that the system is simply another application of the moral law of the universe, it seems quite incongruous that the recognized leader of the movement should unqualifiedly assert that even though the productive power of the workmen should be increased threefold, the laborer, by reason of his character and temperament, was entitled to but 60 per cent increase of wages. Such a code of ethics surely falls far short of the basic principles of the moral law.

While the purpose and principles of the system may for a brief period meet with the approval of a certain portion of the general reading public, such indorsement is of that character which commends every movement that has for its object the extension of civic righteousness, public comfort, and national efficiency. The deep-seated opposition of organized labor, combined with the skepticism if not hostility of the industrial interests, makes it extremely inadvisable for either municipal, State, or national authorities to give even semiofficial approval to the exploitation of the system. Any official indorsement will likely be distorted or interpreted in a manner that will not reflect the purpose and spirit intended. It will be a bar rather than an aid to promoting either trade conditions or national efficiency.

It has been the combination of patient investigation, systematic engineering, training and directive ability of its commissioned personnel that has given the American Navy its distinguishing lead in fire control, turret efficiency, and engineering accomplishments. Scientific management as expounded by its advocates would have nullified, in great part, this remarkable development of engineering and ordnance advance.

If measured by the results produced, the existing management of our navy yards ought to be regarded as highly satisfactory. Their efficiency has been shown by the satisfactory performances of the battleships that have been repaired at the various naval stations.

The continued control and detailed management of the navy yards by the commissioned personnel is of the utmost importance to the efficiency of the fleet and to the good of the Nation. These naval stations are more than important military adjuncts to the fleet; they are, for the great majority of the commissioned personnel, the only post-graduate schools of instruction available whereby these officers are enabled to obtain that detailed knowledge of the design, manufacture, and installation of naval appliances which must be acquired by those to whom the honor and safety of the Nation is intrusted on the high seas.

Organized labor believes that the education of the workers in trade or industry is a public necessity, but that the educational systems shall turn out "all-round" mechanics—a machinist, for example, who is an all-round workman and who can provide for the unexpected and who can meet any emergency. It is opposed to any system which turns out, not machinists, but machine specialists. Specialization in the industrial world is very different from professional specialization. Instead of being at the top of his trade the machine specialist is at the bottom, if, indeed, he can be considered as in the trade at all. He is a man who can do but one thing and who knows little or nothing of the general principles of his trade. His whole efficiency is spelled "s-p-e-e-d."

Webster defines "efficiency" in a general way as "characterized by useful activity," and in mechanics as "the ratio of useful work to energy expended."

The new meaning seems to apply it as "the means of getting the greatest amount of energy in the least amount of time," but fails to proportionately consider the physical and moral fiber of the workmen to whom the application is made.

Organized labor accepts and practices Webster's efficiency and makes it a part of its mechanical efforts. It forms the basis and fundamental principles for which labor organizes, as the following language plainly indicates:

> The objects of this association are to encourage a higher standard of skill, to secure adequate pay for work performed, to endeavor, by legal and proper means, to elevate the moral, intellectual, and social conditions of members, and to improve the trade.

It is very evident that this is not what is meant by the newly applied use of the word, for as the new notion is dissected we find that is strikes at the very root of workshop ethics.

Organized labor is opposed to the speeding system in its application to the workshop, because it is an effort to turn manual laborers into specialists, each performing a certain task month after month, as a wheel in a machine performs its part, and the monotony of which, especially when men are driven to high speed, would drive them on the verge of insanity. Workmen are not machines, but human beings, and protest against being discussed and considered coequal with machinery. The claim that a worker who has become expert in one portion of an industry, and who has become so through great mental and physical strain, would more quickly become an expert in any other employment is against everything experience has yet indicated. In fact, specialists are usually unfit for anything else than the work on which they become expert, and when anything happens to deprive them of employment they invariably fall into and increase the ranks of the unemployed.

The whole scheme of efficiency management is a beautiful theory, but is wholly impracticable. It is nerve racking and wage reducing, and, unless something better can be brought to the relief of the already overworked wage earner in the way of real efficiency, would it not be better to help him along in collective bargaining, as practiced under trade agreements, and which grades his wages upward from an acknowledged minimum rate. It stimulates the worker to rational effort and to free-will activity, born of an inherent desire to do something, unharassed by a speeding boss, for the welfare of the human family, instead of being speeded for a bonus, with the assurance of an early death.

When greater efficiency and scientific management tend to conserve and not destroy human effort, when it makes for lightening the burden of the toiler, not for rendering it still heavier, then, and not until then, will it be successfully applied.

Clara Barton and the Red Cross.

SPEECH

OF

HON. WILLIAM P. BORLAND,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 18, 1912,

On the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BORLAND said:

Mr. CHAIRMAN: The mighty conflict of the Civil War gave opportunity for the development of many strong characters. It brought to the front and gave play to the genius of men and women, apparently commonplace individuals, but who needed only the opportunity to develop a greatness of soul that surprised themselves, their countrymen, and the world.

In 1861 a man past 40 years of age was living a quiet and uneventful life near Galena, Ill.; a man of good education, who found himself, as he approached middle age, burdened with the cares of a family and apparently a failure in the business world. He made a scant living at tanning and at hauling wood in the winter season into St. Louis. Four years later this man found himself at the head of a victorious army of a million men at the close of one of the greatest wars in the history of the world. To-day the tomb of Ulysses S. Grant overlooks the lordly Hudson and is the shrine of every American and of all foreigners who come to our shore.

In 1861 a woman of 40 years of age, a Yankee schoolmarm, born in the village of Oxford, Mass., who had pursued for a few years the teacher's profession in New Jersey with the intelligence, skill, and success which always attends the Massachusetts woman, found herself occupying a small clerkship in the Patent Office at Washington. But for the clarion cry of war she might have continued to fill a commonplace but useful and comfortable position. When the Sixth Massachusetts Regiment reached Washington she resigned her position and went into the field with the soldiers. This was not the impulse of a headstrong girl, but the recognition by a great womanly soul of the wonderful call of destiny. At that time few men believed that the war was earnest. Clara Barton knew that it was. A higher and clearer insight showed her the mighty field of her usefulness to her country and to humanity.

She began the work of caring for the wounded, the suffering, and the dying—a work which has since developed into the world-wide recognition of the Red Cross. The terrible events of the Civil War gave her ample work to do. For four years she was the angel of the battle field, the guardian of the hospital, the minister of Providence that sought out and gave a chance for life and health to many a wounded and mangled soldier stretched out with helpless limbs and parched throat among the dead and dying. Her name became an inspiration and symbol to thousands upon thousands of good women all over the land who gave liberally of their time and work, and even of the scanty stores which the desolation of war had left to them, to relieve the suffering in the field. These women felt as Clara Barton felt, and by rallying to her cause made her great work possible.

When peace dawned once more upon a shattered Nation and there came the long dread days filled with efforts to rebuild the desolated home, Clara Barton did not return to her comfortable Government clerkship, as she might easily have done. She spent the summer of 1865 searching Andersonville and the other prisons of the South for wounded, fever-racked, and helpless soldiers. During the next four years she gave her life and strength to searching out the missing men and restoring them to their families, tracing those who were not accounted for, identifying the dead, restoring communication between the wounded living and their friends, and putting at rest whenever possible the dread uncertainty which rested over every home. Thousands of wives, mothers, and sisters felt their hearts go out to Clara Barton as she pursued quietly and gently this noble work of healing the wounds of the women as she had healed those of the men.

In 1863, while our strife was at its height, there arose in central Europe a movement which afterwards became known as the Red Cross. It was the outgrowth of the French and Austrian war of 1859. The society, which was formed by some philanthropic Swiss, adopted the insignia of Switzerland with the colors reversed. The purpose of this association was to reach and crystallize into definite form all efforts in the various countries to relieve the horrors of war. Through its agency humane people in neutral countries could contribute money, work, and supplies without involving political complications. The society was soon recognized by treaty conventions between all of the great nations, but our own country was the last to adopt the plan. In 1869 Clara Barton went to Europe and joined the labors of the international committee. She was on the battlefield throughout the Franco-Prussian war of 1870–71, and many a French and Alsatian peasant felt the cool touch of the hand of this capable, quiet American woman. She walked into beleaguered Paris through the lines of the Germans and through the desperate ranks of the French. As the commune was lighting its dreadful fires she told the mayor of Paris that she had come with medicine, linament, and food to relieve the suffering. Seventy thousand starved and crippled horses had already gone to feed the desperate valor of the French army. When the soldiers must feed on horses there was nothing left for the noncombatant until the ministering angel of the Red Cross arrived and opened headquarters, through which humane people all over the world could get in direct touch with the needs of the helpless. It is one of the terrible but necessary results of war that no nation can permit supplies to be furnished to the active soldier who is engaged in prolonging the struggle. To do so is treason, and all such supplies are contraband of war; but every Christian nation is glad to have help in relieving the awful suffering that falls upon the noncombatants, those who either have never borne arms or whose power to bear arms is at an end. It is in this great field of human suffering that the Red Cross does its beneficent work.

After the Franco-Prussian War Clara Barton spent seven years in trying to secure the adherence of the United States Government to the Geneva Convention for the establishment of an international Red Cross. In 1881, by the act of President Garfield, her efforts were crowned with success, and the American Society of the Red Cross is a monument to her efforts. She was its first president, and for 23 years its guiding spirit. The accumulated horrors of the dozen years from 1859 to 1871 had given every civilized nation its fill of war. Great wars seemed to be over for the time being, but the work of the Red Cross in relieving human suffering brought about by sudden calamity and unavoidable disasters can never come to an end.

Clara Barton introduced into the general plan of the Red Cross what is known as the American amendment, providing that the activities of the society should be used in cases of earthquake, floods, and other great calamities not growing out of war. During the next 20 years a long list of natural calamities in various parts of the world aroused the restless activity of Clara Barton, and enabled her to turn the relief so readily given by Christian people into the channel of the greatest good. Only a brief reference to these can be made. In 1881 the

Michigan forest fires called for assistance to the amount of $80,000. In 1882 and 1883 the Mississippi River floods required $27,000; in 1884 the Ohio and Mississippi Valley floods made a demand of $175,000. Some help was also given to the Balkan War in 1883. In 1885 the contribution to the Texas famine was $100,000. In 1886 the cyclone sufferers in Illinois and the Florida yellow-fever patients both called for assistance. Help was extended in 1887 to the Johnstown, Pa., sufferers; in 1892 to the famine-stricken Russians; in 1893 to the cyclone sufferers of Iowa; in 1893–94 to the South Carolina tidal wave sufferers. In 1896 the Armenian massacres made need for assistance; in 1898 the Cuban reconcentrados received the ministering aid of the Red Cross. Thousands of dollars in money and tons of food, clothing, hospital stores and supplies were collected and distributed with promptness and intelligent zeal. In 1898 our country was again, for a short time, involved in war. Clara Barton, although 77 years of age, was again in the field. She did not fail to direct the energies of her great organization to the relief of the suffering soldiers and enshrined her memory in the heart of many a young American. The last great act of mercy on her part was the Galveston flood of 1900, when she distributed more than $120,000.

This good American woman with her good American training has embodied and expressed in her life the American ideal. She has been the type of many thousands of good American women all over the country who have taken, in their own sphere, to a greater or less extent, a part in the great work which bears the name of Clara Barton. It is exactly half a century since this woman left her clerkship in the Patent Office at Washington, and that half century has been brilliant with deeds of mercy never equaled in the annals of the race. I need not speak of the many honors and decorations from rulers and Governments which have come to Clara Barton. These do not make a place in history. Her fame rests upon other grounds. It rests upon that divine power which touched a responsive chord in the hearts of thousands of her countrymen and aroused the thought that all unnecessary suffering must be prevented. It is this that all Christian people feel. Their souls cry out for some means of expressing their love and sympathy toward those in distress. Such means is found in that great organization which forms the living memorial to Clara Barton—the American Society of the Red Cross.

I have inserted here, by unanimous consent of the House, an address which I prepared to deliver at the Clara Barton memorial meeting at Philadelphia, but which I was prevented by my congressional duties from delivering. The ninth international convention of the Red Cross was held in Washington this year, aided in part by Government appropriation.

Although Clara Barton, the founder of the American Society of the Red Cross, has just died, her life, career, and death were completely ignored at that great meeting. A studied attempt was made to cloud her memory with doubt and suspicion. I can not help but feel that this was an outrage. At the close of the Spanish-American War Clara Barton was a woman nearly 80 years of age, with 40 years of splendid service to humanity behind her. Surely at that age she should have been treated with patience, sympathy, and reverence. Surely she could not have made enough mistakes after that time to have dimmed the luster of her fame. I am further led to come to the defense of her memory at this time by reason of the strong indignation expressed by the widow of Gen. John A. Logan in the newspaper dispatch, which follows:

"ROOSEVELT DROVE NAIL INTO COFFIN"—MRS. LOGAN BLAMES EX-PRESIDENT IN CRUSADE AGAINST CLARA BARTON.

WASHINGTON, *May 29.*

Mrs. John A. Logan, long-time friend and admirer of Clara Barton, expressed firm belief to-night that the great humanitarian and founder of the Red Cross organization in America "died of a broken heart, hounded by her enemies."

Miss Barton's grief was due, Mrs. Logan said, to the unjust innuendoes cast upon her by her successor.

"The hand of Theodore Roosevelt, then President of the United States, drove the first nail into the cross of distrust and suspicion against Miss Barton. She was undoubtedly hounded to her death by her enemies," said Mrs. Logan.

"While charges were pending against her, Mr. Roosevelt wrote a bitter letter demanding that his name be taken off her board of directors. He was the first President since Garfield who refused to officially indorse Miss Barton's work and the shock of his action was one from which Miss Barton never recovered.

"At the Battle of San Juan, Miss Barton and her brave group of Red Cross nurses tenderly bound up the wounds of troopers under Col. Roosevelt, who personally thanked her on the battlefield.

"Miss Barton's successors in the Red Cross lost no opportunity to hound and humiliate her. In lectures on the work of the Red Cross Miss Mabel Boardman consistently ignored the fact that Miss Barton founded that society. The American Red Cross extended neither resolution of sympathy nor word of praise when Miss Barton died.

"And these same present-day rulers of the American Red Cross have converted the mercy-loving organization into a pink tea society, a refuge for the socially ambitious."

Summary of the Official and Correct Statement as to the Contested Seats in the Republican National Convention.

EXTENSION OF REMARKS
OF
HON. JAMES R. MANN,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 14, 1912.

Mr. MANN said:

Mr. SPEAKER: In accordance with the privilege accorded to me of extending my remarks in the RECORD, I offer the following summary of the official and correct statement as to the contested seats in the Republican national convention.

THOU SHALL NOT BEAR FALSE WITNESS.

The Washington Times, a daily newspaper owned by Frank Munsey, an ardent Roosevelt supporter, in its issue of June 9, 1912, contains the following statement showing the real foundation of most of the Roosevelt contests:

"On the day when Roosevelt formally announced that he was a candidate something over a hundred delegates had actually been selected. When Senator DIXON took charge of the campaign a tabulated showing of delegates selected to date would have looked hopelessly one sided. Moreover, a number of Southern States had called their conventions for early dates and there was no chance to develop the real Roosevelt strength in the great Northern States till later. For psychological effect as a move in practical politics it was necessary for the Roosevelt people to start contests on those early Taft selections in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand. In the game a table showing Taft 150, Roosevelt 19, contested 1, would not be very much calculated in inspire confidence, whereas one showing Taft 23, Roosevelt 19, contested 127, looked very different. That is the whole story of the larger number of southern contests that were started early in the game. It was never expected that they would be taken very seriously. They served a useful purpose, and now the national committee is deciding them in favor of Taft, in most cases without real division."

THE TRUTH ABOUT THOSE DELEGATES.

Here are the facts in relation to the contested seats in the Republican national convention. This statement is authorized by Mr. Charles D. Hilles, chairman of the Republican national committee; by the chairman of the former committee; and by the chairman of the committee on credentials of the Republican national convention.

The total number of delegates summoned to the Republican national convention of 1912, under its call, was 1,078, with 540 necessary to a choice. Mr. Taft had 561 votes on the first and only ballot and was declared the nominee.

There were 252 delegates to the Republican national convention of 1912 whose seats were contested; 238 of these were Taft delegates whom Roosevelt people desired to unseat, and 14 were Roosevelt delegates whom Taft people sought to unseat. In accordance with the rules and long-established usage of the party, such contests are, in the first instance, heard by the Republican national committee, consisting of one member from each State and Territory. This committee decides which names shall go upon the temporary roll of the convention.

It must be borne in mind that the national committee which passed upon the contests of 1912 was the committee chosen in 1908 when Roosevelt was the leader of the party, at a time when his influence dominated the convention.

When a temporary organization of the convention has been effected, there is elected a committee on credentials, consisting of one member from each State and Territory, to which an appeal lies from the decision of the national committee, and from the decision of the committee on credentials a contest may be brought to the convention itself.

Among the delegates whose seats were contested were 74 delegates at large from the 14 States of Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Texas, Virginia, and Washington. The Missouri case was decided by the national committee unanimously in favor of the Roosevelt delegates, and no appeal was taken to the committee on credentials.

The Alabama, Arkansas, Florida, Louisiana, and Virginia cases were decided against Roosevelt contestants by practically unanimous votes of the national committee, and were not appealed to the committee on credentials.

In the Kentucky case there were a few votes in the national committee against the Taft delegates at large retaining their seats, but the majority in their favor was overwhelming, and no appeal was taken by the Roosevelt people to the committee on credentials.

In the Georgia case the Taft delegates sustained the right to their seats by a practically unanimous vote in the national committee, and in the committee on credentials the vote was entirely unanimous.

In the Indiana case the seats of the Taft delegates at large were confirmed by the unanimous vote of the national committee, the member from that State not voting. In the committee on credentials 13 votes only were cast in favor of seating the Roosevelt contestants.

In Mississippi the Taft delegates at large established the right to their seats by the unanimous vote of the national committee, and also by the practically unanimous vote of the credentials committee.

There were only four States—Arizona, Michigan, Texas, and Washington, having in all 28 delegates, including 6 district delegates from the State of Washington—where the contests were at all worthy of the name; and in none of the 14 States did the contestants at large bring the matter to a record vote in the convention, and no roll call was demanded in any such case.

The seats of 178 district delegates were contested. In these congressional districts Taft contests were brought in the fourth California, the eleventh Kentucky, the fifth Missouri, and the third and fifteenth Texas districts, involving 10 seats. The Taft delegates from the fourth California district were given their seats, and one Taft delegate from the eleventh Kentucky district was seated. The other seven seats were decided in favor of the Roosevelt claimants.

In no other convention was so much care exercised or pains taken or so much time devoted to the careful investigation and fair determination of contests. No delegate was permitted to vote upon any contest affecting the right to his own seat. In no other convention were there ever presented, manifestly for the deception of the public, so many wholly unwarranted and unjustified contests. There were filed contests against 238 Taft delegates, but in two cases only, involving four delegates—two from California and two from the ninth district of Alabama—was there a roll call demanded in the convention. In a very large number of cases the right of the Taft delegates was affirmed by unanimous consent of the convention, and in others by a viva voce vote, no roll call being demanded.

FRAUDULENT ROOSEVELT CONTESTS.

In the four Southern States—Virginia, Georgia, Alabama, and Florida—where practically complete sets of Roosevelt contesting delegates were named, the alleged conventions which named them met from two to three months after the regular Republican organizations in those States had called their conventions and duly elected Taft delegates to the national convention. That these contests were based upon unworthy motives and were devised for the sole purpose of deceiving the public and making trouble for Taft, is apparent from the fact that the regularly elected Taft delegates in every case were seated by a practically unanimous vote, the Roosevelt members of the committee joining with the Taft members in the votes. In Alabama, for example, the regular conventions were held in February and March, the State convention at Birmingham and the district conventions in their respective districts, while the Roosevelt conventions, both State and district, were all held in Birmingham, May 11. The regular conventions in Georgia were held generally in February or the early part of March. The Roosevelt conventions were all held May 17 or 18. The Taft conventions in Florida were all held February 6, while the Roosevelt conventions were all held May 18, more than three months later, except one, which met April 30. The regularly elected Taft delegates from Virginia at large were chosen in a State convention which met March 12. The Roosevelt delegates at large were named at a mass meeting held without any party authority whatever on May 16. The other Roosevelt delegates from this State were chosen in every case substantially two months after the regular Taft delegates had been elected. It is needless to say that all these southern contests were financed by money which came from the North.

A careful review of the law and the evidence which was presented to the national committee and the committee on credentials will satisfy anyone who is desirous of knowing the truth that these contests were decided strictly on their merits.

There were instituted against 238 of the delegates regularly elected for Taft contests on behalf of Roosevelt. These contests were avowedly instigated not for the purpose of really securing seats in the convention, not for the purpose of adducing evidence which would lead any respectable court to entertain the contests, but for the purpose of deceiving the public into the belief that Mr. Roosevelt had more votes than he really had, while the conventions and primaries were in progress for the selection of delegates. This is not only a necessary inference from the character of the contests, but it was boldly avowed by the chief editor of the newspapers owned by Mr. Munsey, who has been Mr. Roosevelt's chief financial and newspaper supporter.

The 238 contests were reduced by abandonment, formal or in substance, to 74. The very fact of these 164 frivolous contests itself reflects upon the genuineness and validity of the remainder. The 74 delegates include 6 at large from Arizona, 4 at large from Kentucky, 4 at large from Indiana, 6 at large from Michigan, 8 at large from Texas, and 8 at large from Washington, and also 2 district delegates each from the ninth Alabama, the fifth Arkansas, the thirteenth Indiana, the seventh, eighth, and eleventh Kentucky, the third Oklahoma, the second Tennessee, and from each of 9 districts, the first, second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth of Texas.

Here in brief is the real story and the facts in the different cases:

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CONTESTED DELEGATES AT LARGE.

ARIZONA.

In the Arizona convention there were 93 votes. All the delegates—6 in number—were to be selected at large. The counties were entitled to select their delegates through their county committee or by primary. In one county—Maricopa—a majority of the committee decided to select its delegates, and a minority to have a primary. In other counties there were some contests, and the State committee, following the usage of the national committee, gave a hearing to all contestants in order to make up the temporary roll. There was a clear majority of the Taft delegates among the uncontested delegates. The committee made up the temporary roll, and then there was a bolt, 64 remaining in the hall and 25 withdrawing therefrom. The case of the Taft majority was so clear that it is difficult to understand why a contest was made.

INDIANA.

In Indiana the 4 Taft delegates at large were elected in a State convention to which Marion County, in which Indianapolis is situated, was entitled to 128 votes. A primary was held in Indianapolis, at which Taft polled 6,000 and Roosevelt 1,400 votes. This gave Taft 106 delegates in the State convention from Marion County, and if they were properly seated the control of the convention by a large majority was conceded to Taft. Attempt was made to impeach the returns from Marion County by charges of fraud and repeating. These charges were of a general character, without specifications, except as to 1 ward out of 15 wards, and then the impeaching witness admitted he could not claim fraud enough to change the result in that ward. The national committee, upon which there were 15 anti-Taft men, rejected the Roosevelt contestants and gave the Taft delegates their seats by a unanimous vote. Senator BORAH and Mr. Frank B. Kellogg, both Roosevelt men, made speeches in explaining the votes in which they said that the case turned wholly on the Marion County primary, and as there was no evidence to impeach the result certified, the title of the Taft delegates was clear. This is the convention whose proceedings called forth such loud charges of theft and fraud from Mr. Roosevelt.

KENTUCKY.

In Kentucky a contest was filed against only 3 of the 4 delegates at large. The fourth Taft delegate's seat was uncontested. The 3 contestants admitted they were not elected by the convention which sent the Taft delegates or by any other. They only contended that if the Roosevelt forces had had a majority they would have been elected. There were 2,356 delegates summoned to the convention by its call. There were 449 of these whose seats were contested. If all of these had been conceded to Roosevelt it would have made the Roosevelt vote 297 votes less than a majority. The appeal to the committee on credentials from the decision of the national committee was abandoned, as it ought to have been.

MICHIGAN.

In Michigan the State convention had in it about 1,200 delegates. There were only two counties in dispute or contest. One was Wayne County, in which Detroit it situated, and the other was Calhoun County. The evidence left no doubt that the Taft men carried Wayne County by a very large majority, but

It was immaterial whether this was true or not, because leaving out both Wayne County and Calhoun County, the only counties in contest, the Taft delegates outnumbered by several hundred the Roosevelt delegates, and they had a clear majority out of the total number of votes that should have been in the convention. The contest was so weak as to hardly merit recital.

MISSOURI.

The contest at large was decided in favor of the Roosevelt delegates. It was a case which by the action of the committee an actual doubt was dissolved in favor of the Roosevelt side. If the committee had ruled that the delegation be divided, such action could have been successfully defended on account of a well-authenticated understanding between the opposing State convention leaders to divide the delegates and refrain from instructing them.

This one case alone should suffice to set public opinion right on this question.

TEXAS.

In Texas there were 249 counties, of which 4 have no county government. The 245 counties under the call of the convention were allowed to have something over 1,000 delegates representing them, who were given authority to cast 248 votes. Of the 245 counties, there were 99 counties in which the total Republican vote was but 2,000, in 14 of which there were no Republican voters, in 27 of which there were less than 10 each, and in none of which was there any Republican organization, and in none of which had a primary or convention been held. It was shown that Col. Cecil Lyon, to whom had been assigned as referee the disposition of the patronage of the national Republican administration for 10 years in the State, had been in the habit of controlling the Republican State convention by securing from two Federal officeholders in each of these 99 counties a certificate granting a proxy to Col. Lyon, or a friend of his, to represent the county as if regularly conferred by a Republican county organization. The national committee and the committee on credentials and the convention, after the fullest investigation, decided that these 99 counties in which the Republican vote was so small, and in which there was no Republican Party, no convention, no primary, no organization, was not the proper source for a proxy to give a vote equal to that to be cast by the other 146 counties in which there was a Republican organization and in which primaries or conventions were held. The two committees therefore held such 99 proxies to be illegal and not the basis of proper representation. The two tribunals who heard the case decided that they should deduct the 99 votes from the total of 245 and give the representation to those who controlled the majority of the remainder. The remainder, was 152 votes, and out of that the Taft men had carried 89 counties, having 90 votes. This gave to the Taft men a clear majority in the State convention, and with it 8 delegates at large.

WASHINGTON.

The contest in Washington turned on the question whether the Taft delegates appointed by the county committee in King County, in which Seattle is situated, were duly elected to the convention, or whether a primary, which was subsequently held, and at which Roosevelt delegates were elected, was properly called, so that its result was legal. Under the law, the county committee had the power to decide whether it would select the delegates directly or should call a primary. In some counties of the State, one course was pursued, and in other counties the other. In King County the committee consisted of 250 men, the majority of whom were for Taft, and that majority, acting through its executive committee, selected the Taft delegates to the State convention. Meantime, the city council of Seattle had redistricted the city. It before had 250 precincts. Now, substantially, the same territory was divided up into 381 precincts. The chairman of the county committee was a Roosevelt man. He had been given authority by general resolution to fill vacancies occurring in the committee. A general meeting of the committee had been held after the city council had directed the redistricting of the city, in which it was resolved, the chairman not dissenting, that representatives could not be selected to fill the 331 new precincts until an election was held in September, 1912. Thereafter, and in spite of this conclusion, the chairman assumed the right by his appointment to add to the existing committee 131 precinct committeemen, and with these voting in the committee, it is claimed that a primary was ordered. There was so much confusion in the meeting that this is doubtful. However, the fact is that the Taft men protested against any action by a committee so constituted, on the ground that the chairman had no authority to appoint the 131 new committeemen. They refused to take part in the primary, and so did the La Follette men. The newspapers reported the number of votes in the primary to be something over 3,000. The Roosevelt committee showed by affidavit the number to be 6,000 out of a usual total Republican vote of 75,000. The action of the chairman of the committee in attempting to add 131 precinct men to the old committee was of course beyond his power. The resolution authorizing him to fill vacancies of course applied only to those places in the existing committee which became vacant after they had been filled, and clearly did not apply to 131 new precincts. It could not in the nature of things apply to a change from the old system to a complete new system of precincts created by the city council, because if they were to be filled the entire number of 331 new precincts different from the old must be filled. One system could not be made into the other by a mere additional appointment of 131 committeemen. No lawyer will say that such action by the committee thus constituted was legal. Therefore the action which the lawful committee of 250 took in electing Taft delegates who made a majority in the State convention was the only one which could be recognized as valid.

CONTESTED DISTRICT DELEGATES.

ALABAMA.

Ninth district.

The ninth Alabama contest turned on the question whether the chairman of a district committee had power to fill vacancies, whether a committeeman who had sent his resignation to take effect only in case he was not present, being present, should be prevented from acting as committeeman, and, third, on the identity of another committeeman. The written resolution under which the right of the chairman to appoint to vacancies was claimed showed on its face that the specific authority was written in in different handwriting and with different colored pencil between the lines. A number of affidavits were filed by committeemen who were present when the resolution was passed, to show that the resolution contained no such authority. This gave rise to a question of fact upon which a very large majority of both the national committee and the committee on credentials held that the lead pencil insertion was a forgery; that the chairman did not have the authority thereunder to appoint to the vacancies and therefore the action of his committee was not valid. This made it necessary to reject the contestants. The committee decided the two other issues of fact before them in favor of the Taft contention, although the first decision was conclusive.

ARKANSAS.

Fifth district.

In the fifth Arkansas the question was one of the identity of one faction or the other as the Republican Party. This convention followed the example of the convention of 1908 in holding that what was known as the Redding faction was not the Republican Party, that it was a defunct organization, and had only acquired life at the end of each four years for the purpose of using it in the national convention. The contestants were therefore rejected. It was shown that the other or Taft had been in active existence, as the Republican Party, had nominated a local ticket and had run a candidate for Congress.

CALIFORNIA.

Fourth district.

The fourth California presented this question: Under the State law, the delegation, two from each district, was elected on a general ticket, in a group of 26. Each delegate might either express his presidential preference or agree to vote for the presidential candidate receiving the highest number of votes in the State. In the fourth district the two candidates from that district on the Taft ticket expressed a preference for Taft, but did not agree to vote for the candidates having the highest State vote. These Taft delegates in the fourth district received a majority of 200 more than the Roosevelt delegates in that district. The official call for the Republican national convention, in precisely the language used in the call for the 1908 and many previous conventions, forbade any law or the acceptance of any law which prevented the election of delegates by congressional districts. In other words, the State law was at variance with the call for the national convention. The State law was invoked to enforce the State unit rule requiring the whole 26 delegates to be voted for all over the State, assigning two to each district on the tickets to abide the State-wide election, while the Republican national convention has insisted upon the unit of the district since 1880. That has been the party law. This convention recognized the party law and held it to be more binding than that of the State law, and allowed the two delegates who had received in the fourth district a vote larger than their two opponents assigned to that district, to become delegates in the convention. This was clearly lawful for a State has no power to limit or control the basis of representation of a voluntary national party in a national convention. The

fact that President Taft by telegram approved all of the 26 delegates as representing him is said to be an estoppel against his claiming the election of two of those delegates in the fourth district. What is there inconsistent in his approving the candidacy of all his delegates and the election of two of them? Why should he be thus estopped to claim that part of the law was inoperative because in conflict with the call for the convention?

INDIANA.

Thirteenth district.

In the thirteenth Indiana there was no question about the victory of the Taft men, because the temporary chairman representing the Taft side was conceded to have been elected by one-half a vote more than the Roosevelt candidate. This one-half vote extended through the riotous proceedings, and although it was not as wide as a barn door, it was enough. The chairman put the question as to electing the Taft delegates, and after continuous objection, lasting three hours, declared the vote carried. The Roosevelt men thus prevented a roll call and then bolted.

KENTUCKY.

Seventh district.

In the seventh Kentucky district the total vote of the convention was 145. There were contests from 4 counties involving 95 votes. According to the rules of the party in Kentucky, where two sets of credentials are presented, those delegates whose credentials are approved by the county chairman are entitled to participate in the temporary organization. On the temporary roll the Taft chairman was elected by 98 votes and 47 votes were cast for the Roosevelt candidate. The committee on credentials was then appointed, consisting of one member named by each county delegation. The majority report of the committee was adopted unanimously by the convention, no delegation whose seats were contested being permitted to vote on its own case. As soon as the majority report of the credentials committee had been adopted, the Roosevelt adherents bolted. There was not the slightest reason for sustaining the contest for Roosevelt delegates.

Eighth district.

The eighth Kentucky district was composed of 10 counties, having 163 votes, of which 82 were necessary to a choice. There was no contest in five of the counties, and although the Roosevelt men claimed that there was one in Spencer County, no contest was presented against the seating of the regularly elected Taft delegates from that county. This gave the Taft delegates 84 votes, or 2 more than were necessary for a choice. In other words, assuming that the Roosevelt men were entitled to all the delegates from the counties in which they filed contests in the district convention, there remained a clear majority of uncontested delegates who voted for the Taft delegates to Chicago.

OKLAHOMA.

Third district.

In the third Oklahoma district the question of the validity of the seats of the delegates turned on the constitution of the congressional committee, which was made up of 12 Taft men and 7 Roosevelt men. The chairman, Cochran, was a Roosevelt man, and attempted to prevent the majority of the committee from taking action. The chairman was removed and another substituted, and thereupon the convention was duly called to order on the temporary roll prepared by the congressional committee, which was made the permanent roll, and the two Taft delegates to Chicago were duly selected. Every county in the district had its representation and vote in the regular convention, and no person properly accredited as a delegate was excluded or debarred from participating in its proceedings. Cochran and his followers bolted after his deposition. Assuming that all the committee who went out with him had the right to act on the committee, it left the committee standing 12 for Taft and 7 for Roosevelt, so it was simply a question whether a majority of the committee had the right to control its action or a minority. The bolting convention which Cochran held was not attended by a majority of the duly elected delegates to the convention. It did not have the credentials from the various counties, and its membership was largely made up of bystanders who had not been duly accredited by any county in the district. Its action was entirely without authority.

TENNESSEE.

Second district.

In the second Tennessee district there were 59 delegates uncontested out of a possible total of 108 in the convention. There were 49 contested. The Roosevelt contestants in the 49 refused to abide by the decision of the committee on credentials and withdrew, leaving 59 uncontested delegates. These 59 delegates, part of whom were Roosevelt men, remained in the convention, appointed the proper committee, settled contests, and proceeded to select Taft delegates. There can be no question, therefore, about the validity of their title.

Ninth district.

In the ninth congressional district of Tennessee there are two organizations which claim to be the regular Republican organization of the district. Both organizations nominated candidates for Congress two years ago, and the Republicans of the district expressed their choice between the two organizations by casting 1,406 votes for the organization which later elected the regular Taft delegates to the Republican national convention, as against 940 votes for the candidate representing the organization which elected the Roosevelt delegates, and the State executive committee in the election of 1910 recognized that organization which elected the Taft delegates in 1912 as the regular organization in that district. The head of the Roosevelt organization is G. T. Taylor, of Union City, who is the State treasurer, having been elected by the Democratic legislature of the State, and the chairman of the committee, Mr. Burdick, supported the Democratic candidate for governor in 1910 as against the regular Republican candidate and made public boast of it. The Taylor organization held one convention on March 26 and instructed for Taft. The regular 30 days' notice was not given for that convention, and a second convention was called to meet May 15. It is very doubtful if the proper notice was given for this convention. The same delegates and alternates were elected to the Chicago convention who were elected on March 26, but this time they were instructed for Roosevelt.

This case was decided by the national committee for the Taft delegates; and when the case was called for a hearing before the committee on credentials the Roosevelt contestants did not appear, and the case was decided against them by default.

TEXAS.

First district.

The only remaining districts are the nine districts from Texas. Of these, the first district was composed of 11 counties, each county having one vote, except Cass County, which had two. The executive committee, composed of one representative from each county, made up the temporary roll, and in the contests filed from two counties seated both delegates with one-half vote each.

The convention elected the two Taft delegates, giving them 10½ votes. Each county was represented in this vote. A minority representing 1½ votes bolted the regular convention and held a rump meeting. The national committee by unanimous vote decided the contest in favor of the Taft delegates.

Second district.

In the second Texas district there were 14 counties. Two counties were found not to have held conventions and one county to have no delegate present. The convention was then constituted by the delegations that held regular credentials. The report of the committee on credentials was accepted upon roll call and then the representatives of five counties withdrew from the hall. The representatives of four of these counties held a rump convention. The regular convention remained in session several hours, appointed the usual committees, which retired and made their reports, which were accepted, and elected two Taft delegates to the national convention, and certified their election in due form to the national committee, which, without division being asked for, held them properly elected.

Fourth district.

The fourth Texas district consists of five counties, each having one vote in the district convention under the call. One county, Rains, chose an uncontested delegation, and that one was for Taft. The other four counties sent contesting delegations. The contesting delegations appeared before the congressional executive committee to present their claims, but the committee arbitrarily refused to hear anybody. Having exhausted every effort to secure a hearing, the four contesting delegations, together with the only uncontested delegation of the convention, withdrew to another place and held a convention and elected Taft delegates to the Chicago convention. The congressional convention which elected the Taft delegates was composed of more than a majority, and, indeed, of practically all the regularly elected delegates. The national committee held the title of the Taft delegates to their seats valid by viva voce vote without calling for a division.

Fifth district.

The fifth district of Texas is composed of Dallas, Ellis, Hill, Bosque, and Rockwall Counties. Dallas County cast more Republican votes than all the other counties of the district put

together. The call for the congressional convention allowed each county to send not to exceed four delegates, but made no reference to the basis of representation of the respective counties composing the district. There was a contest from Dallas County, but the Taft delegates were seated. Taft delegates were seated on the temporary roll from two counties, and Roosevelt delegates from the three counties, and the representation in the convention was fixed at 1 vote for each county, without regard to the number of delegates in the convention or the number of Republican votes cast in such county. A minority report of the district committee was presented protesting against the ratio of representation adopted. The chairman of the convention objected to the presentation of this minority report. Failing in this, he abandoned the platform and left the hall.

The convention thereupon elected a new chairman and a new secretary, appointed a committee on credentials, which recommended the seating of the Taft delegates from Hill County and the adoption of the minority report of the district committee as to the basis of the representation in the convention. Both these recommendations were adopted and Taft delegates to the national convention were thereupon elected by a vote of eight to three. The Roosevelt men thereafter retired to the south end of the hall, where they organized a meeting, at which it was claimed the Roosevelt delegates to the national convention were elected. The Republican vote for the district for 1908 was as follows: Dallas County, 2,068; Ellis, 594; Hill, 414; Bosque, 266; Rockwall, 38. Both the national committee and the committee on credentials sustained the Taft delegates.

Seventh district.

The seventh congressional district of Texas is composed of the following counties: Anderson, Chambers, Galveston, Houston, Liberty, Polk, San Jacinto, and Trinity. Polk, San Jacinto, and Trinity were without proper party organization. In Texas county chairmen must be elected by the voters in each party. No such election was held in any of these three counties. In two of them Col. Lyon assumed to appoint chairmen, which he had no right to do. Lyon himself had classed these three counties as unorganized and without party organization.

The convention met in Galveston. The executive committee met prior to the meeting of the convention to make up the temporary roll of delegates. The executive committee had before it the question of having the three unorganized counties represented in the convention. The executive committee refused to recognize them. When this action was taken by the executive committee, a delegate from Houston County and the alleged representatives from the three unorganized counties withdrew from the meeting and proceeded to organize another convention, and upon this is based the contest, which was rejected by both committees—the national committee and the credentials committee.

Eighth district.

In the eighth congressional convention a split occurred over the majority and minority reports of the executive committee as to the temporary roll. The Roosevelt followers controlled the executive committee, but did not have a majority in the convention, which adopted the minority report and gave Taft 5½ votes and Roosevelt 2½ votes. This resulted in the election of the Taft delegates, who were seated by both the national committee and the credentials committee.

Ninth district.

In the ninth district the district committee was called by Mr. Speaker, a member of the committee, and not by the chairman. The chairman refused to convene the committee, because he claimed that all the delegates from Texas to the national convention must be elected in the State convention; that Col. Lyon, his superior, had thus directed him. The district committee was called. Seven members attended the meeting. The district convention was called on the 15th of May. Eleven counties out of the 15 responded to the call and took part in the convention, which elected Taft delegates. Three counties were not represented, and in one of these there was no election. After this convention had been called the chairman of the district committee changed his mind and called a meeting of the committee for April 17. This committee called a congressional convention to be held on the 18th of May; but there was no publication of the call, which had to be 30 days before the convention, until April 21. The Taft convention seems, therefore, to have been duly and regularly convened, while the Roosevelt convention was not. The Taft delegates were seated.

Tenth district.

In the tenth district the decision turned largely upon the bad faith with which two members of the district committee voted in the seating of delegates and upon the bad faith with which one of them used the proxy intrusted to him. The Taft delegates in this case bolted and left the hall and immediately in the same building organized another convention, which consisted of delegates from six counties. Proceedings were regularly held, a permanent organization effected, the report of the committee on resolutions adopted, and delegates pledged to Taft were elected. The undisputed evidence indicated that a flagrant attempt had been made to deprive Taft of this district, to which he was justly entitled. The national committee sustained the title of the Taft delegates and alternates by a practically unanimous vote.

Fourteenth district.

In the fourteenth district there were 15 counties in the district. When the executive committee met at San Antonio to make up the temporary roll, there were 10 members of the committee present whose right to act was undisputed, of whom 6 were for Taft and 4 for Roosevelt. There were 4 other Roosevelt men present whose right to vote was disputed and who were clearly not entitled to represent their county at that meeting. One of them held the proxy of the committeeman from Kendall County, who was dead, and the proxies from three other counties were held, two by postmasters and one by an assistant postmaster, while under the election law of Texas no one who holds an office of profit or trust under the United States shall act as a member of an executive committee, either for the State or for any district or county. The temporary roll was made up by Taft members, having a clear majority, without permitting these men to act under their proxies. There was a contest over the delegation from Bexar County, which contains the city of San Antonio. Full consideration was given to this contest, but the testimony was overwhelming that Taft carried the county by a vote of four or five to one. On the proper basis the total vote in the district convention was 67, of which the number instructed or voting for Taft was 37½; the number voting or instructed for Roosevelt, 28½; not voting, 1. The Taft delegation was, therefore, seated at Chicago.

CONCLUSION.

This is the summary of the contests in which there was any shadow of substance. It is not essential, in order to make Mr. Taft's title indisputable, that all men agree on every one of the issues raised. They were decided by the tribunals which uniform party usage had made the proper tribunals to decide such contests. If those tribunals acted in good faith, a mistaken judgment would not invalidate their decisions. As a matter of fact, an examination of the facts shows that the tribunals were right in every instance. There is not the slightest evidence that they were moved by other than an honest desire to reach a right conclusion. On the other hand, the action of the Roosevelt men in bringing 160 contests, that they promptly abandoned, strongly tended to show their lack of good faith in the prosecution of all of them. Those who support President Taft can well afford to stand on the record in these cases, and to asseverate without fear of successful contradiction that the Taft delegates whose seats were contested were as fairly seated in this convention as in any in the history of the party.

I also offer a copy of the platform adopted in 1912 by the Republican national convention.

REPUBLICAN PLATFORM, 1912.

The Republican Party, assembled by its representatives in national convention, declares its unchanging faith in government of the people, by the people, for the people. We renew our allegiance to the principles of the Republican Party and our devotion to the cause of republican institutions established by the fathers.

It is appropriate that we should now recall with a sense of veneration and gratitude the name of our first great leader, who was nominated in this city and whose lofty principles and superb devotion to his country are an inspiration to the party he honored—Abraham Lincoln. In the present state of public affairs we should be inspired by his broad statesmanship and by his tolerant spirit toward men.

The Republican Party looks back upon its record with pride and satisfaction, and forward to its new responsibilities with hope and confidence. Its achievements in government constitute the most luminous pages in our history. Our greatest national advance has been made during the years of its ascendency in public affairs. It has been genuinely and always a party of progress; it has never been either stationary or reactionary. It has gone from the fulfillment of one great pledge to the fulfillment of another in response to the public need and to the popular will.

We believe in our self-controlled representative democracy, which is a government of laws, not of men, and in which order is the prerequisite of progress.

The principles of constitutional government which make provision for orderly and effective expression of the popular will, for the protection of civil liberty and the rights of men, and for the interpretation of the law by an untrammeled and independent judiciary have proved themselves capable of sustaining the structure of a Government which, after more than a century of development, embraces one hundred millions of people, scattered over a wide and diverse territory, but bound by common purpose, common ideals, and common affection to the Constitution of the United States. Under the Constitution and the principles asserted and vitalized by it the United States has grown to be one of the great civilized and civilizing powers of the earth. It offers a home and an opportunity to the ambitious and the industrious from other lands. Resting upon the broad basis of a people's confidence and a people's support, and managed by the people themselves, the Government of the United States will meet the problems of the future as satisfactorily as it has solved those of the past.

PROPOSED LEGISLATION.

The Republican Party is now, as always, a party of advanced and constructive statesmanship. It is prepared to go forward with the solution of these new questions which social, economic, and political development have brought into the forefront of the Nation's interest. It will strive, not only in the Nation, but in the several States, to enact the necessary legislation to safeguard the public health, to limit effectively the labor of women and children, to protect wage earners engaged in dangerous occupations, to enact comprehensive and generous workmen's compensation laws in place of the present wasteful and unjust system of employers' liability, and in all possible ways satisfy the just demand of the people for the study and solution of the complex and constantly changing problems of social welfare.

In dealing with these questions it is important that the rights of every individual to the freest possible development of his own powers and resources and to the control of his own justly acquired property, so far as those are compatible with the rights of others, shall not be interfered with or destroyed. The social and political structure of the United States rests upon the civil liberty of the individual, and for the protection of that liberty the people have wisely, in the National and State Constitutions, put definite limitations upon themselves and upon their governmental officers and agencies. To enforce these limitations, to secure the orderly and coherent exercise of governmental powers, and to protect the rights of even the humblest and least-favored individual are the function of independent courts of justice.

TO UPHOLD COURTS.

The Republican Party reaffirms its intention to uphold at all times the authority and integrity of the courts, both State and Federal, and it will ever insist that their powers to enforce their process and to protect life, liberty, and property shall be preserved inviolate. An orderly method is provided under our system of government by which the people may, when they choose, alter or amend the constitutional provisions which underlie that Government. Until these constitutional provisions are so altered or amended in orderly fashion it is the duty of the courts to see to it that when challenged they are enforced.

That the courts, both Federal and State, may bear the heavy burden laid upon them to the complete satisfaction of public opinion, we favor legislation to prevent long delays and the tedious and costly appeals which have so often amounted to a denial of justice in civil cases and to a failure to protect the public at large in criminal cases.

Since the responsibility of the judiciary is so great, the standards of judicial action must be always and everywhere above suspicion and reproach. While we regard the recall of judges as unnecessary and unwise, we favor such action as may be necessary to simplify the process by which any judge who is found to be derelict in his duty may be removed from office.

Together with peaceful and orderly development at home, the Republican Party earnestly favors all measures for the establishment and protection of the peace of the world and for the development of closer relations between the various nations of the earth. It believes most earnestly in the peaceful settlement of international disputes and in the reference of all justifiable controversies between nations to an international court of justice.

MONOPOLY AND PRIVILEGE.

The Republican Party is opposed to special privilege and monopoly. It placed upon the statute books the interstate-commerce act of 1887 and the important amendments thereto and the antitrust act of 1890, and it has consistently and successfully enforced the provisions of these laws. It will take no backward step to permit the reestablishment in any degree of conditions which were intolerable.

Experience makes it plain that the business of the country may be carried on without fear or without disturbance and at the same time without resort to practices which are abhorrent to the common sense of justice. The Republican Party favors the enactment of legislation supplementary to the existing antitrust act, which will define as criminal offenses those specific acts that uniformly mark attempts to restrain and to monopolize trade, to the end that those who honestly intend to obey the law may have a guide for their action and that those who aim to violate the law may the more surely be punished. The same certainty should be given to the law prohibiting combinations and monopolies that characterizes other provisions of commercial law, in order that no part of the field of business opportunity may be restricted by monopoly or combination; that business success honorably achieved may not be converted into crime; and that the right of every man to acquire commodities, and particularly the necessaries of life, in an open market, uninfluenced by the manipulation of trust or combination, may be preserved.

FEDERAL TRADE COMMISSION.

In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the law and avoid delays and technicalities incident to court procedure.

THE TARIFF.

We reaffirm our belief in a protective tariff. The Republican tariff policy has been of the greatest benefit to the country, developing our resources, diversifying our industries, and protecting our workmen against competition with cheaper labor abroad, thus establishing for our wage earners the American standard of living. The protective tariff is so woven into the fabric of our industrial and agricultural life that to substitute for it a tariff for revenue only would destroy many industries and throw millions of our people out of employment. The products of the farm and of the mine should receive the same measure of protection as other products of American labor.

We hold that the import duties should be high enough while yielding a sufficient revenue to protect adequately American industries and wages. Some of the existing import duties are too high, and should be reduced. Readjustment should be made from time to time to conform to changed conditions and to reduce excessive rates, but without injury to any American industry. To accomplish this correct information is indispensable. This information can best be obtained by an expert commission, as the large volume of useful facts contained in the recent reports of the Tariff Board has demonstrated the pronounced feature of modern industrial life is its enormous diversifications. To apply tariff rates justly to these changing conditions requires closer study and more scientific methods than ever before. The Republican Party has shown by its creation of a Tariff Board its recognition of this situation and its determination to be equal to it. We condemn the Democratic Party for its failure either to provide funds for the continuance of this board or to make some other provision for securing the information requisite for intelligent tariff legislation. We protest against the Democratic method of legislating on these vitally important subjects without careful investigation.

We condemn the Democratic tariff bills passed by the House of Representatives of the Sixty-second Congress as sectional, as injurious to the public credit, and as destructive of business enterprise.

THE COST OF LIVING.

The steadily increasing cost of living has become a matter not only of national but of world-wide concern. The fact that it is not due to the protective-tariff system is evidenced by the existence of similar conditions in countries which have a tariff policy different from our own, as well as by the fact that the cost of living has increased, while rates of duty have remained stationary or been reduced.

The Republican Party will support a prompt, scientific inquiry into the causes which are operative, both in the United States and elsewhere, to increase the cost of living. When the exact facts are known it will take the necessary steps to remove any abuses that may be found to exist, in order that the cost of the food, clothing, and shelter of the people may in no way be unduly or artificially increased.

BANKING AND CURRENCY.

The Republican Party has always stood for a sound currency and for safe banking methods. It is responsible for the resumption of specie payments and for the establishment of the gold standard. It is committed to the progressive development of our banking and currency system. Our banking arrangements to-day need further revision to meet the requirements of current conditions. We need measures which will prevent the recurrence of money panics and financial disturbances, and which will promote the prosperity of business and the welfare of labor by producing constant employment.

We need better currency facilities for the movement of crops in the West and South. We need banking arrangements under American auspices for the encouragement and better conduct of our foreign trade. In attaining these ends, the independence of individual banks, whether organized under National or State charters, must be carefully protected, and our banking and currency system must be safeguarded from any possibility of domination by sectional, financial, or political interests.

It is of great importance to the social and economic welfare of this country that its farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their land. It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that the banking and currency systems be reformed in the interest of general business. Therefore we recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries, and the passage of State and Federal laws for the establishment and capable supervision of organizations having for the purpose the loaning of funds to farmers.

THE CIVIL SERVICE.

We reaffirm our adherence to the principle of appointment to public office based on proved fitness and tenure during good behavior and efficiency.

The Republican Party stands committed to the maintenance, extension, and enforcement of the civil-service law, and it favors the passage of legislation empowering the President to extend the competitive service so far as practicable. We favor legislation to make possible the equitable retirement of disabled and superannuated members of the civil service, in order that a higher standard of efficiency may be maintained.

We favor the amendment of the Federal employees' liability law so as to extend its provisions to all Government employees as well as to provide a more liberal scale of compensation for injury and death.

CAMPAIGN CONTRIBUTIONS.

We favor such additional legislation as may be necessary more effectually to prohibit corporations from contributing funds, directly or indirectly, to campaigns for the nomination or election of the President, the Vice President, Senators, and Representatives in Congress.

We heartily approve the recent act of Congress requiring the fullest publicity in regard to all campaign contributions whether made in connection with primaries, conventions, or elections.

CONSERVATION POLICY.

We rejoice in the success of the distinctive Republican policy of the conservation of our national resources, for their use by the people without waste and without monopoly. We pledge ourselves to a continuance of such a policy.

We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide home seekers, prospectors, and miners in the acquisition of public lands under existing laws.

In the interest of the general public, and particularly of the agricultural or rural communities, we favor legislation looking to the establishment, under proper regulations, of a parcel post, the postal rates to be graduated under a zone similar in proportion to the length of carriage.

PROTECTION OF AMERICAN CITIZENSHIP.

We approve the action taken by the President and the Congress to secure with Russia, as with other countries, a treaty that will recognize the absolute right of expatriation, and that will prevent all discrimination of whatever kind between American citizens, whether native born or alien, and regardless of race, religion, or previous political allegiance. The right of asylum is a precious possession of the people of the United States and is to be neither surrendered nor restricted.

THE NAVY.

We believe in the maintenance of an adequate Navy for the national defense, and we condemn the action of the Democratic House of Representatives in refusing to authorize the construction of additional ships.

MERCHANT MARINE.

We believe that one of the country's most urgent needs is a revived merchant marine. There should be American ships, and plenty of them, to make use of the great American interoceanic canal now nearing completion.

FLOOD PREVENTION IN THE MISSISSIPPI.

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope and the disasters they produce seriously affect the general welfare. The States, unaided, can not cope with this giant problem; hence we believe the Federal Government should assume a fair proportion of the burden of its control so as to prevent the disasters from recurring floods.

RECLAMATION.

We favor the continuance of the policy of the Government with regard to the reclamation of arid lands, and for the encouragement of the speedy settlement and improvement of such lands we favor an amendment to the law that will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

RIVERS AND HARBORS.

We favor a liberal and systematic policy for the improvement of our rivers and harbors. Such improvements should be made upon expert information and after a careful comparison of cost and prospective benefits.

ALASKA.

We favor a liberal policy toward Alaska to promote the development of the great resources of that District, with such safeguards as will prevent waste and monopoly.

We favor the opening of the coal lands to development through a law leasing the lands on such terms as will invite development and provide fuel for the Navy and the commerce of the Pacific Ocean, while retaining title in the United States to prevent monopoly.

PORTO RICO.

We ratify in all its particulars the platform of 1908 respecting citizenship for the people of Porto Rico.

PHILIPPINE POLICY.

The Philippine policy of the Republican Party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics.

IMMIGRATION.

We pledge the Republican Party to the enactment of appropriate laws to give relief from the constantly growing evil of induced or undesirable immigration, which is inimical to the progress and welfare of the people of the United States.

SAFETY AT SEA.

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude, and that life and property shall be safeguarded by the ample equipment of vessels with life-saving appliances and with full complements of skilled, able-bodied seamen to operate them.

REPUBLICAN ACCOMPLISHMENT.

The approaching completion of the Panama Canal, the establishment of a Bureau of Mines, the institution of postal savings banks, the increased provision made in 1912 for the aged and infirm soldiers and sailors of the Republic and for their widows, and the vigorous administration of the laws relating to pure food and drugs, all mark the successful progress of Republican administration and are additional evidence of its effectiveness.

ECONOMY AND EFFICIENCY IN GOVERNMENT.

We commend the earnest effort of the Republican administration to secure greater economy and increased efficiency in the conduct of Government business. Extravagant appropriations and the creation of unnecessary offices are an injustice to the taxpayer and a bad example to the citizen.

CIVIC DUTY.

We call upon the people to quicken their interest in public affairs, to condemn and punish lynchings and other forms of lawlessness, and to strengthen in all possible ways a respect for law and the observance of it. Indifferent citizenship is an evil from which the law affords no adequate protection and for which legislation can provide no remedy.

ARIZONA AND NEW MEXICO.

We congratulate the people of Arizona and New Mexico upon the admission of those States, thus merging in the Union in

final and enduring form the last remaining portion of our continental territory.

REPUBLICAN ADMINISTRATION.

We challenge successful criticism of the 16 years of Republican administration under Presidents McKinley, Roosevelt, and Taft. We heartily reaffirm the indorsement of President McKinley, contained in the platforms of 1900 and of 1904, and that of President Roosevelt, contained in the platforms of 1904 and 1908.

We invite the intelligent judgment of the American people upon the administration of William H. Taft. The country has prospered and been at peace under his Presidency. During the years in which he had the cooperation of a Republican Congress an unexampled amount of constructive legislation was framed and passed in the interest of the people and in obedience to their wish. That legislation is a record on which any administration might appeal with confidence to the favorable judgment of history.

We appeal to the American electorate upon the record of the Republican Party and upon this declaration of its principles and purposes. We are confident that under the leadership of the candidates here to be nominated our appeal will not be in vain; that the Republican Party will meet every just expectation of the people whose servant it is; that under its administration and its laws our Nation will continue to advance; that peace and prosperity will abide with the people, and that new glory will be added to the great Republic.

Speech of James L. Feeney.

EXTENSION OF REMARKS

OF

HON. HENRY McMORRAN,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. McMORRAN said:

Mr. SPEAKER: In consideration of the courtesy extended to me to print some remarks and with my interest in the policy of protection to the American laborer and farmer, I desire to have printed as an extension of my remarks the speech made by James L. Feeney, ex-president Central Labor Union of Washington, D. C., former editor National Bookbinders' Journal, delivered before the Taft and Sherman Club, Washington, D. C., August 12, 1912.

It is a very interesting document, and I hope that it may be read by every laboring man in the country.

SPEECH OF JAMES L. FEENEY, EX-PRESIDENT CENTRAL LABOR UNION, OF WASHINGTON, D. C.—FORMER EDITOR INTERNATIONAL BOOKBINDERS' JOURNAL—DELIVERED BEFORE THE TAFT AND SHERMAN CLUB, AUGUST 20, 1912.

Mr. Chairman, I have often been requested by members of trades unions to give my reasons why I support the Republican Party and advocate its policy of protection for our industries. The answer I have always given to such questions has generally been convincing. I have had many Democratic workingmen to agree with me, as every intelligent man will have to admit, that a party that advocates and upholds a policy to keep from our shores the product of cheap foreign labor benefits the American workingman, and the party that advocates free trade or a reduction of duty on foreign-made goods so as to permit such goods to come into competition with our home product, injures our industry, injures the American workingman, and it is nothing more or less than legislation solely in the interests of the foreign manufacturer and the foreign workman.

Now, I do not claim to be a partisan Republican. Several years ago I voted the Democratic ticket. I believed at the time that the Democratic Party was friendly to the cause of labor, and I knew very little regarding the tariff policy of either party. I will freely admit I was converted. I am now a Republican and proud to be a member of that great party that has done so much for the American workingman, and for the past 16 years I have been endeavoring to convert trades unionists to vote for the party that has proven to be the only party that has aided our cause, protected our trades, and enacted many bills solely in our interests.

I will now give a few reasons why I am a Republican, just a plain statement of facts that can be verified and proven by the records.

I have often wondered why so many workingmen employed in the many protected industries of the United States vote the Democratic ticket, and the only reason I can give for their action is simply that they vote ignorantly regarding the tariff and what it means to them.

I do not profess to be a tariff expert or to have any more knowledge regarding it than the average wage earner should have, but I have for the past several years given it some study, and the more I study the Republican policy of protection, the more I am convinced that every man who labors in the factory, shop, and mill, and especially all those who are employed in manufacturing articles that come in direct competition with cheap foreign-made goods, should vote for the party that places a tax on all such goods that come to our shore; and when I request my fellow trades-unionist to vote for the party that benefits the home and the family, I am not talking politics, but genuine trades unionism; and it has been our policy—and all good trades unionists live up to it—to assist and aid each other.

The cry has been unjustly raised by the Democratic Party—and it will be used in the campaign by their speakers—that the protection policy of the Republican Party is the cause of the high cost of living. Such is not a fact. About the only articles that have increased in price are food products, and in every country, as well as in free-trade countries like England, the prices of all articles from the farm, and especially meat, have increased in price. It is conceded that our farmers are prosperous and that they have made big profits in the past few years, and no one should envy them their prosperity; they have kept our automobile mechanics busy building machines for them; they have increased the scale of wages of farm hands, and I believe in a few years, with increased and abundant crops and the breeding of more live stock will soon have the prices of food products at a normal level; also the increased wages now paid by the farmers to the farm laborer may induce thousands of our people, and especially the immigrants from the farm countries of Europe who now crowd our cities and large towns, to seek employment on the farm. It has been admitted that the population of the cities which is the consuming population of food products has greatly increased, and the population of the country or farmers which is the producing population of food products has somewhat decreased, which is another reason for the high price of food

To prove conclusively that the tariff is not in any way responsible for the high cost of living, I will take the liberty of quoting the prices on several articles manufactured in this country which are sold exceedingly cheap, and if they were imported the importer would have to pay a high rate of duty.

In every large city you will find what is known as a 5 and 10 cent store. I personally visited one a short time ago, and I noted the prices on the following articles, and I will also give you the rate of duty we impose on them. A plain cup and saucer—two articles—could be purchased for 5 cents, and a decorated one for 10 cents; we charge 45 per cent duty if imported. A pair of steel shears could be purchased for 10 cents, also a table knife and fork for the same amount; we charge in duty about 80 per cent. A large dishpan, a workman's dinner pail, both articles made of tin, could be purchased for 10 cents each; we charge over 40 per cent duty when imported, and not very long ago we had to import all our tin plate, as that is one of the infant industries our protective tariff has built up. I could mention more than 100 articles that we manufacture in this country and keep employed fully two or three million of our people, and if the Democratic Party should be successful and again get into power and put into effect their policy of low tariff, what would be the result? We all know what happened when the notorious Wilson-Gorman tariff bill became the law of the land—wages of workingmen decreased and factories, shops, and mills closed their doors, thousands and thousands of workingmen roamed the country seeking employment, free soup houses in many cities were absolutely necessary to keep alive the unemployed. I have not forgotten the panic years of the Democratic administration, and no workingman should forget it, because their act of reducing the tariff and throwing wide open the doors of our country and flooding our market with the product of foreign labor was a crime perpetrated on all our people, and we should by our votes prevent them from ever doing it again.

The Republican Party protects the citizens of our country; it is the party of the people; it keeps the fires burning in the mills and factories; it keeps the bread and butter on the workingman's table and shoes and clothes on his children: Republican protection and prosperity travel together, and free trade, poverty, and ruin should be the Democratic slogan.

If, as our Democratic friends claim, the tariff is responsible for the high cost of living, we can also claim that it is responsible for the high rate of wages our mechanics receive, and the American workman to-day can afford to have meat on his table

at least once a day (although it is high in price), where his fellow mechanic on the other side of the big pond can not afford to have it once a week; our mechanics receive almost double the wages paid for the same class of work in foreign countries, and they receive fully five times as much wages as is paid in Japan, a country that we would have to compete with if we let down the tariff bars.

I spent a few months in Europe a few years ago. I was at the time editor of the International Bookbinder, the official organ of the bookbinders of the United States and Canada. I investigated the conditions of labor as a trades-unionist, and I found, especially in free-trade England, poverty in many homes of mechanics of my own trade, as wages were low and the cost of living very high; meat was a luxury that few could afford. I found in the big cities of London and Liverpool articles of our manufacture in every shop, and although I sympathized with the poorly paid mechanics of England, I was pleased to see our surplus stock of goods sold abroad, and the day will come, through our great policy of protection, when we will be the greatest manufacturing country in the world, and I believe we can now claim that title. I am an American trades-unionist, and possibly it may be considered selfish, but I want to see no article imported from a foreign country that we can make at home, as the American mechanic of to-day exceeds in speed and surpasses in skill in many respects his fellow workman abroad.

I have given one good reason why I support the Republican Party, but there are other reasons why I and all other workingmen should do so.

THE REPUBLICAN PARTY'S GREAT RECORD ON LABOR LEGISLATION.

The Democratic Party has always professed to be the friend of the workingman, but, as actions speak louder than words, all we have to do to prove the falsity of their claim is to compare the records of the two parties, as I have done.

For many years I represented the Central Labor Union and the International Brotherhood of Bookbinders at the United States Capitol, working in the interests of labor. It was my duty, as chairman of the legislative committee, to advocate all bills favorable to the wage earner and to oppose all bills that were detrimental to our cause.

I found that Republican Members of Congress and United States Senators were accustomed to meet representatives of labor, as they came from States that have many good labor laws on their statute books, and they gave at all times a respectful hearing, and they responded with their voice and votes for all good labor measures, as the record will show.

The Democratic Congressmen and Senators, especially those who came from the Democratic States in the South, where few labor laws can be found on their statute books, were not always willing to listen to the requests made for their support for labor bills, and, with few exceptions, they proved to be foes of all labor legislation; and in the Fifty-third Congress, when Grover Cleveland was President and the House and Senate Democratic, only one labor bill became a law, and that was creating Labor Day a legal holiday in the District of Columbia, and that bill was originally introduced in the Senate by Senator Kyle, a Populist. We had a large number of bills introduced in the Fifty-third Congress, and we did expect action, but they were all referred to committees and buried.

The Republican Party has always advocated and voted for good labor legislation, and you will find wherever our party is in control in the Eastern and Western States labor legislation is enacted at most every session of the legislature.

The Republican Party originated the shorter workday by advocating and enacting into law the first bill limiting the hours of labor to eight hours a day for all mechanics and laborers employed in the navy yards and other workshops of the Government. Away back in 1868 the first eight-hour bill was passed, and approved on June 25, 1868, under the administration of President Johnson. It carried no penalty, and there was some doubt regarding whether the employees could be paid a full day's pay for the shorter hours, and the law was not really put into effect until our great war hero, President Grant, issued his famous proclamation on the 19th of May, 1869, calling on all the heads of navy yards and Government workshops to put the law into effect, and that there must be no reduction in pay. He also issued another proclamation on May 11, 1872, again calling the attention of officials to enforce the law and not to reduce wages.

Under President Benjamin Harrison the eight-hour law was amended to include all persons employed by contractors on public work, and in the present session of Congress it was again amended, on the recommendation of President Taft, to include not only buildings and work on public ground, but also ships, armor, and large guns when manufactured in private yards and factories.

Every labor bill that has been of any direct benefit to the workingmen of the United States has been passed by a Republican House and Senate and signed by a Republican President.

The Republican Party passed the great alien contract labor law, preventing the importation of cheap foreign labor into the United States to take the positions of American workmen. The law has been amended twice and made more effective, and it is without doubt one of the best laws in the interest of labor ever placed on our statue books.

The Republican Party passed the great Chinese-exclusion act, which not only benefited labor on the Pacific coast but all over the United States. The original bill was enacted in 1879, and it has been reenacted and amended several times since then, and the law has been rigidly enforced by our Republican administration.

The Republican Party passed the convict-labor bill, abolishing the contract system of labor for United States convicts. All the votes against the bill were Democratic, and you will find the same law in many Republican States, but not so where the Democrats have control.

The Republican Party passed the Government compensation act, allowing compensation for injuries or death incurred while in the employ of the United States in certain occupations, also an employers' liability act approved June 11, 1906; it was declared unconstitutional, and on April 22, 1908, it was again enacted and declared constitutional by the courts. President Taft is very much interested in the law, and as it has a few defects he has endeavored to remedy same by having a resolution passed by Congress to make a thorough investigation of the subject of employers' liability and workmen's compensation. In order that the commission might have the experience of a practical man, he appointed Mr. Daniel L. Cease, the able editor of the Railway Trainmen's Journal, the official organ of the Brotherhood of Railway Trainmen, a member of the commission.

The Republican Party passed the pure-food law that has been of such great benefit to all our people.

The safety appliances on railroads, including power brakes and automatic couplers; also the bill known as the ash-pan act, requiring all locomotives to be equipped with self-dumping and self-cleaning ash pans, thereby preventing accidents to the railway employees; the law known as the 16-hour law was passed by the Republican Party forbidding railroads from working their employees more than 16 hours out of the 24, preventing accidents to employees and passengers.

The Republican Party passed the meat-inspection law; a law calling for the inspection of coal mines to prevent accidents; a model child-labor law for the District of Columbia; a law regulating employment agencies in the District of Columbia in the interest of labor; a compulsory education law; the international copyright law, preventing American copyright books from being printed and bound in foreign countries, which was requested by the printing and bookbinding trades when it became known that American copyright schoolbooks were printed and bound in Japan.

The Republican Party decreased the hours of labor of letter carriers to eight hours a day and also increased their salaries.

The Republican Party increased the wages of printers, bookbinders, and pressmen in the Government Printing Office, and also passed a bill to relieve the crowded condition of the employees in the Bureau of Engraving and Printing by erecting a new building, now under construction.

The Republican Party passed a law for the protection of seamen, and also a rigid inspection of all steam vessels in the interests of seamen and passengers.

On the recommendation of President Taft, and at the request of organized labor throughout the country, Congress passed the law establishing the postal savings bank. To-day the banks have increased to the number of 8,000 and the number of depositors is close to 200,000. They are patronized principally by the men and women who toil for a daily wage, and the total amount of deposits is over $16,000,000, showing conclusively the prosperity of our working people under our protective-tariff policy.

President Taft has proven to be the best friend that organized labor has ever had in the White House.

He is ever watchful for their interests. When the bill providing for the inspection of locomotive boilers became a law he wanted men of ripe experience and good judgment as inspectors, and he knew he could find them in the ranks of organized labor.

He appointed Mr. John F. Ensign, of Colorado, a member of the Brotherhood of Locomotive Engineers, as chief inspector; and in order to have the other side of the cab represented, he appointed Frank McManamy, of Oregon, a member of the

Brotherhood of Locomotive Firemen and Enginemen, assistant chief inspector. Both men have been active in the cause of labor, and as they are thoroughly experienced and practical men, no better selections could have been made, although it was in the power of the President to have gone outside the ranks of labor, but he has always shown a preference for the men who toil.

All of the laws passed by the Republican Party in the interests of labor were petitioned for and requested by organizations of labor in every State, and it shows which are the friends of labor.

What has the Democratic Party done for labor?

In the present session of Congress they have tried hard to cripple our Government by opposing our naval policy by preventing the passage of our two-battleship program. The working people of this country are proud of our position among the naval powers of the world, and no citizen who has one spark of patriotism in his make-up wants to see the United States drop to fifth or sixth position among the naval powers. We are thankful for the stand our Republican Senate took in the matter, and we forced the tight wads of the southern contingent in the House to yield and give us one ship, which is not sufficient to keep up with the other countries on the other side.

The fight to prevent the passage of the two-battleship program was a direct slap at labor by the Democratic Party, and thousands of mechanics in shipyards, arsenals, and other factories would lose employment, as the building of a battleship employs many mechanics and artisans.

Had the Democratic Party been organized for the sole purpose of opposing labor and injuring the many industries of the United States they could not have done more than their acts in the present session of Congress in passing the wool and metal bills. Both bills would have been a great handicap to labor, and especially the metal bill, as it affected over 13,000 industries and upward of one-half million employees. Many trades are represented, including foundrymen, machinists, car builders, brass-workers, iron and steel workers, automobile mechanics, smelters, tin-plate workers, watchmakers, engravers, wireworkers, and many others. Had the bill become a law, there would undoubtedly have been a reduction of wages among all the crafts I have mentioned, and possibly a business stagnation. Had there been a Democratic President in the White House, the bill would have become a law. So if President Taft had done nothing else during his administration for the wage earner, his two vetoes of the wool and metal bills should commend him to all labor men who desire steady work at good wages.

We want to build our locomotives in this country; we want to build our railway cars in this country; we want to build our automobiles and other conveyances in American shops by American mechanics; and we have got to keep a duty on all goods that are built and manufactured by cheap labor in foreign countries.

Every man of the half million that President Taft protected by his veto of the metal bill should vote for him and the Republican Congressmen who stood nobly by him.

It has often been said by the Democrats that the tariff protects no one but the manufacturer and the trusts. Such is not the case, for the greatest beneficiary is the man who toils with his hands; and possibly he does not get as high a wage as he should, considering that our Government protects the article from foreign competition, still who is injured the most when the tariff is reduced and the foreign article comes on the market.

The manufacturer may lose considerable money in profits and interest on his capital if he is compelled to close his factory, but the workman loses his living, his family suffers, and poverty takes the place of prosperity, as was the result under the Democratic low-tariff era when the Wilson-Gorman bill was the law.

A reduction of the tariff does not cheapen or reduce the price of the article, but it does cheapen labor and reduces wages. Putting leather on the free list did not cheapen the price of shoes, as shoes are now higher in price. Taking the tax off coffee did not reduce the price, as what we lost in duty, amounting to many millions, was added to the price of coffee in the Brazilian market.

More than 100 articles can be bought in the 5 and 10 cent stores of the country, and every article if imported would carry a heavy duty. Put them on the free list and import them from abroad and they would still sell for 5 and 10 cents, but the money would go to foreign manufacturers and workmen and our workmen would walk the streets looking for employment and something to eat, and who would be benefited?

The low-tariff policy of the Democrats is suicidal; it is the abandonment of our working people; and it is just as great a crime as one committed by a mother who abandons her baby.

The intelligent workingman who has some knowledge of the tariff always votes the Republican ticket, and I am pleased to say they are in the majority, as our party has been successful in many elections when the Democrats have gone to defeat; and I now claim that if the many thousands of workingmen who now vote blindly the Democratic ticket could be educated regarding the tariff and given information regarding same that they do not now possess our party would always be successful and the blunder made two years ago in electing a Democratic Congress would not again be repeated.

Now, I regret to say, in the coming campaign we have a former Republican contesting for the office of President. He should not receive the vote of any man who claims to be a Republican, as his act in bolting from the party that has honored him with the high office of President shows the caliber of the man. President Taft has been accused of not being a progressive. I do not know what is really meant by that one word "progressive," but I do know that we have never had a more up-to-date, progressive man in the White House than the present occupant. He has been ever watchful for the interests of the country. True, he is not a politician, but he is in every sense a statesman. His administration has been progressive and very successful. He is the friend of all the people. He is genial, lovable, and he has never lowered the dignity of the great position he fills. He should be elected, and we will elect him. Labor will support him, because he has supported and protected labor. Business men will support him and thousands of Democrats will vote for him. The candidate of the Progressives, or Bull Moose Party, four years ago commended him to the wage earners in the following letter:

> If there is one body of men more than another whose support I feel I have a right to challenge on behalf of Secretary Taft, it is the body of wageworkers of the country. A stancher friend, a fairer and truer representative, they can not find within the borders of the United States. He will do everything in his power for them except to do that which is wrong; he will do wrong for no man, and therefore can be trusted by all men.

If President Taft deserved the support of the wage earners in the last campaign, he is more than deserving of their support now.

"We have tried him and he has not been found wanting," and we must elect him for the second term that he so richly deserves.

A vote for the Bull Moose candidate is a vote for Wilson and free trade, and a vote cast for either candidate is a vote for bankruptcy, ruin, and disaster. Don't throw your vote away by casting it for the Bull Moose candidate. Vote for Taft and prosperity. Vote for the party that has made our industries grow. Vote for the party that has by its acts of legislation proven to be the friend of the toiler. Vote for the party that spends the money collected on foreign-made goods in building battleships for our Navy, public buildings in the cities and towns of the United States—the party that improves our harbors and waterways and built our great Panama Canal, the only progressive party we have ever had in the history of our country. Vote for our great, able, and brilliant President, William Howard Taft, and you will cast a vote that will benefit the workingman, the business man, and every citizen of our country.

High Cost of Living.

SPEECH

OF

HON. WILLIAM E. HUMPHREY,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 19, 1912.

Mr. HUMPHREY of Washington said:

Mr. SPEAKER: Two years ago every enemy of the Republican Party, outside of the party and inside of it, exhausted their vocabulary in condemning and denouncing the Payne law for causing the increase in the cost of living. They claimed, of course, at the same time that the Payne bill had increased the tariff. Neither statement was true. We have had 35 months' experience with the Payne law and we know now that it was a substantial reduction over the Dingley law. But this fact will not disturb its enemies in the least. They will still continue to make the same old charges. Under the Payne law 51.2 per cent of all our imports are duty free. Under the Dingley law only 44.3 per cent were duty free. The average duty under the

Payne law is 20.1 per cent. Under the Dingley law it was 25.5 per cent. In other words, on dutiable goods the Payne law is a 10 per cent reduction. If you consider both free and dutiable goods—that is, all goods that are imported—the Payne law is a reduction of the tariff as compared with the Dingley law by 21 per cent. These two methods of comparison are the fairest that can be given and honestly give the result. Yet two years ago the campaign was made almost entirely upon the false assumption that the Payne bill had increased the tariff and therefore increased the cost of living. If those who declared two years ago that the Payne bill had increased the cost of living told the truth, then the reduction of the tariff means an increase of the price of the article upon which it is reduced. That the present tariff law has had much to do with the increase in the cost of living no sane and reasonable man who has studied the facts for a moment believes. In the first place, this increase is universal in every civilized nation of the world. Only the blindest partisan is able to see how the Payne law could increase prices as greatly in every nation of Europe as in this country. To the average mind it is not clear how prices in Asia, in Africa, in South America, and even in the isles of the sea have been affected by the Payne law. The truth is that prices have increased principally because the world has progressed. From the earliest history of the race high prices has marked the growth of civilization. The only places on earth where there has not been a great increase in the cost of living has been among the savage races. We read that in the early days of Greece that an ox could be bought for the extravagant price of 85 cents, but that 200 years later, after two centuries of the most marvelous progress that the world had ever known up to that time, the people were complaining because they had to pay for an ox from $4 to $8. We read in English history that in the time of Shakespeare that there was great complaint among certain classes because they were compelled to pay 4 cents for a hen when theretofore they had been able to buy them for 2 cents. The only thing in those far-off days that was as cheap as food was labor.

So the history of high prices is to-day, as it has always been, the history of progress; the one invariably measures the other. To-day from every nation of the world our consular agents report this complaint about the high cost of living. In many countries of Europe great public meetings have been held protesting against this increase. Prices have increased even in the Orient, keeping pace with the progress of those countries. Prices of food in Japan have more than doubled within the last 10 years. Rice is higher in the Japanese Empire than ever before. So whatever the cause of high prices, it is universal and world-wide.

Let us examine briefly the Payne bill and see what foundation there is for the charge that it is in any degree responsible for the increased cost of living.

Coffee and tea remained upon the free list, where they had been for many years. On sugar and salt the tariff remained practically unchanged. The tariff was reduced 25 per cent on dressed meats, and the price of dressed meats immediately went up.

The tariff was reduced on ham 20 per cent, and the price of ham immediately went up.

The tariff on lard was reduced 30 per cent, and the price of lard doubled in 30 days.

The tariff on bacon was reduced 30 per cent, yet bacon, once the staff of the poor, has now become the luxury of the rich. Bacon has gotten into society and is higher to-day than ever before.

On vegetables the tariff was very greatly reduced or left unchanged, yet the price of vegetables increased.

On almost every article that goes on the table of the great common class of the American people the tariff was decreased. It was not increased on any. How, then, can the Payne law be responsible for the increased cost of food?

Hides were placed on the free list. The tariff was reduced on leather and leather goods, and shoes and leather goods are higher to-day than ever before. The tariff was unchanged on gloves and slightly reduced on woolen goods, but gloves and woolen goods immediately went up in price. The tariff was not increased on the articles that the great common class of this country wear. How, then, can the Payne law be responsible for the increase in the price of clothing?

The tariff was increased on stockings and on shingles. Stockings and shingles immediately became cheaper.

The tariff was reduced on lumber and coal, and the price of lumber and coal immediately went up.

The man who claims that a reduction of the tariff means a reduction of the prices is at war with the facts and is contradicting the entire history of the tariff legislation of this country, and especially does he contradict the facts in relation to the Payne law.

It is true that it costs more to live to-day than ever before, but we are living better to-day than ever before. We live in better houses than ever before. We are better clothed than ever before. We are better fed than ever before. We have better schools than ever before. We have more of the comforts and luxuries of life than ever before. The luxury of yesterday is the necessity of to-day. The luxury of to-day will be the necessity of to-morrow. The average workman of to-day has more of the luxuries and comforts of life than any king of earth had 50 years ago.

A few years ago we sat by the feeble flame of the tallow candle. Now we have the brilliant electric light.

A few years ago we rode in the rumbling oxcart. Now we break the speed limit in the automobile.

A few years ago the telephone and the telegraph were unknown. Now they are absolute necessities of civilization. Perhaps these things have something to do with the increased cost of living.

It may be that too many of us ride in automobiles and too few of us walk in the furrow.

It may be that too many in this Nation live in the city and too few live in the country.

It may be that too many are idle and too few are at work. Perhaps these things have something to do with the increased cost of living.

To-day we produce three times as much gold as we did 20 years ago. Perhaps this may have something to do with the increased cost of living.

In 20 years population has increased 45 per cent.

In 20 years the production of cattle and sheep has increased but 40 per cent.

In 20 years the production of hogs has decreased 17 per cent.

There are 10,000,000 less meat-producing cattle on the farms in this country than there were in 1909.

There are 3,000,000 more men at work earning wages able to buy meat than there were in 1909. Perhaps these things have something to do with the increased cost of living.

During the last 10 years the area of cultivated land in this country has increased 30 per cent.

During the last 10 years consumption in this Nation has increased 60 per cent.

The articles that the farmer produced in the last 10 years have increased 12.1 per cent, but the value of farm land has increased 72.2 per cent.

Last year this Nation spent $39,722,687 for diamonds. The value of all these diamonds combined is not worth a single human life. So far as human happiness is concerned, if all these diamonds for which these millions were expended were sunk in the bottom of the sea it would make no difference. If diamonds were as common as pebbles, no one would wear them.

I am citing this as an illustration of the extravagance and luxury of our people. I am not condemning it. It is a question which each must settle for himself, but I am citing it as one reason why there is complaint about the high cost of living.

Last year we spent $240,000,000 for automobiles.

Last year we spent for paintings and works of art $22,190,000. Perhaps these things have something to do with the increased cost of living.

As private expenses have increased, so have the expenses of government. In 20 years the cost of running this Nation has increased 122 per cent. These facts demonstrate that there is much truth in the trite saying that the high cost of living is the cost of high living.

I have attempted to give some of the primal causes for the increased cost of living. It may be stated in a word—production is not keeping pace with consumption. The figures that I have given, especially in relation to the production of food, foreshadows one of the greatest problems of the human race, but we can not meet this problem, nor explain it, nor solve it by declaiming for lower tariff duties.

The day of cheap food prices is gone, and gone forever. The many millions of acres of free land are gone for all time. The great West no longer has its countless homes for all who will take them. The day of the homesteader is no more. The tide of western immigration has at last reached the Pacific, and practically all the fertile land of this continent has passed into private ownership. There are no more great domains to be opened up for settlement.

The real remedy is to increase production. Intensified farming is the answer. The solution is to make two blades of grass grow where one grew before; to keep, if possible, a larger number of our population in the country; to bring about a

period of less waste and more economy; more work and less luxury. Here are the real remedies for the high cost of living, in so far as it is to be considered as an evil.

It is true to-day, as it has been in all the past and as it will be in all the future, that any nation or any individual that enjoys luxuries, that lives extravagantly, must pay the price.

HIGH PRICES.

But are high prices always to be regarded as an evil? Do high prices necessarily demonstrate that there is something wrong with the great industrial system of the country?

Where do we have the most starvation, misery, and want? Where prices are low.

Where do we have panic and poverty and bankruptcy? Where prices are low.

Where do we have the most progress and prosperity and happiness? Where prices are high.

Where do we have high prices in this world? In the United States, in South America, and in Canada.

Where do we have low prices? In India, in China, and other Asiatic countries.

The countries of low prices are poor; the countries of high prices are rich. The community with high prices is prosperous; the community with low prices is poverty stricken, and so it has always been from the dawn of civilization.

We had low prices in this country once. Can any man that lived in those days forget it. It was when that monstrosity of "perfidy and dishonor," known as the Wilson bill, was upon our statute books. Those were days of cheapness. Land was cheap, rent was cheap, clothing was cheap, food was cheap, but the cheapest of all was labor.

Now we have another Prof. Wilson prescribing again the same remedy for high prices.

In those days of cheapness I stood one morning on the street of Seattle and saw 1,500 men in one line march by. Were they complaining of the high cost of living? Were they demanding an increase of wages? Not so. They were begging for an opportunity to work for bread. At that time 2,000 men in that small city were kept from starvation by the grudging hand of charity; 2,000 men daily stood in line waiting their turn at the free soup house, the only flourishing industry on the Pacific coast.

During those Democratic days of cheapness wheat sold for 18 cents per bushel. You could get a sack of potatoes for 20 cents. You could buy a salmon—the best fish in the world—that weighed 20 pounds for a nickel. You could buy a good meal for 5 cents.

There was one billboard that I used to see in those days that was so burned into my recollection that it will never fade so long as memory shall last. It was tacked up on the side of a little old wooden building that then stood where now stands the office of one of the greatest daily newspapers in the world. I can see it yet. It read:

BILL OF FARE.

Soup, one kind of meat, potatoes, one kind of pie, one cup of coffee. Price for meal, 5 cents.

Yet there were at that time 3,000 people in the city of Seattle that did not have the nickel. Hundreds of men able and willing to work stopped and read that sign and walked away hungry.

The system of protection was restored and that poverty-stricken city that had known so much want, hunger, and distress grew in little more than 10 years from a town of 60,000 to a city of 300,000 people and became one of the most prosperous places that the world has ever known. I use Seattle because I lived there, but the same conditions prevailed everywhere throughout the country. The history of Seattle is but the history of every city in the Nation.

If cheap prices are wanted, then free trade is the remedy. Another Wilson bill will bring the result desired. There can be no doubt of that. Again we will have cheap wheat and cheap meat and cheap clothing and cheap labor and still cheaper men. Again we will have tramps and beggars and industrial armies. Again the grass will grow in our streets and our crops rot unharvested in the fields. Again our farms will be sold under mortgage forclosure. Again we will have silent machinery, smokeless chimneys, and deserted factories. Again millions of men will be out of employment, begging for an opportunity to earn bread to feed the starving lips of those they love.

No one need fear that if a Democratic tariff law is placed upon our statute books that the high cost of living will not disappear and that high living will also disappear; free trade, free soup houses, and cheapness and poverty and want and hunger and famine and Democracy will again bless this country of ours.

Address of Judge Parker.

EXTENSION OF REMARKS
OF
HON. RALPH W. MOSS,
OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. MOSS of Indiana said:

Mr. SPEAKER: I avail myself of the privilege given me by the House to extend my remarks in the RECORD by inserting a copy of the speech delivered by Judge Parker in Indianapolis notifying Gov. Marshall of his nomination to the Vice Presidency by the Democratic Party. Judge Parker said:

Mr. Chairman, Gov. Marshall, gentlemen of the national committee and of the executive committee, fellow members of the nominating committee, ladies and gentlemen, the faithful sons of Democracy, proud of the record of their party, covering a period of 50 years of Federal administration, welcomed at Baltimore the opportunity to substitute practice for preaching, performance for promise. Indeed, they seized that opportunity by the nomination of Wilson and Marshall for President and Vice President, seized it by so firm a grip that it can not be loosened, aye, either by the hosts of Republicanism or by the deluded followers who have not yet discovered that their leader's battles are waged for himself and not for the Lord; that the pretense is in the hope that thereby he will secure the Lord's hosts in support of himself for the third term, contrary to the unwritten law of his country and in defiance of his pledge once made to the people.

PRAISES NOMINEES.

The Democratic national committee seized the opportunity by a method so simple and straightforward as at once captures confidence and enthusiasm. This it did by placing in nomination for the office of President and Vice President of the United States men whose records as governors, respectively, of the States of New Jersey and Indiana show that they knew how to prepare, to devise, and to apply governmental remedies, and whose lives were so clean and righteous that the people could be assured at once that the pledges made by their party and their own promises to the people would be faithfully kept and executed.

The result has been so well received by the people that to-day even the most cautious observer does not hesitate to accept—the most cautious observer, except Thomas Taggart [laughter]—does not hesitate to predict the election of Wilson and Marshall. What remains for us to do, however, is to make it so absolutely clear that it is a necessity for the people of the United States to elect this ticket that there will follow, not a bare majority, but an overwhelming majority in the electoral college for Wilson and Marshall.

GOVERNMENT BY PEOPLE.

It is only 125 years ago that a Government was launched here in the United States, the like of which the world had never seen before, with a Constitution providing for a Government of the people, by the people, and for the people through their representatives, and a Constitution within which were gathered those great principles of liberty which had cost the people in England a struggle of 500 years to secure. All over the world the students of government hailed this new experiment. From every land flocked those who loved liberty and opportunity in a Government by the people, administered according to law. You have prospered. We have prospered in our intelligence. On every hillside is to be found the schoolhouse from which have come—from many of which have come—leaders of thought in America; and all over the United States we have universities and colleges unsurpassed in the history of the world, with doors wide open to every man who is ambitious for a higher education, and with opportunity for every man, no matter how poor he may be, to secure such an education.

Not only that. Our wealth has increased. Never in the history of the world has there been so much comfort enjoyed by so many people. Our wealth to-day, coming, then, from a very small wealth with a handful of people, has grown to a population of more than 90,000,000, and our wealth more than double that of any other country in the world save Great Britain and Ireland combined, and to the wealth of Great Britain and Ireland you must add the entire wealth of Russia before you equal the wealth of the United States. And yet, my fellow citizens, notwithstanding that, you and I know that there is a great feeling of unrest in the United States. Even the people who are the most prosperous and successful are dissatisfied with existing

conditions, and it is the proper thing for us to-day to explore deeply into our conditions for the purpose of ascertaining the real cause.

WILSON POINTS OUT EVILS.

Our candidate for the Presidency, the Hon. Woodrow Wilson, in his masterful and exquisite speech of acceptance at Seagirt, put his finger directly and unerringly upon the source, the original source, of the evils of which we complain, wherein he treated of the partnership between government and privilege. Go where you will, trace any existing evil of to-day back to its original source, and you will find that it had its beginning in that day when, mistakenly, the representatives of the people of the United States began to try to help some people at the expense of others.

I am not here to-day to spend any particular time in speaking of the beginning; but, my fellow citizens, it began to expand. It began with the Nation and it spread on down, all the way down to the town, this partnership between government and privilege. I shall confine myself to the partnership between government and privilege so far as the Federal Government is concerned. If we were to cover the whole field, it would take volumes in order to cover it.

Now, first, my fellow citizens, what is privilege? In the sense in which it is employed by Gov. Wilson and in the sense in which I use it to-day, it is the securing of the right to enjoy the levying of toll in some form or other upon a portion of the people or upon all of them. You can imagine what would happen if in the State of Indiana a law should be passed which permitted John Doe to have the right to collect 5 cents toll of every man that passed in front of his house. But that is practically what has been done in the Federal Government.

ROBBERY THROUGH TARIFF.

Now, we all know—and if we do not, if there are any alive who do not know, they ought soon to find it out—that there has been taken from the pockets of the people of these United States thousands of millions of dollars by means of tariff statutes, and transferred them to the pockets of those whom we now speak of as enjoying swollen fortunes. There was a time when the Democratic Party in making, which it has, a consistent and persistent struggle against this form of accumulating wealth in the hands of the few at the expense of the masses—there was a time, I say, when our arguments were attempted to be met by the representatives of the Republican Party, but that time has passed. I need not detain you to-day, nor need we in this campaign detain the audiences, to discuss that fact, for it will be quite sufficient, if there are any doubters, to call their attention to the admissions of the party, and its representatives, which is responsible for this condition.

We can look first to the admission in 1908 when the Republican Party for the first time in its history put in its platform a provision that there should be a special session of Congress immediately after the 4th of March following the election to consider the tariff and revise it. We have President Taft's declaration to the people of the United States then, during that campaign, that his party would bring about an honest revision of the tariff, the tendency of the duties being downward.

VETO OF TARIFF BILLS.

We have again the assembling of the Congress in pursuance of that promise, and we can hear to-day the denunciation of the tariff bill which was proposed, as it was made by the 13 United States Republican Senators who repudiated the infamy which was about to be perpetrated upon the people. We have the appointment of the Tariff Board in order that they might ascertain what duties should be taken off. We have, only recently, those Republicans in the House of Representatives and in the Senate who joined the Democrats in passing bills which reduced tariff rates, so that they passed through both Houses and passed to the President, who was compelled to veto them.

Now, my fellow citizens, we have more. We have also the acknowledgment in the confession of faith of one who was but a little while ago a Republican and a Republican President of the United States. Is it not strange, my friends, that during all those seven and one-half years that he was President of the United States there was no power on earth that could induce him to say a single word in behalf of the relief of the people from the burdens thus imposed? But now, when he no longer relies entirely upon the old party for success—

[Here the seats back of the speaker's stand collapsed, and Mr. Parker resumed his speech after the excitement had passed.]

Our next inquiry is what party is responsible for the condition in which we find ourselves as regards the tariff, and it only requires a few sentences to dispose of it.

RATES ARE RAISED.

When the Republican Party came into power in 1861 the average rate of tariff duty was 20 per cent. It had been higher before, but in those days there was no partnership between government and privilege, and in 1846 Congress reduced the average rates from 32 to 25. Ten or eleven years passed away, and again, under Democratic leadership, the tariff rates were again reduced to an average of 20 per cent, and I venture that you will agree with my assertion that had not the Republican Party come into power there never would have been any increase in the rates, and for the reason that the census of 1860 showed that during this period of lower duties and reduction of rates there had been a greater percentage of increase in the national wealth than has occurred at any other period in our history, before or since, and that there was a greater increase in the percentage of money invested in manufactures than there has been in any period of our history, either before or since.

But the first thing, almost, that the Republican Party did was to advance the average rate of tariff duties from 20 to 37½ per cent. Within two years it advanced it further, to 47 per cent, the excuse being that the exigencies of the Civil War required it. But now nearly 50 years have passed away since that increase on that excuse, and yet the average rate of duties is higher to-day by a small percentage than it was then. So, my fellow citizens, we find not only that they increased it, but they kept it up. We have had the Dingley bill, the McKinley bill, and last we have the Payne-Aldrich bill, and still the average rate of duties is higher than the Republican Party placed it during the war. So that we have no difficulty in finding the party that is responsible, and solely responsible. There never has been a revision by that party downward.

COMPETITION IS DESTROYED.

Now, that brings us to another subject involved in the charge that there has been a partnership between government and privilege, and that is the combinations to restrain trade and prevent competition, called for short, trusts. In the very beginning of tariff discussions, long before the Republican Party came into existence, it was insisted that the effect of high duties would not be to oppress the people, because, it was argued, there will be competition between the various manufacturers, and that will keep rates down. And it was the law then in every State in this country, and we had inherited that law from England, that a combination to restrain trade, to prevent competition, is absolutely void. More than that, now and then some men got together for the purpose of securing the full benefit of these tariff duties, creating combinations in one form and another, and so an act of Congress was passed, known as the Sherman Antitrust Act, which was a criminal statute; and it was believed that, now having made combinations to restrain trade and prevent competition a criminal offense, or, in other words, a combination so that prices may be advanced to the consumer, that there would be no further attempt; but, my fellow citizens, there was further effort in that direction. Just before the year 1896 there was a Democratic Attorney General by the name of Judson Harmon, and he prosecuted to the Supreme Court of the United States a case in which it was determined that the Sherman Antitrust Act was workable. If there had been any effort after that to prevent the creation of combinations to restrain trade and prevent competition, we would never have had the serious situation which now confronts us; but the year 1896 saw every Democratic Northern State pass into the Republican column. On that night of the election there was not left in all the North or East or West one of the old Democratic States. Our Republican friends now had full control not only of the Federal Government, but of the Northern and the Eastern and Western States, and all their State governments as well.

TRUSTS TAKE ON LIFE.

And then there began to grow these combinations to restrain trade, which we now call trusts. They grew slowly at first, because they were all afraid, or perhaps some of them were afraid, that they might be pounced upon; but as year after year passed and trust after trust was created and not interfered with by the Federal Government, when the Republican State governments were absolutely supine and permitted their creation in the States, then, my fellow citizens, they began to grow more rapidly, because through this form of trusts there was an opportunity to secure practically the full benefit of the excessive tariff rates provided for by the tariff statutes.

On September 14, 1901, the number of trusts in this country had grown to 149 and the amount of capital involved in stocks and bond issues was a little less than $4,000,000,000. And now the carnival of trust building began. So far they had proceeded without opposition. There was adequate law to crush

them. That law would have been enforced by the courts, as it ever had been, if the courts had been applied to. They were not applied to, and the reason was that the Federal administration and their State administrations, wherever the Republican Party had influence, was not in favor of curbing the trusts.

Seven years and a half more passed away, and the 4th day of March, 1909, arrived, and that four billions, according to the speech of Senator LA FOLLETTE last Friday in the Senate of the United States, had grown to almost thirty-two billions, and the hundred and forty-nine trusts, so Senator LA FOLLETTE said, had then grown so that there were 10,020 plants in combination in the United States.

HOLDS G. O. P. RESPONSIBLE.

Now, my fellow citizens, we need not talk about responsibility for that. The Republican Party is solely responsible. You ask me why it is that the Republican Party permitted this great wrong to be done—for it is a wrong, not only to all the people of the United States, but to the people who have invested their money in these securities, believing that the Government, which watches over all things, would not permit securities to be issued by absolutely illegal combinations. You ask me why they did it. In other words, what was the consideration? My fellow citizens, naturally all men in public place would prefer to do the bidding of the people; naturally every human being who holds public office, if he has any heart or conscience at all, would like to do what is right by the people. But this had been growing so slowly until finally the Republican Party leaders—bosses Col. Roosevelt now calls them now that he wants to be the sole boss—the Republican Party leaders, looking over this situation, saw that their great support and strength was in the captains of industry, and in the vast sphere of influence which they exercise, which meant not only certain portions of the press, that were within their beck and call, but it also meant leaders of finance in every direction; and of still more importance yet in an election vast armies of employees, who were assured by those who were attempting to secure the benefits of tariff rates by trusts, that their interest—in other words, their bread and butter—depended upon the success of the party which protected the industries from which they received their wages.

CAMPAIGN FUNDS AIDED.

But that is not all, my fellow citizens. They also received a goodly sum of money in every congressional and national campaign, which was paid into their treasury. Why, only Wednesday of last week a former Republican chairman of the State of New York testified before a Senate committee that in a certain campaign his State committee for his own State alone received $700,000 in money, and that a half million of that amount had been paid to him directly by the national committee of his party. What did they do with it? We need not stop to discuss that. I suppose that out here in Indiana you have heard what they do with surpluses of money under such circumstances, but if there is anyone who has any doubt about it let him read the history of Adams County, Ohio, and its 40 per cent of its population who were indicted, and then either pleaded guilty or were convicted of the charge of selling their votes.

My fellow citizens, so well known was this fact among the party workers, all the way down from the Nation to the town, that there was scarcely manifested a shock of surprise when it was disclosed that even a President of the United States had not hesitated to suggest to a distinguished railroad financier, in a letter which is now in existence, that they were both practical men, but also advised him that he would like to have him, a little later, after the elections were over, come down and discuss certain matters not connected with the campaign.

I pass, now, from this question of consideration, as time is flying, to the other question. Where are you going to get relief?

RECALLS FORMER PROMISE.

Can you expect relief from the Republican Party? From the tariff? No; you know you can not. Did not that party tell you in 1908 that it would revise the tariff?

I need not stop now to discuss what has happened since. You know, and all the people of the United States know, that the tariff was not reduced, on the average, at all. There were some rates lowered and some elevated, but altogether their friends were still taken care of. Can we trust the Republican Party to change its record with reference to that? Nor can we trust President Taft, for if he were elected President and there should go into power with him a Republican Congress, they would pay no attention to him. That is what happened when the Payne-Aldrich bill was passed, you will remember. Taft then pleaded with them to keep faith with the people of the United States, but his party would not do it. His party had the power; the interests—the beneficiaries of the tariff, the trusts—demanded their pound of flesh from the Republican Party, and they received it. So, even though he should be elected and his party go into office with him in control of Congress, they would not allow him to do anything. They would sit on him just as they did before.

But, aside from that, we do not feel now that he wants to do anything. Hasn't he vetoed every one of these bills that have been passed by a Democratic House and by a combination of Democrats and Republicans in the Senate? He presents an excuse, of course, and his excuse is that his Tariff Board knows more about it than Congress. Well, to begin with, my fellow citizens, under our Constitution Congress is the body to revise the rates, and not a tariff board, which is not known to the Constitution.

AS TO TARIFF BOARD.

And again, my fellow citizens, I deny that this Tariff Board of President Taft's possesses in any degree whatever the fund of knowledge possessed by those great Democrats who, in that Congress now for years, have been studying the tariff, men who, under the leadership of Speaker CLARK and Leader UNDERWOOD, have made a record for the people and for the Democratic Party in the last two years which, in my judgment, ought alone to win us this campaign, ought to win us the confidence of all the people of the United States.

Now, certainly there isn't anybody outside of a lunatic asylum who has any idea that the creator of the Progressive Party and his own nominee for President of the United States has any intention of giving the people any relief from tariff duties. How could anyone have any such an idea? Was he not there for seven years and a half? And during that time, I call you to bear witness, not one single word did he utter in behalf of a reduction of tariff rates. Oh, he preached a plenty; he invited the attention of the good people of the United States in every direction under heaven in which nothing could be done. With a tariff statute which was bearing down heavily upon the people and under which were supported trusts—there, where real financial relief could be given; there, at the very fountain head of the corruption which was slowly but surely destroying the best and highest interests of this country—did he turn their attention there? No; not one word did he utter in behalf of real relief. Certainly there is no one who is going to suggest that Col. Roosevelt, late President of the United States, would hurt the trusts at all, is there? If there is such a person, I would like to hear him.

GROWTH OF TRUSTS.

Senator LA FOLLETTE said in a speech in the Senate, where it is a part of the record, that when President Roosevelt took office we had only 149 trusts, and they had less than $4,000,000,000 of capital, including railroads in combinations, but when he finished and on the day that he left the office those four billions had grown to $31,672,000,000. In other words, in capitalization seven-eighths of the capitalization of all the trusts in the United States came into existence while he was in office. The number of trusts—again referring to Senator LA FOLLETTE's speech—grew from 149 to 10,020. Now, my fellow citizens, if there was nothing more to be said, I would ask you whether anyone would suspect that he would do any harm to the trusts that came into existence, when you know and I know that there was an abundance of law to stop them then and there? They have found out how to stop them since. Even President Taft knows how to stop them. Why, he now only has to point a gun up the tree and they come down.

There never was any trouble about the law. We had an abundance of law, but had no man in great station who was willing to stop them and protect the people from their assaults. There is one more word I want to say before I quit this subject. We have some evidence of consent on his part—very substantial evidence, too, my fellow citizens. You know just a little bit of truth did leak out about those records while the great battle was on between Col. Roosevelt and President Taft for the Republican nomination. It turned out that along about the 1st of November, 1907, his weak and pliant Attorney General was about to prosecute a suit against the Harvester Trust for its dissolution, and then George W. Perkins—the George W. Perkins who confiscated $50,000 out of the New York Life to help him in 1904—turned up and George persuaded him in a very few minutes to write a letter to his Attorney General, which stopped the suit, and the Harvester Trust is going yet.

STEEL MERGER DISCUSSED.

But that is not all. It only took about 20 minutes for the same Perkins and Judge Gary to persuade President Roosevelt that he ought to allow the United States Steel Corporation to swallow up its greatest rival, the Tennessee Coal & Iron Co., and that is on record now. I do not hesitate to say, my fellow citizens, that in view of the fact that these trusts so multiplied

without any real serious interference on his part—except with his mouth—I do not hesitate to say that it is a fair deduction from that evidence, plus the letters which I have told you about, in these two great cases, that there are others of like import, and that his Attorney General was probably restrained in more cases than these. But were not these quite enough? Was it not quite enough for any one of these men who had thus been helped, to go and tell his neighbors: "Why, you need not be afraid; press on. We have a friend at court."

My fellow citizens, I have already taken too much of your time in the discussion of these questions, and I want to close this part of my address by saying that we have not any assurance from the colonel, in his confession of faith, that he has changed his mind about the trusts. He does not tell you now that he is going to curb them. We know he did not, and he now says that they ought to be regulated. In other words, he says to the people of the United States, who ought to be intelligent people, in view of the fact that we have schoolhouses on every hillside, that it was all right for him to sit still and allow these trusts to multiply, until, as Senator LA FOLLETTE said, there was no longer anything of importance enough to combine. He says to the people of the United States that now that these trusts have come into existence, nothing must be done about it; that this old law against combinations to restrain trade and prevent competition, which was in force in England, and still is, and is the law here still—no matter if these men have, in defiance of the law, builded up these great trusts—nothing must be done to interfere with them. The thing to do now, he says, is to regulate them.

WILLING FOR CONTROL.

I delivered an address on Constitution day at the Jamestown Exposition, in which I marshaled certain facts which satisfied me that the gigantic corporate interests of this country—I do not mean those not in combination, but those in combination—were desirous of Federal regulation and control. They are quite willing to take their chances—not always, but most of the time—of running the Government the moment the proposition is established by the people that it is all right for them to be regulated. That prediction was based upon evidence that I had of the attitude of certain great financiers in this country. Since that time, as you have all read, Judge Gary and Perkins and others have gone upon the witness stand, in the investigation of the steel corporation, and have testified that they were in favor of regulation. So, my fellow citizens, whatever else you may expect, whatever else the people of the United States may expect from Col. Roosevelt, if he should be President again, make no mistake about it—he will never lift his finger in the future, any more than he has in the past, to curb the trusts; and make no mistake about it—he will receive from some of them, at least, his full share of support.

There is a direction, my fellow citizens, in which the people of the United States can turn for relief. Not to the Republican Party, not to the Progressive Party, but the Democratic Party has a record of reduction of the tariff, back before the war, from 32 per cent to 25 per cent and then to 20 per cent. There were in those days no combinations to restrain trade; there were no such things as trusts; there was no such thing as a partnership between the Government and business.

PEOPLE HAVE ASSURANCE.

Again, my fellow citizens, the people of the United States have this assurance: That we present to them the record of a Congress of the United States, a Democratic Congress, elected by the people, after the fraud of 1908 had been perpetrated upon them by the Republican Party, and with the record of that Congress we had a right to go before the people of the United States and say, "Here is the evidence of the will, the power, and the intelligence to serve the people of the United States as they ought to be served." Aye, and one thing more, fellow citizens, we have nominated for President of the United States and for Vice President men whose lives from their cradles up are an open book, men whose lives should and will convince every human being in the United States that if the great power of these two great offices be conferred upon these men they will, God helping them, serve the people as they have promised to serve them.

And now, Gov. Marshall, the great Democracy of the United States, in convention assembled at Baltimore, after nominating for the office of President of the United States that eminent Democrat and scholar, statesman, and tried public servant, Woodrow Wilson, unanimously, sir, chose you as most worthy to be his associate.

PRAISE FOR GOVERNOR.

Your nomination, sir, was made amid great enthusiasm and with full appreciation on the part of every delegate present that your ability, your character, your valued public services, made your name an addition to the ticket, so that it became perfectly symmetrical and, in our judgment, absolutely invincible.

The Democratic national convention, too, sir, selected a committee representing every State and Territory in the Union, and honored me by making me its chairman, and sent us here, sir, to tender to you, in its behalf, the nomination for the great office of Vice President of the United States. Moreover, sir, in behalf of all the people of these United States, connected at least with the Democratic Party, and many who are not, your nomination has been accepted with such great enthusiasm, such complete confidence indicated, that in their behalf, we, the members of the committee, as well as in behalf of the national convention, whose servants we are, not only tender to you the nomination, but most respectfully, sir, beg you to accept it in behalf of the party which honors and loves you as well as in behalf of the people who, in my judgment, will call upon you and your associate to serve them.

Presentation of a Replica of the Steuben Monument to Emperor William at Berlin.

EXTENSION OF REMARKS
OF
HON. JAMES R. MANN,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 5, 1912.

Mr. MANN said:

Mr. SPEAKER: Under leave to print recently granted I beg to insert in the RECORD an authentic account of the presentation of a replica of the Steuben Monument to Emperor William and of the unveiling ceremonies at Berlin on September 2, 1911. The account is as follows:

On December 21, 1909, Representative RICHARD BARTHOLDT, of Missouri, the author of the legislation which resulted in the erection of the Steuben Monument in the city of Washington, introduced the following bill in the House of Representatives:

Be it enacted, etc., That the expenditure of the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be made under the direction of the Secretary of State and the Joint Committee on the Library for the erection of a bronze replica of the statue of Gen. Von Steuben, authorized to be erected in Washington; said replica to be presented to His Majesty the German Emperor and the German Nation in return for the statue of Frederick the Great, presented by the Emperor to the people of the United States.

This bill, by the approval of the President, became a law on June 23, 1910, and in pursuance of its provisions the Secretary of State and the Joint Committee on the Library entered into contract with Mr. Albert Jaegers, the sculptor of the original Steuben Monument, for the preparation of the replica intended as a present for the German Emperor and the German Nation. Inquiries directed to Berlin by the State Department as to the acceptability of such a statue had been answered affirmatively even before the legislation was attempted. In the spring of 1911 the artist had completed his work, and President Taft appointed the author of the legislation, Hon. RICHARD BARTHOLDT, and Mr. Charles B. Wolffram, of New York City, as "envoys extraordinary and plenipotentiary" to make the formal presentation to the German Emperor at Berlin.

The departure of Mr. BARTHOLDT on his diplomatic mission was made the occasion of a thoughtful little ceremony on board of the steamer *George Washington*, of the North German Lloyd. On the afternoon before sailing—August 18, 1911—the New York Daughters of the American Revolution tendered him a farewell reception in the large and beautifully decorated dining room of the steamer. Mrs. Joseph Simeon Wood, the State regent of that organization, presided, and, after the hymn "America" had been sung, rose to say that no more fitting present could be offered to Germany by the United States than a statue of the great soldier and patriot, Gen. Steuben. In expressing his gratitude for the courtesy of the patriotic ladies, Mr. BARTHOLDT extolled Steuben's virtues as a citizen and soldier and briefly recounted the valuable services he had rendered his adopted country. He also referred to his mission as one of amity and peace, and rejoiced in the fact that, in accordance with the sincere desire of President Taft and Kaiser William, it would tend to strengthen the ties of friendship which had always united the two greatest civilizatory powers of modern times, America and Germany. Speeches were also made by Mrs. William Cumming Story, the former State regent;

Mrs. Frances Roberts, of Utica, who called attention to the neglected condition of Steuben's grave and promised to enlist the support of the women of the Mohawk Valley for the work of properly restoring it; Mr. Edward O. Town; Dr. Ernst Richard; and Capt. Charles Polack, of the *George Washington*, who had complaisantly consented to be the host of the occasion.

This patriotic American celebration was followed the next morning by a serenade tendered by the Allied German Singers of New York, who sang American airs and songs of the fatherland up to the minute the big steamer left the Hoboken pier.

By direction of the Emperor, the German Government had selected Potsdam, the historic suburb of Berlin, as the site for the Steuben Monument, and the 2d of September as the day for the ceremony of unveiling, both selections being highly significant of the importance which the Kaiser attached to the American gift. Admittedly, no more prominent place could have been chosen than the ancient home of Prussia's kings, and the 2d of September is even to-day a holiday in Germany, as it is the anniversary of Napoleon's surrender at Sedan. What Versailles is to Paris, Potsdam is to Berlin. Both great capitals are closely allied with those suburbs by historic memories, and neither the history of France nor that of the German Empire, especially of Prussia, would be complete without a proper appreciation of those imperial places of residence. Besides, both are equally renowned because of their castles, monuments, and beautiful parks. It was at Potsdam where, in times of peace, Prussia's ingenious King, Frederick the Great, delighted to rest, and where he built Sans Souci as his Tusculum, and here, in front of the old castle, a historical structure alive with memories of the great King, is the spot thoughtfully chosen for America's friendly gift. How eminently fitting this site is will be better understood when we remember that Gen. Steuben, during the Seven Years War, had been an officer in the army of Frederick the Great, and that the same King, of whom one is reminded at every step at Potsdam, had been his protector and friend.

The most distinguishing feature of the ceremonies connected with the presentation and the unveiling of the Steuben Monument at Potsdam was the personal interest which the Kaiser evinced in them, and which was apparent in every detail. Not only the Emperor himself, but almost the whole imperial family graced the occasion with their presence, and nothing was left undone to emphasize the international importance of the event and to confer honorable distinction upon the two special envoys whom the United States had sent on so friendly a mission to the great German Empire. The Elite Body Company of the Guard Regiment marched up as a guard of honor with Prince Joachim as flag officer, and the direct superiors, including the Crown Prince and General in Command von Loewenfeld. The Empress, too, witnessed the ceremony, viewing it from the windows of the old castle. In the suite of the Emperor were Princes August Wilhelm and Oskar; Imperial Chancellor von Bethmann-Holweg; Secretary of State von Kiderlin-Waechter; Secretary of War Heeringen; Chief of the General Staff von Moltke; Lieut. Gen. von Steuben; and other members of the Steuben family, all German relatives of the hero of the occasion; the gentlemen of the imperial headquarters; the officers' corps of Potsdam and the cadets of Potsdam and Lichterfelde; the administrative president for Potsdam, Count von der Schulenburg; and finally the mayor and the police president of Potsdam. Among the Americans present, outside of the two special envoys, were Mrs. Bartholdt and Mrs. Wolffram; the American ambassador, Dr. David Jayne Hill; the sculptor of the statue, Albert Jaegers, of New York; the members of the American Embassy at Berlin, including the military and naval attachés and four officers of the American Army who at the time were the special guests of the Kaiser, having been sent to attend the German Army maneuvers; President Wolff, of the American Chamber of Commerce at Berlin; Col. Otto Stifel, of St. Louis; Dr. William C. Teichmann, the American consul at Stettin; and several other American citizens, all of whom had been specially invited by the secretary of state. A part of the garrison and several thousand residents of the city also witnessed the ceremony.

The distinguished assemblage, half civil and half military, which had gathered in front of the veiled monument presented quite an animated spectacle, whose effect was heightened by the bright sunshine of a warm September day. At 12 o'clock His Majesty the Emperor appeared, and after he had passed muster along the line of the guard of honor he took his stand in front of it and directly opposite the monument. The two special envoys of President Taft then stepped forward, and Hon. RICHARD BARTHOLDT, in addressing the Emperor and speaking in German, delivered the formal presentation speech in a distinct and far-reaching voice. The fact that he used the German language was intended and recognized as a special courtesy to the fatherland in return for the same courtesy shown to the American Nation when the German ambassador at Washington, in presenting the statue of Frederick the Great as the Kaiser's gift to the President of the United States, delivered his address in English. Mr. BARTHOLDT spoke as follows:

"Your Majesty, by direction of the President of the United States we have come across the ocean to fulfill the purport of a resolution, unanimously adopted by the American Congress, providing for the presentation to His Majesty, the German Emperor, and the German people of a statue of Gen. von Steuben, a great German and erstwhile citizen and hero of two continents, as a gift from the American people. If, in the performance of this honorable mission, I may be permitted to interpret the sentiments of the people of the United States, I would say, on behalf of President Taft's special embassy, that the proffered donation is to be a pledge of peace and amity and a guaranty of the sincerity of the earnest hope, cherished by all Americans, that the effect of this ceremony may be to draw more and more closely the bonds of traditional friendship and good will which, strengthened as they are by the ties of blood, have always so happily united the great German Empire with the great Republic of the West, the United States of America.

"The name of Steuben will ever awaken patriotic memories beyond the ocean. Its bearer was the embodiment of German order and discipline and of that loyalty of which the poet says, 'If it were not as old as the world, surely a German would have invented it.' He was not only the order-creating genius of the colonial army, but also the indefatigable, though modest, organizer of victories. In just appreciation of his great achievements a grateful people, nobly disregarding national distinctions, honored his memory by the erection in front of the White House in Washington of a monument which is to commemorate his valuable services as well as those rendered by the Germans generally to the cause of American independence. And to-day's celebration? It is verily a beautiful act of international courtesy, but may we not also interpret the ready acceptance of this statue as a just and generous willingness, on the part of Steuben's old fatherland and its exalted sovereign, to appreciate and honor those who by their conduct abroad have added luster to the German name? Millions of hearts on the other side of the Atlantic, which throb warmly on account of this dedication, will rejoice exultantly at such interpretation.

"From the material to the political and ideal significance of to-day's act is but a step. The peace President extends to the peace Kaiser, under whose reign the phrase 'The Empire is the peace' has been verified, the hand of friendship for hearty cooperation in the peaceful solution of the great problems of civilization. And are there two other nations which, resting upon the tradition of undisturbed friendship and looking forward to a future of still closer relations, could more justly feel called upon to make common cause in the great humanizing tasks of our time, in the promotion of art and science and in all tendencies looking to the increased welfare of the people? We live in a time of international conciliation and have come to realize that peaceful development is of more transcendant importance than all that is now dividing the nations; and Germany's 40 years of peace is an ample guaranty to America that it requires but an incentive in order to crystallize mutual sympathy into a political fact. May this beautiful ceremony hasten such a happy consummation.

"As special envoys of the President of the United States, we have the distinguished honor of asking Your Majesty to accept this statue as a token of the sincere friendship of the American Government and people for Your Majesty and the people of Germany."

The Emperor, who seemed greatly pleased with the address, saluted the speaker, and taking from the hands of an adjutant a roll of paper, read the following response:

"With sincere gratitude I accept the monument which, by direction of the President of the United States of America, and in pursuance of a gracious act of Congress, you are presenting to me and the German people as a gift from the American people. When a few months ago the Steuben monument was unveiled at Washington the celebration was followed with great interest everywhere in Germany, and it was noted with lively satisfaction how elevating and impressive it was and how active was the participation in it on the part of the Government and the people. Now we rejoice to have on German soil, too, a statue, dedicated by America, of that brave German who, with enthusiastic devotion and sublimely simple performance of duty, consecrated his services to the cause of the American people.

"The words with which you gave eloquent expression to the significance of the monument and of this celebration find a ready response in the German Empire. You have justly referred to the blood relationship and the uninterrupted friendship which unite and always shall more closely unite the German and American Nations. I beg you to accept my gratitude and that of the German people for coming here and presenting to us this beautiful monument, and let me venture the expectation that you will kindly convey these our sentiments to the President and the people of the United States."

The Kaiser looked exceedingly well and spoke with a strong voice. With his last words he gave the signal for the unveiling, and with the accompaniment of an inspiring military march the cover fell, the Kaiser standing in front of the monument and saluting with his hand raised to the helmet. For a few minutes he seemed to inspect the piece of art before him with a critical look of connoisseur. He then turned to greet Lieut. Gen. von Steuben, a direct descendant of the "hero of two worlds," and Ambassador Hill, who in turn introduced the two American envoys, Messrs. BARTHOLDT and Wolffram. The Kaiser shook hands with them in the most cordial manner and engaged them in a lengthy conversation in the course of which he again expressed his appreciation of the American gift. When Mr. BARTHOLDT asked whether an introduction to His Majesty of the sculptor who had created the original monument as well as the replica, would be agreeable, the Kaiser willingly assented, whereupon Mr. Albert Jaegers stepped forward and was warmly greeted as well as complimented by the Sovereign who had previously conferred upon him the fourth class Order of the Red Eagle as an evidence of his appreciation of the monument as to its artistic merits. The march past the statue of the guard of honor in parade step concluded the ceremony, which marked a most pleasant and memorable event in the diplomatic history of the two great countries concerned. Let us hope that Americans visiting Germany will not neglect to view the delightful spot where our great Republic, in language of bronze, proclaims to the people of his own fatherland its lasting gratitude for Steuben's great services.

At 1 o'clock a midday dinner took place at the marble hall of the royal castle which His Majesty had graciously arranged in honor of the occasion and of the American envoys, Messrs. BARTHOLDT and Wolffram. To the right of the Emperor sat Mr. RICHARD BARTHOLDT, the Imperial Chancellor, and the secretary of the American legation, Mr. Laughlin; to his left Mr. Charles B. Wolffram, the Secretary of State von Kiderlin-Waechter, and Maj. Gen. Wotherspoon, of the American Army. Opposite the Kaiser were seated the crown prince and the other royal princes, Ambassador Hill, and Gen. Garlington, of the American Army. Altogether the distinguished guests numbered between 70 and 80. A vivacious and unconstrained conversation between the imperial host and his American guests was one of the delightful features of the feast which lasted nearly an hour. In the course of it the Emperor rose and asked those present to raise their glasses and drink the health of the American people and President Taft. Indeed, he was in the best of humor and showed by his words and actions that the significance and success of the celebration afforded him genuine satisfaction. All his references to the United States in his conversation with the American representatives were made in the spirit of a warm personal interest and admiration.

During the dinner he sent the following telegram to President Taft:

"The Steuben monument has been unveiled. In my name and that of the German people I thank you most heartily for the beautiful gift which is so gratifying an evidence of the friendship between the German and American nations."

President Taft responded as follows:

"I sincerely appreciate your cordial message which advised me of the unveiling of the Steuben replica and conveyed your gratitude and that of the German people for the gift. It will give me great pleasure to communicate Your Majesty's message to Congress, at the opening of its session in December, as an evidence of the cordial relations which have always existed between the United States and the German Empire."

With the Kaiser dinner the official part of the ceremonies was concluded. It was followed by a luncheon given by the Secretary of State von Kiderlin-Waechter, at which the two American envoys and Ambassador Hill were the guests of honor. Mr. BARTHOLDT sat to the right and Mr. Wolffram to the left of the host, and Dr. Hill was seated opposite him. It was at the same time a farewell to the latter, as he had resigned his post and was about to return to the United States. The secretary of state took occasion to express his deep regret at Dr. Hill's departure from Berlin, and the Emperor himself had previously expressed a like sentiment. It seems the distinguished statesman and diplomatist who represented us in the German capital had succeeded in a comparatively short time to make himself "persona gratissima" at the Berlin court. Mr. von Kiderlin-Waechter proved himself a charming host, and as at that particular time he was conducting the negotiations with France about Morocco the guests were treated to many an interesting observation touching that serious controversy. The German secretary of state is plain and unassuming in speech and manners, but unquestionably one of the most interesting men in international public life to-day.

The account of the Steuben days in Berlin would not be complete without a mention of a delightful private dinner given by Mr. Charles B. Wolffram in honor of his colleague, BARTHOLDT, at the Hotel Adlon. It was on the evening of the dedication, when all were still in an animated mood. What kitchen and cellar of that renowned hostelry could provide was at the disposal of the 22 guests, all Americans, and when the host, Mr. Wolffram, rose to propose the health of President Taft there was that enthusiastic response which is possible only when Americans meet on foreign soil and are reminded of their beloved country. Among the guests on this occasion were, besides those already mentioned, Mrs. Bartholdt, Mrs. Wolffram and daughters, Dr. and Mrs. Hill, Mr. Laughlin, secretary of the American legation and two undersecretaries, Consul and Mrs. W. C. Teichman, Mr. and Mrs. Albert Jaegers, Col. Otto Stifel, of St. Louis, Mrs. C. Royce and her daughter, Miss Jennie Thompson (also from St. Louis), Fred. Achenbach, of the Treasury Department, Miss Campbell, of New York, and others.

Having performed this honorable mission, the two special envoys returned to the United States, and upon their arrival in New York were tendered a great ovation by several hundred German-Americans who had arranged a banquet in their honor. Whatever tends to strengthen the bonds of friendship between their adopted country and the Fatherland always meets with spontaneous and enthusiastic approval and support on the part of American citizens of German birth and extraction, and the mission of Messrs. BARTHOLDT and Wolffram was justly regarded as a means to that end. Hence the dinner proved an exceptional success in every respect. President Taft was lauded by the speakers for having bestowed the honor of such an important mission upon two German-Americans.

All the most influential newspapers of Germany commented most favorably on the Potsdam ceremony and its significance. Some of those comments may find space here:

[Norddeutsche Allegmeine Zeitung (semiofficial).]

"The solemn ceremonial at Potsdam again directed general attention to the old historic relations between Germany and the United States of America which date back to the days of the war of the colonies for independence. We in Germany fully appreciate the special pride with which our kinsmen who found a second home on the other side of the ocean regard our distinguished common countryman, and we feel a high gratification at the honors which the whole American Nation, conscious of his great services in the darkest hour of its history, now confers upon the leader and fellow citizen who has come from German stock. In the four generations which have passed since those struggles the United States have received a rich supply of valuable forces through German immigration. On all fields Germans have contributed to the development of the Union and its present international prestige, not the least on the field of intellectual labor as teachers, scientists, and authors. Among the most distinguished living representatives of German literature and interpreters of German culture in America are the two special envoys, BARTHOLDT and Wolffram, who are commissioned to represent the American Nation at to-morrow's celebration."

[Frankfurter Zeitung.]

"At Potsdam to-day the German Emperor was presented with a monument of Gen. von Steuben by two emissaries from the United States. That it occurred on September 2 is probably an accident, yet it may be regarded as a good omen that the anniversary of the greatest victory which German arms ever achieved should be commemorated with such a peaceful celebration, a celebration of the manifold close relations and of the friendly feeling existing between the two great nations. And, by the way, the historic period to which the new monument in Potsdam carries back our thoughts is a time of common memories also for the two peoples which met on the battle field 41 years ago. France and Prussia are the two countries which, more than any others, showed recognition and friendship to the American colonies fighting for their liberty, and the two first military names which are permanent in the history of the Revolutionary War, next to that of the great George Washing-

ton, are those of a Frenchman and a German, Marquis Lafayette and Gen. von Steuben. For a long time American history has failed to sufficiently appreciate the services and the importance of Steuben. This was not due to ill will either against the person or his nationality, but to the somewhat naive overrating of a few spectacular military actions, which, however, were much less apt to bring final victory than the quiet work of organization which Steuben performed for Washington's armies. During the last few years the more serious historians of the new world, perhaps as a result of German-American protests, have endeavored to atone for previous neglect in this direction.

"This change in favor of a better appreciation through increased study and understanding applies not only to the memory of the old general, but the relations of the two nations—the German and the American people—seem to undergo a similar evolution. On the other side of the ocean the opinion prevailed for a long time that Americans were very unpopular, if not detested, in Germany. With us there were at times similar opinions of the sentiments of Uncle Sam toward the German "Michel." In fact, however, real public opinion was at no time as hostile, either there or here, as the other side imagined, not even during the Spanish War and the years immediately following it of semiofficial strain between Washington and Berlin. With us Germans, the faculty to hate other nations has never been strong and certainly never general. The tradition of overestimation, admiration, and imitation of what is foreign has been too strong as an inheritance of long political disruption, and, apart from the small abnormal group of pan-German cranks, has not entirely disappeared even to-day. So far as Americans were really unpopular with us, the reasons for this feeling were not political, but were to be ascribed to purely human motives. There were and are no material differences of interest between Germany and the United States, and in Germany the mass of the people as well as the nonpolitical influential circles have always been conscious of this fact. But it would be foolish to deny that there were, and, though rapidly disappearing, there still are strong human, or, let us say, cultural differences. These differences, namely, idealism and settled culture on the one hand and materialism and upstart civilization on the other, have never existed to the extent that one has imagined on this side of the Atlantic. In the first place, they were not contrasts between Americans and Germans, but between the youthful growing population of the largest modern colonial country and the historically-grown nations of the Old World. Upstart and self-made man are really two sides of the same thing, only the European has coined the word for the dark side and the American for the bright side. The old nations note the shortcomings of the new upstart who boasts of his feats, and by thus bragging makes himself doubly disliked with the grown people. So Americans have found little sympathy in most of the old civilized countries. Germany has made no exception in this respect, but public sentiment here has wonderfully changed during the last 10 years. We appreciate more and more that those human national contrasts have been partly overestimated and are partly disappearing. The better we learn to know the American the more we can overlook appearances and the peculiarities of his manners, the more we perceive the genuine idealism, the great moral values, the splendid innate health which that young nation develops with so much energy and understanding. We Germans, who ourselves have been newly born as a united and strong people 40 years ago, realize more and more generally how much we have in common with the great American Nation with respect to economical development as well as the evolution of national character. So far, then, as there existed sentimental contrasts between us and the United States, we, in the first place, simply shared them with other European nations; and, secondly, they were largely based upon an insufficient knowledge of the American character.

"These contrasts were looked upon quite differently on the other side of the Atlantic Ocean. There temporary ill will toward Germany originated not from human but from political unpopularity, but, in fact, from political misconception. Public opinion in the United States has been loath to give up the idea that the German Empire had aggressive intentions, in the main, within the sphere of the Monroe doctrine. Even to-day Americans are not quite free from suspicion, no matter how often and how sincerely and impressively Germany may give contrary assurances. However, in the last few years we have learned to know each other better, and this better knowledge produced a better understanding, which gradually dissipated the differences for which there are no serious and permanent causes on either side."

[Stettiner Abendpost.]

"The address which Congressman BARTHOLDT delivered in presenting the Steuben statue to the Kaiser gives expression to the speaker's admiration for German ideals and is at the same time a demonstration for peace, which is the more significant in these turbulent days. On the part of Germany the sincere wish has always been uppermost to maintain the best possible relations with the United States, and especially has everything been done under William II to strengthen them in every direction. The Kaiser has intimated on several occasions and before all the world that his efforts were directed toward a better mutual understanding of the two nations, and that to his knowledge no thinking man on this or the other side of the ocean believed in the possibility of a disturbance of the harmony and the continuance of our common interests. Both peoples, he said, were too much dependent upon each other through their mutual interests. The sovereign has also expressed the conviction that the hundreds of thousands of Germans who live in the United States and who in their hearts have maintained their affection for the old fatherland were paving the way for the undisturbed development of these mutual relations.

"These sentiments are undoubtedly shared by millions on the other side of the Atlantic, but, alas, there are also other millions there who are more or less unfriendly to Germany. As to this we should not be deceived, even by the fact that within the last few years these unfriendly views have been less emphatic and that the jingo press has been more reserved. Under all circumstances it will be well to appraise the assurances of friendship, however sincere they may be at the time, in accordance with real conditions and to take them cum grano salis.

"The movement in favor of international peace which has recently made such great progress in America also finds an echo in Mr. BARTHOLDT'S address. We, too, fully appreciate the idea, and the German people have often enough demonstrated how highly they value the preservation of the peace. Nevertheless there are still many obstacles in the way of a realization of the idea to secure lasting international peace, and the fate of the American arbitration treaties shows that the perception of this question is not wholly clear even in the United States. Germany will, as far as she can, further the initiative of President Taft in every way, and is willing to negotiate an arbitration treaty with America, but the value of such treaties, it seems, is being somewhat overestimated at Washington. In any event, we shall rejoice if the good relations which already unite us with official America could be further strengthened and, in the interest of peaceful progress, recorded black on white; and it affords us great satisfaction that the assurances of friendship and peace are given us at a time when the political horizon is full of threatening clouds."

Speech of Governor Marshall.

EXTENSION OF REMARKS
OF
HON. RALPH W. MOSS,
OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. MOSS of Indiana said:

Mr. SPEAKER: I avail myself of the privilege extended me by the House to extend my remarks in the RECORD by inserting a copy of the speech of Gov. Marshall in accepting the nomination of the Democratic Party for Vice President. Gov. Marshall said:

Judge Parker and gentlemen of the notification committee: Permit me to say that it is not my purpose on this occasion to present details. I wish merely to present some general observations clothed in homespun language in the belief that they may be of value in fixing the opinion and determining the conduct of the intelligent voter this year.

Try as we may to separate the religious from the civic, the fact yet remains that good government has in it an element of morality. Neither constitutions, nor laws, nor ordinances can completely divorce civil government from religious sentiment. There are periods in the history of a people when the conflict between the good and the bad may involve almost all of the commandments. There is rarely a conflict in which at least the one commandment, against covetousness, does not become an issue, and this campaign is no exception to the rule.

It will be well for the voter to clear up some hazy definitions. We have for many years been entertaining a belief, founded upon no fact whatever, that Democracy and Republicanism rep-

resent different ideas of government. The Republican has looked upon the Democrat as a man opposed to the Government. The Democrat has looked upon the Republican as a man opposed to the people's rule and in favor of aristocratic sway. It is time for us to remember that democracy is not a system of government. Indeed, democracy may find its expression in any one of numerous systems.

DEPENDS ON CITIZENS.

The rule of the people is not essentially rule by the people. By their votes, even when democracy has unfolded to full manhood suffrage, the people may have a monarchical form of government. The people's rule does not depend upon the number of votes, nor necessarily upon the system of government under which they vote. Good or bad government must go back to good or bad citizenship, to intelligent or ignorant, to honest or dishonest electors. I venture the assertion that if the electoral franchise were now granted to all the citizens of Russia, the Little Father would again be crowned in Peter's city.

American democracy in its purity was intended to mean, and I believe does mean, something more than voting, something more than selecting officers. Like the sunlight, we can not see it, yet we can not see without it; and, like the sunlight, it has not only bathed this Republic in a sea of beauty and glory, but it has warmed and nurtured every fruitage planted in the garden of universal brotherhood.

American democracy does not depend upon caste or creed or conditions, upon race or color, upon wealth or poverty, upon success or failure. But, unerringly, it does depend upon the inner life of the individual citizen. It is an inspiration and an aspiration. It does not always depend upon the ticket which a man votes. It does depend always upon the motive back of the ballot.

The historic Democratic Party of America had its inspiration and its aspiration in the life and conduct of its great founder. It is time now to have a perfect concept of that Democracy, for in recent years we have divided ourselves into three classes, and the classification has been made not by the heart throbs of men, but by their social condition. We have those who are immeasurably rich and who are looking for more, and we have those who are unutterably poor and who are growing poorer. Between these two extremes we have the great middle class, living well and reasonably content, except for the uncertainty of not knowing whether they are to rise into the first class or sink into the third.

DIVISIONS NOT LOGICAL.

Many have assumed that only the unutterably poor and those sinking into that class were Democrats, and that the immeasurably rich and the climbers were Republicans. But these divisions have not been logical. It was not the outward and visible which marked the inward and spiritual of Thomas Jefferson. Born of the bluest blood in the Old Dominion and accustomed, as gentleman, scholar, diplomat, and statesman, to all the luxuries of his generation, he was the man who declared that all men were created equal and that all were endowed with certain inalienable rights, such as life, liberty, and the pursuit of happiness. Even to his dying hour this seeming aristocrat had not a single heart throb which was not in unison with the heart throbs of his fellow men. His great opponent in statecraft sprang from a lineage so lowly as to be unknown. With none of the advantages of either fortune or family, Hamilton believed in hanging on princes' favors and in catering to the chosen few.

At its best human nature is weak. The cares of the world and the deceitfulness of riches ofttimes stifle generous impulses. Great crises are necessary to awaken many men to their sense of duty. It was because I thought a crisis to be at hand that four years ago I made the statement that 80 per cent of the people of Indiana were Democrats at heart even though they did not know it. I now enlarge that statement and declare that 80 per cent of the entire country believe in the historic democracy of Thomas Jefferson. This campaign is going to rid the Democratic Party of every man who does not believe in its principles, and is going to add to the party's ranks, I hope, every man who does believe in them.

Men have allowed their personal interests, ambitions, and prejudices to sway their political conduct, and consequently this great body of American citizens, thinking alike and feeling alike at heart, has never been united under one banner to fight for the common rights of common humankind. The strength of those determined to give every man his chance in life, unhampered and unaided by legislative enactment, and to strike down every species of special privilege inuring to the benefit of a few; of those like-minded in their view that government is a necessity and not a luxury, and that business should have its large opportunity for success, but that this Government was made for men, not corporations; for principles, not interests; and of those with sufficient courage and fortitude to drive the money changers from the temple of our national life, has been impoverished by desertions due to personal interests, ambitions, and prejudices.

CALLS FOR PATRIOTISM.

This campaign calls upon some for justice, upon others for charity, upon all for patriotism. It does not call for the bandying of epithets nor for an appeal to the personal. We may safely leave to the senile dementia which has seized the so-called Republican Party the personalities of this campaign. Its unfitness to rule the Republic is disclosed by its inability to keep its temper. It was cohesive, so far as its leadership was concerned, while it was engaged in looting the public, but even its leaders are now disorganized while quarreling over the loot. As for the party's bosses, the improper influences in American political life are about equally divided between them. Everywhere "Boss" Barnes is crossing swords with "Boss" Flinn, and their charges and countercharges disclose greatness only when we apply Emerson's statement: "Consistency is the hobgoblin of little minds."

How comes it that we have reached such a condition in affairs in American life that the party in power is rent in twain, that boss is charging boss with knavery, crookedness, and dishonesty, and that each faction is claiming an exclusive patent upon honesty and patriotism, while avowing that the success of the other would spell irreparable ruin for the public? And more particularly, how comes this to pass under a republican system of government consisting of coordinate branches to which were ceded by the people none of their inalienable rights, but only such powers as were thought to be needful to redress the wrongs, preserve the rights, and keep unshackled the moral, intellectual, and physical forces of mankind?

Though a majority of the people have been voting the Republican ticket and have been assuming thereby that the majority would rule, the disgraceful but purifying scenes which have been enacted recently in Republican conventions disclose that a large number of those who have been voting the Republican ticket are Democrats at heart. These scenes disclose further that we have been mistaken in some of our conclusions touching government in America. We have yielded a quiet assent to the proposition that a majority is all powerful and that a minority has no rights which a majority is bound to respect. But now we know that the theory of the historic Democratic Party that it is the right of a majority to rule, but only within constitutional limitations and without the usurpation of a single inalienable right of a single individual, is correct.

It is only when majorities thus rule that governmental machines move without friction. The right of a majority to thus rule must always be conceded. I wonder, however, if it has dawned upon the sober second thought of this people that it is possible for a majority to be a minority and that it is equally possible for a minority to be a majority. At first blush it would seem that the officials elected by the plurality of votes become the representatives of the majority and that as such they rule. But I am not in error when I declare that it is not the mere number of votes which determines a majority in America in the sense of having the power to formulate the policy, enact the legislation, and control the Government, and I point to the election of 1908 for proof. The protest of every man who voted for President Taft and who is now dissatisfied with the President's management of public affairs proves that for four years a minority has been the majority in America. At the risk of offending the sensibilities of the Republican who voted for President Taft only to be dissatisfied with his administration, I am going to tell him that he is one of the men I counted in making 80 per cent of the voters of this country members of the historic Democratic Party. His present protest against the result of his ballot reveals his belief that it is not the business of government to grant, under the guise of taxation, to any class of citizens or to any member of society special privileges which are not granted to every other class and to every other member of society.

The social condition which we call Democracy, and which finds its avenue of expression at the polls through our party, is unalterably opposed to special privilege, whether granted by the law or seized by ruthless ambition. It is true, the mother of all special privilege is the high protective tariff. All who voted the Democratic ticket at the last presidential election were unalterably opposed to this system of unjust taxation, and a sufficient number of those who voted the Republican ticket were likewise convinced of its iniquity to make an over-

whelming majority against it. Save a favored few, all were agreed that relief, to a greater or less extent, should be afforded to the people from the unjust exactions of this system. All knew that we could not educate the people of America indiscriminately, enlarge their views of life and happiness, and then by the high cost of living deprive them of their pleasures without making of American life a seething caldron of discontent. Theoretically speaking, therefore, the majority of votes, having put a party in power upon a platform pledged to relieve the people of these burdens, has been ruling under constitutional limitations. But this is not so. Immediately after the election the minority became the majority in the sense that it assumed control of legislation with reference to special privilege. All the members of the Democratic Party and all the protesting members of the Republican Party have been in the minority when it came to counting votes where the count fixed the cost of living. It may be said that this is a mere accident of politics, a single illustration, and that it will not occur again. But it is no accident. It is only one of many illustrations. It simply discloses the utter folly of a man remaining a member of a party when the party policy ceases to voice his inner spirit. The Republican Party does not recede now from its protective theory. Its return to power will mean again the rule of a minority and the theoretical idea of Democracy will continue to be the practical aristocracy of special privilege in this country.

PLENTY OF CHOICE.

The voter who can not satisfy himself this year is indeed censorious. Eliminating the verbiage of platforms, taking their substance, and viewing the candidates placed on them, the voter who believes that the cost of production at home and abroad should be equalized to the manufacturer of this country and who wants an oligarchy to rule may vote the straight Republican ticket; the voter who believes in a similar protective theory, but who prefers to an oligarchy that the President shall be the State, may vote the Progressive ticket; the voter who believes this Government should be turned into a socialism may vote the Socialistic ticket; the voter who thinks that church and State are not separate in America and that the people have a right to settle religious questions and to determine by ballot what is good and what is bad may vote the Prohibition ticket; and all those who insist that it is not the business of Government to equalize the cost of production at home and abroad to the manufacturer until it equalizes the difference in the purchase price to the consumer at home and abroad, who believes that the only equalization justifiable in our Government is the equalization of opportunity, who thinks that public office is a public trust, who does not believe that disgruntled and defeated politicians are genuine reformers, and who thinks that reforms are not born with sore toes, may vote the Democratic ticket.

I respectfully urge all those who are opposed to special privilege to ally themselves this year with the historic Democracy, the corner stone of whose edifice is the Declaration of Independence and the keystone of which is the Golden Rule. At Baltimore it proved its right to be, because there it arose and by its proposed policy met the needs and wants of a people. Am I to be met with the statement that results like those of the last four years might just as well have been produced under Democratic supremacy? This I deny. The kingdom of Democracy, like the kingdom of heaven, is within us. It comes not by observation. It is a living, growing, vital principle. It is as essential to the life of the man who is a Democrat as pure air or pure blood. The power to resist lying is not in the mouth, but in the heart of a man. The power to resist larceny and murder is not in his fingers. Democrats, like poets, are born, not made. They are born with the fixed and unalterable belief that God made all men, not some men; that all men are entitled to an honest chance in life, unhampered and unharmed by law or custom. We may separate in language, church, and state, but we can never have that social condition which we call democracy until all men living in the Republic are full—not half—brothers; until all have been baptized in the blood of the spirit of the Revolution and consecrated at every altar set up, North and South, in the war between the States.

WARNS WEALTH SEEKER.

Upon whom does this campaign call for justice? Many a man devotes himself sedulously to business, not because he wants money for himself, but because he believes that jewels and luxuries will make his wife happy. Sometimes, too late, he finds that which she wanted was love, not luxury. So, too, many a man in America is devoting himself to the making of money through legislatively granted privileges, not so much that he wants the money himself as that he wants to disclose the richness, greatness, and prosperity of the American Republic. Meanwhile he has not stopped to consider that while the few through special privileges are adding millions to the bank balances of this country, the educated and impoverished many are looking down the years and seeing at the end of them nothing but an open grave in the potter's field. The spirit of democracy and his innate sense of justice call upon this man right now to stop and look and listen; to review what really makes for greatness in a people, and to answer in the silent watches of the night the accusing voice of his own conscience, which tells him that it is men, not money; brains, not business; love, not lucre; peace, not prosperity, which mark the greatness of a people. Let him answer that accusing voice by resolving that though he may not make so many dollars in the future, he will not forget that every other man's wife and every other man's child in America are equally dear to him, and that he desecrates the graves of those who fell from Lexington to Appomattox and stamps himself a coward when he demands or receives the aid of the law in his conflict for supremacy. Too long have some been the recipients of money made through the toil of others and turned over by unequal and unjust taxing laws. It is good to love wealth and all that wealth can bring, but it is better to love the Republic more than all the trappings of outside pomp and circumstance. From this good hour let these men fight their battles of life without handicapping their less fortunate brothers. Let them hang pictures of Nathan Hale in their bedrooms and as each day's light reveals his features unto them, let them vow that as this old hero thought more of men than he did of British gold, so they will dedicate their lives and consecrate their efforts to his splendid ideals.

Upon whom does the hour call for charity? There are thousands of us who have not reached the land overflowing with milk and honey. Still we wander in the wilderness of industrial despair. Still are we able to gather manna only for a day and still we look with longing on the fleshpots in Egypt. Discontent and bitterness have entered into our souls. So long have we been impressed with the iniquity of special privilege, with the arrogance of some rich men, with the power of money to produce peace or war, plenty or famine, that we have come to hate all those who have and to believe that the possession of money is the mark of infamy and the badge of dishonor. If you be one of these, my brother, this hour calls upon you for charity. Many have succeeded honestly in this land; most have succeeded, as they thought, honestly. There are but few who have not cared how success has come to them. Let us not condemn until the sheep have been separated from the goats. Let us understand that it is possible for the man in broadcloth and the man in hodden gray to be brethren in America. Let us await the developments of a brief time lest perchance the judgment of misfortune upon fortune may be injustice, not justice. Let us be sure before we strike; let us condemn no man unheard, and let us give to every man his advocate in the forum of American brotherhood.

EQUALITY BEFORE LAW.

It will be observed that the sum of the justice and the charity for which I am contending is the revival of Jefferson's idea of equality before the law, not equality in muscle or brain or will or energy, but that equality which guarantees to every honest and industrious man his life, his liberty, his happiness, and his chance. Justice and charity are always needed to enforce this guaranty. Get into the bread line if you will, but beware in so doing not to drive out a weaker brother.

I see a people, the most marvelous which has ever sprung from the loins of time and the womb of destiny. Among them are all kindreds, tribes, and tongues. What are they to become in the melting pot? They are of like passions, men with hopes, fears, ambitions, prejudices. Are they to evolve into castes, not of birth and lineage, but of success and failure? Out of the crucible of these years, heated with the fires of both seeming and real injustice, is a newer generation to be poured forth to the vassalage of the paternalistic system of government born under Republican misrule, or to a socialism where success depends not upon merit and honest endeavor, but upon the mere drawing of the breath of life?

It is idle for a thoughtful man in America, whether millionaire or pauper, to longer play the ostrich. Safety does not consist in hiding one's head in the sands of either sentiment or hope. It is foolish for the vastly rich to keep on insisting that more and more shall be added to their riches through a specious system of special legislation ostensibly enacted to run the Government, in reality enacted to loot the people. It is worse than ignorance for them to smile at the large body of intelligent Americans who regard themselves fortunate if the debit and credit accounts of life balance at the end of each year and to assume that the mighty many, who are becoming convinced

that that social system which we call democracy is but a glittering generality, will long endure the industrial slavery being produced. The hour has come when patriotism must consist in something more than eulogies upon the flag. Whether voting the ticket or not, men everywhere, looking upon the awful injustice of this economic system, are becoming socialistic in theory if not in conduct. And shall any fair-minded man say that if it redounds to the interests of the people of this country that a hundred men should control its business to the good of every one that there is anything fallacious in the theory that government instead of transferring business to a favored few for the benefit of all should itself discharge that business for the benefit of all? I have never been able to convince myself that either system would not cast a pall over human action and dull the motives which have heretofore moved mankind to the very loftiest endeavor and produced what I conceive to be the most perfect system of government ever devised by the brain of man since that far-off theocracy of the Jews went down beneath the demand for the pomp and splendor of earthly power. And yet I do not hesitate to say that if it be impossible to restore this Republic to its ancient ideals, which I do not believe, and I must make the ultimate choice between the paternalism of the few and the socialism of the many, count me and my house with the throbbing heart of humanity.

THREE GRADES OF CITIZENS.

The discontent in Republican ranks is Democratic discontent. How much of it has reached the point where, wearied with the bad workings of a good system, it is willing to topple that system over and try something new I can not prophesy. But I am quite sure that whatever badges men may wear in America this year, whatever ballots they may cast, and whatever battle cries they may utter, there are but three grades of citizens. The first grade is made up of the favored few, their hangers-on and their beneficiaries, who think the eagle is upon the dollar not as an emblem of liberty but as an emblem of power, and who look upon government as an annex to their business affairs; these are they who in the past years of Republican misrule have turned the temple of constitutional freedom into a money-changers' mart and have made of the coordinate branches of government obeisant lackeys of the jingling guinea.

The second grade consists of those whose outlook upon life has been enlarged by the civilization under which we live, who have been taught by the school and the college, by the press and the magazine, who appreciate and enjoy the good things of life, whose horizon has been enlarged, and whose capacity for joy and sorrow has been increased. Year after year they have seen the boundless resources of the richest country the sun ever shone upon pass into the control of the favored few. They have observed that the laws have been enacted, construed, and enforced so that struggle as they will and act as they may they see before them naught but long years of servitude and certain poverty at the end. Conditions have become unbearable to them. They hesitate to hope for reform, so often has it been promised to them and so often has it been denied. They have reached the point where, in the struggle for that which they believe to be right, they are willing to destroy the ideals of the Republic. How many there are of these I do not know, but I do know that special privilege in the Republic is breeding them day by day, like rabbits in a warren.

The third grade of citizens it pleases me to call old-fashioned constitutional Democrats. These are they who believe that the equality of mankind does not consist in an equality of brain and brawn, but in an equality whereby every man—native and foreign born—has an inalienable right to exercise all of his ability in getting on in the world just so he realizes that in getting on he owes it to himself, to his family, and to the Republic to see to it that he gets on honestly and that he does not prevent any other man from obtaining the reward of his honesty and enterprise. These old-fashioned Democrats believe in making money, but they believe that every dollar made should be so clean that an infant may cut its teeth upon it. They hold that it is no part of government to boost one man and to boot another, and that any system of government which enables one man to take advantage of another is not a system under which a democratic condition of life can thrive. They hold that from age to age social and economic conditions change, but that the great principle of the equality of all men before the law can never change while time shall last, and that the honest interpretation of this great principle in statutory enactment, judicial construction, and executive conduct will take from the life of a people the mighty avarice of the few, bind up the broken hearts of the many, and loose the bonds of all who are in slavery to wrong, injustice, and ignorance.

SYSTEM IS NOT WRONG.

The individualism of Thomas Jefferson is not dead. It has not moldered back to dust in the grave at Monticello. It walks the earth this day knocking at the door of rich and poor, of wise and ignorant alike, calling upon all men to make this age the millennium of statecraft wherein no one shall claim to be the master and all shall be glad to be the servants of the Republic.

It can not be that it is the system of government which is wrong. It is the unjust use of the system. From Jefferson to Lincoln, the Republic grew in might, in majesty, in pomp and splendor, and the humblest of its citizens could obtain justice, not as a beggar crawling in the sun, but as a man. It has not been the use, but the misuse, of the powers of government which has produced this discontent in the minds of men.

The historic Democratic Party moves forward, now as always, true to the principles of the Declaration of Independence, loyal to the Constitution, and confident that if men will be imbued with the spirit of these two documents and will guide their public and private life by the concepts of righteousness therein contained, peace and plenty will bless their homes and come as a benison to every weary, downtrodden, and oppressed soul.

The contending forces in America are as they are in nature. There is a centripetal force which is ever drawing the earth toward the sun. There is a centrifugal force which is ever drawing it away. These two contending forces, acting each upon the other, have kept this old world of ours safely in its orbit, and springtime and harvest have not failed. Should either force become superior desolation and destruction only could result. The centripetal force would draw the earth into the sun and make it but fuel for the warmth of other planets. The centrifugal force would send it whirling out of its orbit to the northern pole of stellar spaces. There are times in July when we long for the North Pole, and there are times in January when we pray to be nearer the sun. But our sober second thought convinces us that the middle course is the safe course for the world.

The contending forces of political life are commonly denominated reactionary and revolutionary. They are the paternalistic forces of the Republican Party which would draw our Government out of its orbit and consume it in the fiery heat of the lust and greed of the favored few, and the socialistic forces which would draw it away from its constitutional conception of three coordinate branches and from its guaranty to each individual of an opportunity to assert his natural and acquired talents in an honest endeavor to succeed. The historic Democratic Party, of which I am an humble member, stands between these contending forces and believes that some harvests for humanity may be garnered by proceeding in the old orbit which the fathers founded, by meeting in the old way each generation of men as they shall rise, by never forgetting that this Government was founded not for business nor success, nor for incompetency and for failure, but to guarantee in lawful ways the opportunity of every man for liberty and for the pursuit of happiness. Old principles applied in new ways will convince these two extremes of thought that our historic party can make exist what now is but a name—democracy under a representative form of government.

CALLS FOR BROTHERHOOD.

If I doubted that the return of the historic Democratic Party to power would fail to right the wrongs of industrial life, to wipe out the injustices of legislation, and to preserve the opportunity of every man for happiness, then my voice, now weak, would be silent. If I did not believe that in so far as human agency can, this party of ours will promote the brotherhood of mankind, I would here and now repudiate it. But, believing as I do that the Republic had its origin in an inspiration which did not come from the mere brain of a mere man, but sprang from the heart of humanity; believing that this age more than any which has preceded it calls for conscience and brotherhood in governmental affairs; hoping that every sacrifice of mind and body and personal good which has been made, is a guaranty of the perpetuity of this, the latest and greatest experiment upon the part of a Democracy to work out its ideals in government, and trusting that the God of Washington, the founder, and of Lincoln, the preserver, will still be the God of the Republic, and will not permit his chosen people to wander forever in the wilderness of legislative sin, I accept, upon its platform, the nomination of the Democratic Party for Vice President of the United States. And may my right hand forget her cunning and my tongue cleave to the roof of my mouth if in all my gettings I fail to get that greatest gift—wisdom and understanding to know the heartbreak and the need of our common humanity.

Parcel Post.

EXTENSION OF REMARKS
OF
HON. GILBERT N. HAUGEN,
OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912,

On the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. HAUGEN said:

Mr. SPEAKER: In view of the prevailing misconception as to the vote on the motion of the gentleman from Illinois [Mr. MADDEN] to recommit the Post Office appropriation bill to the Committee on the Post Office and Post Roads, on May 2, a misconception evidently due to misrepresentations sent out from Washington, whether sent out to deceive or not, I know not, yet the fact is that they were sent out; and while misrepresentations of this kind are so generally made and seldom believed or commented on, yet this seems worthy of some attention because the integrity of certain Members has been question. I read from page 5 of La Follette's Weekly Magazine of June 8, 1912:

The test vote came on the previous question on May 2. Every Member who voted for the previous question voted to shut off amendment. He voted for the "fake" parcel post and in the interests of the Express Trust. Every Member who voted against the previous question voted for an opportunity to amend this proposal so as to make it a real parcel post. He voted in the interests of the American public.

Following are the 178 Members who voted for the previous question—who voted against the public and in the interests of the express companies.

Here follows the names of the 178 Members, and next the names of the 144 Members who voted against the previous question, and who it is alleged voted against the Express Trust and for the public interests. Next the names of 4 Members whom it is alleged dodged by answering "present," and next it gives the names of the 19 Republicans who joined with the Democratic machine to force this "rural" parcel post upon the American public and to sidetrack a universal parcel post, which is the only kind the express companies fear.

The list reported is as follows: Austin, of Tennessee; Barchfeld, of Pennsylvania; Catlin and Dyer, of Missouri; Haugen, Kendall, Kennedy, Pickett, Prouty, and Towner, of Iowa; Langley, of Kentucky; Madden and Rodenberg, of Illinois; Morse, of Pennsylvania; Payne, of New York; Powers, of Kentucky; Slemp, of Virginia; Sterling, of Illinois; and Helgesen, of North Dakota.

The article goes on to say:

NOT A PARCEL POST AT ALL.

Just before this vote was taken on the previous question LENROOT, of Wisconsin, asked Speaker CLARK ironically, "Would an amendment providing for a parcel post be germane?" The plain inference in this question that the "rider" which was being steam rollered through the House by the Clark-Underwood machine was not a parcel post at all drew from the Speaker the somewhat brusque response, "The Chair is not called upon to pass upon the germaneness of any amendment until it is offered. The Clerk will call the roll."

You see, the express monopoly, the administration, and the Democratic machine figured it this way: The country demands a parcel post. That demand can not be ignored. A real parcel post, however, would loosen the grip of the express monopoly on the American consumer. It would establish a competition which would bring the exorbitant express rates down to a reasonable figure in a jiffy. That might hurt the innocent stockholders of the express companies. It would certainly rob them of the juicy millions upon which they have been accustomed to feed. If we pass a bill permitting rural mail carriers to haul packages for the farmers, we can "point with pride" to the "passage" of a parcel-post bill. Yet, as a matter of fact, Uncle Sam will carry parcels only where there is no possibility of competing with the express companies. The rural mail carrier must deliver the package to the nearest express company if it is going beyond the town which marks the end of his route. "The scheme," said the politicians, "will surely appeal to the farmers and will be entirely satisfactory to the express companies." Also extracts from a pointed and lucid statement made by the gentleman from Illinois [Mr. MADDEN], commenting on an article from the Chicago Tribune under date of May 2, which purports to quote a Member, having alleged that a certain Member of the House had entered into an agreement with the gentleman from Illinois [Mr. MADDEN] for him [Mr. MADDEN] to make a motion to recommit the Post Office bill, so as to shut out another Member from making a motion to recommit the Post Office appropriation bill with instructions to report back the bill with a parcel-post amendment, and that Speaker CLARK agreed to carry out the plan, a plan which the Member is reported to have denounced in these terms:

This piece of trickery is the most scandalous defiance of the rules of the House we have witnessed in many a day. * * * The whole affair is a dirty deal, and the people who have been fighting for a parcel post for many years ought to know it.

To this the gentleman from Illinois [Mr. MADDEN] replied in the following language under date of May 8, 1912, page 6070:

Mr. Speaker, I would like to be allowed, if this is a question of personal privilege, to make a statement.

The SPEAKER. The Chair thinks it is a question of personal privilege, and the gentleman may proceed.

Mr. MADDEN. In the course of the proceedings on the Post Office appropriation bill, as everybody in the House knows, there was a good deal of legislation recommended. * * *

During the consideration of this bill the gentleman from Missouri [Mr. SHACKLEFORD] introduced an amendment to the bill, which provides that every rural-route road in the United States shall be classified; that the classes of roads shall be numbered A, B, and C; that class A shall receive $25 per mile per annum for the privilege of delivering the mails; that class B shall receive $20 a mile; and that class C shall receive $15 per mile.

During the consideration of this amendment I spoke against it, and I tried to have it modified so as to cover all delivery routes, whether within cities or in the country. But while I was trying to have it amended I still said, frankly, that I was opposed to the principle involved in it, first, because the Government of the United States is paying at the present time $1,000 per annum to each rural carrier who is employed by the Government for the delivery of the mail to the citizens who live on rural routes, and this bill provides that that compensation shall be increased to $1,074. And it looked to me to be not only unfair but unjust and unwise for the Government of the United States to seek to compensate the farmer by the payment of $25, $20, or $15 per mile per annum for the privilege of passing along the highways to deliver the farmer his mail. I was strenuously opposed to it. I am opposed to it now.

There was another provision introduced into this bill as an amendment from the floor. That provision was introduced by the gentleman from Indiana [Mr. BARNHART]. It provided for the publication of the names of all the stockholders and the officers and controlling managers of all the newspapers in the United States, and for other information which I did not think the Government ought to impose upon the newspapers of the country. And so I was opposed to that.

But both these measures were adopted, and when the bill came from the committee to the House, as a member of the Committee on the Post Office and Post Roads I felt that, as I was opposed to these measures in the bill, if no other member who outranked me on the Committee on the Post Office and Post Roads wished to introduce a motion or make a motion to recommit, it was my right to do so, and I rose in my place as a Member of the House and as a member of the Committee on the Post Office and Post Roads, and I exercised my right under the rule to introduce a motion to recommit with instructions to strike out the two items that I have described.

My colleague rose in his place, and he requested me to allow him to make the motion. I refused. He wanted to introduce a motion to recommit with instructions to report back a parcel-post bill which he himself had introduced only the night before, which no man in the House had ever read, which had never been sent to any committee or been considered by any committee.

* * * * * * *

Now, one thing more. The statement made by my colleague to the effect that I entered into a plot with anybody is false in every particular. [Applause on the Democratic side.]

I entered into no plot, no scheme, and had no understanding. I stood on the floor of the House exercising my rights as a Member of the House, and particularly exercising my rights as a member of the Committee on the Post Office and Post Roads, whose bill was under consideration. I had no contract with Mr. MOON of Tennessee. I had no contract with the Speaker of the House. If the Speaker of the House knew that I was going to make a motion, he knew more than anybody else did, for I did not talk to anybody about what I was going to do. I had no talk with Mr. MOON of Tennessee. I had no arrangement with the Speaker for recognition. I rose in my place and made the motion. I was recognized. It was perfectly in order. I see no reason why I should not be recognized. I see no reason why the minority leader of this House should feel called upon to criticize me in the public press for doing my duty on the floor of this House as I understand it. [Applause on the Democratic side.] If he had any criticism to make of me and of my action, his place to criticize me was on the floor, where I could reply to him. He had no right to go into the newspapers and characterize my attitude as "an infernal plot." I want to say to him that my motives are as pure as his. [Applause on the Democratic side.] I have no interest in doing anything that is not for the best good of the country. Of course, my colleague thinks that what he does not do is not properly done. I am sorry for that. [Applause on the Democratic side.] He thinks that all the wisdom and all the integrity of the country is bottled up in him, and I deny it. [Applause on the Democratic side.] I have great admiration for his genius, for his ability, but I frequently have to doubt the wisdom of his judgment. [Applause on the Democratic side.]

I want him to distinctly understand, and I want the people of my district and of this country to understand, that I am here as one of the entities of this House, as one of the Members of this House, with a certificate as big as that of any other Member of this House, and I am not going to be directed in the attitude I am to assume on great public questions by the attitude of the minority leader, unless he agrees with me and I agree with him. [Applause on the Democratic side.]

Now, he never spoke to me in connection with the motion that he proposed to make. I had no understanding of what he proposed to do. I did not know he had talked to Mr. GARDNER, or that he had talked to anybody, and I did not care, so far as that goes. He had not talked to me. Perhaps he did not think it was worth while to talk to me. [Laughter on the Democratic side.] I protest against any such slan-

derous statements as have been made by my colleague. Every word uttered by him is a deliberate falsehood, so far as it relates to any combination or any plot that I was in with the Speaker of the House or anybody else. [Applause on the Democratic side.]

Evidently there are those after these years of struggle and all the publicity given the rules and the fight made on the rules of the House who believe that by misrepresentation they can fool the people to believe that any and all Members of the House are permitted to make motions at any time and on all questions and that any amendment, whether germane or not, is in order on all bills at all times. That is not the case. True, the rules were amended, and greater privileges were extended to Members, but some of the rules have been thrown overboard by our Dmocratic friends. Be that as it may, nobody has ever proposed nor even dreamed of making an amendment not germane in order on any amendment or bill. It may also be proper to state that section 765 of the Rules of the House provide that "one motion to recommit shall be in order, and that the Speaker shall give preference in recognition to a Member who is opposed to the bill or joint resolution." Section 738 provides that when two or more Members rise at once the Speaker shall name the Member who is first to speak.

This under interpretation of Speakers and under the practice of the House; the question of recognition is lodged with the Speaker, and the rulings and practice of the present and previous Speaker have been to give preference to Members of the committee—first, the chairman of the committee reporting the bill; next, members of the committee, in the order in which they rank, if opposed to the bill. Hence, under the rule and practices of the House, members of the committee have claim to prior recognition. That is exactly what was given in this case. The gentleman from Illinois [Mr. MADDEN] was a member of the committee and opposed to the bill. He asserted his right, and was properly recognized. Under the rule, germane amendments to the amendment proposed in Mr. MADDEN'S motion to recommit only were in order unless made in order by a special rule. In this case we had no special rule. I might state further that the moving and adoption of the previous question in effect shuts off debate and amendment.

The statement by the gentleman from Illinois [Mr. MADDEN] sets forth what his amendment proposed to do, and that was to strike out the section which provides for the Government aid of $15 to $25 per mile for the building of country roads, and that he, as a member of the Committee on the Post Office and Post Roads, was, under the rules and practices of the House, entitled to prior recognition, and that he exerted his right as a member of that committee, a right that could not be denied him under the rules and practices of the House; hence if any Member had, as alleged, in mind offering a parcel-post amendment it could not, under the rules of the House, have been done. As stated by Speaker CLARK at the time, only germane amendments to the Madden amendment—the good-road section—would have been in order; hence a vote for ordering the previous question was to shut off debate and amendment, not parcel-post amendment, however, but amendments germane to the Madden good-road amendment, or such amendments as had been offered by Mr. MADDEN in the Committee of the Whole—that is, to extend the Government aid of from $15 to $25 per mile to all roads, whether in the city or in the country. Hence many of us who believed that such amendment would jeopardize the passage of the good-road proposition and who voted for the previous question in order to shut off objectionable amendments thereto, and who were really for the good-road proposition, and who believe that the people in the country were entitled to the small recognition of the Government contributing from $15 to $25 per mile for the building of the roads and who had earnestly and persistently advocated and worked for such legislation for years, naturally voted for the previous question in order to shut out good-road amendments that might jeopardize the passage of the good-road section, and for voting on a question which had nothing to do with parcel post whatever, a question that could not, under the rules and practices of the House, at that stage of the proceeding be considered. For that we are charged with being against parcel-post legislation.

Even if it could have been considered, and even if the gentleman from Illinois, Mr. MANN'S, parcel-post amendment had been germane and would have been in order, the gentleman did not, so far as I know, take us into his confidence any more than he did his colleague; and, as none of us were mind readers, we were in the dark as much as his colleague was, and knowing nothing about the amendment, we knew nothing about its merit; and inasmuch as the proponents of the amendment failed to take us into their confidence or indicate to any of us what amendment he proposed to offer, and having no knowledge of what was proposed to be done, the statement made by the gentleman from Illinois [Mr. MADDEN]—

That every word uttered is a deliberate falsehood so far as it relates to any combination or plot that he was in with the Speaker of the House or anybody else—

seems to fit our case also. When the Post Office appropriation bill was under consideration, and after the amendment providing for the Government to take over the express companies was defeated, I immediately went over to the gentleman from Oregon [Mr. LAFFERTY], who offered the amendment in the Committee of the Whole, and requested him to make the motion to recommit, to instruct the committee to amend and forthwith report the Post Office bill back to the House with an amendment to take over the express companies. The amendment and motion was prepared; the gentleman from Oregon [Mr. LAFFERTY] tells me that he went to see the Speaker and requested that he be recognized to make such a motion. The gentleman tells me that the Speaker informed him that he had pursued the course of giving preference to members of the committee, and could not promise to recognize him. If you will turn to CONGRESSIONAL RECORD, May 2, 1912, you will find that the Speaker said:

If any gentleman who has charge of a bill desires to offer a motion to recommit, the Chair has generally recognized him, and the Chair thinks that course ought to be pursued.

I was one of the 15 Members who voted for taking over the express companies in order to insure a lower rate on parcels to the Government, and now, having done everything in my power to place the express companies under the Interstate Commerce Commission, in giving that commission power to regulate express rates or the same power which it has over railroad companies, and having voted to put them out of business, I am charged with voting against the public and in the interest of express companies. These misrepresentations are on a par with others sent out. Now, what is there to the whole thing? The statement made by the gentleman from Illinois [Mr. MADDEN] was absolutely correct. My contention has been that in view of the fact that the express companies pay the railroads on an average less than 1 cent a pound for carrying express, and that the Government pays the railroads on an average more than 4 cents a pound for carrying mail matter, naturally the railroads want the express business transferred to the mail cars, as it will add to their revenue more than $3,000,000 for every million dollars' worth of express business thus transferred. While many contend that it should be done, I have never seen my way clear to accommodate the railroads in this respect. I have contended that railway mail pay should be reduced; if not, the Government should take over express contracts and get the benefit of the low rate given the express companies, and when that is done it will be possible to provide for a comprehensive parcel post. Now, a word about the so-called Mann bill, the one which it was alleged was to be offered by the gentleman from Illinois [Mr. MANN]. I am informed that the bill was prepared by a number of distinguished gentlemen; that it came to light the day or night before it was to be offered by the distinguished gentleman from Illinois [Mr. MANN]; that it was identical with one introduced by the gentleman from Minnesota [Mr. ANDERSON]. Upon examination I find that the rate proposed in this wonderful document is 38 cents on 11 pounds in the 100-mile zone; the express rate proposed by the Interstate Commerce Commission on 11 pounds in the same zone is 26 cents. The rate proposed in the Mann bill in the 300 to 900 mile zone on 11 pounds is 70 cents; the proposed express rate is from 32 to 44 cents. The rate on 11 pounds in the 1,150 to 1,800 mile zone is $1.02.

The proposed express rate is from 50 to 54 cents. The rate in the Mann bill on 11 pounds over 1,800 miles is $1.32. The proposed express rate is 65 cents. Behold, what a marvelous structure; poor express companies; these express monopolies; these high-handed stockholders of the express companies are now to be deprived of their juicy millions of profits; the destruction of the express companies is to be complete and the express monopolies to be doomed forever, and the dear rural people in the city of Chicago, who are so near and dear, are forever to be made happy and prosperous. Think of the wonderful results to be obtained in the interest of all the people by this crushing blow to be dealt to the express companies. What a benefit it will be to the people to pay twice as much for parcel-post service as is to be charged by the express companies, according to the findings of the Interstate Commerce Commission, and how this express monopoly will have to suffer by having to compete with Uncle Sam, who is to charge twice as much for a similar service. Just imagine a merchant charging $1.32 for 11 pounds of sugar

and one across the street selling 11 pounds same kind of sugar for 65 cents; or where a city express charging 70 cents for carrying 11 pounds and another charging 32 cents for a similar service—which of these will the public patronize? According to the conclusions reached by the proponents of this bill, the public would with "joy and satisfaction" patronize the higher price. If not, certainly any parcel-post bill which provides for a higher rate to be charged than the one charged by express companies will be of no benefit to the public. By what logic or rule of reasoning can anyone reach the conclusion arrived at by proponents of the bill?

I confess that I can not agree with them. I have talked with representatives of the State granges and other organizations who have been here in the interests of parcel post, men who have been here asking for a self-sustaining and beneficial parcel post, men who want a square deal for everybody, men who have no interest in either the express companies or the railroad companies, and they seemed to take the same view of it as I do, but the proponents of the bill claim that it is in the interests of the people, and I give them credit for being as sincere and conscientious in their contention as I am, yet I beg to differ with them, as I believe that the only beneficiary under this bill or any other parcel-post bill now being considered by Congress will be the railroad companies. And it seems to me that it must be clear to everybody that as long as the Government pays on an average three times as much for carrying mail matter—and the rate on parcels would be the same—as the express companies charge on an average for all the service, and four to six times that paid by express companies to the railroads for carrying express, the Government can not compete with the express companies, and unless it can give the service at as low a rate as charged by the express companies it will be of no benefit to the public. Let me call your attention to the rate proposed in the several bills reported and now under consideration, and compare it with the proposed express rates according to the findings of the Interstate Commerce Commission. I give the rates as they are given in the table printed in the Senate report and in the so-called Moon bill and the Mann bill:

	Express.	Bourne bill.	Moon bill.	Mann bill.
For 100 miles	$0.26	$0.46	$0.15	$0.38
For 150 miles	.28	.46	.26	
For 300 miles	.32	.57	.37	
For 450 miles	.34	.68	.48	
For 600 miles	.39	.68	.59	.70
For 750 miles	.41	.79	.70	
For 900 miles	.44	.79	.81	
For 1,150 miles	.50	1.00	.92	1.02
For 1,200 miles	.53	1.00	1.03	
For 1,350 miles	.54	1.00	[1]1.24	1.32
For 1,500 miles	.65	1.11	1.32	

[1] Over 1,800 miles.

In comparing the rates agreed upon in conference I find that they are the same as fixed in the Bourne bill, except that the rate to be charged in the 50-mile zone is to be 35 cents for 11 pounds, and the rate for 1,800 miles or more is fixed at 12 cents a pound, or $1.32. This I believe is sufficient to point out the difference of opinion between these gentlemen as to rates that should be charged for carrying parcel posts. Here we have the conclusions of experts. First, the Interstate Commerce Commission as to what rate should be charged for express; next, the chairman of the Post Office Committee in the Senate and the chairman of the Post Office Committee in the House, both gentlemen of ability and many years of study and experience, together with the aid of the experts of the department as well as the experts of the Interstate Commerce Commission, all working hand in hand endeavoring to wisely solve this all-important problem, yet each one reaching a different conclusion; besides we have the conclusions of the distinguished gentleman from Illinois [Mr. MANN], who has served upward of 20 years on the Committee on Interstate and Foreign Commerce, who all these years has been studying the transportation problem, a student with exceptional industry and ability, reaching a still different conclusion. The Senate conferees fixed the rate on 11 pounds in the 100-mile zone at 46 cents, which is three times as high or 31 cents higher than that fixed by the House committee or the so-called Moon bill, and nearly twice the rate or 20 cents higher than the rate fixed on express by the Interstate Commerce Commission, and only 8 cents higher than one fixed in the so-called Mann bill. In the 300-mile zone the rate fixed is 25 cents higher than that fixed by the Interstate Commerce Commission and 20 cents higher than in the Moon bill, and 13 cents less than in the Mann bill. In the 1,500-mile zone the rate fixed is 46 cents higher than the one fixed by the commission for express and 22 cents less than the one fixed by the Moon and Mann bills.

You will notice that in every instance the rate is fixed much higher than the rate fixed on express. In many instances it is double and in some even more than double, as, for instance, in the 350-mile zone the proposed express rate is 33 cents and in the Bourne bill 68 cents. In the 400-mile zone the proposed express rate is 34 cents; in the Bourne bill 68 cents. In the 1,150-mile zone the proposed express rate is 50 cents, and in the Bourne bill, the one agreed to in conference, the rate was exactly double, or $1.

Gentlemen, this I believe is sufficient to show that neither of these bills proposed would be of any benefit to the people, as the rate is much higher than the express rate, and that Congress is in need of light on the subject; that we should know more about the probable cost of the service to the Government before we go headlong into such important legislation, and I regret exceedingly that no provision has been made for expert information as to the probable cost of this service so that we might have more definite information on which to base parcel-post legislation, so that when legislation is undertaken it can be disposed of intelligently and wisely and not by a mere guess.

First we should decide whether we are going to legislate in the interest of the railroads or the people. If for the people we must first make a comprehensive parcel post possible by reducing the present cost of the service, not only the difference between the railway mail pay and that paid railroads by the express companies, but there must also be a reduction all along the line. If it is decided to legislate in favor of the railroads, then legislate without reducing the railway mail pay and the Public Treasury will have to foot the bill and all will be well with the railroad. Is there any question about it?

If so, I call your attention to the weighing of all mail matter in compliance with the direction of the provisions of the act of March 2, 1907, in the Post Office appropriation bill all mail matter and equipments used in connection therewith and empty equipments dispatched were weighed for the period from July 1 to December 31, 1907, and which is reported in Table B to be: Total weight of mail matter, 618,130,722.15 pounds; equipment carried in connection therewith, 414,073,490.9 pounds; empty equipment dispatched, 53,848,134.1 pounds; total weight of domestic mail and equipments, 1,086,052,348.2 pounds for six months. If you multiply it by two you have—total mail matter, 1,236,261,444.3 pounds; total equipments, 935,843,250.6 pounds; or a total of 2,172,104,696.4 pounds. These figures, of course, are necessarily estimates, because the mail carried in the first six months of the year varies from the amount carried in the last six months. When the Post Office appropriation bill was under consideration in 1910 the distinguished chairman of that committee [Mr. WEEKS] furnished the House with this information—see CONGRESSIONAL RECORD, February 24, page 2348. The department estimates the net weight of the mails for 1908 as follows:

	Pounds.
First class	167,502,610
Second class	785,833,110
Third class	179,694,654
Fourth class	58,889,400
Franked	4,531,080
Departmental	43,092,474
Foreign	60,814,956
Total	1,300,358,284

It is estimated that 200,000,000 pounds of mail matter is not carried by railroads, as, for instance, such as sent out on rural free delivery, star routes, and local delivery, direct from the post office where received. Much of the city mail is local and much of the foreign mail matter is sent direct from post offices with ports receiving the mail, as, for instance, New York, Philadelphia, Boston, and a number of other ports; and it is generally agreed that 200,000,000 pounds of mail matter is not carried by the railroads. If you deduct the 200,000,000 from 1,300,000,000, it leaves about 1,100,000,000 pounds which is carried by the railroads.

The Government paid the railroads that year practically $50,000,000, which made the rate per pound more than 4½ cents. The Interstate Commerce Commission report is given as follows:

Summary of traffic for April, August, and December, 1909.

Number of pieces		71,013,295
Aggregate weight	pounds	2,329,342,192
Average weight per piece	do	32.80
Revenue		$35,856,551.56
Average revenue per piece	cents	50.49
Average revenue per pound	do	1.54

In making the comparison the distance of the haul of the express and the mails should, of course, be taken into consideration. There seems to be no data on which to base the estimate with any certainty, as that matter has not been thoroughly investigated either by the department or the commission. However, we have the reports of the department and numerous other estimates. The department's report, based on one month's weighing in 1907, estimates the average haul of first class, 507 miles; second class, 602 miles; third class, 672 miles; fourth class, 687 miles; sample copies, 873 miles; transient, 698 miles; franked, 750 miles; penalty, 782 miles; and the average, 620 miles. I am informed by the Interstate Commerce Commission that it, in analyzing the reports from 200 cities of populations of 25,000 or over, estimates the average haul of the Adams Express Co., moving 15½ per cent of the entire number of pieces moved on August 18, 1909, at 249 miles; and the United States Express Co., moving 14½ per cent of the entire number of pieces for December 22, 1909, at 188 miles. This would indicate that the haul of the mails is longer than the average haul of express; but they are estimates in the one case for one month only and in the other for one day only; and that from 200 cities only, and, of course, the average haul over the whole system would be much greater. As before stated, we have no data on which to base any estimates with any degree of accuracy; but even if these estimates are correct, the average haul of the mails is less than twice that of express, and even if that were the case there would be no justice in this Government paying five or six times the rate paid by express companies.

But you say that this is not a fair comparison; that the parcels handled by the Post Office Department are less in weight and much greater in number than those handled by the express companies, and that they require more space in cars and help in sorting and handling, and therefore the Government should pay more per pound for carrying mail matter than express companies should pay for carrying express. That may be as to the first, but not the last.

The railroads have nothing to do with sorting, loading, or unloading mail matter. Mail matter is handed to them in lots varying from a single letter to trainload lots, the bulk of it in carload lots. We have solid trains carrying nothing but mail going through Washington every day. Railroads simply carry it and the Government sorts and looks after it while in transit.

What more is needed? Here we have the number of pounds and the amount paid which makes it easy to ascertain the average cost per pound. Here we have the Interstate Commerce Commission report, giving the weight and number of pieces, revenue, and average charge made by express companies for each piece, and per pound, the rate paid the railroads by express companies being about half the rate charged by it for its service—the railway mail pay being about six times as great as the average express rate. What more is needed to convince anybody that there should be a readjustment of the postal service in order to make a beneficial parcel post possible? If so, why not reduce the railway mail pay or take over the express companies' contract and put the Post Office Department on a business basis? Why not go at it in a businesslike manner to first ascertain and consider the cost of the service and then fix the rate to be charged? Why not dispose of this all-important matter the same as any other business proposition in order that we may do the right thing by everybody? I have no criticism to offer. I know that the members of the committee, and especially the conferees, have put forth an honest effort to enact into law a comprehensive parcel post, and with due respect to their ability and judgment I believe we should first give honest and thoughtful consideration to the readjustment of railway mail and the taking over of express companies' contracts, and I repeat what I said when the Post Office appropriation bill was up for consideration. With these facts before us, it seems to me with this difference in rates paid by the Government and the express companies, that the only way open to Congress in securing justice to the public is for it to take over the express companies, and certainly if the railway mail pay can not be readjusted and made a reasonable and a just one.

If the rate paid by the Government for carrying mail matter can not, under the rules of the House, be readjusted and made a reasonable rate, we can, by taking over the express companies and their contracts, transfer much of the mail matter, such as equipments, empty sacks, second-class matter, and parcels, to the express cars at express rates, which will be carried at less than 1 cent a pound instead of 4 cents per pound, the present rate paid, and if one-half of the mail matter can thus be transferred—or, say, 700,000,000 pounds of mail matter can be carried in express cars at the rate of less than 1 cent per pound instead of 4 cents, now paid, the Government will save more than $21,000,000 in transportation charges on the 700,000,000 pounds. And the saving in transportation for two years would pay for all the property necessary to be condemned or purchased from the express companies. This can be done without any injury to anybody. The express companies would be paid a reasonable price or full value for property condemned or purchased. The railroads would be paid the same rates which they are now being paid for carrying express and mail matter. The only difference to them would be that they would carry less in mail cars but more in express cars. The twenty to twenty-five million dollars saved to the Government thereby would, of course, reduce the revenue of the railroads correspondingly, but no one contends that railroads are underpaid by the express companies, hence the twenty to twenty-five million dollars gained to the Government would do no injustice to the express companies or the railroads. With these facts in view, and especially the thousands of overcharges made by express companies claimed to be errors, the excessive rate paid the railroad company by this Government, the saving that can be made in transportation of mail matter—while I do not favor Government ownership in general—I believe that unless we can right this wrong I shall feel it my duty to vote to take over the express companies' contracts and what property needed to carry on the express business by the Government. It has been said that this is a step in the direction of socialism. It is no more Government ownership or socialism than the building and operating the Panama Canal, the postal business, the owning and operating of boat lines between New York and Colon, or the Panama Railroad, or the owning and operating of the Government Printing Office, and numerous other things. Call it by what name you choose, the express companies and railroads have made it necessary to take the step in order to secure a square deal.

In view of the fact that the express companies are organized and operated by the few stockholders who control railroads for their own personal gain and to deprive their stockholders of their share of profit on the business diverted from freight to express, no injustice will be done to the stockholders of the railroads in general in taking over the express. It will simply transfer the express business from those wrongdoers to the railroads proper and the Government, where the express business properly belongs, or at least as much as the freight and postal business is a function of the railroads and the Government, respectively, and in my opinion it should be done, not only in justice to the stockholders who do not now share in the profits of the express business, but in justice to the public, now burdened with the present exorbitant charges for carrying mail matter. But it is claimed that Congress has not the power to take over the express contracts. If not, it has the power, after taking over the express companies, to fix just and reasonable rates for the service. And as no one contends that the rates given the express companies are low, no Congress, commission, or person authorized to make contracts with the railroads for carrying express for the Government would dare to increase the rate now paid by express companies. Hence, if the courts should hold that Congress has not the power to take over the express contracts, the Government would attain the same results and get the benefit of a 75 cents per hundred pound rate instead of a $4 or $4.50 rate. But the contention is that it would be unjust for the Government to take over the express companies and to "put them out of business." If express companies are merely subcompanies, organized, owned, and operated by a few stockholders in control of railroads for the purpose of robbing other stockholders, the express companies have no more right to existence than have the subcompanies of the Beef Trust or any other illegitimate enterprise.

The consumer, the merchant, the manufacturer, the farmer—in fact, every patron of the express companies—are entitled to better treatment than they have heretofore received at the hands of the express companies. The taking over of the express companies may not reduce the express rates to the public; as under our form of government, with its lack of proper business methods employed and its expensive way of conducting business in general, it is not possible for the Government to compete with private enterprises, with their modern and best business methods, but it will save the Government more than $20,000,000 annually in the transporting of mail matter; besides, it will do away with the thousands of overcharges and manipulations of schedules, and will insure to all patrons of the express a uniform and possibly a lower and reasonable rate. It will make the Post Office Department self-supporting and make 1-cent postage possible.

William Howard Taft.

EXTENSION OF REMARKS
OF
HON. WILLIAM J. BROWNING,
OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. BROWNING said:

Mr. SPEAKER: Under the privilege accorded me to extend my remarks in the RECORD, I desire to give place to a tribute paid President Taft in the leading article of the April number of the Yale Review by A. Maurice Low.

The article is as follows:

WILLIAM HOWARD TAFT.
(By A. Maurice Low.)

With the exception of Lincoln, no President has entered the White House under circumstances so fully to try his courage and so thoroughly to test his character as President Taft. With the exception of Lincoln, no President has been so little understood as Mr. Taft. And save Lincoln, there has been no other President whose motives have been so maliciously questioned or whose contemporaries accused him of weakness because he had the courage silently to carry out his own policy.

Mr. Taft was under obligations to his predecessor, yet he disapproved of many things that his predecessor had done, and felt it to be his moral duty to undo much of his work. A sensitive man, to whom friendship is a very precious thing not to be lightly tossed aside once it has been given, Mr. Taft was placed in a position of extraordinary delicacy and embarrassment. To Theodore Roosevelt he owed much. Nothing so hurts a man of small mind as to lie under an obligation; it is a debt from which he would willingly escape, and to salve his conscience he persuades himself that the service was much smaller than he believed at the time. A man of larger caliber is conscious only of the friendship of which he has been the beneficiary, and would repay it with accumulated interest.

Mr. Taft had no hesitation in admitting his debt to Mr. Roosevelt. He had been Mr. Roosevelt's Secretary of War. Twice he had been offered by Mr. Roosevelt a seat on the Supreme Bench of the United States. Mr. Roosevelt had beaten down all opposition to his nomination and had exerted his great influence—at that time so powerful that he was the dominating force in politics—to carry through the election. A man unmindful of all that Mr. Roosevelt had done for him would be an ingrate. Mr. Taft is no ingrate. Before his nomination as well as after, before his election as well as after he entered the Presidency, Mr. Taft showed repeatedly his gratitude. Some persons thought then that his exaggerated idea of friendship injured him; he was made to appear a weak man; unable to stand squarely on his own feet, one who must find support in a more virile arm. Mr. Taft, it was said, would be merely a colorless imitation of his predecessor, entirely under his control, who would do nothing either to displease him or that he did not inspire. It was the same thing that Europe said of the German Emperor when he came to the throne and was looked upon as a puppet in the hands of Bismarck. The Emperor sensationally showed that he was his own master by dropping the man who would be master; and if a man has to do a thing with the eyes of the world upon him, it is perhaps well that he shall do it as sensationally as possible. Mr. Taft is no lover of sensation. He hoped to repair the injury that Mr. Roosevelt had done and yet not forfeit his friendship. It was a fine ambition, but it was impossible. Mr. Taft could retain Mr. Roosevelt's friendship and gain his approbation in only one way, and that was by walking in the footsteps of his predecessor and continuing to do those things that Mr. Taft could not sanction. There is no spiritual contact between the two men; mentally they are as unlike as they are physically; nothing better illustrates the gulf that separates them than that the one finds his amusement in the gentle game of golf, while the other arms himself with a rifle and kills for the love of slaughter.

When Mr. Taft entered the White House he faced a Nation in hysteria. Agitation was popular, denunciation was encouraged, discontent was fostered. It was a day of big words and small deeds. It was the fashion to call men dishonest and to attribute to them unworthy motives. There was an insensate cry for reform, but there was no reform. The people were being driven into that mental condition where they were ripe for any folly, which might easily take the form of violence. Demagogues had pandered to passion and prejudice and ignorance. They had demanded the passage of new laws in the supposed interest of the people, when the old laws, if rigidly enforced, would have corrected many of the evils that admittedly existed. Honesty had been preached and dishonesty was practiced; equal justice to all had the ring of sincerity, but favoritism was rampant and exact justice denied.

Mr. Taft's duty, as he saw it, was simple. It was to bring the country back to its balance and to restore sanity to the people. Like individuals, nations have attacks of nervous prostration, when their nerves go to pieces and their digestion is impaired, when they jump at their own shadows and are startled by the sound of their own footsteps. The nerves of the American people were badly "rattled" during the years between the death of Mr. McKinley and the election of Mr. Taft. The cure for nervous prostration, the doctors tell us, is to divert the patient's mind while building up his body; the man who has a sound mind in a sound body need have no fear that his nerves will get beyond his control. Mr. Taft felt that he was called upon to be the physician to the body politic. As the physician of the Nation Mr. Taft was placed in a peculiarly delicate position. His easiest method of effecting a cure was to tell his patients that for a long time they had been making fools of themselves and could thank their own folly for their shattered nerves; that they were victims of delusion; that what they thought was dishonesty and rascality was merely a figment of their overexcited imaginations; that the pain of which they complained was annoying but not fatal, and would yield to treatment if they heeded his advice; that they had stubbornly refused to take the remedies of a skillful physician so that they might dose themselves with the nostrums of quacks. But that would have been a reflection on his predecessor; and, in the disordered state of the public mind, Mr. Taft believed, instead of assisting, the cure would have aggravated the disease. That, I believe, was an error of judgment. It would have been better for Mr. Taft's fame and he would have been saved a great deal of annoyance had he taken the country into his confidence in the first place and frankly announced that he proposed to carry out his own policies, without regard to those of any of his predecessors, even reversing some of them if necessary, relying on the support of men whose sense of justice would make them give whatever he proposed a fair test, and meeting squarely the opposition of those who were more interested in wrecking his administration than they were in bringing about needed reforms. That, of course, Mr. Roosevelt would have resented and taken means to show his displeasure; but as the President was bound sooner or later to incur his disapproval, the inevitable might have been postponed, but could not be avoided. Mr. Taft, however, thought proper to adopt other methods.

In his rôle as physician of the Nation, the first thing Mr. Taft had to do was to rid the patient's system of the toxin of sensation. He determined that his administration might be accused of being dull, but the charge of being sensational could not with justice be brought against him. Without blowing of trumpets or beating of drums, he would enforce the law and set about to secure the passage of such other laws as were necessary. He would give no encouragement to the agitator, the alarmist, or the muckraker. Making no parade of his own sincerity or honesty, believing that the average American is honest and well-meaning and of good intentions, even if at times he is foolish, Mr. Taft was encouraged to think that the example he set would have good results and the country would come to see that there was no occasion for despair and that the future held its promise of hope. Not to talk, but to do, was the motto he adopted. There was a great work to be done, and only infinite patience and high courage and a resolute purpose could achieve results. There was in this nothing of the spectacular and little that appealed to the imagination. The law is a dry subject, and it was as a lawyer that Mr. Taft prepared his case for his client, the American people, who had retained him to see that justice was done them. The ethics of the profession forbid advertising, and the client, who frequently considers himself competent to instruct his counsel, became impatient because his plodding attorney was more concerned in the verdict than in what the newspapers said.

I think Mr. Taft pushed his policy too far and that he would have made his task lighter and strengthened himself had he appreciated the value of a certain amount of dignified publicity, and yielded slightly to the national weakness to have its curiosity satisfied; but to that he would probably reply that the use of the word "policy" in this connection is a misnomer, for it connotes a carefully thought-out scheme, while he simply did in the White House what he had always done, and that was to go about his business without fuss or feathers. Mr. Taft is a very human man, and no barrier separates him from the people,

although he does not continually make parade of his democracy and his great love for the unwashed; but in some respects he is very far removed from them, for the leitmotif of life to-day seems to be to establish a reputation by headlines in the press, and the statesman who has not at least some of the skill of the publicity agent will be at the best only a moderate success and may consider himself lucky if he escapes being written down an absolute failure. For that sort of thing Mr. Taft entertains profound contempt, and although there were newspaper friends who would willingly have conducted a campaign in his behalf, he felt pledged under the circumstances to discourage them, for the more people could be induced to think for themselves and to be made to understand that government is a serious affair the sooner would sanity be restored.

Mr. Taft is one of the few Presidents of whom no stories are told in Washington and who is the author of neither epigram nor witty retort, so that the most genial of men has a reputation for being almost cold and indifferent to friendship, and the country has an entirely erroneous conception of his character. Yet there is one story I have heard that shows the man as he really is, and the purpose that animates him. A certain thing having been done by the President, the knowledge of which would have made for his popularity, a newspaper man suggested to him that, with his permission, he would give it publicity, which the President without hesitation vetoed. The man attempted to get the President to withdraw his objection, saying that it would certainly help him to have the facts known and it would cause the country to have a more just appreciation of him; to which the President replied that it made little difference what was said to-day or to-morrow, as he must await the verdict of history for approval or condemnation. As a last appeal, the newspaper man urged that history was being made from day to day and the historian of the future would draw on the daily press for the sources of his information; but the President said that the real historian, dispassionately weighing motives and men, would be influenced not by the trivial things of the moment, but by the obstacles surmounted, the results accomplished, and the good or evil that followed; and, anyway, the man who worried himself about what history was going to say instead of going about his day's work and doing it to the best of his ability was hardly the sort of person to become a historical character. What is to be said of a man who is so indifferent to his own interests as to scorn newspaper advertising?

There is no "copy" in Mr. Taft for the daily press, which is one of the reasons the press has found him such a disappointment. It was said of a diplomat who at one time represented his government in Washington that he had no tea-table talk to him, which is an accomplishment every diplomat should cultivate and in the long run is more valuable than brains. Mr. Taft has no gossip in him. He does not lend himself to the picturesque. He makes no speeches that manicure girls read or housemaids discuss. He does nothing to win the admiration of barkeepers—wasn't it Mr. Roosevelt who described them as "our only real leisure class"?—or to merit the approval of prize fighters. A "dull" man, truly; the same sort of dullness that Carlyle found in the Hohenzollerns, whom he describes as "a thrifty, steadfast, diligent, clear-sighted, stout-hearted line of men, with a high, not an ostentatious, turn of mind."

When Mr. Taft, as President, entered the White House he had a very clear and definite purpose in view. First, as I have already said, it was his hope to bring the people back to sanity; to put an end to senseless agitation; to heal them in mind and spirit. Secondly, to be the means of accomplishing certain constructive legislation which the country badly needed. Mr. Taft is no fatuous optimist smugly content with the thought that this is the best of all possible worlds and everything is as it should be. He is not a pessimist; but a man need not be a pessimist to see that there are many things that can be improved and that conditions can always be made better. The President is a man of singular directness of purpose, who goes straight to his objective and to whom the tortuous or the involved is detestable. If an American President were like a constitutional monarch, who reigns but does not rule, or if he were like the British premier, who rules but does not reign, he would, in the first instance, reign and leave party questions to his ministers, or he would avowedly be a party man and the throne would not be involved in domestic politics. But the President is both chief of the State and the head of his party; he must always be influenced by questions of policy, not the petty politics of the petty politician, who thinks only of his immediate gain, and he must remember that his policy, to be successful, must command the support of the party which he leads. No man knew better than Mr. Taft that he did not have the support of the insurgents—the men of whom it has been said that they feared they would be deprived of their grievance, who had been loudest in crying for reforms but who hung back when reforms were to be accomplished—yet he could not afford at the beginning of his administration to have members nominally of his own party in opposition to him or provoke their active resentment when by conciliation he might win their support. Mr. Taft has been criticized for having attempted to establish friendly relations with the insurgents instead of promptly turning his back on them, but it was the only course open to him. To have deliberately sought a quarrel was foolish; to afford them an opportunity to work with him was wise. Mr. Taft sacrificed no self-respect and abandoned no principle when he invited the cooperation of the men who more than any others were responsible for the feverish condition of the public mind.

Mr. Taft was not hopeful that his overtures would be accepted, but the attempt was worth making. He argued that if the insurgents were sincere, they would recognize his sincerity, and while they might want to go to greater lengths than he was willing to sanction—and he would give no encouragement to untried experiments in government and take no liberties with the Constitution—there was a middle ground on which they and he could meet and progress be made. It has been said to the disparagement of Mr. Taft that he is no politician and that had he served his apprenticeship in the gentle game of practical politics he would have made fewer blunders. One may take issue with the assertion that he has blundered, although that may be allowed to pass now; but one may recall with grim satisfaction that the same charge was brought against Mr. Cleveland. When Mr. Cleveland refused to sign a tariff bill because it violated the pledges of his party and insisted that the silver law must be repealed, because honesty demanded it, the political hacks cursed fate for having inflicted upon them a President who knew not even the rudiments of the art of politics. Mr. Cleveland is remembered and the men who denounced him have long been forgotten. Mr. Cleveland believed that the greatest politician was the man who did his work honestly and well, and in many respects Mr. Taft is not unlike Mr. Cleveland. There is something almost childish in the faith that Americans repose in their practical politicians.

Nearly every man judges his fellow man not as he really is but as he reflects himself. Mr. Taft measured the insurgents by his own standard, which was a mistake. He gave them credit for greater patriotism than they possessed. He was slow to believe that all their high-sounding phrases were fustian; but they left him no longer in doubt. The attempt to unify the party and to gain the support of the insurgents did Mr. Taft great harm. It laid him open to the charge of being more anxious to conciliate his opponents than to reward his friends, and nothing is more fatal to the success of a political leader, or will more quickly weaken the hold he has over his followers than to be suspected of ingratitude, or to be accused of cowardice in truckling to his enemies while he is indifferent to the claims of his friends. It was neither cowardice nor ingratitude that prompted Mr. Taft to adopt this policy, an injudicious one, I admit, but one which was perfectly justified under the circumstances, and was a failure only because the insurgents were determined to cling to their grievance. It was their sole asset, and if they parted with it they were politically bankrupt.

The men who have been most bitter in their opposition to Mr. Taft ought by right to have been his most ardent supporters. It is perhaps not unnatural that the Standard Oil Trust and the Tobacco Trust and the Steel Trust and various other trusts that have come under the harrow of the Department of Justice should regard Mr. Taft with unfriendly feelings; but the so-called progressives, who have denounced him as a reactionary and in league with the "interests," should have upheld his hands, for the only progressive legislation put on the statute books has been that initiated by Mr. Taft. For years an income tax has been demanded by the radicals, or the progressives, as they prefer now to call themselves, and yet they knew that an income tax was impossible so long as the decision of the Supreme Court declaring it unconstitutional stood. The demand for an income tax spent itself in futile agitation, which was very characteristic of insurgency. An income tax was impossible, but a tax on corporations, the next thing to it, was practical, and Mr. Taft proposed it, drew the bill, and made the corporation tax a law, a long step in the direction of the Federal control of corporations transacting an interstate business. This should have won him the gratitude of the progressives; yet far from recognizing in Mr. Taft a fellow progressive, they recanted their own principles by embarrassing the passage of the bill.

Similar was the action of the insurgents in regard to Canadian reciprocity. The Payne-Aldrich tariff bill had been de-

nounced by Mr. Taft's opponents in his own party as a vicious measure, a measure so bad that it was indefensible, and the President's approval of the bill was proof that he was in league with the "interests" instead of being the protector of the people. The merits of that bill I shall not discuss, for if the entire space of the present issue of this Review were given up to that discussion the question would still remain a disputed one; but conceding as a working basis that the insurgents were sincere in their belief, an opportunity was offered them to correct some at least of the inequalities and injustices of the bill of which they complained, by the passage of the Canadian reciprocity bill, yet it was the insurgents in both Houses who were loudest in their opposition and resorted to every device to make the policy a failure.

The struggle over the passage of the reciprocity bill epitomizes Mr. Taft's character and methods. When the bill was introduced at the end of the last Congress, men who were opposed to it, or were only lukewarm in its support, told Mr. Taft that it could not pass, as the time was too short to permit extended debate in the Senate. Mr. Taft said that if the bill was not passed at that session he would call an extra session of the new Congress; but this he was told would be suicidal, as the Democrats were in control of the House, and they of course would take advantage of the situation to embarrass the President. About that, Mr. Taft said, he cared nothing. If the Democrats wanted to play politics that was their affair and not his, and they would have to assume the responsibility. He had agreed with the Canadian Government that action should be taken on the measure with the least possible delay, and the faith of the United States was pledged to an honorable redemption of that promise. Members of Congress quite naturally are never in favor of an extra session, because as they are paid by the year and not by the job they prefer to draw their pay without having to work for it, and there are better ways of spending a summer than sweltering in the Capitol. Finding that Mr. Taft was firm and that he was resolved on an extra session if the bill was not acted upon, some of the men who were in opposition proposed a crafty scheme. The bill was to be permitted to be brought to a vote with the understanding that it should be defeated. That was an easy way out of the impasse. Mr. Taft's face would be saved, honor would be satisfied, the opponents of the bill could claim a victory, Mr. Taft could say he had done his duty, but it was within the legitimate province of Congress to act as it saw fit on any legislation, the Democrats would be kept out of power for another nine months, and Members of Congress could go about their own affairs instead of having to boil in Washington. Mr. Taft would have none of it. Congress, of course, had the right to reject the bill if it thought proper, for Congress had sole control over the enactment of legislation, but he would not become a party to a fraud. To bring the bill to a vote with the understanding that it was to be defeated was dishonest, and he would not countenance dishonesty. If the bill was defeated on its merits, that was one thing; but to set up the bill merely to knock it down was disgraceful.

Here again one finds a very striking parallel between the methods of Mr. Cleveland and Mr. Taft. When Mr. Cleveland said that the silver purchase law must be repealed, Democrats told him that his stubbornness would wreck the party. He was unmoved alike by appeals and threats. Would he consent to a compromise that would permit him to retire with the honors of war and yet permit his opponents in his own party to claim a victory? Mr. Cleveland would not; absolutely, positively, and emphatically he would listen to nothing that he knew to be a trick and accept nothing that stopped one inch short of unconditional repeal. To every suggestion that he was playing bad politics Mr. Cleveland made the short and uncompromising reply that he was doing his duty and not concerning himself with politics. Substitute reciprocity for silver and the scene is acted over again. Against Mr. Cleveland's firmness and courage and honesty his opponents were powerless. Mr. Taft carried reciprocity because he was inspired by the same high ideals.

Mr. Taft has been attacked because he has vigorously enforced the antitrust law and has brought suit to compel the dissolution of some of the most important monopolistic combinations in restraint of trade. It is said that he has brought confusion into business and disturbed the affairs of trade; that nothing has been gained by tearing apart the great combinations and much harm has resulted. Mr. Taft has made his position clear. An executive officer, he holds, must enforce the law as he finds it; he may not construe it to suit his own ideas, for that would clothe the executive with law-making powers, which would be a violation of the Constitution. Whether the Sherman law is good or bad is not for the President to say so long as it remains on the statute books. He can no more refuse to enforce the law because of the private opinion he holds than he can nullify the law for the punishment of counterfeiters or the manufacturers of illicit whisky. The fact that in the one case the defendants are rich and powerful and in the other poor and weak can make no difference to the administrator of the law; for the law is impersonal and blind.

If the Sherman law is a bad law and harmful, the power to remedy the evil is in the hands of Congress. The President can not repeal a law, and he is false to his oath if he permits a law to fall into disuse by failure to enforce it. Mr. Taft's views on the Sherman law are well known. In his special message sent to Congress on January 7, 1910, he said that it was the duty of the President to investigate all industrial companies "with respect to which there is any reasonable ground for suspicion" that they were violating the law, and he added:

> But such an investigation and possible prosecution of corporations whose prosperity or destruction affects the comfort not only of stockholders but of millions of wage earners, employees, and associated tradesmen must necessarily tend to disturb the confidence of the business community, to dry up the now flowing sources of capital from its places of hoarding, and produce a halt in our present prosperity that will cause suffering and strained circumstances among the innocent many for the faults of the guilty few. The question which I wish to bring clearly to the consideration and discussion of Congress is whether, in order to avoid such a possible business danger, something can not be done by which these business combinations may be offered a means, without great financial disturbance, of changing the character, organization, and extent of their business into one within the lines of the law under Federal control and supervision, securing compliance with the antitrust statute.

Again, in his message of December 5, 1911, the President said:

> I see no objection—and indeed I can see decided advantages—in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose denounced in the antitrust law. The attempt and purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business, or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers, and numerous kindred methods for stifling competition and effecting monopoly, should be described with sufficient accuracy in a criminal statute, on the one hand, to enable the Government to shorten its task by prosecuting single misdemeanors instead of an entire conspiracy, and, on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided.

Seldom has a man accomplished so much in such a short time as Mr. Taft. The legislation that has been enacted during the last three years makes his administration one of the most important in recent times; but far more important is the great service he has rendered in checking agitation and in bringing the people to have a respect for and to pay obedience to law. Reference has already been made to the excited condition of the public mind at the time when he entered upon the Presidency. It was probably not appreciated then, although we can realize it now, that had agitation been allowed to continue, grave consequences must have followed. It is impossible for the people to be told day after day by those in high places that they are the victims of dishonesty and corruption and greed, and not believe the truth of what they hear. The integrity of the courts can not be attacked without the people losing confidence in their judges; and to cast discredit on the judiciary is to undermine the very foundations of society. Makers of laws can not be aspersed and the people not lose their faith in the sanctity that properly belongs to law. To attribute improper motives to public men is to throw suspicion on their acts and cause them to be regarded as traitors to the State. Discontent is created and hatred fostered when the poor are told of the crimes of the rich and the rich are permitted to go unpunished.

Where the occasion exists, there, it is said, the man will always be found. Certainly there never seemed a time when the man was more needed for the occasion than three years ago, when fortune or fate made Mr. Taft President. His very defects were in his favor. He is not an all-round genius, nor does he delude himself into believing that he is. He knows his limitations. The brilliant man, the dashing, audacious, irresponsible man, hungering for notoriety and sensation, would have done incredible harm. A quiet, self-contained, matter-of-fact man was needed, able to think for himself, not afraid to act as his judgment and conscience dictated, daring to be unpopular if he were able to convince himself that he was right. Already the effect of the work can be seen. The public is in a healthier frame of mind than it was three years ago. There is still too much unrest, but it is gradually subsiding. Men are no longer tried on suspicion and convicted on rumor, but may claim a fair hearing. The cure is not yet complete, but the nerves of the American people have been restored under the skillful ministrations of William Howard Taft.

North Carolina Fraudulent Bonds.

EXTENSION OF REMARKS
OF
HON. JOHN M. FAISON,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, August 22, 1912.

Mr. FAISON said:

Mr. SPEAKER: In his speech of July 27, published in the CONGRESSIONAL RECORD of July 29, 1912, the gentleman from South Dakota [Mr. BURKE], in discussing the deficiency appropriation bill, stated that Messrs. J. M. Vale, Marion Butler, and Richard F. Pettigrew were among the attorneys for the Indians in several suits brought by them against the United States Government, involving $10,000,000 in one suit at one time, in which they were claiming not exceeding 15 per cent for attorneys' fees under a contract in 1897 obtained from the Indians in the West.

Mr. BURKE of South Dakota said: The attorneys in that proceeding were some of the same attorneys in the later proceedings when the judgment was obtained, and they claimed in the first case that they were operating under a contract which had been obtained from the Indians in 1897, which provided a fee of not exceeding 15 per cent. In that suit they were claiming $10,000,000 from the United States.

Mr. MANN. I would like to make another inquiry of the gentleman in this connection. As I understand, the gentleman who had the contract for representing the Indians in this case was a Mr. Vale?

Mr. BURKE of South Dakota. Yes, sir.

Mr. MANN. And there appears in the record in this case as counsel one Marion Butler and one Richard F. Pettigrew? I would like to make the bold inquiry whether these two gentlemen were Members of the United States Senate at the time that Mr. Vale secured his contract to represent the Indians in this matter?

Mr. RUCKER, of Colorado. The date will show.

Mr. BURKE of South Dakota. In answer to the inquiry of the gentleman, I would say that in the Forty-third Court of Claims Report, page 260, is the report on the case of the White Ute Indians et al. against the United States, and by reference to this opinion I find that the contracts were made in 1896—I think in November. At that time Mr. Butler and Mr. Pettigrew were Members of the Senate. The jurisdictional act, which sent the claim to the Court of Claims the first time, was under the Tucker Act, and so forth, in the Fifty-eighth Congress, first session, which would be in 1908, and the reason the suit was dismissed that was brought under that act was that the court said, and so forth (giving the cause of dismission).

Mr. GODWIN of North Carolina. Is it not a fact that at the time these contracts were made for the attorneys' fees, Marion Butler was then a United States Senator for North Carolina?

Mr. BURKE of South Dakota. My understanding is that he was.

Mr GODWIN of North Carolina. Is it not a fact that he afterwards became a law partner with this recipient of attorneys' fees, Mr. Vale?

Mr. BURKE of South Dakota. I think it is well understood that he is the law partner of Mr. Vale.

In another suit for White Ute Indians (see CONGRESSIONAL RECORD Aug. 12, 1912) against the United States Government a judgment was rendered for the sum of $3,516,231.05 due them up to June 30, 1910, with 6 per cent attorneys' fees amounting to $210,973.86. The judgment has not been paid, but the attorneys' fee was paid, and no further effort has been made by said attorneys to collect this judgment or Congress to pay it. Of this Mr. BURKE said:

Gentlemen, the attorneys have been paid and unless Congress makes an appropriation to pay this judgment in the near future I apprehend that these same gentlemen will probably get a contract with the Indians for the purpose of collecting the judgments; and when Congress makes the appropriation they will get $210,000 more; and therefore we ought to provide for its payment now.

The CONGRESSIONAL RECORD of March 2, 1911, when the Indian appropriation bill was before Congress, Mr. BURKE, in his speech in the RECORD of that date, stated that he had stricken from the conference report of the Senate $100,000 for attorneys' fees for the same attorneys, because there was no merit in the claim for the fee.

Mr. BURKE (CONGRESSIONAL RECORD, Mar. 2, 1911). The one upon which the Senate receded, namely, the withholding of $100,000 from the Colville Indians for the purpose of having the money to pay some alleged claim for attorneys' fees, a claim, in my opinion and in the opinion of the House conferees, without any merit.

In this connection, Mr. Speaker, I wish to refer to the conduct of two of these same attorneys. Ex-Senator Marion Butler, of North Carolina, and Ex-Senator Richard F. Pettigrew, of South Dakota, while Members of the United States Senate not only were attorneys of these Indians, but became much interested in the fraudulent reconstruction bonds of the State of North Carolina, which Mr. Butler had the distinguished honor to represent, or rather the great opportunity to represent, which bonds had been long since repudiated by the State of North Carolina because they were fraudulently issued during the reconstruction days of 1868 and 1869 for the purpose of building railroads authorized to the amount of $25,350,000, which railroads were never constructed, and most of these bonds were wasted in speculations in New York City, while not a single mile of railroad was constructed in the State of North Carolina. At the succeeding session of the same General Assembly of North Carolina, convening in November, 1869, composed of the same members, these bonds were repudiated because of such fraud and waste of the State's credit. In 1880 the people of the State adopted a constitutional amendment prohibiting the payment of such fraudulent bonds without submitting such payment to the people at some general election. Various suits were brought in the Federal courts involving the validity of these bonds, but all without avail. At length the holders, through their attorneys, devised a plan of getting the States to act as agents for collecting these bonds, but the Supreme Court of the United States held that that artifice would not answer. Thereupon the holders resorted to a device of donating some of the bonds to other States with a view to the donees instituting suit for their collection.

It was then that Senator Marion Butler, while a Member of the United States Senate from North Carolina, and his coadjutor, Senator R. F. Pettigrew, of South Dakota, these same Indian attorneys above referred to in the recent speeches of Mr. BURKE of South Dakota, procured the State of South Dakota to pass a resolution in its general assembly authorizing the governor of South Dakota to accept donations of bonds. And their clients, Shafer Bros., of New York, made a donation of bonds to the State of South Dakota with the hope that this would prove the entering wedge—open the door—so that holders of these fraudulent bonds could harass the State of North Carolina. They began by donating to South Dakota $10,000 bonds, whose validity had not been questioned by the State of North Carolina, but whose owners, Shafer Bros., had declined to accept the offer of compromise, which had been accepted long ago by all other holders of recognized bonds of the State. Those were the last outstanding recognized bonds of the State, and this claim was then adjusted to the satisfaction of the State of North Carolina and Shafer Bros., of New York. It is worthy of note that the United States Supreme Court in deciding against the State of North Carolina in favor of the State of South Dakota was divided 5 to 4 in its opinion.

And it is also to be remarked that Gov. Elrod, of the State of South Dakota, upon retiring from the office of governor, after the opinion of the United States Supreme Court was rendered, sent a message to the legislature of his State, which had accepted the Shafer Bros. bonds, amounting with interest to $27,400, regretting that his State had seen fit to accept the bonds, and hoped that the State of South Dakota would return the same to the State of North Carolina.

So encouraged by the result of the South Dakota bond suit the New York Bond Syndicate holding these fraudulent bonds offered to make large donations of these bonds to any State that would bring suit against the State of North Carolina, as the following advertisement in the New York Evening Post, in its issue of April 28, 1905 page 11, double-column advertisement, shows:

ADVERTISEMENT.

THE COLLECTION OF STATE BONDS REPUDIATED IN WHOLE OR IN PART.

The recent decision of the Supreme Court of the United States, entitled "South Dakota *v.* North Carolina," wherein the former State secured a judgment against the latter on 10 bonds, par value $10,000, amounting with interest to $27,400 (which has just been paid) has greatly enhanced the value of all other repudiated State bonds, because it has established the law and the procedure by which they can be enforced.

The undersigned committee in 1901 pooled all of one issue of North Carolina bonds and originated the plan by which the above successful results were brought about, and obtained a settlement for the individual bondholders at a little less than par of their entire holdings of these bonds.

This committee is now ready to proceed with the collection of all other repudiated bonds of every class of each State.

This committee has no connection with any other committee, and it knows that it alone is now in a position to avail itself of the benefits of the above-mentioned decision.

Those who desire to enforce the collection of their bonds will deposit the same with the North American Trust Co., 195 Broadway, New York City, and receive receipts therefor and a contract agreement under which the undersigned committee will undertake to collect the same.

W. N. COLER & CO.
R. F. PETTIGREW.
D. L. RUSSELL.
MARION BUTLER.

Depositary: North American Trust Co., 195 Broadway, New York City; Wheeler H. Peckham, counsel.

It will be observed that this committee of attorneys include ex-Senator Marion Butler, of North Carolina, ex-Senator R. F. Pettigrew, of South Dakota, and ex-Gov. D. L. Russell, of North Carolina, who was governor of the State at the same time Senator Marion Butler was a Member of the Senate, during the fusion régime of 1894 and 1900. The bond syndicate, through their attorneys, sought, first, to get the State of New York to

accept these fraudulent bonds. That movement was defeated largely by an open letter addressed to Hon. John G. Carlisle, then an attorney of New York City, a copy of which is hereto attached:

REPLY OF NORTH CAROLINIANS TO THE COMMITTEE OF BONDHOLDERS.

SEPTEMBER, 1910.

The people of North Carolina are not indifferent to the good opinion of the people of the other States of the Union. On the contrary, next to our own self-respect, we value the respect and esteem of our sister Commonwealths; and we bespeak from these now, as in the past, their sympathy and countenance in regard to our attitude toward the special tax bond issues of 1868–9. Indeed, it is "conceded that all the world is not in the wrong concerning the equities of her bondholders," notably the States of New York, Rhode Island, and others. It would likewise seem, from the success of her recent bond sale, in spite of your "objections," that she is not "seeking in vain for financial resources," and that she has not entirely "relegated herself to the rank of minor and discredited communities."

"States are responsible for their own vicissitudes." This is an assertion that may well be examined. Inter arma silent leges. Vicissitudes come in many ways: By act of God, by force of arms, by duress, by fraud.

Many of the platitudes Mr. Andrews mentions are necessarily assented to, such as the moral obligation of contracts, and that public credit in a measure rests on a recognition of the "continuity of government." And he does the men of North Carolina only justice in holding them "honorable and highminded," and in his estimate of their individual character. Before the war, somehow or other, our State received the sobriquet of "Honest old North Carolina," and we believe that nothing has since happened to detract from our good fame.

Regarding "the continuity of government," Mr. Andrews must be aware that his claim had its origin in the destruction of the continuity of our government, under duress.

In 1866 North Carolina had an orderly and efficient government, complete in every respect, existing under a constitution that had been in force ever since 1776, long antedating the Federal Constitution. That constitution and government was recognized as lawful and regular by the President of the United States and by the Chief Justice; but in 1867 Congress annulled it, against our protests and against the protests of the President. The continuity of our government was thus broken, but "honest North Carolina" did not avail herself of that circumstance to avoid her just obligations. She has never ceased to recognize the obligation of her debts she herself had theretofore created.

Congress, having overthrown our constitution and government, established a military government over our people, directing the enrollment as voters of a part of her white population and all of the negro men. These voters elected, under military supervision, delegates to a convention, who framed a constitution which provided for the election of State officers and members of a legislature, all male whites and blacks of age being alike voters. This constitution was submitted to the limited number of voters the military had enrolled; and at the same time this limited number of voters, under military supervision, elected State officers and members of the legislature, about 18,000 whites entitled to vote under the constitution being debarred from suffrage. Gen. Canby called the legislature together and appointed W. W. Holden governor, he having been voted for at the election. Gov. Worth, the lawful governor of the State, being compelled to vacate his office on July 1, 1868, filed a protest, speaking for North Carolina and saying that he did not recognize the validity of the election, as appears below. In the same month the National Democratic Party at the North declared that the government set up by Congress in North Carolina (and in other Southern States) was unconstitutional, revolutionary, and void; and Gen. Canby's legislature, having convened on the 20th day of August, 1868, gave notice to the world that its authority as a lawful body was disputed by a resolution hereinafter quoted.

At the election held in November, 1868, the great State of New York sustained, by a majority of 10,000 votes, the doctrine that the reconstruction government established in North Carolina was revolutionary and a nullity. Certainly all the "friends of North Carolina in New York City" held that opinion, and so declared by their votes. Every business man in New York was thus put on notice.

This reconstruction legislature soon fell under the dominion of a set of freebooters, their leader being one Littlefield, not a resident of the State, who entered at once on the business of gathering in the spoils. By Littlefield's orders $290,000 was paid by Swepson in cash to various members and to others interested; and a ring was formed who required that 10 per cent of all bonds authorized should be paid to them. Twenty-six million dollars of bonds were authorized; but before all had been issued these securities fell to a few cents on the dollar.

Eventually these matters of corruption were fully investigated, and some honest members of the legislature, on February 20, 1870, forced through a bill directing the return of all bonds unsold to the State treasurer, and, on March 8, 1870, repealed all acts authorizing the issue of State bonds, which repealing act appears below.

Mr. Andrews says it would be "fruitless to recall these historical events." But they constitute the woof and warp of the transaction, and can not be ignored. They will be found fully set forth in the accompanying letter to Mr. Carlisle.

The people of North Carolina were not responsible for the election of that legislature; it was not elected under their constitution and laws, nor, indeed, was it elected under the constitution of 1868. The people of North Carolina were not responsible for the corrupt practices of that body, for they were bound hand and foot and could not control its action.

The constitution of 1868, under which that body claimed to act, contained a provision forbidding the issue of bonds when bonds were not bringing par value without a special tax to pay interest, and also another provision limiting the rate of taxation. Special taxes were laid to pay the interest on these bonds, but these special taxes largely exceeded the constitutional limit of taxation. The legislature had no authority to lay such taxes, and no authority to issue the bonds without laying the taxes. So the constitution was violated. All persons dealing in these bonds took with notice of this infirmity; all who aided in any breach of trust have also a personal infirmity; all who took after February 20, 1870, also had notice of the repeal of the acts, and of the fraudulent issue, and of the bribery of members, and of the ring of the robbers, and of their operations.

It is not known what government Mr. Andrews referred to when he said "That the amount would be transferred to the absolute ownership of a government in whose hands the entire sum would be collectible." He is familiar with the action of the government of Rhode Island. Doubtless he has also been advised that the law which ex-Senator Butler, of North Carolina, procured to be passed in South Dakota has been repealed, and that a strong, pure, public sentiment in that State now repudiates the action of South Dakota in that matter. It is observed that in the letter of Mr. Andrews, May 13, 1910, to the New York Stock Exchange, the following language is used: "By this settlement (with Shafer Bros.) North Carolina avoided judgments to a much larger amount upon bonds which would have been donated to other States for purposes of suit." It is indeed interesting to know which of our sister States can be used by the bondholders' committee for purposes of suit."

North Carolina hase never recognized any obligation to pay these special-tax bonds, and, indeed, in 1880, by an amendment to the State constitution, the general assembly was expressly forbidden to pay any money on these bonds without first submitting the matter to the people of the State. This amendment was adopted by almost a unanimous vote, the vote being 117,388 for, and only 5,458 against the amendment. The same unanimity still exists. North Carolina will never recognize these bonds as her obligations.

Every State in the Union is interested in North Carolina maintaining her position; that speculators in securities who deal with a set of rascals engaged in despoiling a State do so at their peril. The pillage of a State must be made odious.

On June 26, 1905, Capt. S. A. Ashe, historian, who was an actor in public matters during the period described, addressed a letter to Hon. John G. Carlisle, then the counsel of the bondholders, which, being a recital of the historic facts, is to-day as conclusive a reply to Mr. Andrews's "address" as it was to Mr. Carlisle's threats. This letter of Capt. Ashe had its effect in financial circles and, followed by the strong and patriotic presentation of the same matters by Hon. R. B. Glenn, then governor of the State, to the governor of New York, contributed to determining the authorities of the State of New York not to become a party to the schemes and intrigues of the Carlisle committee. It is given in full with certain added documents, as follows:

RALEIGH, N. C., *June 26, 1905.*

Hon. JOHN G. CARLISLE, *New York City.*

DEAR SIR: The papers announce that you are at the head of a syndicate to force the payment of certain alleged bonds of North Carolina, known as special-tax bonds, whose validity has not been recognized by the State for a generation.

As a part of the program, it is stated that the aid of the State of New York has been invoked, provision having been made by that State to accept donations of defaulted bonds and to sue on the same; and this threat is held over the State of North Carolina as a club to beat her into acceding to your demands.

In the rôle you are now playing you do not appear as a "counselor of law," a sworn officer of the court in which you practice; but your employment is such as any broker might undertake, and your attitude is that of a man who with a club in his hand takes his victim at a disadvantage, demanding "your money or your life."

It is proper, therefore, to advise you that under no conceivable circumstances will North Carolina ever pay a cent on those claims. You may strike with your club. The victim of your assault may fall beneath your blow, but that will not bring you the cash. The Supreme Court of the United States may take jurisdiction; it may enter any decree your ingenuity may devise; but the club will be used without avail. The people of North Carolina will never recognize the validity of those alleged bonds.

What they may do hereafter it does not become me to forecast; but you may be assured that the people of North Carolina, who will certainly have the sympathy and cooperation of the people of the entire South, will know how to take measures in their own behalf.

Let me refresh your memory: The people of the South, including those of North Carolina, having submitted to the authority of the United States, on May 29, 1865, President Johnson appointed W. W. Holden provisional governor of North Carolina, who convened a convention which, in October, 1865, declared null the ordinance of secession and otherwise took every step required of the State to restore North Carolina to the Union; and by the proclamation of the President, and by the action of the Chief Justice of the United States, North Carolina was again a State in the Union. An election was held November 9, 1865, for governor and the legislature, and the autonomy of the State was fully established and maintained in accord with the President of the United States, who was charged with the duty of enforcing the laws of the Union, although Congress continued to hold that the Territories of the several Southern States had no organized governments in them.

In March, 1867, Congress passed what was known as the reconstruction act, in effect annulling the statehood of North Carolina, declaring that no civil government existed within that Territory, and that North Carolina was a disorganized military Territory without constitution, laws, or government. The act provided for the organization of a government under the direction of the military, and based on the suffrage of the negroes and of those whites not declared disfranchised. The orders of the major general were law; but the major general graciously authorized the existing governor and other officers of North Carolina to continue in the discharge of their functions and allowed the courts to recognize the State laws, except so far as he might from time to time make alterations or announce new laws in his general orders.

Immediately thereafter, in March, 1867, the Republican Party was organized in North Carolina, and thereupon the commanding general issued his orders for the registration of voters, embracing negroes, but not including many whites.

The registration being completed, he ordered an election to be held on November 19, 1867, under registrars and poll holders of his appointment, for delegates to a constitutional convention, the returns being made to him. The convention met January 14, 1868, and the major general ordered an election, held April 21, at which his registered voters adopted the constitution and also elected officers and representatives provided for in that instrument.

Under the act of Congress Gen. Canby had denied registration to about 18,000 white citizens of North Carolina. The proposed constitution provided for the legislature and the State officers to be elected by the voters of the State; and every citizen, white or black, 21 years of age, not disfranchised for crime, was declared a voter. But at this election 18,000 whites entitled to vote under the provisions of that constitution were not allowed to vote. So the election of the legislature was not according to that constitution, nor to any law existing in North Carolina.

The registration boards were appointed by the major general commanding at Charleston, and the lists of electors as prepared by them

were sent to the major general. The election was held under and by these boards of registration, who made their returns to the major general at Charleston, who issued certificates to the persons he ascertained were elected.

The following are extracts from these general orders:

HEADQUARTERS SECOND MILITARY DISTRICT,
Charleston, S. C., March 23, 1868.

GENERAL ORDER NO. 45.

It is ordered:

First. That an election in the State of North Carolina, commencing on Tuesday, the 21st day of April, and ending on Thursday, the 23d day of April, 1868, at which all registered voters of said State may vote for "for constitution" or "against constitution," and also on the same ballot for the State and county officers and for Members of the United States House of Representatives, as specified in the before-cited ordinance.

Second. It shall be the duty of the boards of registration in North Carolina, etc. (These boards were appointed by the major general commanding at Charleston, S. C., and by General Order No. 65, "post commanders will be superintendents of registration within their respective commands," etc.)

THIRTEENTH. The returns required by law to be made to the Commander of the District of the results of this election, will be rendered by the boards of registration of the several registration precincts through the commanders of the military posts in which the precincts are situated, and in accordance with the detailed instructions hereafter to be given.

FOURTEENTH The State officers to be voted for at this election are:

1. Governor, etc.

12. Members of the general assembly, as follows, etc.:

By command of
Bvt. Maj. Gen. ED. R. S. CANBY.

LOUIS V. CAZIARC,
Aide de Camp, Actg. Asst. Adjt. Gen.

HEADQUARTERS SECOND MILITARY DISTRICT,
CHARLESTON, S. C., *May 12, 1868.*

GENERAL ORDERS NO. 83.

At an election held in the State of North Carolina on the 21st, 22d, and 23d days of April, 1868, pursuant to General Orders No. 45, from these headquarters, dated March 23, 1868, and under the authority of the laws of the United States of March 2, 1867, etc.; and the election officers having made the returns required by law, it is hereby declared:

THIRD. That the following-named persons have received a majority of the votes cast by the qualified electors of their respective senatorial and representative districts, and are duly elected as members of the Senate and House of Representatives of the State of North Carolina, as herein specified:

* * * * * * *

The certificates of election will be sent direct to the State executive and judicial officers, etc., but for convenience and safety of transmission, the certificates of the members elect of the general assembly will be sent to the commanding officer post at Raleigh for delivery upon application by the persons who are entitled to receive them.

By command of
Bvt. Maj. Gen. ED. R. S. CANBY.

LOUIS V. CAZIARC,
Aide de Camp, Actg. Asst. Adjt. Gen.

At the election W. W. Holden was chosen governor, and Gov. Worth not admitting the legality of the election he was displaced by force, and W. W. Holden was appointed by the major general provisional governor.

Against all these proceedings Gov. Worth, the governor of the State, filed an earnest protest.

Gov. W W. HOLDEN, *Raleigh, N. C.*

SIR: Yesterday morning I was verbally notified by Chief Justice Pearson that, in obedience to a telegram from Gen. Canby, he would to-day at 10 o'clock a. m., administer to you the oaths required preliminary to your entering upon the discharge of the duties of civil governor of the State, and that thereupon you would demand my office. I intimated to the judge my opinion that such proceedings were premature, even under the reconstruction legislation of Congress, and that I should probably decline to surrender the office to you. At sundown yesterday evening I received from Col. Williams, commandant of this military post, an extract from General Orders No. 12, of Gen. Canby, as follows:

(EXTRACT.)

"To facilitate the organization of the new State governments, the following appointments are made: To be governor of North Carolina, W. W. Holden, governor elect, vice Jonathan Worth, removed. To be lieutenant governor, Tod R. Caldwell, original vacancy. To take effect July 1, on the meeting of the General Assembly of North Carolina."

I do not recognize the validity of the late election under which you and those cooperating with you claim to be invested with the civil government of the State. You have no evidence of your election save the certificate of a major general of the United States Army. I regard all of you as, in effect, appointees of the military power of the United States, and not as deriving your power from the consent of those you claim to govern. Knowing, however, that you are backed by military force here, which I could not resist, if I would, I do not deem it necessary to offer a futile opposition, but vacate the office without the ceremony of actual eviction, offering no further opposition than this, my protest. I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful governor of the State if the past action of that tribunal furnished any hope of a speedy trial. I surrender the office to you under what I deem military duress, without stopping, as the occasion would well justify, to comment upon the singular coincidence that the present State government is surrendered as without legality to him whose own official sanction but three years ago proclaimed it valid.

I am, very respectfully,

JONATHAN WORTH,
Governor of North Carolina.

It will be observed that the legislature was not elected under any existing law or constitution of the State of North Carolina. There was no law authorizing an election to be held at that time, no law authorizing the negroes to vote at that time in North Carolina. The whole proceeding was in derogation of the rights of the State of North Carolina.

Similar proceedings had been held in other States; and the Democratic Party in its national convention, held in New York in July, 1868, contemporaneously with them, declared all these proceedings to be usurpations and unconstitutional, revolutionary, and void; and on that platform Gov. Seymour, of New York, received 2,700,000 votes, while Gen. Grant received 3,000,000.

Although those usurpations were thus apparently sustained by the popular vote at the election, yet that circumstance could not make constitutional acts and proceedings which were of themselves "usurpations, unconstitutional, revolutionary, and void." The voice of 2,700,000 voters put the world on notice of the invalidity of these proceedings; and among those voices, if I mistake not, was that of Hon. John G. Carlisle, a gentleman at that time distinguished for his character and virtues, as well as his learning. As far as North Carolina was concerned, her voice was expressed in the protest of her governor, Hon. Jonathan Worth, but her people were dominated by the military forces of the major general. They were under pressure to bare their necks beneath the feet of the major general and his cohorts, and so the usurpation was effected by force.

But, notwithstanding the suppression of the people by the military forces of Congress, their attitude was such that the legislature, on the 20th day of August, 1868, adopted a solemn resolve reciting that a large part of the people of North Carolina, as well as a large part of the people of the United States, regarded that body as a usurpation, unconstitutional, revolutionary, and void, and it therefore announced that it was not so, but was the lawful legislature of the State; this solemn resolve, with its recitals, however, put the world on notice that the legality of that body and all of its acts were disputed. The following is the resolution:

"Special Session, 1868, page 105. Res. 35.

"RESOLUTION IN REFERENCE TO THE VALIDITY OF THE STATE GOVERNMENT, ETC.

"Whereas the public mind is still dangerously excited by events and measures consequent on the late protracted, exhausting, and bloody war; and

"Whereas the people of this State desire and need peace, and in order to secure the same have lately, by a very large majority, adopted a constitution and established a civil government thereunder, which has been approved and recognized by the Government of the United States; and

"Whereas, notwithstanding such action of our people, the President of the United States has since taken upon himself in a late proclamation to speak of the lawful governor of this sovereign State as a man 'who writes himself governor,' meaning thereby to imply that he is not the rightful governor, to incite and encourage insurrection and rebellion against the State government, leading to further revolution and bloodshed; and

"Whereas the ex-provisional governor of the State, Jonathan Worth, in yielding to the permanent government, in a deliberately written protest, declared that he did not recognize the validity of the late elections, under which the present State officers claim to be invested with the civil government of the State; and

"Whereas one of the two leading political parties in the Nation, in their convention, held in the city of New York on the 4th day of July, 1868, to nominate candidates for the Presidency and Vice Presidency of the United States, declared in their platform that the existing governments in the recently insurgent States are illegal and void; and

"Whereas the nominee of said New York convention of the Vice Presidency, previous to his nomination, declared in writing that these State governments are null and void, and that the President elected by his party should, without reference to the legal tribunals established by the Constitution, declare the governments null and void and compel the Army to overthrow them by force; and

"Whereas the State convention of the same party assembled in the city of Raleigh on the 13th day of August, 1868, in their platform have indorsed and approved the platform and action of the said New York convention and declared the political views of the said nominee for Vice Presidency 'sound'; and

"Whereas the public press and the mass meetings and the public speakers of the said political party have, and do uniformly, approve and indorse the action of said convention and endeavor to persuade and excite the people of this State to sustain and aid them in their aforesaid treasonable and revolutionary doctrines and designs; and

"Whereas these movements and proceedings have alarmed the people, embarrassed business and enterprise, injured the public credit, impaired the authority of the Government and raised most serious apprehensions of a renewal of a most destructive and bloody Civil War in the near future: Therefore, in order as far as possible to restore public quiet and confidence and to encourage the law-abiding portion of the people to discontinue these dangerous proceedings, sustain the Government, and avert the terrible calamities which are threatened to themselves and to their country,

"*Resolved by the General Assembly of the State of North Carolina*, That the government of this State as at present organized in its executive, legislative, and judicial departments is the legitimate, rightful, legal, constitutional government of the State of North Carolina, and the constitution ratified by the people on the 21st, 22d, and 23d days of April, 1868, is the rightful and valid constitution of this State.

"*Resolved further*, That it is the duty of the executive, legislative, and judicial departments of the government of this State to cooperate in sustaining the same, and of the executive to employ promptly, and as effectually as possible, all the resources and powers reposed in and pertaining to his office, to enforce the authority of the government, overcome resistance to the laws, put down all riots and attempts at insurrection and rebellion, and, should it become necessary, to call promptly upon the Government of the United States for assistance and support.

"Ratified the 20th day of August, A. D. 1868."

And now to return to proceedings in North Carolina.

It having been shown that the legislature of 1868 was a body unknown to the laws and constitution of the State, not elected under the constitution existing prior to 1860 or prior to 1868, and elected at a time when the constitution of 1868 had not been ratified and was without validity or force, it will now be shown that the particular acts under which these alleged bonds were issued were passed by bribery and corruption, and, in addition, that they were without constitutional warrant even under the constitution of 1868.

Gov. Holden, the provisional governor, convened the new legislature in special session on July 1, 1868. As the members of that body came up to be sworn, most of the Democratic members were ordered to stand aside on the pretense that they were "barred" and could not be admitted to their seats. Later this ruling was relaxed as to a majority of

them, and the senate allowed seats to 10 Democrats and the house to 25.

At that time what is known as the fourteenth amendment to the Constitution of the United Staes had not been ratified and declared a part of the Constitution, and there was no constitutional obstacle to these men holding office.

On July 4, amid great rejoicing by the Republicans, the new government was formally inaugurated. The change was complete.

So thorough at all points had been the victory of those who supported the reconstruction measures that the Republican leaders felt every assurance of a long period of political domination in the State. They at once began the work of securing the spoils, of recasting the laws, and of creating what they called "a new North Carolina" upon the wreck of that honest "old North Carolina," whose traditions were so honorable to our people.

Legislation affecting the Negro race was the first to receive attention along with some provision to prevent anticipated resistance to the new government. Then came the spoils. Even at the special session the work of plunder began, and the harpies fixed their talons on the public treasury.

"New North Carolina" needed a penitentiary, and $100,000 of bonds were issued and made away with in that connection. And "New North Carolina" needed railroads, and a cry went up for "internal improvements," and railways were projected from every town in the State without regard to cost. It was a well-devised plan. It appealed to the interest of every community. Every county and every town was to be on a boom. Immense strides were to be made immediately in material progress, and the whole State was to be developed at once by means of internal improvements. Such was the song of the sirens. Such were the promises of Deweese and Laflin and Littlefield and the other plotters for the spoils. But surely bonds would be necessary. Surely the State must subscribe heavily; surely the administration must appoint the officers, and the officers must be of the faithful. And so it happened that even at the special session the Western North Carolina Railroad was cut in twain and six millions of bonds were ordered to be issued to the western division. Of this part, George W. Swepson, a man of large wealth and principal stockholder in the largest bank in the State, was at once elected president, and his name added strength to the Republican cause.

At that time our people were poor indeed. Our personal property had been swept away and our lands were all but valueless. Labor was disorganized and our industries were unremunerative, while the ashes of desolation were still hot with the embers of the war. Taxes to pay the current expenses of government were collected with difficulty, and two millions of interest was past due on the "old debt," which then amounted to $14,000,000.

But neither a bankrupt people nor an empty treasury nor two millions of interest past due could arrest the plans of the conspirators nor divert them from their scheme of plunder.

On August 20 the legislature directed the treasurer to fund the interest, issuing bonds therefor, and, with a great show of honesty, ordered him to pay the interest thereafter promptly; and then, having borrowed $100,000 to pay their per diem, they adjourned their special session. The vampires had, however, in those two months obtained a taste of blood, and when the assembly reconvened in November their appetites were well whetted.

Deweese, a carpetbagger, was a leading spirit, then just budding into a Representative in Congress from the metropolitan district of the State. Byron Laflin, who bore the title of "general" and was the carpetbag Representative of Pitt County, was an able coadjutor. Milton Littlefield, also a Federal "general," who had found congenial employment in robbing the negro refugees congregated near Beaufort, S. C., had been invited up to help "work the hands," and had come, the prince of bummers, with a fine person and richly appareled, lordly in his carriage, destitute of conscience, and unblushing in his dishonor. Called to assist in the contemplated robberies, as some skilled burglar might be called to aid village novices in a big job, he naturally took the leadership and soon became the central figure in Republican councils.

Knowing well how to play his rôle, he bought the Republican organ, the Standard, and assumed his place in the forefront of the Republican politicians. He was made public printer, when the work yielded a clean $20,000 a year. His power was immense. "The faithful" of the Republican Party submitted themselves to his dictation and were happy in his smiles. His nod was a favor, and a word from him made the fortunes of men. He set the fashion of living, a fashion of drinking and carousing, a fashion of getting things without paying for them—a fashion altogether agreeable to his tools and accomplices—and his power waxed greater and greater as he drew the leaders of the faithful closer around him. With his money he was liberal, and he paid his men well. It was so easy to give an order on Swepson, and Swepson had the entire cash of a bank at command. Extravagance and corruption ruled the day, and jobbery was shameless. Littlefield established in a room in the west end of the capitol a free bar, where all who chose to drink and smoke caroused at his expense. Those who claimed his friendship were his perpetual guests. And so, with wine and women, he and his friends led a gay life, debauching all who longed to be debauched in those first months after the ushering in of new North Carolina.

With the paltry stealings we do not concern ourselves.

In October the taxes had come in, and now the treasury was getting low again. The N. C. R. R. had issued to the State by way of dividend $180,000 of railroad bonds, and these were sold in a job lot for $118,000, and that was being rapidly absorbed and no provision made for paying the interest falling due in January. The State was on the eve of bankruptcy. Interest falling due and no money to pay it! But Littlefield and Deweese and Laflin and their conferees talked only of progress and internal improvements and of new North Carolina! Bonds! Bonds! Bonds! Their plans found more or less support among the representatives of the counties interested, and opposition to their adroit schemes was abortive.

When their power to control the assembly was definitely determined the triumvirate announced that no railroad bill should be allowed to pass unless the road receiving the appropriation should agree to pay them one-tenth of the amount. They contented themselves with taking tithes.

Swepson found it necessary to apply for an act curing the defect in the bonds issued to his road, because they were not special tax bonds, and he agreed to pay his 10 per cent and at once began to make the payment. He not only paid cash to the leaders in the enterprise, but also paid their orders in the hands of various members of the assembly. But while he was a sort of paymaster in chief, the money came through the ring. Littlefield was the fountain whence the golden stream issued—the editor of the Standard, the public printer, the fountain of Republican favor and honor. As the money began to circulate freely and the members who shared the loot plied the free bar and basked in the smiles of Littlefield, all were very happy. Before the Christmas holidays Swepson had disbursed in cash $75,000, and before the middle of June he had paid out $200,000. They had a very merry Christmas and a very merry springtime, these Republican brethren who were giving a new birth to old North Carolina. And Littlefield, with his great black beard—the new black-beard pirate of North Carolina—waxed greater and greater and became the uncrowned king of the Republicans in this State of that era. And debauchery and corruption thrived in the purlieus of the capitol. It was indeed a royal time; money was so plentiful!

"Don't I owe you $40,000," casually asked Swepson of Dr. Sloan, "for not voting against the A. T. & O. R. R. bill?" "Yes; give me $20,000 and hand the balance to Gen. Laflin."

That is but a sample. In addition to the cash the ring obtained, it received $633,000 in bonds.

Railroad bills when introduced were kept back, and the whole batch were known as the omnibus bill. Provision was made for all. None were to be left out in the cold.

While it was given out that no bill could pass without an agreement for 10 per cent of the bonds, yet this agreement was not always made by the president of the company, but sometimes on behalf of the company by those who expected to profit by the appropriation. Thus we find agreements made on behalf of companies not yet chartered; for railroads of which the public knew nothing, corporations created simply to support appropriations of which the ring could get its one-tenth. Agreements were made on behalf of railroads whose presidents, being Democrats, were to be ousted, so that Republican successors could be substituted.

Among the bonds authorized to be issued that winter were the following:

Williamston & Tar. R. R	$2,700,000
Western R. R	1,500,000
Oxford R. R	260,000
A. T. & O. R	2,000,000
Northwestern N. C. R. R	2,000,000
Eastern & Western R. R	2,000,000
Western N. C. R. R	8,000,000
University R. R	300,000
Suffolk R. R	850,000
W. C. & R. R. R	4,000,000
Total	25,350,000

In addition, the convention had issued a large amount of bonds, while the old State debt had grown to $16,000,000.

That was a heavy load for new North Carolina to bear—an impoverished people, without money to pay lawful taxes, without funds to pay interest on the old debt—to have $25,000,000 added to an existing debt of $16,000,000. And the treasury empty! Yet that was Republican administration!

In April the funds were running low, and Treasurer Dave Jenkins was anxious for the legislature to get away, for they were an expensive set. To pay them he had to do some more Republican financiering.

The educational fund owned $420,000 of stock in the W. & W. R. R. and W. & M. R. R., which he sold for $158,000, and with this educational fund and with $100,000 borrowed from Swepson's bank he paid them off and they went away—went away in April to come back in November. What would they find when they returned?

It is to be remarked that the $25,000,000 of bonds authorized to be issued were not to be issued gradually as the roads should be built or as the bonds were needed, nor was any security required for their proper use, nor was any condition or limitation imposed in regard to them. That would have interfered with the due execution of the agreement for the payment of one-tenth to the ring. They were to be issued as called for. Swepson drew his first—toward the close of the year—and after that others as they could get them. At first the price ranged about 60 cents, but during the summer, when millions on millions were thrown on the market, the bonds began to depreciate. In the meantime the Wilmington & Weldon Railroad, fighting the completion of the Chatham Railroad brought a suit (Galloway *v.* Jenkins, Treasurer) to test the validity of bonds authorized by the convention to be issued to the Chatham Railroad, and they were declared to be unconstitutional; and in July, 1869, in a case known as the University R. R. Co. *v.* Holden, the Supreme Court held that appropriations made to corporations not in existence were invalid, and in consequence of that decision and of the opinions filed by the different members of the court, many of the appropriations fell to the ground as unconstitutional. In another suit, called the Kehoe suit, it was said that Tim Lee handed to Judge Watts, who heard the case, a batch of $5,000 in bonds, and the scandal of this proceeding brought odium on the bonds.

As a matter of fact, only about $14,000,000 out of $25,000,000 of bonds authorized were actually issued. Nor was the validity of these unquestioned. During the progress of the legislature leading Democrats and the public press denounced the whole proceeding, questioned the validity of the legislature, denied its right to bind the people, and served notice on the world at large that the taxpayers of old North Carolina disowned these bonds, disavowed their validity, and would never pay them.

Among other objections, it was urged that the Constitution established a limit of taxation and that this limit could not be exceeded merely by calling the unconstitutional tax in excess of the limit a "special tax"; but the promters of these schemes held that where a "special tax" was laid the constitutional limit did not apply. And so to pay the interest on these bonds they levied "special taxes," which gave them their name. These taxes amounted to 94 cents on the hundred dollars.

During the summer interest was defaulted and the value of the bonds declined.

Swepson had deposited the greater part of his bonds as collateral security in New York for a loan of about $1,000,000, about $750,000 of which he invested in Florida Railroad stock and bonds, which in the end, yielded no money. As the bonds sank in value they were thrown on the market and the depreciation was hastened.

At length, in September, a great effort was made to restore their market value. It was given out the bonds would soon advance, and a combination was made to bull them. Swepson, Littlefield, A. J. Jones, president of the Western Railroad, and Dr. Sloan, president of the W. C. & R. R. R., and others, along with the governor of the State and the State treasurer, had a meeting in New York and the details of the arrangement were agreed on.

Soutter & Co. had been the financial agents of the State, and now these were discharged and Clews & Co. succeeded them.

An agreement was made by the railroad presidents to the effect that they should go into a pool and use their bonds on hand as a margin to

buy in other bonds on the market, and that certain other parties should go in with them to make the movement lively and create the impression that there was an extensive and more general demand for the bonds. The pool being formed, Andrew Jones, Littlefield, Swepson, and Branch & Co. put their bonds with a firm styled Utley & Dougherty as a margin to carry out this programme. And the speculation began. Laflin, Martindale, Moore, and others were also parties to the speculation.

It was agreed that the treasurer should make advertisement that the interest, then long in default, would be paid on presentation of coupons in Raleigh, and the speculators agreed to furnish him with the cash to pay the interest. Besides, the treasurer had replaced the $150,000 borrowed from the educational fund, and that was used to buy bonds and bull the market. And $125,000 derived from the sale of land scrip for an agricultural college was used in the same way. Under such manipulations the bonds advanced a few cents; but just as the speculation was beginning to work, the gold panic of that year set in, and suddenly all sorts of stocks and bonds declined, and in a few days the ruin was complete. The loss on margins seems to have been somewhere in the neighborhood of $300,000. The bonds deposited as margins were sold for a song, and the whole issue of special-tax bonds for internal improvements petered out.

Andrew Jones, president of the Western Railroad, did save enough to lose a batch at faro, and Josie Mansfield, a noted courtesan of New York, it appears, got her share out of the wreck.

It was a Waterloo for the North Carolina railroad presidents, and disastrously involved Swepson, who had entered into the affair with a large private fortune at his back. He retired from the presidency of his railroad, and Littlefield was elected in October as his successor, and the funds of that company were absolutely dissipated. Jones had nothing to show for the bonds of his company, while Dr. Sloan, who was late in getting his bonds from the treasury, refused to share in the losses of the pool and deposited his bonds with Pickerell & Co., from whom he was never able to redeem them. The whole issue was lost. By their breach of trust the railroads derived no benefit from the bonds; nor did the State.

Quickly following these events the same legislature again convened in regular session. The few Democrats in the body were active and aggressive. But the leaders of the Republican Party were determined to retrieve the disaster, if possible. They pointed out that but $14,000,000 of special-tax bonds had been issued, and the taxes were coming in to pay the interest; that the entire State debt was but $30,000,000, and what was that to North Carolina? That there was only one road open, and that was to press on. Sustain the credit of the State, tax the people, pay the interest, and look to the future development of the State to settle the principal. But the people were no so complaisant.

The public mind was gratly excited. At once measures were introduced in both houses covering the whole ground of the special-tax bonds. Resolutions to investigate railroad frauds, bills to protect the interest of the State and to require accountability on the part of railroad officials, bills forbidding the payment of interest and arresting the collection of special taxes, bills forbidding the treasurer to issue any more bonds and requiring the railroad presidents to turn into the State treasury all on hand undisposed of, and repealing all of that legislation.

The excitement was intense. The Democrats in the legislature, backed by a tremendous public sentiment, pressed these measures and were heartily and zealously aided by those Republican members who had clean hands and proposed to rescue the State from the pile of profitless debt that had been accumulated so recklessly.

Charges of corruption and fraud that had been whispered came to be openly spoken, and the question went around, "Who had borrowed money from Littlefield or Swepson?"

One week after the organization Mr. Pou, of Johnston, moved that the house go into committee of the whole to investigate these matters, and after a struggle the motion was carried, and the next day the committee of the whole house sat. The developments were slow. The committee had to send for papers and witnesses. Obstructions were interposed at every step. It was not until after the Christmas recess that work was begun in earnest.

On January 13 the senate passed a resolution to appoint a committee of three to investigate, and on the 20th Phillips, Bragg, and Scott were appointed by Lieut. Gov. Caldwell, a bitter partisan, but a man with clean hands, and soon began an investigation. The senate also passed a bill repealing all this railroad legislation, which came to the house on February 16, where it was fought with great desperation. Dilatory tactics were resorted to to defeat it without avail. Motions to amend, to substitute, to refer, consumed day after day, but the friends of the bill, under the leadership of Thomas J. Jarvis and Mr. Pou, pressed it on to its passage. After it had passed its third reading, a motion to reconsider was successful by one vote, and the bill was postponed for several days by a majority of ten. It looked, indeed, as if Littlefield had fully regained his mastery over tthe House. But eventually Mr. Pou was able to carry his point, and the bill was passed. The acts were all repealed, and by the same legislature that passed them.

The first act, passed February 20, 1870, forbade the sale of any bond, and declared that the introduction of that bill should be notice to the world. A subsequent act, passed March 8, 1870, is as follows:

"An act to be entitled 'An act to repeal certain acts passed at the session of 1868 and 1869, making appropriations to railroad companies.'

"SECTION 1. *The General Assembly of North Carolina do enact*, That all acts passed at the last session of this legislature making appropriation to railroad companies, be, and the same are hereby, repealed; that all bonds of the State which have been issued under the said acts now in the hands of any president or other officer of the corporation be immediately returned to the treasurer.

"SEC. 2. The moneys in the State treasury which were levied and collected under the provisions of the acts mentioned in section 1 of this act are hereby appropriated to the use of the State government, and shall be credited to the counties of the State upon the tax to be assessed for the year 1870 in proportion to the amounts collected from them respectively.

"SEC. 3. All laws and clauses of laws coming in conflict with this act are hereby repealed.

"SEC. 4. This act shall be in force from and after its ratification.

"Ratified the 8th day of March, A. D. 1879."

The investigation by the house in committee of the whole had not answered the purposes intended. Littlefield's influence dominated its proceedings. The meetings were postponed from time to time, and witnesses refused to attend or declined to answer or answered evasively. Littlefield bull-baited the house and made his examination a passing jest. He turned the proceeding into ridicule and bore himself as a hero, with conscious strength, rather than as a culprit at the bar of justice. But the Bragg commission was making investigations at the same time, and a crisis was being rapidly reached.

On March 4 the house, in committee of the whole, spurred up by the proceedings of the Bragg commission, resolved that it would pursue the matter with greater diligence and that the committee should not adjourn for more than two days at a time.

And on the same day the house passed a resolution directing the senate commission to report its proceedings up to the 11th of March. The purpose of this move was evidently to interrupt the investigation.

The day following the Bragg commission had Littlefield before it on examination, and the house, at the instance of the committee of the whole, resolved that Littlefield should not be required to testify in regard to his dealings with private parties, but that he might be examined in regard to his transactions with members of the legislature.

On Monday, March 9, however, the house resolved that Littlefield might be excused from appearing before the committee of the whole. Evidently the trail was getting very warm. The fox was being run to cover. Another Maynard had brought the Blackbeard to close quarters, and fears were felt lest other witnesses would give away the whole business.

A supper was given at the hotel, where many of the Republican leaders were present, and oysters, wine, and cigars comforted the faithful. Speeches were made by Littlefield and other leading Republicans on the necessity of repealing the Bragg commission, as it was said the Democrats could make political capital out of the investigation. Littlefield, however, struck the bull's-eye when he said, "If they knew as much about that Bragg commission as he did, they would vote to repeal it the next day. That was an irresistible argument. It was most persuasive. It was so agreed; and the next day—Saturday, March 12—when the commission made its report under the resolution calling for it, a motion was promptly made to discharge the commission. At once the contest began. Had Littlefield the power to dominate the senate as he had dominated the house? Did he hold the majority in his hand as against the fair fame of the honest people of North Carolina? The vote resulted in a tie. But honest Caldwell broke the tie and voted against the motion to discharge the commission. Without avail, however. Col. Ham Jones moved to continue the commission, but Senator Sweet again moved to discharge it, and Littlefield carried the day.

A few days later, a bill having been passed appointing some of the stockholders of the W. N. C. Railroad a committee to settle with Swepson and Littlefield for the funds of that company, and that committee being about to assemble here at Raleigh, Littlefield seized his carpet-bag, and as he was coming out of the hotel saw Col. Ham Jones. Stopping a moment he said: "Col. Jones, I am about to leave town. My departure will be the subject of much comment. It do not wish to leave without telling some one that I am going. I therefore tell you now that I am going." And jumping into a waiting omnibus he was soon on his way to Florida—a fugitive from justice.

As all men who dealt with the special tax bonds were required to look to the legality and constitutionality of the issue, they had notice of the limitation on the power of the general assembly to impose taxes; and the taxes imposed by these special-tax bonds amounted to 94 cents on the hundred dollars of property, which was largely in excess of the power of the general assembly to lay, so the public had notice that this taxation was beyond the powers of the legislature and unconstitutional, and they had notice that the legislature had no power to issue any bond without a special tax, the bonds of the State not being then at par.

And those who dealt in those bonds after February, 1870, also had notice of the repeal of the acts under which they were issued.

Bribery, fraud, illegality, swindling characterized the whole proceeding; and you, Mr. Carlisle, with your big club, now demand "your money or your life."

At the ensuing election the Democrats were successful, and the policy of the State became fixed not to recognize any obligation on the part of the people to pay these bonds. They gradually sank in value, until at length they were quoted on Wall Street, without sales, at 3 cents on the dollar. Then the aid of the Federal court was invoked, and suits were brought against the State by the bondholders. In one suit they sought to make the State treasurer pay into the Federal court all moneys that had been collected under the "special taxes" imposed to pay the interest on these bonds, and in another a mandamus was prayed requiring the auditor to include these special taxes in his abstracts for the sheriffs of the State to collect by.

These proceedings awakened great public interest, and serious apprehensions were felt lest some action might be taken by the Federal court that would force the people to pay the bonds.

Happily, however, the various suits relative to these bonds were determined adversely to the bondholders; and in 1880 an amendment to the constitution was adopted, embodying a provision prohibiting the legislature from paying any moneys on these bonds without first submitting the question to the people of the State.

But still the bondholders did not relinquish hope, and Morton, Bliss & Co. brought a suit against the State, which failed.

One of the difficulties in recovering judgment against the State on these bonds is the provision in the Constitution of the United States to the effect that no State shall be sued in a Federal court by a citizen of another State. To flank that various Northern States passed laws authorizing suits to be brought in the names of these States on the bonds of other States held by their citizens; but the Supreme Court of the United States decided that that artifice would not answer. Another turn was taken in the suit of Temple *v.* North Carolina. Temple was a citizen of the State, and Judge Bond held that as he was a citizen of North Carolina that inhibition of the Constitution of the United States did not apply, and he therefore gave judgment against the State; but the Supreme Court of the United States decided against that view. As a last resort the bondholders secured certain States to provide for receiving donations of defaulted bonds, which thus would become the property of those States and could be sued on by those States in the Supreme Court of the United States.

And it is under such an enactment of the State of New York that the present movement is threatened.

From this narration it will sufficiently appear that the acts authorizing the issue of these special-tax bonds were conceived in sin and brought forth in iniquity. They were the fruits of a conspiracy to defraud, the result of bribery and corruption.

Moreover, they have not the warrant of the constitution of 1868. Section 1 of Article V of the constitution of 1868 reads: "The general assembly shall levy a capitation tax on every male inhabitant of the State over 21 and under 50 years of age, which shall be equal on each to the tax on property valued at $300 in cash. The commissioners of the several counties may exempt from capitation tax in special cases on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed $2 on the head."

The limitation on taxation embraced in this section is therefore that the tax on $300 of property shall never exceed $2. It is plain and specific. The tax on $100 of property for State and county purposes can not under the constitution exceed 66⅔ cents, no matter how this tax may be divided between the State and the counties.

There is a direction for laying a specific annual tax to form a sinking fund for the payment of interest. There is also a direction that the State shall have no power to contract any new debt except in an emergency until the bonds of the State shall be at par, unless it shall in the same bill levy a tax to pay the interest at maturity.

However inconvenient the limitation on taxation may be, the limitation itself is plain and positive, and the requirement to levy particular special taxes is a rule of action to be observed within that positive limitation.

These bonds have been issued under acts that are in conflict with the constitution of 1868.

The public had notice that the proceedings resulting in the election of 1868 were void; that the legislators then chosen were not elected under any constitution in force at the time of the election; that the acts themselves were passed through bribery and corruption; and that even under the constitution of 1868 those acts were without the warrant of law.

Holders who took these bonds from the pool or improperly and illegally acquired them before February, 1870, and aided the railroad presidents in their breach of trust, are not bona fide holders in the eye of the law. Holders who acquired them after February, 1870, when the acts were repealed and the bonds were directed to be returned to the Treasury and were repudiated, stand in even worse plight.

So, in addition to the infirmity of the bonds in their origin, there is an infirmity in the holders themselves.

Still the people of the State are threatened with a big club.

Whatever may be the determination of the Supreme Court of the United States it will be met by the people of North Carolina with resolution. They will never pay a farthing on these alleged bonds; nor, if the plaintiffs should recover a judgment, would it be effective of any good purpose.

It may result in strained relations between the people of North Carolina and the people of New York; it may result in exhausting every means of retaliation that can be devised, but it will yield no money. The club will not only be used in vain, but there may result damage and injury to those who furnish the club and stand at the back of the men who wield it.

Very respectfully,

S. A. ASHE.

RALEIGH, N. C., *June 27, 1905.*

This bond syndicate then secured the passage of an act through the Legislature of Rhode Island authorizing Gov. Proctor of that State to accept a donation of these fraudulent bonds and requiring the State of Rhode Island to institute suit on them, but subsequently, when the issue of these fraudulent bonds was explained to Gov. Proctor by Gov. Kitchin of North Carolina, Gov. Proctor obtained a repeal of the act at once from the Legislature of Rhode Island, expressing the solicitude that his State should not be concerned in such a transaction, which the State of North Carolina gratefully appreciated.

This New York bond syndicate continued their exertions, and in September, 1910, a reply was made to their committee as above printed, embracing Capt. Samuel A. Ashe's letter to Mr. Carlisle.

Since then the syndicate of fraudulent bondholders have sought to interest foreign Governments, as well as other States of the United States, in the collection of these fraudulent bonds, but so far without avail.

Mr. Williams to Mr. Pettigrew.

EXTENSION OF REMARKS

OF

HON. J. HAMPTON MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: Democracy which rules in this House has been giving to the public, through the CONGRESSIONAL RECORD, such carefully prepared statements of the reasons why a Democratic President should be elected that a little variety now and then may add to the spice of the argument. It is unreasonable to expect that all men will think alike on the same subject for any great period of time, and it is frequently the very monotony of power as expressed through one or a group of leaders that overthrows majorities. We are not informed of the durability of the existing Democratic alliance, but as we read the statements of Mr. Bryan and compare them with the eloquent and forceful expressions of Mr. Hearst, we are reminded that differences will occur in the best regulated families.

Democrats who find interesting the controversies that have arisen in the Republican camp and who have been chuckling in high glee over the prospects of a division of Republican sentiment may find it worth while to read the letter written from Boston, Mass., December 15, 1911, to the Hon. R. F. Pettigrew, of Sioux Falls, S. Dak.

In many respects the letter of Mr. Williams is a literary gem. It deals with a literary character whose writings have been quoted upon this floor on numerous occasions. It is, indeed, so comprehensive an analysis of the written beliefs and policies of the Democratic candidate for President as to be worthy of preservation in the congressional archives. And, moreover, unless my information is awry, it had a liberal circulation in the bailiwick of certain distinguished presidential candidates prior to the convention at Baltimore.

I commend the studious and scholarly production of Mr. Williams to both Democrats and Republicans:

BOSTON, MASS., *December 15, 1911.*

Senator R. F. PETTIGREW,
Sioux Falls, S. Dak.

DEAR SENATOR: Since we visited Gov. Wilson last summer and carried away such pleasant impressions of his personality and conversation, I have had hopes that he might be the solution of our presidential problem.

This week I have been shocked at the reading of the fifth volume of his History of the American People, published in 1902.

It is toryism of the blackest type; it is not a history of the American people but a history of Woodrow Wilson's admiration for everything which the radical democracy now seeks to change and a series of sneers and insults to every class of men who have sought to alleviate the injustice of capitalism. I think Senator Aldrich would have written with more charity and less bitterness. The worst is that there is no note of sympathy for any suffering and protesting class, but he seems to search for phrases to show his contempt for them. Read the volume and judge whether I exaggerate in this statement.

One thing is clear: The contents of this volume should be fully known and considered now and not developed in the headlines of the Republican press after a nomination based upon ignorance of a man's own history of himself.

The radicals of the country may overlook the past utterances, but they should be fully informed of them. Gov. Wilson has undoubtedly changed materially his old points of view, but this book proves that a revolutionary change of heart is also necessary.

I array the quotations according to the classes of men he treats and cite the pages.

First. The laboring classes.

He discovers during the first Cleveland administration that the air was filled with anarchy and "cities filling up with foreigners of the sort the Know-Nothings had feared 'who' came to speak treasons" (p. 186). "The air of the industrial regions—thickened with vapors of unwholesome opinion."

The Haymarket riot of 1886 proved "the strength and audacity of the anarchist leaders 'and' a concerted plan to practice defiance of law" (p. 187). "Men of American training began to take the taint of anarchistic sentiment." The Knights of Labor "were touched with it" "and in proportion as it became anarchistic the great order suffered disintegration and decay" (p. 187).

He describes the march of Coxey's army with sneers; how the villagers fed them "lest they should linger or grow ugly in temper." "Good natured sympathizers and men who wished to see the comedy played out subscribed funds for their most urgent needs; the painful farce was soon over" (p. 236).

"Other armies gathered in more sullen mood," bituminous coal miners and railway employees struck. "It began to seem as if there were no law and order in the land. Yet the President (Cleveland) moved in all matters with a vigor and initiative which made the years memorable" (p. 238).

He speaks of the "firmness and decision" of Cleveland in his use of the United States Army during the Pullman strike without any application from the State authorities or the courts. He states that the Governor of Illinois had "not even called out the militia of the State to maintain order and protect property * * * and sympathized indeed with the strikers and resented interference" (p. 262).

[NOTE: This untrue statement shows that Mr. Wilson in writing such so-called history did not even take the pains to ascertain facts.]

Later he notes "the difficulties which Mr. Cleveland had been obliged to settle by the use of Federal troops" (p. 269).

He speaks of the railroad men and miners in 1877 as not only "idle but bent upon mischief" (p. 142); expresses his satisfaction with the violent methods used to suppress them by saying: "but they (the outbreaks) were at least gross, tangible, susceptible of being handled by counterforce and sheer authority" (p. 142).

He touches upon government by injunction by referring to the use of the boycott as a system of terrorizing those who would not yield to their demands and then says: "the courts were forced to execute, sometimes very harshly, the law against

conspiracy, fitting formulas, originated in an age gone by," to new circumstances (p. 168).

I find in this history no mention of the Carnegie homestead strike and carnage.

Speaking of industrial monopolies: "No wonder thoughtful men, as well as mere labor agitators, grew uneasy," etc. (p. 266).

Second. Immigration (in the nineties).

"Now there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population" (p. 212).

He thinks the Chinese which were excluded by law "were more to be desired as workmen, if not as citizens, than most of the coarse crew that came crowding in every year." He claims that despite the unsavory habits of these Chinese, "it was their skill, their intelligence, their knack at succeeding and driving duller rivals out rather than their alien habits that made them feared and hated and led to their exclusion at the prayer of the men they would likely displace should they multiply. The unlikely fellows who came in at the eastern ports were tolerated because they usurped no place but the very lowest in the scale of labor" (p. 213).

History does not seem to require that the negro should be described as "the incubus of that ignorant and hostile vote" in the South (p. 136).

Of most important party significance is Mr. Wilson's attitude toward the humbler class of party workers who seek office. Of the period of 1880 he says: "The brazen, indecent clamor of the meaner sort of partisan for preferment seemed of a sudden to work with fatal violence upon affairs" (p. 156).

Third. Farmers' Alliance, Populists, Farmers.

He says of the Farmers' Alliance proposals: "These were vague purposes and the means of reform proposed showed the think—of crude and ignorant mind" (p. 127).

The farmers of the South after the war he describes as "men new in politics as new in political thinking and constructive purpose, as much bound within the narrow limits of their own experience as the men of the western farms. Anyone who noted how the tenets of the Farmers' Alliance and the new and radical heresies with regard to money took root there could see how the South had in fact become itself a new region" (p. 203).

"The country's knowledge of his (Cleveland's) conviction in that critical matter—silver coinage, 1892—had probably saved his party the discrediting suspicion which the fusion of Democrats with Populists upon the Pacific coast might have brought upon it. The country has never needed a man of his fiber more" (p. 220).

"The People's Party, which the newspapers of the country—1892—promptly dubbed 'Populist,' had put forth a platform which demanded that the Federal Government should itself acquire the ownership of all railways, telegraphs, and telephones," the free coinage of silver, a graduated income tax, postal savings banks, and "all lands held by aliens, or by corporations in excess of their needs, reclaimed—a radical program which jumped with the humor of hundreds of thousands of workingmen and farmers the country over" (p. 216).

"He (Cleveland in 1892) led a party in which silver advocates abounded, men who lived remote from the seats of trade and knew nothing of its law" (p. 224).

Fourth. Grover Cleveland.

Mr. Wilson treats him throughout as a somewhat God-like person and finds nothing to criticize in his entire political course. Mr. Cleveland is described as "compact of frankness, conviction, and force, no mere partisan, but a man of the people with the spirit of service strong upon him" (p. 194). The Democrats (1884) won because they nominated "an instrument of integrity and sensible rectification in public affairs" (p. 170). "Courage, directness, good sense, public spirit" made him a man whom all the country marked (p. 192).

"Mr. Cleveland was a man of the sort they (the Mugwumps of 1884) most desired, not touched with the older sophistications of politics, his face set forward, his gifts the gifts of right action" (p. 176). "His quality was as unmistakable as Gen. Jackson's and yet he had none of Gen. Jackson's blind impetuosity or mere willfulness" (p. 180).

On pensions he says:

"Both Democratic House and Republican Senate (in 1885) were inclined to grant any man or class of men who had served in the Federal armies during the Civil War the right to be supported out of the National Treasury, and Mr. Cleveland set himself very resolutely to check their extravagance" (p. 180).

Fifth. The campaign of 1896.

Men "were easily persuaded that money would be more plentiful for the individual as for the Nation if scarce gold were abandoned as the exclusive standard of value and abundant silver substituted so that there should be metal currency enough for all; and they were easily beguiled to dream what a blessed age should come when the thing should have been done. They were not studious of the laws of value" (p. 255).

"The Republicans had their chief strength in the Central and Eastern States of the Union, where trade and manufacture moved strongest and men were most apt to understand the wide foundations of their businesses; the Democrats drew their support, rather, from the South and West, where disturbing changes of opinion had long been in progress and where radical programs of relief were most apt to be looked upon with favor" (p. 256).

The platform of 1896, he says, "uttered radical doctrines of reform which sounded like sentences taken from the platforms of the People's Party" (p. 258).

Of the campaign of 1896, "The battle was to be won by argument, not by ridicule of terror or mere stubbornness of vested interests. It was won by argument" (p. 262).

(NOTE.—This was Mark Hanna's campaign of "argument.")

Sixth. Greenbacks and silver.

"Money (after the war) was more easy to get, the paper money of the Treasury, and could be used at its face value as well as gold itself to pay the mortgages off which the older time of stress had piled up. The 'greenbacks' of the Government became for the agricultural regions of the North and West a symbol of prosperity" (p. 143).

"Thoughtful public men saw, nevertheless, that the business interests of the country rendered it imperative that specie payments should be resumed by the Government, the redundant currency of the country contracted, and money transactions put once more upon foundations that would hold fast" (p. 144).

He then speaks approvingly of the demonetization of the silver dollar in 1873 and the act of 1875 for the resumption of specie payments by the country, and says:

"The real functions of money, the real laws of its value, the real standards of its serviceability, the real relations to trade and to industry have always been hidden from the minds of men, whose thought in such matters has not been trained in the actual experiences of the open markets of the world, in actual exchange, or in the actual direction of the financial operations of government" (p. 145).

Of the South in 1890 he says, "Errors of opinion began to prevail there, as in the new regions of the West ———; hopes that the credit of the Government itself might in some manner be placed at the disposal of the farmers in the handling and marketing of their crops, demands for a 'cheap' currency, of paper or of silver, which should be easier to get and easier to pay debts with than the gold which lay secure in the vaults of the banks and of the Federal Treasury. The communities from which such demands came lay remote from the centers of trade where men could see in the transactions of every day what real laws of credit, of value, and of exchange must always be whether legislatures would have them so or not" (p. 203).

Mr. Wilson questions the decision validating the legal-tender notes and says that from the immense issues of war times legislators "got a novel and misleading sense of power in the creation of values." He condemns the Sherman Act because "the law of supply and demand governed the value of the metal as of all other things bought or sold, and the statutes of no single government could set the efficiency of that law aside." "Mr. Sherman and his colleagues were playing to the galleries" (pp. 205–208).

Of the financial situation in 1892, under the Sherman Act, "So soon as the Government ceased paying in gold, the artificial parity between gold and silver which the laws sought to maintain would be destroyed; every piece of property in the country, tangible and intangible, would lose half its value and credit would collapse" (p. 222).

"The real force of the sentiment came from the uneasy economic conditions of the country. '——' prices had fallen; money was not easy to get as it had happened to be when abundant issues of paper came pouring every month from the Government's Treasury."

"If the bankers set themselves against every proposition to provide an irredeemable paper currency again or even a fresh coinage of silver there was the more reason to believe that paper or silver was only real 'people's' money. The sentiment grew; reason had not established it and reason could not check or dislodge it" (p. 146).

I end the quotations with one which discloses Mr. Wilson's fundamental conception of money. Study this if you study no other; it is fearful and wonderful:

"The coincidence of high prices and eager markets with floods of paper, coupled with the indisputable fact that the return to slacker demand, lower prices, and a greater scarcity of money had been accompanied by a considerable contraction

of the redundant currency and by laws which were soon to bring about a return to specie payments, a turning back from 'cheap' money to 'dear,' confused the thinking of some men who had long been in contact with public affairs, and those who could not go quite the length of the greenbacks turned to silver for relief."

"I venture in behalf of the crude and ignorant minds to give a paraphrase of this sentence, even though my attempt may seem to jump with the humor of hundreds of thousands of workingmen and farmers the country over." It is as follows:

"The coincidence of heavy rains and high rivers, as well as the indisputable fact that in time of drouth the rivers were low, led many experienced men to the confused notion that the supply of rain had something to do with the height of streams."

I venture to say that a few millions of Democrats "live remote from the seats of trade and know nothing of its laws" have a right to ask whether Mr. Wilson, as their President, would apply such conceptions of finance to Senator Aldrich's currency measure, which is becoming a political issue, if a half million dollar campaign fund can make it an issue.

I have repeatedly defended the sincerity of Mr. Wilson in recent change of his views. I do not doubt it at all. But it is clear that he has had profound contempt for the Farmers' Alliance, the Populists, Greenbackers, bimetallists, trades-unions, small office seekers, Italians, Poles, Hungarians, pensioners, strikers, armies of unemployed; to him these classes represented no economic wrongs; Cleveland has been his worshipped idol as a President; he has regarded the East and the bankers as the sole custodians of financial wisdom; the vital question is, "Has a year destroyed all these impressions and put mercy, charity, love, and nationality into a hardened heart?" I am eager to believe it, but I rely on faith for justification. Two arguments are against him. Jefferson taught us that the great menace to the Republic was the courts, but Mr. Wilson objects to the recall of judges; in other words, he is willing that one of the three great branches of government shall be beyond popular control, and he does not see what all real Democrats see clearly, that the courts are the final intrenchment of privilege.

I dislike to call in question Mr. Wilson's application for a Carnegie pension; but I can not understand how a real Democrat could touch such money; it is steeped in human blood of Carnegie's workers, shot down by his hired Pinkertons, while struggling for a decent wage out of the hundreds of millions which their labor was rolling into the Carnegie coffers. The gigantic fortune, which furnishes the pension, was gained by unjust legal privilege, which it is our function to destroy. No man should ask a pension from such a millionaire without contemplating some service in return. We know what that service is, and Mr. Wilson ought to know.

It must not be forgotten that Mr. Wilson presents himself for the presidential nomination without any apology for his past, except concerning direct legislation; but this is popular and vote getting; he has done no penance and served no apprenticeship to real democracy; just espoused. High proof of his patriotic purpose would be to retire in the face of his unhappy record.

I yield to no one in charity for a man who has been wrong and has been converted, but charity must yield to the mighty importance of our presidential nomination to a hundred million people.

This record of Mr. Wilson has fixed some points in my mind beyond turning:

First. The radicals constitute nine-tenths of the democracy and should nominate only one of their kind, a thoroughbred. We have a paddock full of them and should not waste time firing, blistering, and bandaging old nags with bad records.

Second. The men who can carry Republican States because they are sufficiently near Republicans are not fit presidential timber for us.

Third. We must understand the mathematical law that the capitalistic press abuses a man according to his loyalty to popular interests. The candidate whom this press asserts to be most feared by the Republicans is the man we should most fear.

Fourth. We are not selecting a candidate because he wants the place, but because he is the best man in the country for it. If he does not consent, we can draft to this place a leader, a strong, loyal, brave, self-sacrificing patriot.

Fifth. The people have decided to come to their own; they have ceased party worship. The Republicans are doomed unless we blunder. We can open up a future for our Republic such as mind has not conceived when once the people rule. But our leader must be a real one; a thoroughbred; our watchword, "No mongrels need apply."

Tell me what you think of all this.

Sincerely, yours,

GEORGE FRED WILLIAMS.

Immigration Station Site, Baltimore, Md.

SPEECH

OF

HON. JOHN L. BURNETT,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 19, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof—

Mr. BURNETT said:

Mr. CHAIRMAN: The gentleman from Pennsylvania [Mr. MOORE] has referred in complimentary terms to the fact that, while I am in favor of restricting immigration, I have always been liberal in my views as to providing comfortable quarters for those who do come. I thank my friend for this compliment and beg to say that I have always favored better accommodation of immigrants at various stations—at Boston, at Philadelphia, so ably represented by the gentleman from Pennsylvania [Mr. MOORE], and other cities; and there never was a proposition coming to this House from the Committee on Public Buildings and Grounds or from the Committee on Immigration and Naturalization that I have not advocated when it proposed to give more comfort and better accommodations to those coming to our shores.

While it is true that I am in favor of a restrictive policy—not so restrictive as many have charged—yet I have always felt that so long as this Government invited these people to its shores it is our duty to give them such accommodations when they land at the very water's edge as will convince them that we are a people that are liberal and humane in our treatment of everybody, no matter where they come from. [Applause.]

My record is made on that proposition. We reported from the Immigration Committee several bills of that kind. I advocate this bill along the same lines that I have always been in favor of, and my conduct is in acute contrast with that of some representatives of foreign-language newspapers who appeared before our Committee on Immigration and Naturalization in opposition to the Burnett-Dillingham bill, for not one of them ever advocated a bill for the amelioration of steamship conditions for their fellow countrymen when they land. So apparent was their indifference to horrible steamship conditions that I felt it my duty to call their attention to the fact that Judge SABATH, an honored Member of this House and of my committee, had had before our committee for several years a bill for better steamship conditions, to enlarge the steerage capacity, and to give better ventilation, and not one of them said a word in its favor. A report a few years ago made by the immigration commissioner at Ellis Island showed that in one year over 1,500 children had come into that station afflicted with scarlet fever and measles, and that many of these diseases had been contracted on the trip; that 205 had died on the passage, and the greater number of them was on account of the unsanitary conditions of these steamships. I have been one of those who advocated reform in that direction, but those who came before our committee and made the loudest protests against restrictive legislation never raised their voice against murderous steamship conditions.

A few years ago the committee of which I was a member at that time and of which I am now the chairman reported a bill giving better steamship accommodations, but that bill did not go as far as Judge SABATH and myself desired. That bill was agitated and discussed before the committee for weeks and weeks, and yet not one of these gentlemen opposing the restrictive policy that I advocate appeared before the committee in behalf of these immigrants for the purpose of getting them better accommodations. So that, I say, my record is clear on that line. As long as they come, let us treat them like human beings.

The gentleman referred to the restriction that will result on the passage of the Burnett-Dillingham bill. I hope that it will pass, but it will not strike down the class of immigrants that come into the port of Baltimore, nor is it aimed at them. The gentleman from Maryland [Mr. LINTHICUM] told us of the character of that immigration. Under the Burnett bill there would not be 1 per cent of the immigrants from England, Scot-

land, Ireland, Wales, and not one-half of 1 per cent from the great Scandinavian countries, that would be debarred; of the Germans, not 2 per cent; of the splendid Bohemian citizens, not 1 per cent; and it contains a provision that even if the Jewish citizen was not able to read the Hebrew or Yiddish, he would not be debarred if fleeing from religious persecution, if otherwise admissible. So far as the port of Baltimore is concerned, I believe the passage of the Burnett-Dillingham bill would increase the class of immigration that would come in there. On my trip through Europe as a member of the immigration commission, I inquired of several Germans at Hamburg why it was that fewer of their people were coming to this country than formerly. They replied that there were several reasons; one was that the conditions were better there than they used to be, and another was because we were receiving too many emigrants from along the Mediterranean Sea that his people did not want to come in competition with in our labor markets and did not want to come in contact with in their standard of living.

So I believe that the good immigrants that come in will be increase by the passage of the Burnett bill, while it would keep out 40 per cent of the Sicilians and that class. There would be such an impetus given to the immigrant from northwestern Europe, which we all desire, that Baltimore and other ports would receive more of the better class than they receive now.

As has been said by the able Representative from Maryland [Mr. LINTHICUM], they have no station at Baltimore now. They are simply subject to the whim and caprice of the railroad company furnishing a reception station for these people, and a detention hospital several blocks away. Sick people, as it is now arranged, after having landed in the station provided by the Baltimore & Ohio Railroad, are carried several blocks away before they can reach the detention hospital. The proposition involved in this bill is to sell or exchange this site for the purpose of acquiring another nearer to the water's edge in order that the reception station and detention hospital may be one building close to the place of landing. As has been said by the gentleman from Pennsylvania [Mr. MOORE], that is the policy that is being adopted by the great cities that have these places. Boston is placing her immigration station on the water's edge. Ellis Island is surrounded by water. I have been there frequently, recently, and there are no more healthy conditions, in my judgment, than are now being provided by Mr. Williams, the splendid gentleman in charge of the immigration station at Ellis Island.

No doubt when the building is completed at Philadelphia—and I was one of those who had the honor of aiding the gentleman in getting just what they are looking forward to now—when they get down to the water's edge instead of being remote as they are now and have it all combined, they will, with much greater expedition, and with much greater healthfulness and convenience to the immigrants arriving, be able to take proper care of those coming in.

Mr. BUTLER. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. BURNETT. Certainly.

Mr. BUTLER. And that is whether or not the Members of this House who desire to have considered the gentleman's bill on the subject of immigration will have the opportunity during the present session of Congress?

Mr. BURNETT. I hope so. I want to say that if my committee is reached during this session, the Dillingham Senate bill, as substituted by the Burnett bill, will certainly be the one called up.

Mr. BUTLER. It is the gentleman's purpose to press the consideration of that bill?

Mr. BURNETT. Yes; and I have done so right along. I have a resolution now pending before the Rules Committee making it in order, and have been urging that committee to report it so that we may have a vote on it at this session. [Applause.]

Mr. Chairman, I desire now to discuss the Burnett and the Dillingham bills and give something of their history and effect if they pass.

The Burnett bill strikes straight at the question of the restriction of what I regard as undesirable immigration. The Dillingham bill was reported to the Senate with the illiteracy test stricken out, but by the activity of Senator SIMMONS, of North Carolina, it was forced back into the bill. Senators LODGE and DILLINGHAM were both members of the Immigration Commission, of which I was also a member, and which, after several years of patient investigation, reported the "reading and writing test as the most feasible single method of restricting undesirable immigration." I believed this the most important result of the labors of our commission, and was greatly disappointed to know that the two Senators just named, one of whom was chairman of the Senate Committee on Immigration and the other an influential member, had not been able to retain it in their committee.

The Burnett bill, which was reported by my committee, has only four brief sections and is not encumbered with any other feature than the illiteracy test above. The Dillingham bill passed the Senate and came to the House with 39 sections and covered 58 pages. It has been before the Senate for months, and the Burnett bill had been reported to the House for some time before the Dillingham bill reached us. There were some features of it which almost every member of the House committee believed to be unwise. It was crude, and confused. The last section, it was thought by many, repealed the Chinese exclusion act, and the committee believed that to report it in its then form would very probably defeat any legislation. So, after giving it much consideration, a motion was made to strike out all after the enacting clause and report the text of the Burnett bill in lieu thereof and every member of the House committee who favored the illiteracy test voted for that substitute. Both bills now have only the illiteracy-test provision.

Mr. GARDNER of Massachusetts, in a newspaper interview, did me the honor of speaking in high praise of the sacrifice I made in permitting the so-called Dillingham bill to be reported in the exact terms of mine, when mine had already been reported by the House committee. There were a number of bills on the subject before the committee; some of them much more drastic than mine. Mr. FOCHT of Pennsylvania introduced one which in many respects followed the Dillingham bill, but which for confusion and amateurishness is more of a joke than a real bill. It covered 53 pages and contained 39 sections. I doubt whether the author ever read it, but allowed some shrewd joker to impose upon him. He did not ask me for a hearing by our committee on his bill and possibly only introduced it for home consumption. The last section of his bill also repeals the Chinese exclusion act, and if enacted would soon fill our country with Asiatics who would drive every white laborer to the poorhouse. There are more than 400,000,000 Chinese in that kingdom and they could easily spare 200,000,000 of them. This would be more than twice the entire population of all America. They can work for less than 20 cents per day. It is unthinkable that any sane man would want to turn loose this great horde of "chinks" on our country.

The Dillingham bill tried to correct this outrage in that bill by adding a long involved sentence at the end of section 3, but it was done in such a bungling manner as to be meaningless. But the Focht bill does not even attempt to correct the enormity.

Of course I would reflect on any member of my committee by intimating that he would not detect the joker and eliminate it from the bill, but it shows that the gentleman from Pennsylvania [Mr. FOCHT] had fallen into the hands of some one who imposed that section upon him. I advise the working people of his district if they should again elect him to elect a guardian to attend him and see that he does not subject them to competition with 200,000,000 Chinese laborers. So long as I am chairman of the committee I promise that such an outrage shall not be perpetrated on the people of this country. Beginning in line 19, page 15 of the Focht bill, is the following:

> And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so affected or afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect or inability to read and write might have been detected by means of a competent medical examination, such person—that is, the person bringing him to our ports—shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of this provision.

What do you think of that? A medical examination to determine whether or not an alien can read and write. This is a fair sample of much of the Focht bill. Does he not himself need a medical examination? As I stated in response to the question of the gentleman from Pennsylvania [Mr. BUTLER], I have resorted to every method that I can conceive of to secure the passage of this bill. I have made the question a study for years and believe the conclusion of the commission that the illiteracy test is the most feasible method of restricting undesirable immigration is the wise one. I am not the enemy of illiterate people. Many of the best people of my district, on account of poverty or lack of opportunity, are illiterate, but they have been reared under the Stars and Stripes and have breathed the atmosphere of freedom and of law from their infancy. They had to wait till they were 21 years old before they could vote, yet the dago who can neither read nor understand a word of our Constitution can become a full-fledged citizen in five years.

I am for the illiteracy test, not because illiteracy is necessarily an evidence of viciousness or low morals, but because the test will keep out hundreds of thousands of people who are undesirable and dangerous and at the same time allow the desirable immigrant to enter. Gentlemen on the other side contend that many of the worst criminals who come to this country could comply with the test. This is true; but we have other laws for their exclusion. Besides, the illiterate foreigner, especially from the nationalities affected by this test, is often the easy dupe in the hands of the more literate criminal to be led into lawlessness and crime. This was true in the recent troubles at Lawrence, Mass.

Mr. Willis, of the Order of Railway Men, told me recently that he was partly raised at Lawrence; that he and his sister 20 years ago worked in those textile mills; and that at that time many respectable American girls worked there. But when the hordes from southern Europe began to come in their standards of living soon drove the pure American girl from the mill.

During the strike at Lawrence the Commissioner General of Immigration told me that over 90 per cent of the employees were foreigners, the greater part of them from Italy and other countries of southern and eastern Europe. Some who spoke before my committee against the Burnett bill stated that Americans and western Europeans would not do the class of work that these foreigners are doing. No greater mistake was ever made. All through the South and West, where the country has not been invaded by these birds of passage, you will find Americans and all the better classes of foreigners doing the same kind of work that these people are doing in the North. There is a beautiful cotton-mill city right at my own home, where hundreds of pure, virtuous women and honest boys and men are toiling in the mills from "early morn till dewy eve," and everybody respects them for it.

Mr. Lichliter, of Pennsylvania, chaplain of the National Council of the Junior Order of United American Mechanics, in a recent address before my committee, stated that in the coal and iron industries of his State the low-priced and low-standard labor had almost entirely driven out the American, German, English, Irish, Welsh, and Scotch. In an investigation of labor conditions in the steel industries of Pennsylvania by the Sage Foundation they give copies of the following advertisement:

> Tinners, catchers, and helpers to work in open shops. Syrians, Poles, and Roumanians preferred.

There you see that the United States Steel Corporation, with Perkins at its head, wants them as strike breakers and to keep down the price of honest toil. A mine owner near Birmingham told me that even the negro was a better laborer than the Italian, but he had to employ Italians to regulate the price of labor. Think of it, workingmen! The price of your labor to be regulated by those with whose families you would not want your wives and children to associate!

President Gompers, of the Federation of Labor, himself a foreigner, said last spring in an address before our committee in support of the Burnett bill:

> We are going to live here. All that we have is here. Our families are here, our children and our grandchildren; and we expect to end our lives here, and we expect that our children will end their lives here. And with all this great complexity of peoples, with this constantly increasing immigration, there can not be an improvement of the Republic of the United States. If we are going to maintain the Republic, based upon the sovereignty of the manhood and the womanhood and the childhood of the United States, we have got to see to it that such a condition of affairs as now exists, and now particularly threatens, is removed—very materially removed.
>
> I express the views of the men of labor of America, without regard to nationality and without regard to nativity. The men of labor want more and better regulations and a much stronger limitation of immigration than now exists. I know that I am, perhaps, an altruist; I do not think I am bereft of humanitarianism; but you can not be neglectful of the interests of the people now in America. Indeed, I believe that one of the great causes of backwardness in the improvement of material conditions of the people of Europe is the outlet to America. If the people of Europe, and particularly of southern Europe, were by some of our legislation required to stay at home, they would compel these obsolete monarchies, except in so far as their titular existence is concerned, to institute social reform and a larger degree of liberty among the people in their own countries. Emigration is the avenue of escape from dangerous conditions in their countries, which affords a constantly new lease of life to many of these monarchies abroad.
>
> In the interests of these people, as well as the interests of our own people, I think the Congress of the United States should give its early attention to providing the relief which is so necessary.

The labor organizations represented by Mr. Gompers have 3,000,000 members, and at every annual meeting for years they have passed resolutions indorsing the illiteracy test. So have the Junior Order of American Mechanics, over 400,000 strong; the Patriotic Sons and Daughters of America; the National Grange and the farmers' unions of the South and West, with a membership of over 3,000,000 people.

In a masterly address before our committee on February 1, Mr. T. J. Brooks, chairman of the national legislative committee of the Farmers' Educational and Cooperative Union of America, in response to a question as to whether the South was opposed to any foreign immigration, said: "I would not say yes, but they are opposed to that kind that would be excluded by the legislation recommended by the Immigration Commission."

He said further:

> And as to the character, some one said something about the percentage of farmers coming. According to the last published Annual Report of the Commissioner General of Immigration—that is, for 1910; the 1911 report is not yet published, I believe—out of 1,198,037 aliens entering the United States in 1910, only 15,476 were "farmers," and only 226,380 could be classified as "farm laborers." It is useless to talk about diverting or distributing such an immigration as those statistics characterize. It seems to me quite clear also that the agricultural sections of the South and West do not want it distributed, at least until there is the needed restriction.
>
> Mr. Chairman and gentlemen of this committee, I can assure you that our organization and the farmers generally would be as far from wanting to exclude desirable people who have similar racial, social, economic, and political traits, tendencies, and characteristics as anyone, if that immigration was of the proper kind and came of its own notion and motion and fit our standards of citizenship. It is our patriotism to mankind and to our country that makes us enter our protest against leaving the bars down.

It is shown by the records that those coming from southern Europe send back to their country over $250,000,000 annually, and if a little panic comes they fold their tents like the Arabs and as silently steal away.

People who flee when financial adversity overtakes us would not follow the Stars and Stripes when the thunder of battle comes upon us.

While more than 75 per cent of the western Europeans become naturalized citizens, less than 35 per cent of the Italians naturalize.

We are filling our country with those who care so little for American institutions and the boon of American citizenship that they will not avail themselves of our easy methods of naturalization; and, speaking for the good of our great country, I must say that it is best for us that they do not.

When they become citizens, they are led to the booths by their bosses like sheep in the shamble and voted; they know not and care not how. They are the breeding grounds of anarchy and crime, and, gentlemen, if this unrestricted influx keeps up for 20 years longer we will see American liberty and American morality pass from the earth. Let us stop them.

A Ditch Worth Digging.

EXTENSION OF REMARKS
OF
HON. J. HAMPTON MOORE,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 21, 1912.

Mr. MOORE of Pennsylvania said:

Mr. SPEAKER: To what I have already said upon this subject I desire to add this: There is no artificial waterway in Uncle Sam's domain so eligibly located for the convenience of commerce and so incapable of promoting it as the existing Chesapeake & Delaware Canal. This is not the project of any single State; it is interstate in the broadest sense, since it traverses portions of Delaware and Maryland and is the passageway through which a limited commerce, arising in the Atlantic States, passes on to every State and Territory of the Union.

The Chesapeake & Delaware Canal is one of the chief links in the proposed Atlantic coastal chain, and at the approaching convention of the Atlantic Deeper Waterways Association at New London, Conn., September 4, 5, and 6, will be a leading topic for discussion. And there is good reason why it should be, for there is no finer example of eastern indifference to commercial progress than is afforded by this picturesque antiquity.

If you will take a glance at the map and note the broken line of water courses inland along the Atlantic coast, you will find that the Delaware and Maryland Peninsula is connected on the north by a very narrow strip of ground, with Pennsylvania, New Jersey, Delaware, and Maryland in close proximity near the top. It runs up into a thickly populated, highly cultivated country, in which the industries abound. Our forefathers, observing the favorable conditions for linking up the north and

the south, inland, through the upper neck of the peninsula, proposed to save the sailing distance of 325 miles around it from Philadelphia to Baltimore, by canalizing the easy cross-country route from the Delaware River to the Elk River and the Chesapeake Bay. As I observed this morning, they cut their canal in the old-fashioned way by pick and shovel and horse and cart, and they finished it in four years, from 1825 to 1829, inclusive. It is a matter of such historical interest that I insert here a copy of the inscription upon the tablet at Summit, commemorating the completion of the work:

Inscription on the Memorial Tablet.

The construction of this canal was begun on the 15th day of April, 1824, by Silas E. Weir, the chairman of the first committee of works, whose zealous and efficient service to the company terminated with his life on the 14th day of May, 1828. He was succeeded by Robert M. Lewis, under whose active supervision the work was continued and finished.

In its progress through the eastern level, large sections of embankment sunk 100 feet below the adjoining surface and the bottom of the excavation rose 40 feet above its natural position. On the deep cut more than 375,000 cubic yards of earth slipped from the regulated slope of the sides and passed into the chamber of the canal.

These and many other difficulties having been overcome, the water was introduced on the 4th of July, 1829, and the final accomplishment of this great national work was celebrated on the 17th of October of the same year, at which time the navigation was opened.

THIS TABLET
IS ERECTED BY THE PROPRIETORS
OF THE
CHESAPEAKE AND DELAWARE CANAL
TO COMMEMORATE ITS COMPLETION
AND
TO STAND AS A
TESTIMONIAL OF THEIR GRATITUDE
TO
JAMES C. FISHER, PRESIDENT,
AND
THOMAS P. COPE, JOHN K. KANE, ROBERT M. LEWIS, ISAAC C. JONES, ROBERT WHARTON, THOMAS FASSITT, JOHN HEMPHILL, AMEROSE WHITE, AND WILLIAM PLATT,
DIRECTORS OF THE COMPANY.
SECRETARY AND TREASURER, HENRY D. GILPIN: ENGINEER IN CHIEF, BENJAMIN WRIGHT: ENGINEER RESIDENT, DANIEL LIVERMORE: SUPERINTENDENT, CALEB NEWBOLD, JUNIOR.

Length of the canal, 13¾ miles; width at water line, 66 feet; width at bottom, 36 feet; depth of water, 10 feet.

Depth of excavation at summit, 76½ feet; extreme width of section at surface, 366 feet; excavation from deep cut, 3,500,000 cubic yards.

Length of locks, 100 feet; width of locks, 22 feet.

Length of Summit Bridge, 247 feet; height above bottom of canal, 90 feet.

Total cost, $2,250,000, of which $450,000 was paid by the United States, $100,000 by the State of Pennsylvania, $50,000 by the State of Maryland, $25,000 by the State of Delaware, and the residue by citizens of Pennsylvania, Maryland, and Delaware.

A CANAL WITH A HISTORY.

It will be seen from this inscription that the United States Government, as well as the States of Pennsylvania, Maryland, and Delaware, were financially interested in the canal, as were numerous citizens of those States. That it was a popular and profitable enterprise in the earlier years of history; that it was the chief bearer of commerce until the railroads entered into active competition with it; that it served almost as a savior of the Nation in carrying troops to protect the Capitol when the railroads were unable to comply with Lincoln's call are undisputed facts in history. In addition, the old canal was the first to accommodate vessels equipped with the screw propeller invented and put into use by John Ericsson. Indeed, the prop and mainstay of the canal in recent years has been the Ericsson Line of steamers, built especially to pass the 24-foot wide locks and to draw not in excess of the 9 feet of depth in the canal.

But interesting as is the history of the canal, it remains to-day, with its limited facilities, not only an aggravation but a positive hindrance to progress. I am not prepared to say it is under the influence of competing railroads, for I do not know; but I do know that merchants and shippers continually complain of their inability to use the canal, owing to its physical limitations and to the restrictions in the way of tolls upon cargoes. Speaking roughly, the canal now does a business of less than a million tons a year.

FACTS PRESENTED IN THE AGNUS REPORT.

In the report of the Agnus Commission, forwarded to Congress by the War Department January 12, 1907, is this significant statement:

"The Delaware and Chesapeake Bays have a shore line of 2,500 miles, with 500 tributary streams and more than 10,000 registered vessels.

"An idea of the trade immediately affected can be had from the statement contained in Report No. 2725 of the Fifty-eighth Congress, which says:

"'The commerce of the Delaware and Chesapeake, registered and otherwise, has been estimated all the way from 50,000,000 to 90,000,000 tons annually. This is much larger than the tonnage of the entire annual foreign commerce of the United States. The Isthmian Canal Commission estimated that the Panama Canal, now to be built at a cost approximating $200,000,000, would have carried a tonnage in 1899 of but 4,574,852 tons.'

"Of the registered tonnage traffic in a recent compilation, 25,873,167 were on Delaware Bay points and 24,151,932 on Chesapeake Bay points. These figures, however, do not include the undocumented and unregistered tonnage traffic, which would add nearly 100 per cent to the total.

"Considerably less than one-tenth of the traffic on the Delaware and Chesapeake Bays and their various points belongs to foreign commerce. The great value of the proposed canal would be in facilitating the coastwise trade.

"It is estimated that at least 2,000,000 tons of coal would go through this canal to consumers farther north. Under the present conditions much of this coal has to make a detour by way of the capes, and often the vessels must lie at Hampton Roads 10 or 12 days and even 2 weeks waiting a shift of wind."

PRESENT CONDITIONS DEPRESSING.

If the Panama Canal would have carried a tonnage in 1899 of 4,500,000, the best estimate for 1913 does not exceed 10,000,000, so that the 13½-mile Chesapeake and Delaware Canal properly improved would have a fair chance to carry from 5 to 10 times as much commerce as the Panama Canal. But to explain why it does not give better service to the public, let me say, first, that it is not a profitable concern to its present owners, and that they have been suffering for many years from the results of the heavy defalcation of one of their officers. There is no incentive for business men to use a plant which is operated under conditions that held nearly a hundred years ago, and the present management has neither the money nor the inclination to bring the canal up to a profit-paying basis. And it is doubtless true that if it were not for the one regular line of steamboats that still persists in doing business through the canal it would not be able to survive at all. It was these depressing conditions and this holding up of the key to the inland waterways situation along the Atlantic coast that led to the report of the Agnus commission in 1907 in favor of the Government taking over the canal and making it free to commerce. So long as the Government refuses to act, the shipping public will continue to be barred from the use of the canal because of its restrictions, and to this extent will contribute to the business of the railroads, whose freight rates, where undisturbed by water competition, contribute so largely to the increase in the cost of living.

SAVING OF LIFE AND PROPERTY.

And it was a matter of great satisfaction to the proponents of the Atlantic coastal waterway that the agitation for the taking over of the Chesapeake and Delaware Canal should have been reported upon favorably by the United States Army engineers after a most painstaking survey, of which Congress was officially advised January 4, 1912. In their report to the Chief of Engineers the special survey board said:

"This section is a central link in the chain of waterways proposed between Boston and Beaufort. Apart from any usefulness which it may possess for local commerce, or such interstate and foreign commerce as may use it to reach the ocean, it is essential to the construction of any intracoastal waterway connecting New York or Philadelphia with the South. But without reference to this relation to the other sections of the system proposed, the usefulness of the canal may be considered first in its relation to existing waterways and their commerce.

"During the last five years many vessels and lives have been lost along the coast between Cape Charles and Cape Henlopen, between which points there is no harbor of refuge except the inadequate one at Chincoteague. Among the vessels so lost were 32 engaged in the coastwise trade which might have used the canal, if the same had been available and free, and which would in that way have avoided the dangers which caused their loss. The value of these vessels and their cargoes is not known, but the aggregate tonnage was about 22,600, and it may be assumed that there was lost with them not less than 12,000 tons of freight. Vessels of this class generally carry all that can be loaded upon them, and the above assumption is conservative.

"Allowing 50 per cent of the cost of new vessels of the sizes reported, their value may be assumed as $450,000. Considering the total tonnage and value of all freight reported to the board

as shipped along the route of the canal, an average value of $4.81 per ton has been deduced for the general run of coastwise freight. The cargoes lost may then be assumed to be worth not less than $57,720, and the value of the canal as a preventive of marine disaster may be taken as not less than $100,000 per year; in addition to which must be considered the great reduction in insurance rates on the total volume of coastwise traffic now running outside the capes but ready to change to the canal when possible. There are no statistics available from which the amount of this saving may be obtained. With the 32 vessels mentioned above were lost 49 lives, an average of about 10 per year."

IMMEDIATE TAKING OVER RECOMMENDED.

In reporting these findings to the War Department, the Chief of Engineers, Gen. W. H. Bixby, recommended the taking over of the canal. He said:

"The immediate purchase of the existing Chesapeake & Delaware Canal, which connects Chesapeake Bay with the Delaware River, at an estimated cost of $2,514,290, and its progressive change to a tide-level canal of 25 feet depth at mean low water at a further cost of $9,910,210, making a total initial cost of $12,424,500, of which $3,000,000 should be made available immediately and the rest be covered by authorizations with a view to final completion, following the general line of improvement outlined by the special board. This canal forms an essential part of a through inland waterway connecting New York and Philadelphia with the South. Its purchase and the abolishment of tolls will produce at once a considerable saving in transportation expenses and should result in an early and substantial increase of traffic with advantage to the commerce of several States. This canal is at present 10 feet deep and of the lock type, the locks being 24 feet wide by 220 feet long. The change should be made gradually and in such way as to interfere as little as possible with existing traffic; and 12 feet depth or thereabout should be secured throughout the canal before the deepening is carried to 25 feet. While the above recommendation for immediate purchase of this canal and the enlargement of this section to about 12 feet depth is a definite recommendation, the method of deepening to 25 feet and the rapidity of work for the first and subsequent deepening must depend considerably upon the cost of the intermediate steps, and further estimates for such portions of the work will therefore be called for and submitted later with final recommendation for this section."

CONGRESS NOT YET READY.

These recommendations were brought to the attention of the Rivers and Harbors Committee during the present session of Congress, but owing to the desire to limit the appropriations, no provision was made for the project. That commerce is still demanding recognition, however, and will not be satisfied until this waterway is taken over by the Government and made free is apparent to all who understand the situation. The approaching convention at New London will unquestionably renew the battle and take steps to lay the matter before Congress with the expectation that early action may ensue.

And Congress ought to act and act speedily in a matter so vitally affecting the expenses of the people. We are not dealing with a project that ought to be taken care of by any one State or community; we are dealing with an interstate proposition, in proof of which I submit the following letter from the secretary of the Interstate Commerce Commission, written in response to my inquiry:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, June 13, 1912.

Hon. J. HAMPTON MOORE,
House of Representatives.

DEAR SIR: Replying to your letter of the 11th instant:

The act to regulate commerce applies to water carriers in so far as they enter into through-routing arrangements with rail carriers for the continuous transportation of property partly by rail and partly by water over a route which is in two or more States.

Carriers operating through the Chesapeake & Delaware Canal come within this general rule.

Respectfully, JOHN H. MARBLE,
Secretary.

FINANCIAL INTEREST OF THE UNITED STATES.

And furthermore we are dealing with a proposition in which the Government itself has a direct interest, as the following letter from an Assistant Secretary of the Treasury will make clear:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, June 14, 1912.

Hon. J. HAMPTON MOORE,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, requesting information concerning the interest of the United States in the Chesapeake & Delaware Canal, and to advise you that the United States is the holder of 14,625 shares of stock of the canal company (par value $50), amounting to $731,250.

This stock was acquired by the payment of $450,000 under the acts of March 3, 1825, and March 2, 1829, and through the acceptance by the United States of shares in lieu of cash dividends.

Fourteen cash dividends were paid to the United States between 1853 and 1872, amounting to $259,875.

The cash dividends of 1873, 1875, and 1877, due the United States, and amounting to $51,187.50, were embezzled by the treasurer of the company.

A suit is now pending in the United States District Court for the District of Delaware for the recovery of the unpaid dividends.

Joint Resolution No. 37, approved June 28, 1906 (34 Stat., 835), provided for the appointment by the President of a commission to appraise the value of the works of the Chesapeake & Delaware Canal, and the report thereon was transmitted by the Secretary of War to the President, on January 12, 1907, and is printed as Senate Document No. 215, Fifty-ninth Congress, second session.

The conclusions of the commission are stated on page 2 of the report, and an appraisement of the works and franchises of the Chesapeake & Delaware Canal will be found in Appendix B (pp. 17–32).

This department possesses no later information bearing upon the financial status of the company.

Respectfully, A. PIATT ANDREW,
Assistant Secretary.

A HINDRANCE TO COMPETITION.

But of still more importance is the fact that this canal, holding a franchise from the people and presumed to be operated in their behalf, stands helplessly, or by design and connivance of competitors, a positive hindrance to competition in transportation, and something of a monopoly itself. It will not go forward, nor will it get out of the way until the Government of the United States steps into the breach and modernizes it for the benefit of all people. I am credibly informed that during the last few months notice has been given to the principal line of steamboats using the canal that the rates are to be increased at the close of the present year. It is said that vessels which formerly passed through the canal in three hours are now compelled to put in about four hours, and sometimes five and six, which, of course, is extremely detrimental to any business in competition with frequent and rapid rail service. It is charged that the tolls now assessed are excessive and in some instances equal on the high class of goods 5 cents a ton a mile. In the matter of sugar and commodity rates the charges are 20 cents per thousand pounds, or 40 cents per net ton, for the privilege of this 14-mile passage, the shipper furnishing the carriage, the motive power, and assuming all liabilities.

One of my correspondents, speaking of these things, says:

"With such conditions it is needless to ask how water-borne traffic may be developed. Such rates as these might be applicable for great works like the Panama Canal, but when applied to a waterway like the Chesapeake & Delaware Canal, they become practically prohibitive. As this canal is a public highway and the United States Government has a large investment in it, it is only fair to assume that it should have some voice as to the fixing of the tolls, and it might be in order for Congress to authorize an investigation of these rates, or put the canal under the jurisdiction of the Interstate Commerce Commission pending the taking of the works over by the Government."

And then, again, I am informed:

"On all goods destined to or from Norfolk, Va., or beyond Philadelphia or Baltimore, the tolls are assessed at least 33 per cent less. This is a discrimination, as all the business is interstate and the service of passage through the canal is identical. Another discrimination: We have to pay the same toll on goods we deliver at Delaware City from Philadelphia as though they passed through the entire canal. They only pass

through one lock and are carried about 300 yards. The same applies to goods from Baltimore to Chesapeake City, the lower end of the canal."

WHAT FREE TOLLS MEANS.

Mr. Speaker, I think enough has been shown to prove the case of the shipping public against the Chesapeake & Delaware Canal. What is needed in place of this historic institution is a modern, up-to-date canal, owned and operated by the Government, free of toll. The men who create the wealth of the country and who carry on its business have a right to be heard and considered on this proposition. If they persist in being heard, which I have every reason to believe they will, there is little doubt that Congress will ultimately consider their rights and interests. The modernizing of this waterway and the making it toll-free, foretokens a flotilla of business and pleasure craft, of vessels of peace and war. It means the opening up of adjacent territory, the increase of property values, and the extension of the raw-material market and of the product of the mills and mines. It will mean a new era for the Atlantic seaboard through a commercial union of the States and the obliteration of sectional lines. It is as worthy of congressional favor as any existing waterways project of the country, because it has more of industrial and commercial substance behind it.

Panama Canal Bill.

EXTENSION OF REMARKS
OF
HON. JEFFERSON M. LEVY,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, August 17, 1912.

On the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. LEVY said:

Mr. SPEAKER: I am opposed to section 11 of the pending conference report, and particularly that portion of it which makes it unlawful for any railroad company to hold any interest whatsoever in any water transportation company after July 1, 1914.

This section is not alone applicable to the steamship lines which are to use the Panama Canal, but the provision is one of a wide scope and applies to every railroad company in this country which operates or owns an interest in any water transportation line or lines. The provision is one of great importance, and why it has been placed in this bill, which provides for the opening, maintenance, and protection of the Panama Canal, is beyond my conception. It might be justifiable to deal with this subject if its operations were confined only to those lines which use the canal, but to apply it to the rest of the country is wholly unjustifiable and might lead to grave results, which, I fear, are little appreciated by the Members of this House.

Let us look and see what the results will be. Almost everyone knows that our immense transportation traffic at the present time is carried on by the cooperation of the railway and water transportation companies on the lakes, rivers, and the seaboard. It was ascertained by the railway companies many years ago that without the assistance of water transportation they would be unable to take care of our vast inland and seaboard commerce.

It was not until the railroads ascertained that private capital could not be persuaded to build and operate these water lines that they set about to construct expensive water terminals, warehouses, elevators, and steamship lines in conjunction with their own roads in order to furnish adequate and cheaper facilities for the handling of our enormous freight traffic. What was the result? The cost of transportation was greatly lessened, and a great many of the railroads are to-day transporting freight over their own water lines at a cheaper rate than they can afford to by rail, and they are giving us greater and better facilities for transportation at a decreased cost.

It is absurd for anyone to make the assertion that competition does not exist between water lines owned by railroads and the railway companies and other water transportation companies, for, as I said before, the railroad companies carry freight over their own water lines cheaper than they do over their rail lines, and there exists competition of the keenest sort between the railroad-owned lines and the independent lines.

Mr. Speaker, in my opinion, legislation of this character is not needed at the present time. All the large railroads of this country are affected by this provision of the pending conference report, and they will be compelled to dispose of, within the short space of time as provided therein, docks, warehouses, and steamship lines valued at over $100,000,000 at a very great sacrifice. How unjust this is to the railroads which have contributed in an immeasurable degree towards the development and prosperity of this country and which have spent millions of dollars in order to give us cheaper and better transportation facilities.

When, by law, we prevent railroads from holding any interest in water-transportation lines we are striking another blow at our shattered merchant marine, which has recorded a continuous declension in both size and importance during the past 40 or 50 years. During the days of the China trade Great Britain possessed nothing approaching the fleet of our mercantile marine. The vessels were well built, well handled, and well manned in every respect, so much so, indeed, that the owners succeeded in overcoming all competitors—notably the British—and in ousting them from some of their own ports. Between 1813 and 1845 the American shipowners were making enormous fortunes, charging whatever freights they pleased, and yet being offered more freights than they could possibly handle.

To-day the tonnage of our merchant marine has shrunk to almost an insignificant amount—the foreign shipping trade for 1912 being less than that of 1911, while that, again, showed a falling off from the figures of 1910. Two reasons may be assigned for this decline of our merchant marine, one is due to the difficulties created by our high import duties and the other might be found in the registry law. The registry law mostly provides that American papers and the American flag can not be used by native owners of a merchant ship which has been built abroad. Instead of assisting shipping, as was no doubt intended, the registry has actually harmed our owners considerably.

When the practicability of the Nicaraguan route was being discussed in the House during the Fifty-sixth Congress, it was stated that it would require but $150,000,000 to complete the Panama Canal, and I stated it would cost approximately $250,000,000. Every Member knows that more than $250,000,000 has been expended on the canal, and I think I am correct when I say that before it is completed it will cost in the neighborhood of $350,000,000. At that time I was not in favor of constructing a canal until the fleet of steamships carrying our flag balanced the difference between England's 67 per cent of the world's tonnage and America's 7 per cent, and said the money necessary for the initial work of the canal should be employed within the confines of the United States in building up our merchant marine.

Instead of conferring jurisdiction on the Interstate Commerce Commission to determine questions of fact as to competition or possible competition, why not make a provision for a commission consisting of three members, one to be a man well versed in railroad affairs, the other to be a man well versed in steamship affairs, and the third to be a man well versed in legal affairs. At the present time it takes the Interstate Commerce Commission from 6 to 12 months to render decisions in domestic railway matters, but with this additional work placed upon them it will, in my judgment, take from 12 to 18 months to secure a decision from them, whereas with a commission such as I have mentioned it would only take from 1 to 2 months to secure a decision.

The Interstate Commerce Commission during the fiscal year ending June 30, 1911, spent $1,296,670.74 of the American people's money, and surely with this vast expenditure there should be a corresponding amount of good returned to the people. Is this the case? Does any fair-minded man really believe that the people of the United States are benefited to the extent of the money they have paid out for this most expensive luxury? And it should furthermore be said that in addition to this, the plain, flat expense account of the Interstate Commerce Commission, there must be added the burden that falls upon the people at large by reason of its activities. In the case of the Alaskan railroad alone, any man can start an investigation by the Interstate Commerce Commission at the expense of a 2-cent stamp and a letter. But the railroad involved is immediately put to the expense of securing the very best legal talent, sending them to Washington and bearing the heavy expense and loss occasioned by the usual tedious delay of the commission in making its decisions, so that the total cost to the Nation will easily run into untold millions.

Now, Mr. Speaker, I submit that every man who has studied the development of the United States knows that there has been no factor so important in the development as the railroads. The vast prairies of the western country, now populated by thriving, industrious, and prosperous communities would to-day be wild and uncultivated, yielding but a bare subsistence to a

few thousand savages if it had not been that the railroads followed so closely on the tracks of the pioneer and into the distant reaches of the West with the populous markets of the East. Every mile of railroad that is carried into a new section of the country means wealth and prosperity, education and new opportunity, and carries all that modern civilization means to the far places that otherwise would be left the barren, hopeless, poverty-stricken condition of a primitive century-old settlement.

It is not denied that a railroad company, like every other human institution, may occasionally go wrong; that it may abuse the power which its wealth and influence gives it; but the remedy for this should be constructive correction and not, as is now the case, destructive persecution. As has often been stated, it is apparent to very one familiar with transportation methods in this country that 100,000 miles of new railroad are needed in the United States at once. Every thoughtful observer knows that one of the greatest reasons for the high cost of living lies in the improper and unequal distribution of the necessities of life as it does in their production, and if the Interstate Commerce Commission were really doing a valuable work to this country—if they were carrying out the purpose for which they were created and using the millions of dollars that they spend properly—our railroad mileage would be increasing by leaps and bounds instead of, as is now the case, showing either a decrease or an increase so small in comparison with the requirements of an ever-increasing inland trade, that the future development of transportation in this country is appalling to contemplate.

The following table or summary of railway mileage in the United States is instructive:

Summary of railway mileage in the United States, 1910 to 1890, and its relation to area and population.

Year ending June 30.	Population (Official Calendar).[1]	Miles of line owned.	Miles of line per 100 square miles of territory.	Inhabitants per mile of line.
1911	93,983,000	243,732	8.19	385
1910	91,972,266	240,438	8.05	382
1909	90,556,521	236,868	7.98	382
1908	88,938,527	230,494	7.76	378
1907	87,320,533	227,671	7.74	370
1906	85,702,539	222,575	7.55	373
1905	84,084,545	217,018	7.34	378
1904	82,466,551	212,577	7.20	379
1903	80,848,557	207,187	7.00	384
1902	79,230,563	201,673	6.82	388
1901	77,612,569	196,075	6.64	391
1900	75,994,575	192,941	6.51	393
1899	74,318,000	188,277	6.37	395
1898	72,947,000	185,371	6.28	394
1897	71,592,000	182,920	6.21	390
1896	70,254,000	181,154	6.15	384
1895	68,934,000	179,176	6.08	382
1894	67,632,000	176,603	6.02	379
1893	66,349,000	170,332	5.94	377
1892	65,086,000	165,691	5.78	380
1891	63,844,000	164,603	5.67	380
1890	62,947,714	159,272	5.51	384

[1] For other than census years prior to 1900, and for 1911, the figures of population represent the estimates of the actuary of the Treasury; between 1900 and 1910 they are estimates of the Bureau of the Census.

Covering a period of 21 years the railway mileage in proportion to area has increased over 48 per cent and, as the last column shows, has kept practically level with the increase in population.

According to the Railway and Engineering Review, during the calendar year of 1911, 3,695 miles of new main line and 3,130 miles of auxiliary tracks were laid in the United States. In the same period of time 1,906 miles of main track and 316 miles of auxiliary track were added to the railway mileage of Canada. To appreciate the difference in the percentage of increase in Canada and the United States a glance at the mileage of the two countries would be instructive. In 1911 Canada had a total mileage, including miles of lines operated, second track, and yard track and sidings, of 32,560 as against 358,313 miles in the United States. To my mind these comparisons justify the presumption that we could well afford to learn a few lessons in railway legislation from our Canadian friends.

Unquestionably the real deep-seated reason for the state of railway affairs in the United States lies in the fact that the Interstate Commerce Commission can not, will not, or certainly does not approach the question in a strictly businesslike method, but adopts an attitude which is rather political than economic. It would appear at times that they are simply seeking to bring railway rates to such a point that the gross income of a railway shall be equally divided among the creditor, the tax collector, and the employee, utterly neglecting the need of the public for improved transportation facilities or the rights of the owners for adequate return on their investment. I append a table showing the gross and net revenues of the railways of the United States for the last three calendar years, which shows that, while during the last two years railway revenues have been the largest in their history, in spite of the economy that has been practiced their net income has enormously declined.

Gross and net revenues of the railways of the United States for the last three calendar years.

Year.	Average miles of line operated.	Gross revenues from operation.	Net income, including profits from outside operations and deducting taxes.	Net income per mile of line operated.
1909	234,950	$2,607,228,647	$812,792,315	$3,460
1910	239,975	2,841,699,312	802,676,736	3,345
1911	244,138	2,814,222,700	770,830,007	3,157

One of the chief factors in bringing about the loss in net income was the increase of the rate of wages in 1910 agreed to in expectation of the increase in freight rates denied by the commission in 1911. In two years there was an increase in railway pay rolls of over $225,000,000—a great deal more than to offset the increase in gross earnings.

For 20 years American railway management has been engaged in an unceasing struggle with the problem of maintaining a safe margin between the charges on this industry represented by labor and capital. Only by the introduction of innumerable economies of operation have they, in years of stress and prosperity, been able to save the situation. Every instrumentality of transportation that modern science and invention could devise and railway foresight command had been pressed into the service to keep up a sufficient margin of profit and to assure continuous operation and improvement.

During this period the cost of labor per unit has increased enormously, the tax rate has advanced 33 per cent, the rate of interest on borrowed capital has gone up, all kinds of regulative exactions have multiplied, hundreds of miles of tracks have been elevated, thousands of grade crossings have been eliminated, more than 12,000 miles of double track have been laid, the block system had been installed on over 70,000 miles, the weight and capacity of equipment has been enlarged, facilities of transportation have been changed and rechanged at a continually larger cost, while, during all this time, the average receipts per passenger-mile and per ton-mile have been steadily decreased.

This has resulted, as shown above, in reducing the margin of solvency and efficiency from 16.33 per cent of gross earnings to 11.97 per cent—that is, 36 per cent reduction. It is possible that the Interstate Commerce Commission and some of the gentlemen here may be of the opinion that this can go on indefinitely, and they may be indifferent as to what this situation portends. As a matter of fact, the big centers of capital to whom the railway must go for fresh capital for improvements and for construction take very careful note, and to them the difference between 16.33 per cent and 11.97 per cent on the gross earnings of the railway means a loss of over $122,000,000, which reduced the borrowing credit of a railway by at least $2,400,000,000.

Once again, a comparison with the Canadian Pacific Railway Co. is both opportune and instructive. While our railroads, with their enormous mileage, have been decreasing steadily in their earnings, the Canadian Pacific Railway Co., with only a little over 11,000 miles of trackage—less than 5 per cent of the American mileage—shows an increase of more than $23,000,000 gross earnings for the fiscal year ending June 30, 1912, making the net increase for the past 12 months more than $6,000,000 over the previous year.

And it should be further borne in mind that this magnificent railroad prosperity in Canada is accompanied by a state of entire satisfaction on the part of the shippers and the commercial and agricultural interests of the Dominion. While many of our sections are stagnating and while farmers are leaving the farms of the West by the hundreds, the great tracts of farming land in Manitoba and other fertile sections of Canada are being colonized and cultivated with the same rapidity that marked the development of our western country before the Interstate Commerce Commission cast its deadly blight upon the activities of our railroads.

And this much is certain, that whatever the theorist, the demagogue, the opportunist politician will think or say, we will have no return to any permanent national prosperity so long as this commission keeps the railways in a continual state

of uncertainty, that compels them to retrench where they should expend, to limit where they should expand. There is scarcely a railway company existing in the United States to-day that does not need millions of fresh capital for improvements necessary to meet increased public demand, but so long as the Interstate Commerce Commission shows no disposition to cease its continual reduction of rates, suspension of advances, and its tedious considerations and tardy decisions, the investors stay, and will continue to stay, more or less skeptical as to the value of a railway investment.

In Europe, where labor cost and equipment cost is much less than it is in this country, both freight and passenger rates are much higher than they are here. In Great Britain, for instance, there is a parliamentary rate of a penny a mile for passenger fare, which is equivalent to our 2 cents, and as a matter of fact, they have reduced the fare even below the parliamentary rate for third-class accommodations. But no American citizen would take their third-class accommodations if he could get them for nothing. On the railroads in England and the rest of Europe to get anything like the accommodations we have on our American railroads you pay a higher rate.

And in spite of the lower labor cost and higher rates, foreign governments, instead of hampering and hindering the railroads, aid them in every possible way, either by governmental ownerships and governmental payment of the expenses or by general subsidies. It is, of course, not to be expected or desired that our Government should subsidize our railroads, because, I presume, every Member of the House would immediately and rightly stamp such a move as the rankest kind of class legislation. Yet, to proceed, as the Interstate Commerce Commission has constantly done since its creation, in a policy of constant and continuous persecution, is to my mind just as strongly class legislation and class prejudice as a subsidy would be. It seems to be the unfailing assumption on the part of the commission that a railroad is always wrong and a shipper always right; it appears to be utterly impossible for a railroad company to get anything even approaching a square deal when it comes before the commission. And it is to be feared that this condition of affairs will continue, for the very simple reason that the Interstate Commerce Commission, like other branches of this Government, are invested with a power that is entirely disproportionate.

The inclination to usurp legislative power, far too common as it is in this day, and the shifting of governmental supervision from legislative bodies in the national as well as in State and city governments, to commissions and executive officers is, perhaps, the most dangerous of the many modern deviations from the doctrines of Jeffersonian democracy upon which this country was founded. And in no case is this unwise assumption of power more apparent than in the attitude of the Government toward the railroads.

No one but the most visionary doctrinaire would for a single moment suggest that a commission should be appointed with arbitrary power to regulate the prices of the product of any mill, factory, or farm. No one has ever, as yet, suggested in this Congress that it is the business of the Government to interfere with the profits or management of a business concern. Not even the Sherman antitrust law, with all of its failings and crudities, suggested the power of anybody to fix the price or determine the profit, and yet the railroad companies, whose operation is without doubt the most delicate of any large industrial concern, whose management requires the most constant skill and vigilance, the most expert commercial and scientific knowledge to adjust the ever-shifting balance between cost of operation and legitimate profit on investment—this great, complicated branch of our industrial life, upon which all business and industry is dependent, whose efficiency means prosperity to every part of the country, whose least abatement of capacity means an immediate and violent disturbance of business, is continually at the mercy of a small body of men who, apparently, instead of being the just and impartial arbitrators they should be have become imbued with that unreasonable attitude of hostility toward the railroads of our country which heretofore has only been a stock in trade of the political demagogue and the irresponsible agitator. And let no one be deceived as to whom this attitude affects the most. It is not the capitalist nor the owner of the railroad nor the small stockholders who have invested their savings in railway securities alone, but it is the countless thousands of men in every phase of industrial life who to-day lack employment that would be theirs to-morrow if the enormous amount of railway mileage necessary for this country's expanding business could be built.

Every locomotive built means work and wages to the miner who digs the ore from the earth; it means work and wages for the ironworker at the furnace that welds it into iron and steel; it means work and wages for the mechanic, the machinist, and the shopman who form and assemble it; it means years of work and wages for the crew that mans it, and years and years of work for the miner whose coal fires it; it means an American living for countless American families. Every mile of railroad that is built means wealth and opportunity to thousands of people in every walk of industrial life. And if you multiply the single locomotive and the single mile of railroad by the thousands that are needed in this country to-day you can begin to faintly estimate the wave of prosperity that would reach every remote hamlet and village of the United States, and that would bring to the farmer, the merchant, the manufacturer, the mechanic, and the laborer an opportunity for a greater commercial, industrial, and financial expansion than this country has ever known before.

Let us go back to the fundamental principles upon which this country was founded and has endured. Let us confine governmental activity to its proper sphere. Let us, in legislative bodies, devote our time to the making of new and wise laws where necessary and correcting apparent evils in laws already made. Let those who are in administrative and executive positions confine themselves to the wise, just, and economic administration of the affairs of the country, and let us cease, once and always, from keeping the business enterprises of this country on the tenterhooks of suspense by useless and business-depressing investigations, and, above all, by eliminating the socialistic proclivities of the Interstate Commerce Commission.

Pennsylvania—Her History, Her Resources, Her Transcendent Place in the Republic as the Keystone of the Arch.

EXTENSION OF REMARKS

OF

HON. BENJAMIN K. FOCHT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. FOCHT said:

Mr. SPEAKER: On the magnificent tower of the City Hall of Philadelphia there stands a colossal statue of William Penn. In one hand he holds a chart, the pledge and token of justice and right and peace for all men; the other hand is extended and open in all friendliness and confidence. With his gaze turned from the place of his landing, from his commanding position his look is on and on over the wide-extended and prosperous city, an outlook which is both promise and prophecy. We can not know all that was in the mind and heart, in purpose and hope, as this wise and beneficent man first gazed on the new land of his desire, but we do know that even this astute man, with all his forethought, could only have regarded as a wild imagining, an empty dream, the product of an unrestrained fancy if the story of this State could have been told him—a story of magnificent development, vast wealth, unthought of resources, a teeming population of millions happy in industries not then conceived of, and that this, the city stretching in the east along the broad flowing waters of the Delaware, with its miles of shipping and shipyards, or to the north till lost in the fertile plains and hills of Montgomery and Chester Counties, or to the west, where the swift Schuylkill flows by homes that in verdant lawn and flowering terrace, in modern elegance and comfort, or in baronial magnificence of structure, may well challenge comparison with the noblest examples of English or continental suburban life. And then on and on as the clear beautiful current of the Susquehanna or the blue Juniata of "the Sweet Alfarata" comes to view in all the sweep of rich valleys or rugged mountains, now the coal fields of the east, then the exhaustless iron stores of the west, with the spreading forests of the north. If all this could have been told him, well might he have regarded it as the wild Utopian dream of one intoxicated with visions of more than oriental magnificence.

I am not here to disparage any other land, to despise the home of any people less favored than we. Let the German sing of his Rhine with vine-clad banks, the Swiss of his mighty Alps, the Italian of his glorious skies and balmy air, or the English of his widespread domain—we joy in a land where there is no petty kaiser, no grinding oppression, no clamorous and wretched retinue of Italian beggars or arrogant and diseased aristocracy. Other States there are in this fair land,

the weakest and poorest of them a true home and refuge compared with any other land on earth, but the queen of all is this our Pennsylvania. We love them all, but, like the Jew of old, we may well say, "May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I forget thee." Ours is a love that grows more ardent as we study her history, learn her resources, and know of the nobility of her sons. Here in nature, invention, and genius we have all that can be desired for honor and happiness. Well might the poet Byron name that man an empty-headed fool who left America ignorant of her glories to ransack Europe for wonders. What can man want that the broad domain of Pennsylvania can not supply?

I have stood in the Shamokin and Pittsburgh coal fields, and who can conceive the wealth yet hid in the inexhaustible stores of fuel shut up long ages ago for the future Pennsylvania?

I have seen the great steel mills where, turning and writhing like fiery serpents, the lengths of steel came flowing and hissing, or where from the jaws of great forges there came the mighty steel slabs that stand impregnable against the hurtling shot of the mightiest guns, a protection that to-day the greatest nations of Europe seek from our steel mills.

I have seen spread before me the broad fields and frequent barns and beautiful homes of Cumberland Valley or the gradual sweep of the not less fertile and beautiful slope of Buffalo Valley as it rises to meet the green-belted forests of the mountains. And as we have in magnificent array mountain and valley and hills and plains and gushing springs and swelling rivers well may we ask in our admiration and wonder, Where is there or has there been in all the wide world a province or a State so favored as this—so fertile, so varied in products, where every acre shows the presence of intelligent and industrious freemen? The valley of the Euphrates is of exhaustless wealth of soil, but it is to-day a great desolation, a growing place for reeds and rushes; it was cultivated by a race of slaves. The valley of the Nile yet smiles with fertility, but it is the home of slaves. A land must be more than fertile valleys and great beds of minerals; it must be the home of men, not driven to hated toils for unfeeling and heartless masters, but where manhood is honored.

I have seen the shipyards of Philadelphia, where the towering sides of the mighty battleship or the trans-Atlantic ocean palace give us some conception of the ark of old that rode in safety on the waters of the great deep.

I have seen the outgushing of the streams of oil, the liquid fuel, the fluid giver of light, where in mere excess of riches day and night there arose columns of light that might well stand as illustrations of the divine flaming pillar that moved before the face of Israel at the command of the Almighty, asking an illumination such as never entered into the mind of the half-crazed Emperor Nero as he fiddled at the burning of the Eternal City—Rome.

I have seen the lofty forests of Potter, McKean, and Clearfield Counties, where standing in the dim aisles of the column-like trunks of the stately white pine, one has thought of strange lands and dreadful storms to which these products will come; as erect and beautiful they carry the sails of a commerce the world over. Never since the first great day when the sun began to smile on a growing world has it looked on a more magnificent domain, never was there one better fitted in the richness of its endowments as the home of true men—a home grand in all its proportions and endlessly varied in its diversity of resources. Other States there are beautiful and blessed, but none of which the Divine Giver has more munificently and in greater variety bestowed His benefactions. Its past is but the token of its possibilities, and our minds are filled with wonder as we contemplate the future of her vast capabilities.

> Breathes there a man with soul so dead
> Who never to himself hath said,
> This is my own, my native land!

We are told that in his weary exile the Jew wept as he remembered the land of his fathers, but what was that land compared to the heritage to which the Almighty called our fathers—a State where every want of man can be met, every noble aspiration receive full impulse, and every son may boast the pardonable pride of a Pennsylvanian. In every emergency of civil life and honor she has always been stanch and true to the noblest and best. Once of old at Thermopylae, of Greece, an inscription was placed on that memorable battle field where Greeks for freedom met the Persian hosts—

> Go stranger, and to Lacedaemon tell
> That here, obeying her behests, we fell.

The soil of this State has been made sacred by the blood of patriots again and again. To-day we say to our children, "Go to Valley Forge and there learn the lesson of the fortitude of those who could suffer as well as fight" Every one of the 300 graves there is a hallowed spot. Go to the grave-crowned summit of the slope at Gettysburg, where in the fierceness and agony of battle the life of the Nation was made secure against dishonor and treason. Let young and old find inspiration for patriotism in the illustrious deeds of Meade and Hancock and Reynolds.

In all the struggle compared to which the wars of ancient times were but the boisterous play of children, in all that speaks of loyal devotion, heroic endeavor, and valient contest Pennsylvania shines undimmed in the luster of her untarnished glory amid the galaxy of States, stanch and loyal.

But it is not in these terms, that speak merely of material resources and martial ardor, that we assert the preeminent greatness and excellence of our favored Commonwealth. In the higher ranges of life, in the rich field of human thought and investigation, in the discovery and control of the mighty forces of nature about us for man's comfort and use, in the onward movement of the conquests of science and humanity, Pennsylvania has always held place in the van. Now, with noble daring, it is Franklin calling the lightning from heaven, or it is Priestly opposing the world and establishing the true nature of the common elements of life, now it is Rittenhouse scanning the stars with his telescope, and then it is Trumbull, unearthing the mysteries of Babylon. With schools for every boy and girl, with colleges for liberal culture, with great universities that rival the schools of Europe long hoary with age, abundant provision is made for the training for manhood and womanhood. Everywhere a spirit of humanity and regard for man that speaks eloquently from innumerable hospitals and asylums and protectories.

We have no apology for our pride in Pennsylvania. A State with exhaustless resources of coal and iron, rockribbed with stones for the arches of the mighty viaduct or for the polished pillars of a temple. A State with products to supply all wants of man—what have we not? The dairies of Montgomery County, the wheat fields of Cumberland and Buffalo Valleys, the forests that guard the headwaters of the Susquehanna, the current of this Indian-named stream winding like a broad band of silver through valleys in rock channel between riven mountains. Here the Horseshoe Bend and there the Delaware Water Gap, here the seclusion of the farm or the village and there the rush and movement of the great city. We have it all. A State where patriotism is our heritage, the very air of our civil life, where history with honor preserves the deeds of noble men and women of other days that tried the souls of men, and these were not found wanting. Here, where enterprise and thrift, where honesty and virtue, where free speech and intelligent discussion, where citizenship is held in honor and venality is despised and punished—here we may well look to find the purest and best type of manly civil and domestic life.

Once to be a Roman was greater than to be a king. Now we have this greater honor: To be a true Pennsylvanian is to be more than a Roman—it is to be a true man. God bless our Commonwealth.

United States Army Transport "Merritt."

EXTENSION OF REMARKS
OF
HON. MICHAEL DONOHOE,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, August 24, 1912.

Mr. DONOHOE, said:

Mr. SPEAKER: I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article from the Far Eastern Review of June, 1912, giving the surprising information that the United States Army transport *Merritt* was built in a foreign shipyard.

I understand that the vessel cost the United States Government $314,000, and that American shipbuilders were not given an opportunity to compete for her construction. I feel that so extraordinary a fact should not only be published in the RECORD, but that it should be made the subject of a thorough investigation.

The article reads as follows:

UNITED STATES ARMY TRANSPORT "MERRITT."
BUILT BY THE SHANGHAI DOCK & ENGINEERING CO. (LTD.), SHANGHAI.

On May 10 the trial trips of the new transport *Merritt* were held over a measured mile course in the lower Yangtze, three runs with the tide and three against.

The conditions stipulated the vessel to have about 900 tons dead weight on board and a full complement. This was supplied

by bars of pig iron. The mean speed developed over the measured mile was 13⅞ knots per hour, which was most satisfactory. After this the vessel was tried in turning and she answered her helm splendidly and made two complete circles, turning each time in her own length. The ship's greatest success was in a four hours' continuous run, when the total distance registered 53 knots. A mean speed of 13¼ knots was maintained, this being three-fourths of a knot over the contract speed of 12½ knots. These results were entirely to the satisfaction of the builders' and the Government's representatives.

A full description of the vessel was published in the February issue of this paper at the time of the launching.

On the main deck is situated the saloon fitted in white and gold and leather settees, the apartment being lit by clusters of nickel-plated electric lights and cooled by electric fan. Opening off the saloon is the pantry. Then come the first-class cabins, each containing two berths with hair and spring mattresses, leather settees, electric lights and fans, and toilet appliances of the United States Navy pattern. At the end come the bathrooms with hot and cold water, showers, etc. At the stern is the sick bay and hospital with doctor's office, operating room, baths, berths, etc. On the same deck is situated the quartermaster's office and sleeping apartment. Forward are the crew's quarters. On the bridge deck the captain and officers have their quarters. On top of the chart room there is a powerful searchlight. On the boat deck there are 10 boats and 2 life rafts. In the orlop deck there is a special cold-storage and refrigeration plant, having a capacity of 200 tons of frozen meat, etc. On the troop deck there is accommodation for 350 soldiers and noncommissioned officers. Amidship there is the commissary store. On both sides of the passageways on this deck are the officers' and engineers' mess room, quartermaster sergeant and quartermaster's clerks' quarters, galley, baths, and showers for the troops, etc. A special feature of the troop deck is the ventilation by sirocco blowers electrically driven, by means of which a constant supply of fresh air is supplied through metal shafts which draw the pure air from accumulating chambers. The vessel is twin screw, her contract speed being 12½ knots. She is also fitted with powerful winches and booms for the hoisting of guns, ammunition, etc.

Work of the Committee on the Judiciary During the Second Session of the Sixty-second Congress.

EXTENSION OF REMARKS

OF

HON. HENRY D. CLAYTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. CLAYTON said:

Mr. SPEAKER: There are 57 standing committees of the House, and during the second session of the Sixty-second Congress now drawing to a close the Committee on the Judiciary made 69, or nearly one-tenth, of all the public reports made to the House of Representatives.

CONTEMPTS AND INJUNCTIONS.

No more important subjects have been dealt with by the Congress within a quarter of a century than reform in the practice of issuing injunctions by the Federal courts and trials in cases of criminal contempts. The Democratic Party has promised in its platforms reformatory legislation of this character.

CONTEMPTS.

The bill reported by the committee and which passed the House provides (1) for jury trial for any person accused of contempt of court where the alleged offense is also criminal, under any statute or at common law, and also provides (2) a statute of limitations fixed at one year from the date of the act complained of for proceeding against the person charged. It requires (3) the filing of formal charge against a party before trial for contempt, and that (4) he shall be let out on bail until sentenced, and prevents (5) excessive or unusual punishments by proper limitations. It provides (6) for trial before a judge other than that in violation of whose order the party is cited. It also provides (7) for a bill of exceptions as the basis for review in the higher court.

For many years there has been a constant encroachment by the courts exercising equitable powers upon criminal jurisdiction. There has been just complaint that persons were tried and convicted as for contempt by some of the judges of Federal courts in cases where the offense really constituted a crime, where the person accused, if the charge of contempt had been separated, would have had the right to a jury trial.

This bill proposes salutary legislation and remedies a condition resulting from unwarranted assumption of power on the part of some of the Federal courts, which has brought reproach to the administration of justice.

INJUNCTIONS.

This bill, which was reported by the committee, passed the House, and is now pending before the Senate Judiciary Committee, is designed to, and will, correct, if enacted into law, abuses of the process of injunction. It will (1) save parties against whom complaints have been filed being subjected to the delays, losses, and inconveniences of final and permanent injunctions in the first instance, and where only temporary restraint with an early opportunity for a hearing would meet all the necessities of the case. It will (2) prohibit the reckless and inconsiderate issuance of what are known as "midnight" and "blanket" injunctions. It will (3) prohibit the issuance of injunctions without proper notice; (4) prohibit the issuance of injunctions without bond; (5) prohibit the issuance of injunctions upon imperfect complaints; (6) prohibit the nonobservance of proper safeguards in serving defendants and will afford opportunity to defend; and (7) prohibit the issuance of injunctions in trade disputes in violation of well-established principles and indisputable personal rights.

ONE SIX-YEAR PRESIDENTIAL TERM.

A joint resolution was unanimously reported proposing an amendment to the Constitution which would fix the term of the President at one term of six years, thus extending the present term two years and making the incumbent ineligible for reelection.

IMPEACHMENTS.

The committee conducted at this session 2 out of the 10 impeachment cases had in the history of the United States. One of the cases committed to it was disposed of within about a month. In this case Judge Hanford resigned before the taking of testimony was completed. The committee recommended the discontinuance of the proceedings against him, inasmuch as the main purpose of impeachment proceedings, the removal of the judge, had been accomplished. The House agreed to this view.

The other case, that of Judge Archbald, was disposed of so far as the committee was concerned within about two months, one month of which was devoted to the taking of testimony. The House adopted on July 11, 1912, the resolution of impeachment and articles proposed by the committee. The managers on the part of the House pressed for an immediate trial, but the Senate has set the trial to begin December 3 next.

REFORMS IN COURT PROCEDURE.

The committee has reported other measures proposing important reforms in the procedure of Federal courts. Among these were bills proposing the following reforms:

To allow transfers to the law docket of causes erroneously brought in equity; passed the House.

To allow amendments to correct defective allegations of diverse citizenship; passed the House.

To prohibit the setting aside or reversal of a judgment or the granting of a new trial on the ground of misdirection of the jury, or improper admission or rejection of evidence, or on account of any errors where such do not injuriously affect the substantial rights of the party complaining; and the bill further gives the trial judge the right in his discretion to submit to the jury in any case the issue of fact, reserving any question of law for subsequent argument and decision, and gives authority to him or any court to which the case may afterwards be taken on writ of error to direct entry of judgment, either upon the verdict or upon the point reserved, which passed the House.

To raise the amount in controversy necessary to give right of removal from State to Federal courts from $3,000 to $5,000.

To prohibit the removal to Federal courts of cases instituted against corporations on the ground of diverse citizenship of such corporations.

To make admissible in evidence for the purpose of comparison, although not already in evidence or not competent for other purposes, specimens of handwriting which are admittedly genuine.

To amend the act of August 1, 1888, regulating liens of judgments and decrees of United States courts, so that such judgments and decrees are required to conform everywhere to the same regulation as judgments and decrees of the State courts in order to become liens, which passed the House.

To amend section 3196 of the Revised Statutes of the United States, so as to make the validity of any lien in favor of the United States, on account of delinquency in the payment of taxes, depend upon the filing of notice with the registrar or recorder of deeds of the county or counties, or parish or parishes, if in the State of Louisiana, within which the property subject to such lien is situated in such States as shall authorize the filing of such notice.

ABOLISHMENT OF THE FEE SYSTEM FOR CLERKS OF UNITED STATES COURTS.

The committee reported a carefully prepared bill abolishing the fee system of compensating clerks of the United States district courts and placing the clerks on salaries.

OTHER IMPORTANT MEASURES.

The following measures of public importance were also reported by the committee:

A bill to provide pay for Labor Day as in the case of other legal holidays for per diem employees of the Government.

A bill to confer authority upon the Attorney General for the payment of rewards for information as to violations of the antitrust act of 1890, commonly known as the Sherman antitrust law.

A bill to amend section 73 and section 76 of the act of August 27, 1894. This bill seeks to amend the act so as to extend the operations of that law to combinations, conspiracies, etc., by or between two or more persons or corporations, either of whom, as agent or principal, is engaged in importing from foreign countries; and it also amends section 76 of that law, which provides for the seizure and condemnation of property imported into the United States contrary to law, so as to subject such property to seizure and condemnation, in course of transportation from a foreign country. This bill passed the House and is before the Senate committee.

A bill to extend the provisions of the parole law to life prisoners, which passed the House.

A bill to extend to all civilian employees of the United States the benefits of the act of May 30, 1908, which law limits the compensation to Government employees for injuries incurred during their employment to such employees as were engaged in hazardous work.

A bill to extend to January 1, 1914, the limit of time for the filing of claims for the refund of taxes erroneously collected or illegally collected under the war revenue act of June 13, 1898.

A bill to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles therefrom in process of transportation in interstate shipment, and the felonious transportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same.

A bill to allow the use of illustrations of coins of the United States in school books. The existing law forbids the making or using of tokens, devices, and so forth, made in the similitude of coins of the United States or foreign countries, which became a law.

A bill to incorporate the Chamber of Commerce of the United States of America, the purpose of which corporation is to encourage trade and commercial intercourse among the United States and Territories and insular possessions of the United States and with foreign countries.

A bill to provide for the appointment of a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners.

A bill to validate certain conveyances of law or agreements to sell land situated in the State of Nebraska and elsewhere made by the Union Pacific Railroad Co. and other railroad companies, said land forming in some part the right of way of the Union Pacific Railroad Co., which passed the House and Senate and became a law.

A bill to provide for the designation by the governor of Porto Rico of a justice of the United States district court for said district, to act as a special judge or a temporary judge during the absence of the justice of the said court, or in event of his disqualification in any case or cases before that court. It provides no additional compensation to the judge so designated as such justice of the district court, which passed the House.

Besides, a large number of bills were reported by the committee making corrections in the Judicial Code and rearranging the organization of the United States courts, such as creating terms of court where required by public necessity, changing the time for holding court, abolishment of terms where not needed, and so forth.

The Payne Tariff is Substantially Lower than the Dingley Tariff.

EXTENSION OF REMARKS
OF
HON. EDGAR D. CRUMPACKER,
OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. CRUMPACKER said:

Mr. SPEAKER: It has been persistently asserted by Democratic Members of the House that the Payne tariff, taken as a whole, is an increase over the rates contained in the Dingley tariff. I have noticed in three or four speeches, printed in the RECORD, by gentlemen on the other side of the aisle, the positive statement that the rates in the Payne law average about 1⅞ per cent above the rates in the Dingley law. Gentlemen who make such statements are laboring under a grave error. The truth is that the duties fixed by the Payne law are substantially lower than those contained in the Dingley law. A few of the schedules were not changed at all by the Payne law—notably the woolen schedule and the sugar schedule. By comparing the two laws it is demonstrable that the Payne tariff is substantially lower than the Dingley tariff and that the duties on dutiable commodities aggregate over $20,000,000 a year lower than they would under the Dingley law.

I am not contending that the Payne law was a scientific or even a satisfactory revision of the tariff, but I do contend that it was the best that could be obtained under the circumstances, and for that reason I gave it my support.

I print as part of my remarks an official statement, based upon actual transactions. The statement is based upon imports under the Payne tariff and reckons the duties that were actually imposed and collected by the Government in the usual course of business. It then applies the Dingley rates to the same imports, including classification, quantity, and valuation, and the result is a conclusive demonstration of the difference between the two tariffs. It is shown beyond question that the Payne rates run 4 per cent below the Dingley rates on 75 per cent of all dutiable imports. Imports from the Philippine Islands, which were dutiable under the Dingley law and are free under the Payne law, were not reckoned in the conclusion. If they had been, the percentage of reduction would be still larger.

This comparison of the Payne and Dingley tariffs was prepared by the Auditor for the Treasury Department, who has jurisdiction over the examination and settlement of all accounts relating to the customs service, as provided in the first paragraph of section 7, act of July 31, 1894, twenty-eighth Statutes, page 206.

The Auditor for the Treasury Department, Mr. W. E. Andrews, was a member of the Fifty-fourth Congress from Nebraska and has served as Auditor for the Treasury Department since June 9, 1897. Within that period of time he has had supervision of the examination and settlement of customs accounts under the Wilson, Dingley, and Payne tariffs.

He has a corps of about 40 clerks, who are well trained in the construction and application of customs statutes to importations of merchandise.

The principle underlying this statement is based upon actual importations of foreign merchandise, which give the practical construction and application of the Payne and Dingley tariffs to concrete entries; thus actual facts constitute the basis of the final conclusion, namely, that the effect of the Payne as compared with the Dingley statute is a reduction of 4 cents per dollar of duty on about 75 per cent of dutiable imports, or approximately $20,000,000 per year in customs revenue.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR TREASURY DEPARTMENT,
Washington, August 23, 1912.

Hon. E. D. CRUMPACKER,
House of Representatives, Washington, D. C.

MY DEAR MR. CRUMPACKER: I hand you herewith a copy of a statement showing a comparison of the Payne and Dingley tariffs. This comparison is based upon the record of actual importations of merchandise.

The rule of comparison and the method of securing the facts are fully explained in the body of the article.

I hope you will find this information serviceable in your campaign.

With best wishes for your success, I remain,

Yours, very truly, W. E. ANDREWS.

A COMPARISON OF THE PAYNE AND DINGLEY TARIFFS.

Did the Payne tariff revise the Dingley tariff downward? Let the facts answer. But what are the facts, and how may they be correctly ascertained? They are the results produced by the official construction and application of both tariffs to the same importations of foreign merchandise, and they are accurately disclosed by the examination and settlement of customs accounts through the auditing system of the National Treasury.

When importations reach their destination within the United States the collectors of customs at the various ports must examine and classify the merchandise under the various schedules and paragraphs of the existing tariff. The appraisers and liquidating clerks at the various ports reduce their appraisements and examinations to record and the collectors receive the amounts of duty thus determined, and such payments of duty are the results of the construction and application of the tariff to those particular entries of merchandise. In making such classifications, one of the first questions to be decided is this: Is the entry under immediate consideration entitled to admission free of duty or should a duty be levied and collected upon it? Nearly one-half of our annual imports is admitted free of duty.

If the entry under consideration is dutiable it must be classified by trained customs officers under the proper schedule and paragraph of the existing tariff and the proper amount of duty levied and collected upon it. Of course, the foreign market value of the goods is the basis upon which revenues are computed according to the rates fixed by law. In the discharge of such official duties exceptional skill and knowledge of the law and of facts are absolutely necessary in reaching correct conclusions. The absence of such knowledge many times fills magazine articles, newspaper editorials, and public addresses with erroneous information.

In the light of this explanation of details as to methods of procedure we naturally inquire as to the number of dutiable items under the Dingley law and the changes made therein by the Payne tariff. This question was decided by means of an actual count of such items by clerks who are well trained in the examination, classification, and liquidation of customs entries.

This investigation disclosed the following facts:

1. There were 2,024 dutiable items under the Dingley tariff.

2. The rates of duty were changed on 874 of those items.

3. The rates of duty were decreased on 654 and increased on 220.

4. Those changes, 874, readjusted or revised the rates of duty under various schedules covering 75 per cent of our annual imports of dutiable merchandise.

5. Upon the various kinds of importations equal in value item by item the total decrease in revenue upon 654 items exceeds the total increase in revenue upon 220 items in the ratio of 2 to 1.

The method of securing the facts upon which statements 1, 2, and 3 are based have already been explained.

The fourth statement is supported by the official record of dutiable imports under all schedules of the Dingley tariff, 14 in number, A to N, inclusive, 3 of which, E, F, and K, were either unchanged (F) or changed but slightly (E and K). The total of the dutiable merchandise imported under these three schedules deducted from the total amount of dutiable imports under all schedules gives the annual volume of dutiable goods covered by the schedules that were revised.

These changes were intended to correct the inequalities that had grown up during the existence of the Dingley tariff. A tariff may be equitable and just at the time of its enactment, but a revision or readjustment of rates will become necessary in the course of years, because fluctuations will naturally appear in national and international trade, and also the cost of producing certain articles may be materially reduced by new methods of business, new discoveries, and new inventions.

FIFTH STATEMENT.

A few examples of decreases and increases will illustrate the method of ascertaining the facts supporting the fifth statement.

DECREASES.

An entry of "rough pine lumber," 653,637 feet, valued at $10,294, was made in August, 1909. Under the Payne tariff, paragraph 201, a duty of $817.05 was levied and collected. That collection was the result produced by the construction and application of the Payne tariff to that particular entry. If the Dingley tariff had remained in force a duty of $1,307.27 would have been levied and collected under paragraph 195 of that act

Thus it appears that a decrease of $490.22 was caused by the revision made by the Payne tariff.

On an entry of $1,000 the decrease would have been	$47.62
Another entry of "sole leather," valued at $900, was made in December, 1909. The duty levied and collected upon that entry under the Payne Act, paragraph 451, was $45. Under the Dingley Act, paragraph 438, it would have been $180, showing a decrease of $135 under the Payne Act.	
On an entry of $1,000 the decrease would have been	150.00
Two "steam plow engines," entered in January, 1910, value, $9,522. Duty under Payne Act, $2,856.60; under Dingley Act, $4,284.90. Decrease, $1,428.30.	
On an entry of $1,000 the decrease would have been	150.00
"Wood pulp (mechanically ground), wood cut from private lands," 73,374 pounds, entered in August, 1909; value, $550. Under Payne Act, free; under Dingley Act, $61.15.	
On an entry of $1,000 the decrease would have been	111.18
"Leather, grain, buff, split from free hides," entered in October, 1909; value, $445. Duty under Payne Act, $33.38; under Dingley Act, $89. Decrease, $55.62.	
On an entry of $1,000 the decrease would have been	124.99
"Boots and shoes (shoes)," entered in August, 1909; value, $92. Duty under Payne Act, $13.80; under Dingley Act, $23. Decrease, $9.20.	
On an entry of $1,000 the decrease would have been	100.00
"Plows, etc. (harrows)," entered August, 1909. Value, $24. Duty collected under Payne Act, $3.60; under Dingley Act, $4.80. Decrease, $1.20.	
On an entry of $1,000 the decrease would have been	50.00
(Under the Wilson tariff the duty on this entry would have been $10.80, and on an entry of $1,000 it would have been $450, or $300 more than it would have been under the Payne Act.)	
An entry of "plows and harrows from a country which imposes no duty on farm implements from the United States." Seven pieces valued at $823. Under the Payne Act, free; under the Dingley Act, $164.60. Decrease, $164.60.	
On an entry of $1,000 the decrease would have been	200.00
(Under the Wilson tariff this entry would have paid a duty of $370.35, or $450 on an entry of $1,000.)	
Entered November, 1909, "miner's rescue appliances and safety lamps." Value, $2,769. Under Payne Act, free; duty under Dingley Act, $1,246.05. Decrease, $1,246.05.	
On an entry of $1,000 the decrease would have been	450.00
Total decrease on the nine entries at a uniform valuation of $1,000 each is	1,383.79

INCREASES.

An entry, August 10, 1909, of cotton cloth, 3,967 square yards, over 200 and under 300 threads to the square inch, and over 25 cents per square yard. Value, $1,147.20. The duty levied and collected under the Payne tariff was $495.88; under the Dingley tariff it would have been $458.88. Increase under the Payne tariff, $37.	
On an entry of $1,000 the increase would have been	32.25
An entry, November, 1909, of wine in bottles (still), not over 1 pint per bottle. Value, $207; 35 cases of 24 bottles each. Duty under the Payne tariff, $64.75; under the Dingley tariff, $43.75. Increase under the Payne tariff, $21.	
On an entry of $1,000 the increase would have been	101.45
Entered July, 1910, "Glass, plate, cast, polished, finished or unfinished, unsilvered, over 16 by 24, not over 24 by 30." Value $1,954, 9,278 square feet. Duty under Payne Act, $1,159.75; under Dingley Act, $927.80. Increase, $231.95.	
On an entry of $1,000 the increase would have been	118.70
Entered November, 1909, "Zinc ore over 10 per cent and under 20 per cent zinc," 5,384 pounds. Valued at $356. Duty under Payne Act, $13.46; under Dingley Act, free. Increase, $13.46.	
On an entry of $1,000 the increase would have been	37.81
Entered July, 1910, "Yacht—pleasure boat, foreign built." Value, $150 for one boat. Duty under Payne Act, $52.50; under Dingley Act, free. Increase, $52.50.	
On an entry of $1,000 the increase would have been	350.00
Total increase on the five entries at a uniform valuation of $1,000 each is	640.21

All decreases and increases have been examined in the manner illustrated by the foregoing examples.

On this basis of uniform valuations the decreases, 654, show a total reduction of $70,000 in revenue under the Payne tariff, while the increases, 220, show a total increase of $34,000 in the volume of revenue under the Payne tariff, a net decrease of revenue, in the ratio of 2 to 1, as stated in No. 5 above.

Revision downward.

This method of investigation avoids the errors and misleading inferences usually involved in the rule of averages which seldom harmonizes with facts.

Every time 874 articles of mechandise representing the changes in rates (decreases, 654; increases, 220) are repeated in the importations of merchandise in a given year the net decrease of revenue under the Payne Act is $36,000. If the exact values of all goods imported under each of the 874 classes upon which rates were changed could be correctly ascertained, the exact net reduction in dollars and cents could be definitely determined. If such data were available, these computations could be readily extended to their final conclusion.

In the absence of such data, however, the total decrease can not be stated in exact figures.

The articles of merchandise upon which decreases were made are as a rule imported much more frequently and in larger quantities than those upon which increases were made. The annual fluctuations in the volumes of importations under each class or kind of merchandise make it impossible to establish a uniform rule for computation.

The schedules that were revised cover 75 per cent of our dutiable imports annually, as explained under number 4. The net reduction in revenue was $36,000 on $874,000 of dutiable merchandise, including decreases, 654, and increases, 220, as stated under number 5. Three-fourths of the dutiable merchandise imported in the fiscal year 1910 amounted to $589,317,000. These facts indicate an approximate reduction under the Payne tariff of $20,000,000 a year.

DOMESTIC COMMERCE AFFECTED BY CHANGES.

It is important to note the character and volume of domestic commerce affected annually by the decreases and increases of rates of duty as described above. Census reports quoted in the debates while the Payne tariff was under consideration showed that the decreases, 654 in number, related to a volume of domestic commerce (necessities) amounting to $4,951,000,000, while the increases, 220 in number, related to $878,000,000 annually, $638,000,000 of which were luxuries exclusively.

TARIFF COMMISSION.

Many of those who supported the enactment of the Payne tariff insisted that further reductions should be made at certain points, but they did not have sufficient votes in the House and Senate to accomplish their purpose.

At that point President Taft urged and secured a provision creating a tariff commission or board to assist in laying the foundation of a scientific tariff. That provision alone was sufficient to justify every Member of the House and Senate in voting for the bill.

It sought a course of systematic investigation by means of which accurate information can be secured concerning foreign and domestic cost of production, the actual conditions in the American market, and all material facts that must be considered in an accurate scientific adjustment of tariff rates. Such investigations were made by the board and its reports were submitted upon certain controverted schedules. The opponents of this plan, however, ignored those reports and forced the discontinuance of the business of the board by refusing the necessary appropriations to carry on its work. By that means, the issue has been clearly and squarely drawn between scientific revision as ably urged by President Taft and haphazard revision as advocated by the opposition.

An intelligent experience in customs affairs proves the impossibility of a wise revision of any tariff by any Congress within the period of its constitutional life—two years. Some permanent agency properly termed a tariff commission must be utilized in order to secure wise readjustment or revisions from time to time in harmony with a steady course of business prosperity.

CONCLUSION.

The foregoing facts prove conclusively that the Payne tariff revised the Dingley tariff downward, and thereby redeemed the pledges made by the Republican Party and its presidential candidate in the campaign of 1908.

These statements and conclusions are based upon official evidence secured through the naval and nonnaval offices of the customs service. The duties specified in the examples of decreases (654) and increases (220) were actually collected and deposited into the Treasury and verified by accounting officers as the correct construction and application of the Payne tariff to the entries in question.

Liquidating clerks in the customhouses and in the department then applied the terms of the Dingley tariff to the same entries, as illustrated by the examples quoted herein. In order to secure a uniform rule of comparison the entries valued at more or less than $1,000 were reduced to a uniform basis of $1,000 each, and the duties were computed on that basis under both tariffs according to the original entry. Thus the rule of uniformity was established whereby errors have been avoided, which frequently appear in such computations, because of fluctuations in the volumes and values of importations. The liquidating clerks who passed all of these entries originally under the Payne tariff in the customhouses and prepared many of the comparisons under the Dingley tariff had no knowledge whatever with respect to the nature and purpose of this investigation. Their findings on these points are therefore just as impartial and valid as their findings are in the regular course of business in collecting and depositing customs revenues into the Treasury.

National Incorporation and Registration.

EXTENSION OF REMARKS
OF
HON. AUGUSTUS P. GARDNER,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. GARDNER of Massachusetts said:

Mr. SPEAKER: Under the leave to extend my remarks granted me on August 14, 1912, I submit the following bills, now out of print, referring to national incorporation and registration:

[H. R. 25860, Fifty-ninth Congress, second session, introduced by Hon. William R. Hearst, of New York.]

A bill (25860) to provide for national incorporation and control of corporations engaged in commerce among the several States.

Be it enacted, etc.,

TITLE AND APPLICATION OF ACT.

That this act may be cited as the "National corporation law." It shall, except as herein otherwise provided, apply—

(a) To corporations engaged in commerce among the several States, heretofore or hereafter organized under the general laws of the United States;

(b) To all such corporations heretofore created under special acts of Congress, except so far as its provisions are inconsistent with the provisions of any such special act not subject to amendment, alteration, or repeal by Congress;

(c) To all corporations engaged in commerce among the several States, heretofore or hereafter created under the laws of any State which shall have, in the manner hereinafter provided, accepted the provisions of this act.

It shall not apply to any corporation organized for the purpose of carrying on the business of a bank.

BUREAU OF CORPORATIONS.

SEC. 2. That there shall be added to the Bureau of Corporations, in the Department of Commerce and Labor, a deputy commissioner of corporations for each of the several States, to be appointed by the President and to receive a salary of $3,500 per annum. Each such deputy commissioner of corporations shall maintain at the capital of the State from which he is appointed an office with the necessary facilities and employees, to be selected by him, subject to the approval of the Commissioner of Corporations.

The expense of executing the provisions of this act shall be paid out of the revenues received from the fees hereinafter provided for, and during such time when the said revenues shall be insufficient therefor such expenses shall be paid out of the funds and in the manner that all other expenses of the Bureau of Corporations are paid, as provided by law.

The Commissioner of Corporations, whose salary shall hereafter be $10,000 per annum, shall have general supervision over all the said deputy commissioners, shall make all necessary rules and regulations to facilitate the carrying into effect the provisions of this act, and be responsible for the enforcement thereof.

Each deputy commissioner of corporations shall examine the certificates and records submitted to him under the provisions of this act and make suitable indorsements upon such as conform to the requirements of law, shall keep a record of the names of corporations which submit certificates to his inspection, of the date of inspection, and of his certificate when given, and of the result, in brief, of his inspection; and he shall report to the Commissioner of Corporations thereon with such frequency and in such detail as may be required by the Commissioner of Corporations.

Each deputy commissioner shall report to the Commissioner of Corporations, who shall in turn report to the Attorney General, instances of neglect or omission on the part of corporations to comply with the provisions of this act.

ENFORCEMENT OF ACT.

SEC. 3. That it shall be the duty of the Attorney General to enforce the provisions of this act, and the circuit court of the United States shall have jurisdiction at the suit of any deputy commissioner of corporations or of the Commissioner of Corporations, or of the Attorney General, on behalf of the United States, to entertain actions and proceedings to enforce the provisions of this act and to render appropriate judgment therein.

ORGANIZATION.

SEC. 4. That three or more persons, a majority of whom shall be citizens of the United States, may associate themselves by a written agreement of association with the intention of forming a corporation under this act, to engage in business among the several States, and in connection therewith and incidental thereto to engage in any lawful business not excluded by the provisions of section 1.

AGREEMENT OF ASSOCIATION.

SEC. 5. That the agreement of association shall state—

(a) That the subscribers thereto associate themselves with the intention of forming a corporation pursuant to the provisions of this act.

(b) The name of the proposed corporation.

(c) The city, village, or town in which its principal office is to be located.

(d) The purposes for which the corporation is to be formed and the nature of the business to be transacted.

(e) The total amount of capital stock of the corporation, which shall not be less than $1,000, to be authorized; the amount of capital stock, not less than $500, with which the corporation will begin business; the par value of the shares, which shall not be less than $5; the number of shares into which the capital stock is to be divided and the restrictions, if any, imposed upon their transfer, and if there are to be two or more classes of stock a description of the different classes and statement of the terms on which they are to be created and the method of voting thereon.

(f) Any other provisions not inconsistent with law for the conduct and regulation of the business of the corporation, for its voluntary dis-

solution, or for limiting, defining, or regulating the powers of the incorporators or of its directors or stockholders or any class of stockholders.

(g) Its duration.

(h) The number of its directors, not less than three, and the names and post-office addresses of the directors for the first year.

(i) The names and post-office addresses of the subscribers to the certificate or agreement and a statement of the number of shares of stock which each agrees to take in the corporation.

FIRST MEETING OF INCORPORATORS.

SEC. 6. That the first meeting of the incorporators shall be called by a notice signed by a majority of the subscribers, stating the time, place, and purpose of the meeting. A copy of such notice shall, three days before the day appointed for the meeting, be given to each incorporator or left at his residence or usual place of business or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business; another copy thereof and an affidavit of one of the signers that the notice has been duly served shall be recorded with the records of the corporation. If all of the incorporators shall, in writing indorsed upon the agreement of association, waive such call or such notice, no such call or notice shall be required.

ORGANIZATION—ELECTION OF OFFICERS.

SEC. 7. That at such first meeting, or any adjournment thereof, the incorporators shall organize by the choice of a temporary secretary, who shall be sworn, by the adoption of by-laws, and by the election of such officers as the by-laws may prescribe.

ARTICLES OF ORGANIZATION.

SEC. 8. That a majority of the directors shall sign and make oath to articles setting forth—

(a) A true copy of the agreement of association and the names of the subscribers thereto.

(b) The date of the first meeting and of the successive adjournments thereof, if any.

(c) The amount of capital stock to be issued; the amount thereof to be paid for in full in cash; the amount thereof to be paid for on account by installments, and the installment to be paid before the corporation commences business; and the amount thereof to be paid for in property. If such property consists in any part of real estate, its location, description, its value, and the amount of stock to be issued therefor shall be stated. If any part of such property is personal, it shall be described in such detail as the Commissioner of Corporations may require and its value and the amount of stock to be issued therefor shall be stated.

(d) The name, residence, and post-office address of each of the officers of the corporation.

PENALTY FOR FALSE STATEMENT.

SEC. 9. That the directors who sign the articles of organization shall be jointly and severally liable to any stockholder of the corporation for damages caused by any statement therein which is false and which they know to be false. Any director who signs such articles containing a statement therein which is false and known to him to be false shall be guilty of a felony, and on conviction thereof be subject to a fine of not less than $1,000 and not more than $10,000, or to imprisonment for not less than 1 year nor more than 10 years, or to both fine and imprisonment.

CERTIFICATE OF INCORPORATION.

SEC. 10. That the articles of organization and the record of the first meeting of the incorporators shall be submitted to and filed with the deputy commissioner of corporations in the State where the principal office of the corporation is located; they shall be examined by such deputy commissioner of corporations, who may require such amendment thereof or such additional information as he may consider necessary for the purpose of getting such additional information. Such deputy commissioner shall have and exercise the same power and authority as is now conferred on the Bureau of Corporations, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. In every case where it is proposed to issue capital stock for property it shall be the duty of the deputy commissioner of corporations with whom the articles of organization are filed to examine orally at least one of the directors signing such articles with reference to the value of such property; such examination shall be under oath, reduced to writing, and filed in the office of such deputy commissioner of corporations. If such deputy commissioner finds that the articles conform to the provisions of the preceding sections relative to the organization of the corporation, and if he is satisfied, after the examination of one or more directors as hereinabove provided with the good faith of the declaration of the directors as to the value of the property for which stock is issued, he shall indorse his approval of the articles of organization thereon, and upon the payment of the fee hereinafter provided cause them and the indorsement thereon to be recorded, and shall issue, sign, and affix the seal of the Bureau of Corporations upon a certificate of incorporation in a form to be prescribed by the Commissioner of Corporations, and such certificate shall have the force and effect of a charter, and upon the issuing of such certificate the existence of the corporation shall begin. The deputy commissioner of corporations shall also cause a record of the certificate of incorporation to be made, and such certificate, before such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

BY-LAWS.

SEC. 11. That every corporation may determine by its by-laws the time and place and the manner of conducting its meetings, of electing its officers, the powers, duties, and tenure of its officers, the number of its directors, the number of stockholders and of directors necessary to constitute a quorum, the manner of calling regular and special meetings of the directors, the method of making demand for payment of subscriptions to its capital stock, the conditions under which a new certificate of stock may be issued in place of a certificate which is alleged to have been lost or destroyed, the method in general of transacting its business, and the manner by which the by-laws may be altered, amended, or repealed.

RESTRICTIONS UPON COMMENCEMENT OF BUSINESS.

SEC. 12. That no such corporation shall incur any debts until the amount of capital specified in its agreement of association as the amount of capital with which it will begin business shall have been paid in in money or property.

PAYMENT OF CAPITAL STOCK.

SEC. 13. That nothing but money shall be considered as payment of any part of the capital stock of any corporation organized under this act, except as hereinafter provided, and no loan of money shall be made to the stockholders or officers thereof; and if any such loan be made the officers who make it or assent thereto shall be jointly and severally liable to the extent of such loan and interest for all the debts of the corporation until the repayment of the sum so loaned.

STOCK ISSUED FOR PROPERTY.

SEC. 14. That any corporation formed under this act may purchase property necessary for its business and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be full-paid stock and not liable to any further call. In all statements and reports of the corporation to be published or filed this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.

ISSUE OF STOCK.

SEC. 15. That stock which is issued for cash may be paid for in full before it is issued or by installments. If it is paid for by installments, the stock certificate shall be legibly stamped with the words "Per centum paid up, balance payable (stating manner and time of payment), and shares subject to forfeiture if unpaid," the proportion and term of payment being stated to agree with the facts, and as each installment is demanded and paid the certificate shall be stamped accordingly. Stock may be issued subsequent to the issue of stock certified by the articles of organization if a certificate is prepared within 30 days after the date when the issue of such additional stock has been authorized and is signed and sworn to before the president, treasurer, and a majority of the directors, setting forth—

(a) The total amount of capital stock authorized.

(b) The amount of stock already issued and the amount paid thereon.

(c) The amount of additional stock to be issued for cash or property.

(d) A description of the property and a statement of its value and the amount of stock to be issued therefor. Such certificate shall be submitted to the deputy commissioner of corporations with whom the original articles of organization are filed, who shall examine it in the same manner as provided for in the original articles of organization. He shall also examine orally at least one director signing the certificate with respect to the value of the property described therein, and shall require such additional information with respect thereto as he may consider necessary. If he finds that the certificate conforms to the requirements of law, and if, after said examination of one or more of the directors, which shall be under oath written out and filed in his office, he shall be satisfied of the good faith of the statements in the certificate as to the value of the property, he shall indorse his approval upon the certificate, and it shall thereupon be filed in his office, upon payment of the fee hereinafter provided, and he shall cause it and the indorsement thereon to be recorded. No issue of stock subsequent to the issue of stock certified by the articles of organization shall be lawful until said certificate shall have been filed as aforesaid.

SEC. 16. That the directors and officers who sign such certificate shall be jointly and severally liable to any stockholder of the corporation for damages caused by any statement therein which is false and which they know to be false. Any director or officer of a corporation who signs such a certificate, containing any statement which is false and known to him to be false, shall be guilty of a felony and on conviction be subject to a fine of not less than $1,000 and not more than $10,000, or to imprisonment for not less than 1 year and not more than 10 years, or for both fine and imprisonment.

SUBSCRIPTIONS TO STOCK.

SEC. 17. That if the whole capital stock shall not have been subscribed at the time of filing the articles of organization, the directors may open books of subscription to fill up the capital stock in such places, and after giving such notices as they may deem expedient may continue to receive subscriptions until the whole capital stock is subscribed. At the time of subscribing, every subscriber whose subscription is payable in money shall pay to the directors 10 per cent upon the amount subscribed by him in cash, and no such subscriptions shall be received or taken without such payment.

TIME OF PAYMENT OF SUBSCRIPTIONS TO STOCK.

SEC. 18. That subscriptions to the capital stock of the corporation shall be paid at such times and in such installments as the board of directors may by resolution require. If default may be made in the payment of any installment, as required by such resolution, the board may declare the stock and all previous payments thereon forfeited for the use of the corporation, after the expiration of 60 days from the service upon the defaulting stockholders, personally or by mail directed to him at his last known post-office address, and a written notice requiring him to make payment within 60 days from the service of the notice at a place specified therein, and stating therein that in case of failure to do so his stock and all previous payments thereon will be forfeited for the use of the corporation. Such stock, if forfeited, may be reissued, or subscriptions therefor may be received as in the case of stock not issued or subscribed for. If not sold for its par value or subscribed for within six months after such forfeiture, it shall be canceled and deducted from the amount of the capital stock. If by such cancellation the amount of the capital stock is reduced below the minimum required by law, the capital stock shall be increased to the required amount within three months thereafter, or an action may be brought or proceedings instituted to close up the business of the corporation, as in the case of an insolvent corporation. If a receiver of the assets of the corporation has been appointed, all unpaid subscriptions to the stock shall be paid at such times and in such installments as the receiver or the court may direct.

POWERS.

SEC. 19. That every corporation organized under this act shall have power—

(a) To have succession for the period specified in its certificate of incorporation, and perpetual when no period is specified.

(b) To have a common seal, and to alter the same at pleasure.

(c) To sue and be sued in any court of law or equity.

(d) To acquire by grant, gift, purchase, devise, or bequest, to hold and dispose of such property as the purpose of the corporation shall require, and to mortgage any such real or personal estate with its franchises, subject to such limitations as may be hereinafter prescribed.

(e) To appoint such officers and agents as its business shall require and to fix their compensation.

(f) To make by-laws as hereinbefore provided.

(g) To wind up and dissolve itself or be wound up and dissolved in the manner hereinafter mentioned.

(h) To purchase, hold, and dispose of the stocks, bonds, and other evidences of indebtedness of any other corporation, except as prohibited by the existing law against monopolies and contracts in restraint of trade, and issued in exchange therefor to the extent of their actual value of its stock, bonds, or other obligations, if the corporation whose stock, bonds, or other evidence of indebtedness so acquired is engaged in a business similar to that of the corporation acquiring such stock, bonds, or other evidence of indebtedness, or is engaged in the manufacture, use, or sale of the property, or in the construction or operation of works necessary or useful in the business of such corporation.

(i) To borrow money and to contract debts, when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges, or franchises, or for any other lawful purpose of its incorporation; and to issue and dispose of its obligations for any amount so borrowed, not to exceed the amount of its outstanding capital stock, and to mortgage its property and franchises to secure the payment of such obligations, or of any debt contracted for said purposes.

QUALIFICATION OF MEMBERS AS VOTERS.

SEC. 20. That unless otherwise provided in the articles of organization every stockholder of record shall be entitled at every meeting of the corporation to one vote for every share of stock standing in his name on the books of the corporation, subject to the provisions of the by-laws regulating transfer of stock. Every stockholder entitled to vote at any meeting of the corporation may so vote by proxy executed in writing by the stockholder or by his duly authorized attorney.

EFFECT OF FAILURE TO ELECT DIRECTORS.

SEC. 21. That if the directors shall not be elected on the day designated in the by-laws, the corporation shall not for that reason be dissolved; but every director shall continue to hold office and discharge his duties until his successor has been elected. If the election has not been held on the day so designated, the directors shall forthwith call a meeting of the stockholders for the purpose of electing directors, of which meeting notice shall be given in the same manner as for the annual meeting for the election of directors. If such meeting shall not be so called within one month, or, if held, shall result in the failure to elect directors, any stockholder may call a meeting for the purpose of electing directors by publishing a notice of the time and place of holding such a meeting at least once a week for two successive weeks immediately preceding the election in a newspaper published in the county where the election is to be held, and in such other manner as may be prescribed in the by-laws for publication of the notice of the annual meeting, and by service upon each member, either personally or by mail directed to him at his last known post-office address, a copy of such notice at least two weeks before such meeting. Such meeting shall be held at the office of the corporation, or if it has none at the place in this State where its principal business has been transacted, or if access to such office or place has been denied, or can not be had, at some other place in the city, village, or town where such office or place was or is located. At such meeting the members attending shall constitute a quorum. They may elect inspectors of election and directors and adopt by-laws for the use of future meetings of directors if the corporation has no such by-laws, and transact any other such business as may be transacted at any other meeting of the stockholders of the corporation.

FORFEITURE FOR NONUSER.

SEC. 22. That if any corporation shall not organize and commence the transaction of its business or undertake the discharge of its corporate duties within two years from the date of its incorporation, or shall for a period of two years cease the transaction of its business, its corporate powers shall cease.

EXTENSION OF CORPORATE EXISTENCE.

SEC. 23. That any corporation at any time before the expiration thereof may extend the term of its existence beyond the time specified in its original articles of organization, or in any certificate of extension of corporate existence, by the consent of the stockholders owning two-thirds of the amount of its capital stock, which consent shall be given in writing, and a certificate under the seal of the corporation that such consent was given by the stockholders in writing shall be subscribed and acknowledged by the president or vice president and by the secretary of the corporation, and shall be filed in the office of the deputy commissioner of corporations where the original articles of organization or the original acceptance of the provisions of this act shall have been filed, and upon payment of the fee hereinafter provided it shall be duly recorded and indexed in a book specially provided therefor, and a certified copy of such certificate, with a certificate of the deputy commissioner of corporation of such filing, and of the record thereof shall be issued by the deputy commissioner of corporations, and thereafter the term of existence of such corporation shall be extended as designated in such certificate.

ALTERATION AND REPEAL OF CHARTER.

SEC. 24. That the charter of every corporation organized under this act shall be subject to alteration, suspension, and repeal in the discretion of Congress.

CORPORATE MORTGAGES.

SEC. 25. That mortgages creating a lien upon real and personal property executed by a corporation as a security for the payment of bonds issued by such corporation and recorded as a mortgage of real property in each county where such property is located need not be filed as a chattel mortgage.

REORGANIZATION UPON SALE OF CORPORATE PROPERTY AND FRANCHISES.

SEC. 26. That when the property and franchises, by virtue of a mortgage, or deed of trust duly executed by it, or pursuant to the judgment or decree of a court of competent jurisdiction, or by virtue of any execution issued thereon, and the purchaser, his assignee or grantee shall have acquired title to the same in the manner required by law, he may associate with him any number of persons, not less than three, at least two-thirds of whom shall be citizens of the United States, and they may become a corporation and take and possess the property and franchises thus sold which were at the time of the sale possessed by the corporation whose property shall have been sold upon making, acknowledging, and filing in the office where the original articles of organization were filed a certificate, in which they shall set forth a copy of the original certificate of incorporation, whose property and franchises they have acquired and the name of the court by whose authority the sale had been made, with the date of the judgment or decree authorizing or directing the same, and a brief description of the property sold, and also the following particulars:

(a) The name of the new corporation intended to be formed by the filing of such certificate, and the place where its principal office is to be located.

(b) The amount of its capital stock and the number of shares into which it is to be divided, specifying the classes thereof, whether common or preferred, and the amount of and the rights pertaining to each class.

(c) A statement of the value of the property.

(d) The number of directors who shall manage the affairs of the new corporation, and the name and post-office address of each of the directors for the first year. There may be inserted in such certificate any provision relating to the new corporation or its management not inconsistent with law. Such certificate shall be examined by the deputy commissioner of corporations, with whom it is filed in the same manner, and the signer or signers shall be subject to all the liabilities provided in this act, as in the case of the filing of original articles of organization. If, after the examination thereof made by the deputy commissioner of corporations, he finds that the provisions of this act have been complied with, and is satisfied of the good faith of the statements in the said certificate contained as to the value of the property, he shall indorse his approval upon this certificate, upon payment of the fee hereinafter provided, and cause the same to be recorded, and issue a certificate thereof, and thereupon such corporation shall be vested with and be entitled to execute and enjoy all the rights, privileges, and franchises which at the time of such sale belong to or are vested in the corporation last owning the property sold or its receiver, and shall be subject to all the provisions, duties, and liabilities imposed by law on such corporations.

CONSENT OF STOCKHOLDERS TO MORTGAGE.

SEC. 27. That no mortgage by a corporation shall be valid unless a written consent thereto signed by the holders of two-thirds of the outstanding voting capital stock shall be filed in the office of the deputy commissioner of elections where the original articles of organization or the acceptance of the provisions of this act are filed.

DIRECTORS.

SEC. 28. That the directors of every corporation shall be at least three in number and shall be chosen at the time and place fixed by the by-laws of the corporation by a plurality of the votes at such election. Each director shall be a stockholder. Vacancies in the board of directors shall be filled in the manner prescribed in the by-laws. Notice of the time and place of holding any election of directors shall be given by publication thereof, at least once in each week for two successive weeks immediately preceding such election, in a newspaper published in the county where such election is to be held and in such other manner as may be prescribed in the by-laws. Such notice may be waived in writing by the stockholders.

CHANGE OF BOARD OF DIRECTORS.

SEC. 29. That the board of directors may be increased or reduced, but not below the minimum number prescribed in the preceding section, when the stockholders owning a majority of the stock shall so determine, at a meeting to be held at the usual place of meeting of the directors on two weeks' notice in writing to each stockholder of record. Such notice shall be served personally or by mail directed to each stockholder at his last-known post-office address. Proof of the service of such notice shall be filed in the office of the corporation at or before the time of such meeting. The proceedings of such meeting shall be entered in the minutes of the corporation and a transcript thereof, verified by the president and secretary of the meeting, shall be filed in the office where the original articles of organization were filed.

LIABILITIES OF DIRECTORS FOR MAKING UNAUTHORIZED DIVIDENDS.

SEC. 30. That the directors of a corporation shall not make dividends except from the surplus profits arising from the business of the corporation nor divide, withdraw, or in any manner pay to the stockholders, or any of them, any part of the capital of the corporation, or reduce its capital stock, except as authorized by law. In case of any violation of the provisions of this section the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large upon the minutes of such directors at the time or were not present when the same happened, shall jointly and severally to such corporation and to the creditors thereof be liable for the full amount of any loss sustained by such corporation or its creditors, respectively, by reason of such withdrawal, division, or reduction.

LIABILITY OF DIRECTORS FOR LOAN TO STOCKHOLDERS.

SEC. 31. That no loan of money shall be made by any corporation or any officer thereof out of its funds to any stockholder therein, nor shall any corporation or officer thereof discount any note or other evidence of debt, or receive the same in payment of any installment or any part thereof due or to become due on any stock in the corporation, or receive or discount any note or other evidence of debt to enable any stockholder to withdraw any part of the money paid in by him on his stock. In case of the violation of any provision of this section, the officers or directors making such loan or assenting thereto or receiving or discounting such notes or other evidence of debt shall jointly and severally be personally liable to the extent of such loan and interest for all the debts of the corporation contracted before the repayment of the sum loaned, and to the full amount of the notes or other evidence of debt so received or discounted, with interest from the time such liability accrued.

OFFICERS.

SEC. 32. That the directors of a corporation may elect such officers as may be provided for by the by-laws, who shall respectively have such powers and perform such duties in the management of the property and affairs of the corporation, subject to the control of the directors, as may be prescribed by them or in the by-laws.

BOOKS TO BE KEPT.

SEC. 33. That every corporation shall keep at its office correct books of account of all its business and transactions, and a book, to be known as the stock book, containing the names alphabetically arranged of all persons who are stockholders of the corporation, showing their place of residence, the number of shares of stock held by them respectively, the time that they respectively became the owners thereof, and the amount paid thereon. The stock book of every corporation shall be open daily during at least three business hours for the inspection of its stockholders and judgment creditors, who may make extracts therefrom.

ALTERATIONS OR EXTENSION OF BUSINESS.

SEC. 34. That any corporation heretofore organized under the laws of any State which shall have accepted the provisions of this act, and

any corporation organized under this act, may alter its certificate of incorporation so as to include therein any lawful purposes, powers, or provisions which, at the time of such alteration, may apply to corporations engaged in a business of the same general character, or which might be included in the articles of organization of a corporation organized under this act, or a business of the same general character, by filing in the manner provided for the original amended articles of organization executed by a majority of its directors, stating the alteration proposed and that the same has been duly authorized by a vote of the stockholders representing at least three-fifths of the capital stock, at a meeting of the stockholders called for the purpose in the manner provided for annual meetings, and a copy of the proceedings of such meeting, verified by the affidavit of the secretary of the corporation, shall be filed with the amended articles of organization, whereupon the deputy commissioner of corporations, with whom the same is filed, shall, upon payment of the fee hereinafter provided, issue an amended certificate of incorporation in conformity therewith.

INCREASE OR REDUCTION OF CAPITAL STOCK.

SEC. 35. That any corporation may increase or reduce its capital stock in the manner herein provided, but not below the minimum prescribed by law. If increased, the holders of the additional stock shall be subject to the same liabilities with respect thereto as are provided by law in relation to the original capital; if reduced, the amount of its debts and liabilities shall not exceed the amount of its reduced capital. The owner of any stock shall not be released from any liability existing prior to the reduction of any capital stock. Every such increase or reduction must be authorized either by the unanimous consent of the stockholders expressed in writing and filed in the office where the original articles of organization and the acceptance of the provisions of this act are filed, or by a vote of the stockholders owning at least a majority of the stock of the corporation, taken at a meeting of the stockholders specially called for that purpose. Notice of the meeting, stating the time, place, and object, and the amount of the increase or reduction proposed, signed by the president and the vice president and the secretary, shall be published once a week for at least two successive weeks in the newspapers of the county in which its principal business office is located, if any is published therein, and a copy of such notice shall be duly mailed to such stockholder at his last known post-office address at least two weeks before the meeting or shall be personally served on him at least five days before the meeting. A certificate of the proceedings showing a compliance with the provisions of this section and stating all of the other facts hereinabove required to be stated in the case of every issue of stock and, in addition thereto, in the case of the reduction of capital stock, a statement of the whole amount of the ascertained debts and liabilities of the corporation shall be made, signed, verified, and acknowledged by the chairman and secretary of the meeting and filed in the office where the original articles of organization or the acceptance of the provisions of this act were filed. In case of a reduction of the capital stock, such certificates shall have indorsed thereon the approval of the deputy commissioner of corporations with whom it is filed to the effect that the reduced capital is sufficient for the purposes of the corporation and is in excess of its ascertained debts and liabilities, and, in case of a railroad corporation, the certificate shall have indorsed thereon the approval of the Interstate Commerce Commission. When the certificate herein provided for, thus approved, has been filed, the capital stock of such corporation shall be increased or reduced, as the case may be, to the amount specified in such certificate.

APPLICATION TO COURT TO ORDER ISSUE OF NEW IN PLACE OF LOST CERTIFICATE OF STOCK.

SEC. 36. That the owner of a lost or a destroyed certificate of stock, if the corporation shall refuse to issue a new certificate in place thereof, may apply to the circuit court of the United States at any session thereof held in the district where he resides for an order requiring the corporation to show cause why it should not be required to issue a new certificate in the place of the one lost or destroyed. The application shall be by petition, duly verified by owner, stating the name of the corporation, the number and date of the certificate, if known, or if it can be ascertained by petitioner; the number of shares named therein, to whom issued, and as particular a statement of the circumstances pertaining to such loss or destruction as the petitioner can give. Upon the presentation of the petition the court shall make an order requiring the corporation to show cause, at a time and place therein mentioned, why it should not issue a new certificate of stock in place of the one described in the petition. A copy of the petition and order shall be served on the president or other head of the corporation, or on the secretary or treasurer thereof, personally at least 10 days before the time for showing cause. Upon return of the order, with proof of due service thereof, the court shall in a summary manner and in such mode as it may deem advisable inquire into the truth of the facts and into the proof and allegations of the parties thereto and be satisfied that the petitioner is the lawful owner of the number of shares, or any part thereof, described in the petition, and that the certificate has been lost or destroyed and can not after due diligence be found, and that no sufficient cause why a new certificate should not be issued, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate of the number of shares specified in the order upon depositing such security or filing a bond in such form and with such sureties as to the court may appear sufficient to indemnify any person other than the petitioner who shall thereafter be found to be the lawful owner of the certificate lost or destroyed, and the court may direct the publication of such notice, either before or after making such order, as it may deem proper. Any person claiming any rights under the certificate alleged to be lost or destroyed shall have recourse to such indemnity and the corporation shall be discharged of all liability to such person upon compliance with such order; and obedience to the order may be enforced by attachment against any officer of the corporation upon his refusal to comply with it.

LIABILITIES OF STOCKHOLDERS.

SEC. 37. That every holder of the capital stock not fully paid in any stock corporation shall be personally liable to its creditors to an amount equal to the amount unpaid on the stock held by him for debts of the corporation contracted when such stock was held by him. No action shall be brought against any stockholder for any debt of the corporation unless judgment therefor shall be recovered against the corporation and an execution thereon has been returned unsatisfied in whole or in part, and the amount due on such execution shall be recoverable with costs against the stockholder. No stockholder shall be personally liable for any debt of the corporation not payable within two years from the time it is contracted, nor unless an action for its collection shall be brought against the corporation within two years after the debt became due; and no action shall be brought against a stockholder after he shall have ceased to be a stockholder for any debt of the corporation, unless brought within two years from the time he shall have ceased to be a stockholder.

VOLUNTARY DISSOLUTION.

SEC. 38. That any corporation may be dissolved before the expiration of the time limited in its certificate of incorporation, as follows: The board of directors may, at any meeting called for that purpose, upon at least three days' notice to each director, by vote of a majority of the whole board, adopt a resolution that it is, in their opinion, advisable to dissolve such corporation forthwith, and thereupon shall call a meeting of the stockholders for the purpose of voting thereon. Such meeting of the stockholders shall be held not less than 30 nor more than 60 days after the adoption of such resolution, and the notice of the time and place of such meeting so called by the directors shall be published in one or more newspapers published and circulating in the county wherein such corporation has its principal office at least once a week for three weeks successively next preceding the time appointed for holding such meeting, and on or before the day of the first publication of such notice a copy thereof shall be served personally on each stockholder or mailed to him at his last-known post-office address. If at any such meeting the holders of two-thirds in amount of the stock of the corporation then outstanding shall, in person or by attorney, consent that such a dissolution shall take place, and signify their consent in writing, then such corporation shall file such consent, attested by its secretary, together with the powers of attorney signed by such stockholders executing such consent by attorney, with a statement of the names and residences of the then existing board of directors of such corporation and the names and residences of its officers duly verified by the secretary of said corporation, in the office where the original articles of organization or the acceptance of the provisions of this act shall be filed. The deputy commissioner of elections shall thereupon issue to such corporation a certificate of the filing of such papers, and that it appears therefrom that such a corporation has complied with this section in order to be dissolved, and thereupon such corporation shall be dissolved and shall cease to carry on business, except for the purpose of adjusting and winding up its business. The board of directors shall cause a copy of such certificate to be published at least once a week for at least two weeks in one or more newspapers published and circulating in the county where the principal office of such corporation is located, and at the expiration of such publication the said corporation, by its board of directors, shall proceed to adjust and wind up its business and affairs with power to carry out its contract and to sell its assets at public sale and to apply the same in discharge of debts and obligations of such corporation, and after paying and adequately providing for the payment of such debts and obligations to distribute the balance of such assets among the stockholders of said corporation according to their respective rights and interests. Said corporation shall nevertheless continue in existence for the purpose of paying and satisfying any existing debts or obligations, collecting or distributing its assets, and do any other acts in order to adjust and wind up its affairs, and may sue and be sued for the purpose of enforcing such debts and obligations until its business and affairs are finally adjusted and wound up.

MERGER.

SEC. 39. That subject to existing provisions of law against monopolies and contracts in restraint of trade any corporation lawfully owning all the stock of any other corporation organized for or engaged in business similar or incidental to that of the possessor corporation may file, in the office where the original articles of organization or the acceptance of the provisions of this act filed by the possessor corporation are filed, a certificate of such ownership and of the resolution of its board of directors to merge such other corporation, and thereupon it shall acquire and become and be possessed of all the estate, properties, rights, privileges, and franchises of such other corporation, and they shall vest in and be held and enjoyed by it as fully and entirely and without change or diminution as the same were before held and enjoyed by such other corporation, and be managed and controlled by the board of directors of such possessor corporation, and in its name, but without prejudice to any liabilities of such other corporation, or the rights of any creditors thereof; and the liabilities of such other corporation shall, by virtue of such merger, become the liabilities of such possessor corporation.

ADDITIONAL POWERS CONFERRED ON RAILROAD AND CERTAIN OTHER CORPORATIONS.

SEC. 40. That every railroad corporation, pipe-line corporation, telegraph or telephone corporation, and every corporation engaged in the business of distributing gas or electricity for light, heat, or power shall, in addition to the powers given to other corporations organized under this act, have power to cause the necessary examination and survey for its proposed route, and for such purpose, by its officers, agents, or servants, to enter upon any lands or waters, subject to liability to the owner for all damage done, and to acquire, by condemnation, such real estate and property as may be necessary for the construction, maintenance, and accommodation of its line or plant in the manner provided by law; but the real property acquired by condemnation shall be held and used only for the purposes of the corporation during the continuance of the corporate existence.

INSOLVENCY.

SEC. 41. That whenever any corporation shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same any creditor or stockholder may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the circuit court of the United States in the district in which the principal office of the corporation is located for a writ of injunction and the appointment of a receiver or receivers or trustees, and the court being satisfied, by affidavit or otherwise, of the sufficiency of said application and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court, by order, may direct, may proceed in a summary way to hear the affidavits, proofs, and allegations which may be offered on behalf of the parties; and if upon such inquiry it shall appear to the court that the corporation has become insolvent and is not about to resume its business in a short time with safety to the public and advantage to the stockholders, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning, or transferring any of its estate, moneys, funds, lands, tenements, or effects, except to a receiver appointed by the court, until the court shall otherwise order.

The court, at the time of ordering said injunction, or at any time afterwards, may appoint a receiver or receivers or trustees for the creditors and stockholders of the corporation, with full power and authority to demand, sue for, collect, and take into their possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes, and property of every description of the corporation, and to institute suits at law or in equity for the recovery of any estate, property, damages, or demands existing in favor of the corporation, and in his or their discretion to compound and settle with any debtor or creditor of the corporation or with persons having possession of its property, or in any way responsible at law or in equity to the corporation at the time of its insolvency or suspension of business, or afterwards, upon such terms and in such manner as he or they shall deem just and beneficial to the corporation, and in case of mutual dealings between the corporation and any person to allow just set-offs in favor of such person in all cases in which the same ought to be allowed according to law and equity; and the receiver or receivers or trustees shall have power to sell, convey, and assign all of said estate, rights, and interests and shall hold and dispose of the proceeds thereof under the directions of the court. Every receiver shall, before acting, enter into such bond and comply with such terms as the court may prescribe. All the real and personal property of an insolvent corporation, wherever situated, and all its franchises, rights, privileges, and effects shall, upon the appointment of a receiver, forthwith vest in him, and the corporation shall be divested of title thereto. Whenever a receiver shall have been appointed as aforesaid, and it shall afterwards appear that the debts of the corporation have been paid or provided for, and that there remains or can be obtained by further contributions sufficient capital to enable it to resume its business, the court may, in its discretion, a proper case being shown, direct the receiver to reconvey to the corporation all its property, franchises, rights, and effects, and thereafter the corporation may resume control of and enjoy the same as fully as if the receiver had never been appointed; that in every case in which the court of chancery shall not direct such reconveyance such court may, in its discretion, make a decree dissolving the corporation and make its charter forfeited and void. Such receiver, as soon as convenient, shall lay before the court a full and complete inventory of the estate, property, and effects of the corporation, its nature and probable value, and an account of all debts due from and to it as nearly as the same can be ascertained, and make a report to the court of his proceedings every six months thereafter during the continuance of the trust. Every claim against an insolvent corporation shall be presented to the receiver in writing and upon oath; and the claimant, if required, shall submit himself to such examination in relation to the claim as the receiver shall direct and shall produce such books and papers relating to the claim as shall be required; and the receiver shall have power to examine, under oath or affirmation, all witnesses produced before him touching the claims and shall pass upon and allow, or disallow, the claims, or any part thereof, and notify the claimant of his determination. Any creditor or claimant who shall lay his claim before such receiver may at such time demand that a jury shall decide thereon, and in like manner the receiver may demand that the same be referred to a jury, and in either case such demand shall be entered on the minutes of the receiver; and thereupon an issue shall be made up between the parties, under the direction of one of the judges of the court, and a jury impaneled, as in other cases, to try the same in the circuit court of the district in which the corporation has its principal office. The verdict of the jury shall be subject to the control of the court as in suits originally instituted therein. Where property of an insolvent corporation is, at the time of the appointment of a receiver, encumbered with mortgages or other liens the legality of which is in question and the property is of a character materially to deteriorate in value pending the litigation, the court of chancery may order the receiver to sell the same, clear of encumbrances, at public or private sale, for the best price that can be obtained, and pay the money into the court, there to remain subject to the same liens and equities of all parties in interest as was the property before sale to be disposed of as the court shall direct. In the case of the insolvency of any corporation the laborers and workmen and all persons doing labor and service of whatever character in the regular employ of such corporation shall have a first and prior lien upon the assets thereof for all labor, work, services done, performed, or rendered within two months next preceding the date when proceedings in insolvency shall be actually instituted and begun against such insolvent corporation. Before distribution of the assets of an insolvent corporation among the directors or stockholders the court shall allow a reasonable compensation to the receiver for his services and the costs and expenses of the administration of his trust to be paid out of said assets. After payment of all allowances, expenses, and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority the creditors shall be paid proportionally to the amount of their respective debts, except mortgage and judgment creditors when the judgment has not been by confession for the purpose of preferring creditors; and the preferred stockholders shall be divided and paid to the general stockholders proportionally according to their respective shares.

COURT MAY SUMMARILY INVESTIGATE COMPLAINTS TOUCHING ELECTIONS.

SEC. 42. That the circuit court of the United States, upon application of any person who may be aggrieved by or complains of any election, proceeding, act, or matter touching the same, reasonable notice having been given to the adverse party or to those who are affected thereby of such intended application, shall proceed forthwith and in a summary way hear the affidavits, proofs, and allegations of the parties or otherwise inquire into the matter or causes of complaint, and thereupon establish the election so complained of or order a new election or make such order and give such relief in the premises as right and justice may require.

ORGANIZATION TAX.

SEC. 43. That every corporation organized under this act shall pay to the Treasurer of the United States a tax of one-twentieth of 1 per cent upon the amount of capital stock which the corporation is authorized to have and a like tax upon any subsequent increase: *Provided*, That in no case shall the tax be less than $1. Such tax shall be due and payable upon the incorporation of the corporation or upon the increase of its capital stock, and no Deputy Commissioner of Corporations shall issue any certificate of incorporation until he has received a certified check for such tax drawn to the order of the Treasurer of the United States, and no corporation shall have or exercise any corporate franchise or powers and carry on business until such tax shall have been paid.

ANNUAL FRANCHISE TAX.

SEC. 44. That all corporations organized under this act or those having accepted the provisions of this act shall make an annual return to the Treasurer of the United States on or before the first Tuesday of May in each year, and shall state therein the amount of the capital stock of such corporation issued and outstanding on the 1st day of January preceding the making of said return and shall pay an annual license fee or franchise tax of one-tenth of 1 per cent on all amounts of capital stock issued and outstanding up to and including the sum of $3,000,000. On all sums of capital stock issued and outstanding in excess of $3,000,000 and not exceeding $5,000,000 an annual license fee or franchise tax of one-twentieth of 1 per cent, and the further sum of $50 per annum of $1,000,000 or any part thereof on all amounts of capital stock issued and outstanding in excess of $5,000,000.

TAX UPON CORPORATIONS NOT ORGANIZED UNDER OR ACCEPTING THE PROVISIONS OF THIS ACT.

SEC. 5. That all corporations engaged in commerce among the several States, other than corporations organized under this act and corporations that have accepted the provisions of this act, shall make an annual return to the Bureau of Corporations on or before the first Tuesday in May of each year, and shall state therein the gross amount of their receipts from all commerce among the several States carried on by them during the year ending on the 31st day of December immediately preceding the making of said return, together with such other information as may be required by the Bureau of Corporations to carry out the provisions of this section, and shall pay to the Treasurer of the United States an annual license fee of 5 per cent of such gross receipts. Any officer of any corporation liable to pay such license fee who shall willfully fail or refuse to make such annual return shall be guilty of a misdemeanor, and on conviction thereof in any circuit or district court in the United States shall be subject to a fine of not more than $500 or to imprisonment for not more than one year, or both fine and imprisonment. The Bureau of Corporations shall have the power and authority to investigate the truth of all such returns, including the right to subpœna, to procure the attendance of testimony and witnesses, and the presentation of documentary evidence and the administration of oaths.

ACCEPTING THE PROVISIONS OF THIS ACT.

SEC. 46. That any corporation engaged in commerce among the several States heretofore organized under the laws of any State and existing at the time this act takes effect may, by a certificate duly executed by its president and secretary upon authority of a majority of the directors at any meeting called for that purpose in the manner provided for meetings to act upon a proposed increase of capital stock and upon the written consent, thereto annexed, of the holders of a majority of its outstanding capital stock which shall accompany said certificate filed in the office of the deputy commissioner of corporations in the district in which the principal office of the corporation is located, accept the provisions of this act, and it shall be thereafter governed thereby and subject to all of the obligations and privileges attached thereto.

FEES.

SEC. 47. That the fees to be collected by the deputy commissioner of corporations shall be as follows:

(a) For filing and recording the original articles of organization and issuing the original certificate of incorporation, $10.

(b) For a copy of any paper or record not required to be certified or otherwise authorized by him, 10 cents per folio.

(c) For a certificate under the seal of the Bureau of Corporations, $1.

(d) For recording a certificate, notice, or other paper required to be recorded, except as otherwise provided by this section, 15 cents per folio.

(e) For other certificates and services than those herein specified, such reasonable fees as may be prescribed by the Bureau of Corporations.

NAMES OF CORPORATIONS.

SEC. 48. That each deputy commissioner of corporations shall furnish the Commissioner of Corporations with a list of all corporations organized under this act and accepting the provisions thereof, and an alphabetical list thereof shall be kept in the office of the Bureau of Corporations. No corporation shall be organized with a name so similar to that of any other corporation organized under this act, or which has accepted the provisions of this act, that it will, in the judgment of the Commissioner of Corporations, be calculated to mislead or deceive.

SEC. 49. That this act shall take effect immediately.

(H. R. 19745, Sixtieth Congress, first session, introduced by Hon. William P. Hepburn, of Iowa. This bill is usually called the Low bill, as it was advocated by Hon. Seth Low.)

A bill (H. R. 19745) to regulate commerce among the several States or with foreign nations, and to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Be it enacted, etc., That the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," be, and hereby the same is, amended by adding at the end of said act the following sections:

"SEC. 8. That any corporation or association affected by this act, but not subject to the act approved February 4, 1887, entitled 'An act to regulate commerce,' or the acts amendatory thereof or supplemental thereto, shall be entitled to the benefits and immunities in this act hereinafter given, if and when it shall register as herein provided, and shall comply with the requirements of this act, hereinafter set forth, but not otherwise.

"Such registration, by a corporation or association for profit and having capital stock, may be effected by filing with the Commissioner of Corporations a written application therefor, together with a written statement setting forth such information concerning the organization of such corporation or association, its financial conditions, its contracts, and its corporate proceedings, as may be prescribed by general regulations from time to time to be made by the President pursuant to this act; and such registration by a corporation or association not for profit and without capital stock may be effected by filing with the Commissioner of Corporations a written application therefor, together with a written statement setting forth, first, its charter or agreement of association and by-laws; second, the place of its principal office, and, third, the names of its directors or managing officers, and standing committees, if any, with their residences.

"Thereupon the Commissioner of Corporations shall register such corporation or association under this act. In case any corporation or association so registered shall refuse or shall fail at any time to file the statements or to give the information required under this act, or to comply with the requirements of this act, or in case information furnished by it shall be false in any material particular, the Commissioner of Corporations shall have power to cancel the registration of such corporation or association after 30 days' notice in writing to such corporation or association. Any corporation or association aggrieved by such action of the Commissioner of Corporations may apply to the Supreme Court of the District of Columbia, in a suit or proceeding in equity, for such relief in the premises as may be proper, and said court shall have jurisdiction to hear and determine such application, subject to appeal as in other causes in equity.

"SEC. 9. That the President shall have power to make, alter, and revoke, and from time to time, in his discretion, he shall make, alter, and revoke, regulations prescribing what facts shall be set forth in the statements to be filed with the Commissioner of Corporations by corporations and associations for profit and having capital stock applying for registration under this act, and what information thereafter shall be furnished by such corporations and associations so registered, and he may prescribe the manner of registration and of cancellation of registration.

"Nothing in this act shall require the filing of contracts or agreements of corporations or associations not for profit or without capital stock, and such corporations and associations while registered hereunder, and the members thereof, shall be entitled to all the benefits and immunities given by this act, excepting such as are given by section 10 and section 11, without filing such contracts or agreements; but from time to time every such corporation or association shall file with the Commissioner of Corporations, when and as called for by him, a revised statement giving, as of a date specified by him, such information as is required to be given at the time of original registration under section 8 of this act.

"SEC. 10. That any corporation or association registered under this act, and any person, not a common carrier under the provisions of the said act approved February 4, 1887, or the acts amendatory thereof or supplemental thereto, being a party to a contract or combination hereafter made, other than a contract or combination with a common carrier filed under section 11 of this act, may file with the Commissioner of Corporations a copy thereof, if the same be in writing, or if not in writing, a statement setting forth the terms and conditions thereof, together with a notice that such filing is made for the purpose of obtaining the benefit of the provisions of this section. Thereupon the Commissioner of Corporations, with the concurrence of the Secretary of Commerce and Labor, of his own motion and without notice or hearing, or after notice and hearing, as the commissioner may deem proper, may enter an order declaring that in his judgment such contract or combination is in unreasonable restraint of trade or commerce among the several States or with foreign nations. If no such order shall be made within 30 days after the filing of such contract or written statement, no prosecution, suit, or proceeding by the United States shall lie under the first six sections of this act, for or on account of such contract or combination, unless the same be in unreasonable restraint of trade or commerce among the several States or with foreign nations; but the United States may institute, maintain, or prosecute a suit, proceeding, or prosecution under the first six sections of said act for or on account of any such contract or combination hereafter made, of which a copy or written statement shall not have been filed as aforesaid, or as to which an order shall have been entered as above provided.

"No corporation or association for profit or having capital stock, and registered under this act, that hereafter shall make a combination or consolidation with any other corporation or association, shall be entitled to continue its registration under this act, unless without delay it shall file with the Commissioner of Corporations, pursuant and subject to the provisions of this section, a statement setting forth the terms and conditions of such combination or consolidation, together with a notice as hereinabove provided.

"SEC. 11. That any common carrier under the provisions of the said act approved February 4, 1887, or the acts amendatory thereof or supplemental thereto, being a party to a contract or combination hereafter made, or any other party to such contract or combination, may file with the Interstate Commerce Commission a copy thereof, if the same be in writing, or if not in writing, a statement setting forth the terms and conditions thereof, together with a notice that such filing is made for the purpose of obtaining the benefit of the provisions of this section. Thereupon the Interstate Commerce Commission, of its own motion and without notice or hearing, or after notice and hearing, as said commission may deem proper, may enter an order declaring that in its judgment such contract or combination is in unreasonable restraint of trade or commerce among the several States or with foreign nations. If no such order shall be made within 30 days after the filing of such contract or written statement, no prosecution, suit, or proceeding by the United States shall lie under the first six sections of this act, for or on account of such contract or combination, unless the same be in unreasonable restraint of trade or commerce among the several States or with foreign nations, but the United States may institute, maintain, or prosecute a suit, proceeding, or prosecution under the first six sections of said act for or on account of any such contract or combination hereafter made, of which a copy or written statement shall not have been filed as aforesaid, or as to which an order shall have been entered as above provided."

SEC. 2. That section 7 of the said act approved July 2, 1890, is hereby amended so as to read as follows:

"SEC. 7. That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

SEC. 3. That in any suit for damages under section 7 of the said act approved July 2, 1890, based upon a right of action accruing prior to the passage of this act, the plaintiff shall be entitled to recover only the damages by him sustained and the costs of suit, including a reasonable attorney's fee; and no suit for damages under said section 7 of the said act, based upon a right of action accruing prior to the passage of this act, shall be maintained unless the same shall be commenced within one year after the passage of this act.

Nothing in said act approved July 2, 1890, or in this act, is intended, nor shall any provision thereof hereafter be enforced, so as to interfere with or to restrict any right of employees to strike for any cause or to combine or to contract with each other or with employers for the purpose of peaceably obtaining from employers satisfactory terms for their labor or satisfactory conditions of employment, or so as to interfere with or to restrict any right of employers for any cause to discharge all or any of their employees or to combine or to contract with each other or with employees for the purpose of peaceably obtaining labor on satisfactory terms.

SEC. 4. That no suit or prosecution by the United States under the first six sections of the said act approved July 2, 1890, shall hereafter be begun for or on account of any contract or combination made prior to the passage of this act, or any action thereunder, unless the same be in unreasonable restraint of trade or commerce among the several States or with foreign nations; and no suit or prosecution by the United States under the first six sections of the said act approved July 2, 1890, shall be begun after one year from the passage of this act for or on account of any contract or combination made prior to the passage of this act, or any action thereunder; but no corporation or association authorized to register under section 8 of the said act approved July 2, 1890, as amended, shall be entitled to the benefit of this immunity if it shall have failed so to register, or if the registration of such corporation or association shall have been canceled before the expiration of one year after such registration, exclusive of the period, if any, during which such cancellation shall have been stayed by an order or decree of court subsequently vacated or set aside. Anything herein contained to the contrary notwithstanding, all actions and proceedings now or heretofore pending under or by virtue of any provision of the said act approved July 2, 1890, may be prosecuted and may be defended to final effect; and all judgments and decrees heretofore or hereafter made in any such actions or proceedings may be enforced in the same manner as though this act had not been passed.

[S. 6186, Sixty-first Congress, second session, introduced by Senator CLARENCE D. CLARK, of Wyoming.]

A bill (S. 6186) to provide for the formation of corporations to engage in interstate and international trade and commerce.

Be it enacted, etc. SECTION 1. Any five or more persons, citizens of the United States, each of the age of 21 years or upward, may upon complying with the requirements of this act, form a corporation to engage in trade or commerce with foreign nations, or among the several States, or between a State or States and places subject to the jurisdiction of the United States, or between any Territories of the United States, or in and between any such Territory or Territories and any State or States and the District of Columbia or places under the jurisdiction of the United States, or between the District of Columbia and any State or States and foreign nations or places under the jurisdiction of the United States, or for all or any of such kinds of trade and commerce.

SEC. 2. The persons uniting to form such corporation shall make and subscribe articles of association, which shall specifically set forth: First, the name of the proposed corporation, with the addition of the words "national incorporation" as the last words thereof, which name shall be subject to the approval of the Commissioner of Corporations; second, the place in which the principal business office of the corporation is to be situated, designating the State, Territory, or District, and the particular county and city, town, or village; third, the object for which the proposed corporation is to be established, stating the general nature of the interstate or foreign trade or commerce which it is formed to carry on; fourth, the amount of the capital stock of the proposed corporation, which shall not be less than $100,000, and the amount with which it is to commence business, which shall not be less than $10,000, and whether or not any part of the capital stock is to be contributed in property other than money, and if so, the amount of such part; fifth, the number of shares into which the capital stock is to be divided and the par value, if any, of such shares, and if a portion of such shares are to have no par value, then specifying such portion; whether or not such shares are to be divided into classes, and if so, the amount of each class and a statement of the preferential and other special rights of each class; sixth, the number of directors, and if they are to be divided into two or more classes, the numbers of directors to constitute each class, and the terms of office of each class, respectively, and the names and post-office addresses of the directors for the first year and the name and post-office address of a treasurer of the corporation to serve until the election of officers for the first year; seventh, the period limited for the duration of the company, not exceeding 50 years; eighth, in case the corporation is formed for the purpose of acquiring the property and business of any existing corporation, the articles shall specify the amount of any indebtedness of such existing corporation, payment whereof is to be assumed by the new corporation, and what, if any, amount of such indebtedness is secured by mortgage or other lien upon the property to be so acquired; ninth, any other provision which the incorporators may choose to insert in the articles for the regulation of the business and the conduct of the affairs of the corporation; and any provisions defining, limiting, and regulating the powers of the corporation, its officers, directors, or stockholders, or of any class or classes of stockholders: *Provided*, That the provisions inserted pursuant to this clause 9 be approved by the Commissioner of Corporations as not inconsistent with this act or with any other act of Congress; tenth, the fact that the articles are made to enable such persons to avail themselves of the advantages of this act; eleventh, the names and places of residence of the respective subscribers to the articles and the number of shares which each of them agrees to take in the corporation, which must aggregate not less than the amount specified in the articles as that with which the corporation is to commence business.

The articles of association shall be acknowledged by each subscriber before an officer authorized to take the acknowledgment of deeds for purposes of record at the place or places where they are so signed and acknowledged, and shall be authenticated by the seal of such officer and the certificate to his official character of the clerk of the court or county or other officer with whom his commission is required by law to be filed or recorded; and the articles of association so acknowledged and authenticated shall be transmitted to the Commissioner of Corporations.

SEC. 3. It shall be the duty of the Commissioner of Corporations to examine such articles, and if, in his opinion, they conform to the requirements of this act and contain no provision which is contrary to any other act of Congress, and if the name proposed to be adopted by such corporation is not the same as or so nearly resembling the name of another existing corporation organized under this act, or by any other act of Congress, or the name of any other corporation registered in the Bureau of Corporations pursuant to section 4 hereof, as to be calculated to deceive, he shall, upon payment of the fees pro-

vided in this act, file the said articles in his office and record the same in a book to be kept by him for the purpose, and, upon proof satisfactory to him that the amount of the capital with which the corporation is to commence business has been paid in cash to the treasurer named in the articles, he shall thereupon issue a copy of said articles so filed, together with a certificate, under his hand and seal of office that the incorporators have complied with all the provisions of law required to be complied with and have become and are a national corporation under the name and are authorized to have succession for the period specified in the articles of association. Such certificate, which is hereinafter described as the organization certificate, shall be in the form prescribed in Schedule A of this act, and thereupon and from the date of such certificate the said incorporators and their respective successors shall be and become a body corporate, having succession for the period in said articles mentioned, and as such, and in the name designated therein shall have and may exercise the powers specified in this act, and all powers necessary or proper to the effective exercise of the powers herein specifically granted.

SEC. 4. Any corporation existing under the laws of any State or Territory of the United States or the District of Columbia, upon the payment of a fee of $5 may file in the Bureau of Corporations a duly certified copy of its charter, together with proof, by affidavit, of its president or vice president and secretary or treasurer that it is engaged in business pursuant to such charter, specifying in such affidavit the location of its principal office and the principal places in which it is engaged in conducting its business.

The Commissioner of Corporations shall cause a book to be kept in his office to be called the "corporation name index," in which shall be entered the name, State in which incorporated, date of incorporation, and character of business of every corporation filing its charter in accordance with this section, and the date of such filing, and the commissioner shall on written request and on payment of a fee of $1 furnish any person so requesting the same with the names of all corporations entered therein containing any word or words specified in such written request.

If, in the opinion of the commissioner, the articles of association transmitted to him for approval hereunder shall contain any provision a variance with this act or any other act of Congress, or if the name selected for said corporation shall be the same as the name of any other existing corporation engaged in the same or a similar business, and organized under this act, or under any other act of Congress, or which being organized under the laws of any State or Territory, shall have filed a copy of its charter in the Bureau of Corporations in compliance with this section, or so nearly resembling the same as to be calculated to deceive, the commissioner shall refuse to file said articles of association.

SEC. 5. Every corporation formed as herein provided shall have the following powers: First, to adopt and use a corporate seal and alter same at pleasure; second, to have succession for the period specified in its articles of association, unless it is sooner dissolved by the act of its shareholders owning two-thirds of its stock, or unless its existence is terminated by reason of some other provision of law; third, to acquire by grant, gift, purchase, devise, or bequest, and to hold and dispose of such property, real and personal, as the corporation shall require or find useful in its business, subject to such limitations as may be prescribed by law; fourth, to carry on the general kind of interstate or foreign trade and commerce specified in the articles of association, with foreign nations or among the several States, or between a State or States and places subject to the jurisdiction of the United States, or between any Territories of the United States, or in or between any such Territory or Territories and any State or States and the District of Columbia or places under the jurisdiction of the United States, or between the District of Columbia and any State or States or foreign nations or places under the jurisdiction of the United States, and to produce or manufacture in any State, Territory, or district any of the articles or commodities which are the subject of the interstate or foreign commerce carried on or proposed to be carried on by it; fifth, to sue and be sued, complain and defend in any court of law or equity, having jurisdiction, as fully as natural persons may do; sixth, to elect or appoint a board of directors and an executive committee, and by its board of directors to appoint a president, vice president, secretary, treasurer, and other officers or agents, define their duties, prescribe their qualifications, dismiss such officers or any of them at pleasure, and appoint others to fill their places; seventh, to make by-laws not inconsistent with this act or any other act of Congress for the management of its property, the regulation of its affairs, the transfer of its stock, and the calling of meetings of its members. Such by-laws may also fix the amount of stock which must be represented at meetings of the stockholders to constitute a quorum, unless otherwise provided by law, but the holders of at least a majority of the stock shall be required to be present in person or by proxy to constitute a quorum for the transaction of business, but a smaller number may be authorized to adjourn the meeting from time to time until a quorum shall be obtained. The by-laws shall also provide regulations for the issue of new certificates of stock in place of lost or destroyed certificates. By-laws shall be adopted by the stockholders, unless it is provided in the articles of association that the by-laws may be made by the board of directors, in which case by-laws may be so adopted, subject to alteration or repeal by the stockholders at their pleasure. By-laws adopted at a meeting of the stockholders shall control the action of the directors, but no by-laws shall be effective until two weeks after a copy of the same, duly certified by the secretary of the corporation under its seal, shall have been filed in the Bureau of Corporations, unless such time shall be duly waived by writing, signed by the holders of all the stock and duly acknowledged in like manner as the articles of association and filed with said by-laws in the Bureau of Corporations.

SEC. 6. If in the original or amended articles of association any informality be found to exist, or said articles be found to contain any matter not authorized by law to be stated therein, or if the proof or acknowledgment thereof shall be defective, the incorporators or the directors of the corporation may, with the written approval of the Commissioner of Corporations, make and file amended articles correcting such informality or defect, or striking out such unauthorized matter, and thereupon the commissioner shall issue under his hand and official seal an amended organization certificate, whereupon the original articles of association shall be deemed to be amended accordingly as of the date when such original organization certificate was issued, and the corporation shall then for all purposes be deemed to be a corporation with the organization and powers in the amended articles of association contained as and from the date of the issue of the original organization certificate.

The organization certificate and any amended organization certificate issued by the Commissioner of Corporations, pursuant to the provisions of this act, shall be presumptive evidence of the existence of the corporation named therein in every court and place.

SEC. 7. The articles of association may also provide that at all elections of directors of such corporation each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director, or may distribute them among the number to be voted for, or any two or more of them, as he may see fit, which right, when exercised, shall be termed cumulative voting.

SEC. 8. No corporation formed pursuant to this act shall purchase, acquire, or hold stock in any other corporation, nor shall any corporation organized under this act or under the laws of any State or foreign country for the purpose of or engaged in carrying on the like business to that of a corporation formed pursuant to this act acquire or hold the stock of such last-mentioned corporation, and any attempted transfer of such stock contrary to this provision shall be null and void. No corporation formed pursuant to this act shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes, or other evidence of debt, or of receiving deposits or buying and selling bills of exchange, nor shall it issue bills, notes, or other evidence of debt for circulation as money.

SEC. 9. The business of every corporation organized hereunder shall be managed by its directors, who shall, respectively, be shareholders therein. They shall be not less than five in number, and, except as hereinafter provided, they shall be chosen annually by the stockholders at the time and place provided in the by-laws, and shall hold office for one year, or until others are chosen and qualified in their stead; but by so providing in its articles of association or in amended articles adopted as herein provided, any corporation organized under this act may classify its directors in respect to the time for which they shall severally hold office, the several classes to be elected for different terms: *Provided*, That no class shall be elected for a shorter period than one year or for a longer period than five years, and that the term of office of at least one class shall expire in each year. Any corporation having more than one kind of stock may, by so providing in its articles of association, or in amended articles duly adopted, confer the right to choose the directors of any class, or a specified number of directors, upon the stockholders of any particular class or classes to the exclusion of the others. At least a majority of the directors shall, at all times, be citizens of the United States and bona fide residents therein.

The articles of association or any amended articles adopted as herein provided may provide that the powers of the board of directors shall be exercised by an executive committee, composed of not less than a majority of the whole number of directors, to be chosen by the votes of a majority of the whole board, which committee shall have and may exercise, except when the board is in session, all of the powers of the board, except such as are by this act required to be exercised by the board of directors itself, and except the power to declare dividends; and may also provide that the members of the board of directors other than those constituting the executive committee shall not be liable in any respect except for the exercise of good faith and due diligence in respect to matters brought before meetings of the board of directors duly held and attended by them.

SEC. 10. The incorporators named in any articles of association, before the payment of any part of the capital, and before beginning the business for which the corporation was created, may surrender all their corporate rights and franchises by filing in the Bureau of Corporations a certificate signed by all the incorporators and verified by oath, stating that no part of the capital which has been paid in has been expended, that such business has not been begun, and no indebtedness has been contracted, and surrendering all rights and franchises, and thereupon the said corporation shall be dissolved.

SEC. 11. Every corporation organized under this act shall have power to create two or more kinds of stock of such classes, with such designations, preferences and voting powers, and such restrictions or qualifications thereof, as shall be stated and expressed in the articles of association, or in any amendment thereof, which shall be filed with the approval of the Commissioner of Corporations; and the power to increase or decrease the stock as in this act provided shall apply to all or any of such classes of stock. But at no time shall the total amount of preferred stocks issued and outstanding exceed two-thirds of the capital stock paid for in cash or property, and any class of preferred stock may, if desired, be made subject to redemption at a price not less than the par value of said stock, if it have any par value, otherwise at not less than a price to be specified in the certificates of said stock; and the holders of such preferred stock shall be entitled to receive and the corporation shall be bound to pay thereon dividends, at such rates and on such conditions as shall be stated in the articles of association or amended articles, quarterly, half-yearly, or yearly, and such dividends shall be made payable before any dividends shall be set apart or made payable on the common stock, and such dividends may be made cumulative. But no preferred stock shall be authorized except as specified in the original articles of association save with the consent of the holders of two-thirds of each class of stock outstanding at the time of such authorization, given at a meeting called to consider the same, of which not less than two weeks' notice shall be given in the manner provided in section 21 hereof. Every stockholder shall be entitled to a certificate signed by the officers of the corporation, designated for such purposes in the by-laws, certifying the number and class of shares owned by him in such corporation.

SEC. 12. Every corporation organized under this act shall keep at its principal office a book to be known as a stock book, containing the names alphabetically arranged of all persons who are stockholders of the corporation, showing their places of residence, the class and number of shares of stock held by them, respectively, the time when they respectively became the owners thereof, and the amount paid thereon, which stock book shall at all times during the usual hours for business be open for the inspection of its stockholders, judgment creditors, and any officer authorized by law to investigate the affairs of such corporation. For any refusal to allow such book to be inspected by any person hereby authorized to inspect the same, such corporation and the officer so refusing shall each forfeit the sum of $50, to be recovered in an action by the United States in the district where the principal office of the corporation is situated.

Jurisdiction is hereby conferred upon the respective district courts of the United States to enforce, by mandamus or other appropriate proceeding, the right of inspection given by this section.

SEC. 13. No transfer of stock shall be valid as against the corporation, its stockholders, and creditors for any purpose, except to render the transferee liable for the debts of the corporation, according to the provisions of this act, until it shall have been entered in such book as required by this section, by an entry showing from and to whom trans-

ferred. The stock book of every corporation shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any action or proceedings against such corporation, or any of its officers, directors, or stockholders.

The shares of stock in every such corporation shall be personal property and shall be transferred on the books of the corporation in such manner and under such regulations as the by-laws provide, and whenever any transfer of shares shall be made as collateral security and not absolutely, it shall be so expressed in the entry of the transfer.

SEC. 14. If the whole capital stock shall not have been subscribed at the time of filing the articles of association, the directors named in the articles may open books of subscription to fill up the capital stock, in such places and upon such notice as they may deem expedient, and may continue to receive subscriptions until the whole capital stock is subscribed. At the time of subscribing, every subscriber whose subscription is payable in money shall pay to the treasurer of the corporation 10 per cent of the amount of his subscription in cash; and no such subscription shall be received or taken without such payment.

SEC. 15. The first meeting of every corporation shall be called by a notice signed by a majority of the incorporators, designating the time, place, and purpose of the meeting, which notice shall be published at least two weeks before the meeting in some newspaper of the city, county, village, or town in which the principal office of the corporation is located; or said first meeting may be called without publication, if two days' notice be personally served on all the incorporators; or if all the incorporators shall, in writing, waive notice and fix a time and place of such meeting, no notice by publication shall be required. Unless the articles of association shall otherwise provide, the by-laws shall be adopted at the first meeting of the corporation.

SEC. 16. The directors of every corporation may, from time to time, make assessments upon the shares of stock subscribed for and payable in cash, not exceeding in the whole the par value thereof, or in case such stock shall not have a par value, then the amount subscribed and agreed to be paid for such stock; and the sums so assessed shall be paid to the treasurer at such times and by such installments as the directors shall prescribe, said directors having given 30 days' notice of the assessment and time and place of assessment, personally or by mail, or by publication in a newspaper of the county in which the corporation is established.

No share shall be transferable until all installments called before such transfer shall have been fully paid.

No share shall be transferable until all indebtedness of the holder to the corporation shall be paid or secured to its satisfaction.

If the owner of any shares shall neglect to pay any sum assessed thereon for 30 days after the time appointed for payment, the treasurer, when ordered by the board of directors, shall sell, at public auction, such number of the shares of the delinquent owner as will pay all assessments then due from him, with interest and all necessary incidental charges, and shall transfer the shares sold to the purchaser, who shall be entitled to a certificate therefor. The holder of shares so sold shall not be liable for the payment of any installments called thereon prior to such sale.

Nothing but money shall be considered as payment of any part of the capital stock of any corporation organized under this act, except as hereinafter provided in section 17, in the case of the issue of stock for property.

SEC. 17. Any corporation formed under this act may purchase any property necessary for its business and issue stock to the amount of the value thereof, as fixed by the board of directors, in payment therefor; and the stock so issued shall be full-paid stock, and the holder thereof shall not be liable in any event for any further payment with respect thereof to the use or for the benefit of the corporation or its creditors. Every certificate of stock so issued shall contain a statement that the same was issued for property purchased; and in all statements and reports of the corporation such stock shall be reported as having been issued in payment for property purchased: *Provided, however*, That before any such stock is issued, there shall be filed in the Bureau of Corporations a statement in writing, signed and sworn to by a majority of the members of the board of directors, setting forth:

(a) A full description of the property in payment for which the stock is to be issued.

(b) The number of shares agreed to be issued in payment for said property, and whether or not such shares are to have a par value, and if so, the aggregate par value of the stock so issued; or if such shares are to have no par value, then the number of shares to be so issued.

(c) The names and addresses of the vendors of the property purchased or acquired by the company, or proposed to be so purchased or acquired with the stock so issued, and whether or not they or any of them are officers or directors of the company, and whether or not they are to the knowledge of the signers of the statement, or any of them, owners in their own name or otherwise of any shares of stock in the corporation, and if so, how many of such shares.

(d) The terms of any existing agreement, verbal or written, for the transfer of such property to the corporation and the parties to all such agreements, and particularly the amount paid or payable as purchase money in cash or shares for such property, specifying any amount payable for good will, and all amounts paid or intended to be paid for such property to each vendor; and in case any written contract has been made with such vendors, or any of them, a sworn copy thereof shall be filed with such statement.

(e) In case the vendors of said property, or any of it, are directors of the corporation or owners of any of its stock in their own names or otherwise, a statement of the prices paid or agreed to be paid by them for the property so to be sold or transferred to the corporation, and copies of all contracts by which the said vendors of said property to the corporation acquired the ownership or the control thereof.

(f) In case the stock to be issued in payment for said property shall have a par value, there shall be filed with such statement in the Bureau of Corporations an appraisement of the value of such property made by two disinterested appraisers, approved in writing by the Commissioner of Corporations; and the commissioner may, in his discretion, appoint one or more other appraisers to make valuations of such property, and shall fix the compensation of such appraisers, which shall be paid by the corporation before the approval of the issue of such stock, and no stock having a par value shall be issued in payment of property purchased or acquired by the corporation to an amount of such par value in excess of the value of said property as approved by the Commissioner of Corporations after such appraisement.

(g) In case any corporation formed hereunder shall be organized for the purpose of taking over the property and business of any existing corporation formed under the laws of any State or Territory of the United States, or of the acts of Congress relating to the District of Columbia, and engaged in interstate commerce of the character proposed to be carried on by the corporation formed hereunder, pursuant to any plan or reorganization or reincorporation of such existing corporation, the articles of association shall set forth a copy of such plan as may have been agreed upon for such purpose by the directors of said existing corporation, and approved by the holders of not less than two-thirds of each class of its capital stock given at a meeting duly called to consider the same, which plan shall specify what provisions are to be made for the payment or security of the indebtedness of said existing corporation. It shall be the duty of the Commissioner of Corporations, on the presentation to him of any such articles, to inquire into the fair value of the property and business of the said existing corporation as a going concern, and for such purpose he may employ one or more appraisers to make an examination and appraisement of the property and business of said corporation, whose expenses shall be paid by or on behalf of the corporation proposed to be formed hereunder; and if, as a result of said appraisement, he shall be of opinion, and shall so certify in writing, that the total amount of stock and securities having a par value proposed to be issued by the corporation formed hereunder pursuant to such plan shall not exceed the fair estimated value of the property and business to be transferred to the new corporation, he shall indorse his approval upon said certificate and file the same in the Bureau of Corporations and issue to the incorporators named therein a certified copy of said articles of association, together with a certificate of his approval in form specified in schedule C of this act; and thereupon the said new corporation shall be empowered, upon the conveyance and transfer to it of the property and business of said existing corporation, in accordance with the laws of the State, Territory, or District wherein the same is incorporated, to issue in payment therefor the stock or other securities, and assume the payment of any outstanding obligation which, by said plan of reorganization or reincorporation, it is provided shall be assumed by said new corporation to the extent specified in said articles of association as so approved. The said plan shall, however, contain such provisions for the payment of nonassenting stockholders in said existing corporation of the fair appraised value of their stock as the Commissioner of Corporations may specify and require.

The approval by the commissioner of the value of said property, or of property and business given pursuant to any of the provisions of this section, shall be conclusive as against the corporation and its stockholders and creditors; but in case any statement required by this section shall be false in any material respect, the directors uniting in a statement made pursuant to the provisions of this section shall be jointly and severally liable to all subscribers to, holders and purchasers of, such stock, as well as to all persons to whom the corporation may thereafter become indebted, for any damage sustained by them by reason of the issue of such stock or the purchase thereof or the extension of credit to such corporation in reliance upon the truth of such statement and in any action to recover such damages, brought by any purchaser of such stock, or creditor of such corporation, other than one of such directors or his personal representatives, it shall be presumed that all stock purchased or credit extended after such statement was filed as in this section provided was purchased or extended in reliance upon the truth of such statements, and the burden shall be upon the defendants to show that the purchaser or creditor had no knowledge of and did not rely upon such statements.

SEC. 18. Every corporation formed pursuant to this act shall file in the Bureau of Corporations within 60 days after the 1st day of January or the 1st day of July in each year, as the Commissioner of Corporations may prescribe, a report of the condition of said corporation at the close of business on the preceding 31st day of December or the 30th day of June, as the case may be, in such form and setting forth such details as the Commissioner of Corporations shall from time to time prescribe, which report shall be verified by the oath or affirmation of the president or treasurer of such corporation, and attested by the signature of at least three of the directors. The Commissioner of Corporations shall also have power to call for special reports from any particular corporation whenever, in his judgment, the same are necessary in order to secure a full and complete knowledge of its condition. In addition to such reports, every corporation organized under this act shall report to the Bureau of Corporations, within 10 days after declaring any dividend, the amount of such dividend and the class or classes of stock on which payable and a copy of the statement of the financial condition of the corporation, showing the amount of the net earnings of such corporation on hand at the time of declaring such dividends; which report shall be attested by the president, vice president, or treasurer of such corporation.

Every corporation which shall fail to make and transmit any report required by this section shall be subject to a penalty of $100 for each day after the period therein mentioned that it delays in transmitting its report, to be recovered by the United States. But the Commissioner of Corporations may, for good cause shown, extend the time for filing such report without penalty for a period not exceeding 60 days. All sums of money collected for penalties under this section shall be paid into the Treasury of the United States.

SEC. 19. Upon payment of every installment of capital stock, and of every increase thereof, a certificate stating the amount of the capital so paid, and whether paid in cash or property, and the total amount of capital stock, if any, previously paid and reported, shall be filed in the Bureau of Corporations within 30 days after such payment shall have been made, which certificate shall be signed and sworn to by the president or vice president and secretary or treasurer. If such officers shall neglect or refuse to perform the duties prescribed in this section, they shall be jointly and severally liable for all the debts of the corporations contracted after the date of such payment and before the filing of such certificates.

SEC. 20. Every director when appointed or elected shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation; that he is the owner in good faith and in his own right of the number of shares of stock standing in his name on the books of such association specified in such affidavit, which shall be not less than 10 of such shares; and that the same are not hypothecated, or pledged as security for any loan or debt. Such oath, subscribed and certified by an officer thereunto duly authorized, shall be immediately transferred to the Bureau of Corporations, and shall be filed and preserved therein.

SEC. 21. If from any cause an election of directors is not had at the time appointed, the corporation shall not for that cause be dissolved, but an election may be held on any subsequent day. Thirty days' notice thereof shall be given in a newspaper of general circulation published in any town or county in which the principal office of the corporation is located, and if no newspaper is published therein, then in a newspaper published nearest thereto. If the by-laws do not

fix the day on which the election shall be held, or no election is held on the day fixed, the day for such election shall be designated by the board of directors; or if they shall fail to fix the day, the holders of two-thirds of the outstanding stock may do so. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

SEC. 22. Any corporation formed hereunder may, with the approval of the Commissioner of Corporations, by the vote of the holders of two-thirds of the stock of such corporation, and not otherwise, increase the amount of its capital stock beyond the limit fixed in its original articles of association.

Any corporation formed hereunder may, with the approval of the Commissioner of Corporations, by vote of the holders of two-thirds of the stock of such corporation, and not otherwise, reduce its capital stock to an amount not less than the minimum required in its articles of association, provided that the amount of such reduced capital shall not be less than the aggregate amount of the debts and liabilities of such corporation.

Every corporation organized under this act may, with the written approval of the Commissioner of Corporations, change the nature of the interstate or foreign trade or commerce conducted by it as specified in its original or amended articles of association; change its name or the location of its principal office; create one or more classes of preferred stock, or make any other amendment, change, or alteration which might have been contained in the original articles of association authorized by this act.

Any such increase or decrease in the capital stock, or other change, shall be authorized in the manner following:

The board of directors shall, by vote of a majority of the whole number of directors, pass a resolution declaring that such increase or decrease or change or alteration is advisable, and calling a meeting of the stockholders to take action thereon; the stockholders' meeting shall be held upon such notice as the by-laws provide, and in the absence of such provisions, upon notice, given to all the stockholders of record personally or by mail addressed to them at their last known post-office address, not less than 14 days before each meeting. If the holders of two-thirds of each class of the stock having voting powers shall vote in favor of such increase, decrease, amendment, change, or alteration, the president or vice president and secretary or assistant secretary shall prepare and sign amended articles of association, under the corporate seal, acknowledged or proved in like manner as in this act required with respect to the articles of association, and such amended articles shall be presented to the Commissioner of Corporations, and if he shall approve the same they shall be filed in the Bureau of Corporations, and thereupon and in case of the increase or decrease of the capital stock, upon compliance with the other provisions of this act applicable thereto, the Commissioner of Corporations shall issue his certificate to such increase, decrease, amendment, change, or alteration, under his hand and his official seal, in the form prescribed in Schedule B of this act, and such certificate shall be taken and accepted as evidence of such increase, decrease, amendment, change, or alteration in all courts and places.

SEC. 23. The directors of a corporation formed hereunder shall not make dividends except from its surplus or net profits arising from the business of such corporation; nor shall they divide, withdraw, nor in any way pay to the stockholders, or any of them, any part of the capital stock of such corporation, or reduce its capital stock, except as authorized by law. In case of any willful or negligent violation of the provisions of this section, the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large upon the minutes of such directors at the time, or who not then being present shall have caused their dissent therefrom to be so entered upon learning of such action, shall jointly and severally be liable at any time within six years after paying such dividend to the creditors of such corporation, or, in case of insolvency, to the corporation or its receiver, for the benefit of its creditors, to the full amount of any loss sustained by the corporation by reason of such withdrawal, division, or reduction.

SEC. 24. (a) Every corporation formed hereunder shall have power to borrow money and contract debts when necessary for the transaction of its business or the exercise of its corporate rights, privileges, or franchises; and it may issue and dispose of its obligations for any amount so borrowed, and may mortgage its property and franchises to secure the payment of such obligations or of any debt contracted for said purposes; provided that no mortgage of its property or franchises shall be valid unless authorized by the vote of the holders of not less than two-thirds of the entire outstanding capital stock of the corporation given at a meeting duly called pursuant to its by-laws, on at least 14 days' previous notice given personally or by writing mailed to each stockholder at his last known address, and by publication at least once in each week for two successive weeks prior to such meeting in one or more newspapers of general circulation published at the place of the principal office of the corporation, or if no such newspaper be published at such place, then at the nearest place thereto, and a duly certified statement of which facts, signed and sworn to by the president or vice president and treasurer or secretary of the corporation, shall have been filed in the Bureau of Corporations prior to the issue of the bonds or other obligations secured by such mortgage.

(b) When authorized by like consent, the corporation may, under such regulations as the board of directors may adopt, confer on the holder of any bond or other obligation of the corporation, whether secured by mortgage or otherwise, the right to convert the principal thereof, after five years from the date of such bonds, into stock of the corporation of a class to be designated in said bonds; and if the capital stock of such class so designated shall not be sufficient to meet the conversion when made, the directors shall from time to time authorize an increase of capital stock sufficient for that purpose by causing to be filed in the office of the Bureau of Corporations a certificate under the seal of the corporation, subscribed and acknowledged by its president or vice president and secretary or assistant secretary, setting forth:

First. A copy of the resolution of directors authorizing the issue of said bonds, together with a copy of the form of bonds issued and of any mortgage or trust agreement by which the same are secured;

Second. That the holders of not less than two-thirds of the capital stock of the corporation duly consented to the issue of such bonds by such corporation, and the execution of any mortgage or trust instrument securing the same;

Third. A copy of the resolution of the directors authorizing the increase of the capital stock necessary for the purpose of such conversion;

Fourth. The amount of capital theretofore authorized, the proportion actually issued, and the amount of the increase of the capital stock.

Upon the filing of such certificate, and upon the written approval by the Commissioner of Corporations, the capital stock of such corporation shall be increased to the amount specified in such certificate; *Provided, however,* That no such approval shall be given unless the said bonds, holders of which are given the right of conversion as aforesaid, shall have been issued or sold at not less than their par value, or if sold at less than their par value, then at not less than their reasonable market value, and such fact shall have been ascertained by the Commissioner of Corporations, and stated in a certificate issued by him to the corporation, and recorded in the Bureau of Corporations: *Provided further,* That no property, services, or other thing than money shall have been taken in payment to the corporation of the par or other required price of such bonds, except at the fair value of such property, services, or other thing than money, which fact also shall have been ascertained by the Commissioner of Corporations in the manner provided with respect to the issue of stock or property, pursuant to section 17 of this act, and certified accordingly by the Commissioner of Corporations in a certificate issued by him under his hand and seal of his office, and recorded in the Bureau of Corporations.

(c) Whenever any mortgage affecting the property or franchises of the corporation, executed pursuant to the provisions of this act, recites or represents in substance or effect that the execution of such mortgage has been duly consented to or authorized by such stockholders, said recital or representation of such mortgage, after public record thereof in the State or States in which the property of the mortgagor is situated, and after filing in the Bureau of Corporations, shall be presumptive evidence that the execution of such mortgage was duly and sufficiently consented to and authorized by stockholders as required by law. If any such mortgage shall have been publicly recorded for more than one year in one or more of the counties in the State in which the mortgaged premises or any part thereof is situated, and the corporation shall have received value for bonds or other obligations actually issued and secured by such mortgage, such recital in the mortgage so recorded shall be sufficient evidence that the execution of said mortgage was duly authorized and consented to by said stockholders as required by law, and its validity shall not be impaired by reason of any defect or insufficiency in the consents, votes, or authorization of such stockholders; and such mortgage shall be valid and binding upon the corporation as security for all valid bonds issued or to be issued thereunder, unless such mortgage be adjudged invalid in an action begun hereunder in this section as provided. Nothwithstanding the foregoing provisions of this section, the invalidity of any such mortgage because of insufficiency of consent by stockholders may be adjudged in any action for such purpose begun within one year after the earliest date of record of such mortgage in any county in any State in which any of the mortgaged property is situated; provided that such action shall have been so begun by or on behalf of the corporation by direction of the board of directors acting in their own discretion or upon the written request of the holders of not less than one-third of the capital stock of the corporation; and in any such action begun by or on behalf of the corporation the recitals in said mortgage shall be presumptive evidence only of the recitals therein above mentioned. Whenever hereafter, in compliance with this act, the officers of any corporation formed hereunder shall have made and filed and recorded a certificate that the execution of a mortgage hereafter made by a corporation has been duly consented to by the stockholders, such certificate shall be conclusive evidence as to the truth thereof in favor of any and all persons who in good faith so receive or purchase for value any bond or obligation of such corporation issued under said mortgage.

(d) Any corporation organized hereunder may guarantee the bonds of any other corporation engaged in the same general line of business, but only if such guaranty shall have been previously authorized by the vote of holders of not less than two-thirds of the capital stock given at a special meeting called for that purpose by a notice in writing specifying the time, place, and object of the meeting, and served upon each of the stockholders appearing as such upon the books of the corporation, personally or by mail at his last known address, as shown by the stock book, at least 15 days prior to such meeting, and a certificate of such fact under the hands of the president or vice president and treasurer or secretary of the corporation filed in the Bureau of Corporations prior to the execution of such guaranty. Any such corporation may also, with like authorization and upon the filing of a similar certificate, guarantee the payment of dividends upon the stock of another corporation in consideration of the lease or sale of to it of the property of such corporation.

SEC. 25. The holders of every share of capital stock of the par value of $100, and of every share of such stock without par value, unless otherwise provided in the articles or amended articles of association, shall be entitled to one vote at all meetings of the stockholders of the corporation. Stockholders may vote in person or by proxy in writing, and every corporation may determine in its by-laws the manner of calling and conducting all stockholders' meetings, what number of stockholders shall attend either in person or by proxy, and what number of shares or stockholders shall be represented in such meeting in order to consitute a quorum; provided that in no case shall less than a majority of shares or amount of interest be required to be represented at any meeting in order to constitute a quorum, and provided further that no proxy shall be valid for a period of more than 11 months from the date of its execution.

SEC. 26. The inspectors of election of every corporation formed hereunder shall be appointed in the manner prescribed in the by-laws, but the inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association. If any inspector so named shall refuse to serve or neglect to attend at the election, or his office become vacant, the meeting may appoint an inspector in his place, unless the by-laws otherwise provide. The inspectors appointed to act at any meeting of the stockholders shall be respectively sworn to faithfully perform the duties of inspector at such meeting with strict impartiality, and according to the best of their ability, and the oath so taken shall be subscribed by them, and immediately filed in the Bureau of Corporations, with a certificate of the result of the vote taken thereat.

SEC. 27. Every holder of capital stock in any corporation formed hereunder issued upon subscription payable in cash shall be personally liable to its creditors to an amount equal to the amount unpaid on such stock held by him for debts of the corporation contracted while such stock was held by him. The stockholders of every corporation formed hereunder shall jointly and severally be personally liable for all debts due and owing to any of its laborers, servants, and employees other than directors for services performed by them for such corporation.

SEC. 28. No civil suit in which the amount in controversy shall be more than $2,000, exclusive of interest and costs, shall be brought against any corporation organized hereunder by any original process or

proceeding except in a court of the United States in the judicial district in which its principal office is located, or in a judicial district in which it shall be found at the time of serving such process or commencing such proceeding. Every such corporation shall, by written power of attorney, appoint some person residing within every judicial district in which it maintains an office or regular agency for the transaction of its business, who shall be a citizen of the United States and a resident of such district, as its agent upon whom may be served all lawful process against said corporation, and who shall be authorized to enter an appearance on its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the clerk of the circuit court of the United States for such district, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under this act. If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place, as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to the company, addressed to its principal office, and state such fact in his return. A judgment, decree, or order of the court entered or made after service of process as aforesaid shall be as valid and binding on such company as if served with process in said district.

SEC. 29. A corporation organized under this act may go into liquidation and be dissolved by vote of its shareholders owning two-thirds of its stock at a meeting called to consider the same, of which not less than 14 days' previous notice shall have been given, in the manner provided in section 30 hereof. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the corporation by the treasurer, and filed with the Bureau of Corporations, and public notice thereof to be given for a period of two months by publication in a newspaper of general circulation published in the town or county where such corporation has its principal place of business, or if no such newspaper is published in such town or county, then in such a newspaper published at a place nearest thereto, to the effect that the corporation is closing up its affairs, and notifying its creditors to present their claims against the corporation for payment.

SEC. 30. A corporation organized under this act may sell and transfer all of its property of any and every kind for a consideration payable wholly or in part in cash, or wholly or in part in the capital stock of any other corporation organized hereunder, with the previous consent of the holders of not less than 80 per cent of each class of stock then outstanding, given at a meeting called to consider the same, whereof notice shall be given in person or by mailing to all the stockholders and filed with the Bureau of Corporations not less than 30 days prior to such meeting and by publication in a newspaper of general circulation published at the place of the principal office of the corporation at least once in each week for four consecutive weeks immediately preceding such meeting: *Provided*, That a sworn copy of the terms of such sale, accompanied by copies of any contracts or agreements entered into with respect thereto and the names and addresses of all parties interested therein, shall be filed in the Bureau of Corporations and in the office of the secretary of the corporation for the inspection of any creditor or stockholder of the corporation, at least 30 days prior to such meeting.

A certified copy of the minutes of such meeting, together with proof of the notice required by this section, shall be filed in the Bureau of Corporations with all convenient speed thereafter, and the said sale and transfer shall not be valid without the written approval of the Commissioner of Corporations, given after such filing. Such consent shall not be given except upon proof satisfactory to the commissioner that adequate provision has been made for the security or payment of all creditors of the corporation and that the terms of such sale and transfer are adequate and just to the stockholders.

SEC. 31. Whenever any corporation formed hereunder shall have failed to pay off any of its written obligations at the time and place at which the same are payable, or an execution against its property shall have been returned unsatisfied, the Commissioner of Corporations may appoint a special agent, of whose appointment immediate notice shall be given to such corporation, who shall proceed forthwith to ascertain whether or not the said corporation is in such an unsound financial condition as to make it inexpedient that it should continue in business, and if upon such report so made the Commissioner of Corporations is satisfied that the said corporation is either insolvent or of such unsound financial condition as to make its continuance in business contrary to the public welfare, he may forthwith appoint a receiver of such corporation and require of him such bond or other security as he deems proper. Such receiver, upon the approval by the commissioner of his bond or other security, shall be and become entitled to the possession of all the real and personal property of such corporation for the purposes of carrying out the provisions of this act and shall have all the powers of a receiver appointed by a court of equity. He shall, under the direction of the commissioner, take possession of the books, records, and assets of every description of such corporation, collect all debts and claims due to it, and upon the order of a court of competent jurisdiction may sell all property of the corporation, or as much thereof as may be necessary, to pay the debts of such corporation.

The commissioner shall, upon appointing a receiver, cause notice of such appointment requiring all persons having claims against such corporation to present the same in writing, duly verified, to the receiver, within a time in such notice specified, not less than 30 days from the date of the first publication of such notice, to be given by publication in one or more newspapers of general circulation published at the place of the principal office of such corporation, or if none be published at such place, then at the nearest place thereto.

SEC. 32. From time to time the commissioner shall make ratable dividends of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and as the proceeds of said corporation are paid over to him shall make further dividends of all claims previously proved or adjudicated, and the remainder shall be paid over to the shareholders of the corporation or their legal representatives in proportion to the stock of such corporation held by him and according to any priorities of one class of stock over any other class.

SEC. 33. Whenever a corporation against which proceedings have been instituted as in section 30 of this act provided denies that it is insolvent or in such unsound financial condition as to make its further continuance in business contrary to the public interest, it may, at or before the expiration of 30 days after it has been notified of the appointment of a receiver, as in said section provided, apply to the nearest circuit or district court of the United States to enjoin further proceedings in the premises, and such court, after citing the Commissioner of Corporations to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such corporation is not insolvent or of such unsound financial condition as to render its further continuance in business contrary to the public interest, shall make an order enjoining the Commissioner of Corporations, and any receiver acting under his direction, from all further proceedings on account thereof and may discharge the receiver and direct the restoration of the property in his hands to the corporation on such terms as may be just and equitable, the premises considered.

All expenses of any preliminary or other examination of the condition of such corporation shall be paid out of the assets of such corporation before the distribution of the proceeds thereof.

SEC. 34. No corporation formed hereunder shall be subject to any visitorial powers other than such as are authorized by this act or are vested in the courts of the United States.

SEC. 35. All corporations not organized and transacting business under this act are prohibited from using the words "national corporation" as a portion of the name or title of such corporation, and any violation of this prohibition committed from and after the passage of this act shall subject the party chargeable therewith to a penalty of $50 for each and every day during the continuance of such violation, to be recovered in an action by the United States in the district where the principal office of the corporation is situated.

Corporations formed hereunder may be adjudged bankrupts, either voluntary or involuntary, subject to the provisions of the national bankruptcy law.

SEC. 36. The charter of every corporation formed hereunder shall be subject to alteration, suspension, and repeal in the discretion of the Congress, and the Congress may at pleasure dissolve any such corporation.

In case any corporation organized under this act shall enter into any contract or combination or engage in any conspiracy in restraint of trade or commerce among the several States or with foreign nations, or shall monopolize or attempt to monopolize any part thereof contrary to the provisions of the act of July 2, 1890, or shall otherwise violate the laws of the United States, its charter shall be forfeited, and the Attorney General of the United States may bring proceedings to enforce such forfeiture in any circuit or district court of the United States for the judicial district in which the principal office of such corporation is located, and in any such proceeding the court may, in its discretion, appoint a receiver of the property of such corporation either during the pendency of the proceeding to preserve the property and cause the business to be conducted in a lawful manner, or by final decree to aid in the liquidation of its affairs.

This act may be amended or repealed at the pleasure of the Congress, and every corporation created under this act shall be bound by such amendment; but such amendment or repeal shall not take away or impair any remedy against such corporation or its officers for any liability which shall have been previously incurred. This act, and all amendments thereof, shall be a part of the charter of every corporation formed hereunder, except so far as the same are inapplicable and inappropriate to the objects of such corporation.

SEC. 37. The real and personal property of every corporation formed under this act shall be subject to taxation for State, county, and municipal purposes in the State, Territory, or District where the same is located, but at no higher rate than other real and personal property of the same character in said State, Territory, or District. Nothing herein contained shall prevent the shares in any such corporation from being included with other personal property of the owner or holder thereof in assessing personal property for taxation under the laws of the State in which such owner or holder resides. But no tax shall be imposed under State authority upon the franchise or privileges granted by this act to any corporation organized pursuant to its provisions.

SEC. 38. There shall be paid to the Commissioner of Corporations for the use of the United States the following fees:

First. Upon the filing and approval of original articles of association, an amount equal to one-tenth of 1 per cent of the total capital of such corporation authorized in its articles up to $10,000,000; one twentieth of 1 per cent on all capital in excess of $10,000,000 and up to $20,000,000, and $250 on every $1,000,000 of capital or fraction thereof in excess of $20,000,000, and the like fees upon filing any certificate of increase of the capital stock upon the total amount of such increase.

Second. In case a corporation is formed hereunder, all or a part of whose capital stock is to have no par value, then there shall be paid, upon the filing of the original articles of association or of any certificate of increase, a fee equal to 2½ cents for each aliquot part of the capital of the corporation represented by each of the shares not having a par value, but in no instance shall such fee be less than $250.

Third. Upon the filing of a certificate of the execution of a mortgage and the issue of bonds, a fee equal to one-tenth of 1 mill for each dollar of indebtedness authorized to be secured by such mortgage.

Fourth. For every other report, certificate, or other statement required to be filed, the sum of $1.

(Schedule A.)

UNITED STATES OF AMERICA.

CERTIFICATE OF INCORPORATION.

——— Company, National Incorporation.

Pursuant to the provisions of an act of the Congress of the United States entitled "An act to provide for the formation of corporations to engage in interstate and international trade and commerce," approved ——— —, 191—, it is hereby certified that — articles of association for the organization of ——— National Incorporation, having been filed with the undersigned, which articles conform to the requirements of said act and contain no provision which is contrary to any other act of Congress, and the incorporators therein named having complied with all the provisions of law required to be complied with, they have become and are a national corporation under the above name and as such are authorized to have succession and to exercise the powers specified in said act for the period limited in said articles of association, a true copy whereof is hereunto annexed.

In testimony whereof I have hereunto set my hand and affixed my official seal at the city of Washington, D. C., this — day of ———, in the year of our Lord 19——, and of the Independence of the United States the one hundred and —.

———

Commissioner of Corporations.

(Schedule B.)

UNITED STATES OF AMERICA.

AMENDED CERTIFICATE OF INCORPORATION.

——— Company, National Incorporation.

Pursuant to the provisions of an act of the Congress of the United States entitled "An act to provide for the formation of corporations to engage in interstate and international trade and commerce," approved ——— —, 191—, it is hereby certified that amended articles of association adopted pursuant to the provisions of section 21 of the said act having been filed by the above-named corporation with the undersigned, which amended articles are hereby approved, it is hereby certified that the articles of association of the said corporation are amended, changed, or altered pursuant to the provisions of the said amended articles, a true copy whereof is hereunto annexed.

In testimony whereof I have hereunto set my hand and affixed my official seal at the city of Washington, D. C., this — day of ———, in the year of our Lord 19——, and of the independence of the United States the one hundred and —.

———,
Commissioner of Corporations.

(Schedule C.)

UNITED STATES OF AMERICA.

CERTIFICATE OF INCORPORATION.

——— Company, National Corporation.

Pursuant to the provisions of an act of Congress of the United States entitled "An act to provide for the formation of corporations to engage in interstate and international trade and commerce," approved ——, 19—, it is hereby certified that articles of association for the organization of ——— National Corporation, for the purpose of acquiring the property and business of the ——— company, a corporation of the State of ———, having been filed with the undersigned, which articles conform to the requirements of said act, and particularly to the provisions of section — thereof, and contain no provision which is contrary to any other act of Congress, and the incorporators therein named having complied with all the provisions of law required to be complied with, they have become and are a national corporation under the above name, and as such are authorized to have succession and to exercise the power specified in said act for the period limited in said articles of association, a true copy whereof is hereunto annexed.

In testimony whereof I have hereunto set my hand and affixed my official seal at the city of Washington, in the District of Columbia, on the — day of ———, in the year of our Lord 19—, and of the Independence of the United States the one hundred and —.

———,
Commissioner of Corporations.

Review of the Work of the Sixty-Second Congress.

SPEECH

OF

HON. EDWIN S. UNDERHILL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. UNDERHILL said:

Mr. SPEAKER: As the so-called long session of the Sixty-second Congress is drawing to a close, and as the session of Congress convening in December next will have little opportunity for general legislation after the consideration of the appropriation bills, it is proper at this time to review briefly the work of this, the Sixty-second Congress.

For 16 years prior to the Sixty-second Congress the Republican Party had been in control of Congress. Whether the people wish to continue the Democratic Party in power now depends almost entirely upon the record of the present Congress. If it has been satisfactory, undoubtedly it will be continued, and if they have abused the trust which the people placed in them in 1910 they deserve to be turned out.

The Democratic Party came into power in the election of November, 1910, largely as a rebuke to the Republican Party on account of base betrayal of party promises. President Taft was elected with the Sixty-first Congress, and he promptly called a special session soon after inauguration for the purpose of carrying out the party pledge as enunciated in the Republican platform, in which they had promised the people that they would revise the tariff in the interest of the consumer. Instead of carrying out that pledge they betrayed it and raised the tariff higher than ever before, until it reached the enormous average percentage of 43 per cent.

The Democratic Party came into control of this House on the 4th day of April, 1911. Many Members of the majority had been elected on a personal platform, like myself, one of the prominent planks being a promise to restore the legislative machinery to the Members of Congress and not place absolute power in the hands of the Speaker—in other words, that absolutism should be abolished. This was promptly done by the majority, and it has been a matter of great regret to the members of the Republican Party that one-man rule in this House has been abolished and that there has never been a time when any Member could not receive recognition at the hands of the Speaker.

The Democratic majority passed a bill to remove the tax on lumber, that the people might enjoy cheaper homes, lower rents, and have an opportunity to live in security on their own possessions. A bill providing for this desirable change was vetoed by President Taft. This Democratic House has twice passed bills providing for a revision of the duties on woolen goods so as to bring warm clothing within the reach and for the protection of the health of all; and it also passed a bill reducing the duties on cotton goods so as to place within the reach of all consumers the hundreds of articles made from this staple which are absolutely necessary to the welfare of mankind.

The woolen bill, when returned by President Taft's veto, was repassed by more than 100 majority, but lacked 11 votes of the necessary two-thirds to pass it over his veto. This was in the extra session of the Sixty-second Congress, and in the present session a similar bill having been vetoed by the President, it was passed over his veto in the House of Representatives, but unfortunately failed in the Senate, where the Democracy is in the minority.

Another bill which passed through both Houses of Congress only to encounter a hostile veto was the farmers' and laborers' free list bill, giving untaxed meat and bread to the hungry and free farming implements to all tillers of American soil. Notwithstanding the increase in the cost of living of late years and that workingmen's wages had stood practically still, notwithstanding the Harvester Trust was requiring every farmer in America to pay more for its machines than they asked foreign buyers to pay, it likewise encountered a veto at the hands of President Taft.

The Republican Party has the distinction of defeating bills cheapening clothing, lumber, breadstuffs, and farming implements. The consuming public would have been saved millions of dollars a year had these bills become law.

Another bill which passed the Democratic House was the bill placing sugar on the free list, which would have had the effect of reducing the price of sugar about 2 cents per pound, thus saving more than $100,000,000 per year to the masses of the people. Coupled with this bill was one providing for a tax of 1 per cent upon the excess of net incomes over $5,000 per annum and known as the excise tax, so as to compel wealth to bear a proportionate share of the burden of governmental expenses.

In making up the Democratic record of the Sixty-second Congress, the following measures stand to its credit:

We have amended the rules of the House, eliminating Cannonism, by providing for the election of committees by the membership of the House.

We have passed various bills revising the wool, cotton, steel, and chemical schedules of the tariff act, and a farmer's and laborer's free-list bill giving free farm implements, free cotton bagging and ties, and free meat and bread to the American people

We have passed a joint resolution submitting to the States an amendment to the Federal Constitution that United States Senators shall be elected directly by the people.

We have passed a bill taking the first step to give this country the most comprehensive system of governmental aid to agriculture in the world.

We have approved provisions whereby great economies have been worked out in the appropriation bills for national expenditures.

We have passed a bill providing for free sugar.

We have passed a bill providing for levying an excise tax on incomes.

We have passed a bill requiring the publicity of campaign expenses, both before and after election, so that all might know who are furnishing the sinews of war to the several candidates.

We have passed the Sherwood dollar-a-day pension bill.

We have passed bills admitting Mexico and Arizona to statehood, adding two more stars to our national flag.

We have passed a bill abrogating the Russian treaty for failing to recognize our passports and for discriminating against our citizens.

We have passed a bill to prevent the improper use of money in primary and general elections and to require publicity of campaign funds and expenses; also a bill limiting the amount that any candidate for membership in the Senate or House of Representatives can expend in a campaign.

We have passed a bill providing governmental aid to 1,000,000 miles of highway used for rural free delivery.

We have passed a bill providing for a parcel post at a reasonable rate of expense, and specifically providing for the carrying of agricultural and industrial products.

In behalf of labor we have passed—

A bill to provide for restriction of the power of Federal judges in issuing injunctions.

A bill providing for trial by jury in cases of indirect contempt.

A bill creating a department of labor and providing for its head to be a member of the President's Cabinet.

A bill providing for eight hours a day on all Government work.

A bill increasing the scope of the Bureau of Mines and giving additional relief to those employed in mining coal and to better develop methods to prevent accidents in the mines.

A bill creating a child labor bureau.

A bill abolishing the white phosphorus match by taxing it out of existence.

Bills for the better protection of life at sea and abolishing involuntary servitude of seamen.

A bill which removed the "gag" from post-office employees so that they may bring their grievances to Congress without fear of being discharged.

A bill creating a commission to investigate industrial conditions.

It is universally admitted that much legislation has been passed for the benefit of the American people.

The House, controlled by the Democrats, has forced the Republican Senate into retrenchment of the conduct of governmental expenses. At the special session last year useless places were lopped off, which netted a saving of nearly $200,000 to the American people. The number of employees has been reduced in various departments and 18 useless pension agencies, with their army of clerks, are discontinued owing to provisions in the present pension appropriation bill, whereby nearly one-quarter of a million dollars will be saved to be used in paying pensions to deserving wards of the Republic, and the service will be improved by providing that our pensioners hereafter shall be paid from the department at Washington.

In passing I may be pardoned for referring with pride to the fact that among the most meritorious measures valuable to the people are several which were included in the personal platform upon which I was elected to the House of Representatives in 1910.

The above is by no means a complete list of the achievements of the Democratic Party in this Congress under the wise guidance of one of the greatest Speakers that this House has ever had [Hon. CHAMP CLARK] and under the astute and skillful leadership of the distinguished gentleman from Alabama [Hon. OSCAR W. UNDERWOOD], assisted by many other experienced Democrats. This is an enviable record of achievement and is an earnest of what the Democratic Party will do when it comes into its own after the 4th of March next, when the Executive Mansion will be occupied by that tribune of the people, Gov. Woodrow Wilson, and the reactionary forces in the Senate shall have yielded to the influences of the times and passed into the control of the Democratic membership of that body, to be presided over by Gov. Marshall.

Progress, Forward and Not Backward, Has Been My Constant Effort for My Constituents and My Country.

EXTENSION OF REMARKS

OF

HON. SAMUEL W. SMITH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. SAMUEL W. SMITH said:

Mr. SPEAKER: I find in the Ingham County News, of August 15, a paper published at Mason, in the district which has so signally honored me with a place here, the following short, but very significant, editorial:

"A real progressive is judged by his acts in the past, and not altogether by promises for the future."

This editorial is the source of inspiration for the brief remarks which I am about to make.

I became a Member of Congress March 4, 1897, and in less than one year, February 7, 1898, I made a speech in the House of Representatives, in which I said: "Economy is the watchword in every branch and department of the Government—extravagance will not be tolerated—the Government must be so administered that the revenues shall exceed its expenditures." President Taft is to be congratulated upon the creation of a commission that has been looking into the receipts and expenditures of the Government and the management of the various departments in all their details, and, as a result, is saving thousands of dollars annually.

I further asserted:

"First. That the Government is paying too much for the carriage of the mails.

"Second. That it pays for a large amount of mail that it does not carry.

"Third. That the railroads have in the past set up a mail service of their own, which defrauded the Government. Are they doing it now?

"Fourth. That in addition to the price paid for the carriage of the mails it is paying too high a rental for postal cars.

"Fifth. Postmasters General Bissell and Wilson, in their reports for 1894, at page 33, and in 1895, at page 33, show that the average price for carrying mail was 8 cents a pound. The report of the Postmaster General for 1889, at page 90 and succeeding pages, shows that the average distance of carrying the postal matter was 448 miles; this, in other words, is $160 per ton for carrying the mails 448 miles. We are paying as much per pound to-day for carrying the mails upon the railroads in this country as was paid in 1878, notwithstanding there has been a reduction in freight rates since that time of more than 30 per cent and a reduction of passenger rates of between 15 and 20 per cent.

"The railroad companies carry merchandise for a cent a pound, and in some instances for a still smaller amount. The Texas Pacific and Southern Pacific railroads carry hardware, caps, boots, and other merchandise from New Orleans to San Francisco for eighth-tenths of a cent per pound, a distance of 1,500 miles, or three and a half times the distance for which the Government pays the railroad 8 cents a pound. The distance from Boston to New York is about 250 miles; the Adams Express Co. carries a hundred pounds for a cent a pound, and they carry the same amount a distance of between five and six hundred miles, from Cleveland to New York, for a cent and three-quarters a pound, and no doubt the United States Express and the National Express companies carry for a like or cheaper rate, and an inspection of the daily quotations of these stocks show that the companies are not losing money."

Time and the efforts of myself and friends during many sessions of Congress have demonstrated beyond all question the truth of these assertions, and now the Government is being profited each year to the extent of an annual reduction in railway mail pay of from ten to twelve million dollars.

I have referred to this because I further said that if this and other extravagances could be stopped, we might have the benefit of a 1-cent postage, free rural delivery, postal savings banks, and the erection of Government buildings, of which, as soon as the revenues of the Government will warrant, I shall ask for at least two in my district.

Do not forget, my hearers, that this was just after a Democratic administration, and the Treasury was depleted.

Already my spare moments had been spent in trying to secure legislation for free rural delivery, and I redoubled my efforts, until, as a result, the sixth congressional district of Michigan was among the first to enjoy the blessings and privileges of the same, and I shall not content myself or feel that equal and exact justice has been done until the same has been brought to the doorway of all our rural friends, as near as is possible.

I have secured appropriations for public buildings at Flint and Pontiac, ranging, in round numbers, from eighty to ninety thousand dollars in each case, and the buildings are a credit to their respective communities; and later on I secured an appropriation of $75,000 for an addition to the public building at Lansing, the capital of the State, and, through no fault or lack of effort on my part, the addition has not yet been built. The Government advertised for bids July 10 of this year; but, strange to say, none were received. Another opportunity will be given September 5, and I hope bids will be received and accepted and the building hurried to completion, as the needs of the office are very great.

The work of securing legislation for postal savings banks has been hard fought, running over a period of years, as was that of free rural delivery, pure food, Panama Canal, regulation of railroads, and many other important acts of legislation, but those who made the fight are almost daily rewarded by the declarations of those who at first were misguided but now declare it to be a most beneficent law. If time permitted, I would be glad to show the savings in these banks by a class of people

who have heretofore refused to place their savings in other banks.

But I did not content myself with simply doing these things in my efforts to secure legislation in the interests of the people. Later on, I advocated in a speech the abolition of railroad passes, the reduction of express rates, and the abolition of both telegraph and express franks. Railroad passes, telegraph franks, and express franks are things of the past, placing all of the people on an equal footing as to passenger rates, telegraph and express rates. And now that the express companies have been put under the control of the Interstate Commerce Commission, I hope the people will be given a square deal.

The matter of establishing a parcel post has been one fraught with a good deal of concern and trouble; I mean, to secure the passage of a law that would so adjust transportation rates and at the same time be of advantage to all the people rather than to any particular class; and almost simultaneously with the making of this speech a provision favoring a parcel post in connection with the annual Post Office appropriation bill is being enacted into law, which, after all the time and effort that has been spent in connection with the same, and with whatever faults it may possess, I hope will be a stepping-stone in the right direction, bringing additional blessings and comforts to all our people, and go a long way in helping to reduce the high cost of living.

I have long entertained the idea that telegraph rates in this country were altogether too high, and accordingly, after spending more or less of two years of time in preparation, I made a speech—May 26, 1906—in this body six years ago entitled "Postal Telegraph," in which I said, in part, "With the telegraph, as with the streets, the roads, and the post, the aim should not be profit, but service. Telegraph rates ought in right and justice to be reduced" There is not a figure or statement of fact in that speech that is not correct. It has stood the test of criticism from all sources, and now, after six years have elapsed, people are beginning more and more to appreciate what I have said and done to secure a reduction in telegraph rates, as is evidenced every day by the use of the "day letter" and the "night letter" telegram.

In this connection I am reminded of a little incident that occurred two years ago in my home county, when a good friend, in speaking of this matter, said: "I wonder what benefit Congressman SMITH thinks the reduction of telegraph rates is to a farmer." It so happened that within a week a neighboring farmer of the gentleman who asked the question lost a son in Montana, and it soon developed that by the use of the day or night letter in telegraphing to have the remains of his son brought back to his home in Michigan, that, as compared with the former telegraph rates, the father—the farmer—had been saved five or six dollars. It is not always easy to enact legislation the benefits of which will be equally distributed, but when the Government shall take over the telegraph, as I hope it will, then the people in all the walks of life, more and more, will come to enjoy and appreciate the results of a very marked reduction in telegraph rates. For one I shall hail with much delight the time when telegraphing shall be so cheap in this country that we can send social as well as commercial messages and feel that it is not a burden.

It is needless for me to say that during all this long contest for the reduction of telegraph rates I was bitterly opposed by men who ought to have been its stanch advocates. Some of these men are out of public life forever, and their places have been filled by men who have seen the light and are walking accordingly.

I have not forgotten the opposition still later on which developed when I advocated the encouragement of the telepost.

The telepost, What is it? The telepost is an automatic, rapid system of telegraphy, which will send 1,000 words a minute over a single wire.

By it, or even something better, it is hoped that there may be a marked reduction in telegraph rates, and a long-felt wish satisfied that there may also be a more rapid and economical system of communication through the postal service.

The only interest which I had or have now in the telepost was and is to encourage the extension and use of the same to aid in reducing telegraph rates, and it has served a good purpose, and when my bill to enable the telepost to build its lines in the District of Columbia, with the hope that they might be extended to the East and the West and the North and the South, among others, I had a stanch friend and supporter in the Hon. OSCAR W. UNDERWOOD, now Democratic leader in the House, and late a candidate for President, who said:

"Mr. Chairman, before the Clerk proceeds I desire to say a few words on the bill.

"Mr. Chairman, I am in favor of the passage of this bill. I can see no reason why it should not be passed. It allows this telepost company, which is really a telegraph company, to come into Washington, as I understand the bill, and do business on exactly the same terms that the other great telegraph companies which are doing business in Washington have. It proposes to allow another competitor to come into this field to do business, and, more than that, it allows a competitor to come into the field, who claims he has an invention by which he can send telegrams for less money than they are being sent to-day, which undoubtedly would reduce the cost of service and improve it. I do not think there is any doubt that the cost of the transmission of telegrams to-day is too high. The charges have been too high, and they ought to be reduced, and I think it is of great advantage to the people who use the service that there shall be an opportunity given for the establishment of another competitor. This is no experimental matter. It has already been put in service in other cities. It has been tried, and successfully tried. And, under those circumstances, I think the bill should receive the support of those men who believe in a competitive service, and I shall vote for it."

Mr. Speaker, I have made mention of some of the things that I have taken a very active interest in during my congressional career, extending over a period of 14 years or more.

"During these 14 years the gold financial standard was firmly established; Cuba was freed; Hawaii, Porto Rico, and other insular possession acquired; the Department of Commerce and Labor was created; the Agricultural Department was developed and expanded; the regulation of railroads and interstate commerce was vitalized; the irrigation of arid lands by national aid was provided for; the difficulties surrounding an isthmian canal were removed and the construction of the Panama Canal was authorized and commenced; the Navy was enlarged and really re-created; the pure-food law was enacted; white slavery was attacked by national legislation; a drastic meat-inspection law was passed; the daily hours of labor on railways was restricted; the use of many safety appliances on railroads was required; a general policy of national forests was started; conservation of natural resources was made a dominant issue; water-power sites and coal and other mineral lands reserved from exploitation; the construction of dams and bridges over navigable waters was regulated by law; rural free delivery of mail was provided for; an income-tax amendment was submitted to the States; and such an impetus was given to industrial development that the growth and expansion of material prosperity during those 14 years has never been equaled or approached in any other period of the world's history. [Applause.]"

What a glorious record that has been accomplished during the administrations of Presidents McKinley, Roosevelt, and Taft. Who is there that is not proud of the fact that he has been a Republican through these years, yea, through all the years since the birth of the Republican Party.

But this is not all. After Ex-President Roosevelt returned from his trip abroad, at Saratoga Springs, N. Y., September 27, 1910—less than two years ago—in his speech following the election as temporary chairman of the Republican State convention, said:

"We came here feeling that we have the right to appeal to the people from the standpoint alike of National and State achievement. During the last 18 months a long list of laws embodying legislation most heartily to be commended as combining wisdom with progress has been enacted by Congress and approved by President Taft.

"The amendments to the interstate-commerce law; the beginning of a national legislative program for the exercise of the taxing power in connection with big corporations doing an interstate business; the appointment of a commission to frame measures that do away with the evils of overcapitalization and of improper and excessive issues of stocks and bonds; the law providing for publicity of campaign expenses; the establishment of the maximum and minimum tariff provisions, and the exceedingly able negotiations of the Canadian and other treaties in accordance therewith; the inauguration of the policy of providing for a disinterested revision of tariff schedules through a high-class commission of experts, which will treat each schedule purely on its own merits, with a view both to protecting the consumer from excessive prices and to securing the American producer, and especially the American wageworker, that will represent the difference of cost in production here as compared with the cost of production in countries where labor is less liberally rewarded; the extension of the laws regulating safety appliances for the protection of labor; the creation of a Bureau of Mines—these and similar laws, backed up by Executive action, reflect high credit upon all who succeeded in putting them in their present shape upon the statute books; they represent an earnest of the achievement which is yet to come; and the beneficence and far-reaching importance of this work

done for the whole people measure the credit which is rightly due to the Congress and to our able, upright, and distinguished President, William Howard Taft."

I am proud to say that I have been a Member of Congress during the years covering the administrations of Presidents McKinley, Roosevelt, and Taft, and am glad to be counted among the number to whom Mr. Roosevelt paid such high tribute, and to have loyally sustained these Presidents in writing these and many other acts of progressive legislation upon the statute books.

My friends, I have referred especially at this time to my record, for I assume of all times during this campaign each and every Member of Congress who has had any considerable service will be asked what he has done or tried to do to enact legislation to help the people.

Without flattering myself, I feel that I have a right to be proud of my record and that it will be sufficiently progressive to suit the great majority of the voters of the sixth congressional district of Michigan.

In a word, the great majority of the legislation for which I have contended has been enacted into law, with the exception of 1-cent postage.

In view of my record, and with a deep sense of gratitude for the unfailing loyalty and devotion of my constituents, if I am renominated I shall confidently turn to them and, without regard to their political affiliations, ask to be returned to the Sixty-third Congress.

Improved Political Machinery—Wealth: Its Conservation, Taxation, Control, Distribution, and Production.

EXTENSION OF REMARKS

OF

HON. DICK T. MORGAN,

OF OKLAHOMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. MORGAN said:

Mr. SPEAKER: During the time which I have been a Member of this House there has been much discussion over measures which have been proposed for the purpose of giving to the people a more direct, efficient, and effective machinery for the control, management, and direction of the affairs of both State and National Governments. The propositions which have been the most favorably received are as follows:

1. The initiative, referendum, and recall.
2. The election of United States Senators by direct vote of the people.
3. The limitation and publication of campaign expenses.
4. The nomination of candidates by direct primary election laws.

THE INITIATIVE, REFERENDUM, AND RECALL.

The initiative, referendum, and recall became to some extent an issue in this House when we had under consideration the bill to admit the Territory of Arizona as a State in the Union. The constitution presented by the people of Arizona reserved to the people the right of the initiative, referendum, and recall. It was urged by some that Arizona should not be admitted into the Union with these provisions in her constitution. I voted for the bill to admit Arizona with the initiative, referendum, and recall provisions in her constitution, which bill, when passed by both Houses of Congress, was vetoed by President Taft. I advocated the admission of Arizona with these provisions in her constitution, asserting that the initiative, referendum, and recall were not dangerous to our free institutions, and that these provisions placed in the constitution of our State might be used by the people as additional machinery with which to work their will and with which to direct, control, and manage the affairs of the State.

ELECTION OF UNITED STATES SENATORS.

Since I became a Member of this House we have passed a resolution submitting to the States for their ratification an amendment to the Constitution of the United States, providing for the election of United States Senators by direct vote of the people. The people have learned, as I believe, that the use of legislative machinery in the election of United States Senators is wholly unnecessary, and that the people have the intelligence and patriotism which will enable them to elect United States Senators by direct vote more satisfactorily than they have heretofore done through the agency of legislative bodies. The object of abolishing the legislative machinery in the election of Senators is simply to give the people a more direct method of electing these important officials and thus keep the United States Senators in more direct touch with the masses of people throughout the entire country. I gave my support and vote to this proposed amendment to the Constitution, and I would like to see a sufficient number of States ratify this amendment to place this provision in our National Constitution.

LIMITATION AND PUBLICATION OF CAMPAIGN EXPENSES.

In order that the will of the people may be supreme and that we may remove every obstacle which might thwart the will of the people, and in order that the voice of the people, as expressed at the ballot box, shall have full sway in this country, we should, so far as possible, by laws limit, restrict, control, and prohibit the excessive use of money in election campaigns. No one will deny that money is a potent factor in elections; no one will deny that money has heretofore been used to excess. I am therefore heartily in favor of the restriction, limitation, and publication, both before and after elections, of all moneys expended by any candidate, individual, committee, or political party in political campaigns. The bill which this Congress has passed limiting the amount of money a candidate for Congress can lawfully spend, either in primary or general election, received both my vote and my hearty approval. The present law is not comprehensive enough. It should be amended, after a most careful study and investigation, to the end that money shall no longer be an important factor in the nomination and election of any candidate for the office of Representative or Senator in the Congress of the United States.

PRIMARY ELECTIONS.

Until in recent years, candidates of the various political parties for various State and National offices were nominated through the instrumentality of a nominating convention. As the people have learned that legislative bodies are not necessary in the election of United States Senator, so they have learned that nominating conventions are not necessary in selecting candidates for office. The people can more successfully and satisfactorily select their candidates by direct vote at a primary election. In my judgment, the primary election has come to stay, and its provisions will be extended until sooner or later candidates for President and Vice President of the United States will be nominated by some system of primary election.

IN GENERAL.

The initiative, referendum, and recall, the election of United States Senators by direct vote of the people, the limitation, restriction, and publication of campaign expenses, and corrupt-practices act, the nomination of all public officers by direct primary elections, all have in view one great purpose, namely, more effective political machinery, better instrumentalities, and superior means and methods through which, by which, and with which the people may control, direct, and manage the affairs of their own governments, both State and National. In all organized governments the people must employ agents and servants in the form of public officials to conduct a very large part of governmental affairs; but I see no danger to our republican form of government in giving the people all the political machinery whereby they may eliminate so far as possible all agents, servants, and public officers, and perform directly themselves every function of the government that is possible.

NATIONAL AND INDIVIDUAL WEALTH.

The acquirement of wealth is unquestionably to the large majority of people the greatest incentive to human action. The average man devotes practically all of his time and energy providing support for himself and family, and in an effort to acquire a surplus of means for the use of himself and family in his declining years or in days of misfortune or ill health. So far as possible, the laws enacted by Congress and the policies pursued by the National Government should favor the average citizen in his effort to support himself and family and to lay by some of this world's goods for use in time of need.

Policies of a national administration and the laws enacted by our National Congress are of vital interest to all the people of the United States, because the policies pursued by the National Government and the laws enacted by the National Congress affect all the people of the United States in their struggle for their just share of the wealth of the country. Since the inauguration of William Howard Taft as President of the United States on the 4th of March, 1909, during which time I have had the honor to be a Member of the House of Representatives, the Congress has passed laws which affect:

1. Conservation of wealth.
2. Taxation of wealth.
3. Control of wealth.
4. Distribution of wealth.
5. Production of wealth.

CONSERVATION OF NATURAL WEALTH.

The people are vitally interested in any of the laws coming under the above classification. At the beginning of our history we possessed great natural wealth, which seemed unlimited and inexhaustible. Apparently there was plenty for all and no need for limitation or restriction to individuals. We had a wilderness to subdue, a desert to reclaim, a continent to conquer. Our population, compared with other nations, was small, and as a Nation we adopted the policy of giving to individual enterprise every encouragement possible. It can not be doubted that this policy contributed largely to our wonderful growth in population, in wealth, and in national strength. But the time came when a new policy should be adopted. The time came when it became necessary to throw around our natural wealth still in the control of the National Government such laws and restrictions as would prevent such wealth from being concentrated in the hands of a few persons with power to use this wealth to the injury and detriment of the masses of the people. With all our lavish liberality in the past, the Government still possesses many millions of acres of public lands, extensive forests, great mineral wealth, and important water-power sites. During the Sixty-first Congress we passed laws which threw around our public lands, forest reserves, minerals, and water-power sites such restrictions, limitations, and regulations as will hereafter prevent the national wealth, as represented by these national resources, from being concentrated in the hands of a few. As a member of the Committee on the Public Lands I aided as best I could in preparing and reporting such bills as would protect our public lands, our valuable forests, our minerals, and water-power sites from monopolistic control. I voted for every proposition, provision, measure, and bill which had for its object the conservation and preservation of our natural resources—to prevent these national resources of wealth belonging to the National Government from getting into the control and ownership of great corporations, syndicates, or combinations of wealthy individuals.

LAWS RELATING TO THE TAXATION OF WEALTH.

The people are naturally greatly interested in the laws which relate to the taxation of wealth. Taxation touches everybody. In some way our local, State, and National Governments must be supported. Every man contributes a part of his earnings to support the Government under which he lives. Do our utmost, we can not escape this taxation. With all this, our laws should be so fashioned that the just, proper, fair, and equitable share of taxation should fall upon wealth and not upon poverty—that success, not failure, should bear the burden of taxation.

Some years ago the Congress passed an income-tax law. The Supreme Court of the United States decided that this law was unconstitutional. It became necessary, therefore, to amend our Constitution, so that Congress could pass a legal and valid income-tax law which would enable the National Government to place a special tax upon those who are fortunate in having large incomes. The Sixty-first Congress passed a resolution submitting to the States for ratification an amendment to the Constitution of the United States, authorizing the National Government to levy an income tax. I voted for this resolution. The National Government should have the power to levy an income tax. The wealth of this Nation should be compelled to pay its just share of taxes in support of the Government under which this wealth has been accumulated and to which the owners of this wealth look for protection.

The Sixty-first Congress also passed the act of August 5, 1909, which contained a provision placing a special tax of 1 per cent per annum upon the profits of all corporations having a net profit over $5,000 annually. Under this provision the corporations of the country are paying into the Treasury about $30,000,000 annually. I voted for the bill which contained this provision, and I believe it is but just and right that the wealthy corporations of the Nation should pay a special tax to relieve to some extent the burden which would otherwise come upon those less able to bear it.

The House of Representatives at this session of Congress passed what is known as the excise-tax bill, which met my hearty approval, and which places a tax upon individual incomes above $5,000 annually. This is virtually an income-tax law. There has not been a single proposition to place additional taxation upon the wealth of the country that has not received my support. The burdens of life naturally fall heavily upon the poor. Those of our citizens who are more fortunate than the great majority and have large incomes can well afford to pay a special tax for the support of the National Government. And the rich, if they are patriotic, will not grumble at the payment of this additional tax.

CONTROL OF WEALTH.

During the last quarter of a century we have had in this country an industrial, financial, commercial, and business revolution. Prior to this revolution the business of this country was done by individuals, firms, and copartnerships. To-day the great interstate business of this country is done by corporations. The last 25 years has been a period of concentration, combination, and integration in business. We have now the big corporations. We call them trusts. These great corporations dominate the manufacturing, transportation, and commercial business of the country. It can not be doubted that many of these corporations possess large monopolistic power—even though few of them are complete monopolies. Many of the corporations have such domination in their respective lines of business as to be able to arbitrarily control the prices of products in common and among the people of the United States.

Free, fair, effective competition is no longer the controlling factor in the prices of many products in common use. Now, Congress has authority to control the business of these great corporations engaged in interstate business. Ordinarily, I believe in giving free play to individual enterprise, energy, industry, and effort; but when enormous wealth is concentrated in one corporation under the control of a few men, and the corporation possesses monopolistic power, then I believe the National Government should do one of two things—either destroy the monopoly or control it.

The National Government long ago entered upon the policy of controlling corporations engaged in interstate business. Congress passed an act, approved February 4, 1887, creating the Interstate Commerce Commission and gave it supervision over the railways engaged in interstate business. At first the commission had little power. But the authority of the commission was increased from time to time until finally the Sixty-first Congress, by the act approved June 18, 1910, gave to the commission the authority to fix the rates and charges which the railway companies may charge for the transportation of passengers and freight. With a Government commission possessing the jurisdiction and authority to fix charges of railways the people are safe in the future from any serious injury through unjust rates charged by the great railways doing an interstate business. I voted for this measure and I have supported every proposition to increase the authority of this great commission over these great transportation companies, which control our great national highways over which our enormous internal commerce passes.

EXPRESS, TELEGRAPH, AND TELEPHONE COMPANIES.

The same act, for the first time, gave the Interstate Commerce Commission authority over the express companies, and the telegraph and telephone companies, with authority to fix the charges made by such companies. As a result of that law, a few weeks ago, the commission made an order making a reduction of 15 per cent in the rates charged by the express companies for transportation of merchandise and all kinds of packages. I voted for this law. The express companies and the telegraph and telephone companies are natural monopolies, and the rates which they charge the people should not be left to the greed of their managers.

On July 2, 1890, Congress passed what is known as the Sherman antitrust law. The object of this law was to prevent monopoly by industrial corporations engaged in interstate business. Whatever may be said in favor of this law, it is a fact that since its enactment our corporations have been growing in size and in monopolistic power. Twenty-two years have elapsed since the enactment of the Sherman antitrust law. In the meantime our corporations have been growing larger, but Congress has not added a line to the laws of the Nation to prevent or control monopolistic corporations.

Some time ago I came to the conclusion that there should be created a national commission, with authority over our great industrial corporations similar to the power the Interstate Commerce Commission has over transportation companies. After diligent investigation I prepared a bill creating an "interstate corporation commission," which I introduced (H. R. 18711) in the House of Representatives January 25, 1912. On the 20th day of February, 1912, I addressed the House, explaining the provisions of the bill and advocating its enactment into law. Subsequently thereto Col. Theodore Roosevelt delivered his "Charter of Democracy" address before the Ohio constitutional convention, in which he advocated the creation of a commission along the lines provided in my bill.

The Republican Party, for the first time in its history, in the platform enunciated at the national convention at Chicago, June 18, 1912, declared in favor of creating such a commission. The Progressive Party, which convened in Chicago August 5,

1912, in its platform declared in favor of such a commission. So far as I have been able to ascertain, the bill which I introduced January 25, 1912 (H. R. 18711), was the first bill that has been introduced in the House of Representatives creating such a commission, and my remarks made in the House on the 20th day of February, 1912, was the first speech delivered in the House advocating the creation of such a commission. If we, through State or national laws, create gigantic corporations, possessed with sufficient capital and controlling such a percentage of the production of articles in common use as to be able to overcome free competition and control arbitrarily the prices of these products, we must either enact laws that will prohibit such corporations from engaging in interstate business or we must throw around such corporations laws and governmental machinery as will prevent such corporations from imposing upon the people by charging prices which are unjust, unfair, and unreasonable.

THE DISTRIBUTION OF WEALTH.

The census returns for 1910 will show that there are in the United States about 35,000,000 persons over 10 years of age engaged in gainful occupations. Eleven millions of these are on the farm; 7,000,000 are engaged in domestic and personal service, including common laborers; 7,000,000 are engaged in trade and transportation; 9,000,000 are engaged in mechanical and manufacturing pursuits. It is this army of toilers that gives this country its wealth, its prosperity, its prestige abroad, and its real strength at home. In all our legislation we should keep in view the physical, intellectual, social, and moral uplift of this grand army of 35,000,000 toilers and workers. The fair, just, and equitable distribution of the wealth produced among those who earn it is of the highest importance to our Nation and our citizenship. Wealth should be fairly distributed, first, as a matter of justice to those who earn it, and, second, as a matter of strength to our Republic. The character of our citizenship depends upon the distribution of wealth, and the perpetuity of our Republic depends upon the character of our citizenship. The houses in which our people live, the clothing they wear, the food they eat, the schools their children attend, the conditions, environments, and surroundings in which men labor, and their opportunities for rest, recreation, and travel determine the physical, intellectual, and moral character of our citizenship. Our Nation can not maintain its leadership among the nations of the earth unless the standard of our citizenship continues to hold its superiority over the average citizens in other great nations. The proper distribution of wealth is, therefore, not only a question of doing justice to the men who earn the wealth, but it involves also the very life and perpetuity of the Republic and its free institutions.

The wealth the farmers produce is distributed through the sale of their surplus products. Three things are necessary that the farmer shall get his fair share of the wealth he produces: First, the price he receives must be fair and reasonable; second, the charges of the middlemen for transportation, storage, marketing, distribution, and delivery to consumers must be reasonable; and, third, the farmer must be able to purchase manufactured products at prices which are reasonable and just. It is plainly important to the farmer that the transportation companies and the big corporations which transport the farmer's products and manufacture the goods and merchandise which the farmers buy shall have such laws and governmental control thrown around them as will prevent such corporations from exacting from the farmers exorbitant and unfair prices. The men engaged in common labor, in trade and transportation, in manufacturing and mechanical pursuits secure their share of wealth in the form of wages. The scale of wages paid is of the highest importance to this great army of 25,000,000 of toilers. On the other hand, the wage earners are interested that the great corporations which manufacture and control the sale and distribution of food products and clothing and other necessaries of life shall dispose of them at reasonable prices. The control of such corporations is therefore vital to the welfare of all wage earners. Fundamentally the interests of all wealth producers are mutual. The wage earners are the farmer's customers. The farmer can not get good prices unless the wage earners who are his customers get good wages. The largest element of cost in transportation and in producing manufactured articles is the cost of labor. The farmer must be willing to pay fair prices for his transportation and for his manufactured articles or the wage earners employed in these lines of industry can not be paid good wages, and if they do not get good wages they can not pay the farmer good prices for his products.

PRODUCTION OF WEALTH.

Administrative policies and national laws affect the production of wealth. In our national policies and in our national laws we must not overlook the importance of pursuing such policies and of enacting such laws as will encourage and stimulate the production of wealth. If we do not as a Nation successfully produce wealth, we will have no wealth to conserve, no wealth to tax, no wealth to control, and no wealth to distribute. The policies which have been pursued by the Republican Party and the laws which have been enacted by Republican Congresses have been the most favorable to the production of wealth among our people.

Under this 50 years of Republican rule our population has increased from 31,000,000 to 92,000,000; our national wealth has grown from $16,000,000,000 to $130,000,000,000; the annual products of our farmers have grown in value from one and one-half billions of dollars to $9,000,000,000; our farm property has increased in value from $8,000,000,000 to $41,000,000,000; the annual products of our mines have increased in value from $200,000,000 to $1,600,000,000; our annual manufactured products have grown in value from $2,000,000,000 to twenty and one-half billions of dollars; our railways have increased in mileage from 31,000 miles to 242,000 miles; our imports have increased from $353,000,000 to $1,500,000,000; our exports have increased from $333,000,000 to $1,700,000,000; the annual revenue of our Government has grown from $56,000,000 to $700,000,000.

In this 50 years of Republican rule our population has increased threefold; the value of our farm property has increased fivefold; the value of our imports has increased fivefold; the value of our exports and the value of our annual agricultural products have each increased sixfold; our wealth and our railway mileage have increased each eightfold; and the value of our annual manufactured products has increased more than tenfold.

We excel all other nations in mining, in manufacturing, and in agriculture. We are the wealthiest Nation in the world. Our wealth almost equals the combined wealth of England, Germany, and France. Nearly one-half of all the railway mileage in the world is in the United States. Fifty years ago in our industrial pursuits we were fourth-class power. Now, in the industrial field, we are preeminently first among all the nations of the world.

It required 250 years, from the first settlement of America down to 1860, for the people of the United States to accumulate $16,000,000,000 in wealth. But in the year 1910 the value of our annual manufactured products was over $20,000,000,000—four billions more than all of our national wealth in 1860.

That the Republican Party has not deteriorated in its administrative ability, and that its principles and policies have lost none of their vitality and beneficient effect, is shown by the fact that our greatest prosperity has been during the last 10 years of Republican rule. In these 10 years the value of our manufactured products has grown from $13,000,000,000 to $20,672,000,000. In these 10 years the amount of wealth distributed through our manufacturing industries in wages has increased from $2,300,000,000 to $3,300,000,000. In this period the number of wage earners employed in manufacturing increased 40 per cent. The amount of wages increased 70 per cent. The exports of our manufactured products have increased from $447,000,000 to $1,000,000,000. The value of our annual agricultural products has increased from $4,500,000,000 to $9,000,000,000. The capital invested in manufacturing industries in 1900 was $9,000,000,000; the capital invested in manufacturing industries in 1910 was $18,000,000,000.

In this 50 years of Republican rule we have made our greatest advancement in invention, in improvement in tools, implements, and machinery, in transportation facilities, in means of communication, and scientific discovery. Education, art, science, and literature have flourished as never before. Moral, charitable, and religious institutions have attained their greatest strength and influence. And now, after 50 years of Republican rule, there are a few uncontestable facts that every unprejudiced person will concede. The people of the United States are better off than are the people of any other country on the globe. The masses of our people have more of the comforts of life, and enjoy more of the luxuries than do the common people in any other country. There is less pauperism and less poverty in the United States than in any other great country in the world. The laboring man, the poor man, has a better chance for advancement in the world, for the attainment of a competency, for the acquirement of wealth, than he does anywhere else on the globe. The 30,000,000 persons engaged in gainful occupations in the United States are to-day better housed, better clothed, better fed, and better paid than are persons in corresponding employment in any other country in the world.

No other country on earth maintains such a high standard of living among the masses of its people, or affords such splendid

opportunities for the attainment of success in every avenue of employment. And whatever change may come in our laws, in our institutions, in system or government, I hope in this country it will continue in the future as it has in the past that any worthy man by industry, economy, and persistence may rise from the depths of poverty to the pinnacle of wealth. I hope in this free Republic it will be in the years to come as it has been in the years gone by that the humblest boy may rise to positions of the highest distinction and honor.

Not only are we better off than any other people, but in all the 125 years of our history as a Nation we never before were so well off as we are to-day.

The laboring man never before received so large a wage as he receives to-day after 50 years of Republican rule. He never worked fewer hours per day or under better conditions and environments. He never enjoyed more luxuries than he does to-day. He never provided his family with a better home than he does to-day. He never before gave his boy and his girl a better education than he does to-day. Labor never had more recognition than it has to-day. The farmers have never been so prosperous as in recent years. Take our entire population as a whole, there has never been an hour in our history when the average man among us had more of the good things of life, more to make him contented and happy than he has in 1912.

For one I do not want to see the national policy which has contributed to this unparalleled development in the direction of wealth change. I do not want to see the national laws which have contributed to this wonderful creation of wealth in this great Nation repealed. I hope the policy of protection which has been pursued by Republican administrations will not be abandoned for a policy of a tariff for revenue only or for any free-trade policy.

I therefore solemnly protest against the abandonment of the policy of protection which has made this country rich, great, and prosperous for a policy of tariff for revenue only, which, when tried under our last Democratic administration, brought to this country business depression, industrial prostration, and almost universal poverty.

LAWS ENACTED FOR THE BENEFIT OF SECOND (OKLAHOMA) CONGRESSIONAL DISTRICT.

In my service in this House I have constantly kept the interests of the people of my own district in mind. I have felt that my first duty was to look after the welfare of my own people. Since I have been a Member of this House the following special laws or provisions have been enacted for the benefit of the people of the district which I represent:

ORPHANS' HOME.

A law enabling the Masonic fraternity of the State to secure from the Government on favorable terms a section of land near the city of El Reno with buildings thereon formerly used for Government Indian School, and valued at $200,000. The property is now used for a Masonic Industrial School and Orphans' Home.

LAND OPENED TO SETTLEMENT.

An act, which opened to settlement 11,500 acres of land in Canadian County, providing homes for about 500 people and adding largely to the wealth and the taxable property of the county.

THREE HUNDRED AND THIRTY THOUSAND DOLLARS TO INDIANS.

A provision which gave to the Cheyenne and Arapaho Indians the proceeds from the sale of the foregoing lands amounting to $320,000, which, placed in the Treasury to their credit, brings them 3 per cent interest, or an annual income of about $10,000.

FOUR HUNDRED AND SIXTY-THREE ACRES FOR ANADARKO.

An act enabling the city of Anadarko, or the Commercial Club of the city, to secure 463 acres of Government land lying immediately north of the city, which was subdivided, platted, and sold with a good profit to the city.

UNITED STATES COURT FOR NORTHWEST.

An act requiring United States court to be held at Woodward, which will be a great saving and convenience to the people of six or eight counties in the northwest.

FORTY-SEVEN SPECIAL PENSION ACTS.

Forty-seven special pension acts were passed, increasing the pensions of ex-Union soldiers generally to $30 per month.

GREATER PUBLIC BUILDINGS FOR OKLAHOMA CITY.

Two hundred and thirty thousand dollars have been appropriated to finish the construction of the Federal building at Oklahoma City, nearly $130,000 of which was secured to purchase additional site for said building, which insures, when the building is completed, will cover an entire half block and will probably cost in the total nearly $1,000,000.

PUBLIC BUILDING FOR EL RENO.

One hundred thousand dollars was authorized to be expended for the erection of a public building and the purchase of a site therefor in the city of El Reno.

EXTENSION OF PAYMENTS.

An act was passed extending time in which the Masonic fraternity of the State could pay for the land and the buildings heretofore referred to.

TIME EXTENDED FOR SETTLERS.

An act was passed exending time in which settlers could pay for the lands entered under act of June 17, 1910.

UNITED STATES CLERK AT OKLAHOMA CITY.

A provision was enacted which requires the clerk of the United States Court for the Western District to keep an office in charge of himself or deputy at Oklahoma City.

PUBLIC HIGHWAY OPENED.

An act granting Caddo County a public highway across the Government land occupied by an Indian agency at Anadarko.

OKLAHOMA NATIONAL GUARD.

An act by which the United States donated to Company I, Oklahoma National Guard, a valuable lot in the city of Alva to be used as a site for an armory.

BUILDING DONATED.

An act whereby the Government donated to Company I, Oklahoma National Guard, at Alva, the building formerly used by the Government for a United States land office, to be used by said militia company for purposes of an armory.

RIGHT OF WAY FOR RAILWAY.

An act granting the Clinton & Oklahoma Western Railway Co. the right of way across the Red Moon Indian Agency in Custer County.

LAND WITH SPRING FOR ORPHANS' HOME.

An act giving the Masonic fraternity of the State the preference right to purchase a tract of land located near the orphans' home, on which land there is located a valuable spring of water, and which was desired to be used in securing a supply of water for the industrial school and orphans' home.

PROPOSITIONS FOR WHICH I HAVE VOTED.

In looking back over the RECORD during the time which I have had the honor to be a Member of this House I find a vast variety of measures have been considered. I have tried to vote conscientiously on all propositions which have been presented. Among the important measures for which I have voted the following may be mentioned:

I voted for the proposed income tax amendment to the Constitution, that wealth might be made to pay its just share of taxes.

I voted for the bill establishing postal savings banks, designed to help the masses of the people.

I have voted for every conservation measure to place our public lands, forests, minerals, and power sites beyond the reach of greedy syndicates, unscrupulous corporations, and monopolistic combinations.

I voted for the measure which placed a tax of 1 per cent upon the profits of the big corporations, which brings into the Treasury annually $30,000,000.

I voted for the provision which requires the big corporations to make annual reports to the Government and gave officials authority to examine the books of such corporations.

I voted for the provision which conferred upon the Interstate Commerce Commission for the first time the authority to fix rates charged by railways engaged in interstate commerce.

I voted for the provision which passed the House requiring the Interstate Commerce Commission to make a valuation of the physical property of railways engaged in interstate commerce.

I voted for the appointment of a commission to make a full investigation of the issuing of stocks and bonds by interstate railways, with a view to requiring all such bonds and stocks to be issued under the supervision of the Government.

I voted for the safety-appliance act, requiring railroads in the use of appliances to exercise the highest care for the safety of employees and passengers.

I voted for the employers' liability act, increasing the liability of corporations and other employers for injuries sustained by employees.

I voted for the act creating the Bureau of Mines, to more carefully safeguard the lives of the 750,000 miners and to prevent the killing annually of 3,000 persons and the injury of 10,000 others by accidents.

I voted to place telegraph and telephone companies under the control of the Interstate Commerce Commission, with power to fix the rates and charges for messages.

I voted to place petroleum and all its products on the free list, thus taking all benefit of a protective tariff from the Standard Oil Co., then the largest corporation and greatest trust in the world.

I voted to create a permanent tariff board, with a view to having the most thorough knowledge of the cost of production, so that in tariff legislation Congress might reduce rates when ascertained to be higher than necessary to afford reasonable protection.

I voted for a resolution submitting an amendment to the Constitution requiring United States Senators to be elected by a direct vote of the people.

I voted for a bill limiting campaign expenses and requiring such expenses to be published, both before and after election.

I voted for the income or excise tax bill, which passed the House of Representatives.

I voted for the admission of Arizona with a constitution which provided for the initiative, referendum, and recall—a bill the President vetoed.

I voted for the bill giving national aid to promote the building of good roads in the States in the interest of the 6,400,000 farmers.

I voted for the anti-injunction bill, limiting the power of Federal courts to issue injunctions, a measure designed to prevent Federal judges from abusing their authority in labor disputes.

I voted for the bill providing for jury trial in contempt proceedings when the act complained of constitutes a criminal offense, another measure intended especially to protect members of labor unions against unjust imprisonment.

I voted for the eight-hour-day law, to prevent avaricious employers from imposing upon wage earners, a measure of great importance to laboring men of all classes.

I voted for the so-called farmers' free-list tariff bill, and voted to pass the measure over the President's veto.

I voted to abrogate the discriminating passport treaty with Russia.

I voted for the new pension law, which adds about $30,000,000 per year to the pensions of ex-Union soldiers.

I voted for the new homestead law, of vast importance to the settlers upon the public domain.

I voted for the repeal of the Canadian reciprocity act, a measure I opposed when it was passed.

I voted both in the Sixty-first and Sixty-second Congresses to increase the pay of rural route carriers, as a matter of justice to the carriers and to perfect this service in the interest of the farmers.

I voted for the parcel-post provision in the Post Office appropriation bill, with a view to giving the farmers better facilities for transporting packages, including farm products and merchandise, to and from the farm, for the convenience and benefit of both farmers and residents of towns and cities.

MEASURES WHICH I HAVE SUPPORTED.

I believe that the votes which I have cast since I have been a Member of Congress have been in harmony with the sentiment of the vast majority of people of my district. I have stood for progress and have voted for all progressive measures which have come before Congress. I voted for an income tax, for postal savings banks, for every conservation measure, for special tax on the big corporations, to give the Interstate Commerce Commission the power to fix rates and charges of railroads, express, telegraph, and telephone companies, and to make a physical valuation of railroads, for the safety-appliance act, employers' liability act, for the farmers' free-list tariff bill, for election of United States Senators by direct vote of the people, to limit and publish campaign expenses, for the excise-tax bill, for national aid to good roads, for parcel post, for the anti-injunction bill, for limitation of power of Federal courts to issue injunctions, for a trial by jury in certain contempt proceedings in Federal courts, for the eight-hour-day law, for the new pension act, the new homestead law, for the repeal of the Canadian reciprocity act, and against its passage.

CONTROL CORPORATIONS.

I believe that the National Government should exercise much larger control, supervision, and regulation over the big corporations engaged in interstate commerce, and I will vote for legislation giving the National Government such control over such corporations as will prevent them from imposing upon the people through improper practices or unjust prices.

OPPOSED TO MONOPOLY.

I am opposed to private monopoly, and where any corporation possesses monopolistic power one of two things must be done: We must either destroy the monopoly or control its business.

AGRICULTURE MUST BE ENCOURAGED.

I believe that agriculture is the basis of all other industries, and I will vote for national appropriations to encourage agriculture, to promote its prosperity, to extend its growth, to make farm life more attractive and profitable, and to add to the comfort, convenience, and prosperity of our farmers.

WAGE EARNER MUST BE PROTECTED.

I believe that the welfare of the wage earners of this country is of the highest importance, and I will vote for any legislation that will insure just and proper increase of wages, reasonable hours of labor, the improvement of conditions and environments under which labor is performed, and that will guarantee improvement of the social conditions of the laboring men of this country.

POLICY OF PROTECTION.

I believe thoroughly in the principle and the policy of a protective tariff and shall oppose free trade or a tariff for revenue only. I am in favor of revising the tariff schedule by schedule and will vote for any reduction that does not mean destruction to American industries, the reduction of the wages, and loss of employment to the laboring men of the United States.

LIBERAL PENSIONS.

I believe in the most liberal pensions to the soldiers who have fought battles of the Republic and who have preserved its life and honor.

PROPERTY RIGHTS SACRED.

The rights of property must be held sacred. Business must be encouraged. Individuals must have the greatest incentive for honest effort. Rewards for industry must be sure and great. I will, therefore, vote for any measure that will promote business, enterprise, and industrial progress.

MORALITY NECESSARY TO NATIONAL GREATNESS.

I believe firmly that we can not be a great Nation or a happy people unless we are morally sound. The church, the school, and the home are the three great lights, and I will vote for any measure that will promote a higher moral standard among our people.

Agricultural Extension Department.

SPEECH

OF

HON. WILLIAM A. CULLOP,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912,

On the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

Mr. CULLOP said:

Mr. SPEAKER: In the closing hours of the second session of the Sixty-second Congress it is proper that we pass the bill under consideration to assist the greatest industry in the country—that of agriculture. This great and important calling has received less attention in legislative bodies than any of the great callings in which man is now or ever has been engaged. We all concede its prime importance, we all concede the necessity of its encouragement, we all concede that upon it all our other industrial pursuits are largely dependent; and yet, in the face of all these concessions, we acknowledge that its proper consideration in a legislative way has in a large measure been overlooked.

The passage of the measure known as the farmers' extension bill is a proper recognition of this great calling, and will tend to increase the production of the farms without multiplying the labor employed. It will assist in getting the best results from the soil, without additional expense or increased labor. It will intensify production and increase the results of effort in the tilling of the soil.

At the rate of our increasing population it will only be a short time, if continued as it is now growing, until we will consume all our production. We then will be no longer an exporting people of farm produce, but will become an importing one, and hence the urgent necessity of our people engaged in this industry increasing the productiveness of our soil, so that on the same amount tilled larger production may be obtained and better and more profitable results secured. To this end this legislation is directed for the benefit of those engaged in this great industry. By proper treatment, which can only be

ascertained by scientific experiment, we know production can be increased, we know better quality can be produced and the soil improved, all essential to the profit of the farmer, the elevation of the industry, and to meet the growing requirements of the conditions all about us. If by establishing experimenting stations where scientific demonstrations can be carried on, so that the people can see and know the beneficial results and their success established, we improve the conditions in this great field of labor, we will have accomplished a great work which will redound materially in one of the greatest departments of labor in which man is engaged, and one that will permeate all other departments of human activity.

Upon agriculture our industrial fabric is built; all depend upon it and must look to it for their continuance. The factory may shut down, and other business operations will move on; the mine may be closed, and still business will thrive; stores may be closed, and supplies will be found elsewhere, but stop the productions of the farm for a single year and the grass will grow in the streets of every city in the land. Without it the wheels of industry will cease to turn and the fires in the furnaces no longer burn. Upon its success all others are dependent.

The appropriations for this department have been small compared with its great importance and the benefits derived therefrom to the whole people. Its neglect heretofore is a reproach to those who have had the control of the purse strings of the Nation, and it is time public sentiment was aroused on this question and public attention given to this matter, that it may not be overlooked longer.

We appropriate yearly for our Army and Navy about $230,000,000. Neither of these produce anything. They are both consumers, without adding anything to the great storehouse of the world's products.

While these large amounts are thus yearly appropriated for these two institutions, which produce nothing, but consume only, yet for this great industry, producing approximately $10,000,000,000 a year, sufficient to supply our own consumption and a large surplus to send abroad, and thereby contributing to the Nation's surplus wealth, we only appropriate about $16,000,000 a year. This is not a proper consideration for the great industry and its ever-growing importance. The public will not longer be satisfied with such meager support, such inattention.

The great industry requires greater assistance, a deeper interest by a great Nation, that it may be properly promoted and encouraged that greater results may flow from the investments and better reward for the labor devoted, and a healthier prosperity will be the reward.

It is a splendid achievement for the Democratic Party in this House, one that will redound to its benefit, in securing advance legislation which will encourage this great and important industry and improve the existing conditions, and will aid the prosperity of those engaged in this great calling, and will elevate the standard of the noblest calling in which men can or ever have engaged. The country will approve our efforts, and the people will profit by our action in this great work.

The Question of Taxation.

EXTENSION OF REMARKS

OF

HON. FRANK BUCHANAN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. BUCHANAN said:

Mr. SPEAKER: Every revolt against the constituted authority of government; every movement for a broader, wider liberty, and the betterment of human conditions throughout the world, has grown out of the abuse of the taxing power by government. It was the tyrannical exercise of the taxing power by Great Britain that led to the revolt of the colonies against the mother country and the consequent establishment of our American Republic. Among the English-speaking people of the world to-day the question of taxation is the foremost of all questions. In two States of the American Union—Oregon and Missouri—there is an effort being made to substitute an enlightened and simplified system of taxation for the prevailing complex and unjust systems, to the end that the burdens that now rest so heavily on labor, industry, and thrift may be removed and monopoly and special privilege may be compelled to return to society as a whole the vast sums which belong to society as a whole.

Because of the general and widespread interest in the movement for a better and more just method of taxation and as explanatory of the aims and purposes of the large number of prominent citizens who are conducting the campaign for tax reform in Missouri, I insert in the RECORD as a part of my remarks a statement submitted to the voters by the Equitable Taxation League of Missouri, as follows:

JUST TAXATION.

The Equitable Taxation League will submit two proposed taxation amendments to the voters of Missouri for their approval at the November election in 1912.

The first amendment proposes to exempt all kinds of personal property and improvements from taxation, to abolish license taxes on merchants and manufacturers and on occupations not requiring police regulation, and to prohibit poll taxes.

The second proposes to abolish the present State board of equalization and to create a permanent State tax commission to secure uniformity of assessments throughout the State.

All persons who favor the first amendment will be interested in the second, which will be necessary to secure the effective enforcement of the first.

The first amendment and reasons for its adoption are as follows:

(1)

Proposed amendment, by initiative petition, to the constitution of Missouri, submitting to the legal voters of the State of Missouri for their approval or rejection at the general election to be held on the Tuesday next following the first Monday in November, 1912, by adding new sections relating to revenue and taxation to article 10.

Be it enacted by the people of the State of Missouri, as follows:

SECTION 1. All property now subject to taxation shall be classified for purposes of taxation and for exemption from taxation as follows:

Class 1 shall include all personal property. All bonds and public securities of the State and of the political subdivisions and municipalities thereof now or hereafter issued shall be exempt from all taxes, State and local, from and after the adoption of this amendment, and all other personal property shall be exempt from all taxes, State and local, in the year 1914 and thereafter: *Provided*, That nothing in this amendment shall be construed as limiting or denying the power of the State to tax any form of franchise, privilege, or inheritance.

Class 2 shall include all improvements in or on lands except improvements in or on lands now exempt from taxation by law. In the years 1914 and 1915 all property in class 2 shall be exempt from all taxes, State and local, to the extent of one-fourth of the assessed value of such property; in the years 1916 and 1917, to the extent of two-fourths; in the years 1918 and 1919, to the extent of three-fourths, and in the year 1920 and thereafter all property in class 2 shall be exempt from all taxes, State and local: *Provided, however*, That in the year 1914 and thereafter the improvements to the extent of $3,000 in assessed value on the homestead of every householder or head of a family shall be exempt from all taxes, State and local.

Class 3 shall include all lands in the State, independent of the improvements thereon or therein, except lands now exempt from taxation by law, and shall also include all franchises for public-service utilities, and no property in class 3 shall ever be exempt from taxation.

SEC. 2. All property subject to taxation in this State shall be assessed for taxes at its true and actual value.

SEC. 3. No poll tax shall be levied or collected in Missouri, nor shall any tax whatsoever be levied or imposed on any person, firm, merchant, manufacturer, trade, labor, business, occupation, or profession under the form or pretext of a license for revenue after December 31, 1913, but nothing herein shall be construed as affecting the licensing of any business, occupation, profession, place, or thing in the interest of the public peace, health, or safety; and nothing herein contained shall be construed as changing the present laws governing the regulation of the manufacture and sale of fermented, vinous, and spirituous liquors.

SEC. 4. The existing constitutional limitations upon the rates of taxation for State, county, school, and municipal purposes shall have no force and effect after January 1, 1914.

SEC. 5. The general assembly shall provide the legislation necessary to secure full and effective compliance with the purposes and intent of this amendment. Nothing in this amendment shall be construed to limit the initiative and referendum powers reserved by the people.

REASONS FOR ADOPTION.

There is necessity for some radical change in our system of taxation in Missouri. Taxation experts are agreed upon this, and have repeatedly pointed out the glaring inequality, inefficiency, and absurdity of our present system.

The manifold evils resulting therefrom stimulated the agitation against it until finally the general assembly of 1901, in response to public opinion, created a State tax commission to make a comprehensive study of the whole subject and to recommend remedial legislation. Gov. Dockery appointed on this commission Judge W. M. Williams, Attorney General E. C. Crow, and Judge Peyton A. Parks, who made an exhaustive report to the general assembly in 1903. In no uncertain terms they commented upon the evils complained of in the present system and pointed out remedial legislation which, however, failed of adoption.

The continued demands for relief, however, led Gov. Folk to appoint a second State tax commission in 1906, composed as follows:

Frederick N. Judson, author of taxation in Missouri; Attorney General Herbert S. Hadley; Judge W. M. Williams; Dr. Isidor Loeb, professor of political science in our State University; ex-Attorney General E. C. Crow; F. M. Crunden, librarian of the St. Louis Public Library; and John H. Bothwell, member of the forty-second assembly.

This second commission in its report fully concurred with the commission of 1903 as to existing tax evils, and likewise strongly urged remedial legislation, which was submitted to the voters of the State for approval in 1908, but failed of adoption because its provisions were not understood by many of the voters.

Since then, leading educational, official, business, and economic associations, as well as the press of the State, have repeatedly urged that some adequate legislation on the subject be adopted.

In response to this general and increasing public demand, the Equitable Taxation League has prepared these constitutional amendments, which have been most carefully drawn, after months of study and consultation with leading experts on taxation.

This league in the construction of the taxation amendment was guided solely by the well-known principles of taxation, which are now recognized as self-evident by eminent authorities, thinkers, and publicists.

THE RULES OF TAXATION.

The first rule classifies taxes as relatively good or bad. A tax that produces the maximum of revenue for the State with the least disturbance to productive industry and commerce is called a good tax.

Whereas, on the contrary, a bad tax is one that disturbs, hinders, or destroys business and industry.

To give an extreme illustration of a bad tax: A tax of $1 a year on every fruit tree in Missouri would tend to prevent any more fruit trees from being planted in the State and also cause orchards and fruit trees already in existence to be cut down. Such a tax would be called a bad tax by experts, because it would destroy an industry without producing much revenue for the State. Such a tax, though it seems absurd to us now, has been levied many times in the past in all seriousness.

The second rule classifies property as movable or immovable. Taxation upon the products of industry tends to diminish the supply of things upon which it falls.

For instance, when we tax something movable, it tends to drive it, as well as its owners, away; and it also tends to prevent it or its owners from coming into our community.

When something that may be developed or produced is taxed, the tax will discourage its development or production, and thus decrease its volume in the locality where it is taxed, as the fruit-tree illustration shows.

Such self-evident facts have led authorities to formulate the golden rule of taxation, as follows:

Never tax good things that could be moved away from your community or that could be moved into your community or that could be produced or developed more easily in your community if not taxed.

MOVABLE AND IMMOVABLE PROPERTY.

Movable property, as its name implies, can be moved from place to place, as its owner chooses.

The immovable is fixed. Land is the only true immovable property, because buildings and other improvements on land have to be moved onto the land before they can exist, and though after they are built they may appear to be practically immovable, yet they may be removable, because of a change in economic conditions, whilst all are removable by the decay of time.

Buildings and other improvements are really chattels attached to the land, and should be regarded, from the standpoint of taxation, as partially movable property, because taxation can discourage their erection, and therefore prevent or hinder their being moved onto the land.

LAND CAN NOT BE DECREASED BY TAXATION.

Another significant fact is that land is the only species of property the amount of which can not be decreased by taxation. On the contrary, taxation forces an increase in the beneficial use of it, whereas taxation on anything else tends to diminish not only the use, but also the supply of the products on which it falls.

DO WE WANT MORE MERCHANTS AND MANUFACTURERS IN THE STATE

who would increase business and the opportunities for employment? If so, why support a system that acts as an obstacle to their coming. Merchants' and manufacturers' license taxes and taxes on personal property not only handicap those already here, but tend to keep others from coming to us. They repress industry and commerce, penalize thrift, discourage production, and retard progress.

Other cities in the United States have adopted the wise policy of abolishing all license taxes on merchants and manufacturers and all taxes on sales. If we wish the cities of our State to be able to compete successfully with these, we must place them on an equal footing of progressive legislation.

Why spend money to advertise the resources of Missouri and invite immigration to our State and at the same time maintain a tax system which tends to keep it away and to drive our people away?

Do we want more population in the State? More population means more buildings, more trade for our merchants, and greater prosperity. It means fewer vacant lands, more and better social and educational advantages. Then why maintain a taxation policy that directly tends to decrease population?

The census returns in Missouri for the last decade showed a decline in population in 71 counties and in 190 cities, towns, and villages. Can any well-informed Missourian truthfully say that this decline was not in a large measure due to our bad, unjust, inequitable, and indefensible methods of taxation?

Most municipalities have vaguely recognized the effect of taxation by taxing dogs on purpose to check an increase in their number, and thus the community is saved from the nuisance of being overrun with dogs.

A tax on dogs checks their increase by making them more costly to possess; likewise a tax on the products and processes of industry makes them more costly, and thus makes them more difficult to purchase, decreasing demand for them and lessening their production.

If a tax on dogs checks their increase, a tax on buildings, on machinery, on furniture, on clothing, and on food will have a like effect on them.

For instance, a tax on building material and on buildings makes them cost more to erect and to hold. Hence a higher price must be charged for their occupancy; therefore, tenants are forced into smaller places.

FEWER BUILDINGS ARE ERECTED,

and fewer artisans find employment on new buildings. In that case the purchasing power of tenants is artificially reduced by taxation, and the building industry is restricted and hampered by it.

Do we want more capital to come into the State to develop our resources? Do we all recognize that this would be a good thing? If so, then why tax this good thing when we know that it is easily removable and can be driven away into more favorable localities, or prevented from coming here in the first place.

Capital is personal property. A tax on personal property is open to other grave objections. History teaches no lesson so emphatically as that it is impossible to collect the personal-property tax with any approximation to fairness and justice. Even the Spanish tyrants, armed with the dreadful machinery of the Inquisition, failed utterly in the attempt to collect this tax. It is a bad tax in the sense that it produces little revenue for the State, with great injury to productive industry. Again, it is a bad tax because it is unequal in its burden and bears heaviest on those least able to pay. And, finally, it is a bad tax because it is

A TAX ON CONSCIENCE

and places a premium upon perjury and evasion.

A poll tax comes in the same class; it is a relic of barbarism and has long ago been discarded by all the progressive nations of the earth. Among the nations still levying this relic of the dark ages are Russia, China, Persia, Turkey, and about 20 of our United States. It is time for Uncle Sam to get out of such company and join the other civilized nations.

All voters in Missouri, outside of the incorporated cities, towns, and villages, are still subject to this relic of barbarism. Comment is unnecessary. If we wish our State to compare favorably with other enlightened communities, we must cease classifying the farmers of the State as property, to be taxed, like cattle, by the head.

All such taxes violate the true principles of taxation; they violate the moral law and the true rights of men and of property. They take by force what belongs to the individual alone; they give to the unscrupulous an advantage over the scrupulous; their discriminating effect is shown in that they serve to increase the price of what some have to sell and others must buy;

THEY CORRUPT GOVERNMENT;

they make oaths a mockery; they throttle commerce; they punish industry and thrift; they lessen the wealth that men should enjoy and enrich some by impoverishing others.

For these reasons this amendment provides for the immediate abolition of all taxes on movable property in class 1, section 1, in the year 1914, and thereafter, and for the gradual removal of taxes on improvements which are partially movable property in class 2, same section.

For like reasons it prohibits the levying of the license taxes on merchants and manufacturers, and also abolishes the poll taxes, which are universally recognized as inequitable, unjust, and indefensible.

THE NATURAL METHOD OF TAXATION.

The question naturally arises, Where shall taxation be placed, and what are the weighty reasons why they should fall on land and franchise values?

In the first place, there is no other place where they can fall. If for sound principles of taxation and of government you abolish all taxes on industry, commerce, and business, then you must tax land and franchise values as the only alternative.

Alexander Hamilton, in advocating the adoption of the Federal Constitution, said: "We must tax land or industry." There is no other choice; all taxes, whatever their name and no matter how disguised, will rest ultimately on one or the other.

Hamilton's statement was not academic, but plain matter of fact. To illustrate, Missouri has 68,000 square miles of plain, hill, forest, and river. On this territory live over 3,000,000 people. Besides the land and the people, there are in Missouri certain roads, bridges, buildings for residence, business, educational, and religious purposes; also machinery, vehicles, furniture, clothing, food, and articles of convenience, luxury, and so forth. In short, in Missouri there is land, people, and the things the people have made or have swapped their products for.

Now, is it not self-evident that to secure a revenue to defray public expense it is necessary to tax either the value of the land or the value of the things made by industry? Clearly, the less land is taxed the more industry must be taxed. The less land is taxed the more easily it can be held vacant. If land is largely held vacant, and industry as a necessary consequence heavily taxed, is it not true that business must carry a double burden? That is, holding land vacant reduces actual, or, as economists say, "effective" supply; and when supply of anything is reduced its cost increases. In such conditions ground rent is artificially raised. At the same time taxes must be increased on industry. Such increase adds to the consumer's cost. All industry is carried on for the benefit of the consumer, and he must, and does, pay all expense. Hence the double burden of artificially increased rent and taxes on industry. Ground rent and industrial taxes are charges on industrial activity. Any policy that raises them is injurious. Any policy that reduces them is beneficial.

But there are other sound reasons to support this policy.

LAND AND FRANCHISE VALUES INCREASE WITH POPULATION.

In the first place, these values are never the result of individual effort. They are due entirely to the presence, necessities, and activities of population. As population increases land values and franchise values increase. With a decrease of population these values decline. They are therefore the product of the community as a whole, and for the same reason that the individual should support himself by what he produces so society or the State should support itself by what it creates.

As society and the needs of organized government increase there is a corresponding increase in the value of land, and therefore the fund from which government should derive its revenue increases; hence both the demands of justice and the dictates of expediency command that we should secure our revenue from that source.

This increase in the value of land has been called the "unearned increment"—"unearned" because the title to land originates in law, not in human toil; "unearned" because the value of such title is the worth of a legal privilege, not wealth "earned" by human labor.

To tax land values, therefore, does not take away from anyone what he has produced. It is merely taxing for the community the values that are created by the community. It leaves the landowner what is truly his, it leaves you yours, it leaves me mine, and it gives to all of us as a community the public revenue which is rightly ours.

Either the legitimate and necessary expenses of the State must be defrayed by the values really created by the whole people, or individuals must be deprived of a part of their legitimate earnings.

If, therefore, we allow the

VALUES CREATED BY THE WHOLE COMMUNITY

to partially escape taxation on the one hand, and on the other exact the products of individual effort to support the Government, we are practically confiscating the property of some individuals for the benefit of others.

This is what we are doing under our present system of taxation in Missouri to the extent of one-half of our public revenues.

Over 40 per cent or upward of 17,000,000 acres of land in this State is being held vacant and out of use, mainly because it is more profitable to hold it for a speculative rise than to improve it.

These 17,000,000 acres of land held vacant in Missouri, together with all the other lands of the State, have doubled in value in the last 10 years. Our present system of taxation directly encourages the holding of this land, vacant and out of use.

Idle lands are useless as producers of wealth. They employ no one; one the contrary, the holding of such lands vacant prevents employment. You can not sell goods to vacant lots. When a vacant lot is occupied and improved, merchants and farmers have a customer, and the consumer increases the demand for production.

ARE LAND VALUES SUFFICIENT FOR THIS PURPOSE?

Undoubtedly. The land and franchise values in this State amount to about $2,200,000,000, which is $500,000,000 more than the present total assessments of all property in the State, and therefore a moderate tax rate will be amply sufficient to defray all the necessary expenses of government.

DOES NOT ABOLISH PRIVATE PROPERTY IN LAND.

This amendment does not raise the question of the abolition of private property in land or its confiscation by taxation as its opponents claim.

Nature, science, and the highest expediency condemn the method of raising public revenue by taxing the products and processes of industry and enterprise, and point to the taxation of land and franchise values as "not only a just method of raising revenue but also as the only just one."—(From Natural Taxation, by Thomas G. Shearman).

TEST FROM EXPERIENCE.

The principles of this amendment have been demonstrated by experience and are no longer dependent on argument merely. Such benefit has been conferred where this system has been applied in Wellington, New Zealand; in Sydney, Australia; in Vancouver, British Columbia; in Edmonton and Calgary, Northwest Canada; and in many of the principal cities of Germany.

Lands increased in value in these cities when all taxes were raised from a land-value assessment. The explanation of the fact is, that upon the removal of taxes on production, men sought those places in preference to others.

The essential feature of this system is, that the removal of taxes from industry, improvement, and personalty invites the investment of new capital and the influx of new laborers. The resulting increase of population, industry, and commerce increases the demand for land, which in turn causes an increased value, more than sufficient to offset the increased tax.

It is an incontrovertible fact that the value of land falls at the places from which people move away and increases in the places to which they go.

People go where industry is free and not taxed, because there it flourishes, and there they can most easily make a living.

Hence the State first applying land-value taxation will gain an enormous advantage over its competitors.

Not only would new capital and labor seek Missouri, if industry and commerce were relieved of unjust tax burdens, but capital and labor already here would find readier and more profitable employment.

Taxes on land values are not taxes on real estate. Real estate and land values are not synonymous terms by any means. Houses, buildings, orchards, and other improvements on land are "industrial wealth," and do not come under the head of land value.

Real estate covers two distinct things: First, land value; second, the improvements thereon.

NO BURDEN UPON HOMES AND FARMS.

It is not true, therefore, to say that land-value taxation will impose a burden upon homes and farms.

The general welfare and prosperity of farmers and home owners in city and country will be greatly promoted by land-value taxation.

THE LARGEST PART OF THE LAND VALUE IS LOCATED IN CITIES.

ONE SINGLE CITY BLOCK ILLUSTRATED.

The block in St. Louis occupied by the Barr Dry Goods Co. is a striking illustration of the enormous values that are produced by the presence, necessities, and activities of a great population. Here is a tract of 1.3 acres which has increased in value from $2,000 in 1817 to a present actual market value of $6,000,000 on the land independent of all improvements, or $4,615,000 per acre. There are 82 counties in this State in any one of which the present total assessed value of real estate is less than the actual market value of this single city block, without improvements.

WHERE LAND VALUES ARE REALLY LOCATED.

Farmers own a large part of the land in the State, but they own little land value. Large land values are located in and contiguous to the cities. The assessed valuation of real estate in cities and towns for the taxes of 1911 totaled $697,695,715, which was 61½ per cent of the total real estate value of the State, whereas the assessed valuation of all acre property aggregated $438,028,815, which was 38½ per cent of the total. But the farmers do not by any means own all of this acre value, because a large percentage of the acreage valuation is contiguous to and surrounding the cities and is not valued for farming purposes, but valued for anticipated city growth. Lead, coal, zinc, and other mines also constitute values that must be deducted from the acreage valuation to form a correct estimate of what is actually held for farming purposes. The late Hon. Tom L. Johnson estimated that the actual land value held by farmers did not approximate more than 20 per cent of the total.

When we take into consideration the small land value of the farmer, together with his compensating exemptions on all kinds of personal property, buildings, fences, orchards, and all unexhausted labor values on the land, it is easy to see that the great majority of farmers will be benefited by this amendment, as well as home owners generally.

Not only is land value to be found in cities, when the whole State is considered, but the same condition is discovered when dealing with a city by itself, as was shown by A. A. Whipple, of Kansas City, in his recent address before the real estate board of that city. Mr. Whipple called attention to the fact that Kansas City has some 65 sections of land, and that the greater part of the business of the city is transacted on but two of these. These two sections, said he, are worth three-fifths of the whole—in other words, are worth 50 per cent more than the other 63 sections. In passing, it may be noted that the two sections pay only two-fifths of the taxes. The owners of the two sections are therefore absorbing the surplus wealth produced by the industry of the whole population.

Mr. Whipple is one of the old, experienced real-estate dealers of Kansas City and has but recently perceived the importance of taxation in its relation to general prosperity.

ECONOMY OF ASSESSMENT AND COLLECTION.

It only needs to be stated to be admitted: First, that a real and true assessment of personal property would be more expensive than the assessment of real estate; second, that the real and true assessment of improvements is more difficult and more expensive than the assessment of land alone; and, third, that much the larger part of the cost of assessment and collection of taxes would be saved by this amendment.

The Missouri State tax commission of 1903 recommended that real estate should be assessed once in four years. If land values alone were assessed every four years under this amendment the assessment expense for a four-year term would certainly be reduced 75 per cent, as compared with a four-year period under the present system.

FACTS FROM CENSUS OF 1910.

The census of 1910 shows that there are approximately 43,985,280 acres in this State, and that 24,581,186 acres, or 55.9 per cent of the total area, were improved agricultural lands.

Making liberal allowance for the areas included in cities, towns, and villages there are more than 17,500,000 acres of wild and unimproved lands, or 40 per cent of the total area.

It is evident that the vacant lands will pay considerably more in taxes and the improved lands will pay much less than they pay now. In addition to this the rural counties will get the benefit of the great saving in the assessment and collection of taxes under the land-value system.

This will stimulate and encourage home building in cities, towns, and country as never before in this State.

REMOVAL OF CONSTITUTIONAL LIMITATIONS UPON TAX RATES.

For many years cities and towns in Missouri have been hampered in their public improvements by arbitrary limitations placed upon the tax rate in the constitution.

The League of Missouri Municipalities was organized about six years ago, and its chief purpose was to work to enlarge or remove the limitations upon tax rates in cities and towns, so that municipalities might have the liberty to make improvements commensurate with the needs of progressive communities. The experience of other States shows that no harm may be expected from the removal of limitations of the tax rates in Missouri. A careful examination of the constitutions of all the States shows that in 22 of them there are no restrictions on tax rates for State, county, school, and municipal purposes. In 19 States there are only partial restrictions.

The constitutions of Alabama, Louisiana, Oklahoma, Texas, Wyoming, and Missouri are the only ones containing limitations on tax rates for all purposes.

The adoption of the taxation amendment will give home rule as to tax rates for local purposes under such laws as the legislature may enact. The general assembly, representing the people, could be relied upon to prevent any abuse of a tax rate for State purposes. As the great majority of people favor home rule in the conduct of local affairs, they will see no occasion to oppose this amendment on the ground that local taxing districts may be permitted to fix tax rates for their own local purposes.

HOW WILL IT AFFECT THE FARMER?

The report of the State auditor for 1910 shows that the farmers pay much more taxes on personal property in proportion to real-estate value than is paid in the large cities. Comparing the 4 city counties in which are located Kansas City, St. Joseph, Springfield, and St. Louis with the other 111 counties, we find that 54.34 per cent of all assessed real-estate values in Missouri are in the 4 city counties. Personal property in these 4 counties amounts to 26.9 per cent of real estate, while in the other 111 counties it is 39.29 per cent. In 14 of the poorest counties in Missouri, where farm lands are worth more than ten times as much as the town lots in those counties, personal property is assessed 60.4 per cent of real estate; so that the poorest farmers

of the State pay over 100 per cent more taxes on personal property than do the richest cities in proportion to their real-estate assessments.

While the 4 city counties have 54.34 per cent of real-estate values of the entire State, they pay taxes on only 26.22 per cent of all "money, bonds, and notes," and the 111 rural counties, with 45.66 per cent of land values, pay 73.78 per cent of the taxes on "money, bonds, and notes."

Such monstrous inequalities are well characterized in an editorial by Herbert Quick, editor of Farm and Fireside, entitled:

OUR COLLAR-BUTTON SYSTEM OF TAXATION.

A movement is on somewhere all the time to exempt personal property from taxation in whole or in part and to concentrate the revenue burden on land values exclusive of improvements. It is at this time in evidence in Missouri and in Oregon. Almost always in these cases the farmers stand out for what we may call the collar-button system of taxation, which seeks to list and tax every blessed atom of property in the community. Just why the farmers should do this is one of the mysteries of human conduct. It would seem that by this time farmers should have learned that they always lose by any law taxing personal property. Money hides. Mortgages and notes disappear across the State lines. Pictures and statuary are beyond the assessor's imagination as to value. Stocks and bonds go to New York for a vacation when the assessor comes around. A $50,000 house doesn't seem much more valuable to the assessor than one of a tenth the cost. But the cattle, hogs, wheat, corn, sheep, hay, barns, fences, silos, and everything else that the farmer owns in the way of personal property and improvements are right before the assessor's eyes. Widows and orphans have their personal property listed in court and can't escape the tax. Hence it becomes true that the only persons who pay personal-property taxes to any considerable extent are widows, orphans, and farmers. The farmers of western Canada like the system of placing all the taxes on land values. They have discovered that the most valuable land in the world and that which bears the heaviest tax is in the cities and not in the farms. The farmers of Missouri should reflect on the fact that with personal property exempted they would be on a basis of equality with the landowners of the city.

The farmers own the least valuable land—the thing which can not be hidden—and most of the personal property which is visible. And yet they go on crying, "Please put the taxes on the things which the other fellow can hide and which I can't hide."

The following two letters lend emphasis to the foregoing:

CALGARY, ALBERTA, *December 4, 1911.*

Mr. S. L. MOSER,
Equitable Taxation League, St. Louis, Mo.

DEAR SIR: At present I am spending a considerable portion of my time on the road, attending meetings of our locals, and I think I can safely say that the question of taxation of land values has taken a strong hold of our farmers here.

At almost every place I go I am asked questions relating to the subject, and in the majority of instances a resolution will be adopted in favor of the measure.

I am informed that the rate payers in Edmonton are more than satisfied with the system. The city of Lethbridge will adopt the same plan next year.

Last summer I sent out a circular letter on the question of the taxation of land values, and from the answers received I can state that 90 per cent of our people would favor this change.

At a convention held at Calgary last week we had a very interesting discussion lasting nearly the whole of one session, and the gratifying part of the whole debate was that at the close the convention, consisting of 150 delegates, placed itself on record as being unanimously in favor of the taxation of land values.

EDW. J. FREAM,
Secretary and Treasurer United Farmers of Alberta.

VALLEY RIVER, MANITOBA, *November 27, 1911.*

Mr. S. L. MOSER.

DEAR SIR: I am a farmer in Manitoba and have been for 20 years; and our laws in regard to taxation, as far as rural property is concerned, are as far advanced as your new constitutional amendments will place you.

If a farmer builds a new barn or paints the old one the assessor may admire it, but never adds a cent to the assessment.

I am told that in some counties the man who paints his home is fined every year till the paint peels off. Were our municipal council to attempt such reactionary taxation, the sarcasm of our people would know no limits.

We greet the assessor as a friend, and not as a spy. He is hail fellow, well met, and any questions he asks are truthfully answered, for they are only asked for statistical purposes, and not for the purpose of fining industry.

I certainly think your most intelligent farmers will support these amendments.

WM. J. BOUGHEN.

TENANT FARMERS BENEFITED.

Tenant farmers can not object to land-value taxation on the ground that it will burden their property. They own no land. Neither tenant farmers nor owning farmers can avoid taxes on personal property, for you can't hide a cow in a safety deposit box, but you can hide a mortgage, money, jewelry, stocks, and bonds.

Tenant farmers pay rent according to the worth of land. Increased taxes on land values do not make the land worth more, and consequently such increase of taxes on land values will not increase rents. But such increase will make it more difficult to hold land vacant. Vacant land put to use does tend to reduce rents. Every farm tenant and a large majority of men working their own farms should support these measures on the ground of self-interest, if for no higher motive.

AN ABIDING PROSPERITY AND A GREATER AND A BETTER MISSOURI

will result by taxing for the community the values that are produced by the community and exempting from taxation the values that are produced by the toil of the individual.

Which is it best to do, to tax those who increase wealth, multiply improvements, extend commerce, or those who hold its land vacant and thus retard industry and commerce?

The most desirable citizens are those who produce the most wealth for the State for each dollar of land value they hold. But under the present system the great weight of taxation falls on these; we punish their progressive spirit and encourage those who hold opportunities idle and unused.

In one word, the indictment against the present system is that the burden of taxation falls not upon the value of the opportunity which a man owns, but on the use that he makes of it. The better the use the more we tax him. The exact opposite of this is dictated by the sound principles of taxation.

TAX NOT INDUSTRY; TAX THOSE WHO PREVENT INDUSTRY.

We want more wealth produced. It is irrational to tax a man for producing wealth. It is absurd to tax those who do the most for the benefit of the State and to tax the least those who have the same opportunity and make no use of it.

Reform in taxation, therefore, is like any other improvement in the arts, industry, or transportation, or any other advance in civilization; it benefits every class of a community, and the landowners as much as any other class. So, true it is, that justice injures no one in the long run, but brings abiding peace and prosperity to all.

Aside from all these points, this amendment is in complete harmony with

THE BILL OF RIGHTS OF OUR CONSTITUTION,

which declares "that all persons have a natural right to life, liberty, and the enjoyment of the gains of their own industry."

All of the exchangeable values of an industrious people fall into two classes: Individual gains, which are personal products, and the community-made gains, in land and franchise values, which are public products.

By the universally recognized right of the producer to his product these publicly created values should be taxed to raise our needed public revenues. Hence every dollar of tax on the products and processes of industry and enterprise, so long as the actual and potential incomes from the "unearned increment" exceeds our public revenues, is unjust and is imposed in violation of our Bill of Rights.

AMENDMENT FOR STATE TAX COMMISSION.

II.

Proposed amendment, by initiative petition, to the State constitution of Missouri, submitting to the legal voters of the State for their approval or rejection at the general election to be held on the Tuesday next following the first Monday in November, A. D. 1912, repealing section 18 of article 10 of the constitution of the State of Missouri and enacting in lieu thereof a new section, to be known as section 18, creating a State tax commission.

Be it enacted by the people of the State of Missouri, as follows:

SEC. 18. The present State board of equalization shall be abolished on January 31, 1913, and in its stead a State tax commission of three members is hereby created, to be appointed by the governor, who shall in the beginning appoint one member for two years, one member for three years, and one member for four years, and all subsequent regular appointments shall be for terms of four years and until their successors are appointed and qualified. The terms of those appointed shall begin February 1, 1913, and the salary shall not be less than $3,600 per year each. No member shall at the same time hold any other State, Federal, or governmental position or office, elective or appointive. It shall be the duty of said commission to see that the laws concerning the assessment of property and the levy and collection of taxes are faithfully enforced; to adjust and equalize the valuation of property among the several counties and the city of St. Louis, and to perform such other duties as may be prescribed by law.

The general assembly shall provide the legislation necessary to secure full and effective compliance with the purpose and intent of this amendment. Nothing in this amendment shall be construed to limit the initiative and referendum powers reserved by the people.

REASONS FOR ADOPTION.

This amendment creates a permanent State tax commission.

No matter what any citizen may think about the different systems of taxation, he should be in favor of having the laws, whatever they may be, faithfully and impartially enforced, and this is the object of creating this tax commission.

Many of the evils of our present tax system could be removed, or at least alleviated, by a permanent commission of experts to supervise and systematize the work of local assessors and give the local assessor advice based on technical knowledge and training.

In Missouri we had a special tax commission in 1903 to investigate the whole subject of taxation impartially, and in their report they strongly recommended the creation of a permanent tax commission, as follows:

This commission believes that the most important recommendation it can make and the best thing that can be done to improve our tax system under our constitution is to create the office of State tax commission, with broad supervisory powers over local assessing officers and boards.

In other States the results of this supervision have fully justified the creation of the office, and the increase in the revenue has been far greater than the expense incurred, and local assessors have been more efficient, the amount of property listed for taxation has been greatly increased, and the inequalities and discrimination have at least been reduced.

The Minnesota commission says:

The experience of Indiana, Michigan, and other States visited by the commission will leave no room for doubt as to the wisdom of providing for a permanent tax commission.

In Missouri the State board of equalization is an ex officio body, composed of the governor, the secretary of state, the attorney general, the auditor, and the State treasurer.

The time of these officers is fully absorbed with other official duties. Long experience demonstrates the fact that a per-

manent tax commission composed of specialists in this line of work is necessary, in the words of the report referred to—

to visit the different counties; advise, confer with, and instruct the assessing officers; to inspect the work of assessment and see that a proper basis of valuation is adopted and enforced; and to represent the State, or see that it is properly represented, before such boards, and see that the assessors follow the requirements of the law.

In other States permanent State tax commissions have taken the place of State boards of equalization similar to the one in Missouri.

It has been urged as an objection against this amendment that it provides for the appointment of this tax commission by the governor, instead of having them elected by the people, the idea being that they would be more responsible to the people if elected by them.

This objection has no valid foundation, because the people elect the governor and hold him responsible for his administration, and the tax commission that he appoints will be responsible direct to him and under his supervision every day, whereas, responsibility to the people means that if they are not satisfied with them at the end of their term they can elect others in their place. In short, it means that responsibility once in four years and not every day, because at all times the people of the State are too busy to directly look after their less important officials

It has been further urged against this amendment that this tax commission would have dictatorial power over taxation. This is not true. Their only power will be to see that the laws relative to assessment will be fairly and impartially obeyed. They will have no power over the rates of taxation, nor will they have anything to do as to fixing the amount to be raised by taxation. These matters will be in the hands of the general assembly for State purposes, and in the hands of the local officials elected by the people for local purposes, according to the principle of home rule in taxation. The only power that the tax commission will have is to bring about a fair and impartial assessment, and this is bound to be just and beneficial to every locality.

The facts set forth in the report of the Missouri State Tax Commission of 1903 should insure the adoption of this amendment by an overwhelming majority.

CONSIDERATE JUDGMENT URGED.

In conclusion, we believe these amendments to be not only measures of justice, but of the highest expediency and practicability; and upon them we confidently invoke the calm and considerate judgment of our fellow citizens, and earnestly invite their hearty cooperation to secure their adoption.

FARMERS AND TAXATION.

Reasons have for some time been cropping up to indicate that the traditional hostility of farmers to the single tax is not in all instances attributable to misapprehension. Some farmers have seemed to understand quite clearly that the single tax, while a good thing for the farming business, would be a bad thing for speculation in farming land. Such of these as either make money or hope to make money, not out of farming but out of higher prices per acre for farms, have reason to be averse to the single tax. But that such farmers are not farmers was pretty clearly shown in a recent issue of Carlson's Breeders' Review.

It seems that Carlson's Review—we are quoting from the editorial page of the Chicago Record-Herald of July 11, 1912—was not satisfied with the higher credit ratings that farmers have been getting. So it set on foot an investigation which showed that this agricultural prosperity is due, not to profits from farming but to profits resulting from speculation in land. As the Breeder's Review is a Nebraska publication, it confined its specific inquiries to Nebraska, but it declared that the same conditions prevail in the United States as a whole. "If from the total farm producton of the United States we deduct the cost of labor, farm management, and interest on the investment," says the Breeders' Review, "we will find the balance on the wrong side of the account. It will not be necessary to charge the crop with the upkeep of the farm, seed grain, feed for work animals, breaking of tools and machinery, labor of the family, insurance, and a score of other necessary costs, in order to show a loss." Prosperity among farmers is then traced to men who are "good judges of property values," and to their speculative, not their farming, abilities. The value of farming land has increased enormously, the Review explains, adding, what is doubtless true, that farm land "is already too high in price from the standpoint of what it is now producing."

It is not from production but from land speculation that farmers get rich. But when they get rich in that way they usually retire to town or city, leaving tenants or "hands" to do the producing, while they themselves take ground rents in higher rent from tenants, or lower wages to "hands," or through some subtle process of "higher cost of living" for both, and then make the welkin ring with outcries against the single tax because "it will hurt the farmer." Some farmers can prosper in this way, but as landlords and not as farmers. The single tax would surely weed them out. But they are few at best. Their interest is not the tenant-farmer's interest. Their interest is not the farm "hand's" interest. Their interest is not the interest of farmers who own and work their farms, and make their money, if they make any, by being good producers of foodstuffs instead of "good judges of property values." It is "a long shot" for working farmers to get money out of increase in the value of their acreage. "Farmers" who succeed at that game are not of the working kind, as a rule, except as they "work" others.

Further in the course of its investigation mentioned above, Carlson's Breeders' Review says of Nebraska that "it would not be a difficult matter to double the per acre yield throughout the State," by "better seed, better tillage of the soil, better cultivation, more fertility, less waste from insects, and the present system of marketing, and more and better live stock." No doubt this is approximately as true anywhere as in Nebraska. But suppose it was done. How much better off would farm "hands" be? How much better off would farm tenants be after their leases expired? And farm owners, what about them? Would they be better off or worse off if they paid increased taxes on all their larger product, as tax laws now require, or only on the raw land value of their farms, as the single tax would require? As the Breeders' Review says, "farming in the United States will never be generally profitable until" farmers "know the difference between profits resulting from actual production and the margins of a speculation." But when farmers know this difference, no farmer who farms a farm will be averse to the single tax. Every working farmer then will know that taxation of land values means taxation of land monopoly, and that exemption from taxes on production means exemption of farming from all taxation.

THE SINGLE TAX IN CANADA.

In reply to inquiries made by E. F. Allen, of Kansas City, Mo., the following letter of June 1, from F. S. Watson, of Watson & Co., real estate agents of Edmonton, Alberta, explains the tax reform in operation there:

The single tax system has been in operation here for the past five years, and I would say that it gives entire satisfaction. I have yet to meet the business man who is opposed to it as it is working out here. At first we had a business tax extra little different from that in the States; that is to say, so much per square foot, the amount varying for different lines of business. This has now been done away with and all taxes put on land. The only other taxes we have are a few licenses such as dog license, milk license, and carter's license, and other lines of business which require special regulations.

At the last session of the Provincial Parliament they adopted an act putting the whole Province under single tax. I will send you a copy of this act as soon as I can get it. A number of fair-sized cities and towns in the Province have adopted the system, and I inclose a little paper from Toronto which shows the movement in Vancouver and Victoria and also in Ontario, although the present premier, a Conservative, is opposed to it.

You will notice that a petition is in from all the cities and towns, and also practically all trade-unions and other bodies have applied for it. I have no doubt that if it were put to vote it would carry.

General Deficiency Bill.

EXTENSION OF REMARKS
OF
HON. ADOLPH J. SABATH,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. SABATH said:

Mr. SPEAKER: Whenever I see a Republican Member rise to address the House, I am reminded of one of the instructors in the law school I attended and of the advice he volunteered to our graduating class. He was at that time considered one of the cleverest and shrewdest lawyers of the country.

The advice referred to, though not appealing to me, is made excellent use of by the Republican Members of this House. He said:

That whenever in trying a case before a jury they found the law against them they should argue upon the facts; and if the facts and evidence were against them to argue the law; and if the law, evidence, and facts were all against them, then to criticize the opposing counsel, the judge, and, if possible, the witnesses of the other side, tell stories, orate on the history of our country; and in fact do anything and everything to cause the jury to forget the evidence, the law, and the facts in the case.

So it is with our friends who are obliged to defend the cause of the Republican Party. Finding themselves in a position where the evidence, the facts, and their own acts are against them, and where they have nothing that would commend their party, platform, or candidate to the country, they adopt the tactics recommended by this instructor, viz, try to find fault with their opponents in an endeavor to make the people forget the true facts of their case. Recognizing that they can not justly attack the splendid record of the Democratic Party, and realizing that the American people appreciate our honest efforts in their behalf to relieve them from the intolerable conditions brought about by Republican misrule, they proceed to attack our candidate for President, the Hon. Woodrow Wilson, the great governor of the State of New Jersey and foremost citizen.

I regret that this difficult and unpleasant task has been assigned to my colleague from Illinois, my own State, but they were obliged to select a shrewd and courageous man, one who is a leader and ever ready to serve his party, no matter how disagreeable the task might be. In his eagerness to demonstrate his bravery and loyalty to standpattism and republican-

ism, he cares not how much he misinterprets the passages in our candidate's History of the American People. The fact that he would read in his speech only parts of paragraphs which might easily be misconstrued or misunderstood by those who do not wish to understand them, did not deter him. Looking neither to the left nor to the right, he boldly forged ahead, endeavoring to find something with which he might prejudice the minds of our citizens.

That the Republicans have chosen wisely in selecting him for this task no one doubts, for there are few men on their side who are more willing to render themselves up for sacrifice in order to serve the interests of their party—if we may still call it such—than he is. He has at all times demonstrated his devotion to the cause of standpattism and his friendship for Cannonism and all it stands for.

Before each and every election his party supplies our foreign-born citizens with an abundance of specially prepared literature, setting forth its great friendship for them, and Republican campaign speakers shed crocodile tears in sympathizing with them; but, oh! what a difference in the morning after the election.

For years and years the Republican Party misled these people into believing that it has made possible for them to enter our hospitable shores. For years it has made them believe that the Republican Party is the one that has protected them and is therefore entitled to their votes.

Mr. Speaker, I regret to say that thousands upon thousands of foreign-born citizens, believing the Republican Party to be honest, voted the Republican ticket, voted for the Republican candidates, thinking and believing that the Republican Party stood for what it advocates—that it actually stood for a broad and liberal policy, for humanity, for justice and equity. They were led to believe all this through the agency of a subsidized press. Is it therefore to be wondered at, that a large number of these men have been misled into voting the Republican ticket, when thousands upon thousands of our American-born citizens, for whom we claim the highest standard of intelligence, have similarly been imposed upon and misled for years and years in the same manner?

Is it surprising that the Republicans now again are employing their usual tricks and are again endeavoring to practice deceit upon these thousands and thousands of well-meaning, honest people? Oh, no; the Republicn Party, as ever, will stop at nothing to accomplish its purpose; and to secure this vote it matters not how much it may be obliged to misstate and misquote in its effort to mislead the people. The Republican Party, ever since it adopted the policy of serving and protecting the "interests," has betrayed the confidence reposed in it, alike by the naturalized and native-born citizens, and has not been and surely is not now entitled to the votes of the American people, whether native born or of foreign birth or of foreign parentage.

My colleague in his speech in this House on the 26th of July showed great solicitude for the welfare of the foreign-born citizens, especially those coming from the southern part of Europe, and read into the CONGRESSIONAL RECORD extracts from our candidate's "History of the American People."

The gentleman from Illinois finds fault with a few lines of a passage in our candidate's "History of the American People," which read as follows:

> * * * Now, there came multitudes of men of the lowest class from the south of Italy, and men of the meaner sort out of Hungary and Poland. * * *

Why is it that the gentleman from Illinois did not read the entire paragraph? Why did he not read the first nine lines? I can answer for him. It was because he did not desire that the people reading his speech—5,000,000 copies of which have been ordered printed by the Republican Party for use as a campaign document—should have the truth, because, following the well-known tradition of the Republican Party, his aim is to cloud the issue, to try and prejudice the minds of foreign-born citizens, and to divert attention from the nefarious history of the Republican Party's domination by the selfish, corrupt, and corrupting "interests."

For the benefit of the House, as well as the people of this country, I will read the other portion of the passage which the gentleman from Illinois purposely omitted. It reads as follows:

> The census of 1890 showed the population of the country increased to 62,622,250, an addition of 12,466,467 within the decade. Immigrants poured steadily in as before, but with an alteration of stock which students of affairs marked with uneasiness. Throughout the century men of the sturdy stocks of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of the country, or else men of the Latin-Gallic stocks of France and northern Italy.

It is plain that the gentleman from Illinois did not desire that the foreign-born citizens should be acquainted with the complimentary comments of Gov. Wilson on the immigration which every year "added to the vital working force of the country." Oh, no! He read only that portion of the passage which his ingenuity could easily misconstrue, having no desire to make a fair presentation of what was in the mind of the writer.

But, Mr. Speaker, I shall not waste the time of the House in an attempt at explaining what was in the mind of our candidate when he penned the lines just read and those quoted and so sedulously distorted by the gentleman from Illinois. We live in a time when deeds, not words, count. Therefore I will put against the words written 10 years ago the matchless record of the deeds accomplished by Woodrow Wilson, the governor of the State of New Jersey. And in doing so I need not have recourse to the methods of the gentleman from Illinois; I will not extract words from their context and endeavor to give them a meaning that was never intended, but I will let the New Jersey State Federation of Labor speak for itself. The gentleman from Illinois who proclaims so loudly his friendship for labor unions will admit that no better authority can be found than the resolutions of the body just referred to.

Long before this campaign opened, to be exact, on February 21, 1912—mark the date, for I am not misquoting ancient history—the New Jersey State Federation of Labor went on record in the following terms:

WILSON AND LABOR.

A special dispatch from Trenton to the Hoboken Observer on February 21, 1912, shows what the New Jersey Federation of Labor thinks of Woodrow Wilson.

At a session held in this city yesterday afternoon members of the executive committee of the State Federation of Labor went on record as indorsing the administration of Woodrow Wilson as governor of New Jersey, passing resolutions to that effect.

The action of the committee followed a meeting with the governor, at which pending labor bills were discussed. Those present were: Assemblyman Cornelius Ford, of Hoboken, president of the State Federation of Labor; Henry F. Hilfers, of Newark, secretary; Joseph O'Lone, of Hoboken, treasurer; F. Leroy Skillman, of Newark; James Matthews, of Paterson; and Henry Hebeler, of Newark, members of the executive committee. The resolutions in full were as follows:

Whereas information has reached the workers of New Jersey that efforts are being made to place His Excellency Gov. Wilson in a false position as to his attitude toward organized labor; and

Whereas so as to give semblance to this movement certain portions of a baccalaureate address made by Gov. Wilson to the students of Princeton College are being quoted; and

Whereas since his inauguration into office as governor of New Jersey His Excellency Woodrow Wilson has by his attitude and actions demonstrated his friendship to the toilers of our State; and

Whereas organized labor would be derelict in its duty if it allowed to pass this opportunity to show appreciation for services rendered the workers of New Jersey; and

Whereas during the 1911 session of the New Jersey Legislature, his excellency, Woodrow Wilson, governor of New Jersey, not only affixed his signature to all measures favorable and advocated by the organized workers of New Jersey, but used his good offices to have enacted into law measures of great benefit to labor; and

Whereas among the many beneficial laws passed by the legislature of 1911, and signed by the governor, 16 were of vital interest to the wage earners of New Jersey, and are as follows:

CHAP. 24. Fire-escape law amending factory laws and placing New Jersey in the vanguard of States in the protection of workers in factories and workshops.

CHAP. 42. Regulating employment agencies and licensing the same.

CHAP. 94. Making a misdemeanor the improper influencing of labor representatives or foremen.

CHAP. 95. Employers' liability and compensation act.

CHAP. 136. Prohibiting the employment of children in mercantile establishments during school hours; providing for a 58-hour week and prohibiting children under 16 years to work between the hours of 7 p. m. and 7 a. m.

CHAP. 198. Appointment of commissioners on old-age pensions and old-age insurance.

CHAP. 206. Providing for the safety and health of foundry workers by minimizing drafts and doing away with noxious gases, etc., by exhaust fans in foundries in this State.

CHAP. 210. Increasing factory inspectors to the number of 6 (making in all a total of 17) for the better enforcement of factory and workshop laws.

CHAP. 243. Eight-hour day on State, county, and municipal work.

CHAP. 273. Providing for at least one half-hour mealtime for six continuous hours of labor.

CHAP. 307. A plumber's license act.

CHAP. 327. Providing for sanitation in bakeshops, etc., and also compelling the licensing of same.

CHAP. 363. Prohibiting the employment of persons under 21 years in first-class cities and 18 years in second-class cities as telephone or telegraph messengers, between the hours of 10 p. m. and 5 a. m.

CHAP. 271. A semimonthly pay act for railroad employees.

CHAP. 372. Eliminating contract labor in penal institutions and providing for a State-use system: Therefore be it

Resolved, That the executive board of the New Jersey State Federation of Labor, representing the organized workers of New Jersey, in regular session assembled this 13th day of February, 1912, at Trenton, N. J., hereby commend his excellency, Gov. Woodrow Wilson, for his unremitting and untiring efforts in assisting to bring about better conditions for the wage earners of New Jersey; and be it further

Resolved, That the administration of Gov. Wilson be indorsed by the New Jersey Federation of Labor, and that copies of these preambles and resolutions be forwarded to Gov. Woodrow Wilson, the public press of New Jersey, and the various labor organizations throughout the United States.

CORNELIUS FORD, *President*.
HENRY F. HILFERS, *Secretary*.

Can there be any more unqualified indorsement of the recent deed—not the distorted words of 10 years ago—than the resolutions I have just read? They show Gov. Wilson to be in the forefront of those leaders of men who appreciate that the prosperity of this country, no matter how great it may be, is an empty shell unless it is based upon the welfare and contentment in all respects of the laborer, whose lot has been rendered hard and weary by the party of the interests—the Republican Party.

Further, let us listen to the penetrating words of this great mind upon the true meaning of what the Republican Party calls prosperity. In his speech of acceptance of August 7, 1912, he said:

MOST PEOPLE GROWING POORER THOUGH EARNINGS INCREASE.

For what has the result been? Prosperity? Yes, if by prosperity you mean vast wealth, no matter how distributed or whether distributed at all or not; if you mean vast enterprises built up, to be presently concentrated under the control of comparatively small bodies of men, who can determine almost at pleasure whether there shall be competition or not. The Nation as a nation has grown immensely rich. She is justly proud of her industries and of the genius of her men of affairs. They can master anything they set their minds to, and we have been greatly stimulated under their leadership and command. Their laurels are many and very green. We must accord them the great honors that are their due, and we must preserve what they have built up for us. But what of the other side of the picture? It is not as easy for us to live as it used to be. Our money will not buy as much. High wages, even when we can get them, yield us no great comfort. We used to be better off with less, because a dollar could buy so much more. The majority of us have been disturbed to find ourselves growing poorer, even though our earnings were slowly increasing. Prices climb faster than we can push our earnings up.

And in that same speech, in proof of the worthiness of the confidence placed in him by organized labor of his own State, he gave utterance with resonant ring to these words:

The so-called labor question is a question only because we have not yet found the rule of right in adjusting the interests of labor and capital. The welfare, the happiness, the energy, and spirit of the men and women who do the daily work in our mines and factories, on our railroads, in our offices and marts of trade, on our farms, and on the sea is of the essence of our national life. There can be nothing wholesome unless their life is wholesome; there can be no contentment unless they are contented. Their physical welfare affects the soundness of the whole Nation. We shall never get very far: the settlement of these vital matters so long as we regard everything done for the workingman, by law or by private agreement, as a concession yielded to keep him from agitation and a disturbance of our peace. Here, again, the sense of universal partnership must come into play if we are to act like statesmen, as those who serve, not a class, but a Nation.

The working people of America—if they must be distinguished from the minority that constitutes the rest of it—are, of course, the backbone of the Nation. No law that safeguards their life, that improves the physical and moral conditions under which they live, that makes their hours of labor rational and tolerable, that gives them freedom to act in their own interests, and that protects them where they can not protect themselves can properly be regarded as class legislation or as anything but as a measure taken in the interest of the whole people, whose partnership in right action we are trying to establish and make real and practical. It is in this spirit that we shall act if we are genuine spokesmen of the whole country.

The high cost of living is arranged by private understanding.—(From Gov. Wilson's speech of acceptance, Aug. 7, 1912.)

Favors are never conceived in the general interests; they are always for the benefit of the favored few.—(From Gov. Wilson's speech of acceptance, Aug. 7, 1912.)

And if this does not cover with confusion the gentleman from Illinois for his attempt at misleading the laborers of this country, let me quote Gov. Wilson again, giving this time his views upon convict labor:

[From a letter written last February to E. C. Davison, of Virginia.]

The system of leasing criminals' work for manufacturing purposes to private contractors has been tried in recent years and we think the results have been most undesirable. I was glad to take part in the abolition of the system.

My esteemed colleague also attempts by his resourceful innuendo, of which he is such a master, to mislead the country into the belief that our candidate, in expressing his views about Chinese labor, is particularly the friend of the Chinese, and he would have you believe that Gov. Wilson has praised the skill and intelligence of the Chinese at the cost of our own workmen. Mr. Speaker, I yield to no man in my admiration for the superior skill and intelligence and acumen of the American laborer, through whose efforts the commanding position of this great industrial Nation has been firmly established. I firmly believe that it is these qualities that have in large measure brought about the industrial supremacy which we now enjoy. But in common with Gov. Wilson I am not so bigoted as to assume that the workmen of other nations are not also possessed of some intelligence. Even the greatest enemy of the Chinese is forced to admit that skill and intelligence is so peculiarly the characteristic of the Chinese that, combined with their willingness to work at low wages and their ability to live at a lesser cost than the American laborer, the latter can not compete with him, and that therefore we must keep our doors closed to the Chinese. That is all that Gov. Wilson's words can be made to mean to anyone who has the rudimentary intelligence required to grasp the significance of his clearly expressed thought. Though I am in favor of liberal immigration, I have at all times worked to strengthen the Asiatic and Mongolian restriction law and shall continue to do so and to insist upon its enforcement.

I am satisfied no fair-minded man will misconstrue this passage from Mr. Wilson's history. He clearly shows that he is in favor of the Chinese restriction laws, and is thus opposed to Chinese immigration.

Mr. Speaker, I am free to say that I went to Seagirt recently uncertain as to whether I could support Gov. Wilson, except in a perfunctory manner. I was particularly anxious to hear our nominee's explanation of the charges which have been made in the preconvention campaign, when his enemies tried to make capital out of a passage in his "History of the American People," in an effort to prejudice the voters of foreign birth.

After talking with Gov. Wilson for over half an hour, I came away entirely satisfied with the governor's views on immigration questions. In a statement given out to the press I said:

Not only shall I vote for Gov. Wilson, but shall do everything in my power to aid in securing his election. He is broad minded enough for me; in fact, I have the utmost confidence in him. He has made a wonderful impression on me, and I consider him a great man, and from our past experience we know that great men are at once broad, liberal, and humane. I deplore very much the fact that there are people who permitted themselves in the heat of the campaign to so unjustly criticize Mr. Wilson and deliberately misconstrue his statements.

The above newspaper interview quotes me correctly. I am satisfied that he is not prejudiced against foreign-born citizens or immigration. He made that absolutely clear. Of course he is opposed to contract labor, but so am I, and so are we all. He is opposed to the stimulation of immigration by the Steamship Trust; so am I. He favors the exclusion of idiots, imbeciles, feeble-minded persons, epileptics, insane persons, professional beggars, persons afflicted with tuberculosis or with loathsome or dangerous contagious diseases, criminals, crooks and thugs, polygamists, anarchists, prostitutes, or those coming to this country for prostitution or other immoral purposes, and all others coming here for any unlawful purpose, and so do I.

On the other hand, I feel satisfied that he has the highest regard for our foreign-born citizens, no matter from what European country they may come, if they come with the honest intent to become law-abiding citizens. He recognizes fully that one of the great factors in the upbuilding of this country has been the great number of sturdy, honest, and patriotic foreigners who have immigrated to our shores. Here, again, I will let him speak for himself, which, with his rare facility for nicety of expression, he can do far better than any paraphase I may make. On March 13, 1912, he wrote to Mr. Pietrowski, the city attorney of Chicago, as follows:

MY DEAR MR. PIOTROWSKI: I remember with pleasure meeting you when I was in Chicago, and esteem it a privilege to reply to your frank and interesting letter of March 11.

My history was written on so condensed a scale that I am only too well aware that passages such as you quote are open to misconstruction, though I think their meaning is plain when they are fairly scrutinized. No one who knows anything of the history of Europe can fail to be familiar with the distinguished history of the Polish people, and any writer who spoke without discrimination of members of that nation as constituting an undesirable element in population would not only be doing a gross injustice, but exhibiting a great ignorance. I did not know all of the facts you so interestingly set forth in your letter, but I did know in a general way of the honorable and useful careers the Polish citizens of America and the self-respect and steady achievement of the Polish communities which have been long established in various parts of the country. In the passage quoted from my history, I was speaking of a particular time when it had become the practice of certain employers on this side of the water to import large numbers of unskilled laborers, under contract, for the purpose of displacing American labor, for which they would have been obliged to pay more. They were drawing, in many cases, upon a class of people who would not have come of their own motion, and who were not truly representative of the finer elements of the countries from which they came. It was, of course, never in my mind to compare the normal immigrant from Europe with the Chinese laborer. Indeed, I had no discrimination in mind, which involved anything more than calling attention to the fact that whatever might be the merits of the question as to the admission of Chinese into this country from the point of view of general public policy, the labor of the Chinese had been intelligent and extremely useful in many fields which they had been permitted to enter.

I know that a just and thoughtful man like yourself will pay no attention to the miscellaneous misinterpretations which have been put upon the passage referred to, and that you will have already interpreted my meaning as I have here endeavored to interpret it.

Your letter has very graciously afforded me an opportunity to make this explanation.

Cordially and sincerely, yours, WOODROW WILSON.

Letter received by me from Gov. Wilson after he has been informed of the contents of my letter to Mr. Dongress:

SEAGIRT, N. J., *August 20.*

Hon. ADOLPH J. SABATH,
House of Representatives, Washington, D. C.

DEAR MR. SABATH: It is very gratifying to me that after our conversation on the subject you should have felt so assured of my friendship for our large foreign-born population as to lead you to advise

them that my election to the Presidency would be best for them as well as for all other citizens who are looking to rescue this Government from privilege and open wide the doors of opportunity in America alike to the worthy immigrants who come here to find larger liberty and to those who were born in America. The Democratic Party could not without forgetting its very origin advocate an illiberal policy in the matter of immigration. The party may almost be said to have originated in opposition to the alien and sedition laws by which the Federalist Party sought to all but shut the doors against naturalization and at the same time silence the criticism of our people against their Government. America has always been proud to open her gates to everyone who loved liberty and sought opportunity, and she will never seek another course under the guidance of the Democratic Party. I am in hearty accord with the ancient faith and practice of the party that has honored me by nominating me for President. There must be regulation of immigration. Criminals must not be admitted. Those who are diseased or defective must be excluded in order to safeguard the physical integrity of our people. Neither can we receive those who are unable to support themselves. And we should see to it that those who come are not unfitted to enter into the life of the country. The necessary limits have been recognized again and again in such legislation. There was a time when through the efforts of steamship companies and of men who wished to bring over those whom they could at once use and impose upon there were brought into the country by the thousands men whom it was demoralizing to receive. But timely legislation stopped that. Sound and honest men and women out of every one of the great European stocks, who come of their own volition and make homes for themselves are welcome amongst us, no one can justly criticize our laws if only those who are sound and honest are admitted. Debased men and men of an unserviceable kind may come out of any race or stock, but America has enriched her genius, has made it various and universal, as she has renewed herself out of all the ancient peoples, from Norway to Italy, and the rich lands of the Mediterranean who have the literature and history of the world.

Cordially and sincerely, yours, WOODROW WILSON.

Again, on April 10, 1912, he wrote to Mr. Gus Copetas, of Pittsburgh, Pa., as follows:

MY DEAR MR. COPETAS: I am sincerely obliged to you for your fair and friendly letter and am glad to assure you that you have conjectured truly. Nothing that I have ever said or thought could be tortured into any such interpretation as that which has been ascribed to me in regard to foreigners coming to this country, except by those whose deliberate intention it is to misrepresent my views and to put me in a false light in respect to truth and justice.

All the world knows the extraordinary distinction of your people in the history of liberty. It would be a very stupid and a very ignorant man who could hold any opinion that questioned their high place in the history of self-government.

If the reference is to a passage in my history often misquoted and distorted, I can only say that no man who understands the meaning of the English language could reasonably put such an interpretation upon it.

WOODROW WILSON.

And about the same time he again went on record with respect to our Italian, Hungarian, and Polish fellow-citizens as follows:

MY DEAR MR. AYLWARD: He must be a very ignorant man who does not know the distinction attaching to the history of the great Italian people and of the Hungarian and Polish nations, which, through so many generations, have made a gallant struggle to maintain the rights of man, and who have, in the process, developed so many qualities that entitle them to the respect of the world. I have never for a moment regretted that our great composite nation was enriched by the blood of these peoples.

No well-informed man can question this fact or censure the criticism which was based upon it, and I am sure that the leaders of the Polish, Italian, and Hungarian citizens of this country will be the first to recognize the malicious injustice which has been done me by putting my views in any other light.

Cordially, yours, WOODROW WILSON.

And the Rev. Paul Rhode, the only Polish bishop in the United States, has given his unqualified indorsement of Gov. Wilson on the part of his fellow countrymen who are now citizens of the United States, as follows:

Polish-Americans who have had the pleasure of listening to Gov. Wilson's speeches feel that the meaning of passages in his History of the American People, to which exception was taken, has been largely misconstrued. I am glad that Gov. Wilson, who in all respects has the esteem of our citizens of Polish birth and extraction, took occasion to explain his mind himself in the proper light with our people.

Mr. Speaker, my colleague and the party whose spokesman he is have made one mistake amidst the great confusion which prevails in their own midst. They have lost the power to read the signs of the times; they failed to realize that they can no longer play upon the mere passions of the foreign masses; they have underestimated the intelligence of the foreign elements, who have become potent factors in our intellectual, social, and political life, and to prove my assertion I desire to read the following, which speaks for itself:

We, the members of the Italian Woodrow Wilson Club of Buffalo, N. Y., feel it incumbent in a measure to explain the reasons for our organization.

We, as Italian citizens of Buffalo, feel that an injustice has been done to one of the most worthy educators and statesmen of the United States by misrepresentation.

It is our opinion that a certain individual and newspaper believe that the average Italian citizen is not competent to judge and interpret the real meaning and intent of writings and public utterances of historians and statesmen.

The Italian residents and citizens of this city believe that their fatherland has produced as worthy men of letters as any nation, and we can not be misled by part quotations of any man's writings or utterances.

It is possible that the average American citizen thinks that the Italian people of the United States does not keep in touch with the general doings and progress of the Nation. It is just possible that we are as well posted as any other nationality.

We realize that the Hon. Woodrow Wilson, by his acts and administration as governor of the sovereign State of New Jersey, has done as much as any American statesman in the interest of the working people.

The favorable labor legislation secured through his efforts and the administration that has been for the benefit of the working class has been highly beneficial to our nationality, who comprise about 40 per cent of the workers in New Jersey.

The Italian citizen believes he is competent to judge his friends, and is a great believer in acts that count for something instead of mere promises: So be it

Resolved, That we, the Italian citizens of the Woodrow Wilson Club, of Buffalo, here assembled, tender to the Hon. Woodrow Wilson our hearty support in his canvass for the Democratic nomination for President; and be it further

Resolved, That the secretary and president be instructed to forward a copy of this preamble and resolution to the Hon. Woodrow Wilson.

The officers of that club are well-known Italian residents of that city.

I also wish to insert here a signed statement of Mr. Wilson's views on foreigners and foreign immigration, which he gave to the editor of a Hungarian newspaper in New York City on July 22 last:

I believe in the reasonable restriction of immigrants, but not in any restriction which will exclude from the country honest, industrious men who are seeking what America has always offered, an asylum for those who seek a free field. The whole question is a very difficult one, but I think it can be solved with justice and generosity. Anyone who has the least knowledge of Hungarian history must feel that stock to have proved itself fit for liberty and opportunity.

"I never have had any objection to sound immigration from any country," he said, and being asked just how he defined sound immigration, he said he referred to the coming of honest men and women from other lands whose presence in the United States is not calculated to interfere with the health and moral conditions of this country.

And now let us see by what right the Republican Party can claim or expect to receive the votes of the foreign-born citizens.

Mr. Speaker, ever since the Republican Party has been in existence, with only two exceptions, and those during Lincoln's administration, it is on record as being in favor of restriction of immigration; yes, even before it was born—while it was being hatched. One of the strongest reasons for its organization was the opposition to foreign people; for, is it not the residue of the Nativistic, Whig, and Knownothing parties, from which it was created?

The gentleman from Illinois states:

That the platform of principles adopted by a political party and on the strength of which the candidate appeals for popular support is in no sense a true index of the candidate's worth or of his fitness for the office to which he aspires. In this enlightened day and age, when the standard of general intelligence is higher than it has ever been, the personality of the candidate becomes, in a very large measure, the true platform of his party. The people are more vitally interested in ascertaining the honest convictions of the candidate, formed in a time of sober and mature reflection, uninfluenced by ambition or hope of political preferment, than they are in any professions or promises contained in a platform which they know has been constructed solely to meet the exigencies of practical politics.

Notwithstanding the fact that he properly places no credence in his party platform, I wish to quote the following from the Republican platform of 1892:

We favor the enactment of more stringent laws and regulations for the restriction of criminal, pauper, and contract immigration.

Who did they mean; the present immigrants? Surely not; in those days there was hardly any immigration from southern Europe.

Again we read in the Republican platform for 1896 the following:

We demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

So 16 years ago the Republican Party went on record in no uncertain terms as being opposed not only to those who can not read, but also to those who can not write. They do not seem to realize that if this had been the law 50 years ago thousands of people whom we are proud to number among our most influential citizens would still be in Europe.

Do they not know that our present law excludes from admission into the United States all—

idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been con-

victed of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe.

I will show a little later on that the clause "liable to become a public charge" is disbarring thousands upon thousands each year. What else does the Republican Party desire? How much further does it wish to go in the matter of restrictive immigration. The following is taken from the Republican platform of 1908:

In the further interest of American workmen we favor a more effective restriction of the immigration of cheap labor from foreign lands.

Oh, is it not remarkable? What a profound interest the Republican Party manifests in the American laboring men before election! This would benefit the laboring men about as much as the high tariff.

And again the following is from their platform of 1912:

We pledge the Republican Party to the enactment of appropriate laws to give relief from the constantly-growing evil of induced or undesirable immigration, which is inimical to the progress and welfare of the people of the United States.

I would like very much to have the gentleman from Illinois inform me to whom they refer when they speak of "undesirable immigration which is inimical to the progress and welfare of the people of the United States." Why does not my esteemed colleague appeal to his party for fair treatment of these people if he desires to secure their votes?

The gentleman from Illinois, of course, argues in his speech that we must look to the men that we nominate and not to the platform of the party, which is a clear admission that the Republican Party is not honest. This, Mr. Speaker, is nothing new. We have maintained for years and years what the gentleman now admits, viz, that the Republican Party never did live up to its promises and its pledges made in the national conventions assembled, and we know, and the people of the United States begin to know, that they never will. As an example of this, let us recall the solemn pledges to reduce the tariff which they made in 1908, and subsequently their total disregard of these pledges. Can they expect the public to so soon forget this?

Does the gentleman from Illinois expect that these people to whom he especially appeals and whom he desires to prejudice against our candidate and our party will again be misled as before?

I am inclined to believe that he is mistaken, because in the last few years they have begun to realize and recognize that the Republican Party has failed to keep its pledges and promises to the people and therefore can be trusted no longer.

In proof of this let me give you the plain, unvarnished record respecting the immigrants under President Taft. On May 28, 1909, he appointed William Williams as Commissioner of Immigration at the Port of New York—Ellis Island. That day, which saw this appointment, will long be remembered by every immigrant and every friend of every immigrant and every relative of every immigrant who has entered this country through Ellis Island since that evil day. In less than a week after Williams had taken charge at Ellis Island—to be exact, on June 4, 1909—he promulgated the following order in a circular directed to all immigrant inspectors:

It is necessary that the *standard of inspection at Ellis Island be raised.* Notice hereof is given publicity in order that intending immigrants may be advised before embarkation *that our immigration law will be strictly enforced;* so that those who are unable to measure up to the requirements of the law may not waste time or money in coming here, only to encounter the hardships of deportation.

Oh, most marvelous of men, that within the brief period of a week he could determine that all that had been done before under the Republican administration of Theodore Roosevelt was improper and that by his ipse dixit the standard of immigration must be automatically "raised." The facts are that Williams was an avowed restrictionist; that he had publicly and frequently expressed his restrictionist views; that he was appointed by President Taft because his views were well known to the President and because he desired to have the immigration office at Ellis Island administered in a harsh, arbitrary, and autocratic manner.

Before Williams was in office one month he issued the following order:

NOTICE CONCERNING INDIGENT IMMIGRANTS.

JUNE 28, 1909.

Certain steamship companies are bringing to this port many immigrants whose funds are manifestly inadequate for their proper support until such time as they are likely to obtain profitable employment. Such action is improper and must cease. In the absence of a statutory provision, no hard and fast rule can be laid down as to the amount of money an immigrant must bring with him, but in most cases it will be unsafe for immigrants to arrive with less than $25 (besides railroad ticket to destination), while in many instances they should have more. They must in addition, of course, satisfy the authorities that they will not become charges either on public or private charity.

Only in instances deemed by the Government to be of exceptional merit will gifts to destitute immigrants after arrival be considered in determining whether or not they are qualified to land, for except where such gifts are to those legally entitled to support (as to wives, children, etc.) the recipients stand here as objects of private charity, and our statutes do not contemplate that such aliens shall enter the country.

WILLIAM WILLIAMS, *Commissioner.*

This order which violates not only the letter but the spirit of our immigration laws received the indorsement of Secretary Nagel through the public press, notably in the St. Louis Glove-Democrat and the New York Evening Sun of July 27, 1909. Williams's reference to "private charity," with which the Federal statutes have no concern, was an indication of the relentless course against the immigrant that Williams has pursued since the day that he was inducted into office, with the result that his name is execrated by every immigrant and every friend of every immigrant who have come to these shores since his miserable incumbency.

Commissioner Williams has usurped legislative and administrative authority and has compelled his subordinates on Ellis Island, by reason of such material changes in the law, made under the guise of administering existing laws, to exclude thousands of unfortunates, many of whose lives and careers are in consequence wholly ruined.

Can the gentleman from Illinois give those people a single good reason why they should vote for Mr. Taft, or for his long-lost friend Theodore? Is he of the opinion that Mr. Taft's act toward the former Secretary of Commerce and Labor, Mr. Straus, whom he so unceremoniously ousted from the Cabinet, will redound to his benefit; or does he believe that the appointment of Commissioner Keefe or Commissioner General of Immigration Keefe entitles him to their vote? I am under the impression that there isn't a fair-minded and liberal minded citizen who will not condemn the record of these two Taft appointees.

Was it due to the great friendship of President Taft for the foreign-born citizens that he appointed Mr. William Williams commissioner at Ellis Island? Was it because he was fair, just, broad minded and liberal, or was it not because he knew Mr. Williams to be a strong restrictionist?

Again I ask, was Mr. Keefe appointed the Commissioner General of Immigration because of his liberal views, or because of his known prejudice against everything and everybody that does not come from Wales?

Mr. Speaker, never before in the history of our country was there so much cruelty practiced against thousands and thousands of people as during the second administration of Mr. Roosevelt and that of Mr. Taft. To show to people of our country how unjust has been the treatment of the unfortunate immigrants who are fleeing from persecution and oppression and endeavoring to make this free country of ours their future home, we will read statistics taken from the report of the Commissioner General of Immigration showing the deportations ordered during the years intervening between the last Democratic administration and the present year. They are amazing. These figures show that nearly 14 times as many have been debarred during the last fiscal year as during the year of 1897, and in the majority of cases without any warrant of law. These figures will disclose the fact that in the year of 1897 only 1,617 were debarred, whereas in 1911 there were 22,349 debarred; in 1897, 263 were deported and in 1911 there were 2,788 deported. Following is the table showing total number debarred each year from 1897 to 1911, inclusive:

Total debarred year ended June 30—

1897	1,617
1898	3,030
1899	3,798
1900	4,246
1901	3,516
1902	4,974
1903	8,769
1904	7,594

1905	11,879
1906	12,432
1907	13,064
1908	10,902
1909	10,411
1910	24,270
1911	22,349

I also beg leave to insert a table showing those deported after being in this country, and I ask all of you to study this carefully, for I am positive that it will give you a great deal of valuable information and will set you right on the quality of the present immigration.

Aliens deported to countries whence they came after entering the United States, fiscal year ended June 30, 1911, by races or peoples and causes.

Race or people.	Deportation compulsory within 3 years.											
	Public charges from following causes existing prior to entry.								Prostitutes after entry.	Aliens who are supported by or receive proceeds of prostitution.	Entered without inspection.	Total mandatory within 3 years.
	Insanity.	Other mental conditions.	Loathsome or dangerous contagious diseases.		Pregnancy.	Physical conditions.	Other causes.	Total public charges from prior causes.				
			Tuberculosis (contagious).	Others.								
African (black)	8					1		9	1			24
Armenian	2	1	1			2		6			1	14
Bohemian and Moravian (Czech)	7		2			4		13				22
Bulgarian, Servian, and Montenegrin	3		2	1			1	7			1	19
Chinese									3		139	146
Croatian and Slovenian	9		5			8		22	2		2	55
Cuban									1			9
Dalmatian, Bosnian, and Herzegovinian	2					1		3				6
Dutch and Flemish	7		2			4		13	3		3	36
East Indian											34	36
English	34	3	4	2	2	5		50	18	1	43	245
Finnish	29		7		1	2		39	3		2	66
French	22		2			1		25	25		23	194
German	59		13	1		9		82	5	3	15	227
Greek	16		7			8	1	32	1	1	6	80
Hebrew	74	2	10			7		93	9	3	6	196
Irish	48	1	4			8		61	4	1	9	133
Italian (north)	19	1		1		4		25	1	1	1	47
Italian (south)	64	2	17	3		16	3	105	6	4	10	228
Japanese	3							3	29		126	161
Lithuanian	23		3		1	4		31	1	1		43
Magyar	9		2			4		15	3		1	44
Mexican	2	1					1	4	4		87	157
Polish	63	3	10	1	1	7		85	2			173
Portuguese	4							4				6
Roumanian	2					4		6				12
Russian	7	1	3	1		3		15	1		3	35
Ruthenian (Russniak)	10		4		1	5		20		1		42
Scandinavian (Norwegians, Danes, and Swedes)	42	2	7	1		4		56	5		1	94
Scotch	10		1		1			12	1		11	61
Slovak	9	1						10				24
Spanish	4							4			5	16
Spanish-American											2	4
Syrian	1				1			2			19	32
Turkish	2		2					4			1	8
West Indian (except Cuban)	1							1	1		2	7
Other peoples											2	6
Total	595	18	108	11	8	111	6	857	129	16	555	2,708
Deported from Philippine Islands							2	2			89	91

Race or people.	Deportation compulsory without time limit.				Public charges within one year after entry from subsequent causes.						Chinese who failed to register as required by act 702, Philippine Commission.	Violation of Philippine opium law.	Grand total returned.	Deported from Philippine Islands.
	Prostitutes and females coming for any immoral purpose.	Aliens who procure or attempt to bring in prostitutes or females for any immoral purpose.	Aliens who are supported by or receive proceeds of prostitution.	Total without time limit.	Insanity.	Loathsome or dangerous contagious diseases.	Dependent members of family.	Physical conditions.	Other causes.	Total public charges from subsequent causes.				
African (black)													24	
Armenian													14	
Bohemian and Moravian (Czech)													22	
Bulgarian, Servian, and Montenegrin													19	
Chinese													146	164
Croatian and Slovenian	1			1									56	
Cuban													9	
Dalmatian, Bosnian, and Herzegovinian													6	
Dutch and Flemish	1			1									37	
East Indian													36	
English	1			1		1		1		2			248	
Finnish	1			1		1				1			68	
French	12	3	2	17									211	
German	2			2									229	
Greek	1	3	2	6									86	
Hebrew	9	2	1	12			1			1			209	
Irish													133	
Italian (north)			1	1									48	
Italian (south)	4	2	1	7		1			2	3			238	

Aliens deported to countries whence they came after entering the United States, fiscal year ended June 30, 1911, by races or peoples and causes—Continued.

Race or people.	Deportation compulsory without time limit.				Public charges within one year after entry from subsequent causes.						Chinese who failed to register as required by act 702, Philippine Commission.	Violation of Philippine opium law.	Grand total returned.	Deported from Philippine Islands.
	Prostitutes and females coming for any immoral purpose.	Aliens who procure or attempt to bring in prostitutes or females for any immoral purpose.	Aliens who are supported by or receive proceeds of prostitution.	Total without time limit.	Insanity.	Loathsome or dangerous contagious diseases.	Dependent members of family.	Physical conditions.	Other causes.	Total public charges from subsequent causes.				
Japanese	13	1	1	15									176	
Lithuanian													43	
Magyar	2			2									46	
Mexican													157	
Polish	2			2					2	2			177	
Portuguese													6	
Roumanian													12	
Russian													35	
Ruthenian (Russniak)	2			2									44	
Scandinavian (Norwegians, Danes, and Swedes)													94	
Scotch	1			1									62	
Slovak													24	
Spanish													16	
Spanish-American													4	
Syrian													32	
Turkish													8	
West Indian (except Cuban)													7	
Other peoples													6	
Total	52	11	8	71		3	1	1	4	9			2,788	164
Deported from Philippine Islands											33	40	164	

This table shows that during the fiscal year 1910–11 there were deported the following:

African (black)	24
Armenian	14
Bohemian and Moravian (Czech)	22
Bulgarian, Servian, and Montenegrin	19
Chinese	146
Croatian and Slovenian	56
Cuban	9
Dalmatian, Bosnian, and Herzegovinian	6
Dutch and Flemish	37
East Indian	36
English	248
Finnish	68
French	211
German	229
Greek	86
Hebrew	209
Irish	133
Italian (north)	48
Italian (south)	238
Japanese	176
Lithuanian	43
Magyar	46
Mexican	157
Polish	177
Portuguese	6
Roumanian	12
Russian	35
Ruthenian (Russniak)	44
Scandinavian (Norwegians, Danes, and Swedes)	94
Scotch	62
Slovak	24
Spanish	16
Spanish-American	4
Syrian	32
Turkish	8
West Indian (except Cuban)	7
Other peoples	6
Total	2,788

This is conclusive proof that the opposition to present-day immigration on the part of restrictionists and my Republican friends HAYES, GARDNER, FOCHT, and AUSTIN, and my Democratic friends BURNETT, DIES, and RODDENBERY, is unjust and unfair. For the percentage of deportations of those who are regarded by the restrictionists of the so-called "desirable" races, namely, the English, the French, and so forth, is far in excess of that of the—by them—so-called "undesirable" races. To be better understood I will give it in round numbers: Of 141,000 English who arrived in three years, 259 were deported, making 18.3 per 10,000 arrivals; of 203,000 Germans, 268 were deported, or 13.2 per 10,000 arrivals; of 53,000 French, 186, or 34.8 per 10,000, were deported; of 106,000 Irish, 186, or 11.9 per 16,000, were deported; of 4,000 Mexicans, 344, or 88.1 per 10,000, were deported; or 245,000 Hebrews, 232, or 9.4 per 10,000, were deported; and of 468,000 South Italians, 219, or 4.8 per 10,000, were deported. I do not deal with the North Italians, since they are considered "desirable." So that we find that the English, German, Irish, and Scotch, the so-called "desirable" races, had a larger number of deportations than the Hebrews and South Italians, alleged "undesirables."

I desire to insert also the table showing those debarred, which will prove again that the gentlemen just referred to are wrong and that the conduct of the present administration toward these people is inexcusably harsh and arbitrary.

Aliens debarred from entering the United States, fiscal year ended June 30, 1911, by races or peoples and causes.

Race or people.	Idiots.	Imbeciles.	Feeble-minded.	Epileptics.	Insane, have been insane within 5 years, or have had 2 attacks of insanity.	Tuberculosis (noncontagious).	Loathsome or dangerous contagious diseases.				Professional beggars.	Paupers.	Likely to become a public charge.
							Tuberculosis (contagious).	Trachoma.	Favus.	Others.			
African (black)					1		3	8		5		1	167
Armenian		1			1			91		2			193
Bohemian and Moravian (Czech)				1				12		1			57
Bulgarian, Servian, and Montenegrin							1	32	1	3			500
Chinese							1	35		49		22	37
Croatian and Slovenian			2	2	2		3	41		2			136
Cuban					1			3					7
Dalmatian, Bosnian, and Herzegovinian			1					3	1	1			51
Dutch and Flemish			1				1	3		8			37
East Indian							1	105		150			336
English	1	1	11	10	11	2	15	36	1	28	1	1	823

Aliens debarred from entering the United States, fiscal year ended June 30, 1911, by races or peoples and causes—Continued.

Race or people.	Idiots.	Imbeciles.	Feeble-minded.	Epileptics.	Insane, have been insane within 5 years, or have had 2 attacks of insanity.	Tuberculosis (noncontagious).	Loathsome or dangerous contagious diseases.				Professional beggars.	Paupers.	Likely to become a public charge.
							Tuberculosis (contagious).	Trachoma.	Favus.	Others.			
Finnish						1	2	20		1			54
French	1		5		5	1	7	17		15	1	1	350
German	1	1	13	1	8	1	7	105	2	17		2	542
Greek		1	1		1		4	86	5	15			1,258
Hebrew	1	9	16	2	10		7	228	32	39	1		998
Irish		1	10	5	22	1	10	34	1	28	1	1	414
Italian (north)			5	1	4		3	48	1	5			172
Italian (south)	4	6	26	1	9	3	11	384	26	34			1,926
Japanese								34		2		2	10
Lithuanian		1	3	1			1	76		4			101
Magyar			1		4			40		5			126
Mexican	3		6	2	7	1	4	48		31	5	1	842
Polish		1	8		3			175	2	6			610
Portuguese		1					1	3		1			72
Roumanian							1	24		5			96
Russian							2	46	3	5			296
Ruthenian (Russniak)			2					36		3			236
Scandinavian (Norwegians, Danes, and Swedes)			4	2	10	2	4	15		5		3	135
Scotch		2	4	4	6	2	5	10		20		1	342
Slovak		1	2	1	4			41	1	2			135
Spanish							1	6		1			82
Spanish-American								4		1			3
Syrian	1		1		1			240	1	3			284
Turkish								14					65
Welsh			4		1					4			20
West Indian (except Cuban)								2					12
Other peoples						1	1	38	1	4			254
Total	12	26	126	33	111	15	96	2,152	78	505	9	35	12,004
Debarred from Philippine Islands								15		2			29

Race or people.	Surgeon's certificate of defect mentally or physically which may affect alien's ability to earn a living.	Contract laborers.	Accompanying aliens (under sec. 11).	Under 16 years of age unaccompanied by parent.	Assisted aliens.	Criminals.	Polygamists.	Anarchists.	Prostitutes and females coming for any immoral purpose.	Aliens who are supported by or receive proceeds of prostitution.	Aliens who procure or attempt to bring in prostitutes or females for any immoral purpose.	Under passport provisions, sec. 1.	Under provisions Chinese-exclusion act.	Total debarred.	Debarred from Philippine Islands.
African (black)	10	11	5	13	2	45			8		6			285	
Armenian	18	5	1	6		1								319	
Bohemian and Moravian (Czech)	15		3	3		1								93	
Bulgarian, Servian, and Montenegrin	72	115	3	17	1	4								749	
Chinese													605	769	152
Croatian and Slovenian	70	20	5	10		3			1		1			298	
Cuban	1	10		5	2	7			2		1			39	
Dalmatian, Bosnian, and Herzegovinian	14	11	2	7										91	
Dutch and Flemish	16	9	1			4			5		4			89	
East Indian	34	8		1			27							862	9
English	102	138	17	30	23	112			40		25			1,433	
Finnish	8		2	1	1	8			3		2			103	
French	41	46	12	20	3	46			40	3	12			626	
German	119	41	21	32	5	52			31	1	19			1,021	
Greek	419	86	23	50	1	3					1			1,963	
Hebrew	413	12	77	81	30	30			7	1	5			1,999	
Irish	76	26	12	21	9	75			32		14			793	
Italian (north)	96	35	9	12		5			3		1			400	
Italian (south)	819	139	47	63	2	62			7		10			3,579	
Japanese		1				2			2			27		80	35
Lithuanian	28	8	7	11	3	2			1		1			248	
Magyar	60	8	5	13	1	6			3		2			274	
Mexican	15	110	32	7	5	79	1		20		13			1,242	
Polish	192	50	19	40	5	13			7		2			1,133	
Portuguese	11	6	2	7		2					1			107	
Roumanian	32	68	1	4					4		3			238	
Russian	31	73		4	2	3			1					466	1
Ruthenian (Russniak)	60	30	5	13	1	7					1			394	
Scandinavian (Norwegians, Danes, and Swedes)	44	11	9	11		10			5		5			275	
Scotch	37	29	11	7	16	46			11		4			557	
Slovak	80	21	2	8		3								301	
Spanish	10	80	2	5	1	3			4		6			201	
Spanish-American	1					3			2		1			15	
Syrian	36	17	21	28	2	2	21		1		1			669	
Turkish	9	3					1							92	1
Welsh	8	12	1			2								52	
West Indian (except Cuban)	3		2			1			1					21	
Other peoples	55	97	2	9		2	7		2					473	
Total	3,055	1,336	359	549	116	644	57		253	5	141	27	605	22,349	198
Debarred from Philippine Islands				1	2				1		3		145	198	

To recur to Williams, let the testimony before the House Committee on Rules on May 29, 1911, tell the story of his conduct at Ellis Island:

STATEMENT OF MR. EARNEST C. STAHL, TRENTON, N. J.

* * * We are prepared to submit to you a sufficient amount of prima facie evidence to show you that the law, the immigration law, as it is now being administered, chiefly in the port of New York, is not only—I will not say—violated but it is strained to such an extent that it becomes a violation.

Mr. Chairman, the German-American Alliance—as Dr. Hoffman has stated to you—represents more than 2,000,000 German-Americans in this country, all over this great land of ours. Some of its members, Mr. Chairman, came to this country years and years ago with less than $2, with less than $1, in their pockets, but they brought here sound arms and education and willingness to work. I myself, 51 years ago, came here with less than 75 cents in my pocket, and I made my way and was able to serve five years and three months in the defense of our flag, and I think thousands of others who came to this country did the same thing. Had the immigration laws been applied at that time as they are now our country would have lost all that valuable material which came over here and which did valuable and yoeman service in the defense of our country.

* * * * * * * *

Besides, Mr. Chairman, the conditions at Ellis Island are more than cruel, they are barbarous. If you gentlemen will go to Ellis Island unheralded, unknown in your official capacity, and, in your great character as national legislators, will look through the conditions at Ellis Island, you will find that they are worse than can be found in Russia.

* * * * * * * *

Thousands of people can not live there. Women say they would rather be dead than stay another day. Women who are brought there, sound in body and mind and virtuous, are kept there like cattle.

* * * * * * * *

There were people lying on mattresses that had been used from time immemorial, and they were herded together like cattle. It reminded me of the days when I was a soldier and went over to Alexandria, and the provost guard got hold of me and they put me in the slave pen overnight. It just about reminded me of that condition.

* * * * * * * *

Mr. Watchorn was not the worst man there. If Mr. Watchorn was there, there would not be to-day such an uprising. Mr. Watchorn, while he was trying to obey the law as nearly as he understood it, was not such an enemy to decent immigration; but the present commissioner has an especial antipathy to all those who come from any other shore to this country, and his administration is scandalous and a stench in the nostrils of the Nation.

Mr. POU. Just in a word, what does an immigrant go through when he comes to Ellis Island?

Mr. STAHL. That is hard to tell. He goes through hell; that is the only expression that I know of.

* * * * * * * *

STATEMENT OF MR. JOSEPH BARONDESS, A MEMBER OF THE BOARD OF EDUCATION OF NEW YORK, N. Y.

* * * * * * * *

Mr. Chairman and gentlemen of the committee, I have had an opportunity of calling with several committees upon the Secretary of Commerce and Labor and upon the Commissioner General of Immigration (not Commissioner General of Immigration Sargent, because he was always willing to listen to reason), but I am speaking of the new administration. I do not want to say that we have been impolitely handled, nor do I wish to accuse the Secretary of having turned a deaf ear to our supplications and appeals. We have been very politely and very courteously told that the matter would be taken under consideration. I suppose it is still being considered. Before the millennium will come the consideration might not be realized. Realizing as we do that this is a Government that is governed by the consent of the governed and by those who have been elected to govern the people, we determined to turn to you for relief. Our appeals have not been listened to, and for that reason we are here.

* * * * * * * *

We charge that under a ruling of the commissioner, on page 2, paragraph 4, Commissioner's Rules, that those organizations making any charges for the bringing of the immigrant to his destination, that those charges should be reasonable. We charge that the organizations already established at Ellis Island who did not meet with the favor of the commissioner and who have made no charges whatever were constantly watched and hampered in their work, while a new organization that has recently sprung up does make charges for the delivery of immigrants to their places of destination in spite of the commissioner's rule referred to and nothing has been done. I am prepared to present these charges specifically when your committee will determine in favor of an investigation at Ellis Island. We charge further than the commissioner by his order of December 16, 1910, has made it practically impossible for an immigrant to come in touch with his friends.

* * * * * * * *

We claim and we charge that it is inhuman to deport an alien who has deposited money; and even though he does not deposit any money, it is absolutely inhuman to deport an alien on the same day, before he has had an opportunity to say good-bye or farewell to the people who are interested in him, and he is hustled away before he has an opportunity to do so.

A girl * * * had come here with her sister and two or three brothers. * * * The work that this girl has done at a certain machine required her constantly standing on her feet, and she complained of flat feet. Suddenly she felt bad, and the physician determined that she needed treatment for some other ailment, of which he did not have the slighest idea, and of which the physicians had no idea at the time of her arrival there. Somebody reported that the girl went to the hospital for treatment, and in the middle of the night a detachment of detectives got hold of the entire family, and on the next morning they were deported. If that is humane, then I do not know what inhumanity is.

* * * * * * * *

STATEMENT OF MR. A. G. KOELBLE, REPRESENTING THE NEW YORK STATE ALLIANCE AND VICE PRESIDENT OF THE UNITED GERMAN SOCIETIES OF THE STATE OF NEW YORK.

* * * * * * * *

Mr. Williams, in June, 1908, promulgated the law, or the rule or regulation, that a man must have at least $25 to be able to land. Although his powers are strictly limited and laid down as simply administrative, he made that particular rule of $25. * * * Now, what is the situation when you come to Ellis Island, and do not come there with more wealth than the law allows? Once you are on Ellis Island, it takes you two or three hours to recover from the mere effect on your brain, and your heart, and your soul, apart from the physical features of it. To see that number of apparently miserable humanity, penned like cattle, with the odor pervading Ellis Island, even though it may be that from every side come the breezes of the ocean; see those people who have not the faintest idea of your language, your customs, coming from a country, many of them, where they are cowed to the most abject servility.

* * * * * * * *

Mr. MADISON. Are the conditions worse now under Mr. Williams than under Mr. Watchhorn?

Mr. KOELBLE. I certainly do believe that they are worse, and I believe that Mr. Williams is putting into the spirit of the law the letter of the law which Congress did not wish put in. That is my personal opinion. * * * Under Commissioner Williams the deportations have increased 142 per cent.

Another thing, at the port of Philadelphia 1 in 230 immigrants is deported, and at the port of New York 1 in 54. At Baltimore I think the percentage is even greater.

* * * * * * * *

Yes; I represent the German State Alliance of the State of New York and the United German Societies of the State of New York. Now, to show the spirit of Commissioner Williams, the German Catholics of New York City have what they call the Leo House for the care of German immigrants. They have done yeoman service, and I speak with particular sympathy for the immigrant, because my father for 19 years received the German Catholic immigrants arriving at this port, in the days when they were greenhorns and without any qualifications. This house has been so hampered and so dissatisfied with Commissioner Williams that they have finally severed all their connection with Ellis Island. The archbishop of New York is the chairman of the executive committee of that house. They were simply disgusted with regard to Mr. Williams, and have severed their connection with Ellis Island.

* * * * * * * *

STATEMENT OF MR. KARL HAUSER, OF NEW YORK, N. Y.

Mr. Chairman and gentlemen, I appear here not as a representative of any multitude, but as the representative of this old American citizenship. I appear as a humanity crank, because my heart sympathizes with mankind in general, no matter whether Jews, Christians, or Mohammedans. * * *

I am in sympathy with the present Republican administration, although like the Irishman said when the priest said he would go to Hades. "It makes no difference; I have got friends in both places." But as a Republican my heart rebels against the administration at Ellis Island. When the revolt was so enormous that I thought perhaps we ought to do something to find out the true state of affairs, I went over to Mr. Williams. * * *

I was admitted, and he asked me what he could do for me. I said, "Commissioner, there is so much said about the abuses in the boards of inquiry, and so on; permit me to go through those boards, and give me a pass for a limited time." He said, "That is against the law." I said, "Commissioner, we differed on that point five years ago, when you also said it was against the law, yet before I was through with you you gave me a pass for two months." He said, "Did I? I have no recollection of that." I said, "That makes no difference; it is true, and I can bring you the inspectors who saw me here repeatedly." Now, if it was not then against the law, it is not against the law to-day; and it is not against the law. Now, why does he refuse me to be present and hear in what way these inquiries are held? He is afraid, and where there is secrecy there is reason to be afraid.

* * * * * * * *

Now, gentlemen, I know the trouble is the system at Ellis Island, and the system was there when Mr. Williams was there the first time. Now, in the name of humanity, what does "likely to become a public charge" mean? We might just as well say, "likely to become insane," "likely to become commissioner on Ellis Island from exaggerated ego." We give murderers the benefit of reasonable doubt, and why not give that benefit to the poor immigrant. If he should become a public charge within three years you can send him back. * * * There must be a reason for all this. I ask you, gentlemen, why does a man like Mr. Williams, who is a millionaire several times * * * clamor to have this unpleasant job on Ellis Island? Why? I do not know, unless he wants to serve his country in the pure spirit of New England and keep out the foreigners as much as possible. You know that when the Puritans came to this country they left their former home because of religious persecution, and as soon as they had a foothold here they practiced the same persecution on others with a vengeance. * * *

As proud citizens of this great country, we are ashamed of that administration on Ellis Island. Close the gates. Say we do not want any immigrants, or that we will send Mr. Williams over to Europe to pick out whom he wants, but do not let these people sell everything they have and come here with barely enough to pay their passage and have a few dollars left, and then have them go back as beggars. * * * Why is that necessary? * * * Put a man there with a heart, and you will have different results.

* * * * * * * *

Now, why is a citizen not permitted to go over to Ellis Island and be present at these hearings?

* * * * * * * *

When Mr. Williams said to me, "Well, I will have to consider your request," I came to see Mr. Nagel. Mr. BARTHOLDT gave me a very strong letter, and Mr. Bennet went with me to see Mr. Nagel, and Mr. Nagel told us, not that it was against the law, but that he would talk to the commissioner. He told us that his father came in with $2, and I said: "Under the present law you would have been deported, and you could not be Secretary of Commerce and Labor." Mr. Loeb's parents came with a few pennies, yet they are all very useful men. Now, my request was denied, and I did not care. Since I am not permitted to help people let God help them, because Williams will not help them."

* * * * * * * *

STATEMENT OF A. W. LEVY, REPRESENTING THE FEDERATION OF JEWISH ORGANIZATIONS OF THE UNITED STATES.

* * * the facts simply are that certain conditions exist at Ellis Island which cry for a remedy.

* * * * * * * *

Thousands of complaints have been made during the past few years respecting the treatment of immigrants coming to Ellis Island. The conditions surrounding the holding of the meetings of the boards of special inquiry are such as to make for the exercise of almost despotic power. Star chamber proceedings—a phrase that has been used repeatedly—are indulged in, it seems to me, and it seems to be the feeling of the people widely affected by these rulings that such an institution is un-American, is opposed to all principles of justice and fairness, and that these great United States should not be for a moment placed in the position of standing at the door and ruthlessly shutting people out by the use of unfair and unjustifiable means. The boards of inquiry have, by their decisions, rendered themselves in many instances ridiculous.

STATEMENT OF REV. MR. SYDNEY H. BASS, OF HARRISON VALLEY, PA.

Mr. Chairman and gentlemen, my name is Sydney Herbert Bass, and I am a Methodist Episcopal minister, residing at Harrison Valley, Pa. I am here independent of any organization, society, newspaper, or anybody. I am here as a minister of the Gospel, and therefore necessarily a humanitarian. I noticed yesterday that one gentleman after another regretted that there was no specific case brought forward. I am here also, then, as a specific case.

I am going to speak from experimental knowledge as briefly as possible after your remark, sir.

I heard Commissioner Williams yesterday. He produced photographs. I, too, have photographs, but mine are engraved on my mind and heart and burned into my soul as by a red-hot iron. I am sorry that the Eastman Kodak Co. can not develop those films for you to see; but I will try to give them to you as briefly as possible in word pictures.

I ought to explain that I was a Methodist pastor in England for several years before coming to this country, and resigned a permanent life office (with a pension at 60) at the invitation of the superintendent in my present district to take up the charge to which I have now been appointed pastor, a circuit consisting of four churches.

I might mention that I took very high honors in educational tests in England, so I was not detained on the ground of illiteracy. I had a four years' high-school course and obtained certificates in advanced stage in several scientific subjects and in literature, and took first prize (in England) in an open original hymn competition and took honors in theology at my college.

I arrived on the White Star liner *Adriatic* on January 12 at 3.30 p. m.

Mr. SULZER. Of what year?

Mr. BASS. This year, 1911. I arrived at Ellis Island about 8.30 on the following morning, when I went in line, single file, with the other immigrants. I make no complaint about these things. I do not complain about the immigration law, and I always endeavor to carry out all the requirements of the law.

On arriving at Ellis Island the first thing that occurred that gave an indication of what I might expect was the porter putting us in line and calling out: "Get on up stairs, you catile. You will soon have a nice little pen."

I went to the first inspector, and he said, "Are you an American citizen?" I said, "No, sir; British." He said, "What is your occupation?" I said, "My profession is that of a minister of the Gospel." He said, "Right. Go in there," and he put me in the first pen.

Then, of course, I had my medical examination, and I took my certificate, which showed that I had had infantile paralysis of the right leg. I explained to the doctor, facetiously, that I did not preach with my feet, and he said, "All right. You can straighten that out with the immigration authorities."

I may say that I had securities worth some hundreds of dollars in my pocket, and $60 in cash—$10 more than Mr. Williams mentioned yesterday as the maximum amount found upon anyone detained there.

After going through the various pens I arrived at 9.30 in the common room, and that is the basis of the bulk of my complaint. * * *

On arriving at the final door before I went into the common room I was permitted to send a telegram. They wrote it for me, and charged me 35 cents. * * *

I found the hours to be as follows: 4 a. m., breakfast—I got into the common room about 4.15 or 4.20—1 p. m., dinner, and 5 p. m., supper; and 7.30 p. m., we went to bed. Please notice, nine hours in the morning in breathing that foul atmosphere on an empty stomach.

The official to whom I was speaking, just outside of the common room, struck me as being one of those petty officials of whom the honorable Secretary of Commerce and Labor, Mr. Nagel, yesterday spoke, concerning policemen: "Give a man a little power and you soon see the result." I saw some of the results of giving men of that sort a little power. When I had been in the common room for one hour I saw the door open for a moment, and I slipped out and asked him for permission to wire to the British consul and for permission to wire to Messrs. Eaton & Mains, of the Methodist Episcopal Book Room, prominent officials in my church. I was peremptorily ordered back into the common room. There were 600 people in that little room, crowded together. It seemed to me the most like the black hole of Calcutta of anything that I have seen since reading about that historical occurrence in the Indian mutiny. * * *

The worst feature of all was the common room. I was there on the first day from 9.30 in the morning until 7.30 at night, standing all the time, except occasionally when I sat on the ground. I said to the inspector, "It seems an anomaly to hold me up for a bad leg and then make me stand on it all those hours."

On the second day I was there from 4.20 a. m. till 10.30 a. m. When my name was called I had difficulty in getting out of the crowded room. Then I went to stay in board of special inquiry room No. 2. My case did not come on until after dinner. We had dinner at 12 o'clock (from the common room it is 1 o'clock). At 10.30 I found that cases were going on, and after dinner the cases began again at 12.30 o'clock.

I had been detained for 28 hours before my case was called at all, after I had specifically stated to the first inspector I met that I was a minister of the gospel, and I had my certificate of successes in examinations and my conference credentials in my possession, as well as my property.

I then went before the board of special inquiry, and they seemed to give me, apparently, a very fair hearing. I spoke as I am speaking to you now, without interruption; but they refused to look at my conference credentials during the hearing, and at the conclusion of it I was unanimously ordered to be deported as an alien without visible means of support and as liable to become a public charge. Of course my means of support are invisible.

* * * * * * *

At night, just before going to bed, I objected, as any self-respecting Englishman or American, or those self-respecting Germans we heard of yesterday, would do under similar conditions. I objected very much to going down into the sort of quarters that I could see, by prophetic vision, they were taking me to. * * *

Mr. Williams spoke about there not being any mattresses there. I did not get a mattress, but a mat impregnated with salt and disinfectant—which was probably necessary.

We were not compelled to "sleep" on them. I did not sleep a wink all night; but we were compelled to lie upon them. There were distant screams all night from women. It was the most terrible night I have ever experienced in my whole life. I had altogether about 40 hours of this thing, and it seems to me even now like half of my life.

* * * * * * *

Mr. Williams said that the immigrants look happy. I did not see any indication of happiness on the face of anybody at all. They looked perfectly miserable to me, and I have made quite a study of reading faces. They were sitting on their haunches or lying on the ground; in fact, in all sorts of positions. There was one woman there with a baby at the breast. A colored official came in. She was a very humane lady, as I believe most of the ladies there are, and if you order an investigation and subpœna them I believe they will give some of the most damning evidence against Ellis Island and some of the officials there that can be obtained. This colored woman came in and said: "Oh, that's a dear little baby there," and fetched it some milk. There were 600 men, women, and children herded together in that one room. I see by the record that there were only 27,000 immigrants who came in in January (the month I was there), whereas there were 113,000 last year in May; and I feel entitled to ask, as I did when there, if the congestion was such in the winter, what must it be in the busy months.

The temperature appeared to be about 100 in the common room when it was nearly zero outside. There were just a few benches, that were occupied at the first possible moment in the morning, and the rest of the people stood up all day. Probably not 40 out of the 600 could sit down. * * *

* * * Some of the fellows took turns at breathing through the floor. The air that came through the holes in the floor was better. I spent about a quarter of an hour lying full length on the floor, breathing through a sort of a little ventilator or air shaft in the middle of the side of the room, near the door.

I would like to put in a medical certificate here which I have had since then.

The CHAIRMAN. All right.

Mr. BASS. It is from Dr. Neil, of Harrison Valley, Pa. It reads:

HARRISON VALLEY, PA., *June 23, 1911.*

This is to certify that when the Rev. Sydney Herbert Bass came to take charge of this pastorate he immediately applied for medical aid.

I found him in a state of collapse; his pulse was rapid, irregular, and intermittent. He suffered from dyspnœa and insomnia and was unable to thoroughly attend to his pastoral duties for several weeks.

On inquiring into the cause of his illness he informed me, with great reluctance, that he had been refused admittance to the United States and had been detained on Ellis Island for 33 hours under the most unsanitary and crowded conditions. In a person of refinement, like himself, this thoroughly accounted for what had previously puzzled me, as his physical condition and his explanation amply corroborated each other.

THOS. F. NEIL, M. D.

I might say, with reference to that, that I was insured just before leaving England in one of the leading English companies, whose medical man gave me a first-class health certificate. I am very sure that, from going through Ellis Island, I will not be able to get such again, for some time, anyway.

I could give you specific cases. There is the case of Mrs. Jepson, box 147, route 3, Hood River, Oreg., who was there, detained with her son, on account of the father suffering from some trouble that made him limp a little. I think he had had the rheumatism in years gone by. As a result of being in there she has contracted since—I have had frequent correspondence with them—the worst case of erysipelas her doctor has ever seen, and for three weeks she hovered between life and death, and when getting better it was thought that she would lose the sight of both eyes. She has happily recovered, but every hair on her head has disappeared as a result.

* * * I wish you had put Rev. Dr. Jowett there instead of me, as with his abler tongue and more efficient pen he could have dealt more adequately with this terrible situation. * * *

And let me insert here also the indignant protest to President Taft of the Citizens' Committee of Orchard, Rivington, and East Houston Streets, New York, in April, 1912, against the outrageous aspersion put upon them by this Williams in his report of June 30, 1911, which is printed by the Taft administration in the report of the Commissioner General of Immigration of 1911:

[Senate Document No. 785, Sixty-second Congress, second session.]

VIEWS ON IMMIGRATION.

Mr. O'GORMAN presented the following petition of citizens of Orchard, Rivington, and East Houston Streets, New York City, relative to the reports of officials and the condition of immigrants:

Hon. WILLIAM H. TAFT,

President of the United States of America, Washington, D. C.

SIR: The undersigned are residents of Orchard, Rivington, and East Houston Streets, in the Borough of Manhattan, city of New York. As such they respectfully call your attention to the following statement contained in the annual report for the year ending June 30, 1911, of William Williams, Esq., commissioner of immigration for the port of New York:

"The new immigration, unlike that of the earlier years, proceeds in part from the poorer elements of the countries of southern and eastern Europe and from backward races with customs and institutions widely different from ours and without the capacity of assimilating with our people as did the early immigrants. Many of those coming from these sources have very low standards of living, possess filthy habits, and are of an ignorance which passes belief. Types of the classes referred to, representing various alien races and nationalities, may be observed in some of the tenement districts of Elizabeth, Orchard, Rivington, and East Houston Streets, New York City. * * * They often herd together, forming, in effect, foreign colonies, in which the English language is almost unknown."

The report in which these expressions occur was printed as a separate document on December 5, 1911 (S. Doc. No. 124, 62d Cong., 2d sess.), and is also included in the printed annual report of the Commissioner General of Immigration for the year ending June 30, 1911 (pp. 144–153), and is also printed in the pamphlet entitled "Hearings Relative to Further Restriction of Immigration before the Committee on Immigration and Naturalization, House of Representatives, Sixty-second Congress, Second Session."

Although this report of Mr. Williams is supposed to relate solely to Ellis Island affairs, fully two pages are devoted to matters having no bearing whatsoever upon the affairs at Ellis Island, but are evidently interpolated for restrictionistic purposes.

While the individual views of the commissioner are no concern of ours, we are vitally interested in that portion of his report which undertakes to reflect upon us, as indicated in the foregoing excerpt. We deny emphatically that there is any truth in the strictures imposed by this public official upon the inhabitants of Orchard, Rivington, and East Houston Streets. A large proportion of them are citizens of the United States, loyal to their country and to its institutions, seeking by their industry to add to the well-being of the community in which they reside. Those who are not citizens intend to become such at the earliest opportunity. Although most of the residents of these streets are of foreign birth, they have come to this country for the purpose of establishing permanent homes, of rearing and educating their children as good Americans, and of enjoying the blessings of freedom, at the same time assuming and performing the obligations which residence and citizenship entail.

A survey of the district whose good name is involved in the strictures contained in Mr. Williams's report, indicating the nationalities and the moral, social, and industrial activities of the population included in such district, is hereto appended. It is believed that the statistics thus presented for your consideration will demonstrate, not only that the statements made by Mr. Williams are false, but that they are libelous, and that no public official should be permitted with impunity thus to malign a large and populous section of this great city.

Remarks of this character, emanating from one occupying the official position that Mr. Williams fills, are calculated to do great injury to those who are included within them. They are particularly objectionable because they are apt to arouse unwarranted prejudices against immigrants, and especially among immigration inspectors, who are his subordinates and who, as has been pointed out by the Congressional Immigration Commission, are at present disposed "in a greater or less degree to reflect in their decisions the attitude of the commissioner," thus "tending to impair the judicial character of the board."

Under the circumstances we are impelled, not only for self-protection but because we believe it to be our duty as citizens, to protest against these wanton and unjustifiable reflections upon us; against this attempt on the part of a public official to discriminate among those who have passed through the gate at Ellis Island, and who have become absorbed in the general population of this country.

Moreover, we consider the remarks to which we have taken umbrage as a gratuitous insult, because in making them Mr. Williams did not deal with any matters which came within his jurisdiction, which is confined to Ellis Island, but has seen fit, either maliciously or without knowledge of the conditions which he seeks to describe, to animadvert upon us and those whom we represent, all of whom are striving to the utmost of their power to maintain the respect and good will of their fellow citizens.

We therefore respectfully pray that such action may be taken in the premises as will vindicate our reputation and that of our families and neighbors, and will result in the retraction of the libelous charge of which we complain.

Dated, New York, April 9, 1912.

Respectfully submitted.

MOE LENKOWSKY,
Chairman, 78 Rivington Street,
ANTON KAUFMAN,
Secretary, 288 East Houston Street,
Citizens' Committee of Orchard, Rivington, and East Houston Streets, New York City.

Names of inhabitants of Orchard, Rivington, and East Houston Streets.

RIVINGTON STREET.	Street No.
Jacob Rosenthal	149
Benet Feigenbaum	151
Adolf Mandel	153
Rudolph Kanarek	155
Nathan Katz	155
George Feurstein	155
Sam Feinstock	121
Julius Liberman	169
Louis Liberman	167
Feivel Silver	187
Sam Tabak	187
A. Katz	187
H. Steigligel	227
Oscar Arnold	103
Samuel Garber	105
Louis Bonotorowsky	109
Rubin Auerbach	129
Abraham Kraus	272
H. Frager	127
Samuel Weintraub	140
David Zierlow	129
Nathan Zierlow	129
Mavis Rosenstraub	124
Leon Frost	131
Abraham Moses Rotenstern	135
Max L. Frost	131
Bores Shorhet	137
Harry Plotkin	137
Louis Goldstein	137
M. Sanderowitz	137
Harry Kornitzky	149
Philip Rosenthal	161
Joseph Cohen	92
Henry Tietel	86
Chemis Rothman	85
Hyman Pinner	81
Aaron Reich	79
Max Kopsilow	75
David Heidwin	71
Jacob Aranowitz	62
Abraham Hershow	65
Morris Horowitz	83
Frank Margulis	83
Morris Schechter	85
Louis Koslin	92
Reuben Schatz	94
Isador Sherman	98
Isaac Fricias	97
Hyman Horowitz	99
Sam Kassel	99
User Wolfson	69
George Wolfson	69
Nathan Frank	69
Dr. I. Leibowitz	70
B. Cameol	72
David Alperin, M. D	72
Isadore J. Hill	72
Chas. Kopp	66
M. Karneol	70
Louis Miller, M. D	76
Chas. Rosenthal	76
Joseph H. Strulovich	80
Samuel Sobel	84
Morris Darstandler	84
Joseph Rothman	92
Abraham Cassel	101
Hirsh Rabinowich	100
Louis R. Fiebert	100
Abram Packer	100
Moe Lenkowsky	78
Aaron Singer	68
David Lassay	65
Abraham Goldenstein	65

ORCHARD STREET.	
Daniel Jones	62
Jake Polansky	62
Julius Rosenberg	63
Morris Levin	955
Morris Claiman	97
Morris Saiman	96
G. Lieberman	103
S. Schechter	125
Harry Schwartz	131
A. Weisner	139
S. Tullman	145
L. Tullman	145
Hyman Doymand	147
M. H. Hoffman	149
Zizie Kohen	161
Aaron Klein	165
Louis Greenfeld	175
Morris Meyerson	182
Hyman Spring	164
Sigmund Theor	166
Meyer Rubin	162
Louis Minkelstein	37
M. T. Grossman	37
S. Rosenzweig	35
Israel Salinku	35
Joseph Robinson	33
Charles Cohen	31
S. J. Altschul	29
Joseph Mendelsohn	27
Hyman Rosenblum	27
Jacob H. Cohen	2
Louis Lesser	1
S. Mathin	1
I. Steinberg	48
Louis Bralower	7
Irving Signor	2
Samuel Frank	54
Philip Leventhal	58
Reuben Wohl	58
Meyer Cuminsky	55
Morris Schmindler	60
Moses Janoff	12
David Cohen	14
Joseph Levinson	14
M. Zensnitz	14
Morris A. Zuckerbraun	16
Jacob Mandlebaum	16
Max Karpas	19
Louis Levinson	19
Samuel Sungstor	23
Max Golowensky	25
H. D. Canton	25
Max Moskowitz	24
Samuel Greenfeld	24
Hyman Sobel	24
Abralam Selevan	26
Morris Kaplan	626
Aaron Liberman	26
Jacob Mandel	28
Rubin Fagen	30
David Kwitman	30
Leon Bernhard	34
Nathan Frank	74
Max Bochne	76
Ludwig Beitsch	78
M. Dittlen	18
Linn. Kasper	120
George Weinstock	132
Jacob Oglentsky	140
Jan. Scherman	142
Tobias Brandes	190
T. Fund	190
S. Silverman	199
Joe Holtzman	199
Snare Peper	191
Selig Cohen	198
S. Albert	45

	Street No.
Jacob C. Rubinstein	51
Carl Silverman	53
Louis Salzinger	53
Leon Laurowitz	59
EAST HOUSTON STREET.	
Ignaz Reich	303
Samuel Goldberg	313
William Jacobs	313
Haris Safran	309
Jacob Held	309
Sam Klein	305
Abe Meyer	301
Adolph Rosenbaum	257
Samuel Melrowitz	257
Sydney Schwartz	257
Paul Heftler	321
A. Zarembowitz	216
Isidor Tannenbaum	206
Joseph Sobel	198
Joseph H. Mayers	196
Louis Lieblech	194
Max Jacobs	192
Abraham I. Levy	217
Joseph J. Schlesinger	215
Hyman Iceland	207
Louis Rosenberg	201
Harry Hiller	189
Sigmund Donner	189
Semil Kreisberg	187
S. Ershowsky & Bro	173
United Cutlery Co	170
Israel Wien	170
C. Kornvein	158
Sigmund Baiter	154
Elizabeth E. Knoke	150
Max Rubin	150
Abraham Gibbs	150
Abraham Hermann	138
Nat. N. Kaplan	132
P. Finkelstein & Son	108
Louis Damozek	276
Morris Karliner	266
Harris Reiner	252
A. B. Newman	288
Anton Kaufman	290
Marcus Schulsinger	279
Benedict Jomple	288
David Valkman	284
Samuel Fuchs	280
Philip Hurwitz	278
Reuben Feigenbaum	270
Faerber, Silberman & Co	268
Samuel Silverman	--
B. Buxbaum	260
S. Herskowitz	290
I. Greenfield	--
John Weinberg	--
Joseph Boeitz	--
Herman L. Stern	250
Freedberger & Kosch	--
Herman Lieberman	306
D. H. Gottlieb	--
Emil Adler	216
Ig. Weick	312
Isaac Scheinert	318
Morris Philip	325
Jacob Goldfarb	338
H. Kraut	338
A. Friedman	344
Jos. Sternberg	348
Nathan Liebowitz	356
J. Brand	356
J. C. Steinhart	--
Simon Roth	353
Bernard Marcus	339
William J. Davis	--
M. Marcus	339
Louis Friedman	331
Emanuel Teitelbaum	329
Philip Goldsmith	325
Moses Goldenberg	323
Adolph Deutch	318
A. Weinberger	320
Bernard Deutsch	310
Dave Weinberger	331
Rosenbaum & Levine Bros	226
Kirsch	220
M. Greenspan	218
Benj. Rottinburg	303
Harris Sokolowsky	150
Simon Klein	504

A study of the social centers, professions, industrial and mercantile establishments on East Houston Street, between Broadway and East River; Rivington Street, between Bowery and East River; and Orchard Street, between Division and East Houston Streets.

I.

THE POPULATION.

The total number of families residing in this district is 7,366, or an average of 129 families per block.

Of these 7,366 families, 90.3 per cent, or 6,653 families, are Jewish; 713 families, or 9.7 per cent, are non-Jewish.

Computing these 7,366 families as each representing 4.5 persons, which is the United States census multiple figure for 1900 for Manhattan would make the population in the above-mentioned streets appear to be 33,883.

This total divided by 57, the number of blocks in the district, makes the average number of persons to a block 594.

Of the total number of persons, 90.3 per cent, or 30,596, are Jews; 9.7 per cent, or 3,286, non-Jews.

The number of blocks covered in the making of this survey was 57, the number of houses being 701, making 12 the average number of houses per block.

Of the 701 houses listed in the 57 blocks above mentioned, 554, or 79 per cent, are owned by Jews; 147, or 21 per cent, are owned by non-Jews.

II.

THIRTY-THREE VARIETIES OF SOCIAL CENTERS, REPRESENTING 671 PLACES.

Religion and education—	
Congregations	104
Cemetery office	1
Churches	2
Hebrew schools	53
Public libraries	2
Private schools	3
Public schools	9
Social settlements	3
Total (26.4 per cent)	177
Recreation:	
Bowling alleys	2
Clubs	5
Candy and ice-cream parlors	112
Dancing academies	1
Moving-picture places	7
Billiard and pool rooms	5
Theater	1
Halls and meeting-room buildings	8
Total (21 per cent)	141
Food and living:	
Lunch rooms	30
Restaurants	107
Hotels	2
Lodging houses	3
Total (21.2 per cent)	142
Public drinking places:	
Saloons (it should be remembered that 40 of the 70 saloons have restaurants attached)	70
Wine cellars	5
Total (11.2 per cent)	75
Physical care:	
Barbers	78
Bootblack parlors	13
Ladies' hairdressing parlors	24
Public bathhouses	4
Total (17.7 per cent)	119
Economic and civic agencies:	
Banks	2
Employment agencies	6
Pawnshops	2
Steamship and railroad offices	5
Fire-engine company	1
Police station	1
Total (2.5 per cent)	17
Grand total (100 per cent)	671

III.

FOURTEEN PROFESSIONS, REPRESENTING 191 PERSONS.

Health:	
Dentists	40
Doctors	16
Drug stores	38
Midwifes	13
Nurses	7
Optometrists	2
Total (60.7 per cent)	116
Religion:	
Cantors	6
Rabbis	5
Total (5.8 per cent)	11
Art:	
Piano teachers	3
Photographers	12
Total (7.9 per cent)	15
Law:	
Lawyers	23
Notaries	21
Total (23 per cent)	44
Miscellaneous:	
Veterinaries	1
Real estate	4
Total (2.6 per cent)	5
Grand total (100 per cent)	191

IV.

CLASSIFICATION OF 65 VARIETIES OF INDUSTRIAL ESTABLISHMENTS, NUMBERING 624 IN ALL.

Foods:	
Bakeries	43
Butcher shops	93
Mineral water factories	2
Sausage factories	3
Total (22.6 per cent)	141

Wearing apparel:	
Cleaning stores	9
Corset shops	5
Cap manufacturing establishments	14
Clothing shops	6
Dressmaking shops	10
Embroidery shops	7
Flower and feather shops	2
Hair goods shop	1
Jewelry shops	35
Ladies' tailoring shops	72
Laundries	20
Men's tailoring shops	37
Men's hat shops	3
Merchant tailor shops	38
Millinery shops	50
Pants manufacturing shops	4
Shoemaking shops	30
Silk-waist shops	2
Sweater-making shop	1
Umbrella-making shops	5
Vest-making shops	2
Wire frame making shop	1
Watchmaking shops	10
Total (58.3 per cent)	364
Household goods:	
Baby-carriage factory	1
Basket factory	1
Candle factory	1
Picture-frame factories	3
Cutlery shops	2
Stove shop	1
Sewing-machine shop	1
Trunk factories	3
Building trades:	
Contractor	1
Carpenter shops	4
Electric shops	5
Glazing shops	2
Lumber yard	1
Locksmith shops	8
Metal ceiling factories	2
Paint shops	5
Plumbing shops	11
Roofing shop	1
Steam-fitting shop	1
Tinsmith shop	1
Wooden-tank factory	1
Total (6.9 per cent)	43
Miscellaneous:	
Bicycle shop	1
Blacksmith shops	3
Cigar factory	1
Cigarette factories	2
Gold-leaf factories	3
Harness shop	1
Ironwork shops	2
Junk shops	4
Leather-goods factory	1
Monument Building	1
Novelty shops	6
Paper-box factories	1
Printing shops	15
Sign-painting shops	9
Tobacco shops	11
Tailors' chalk factory	1
Wheelwright shop	1
Total (10.1 per cent)	63
Grand total (100 per cent)	624

Many of the residents of the locality are employed in industrial establishments in other portions of the city. A separate tabulation of them would thus show that a larger variety of trades and industries than is above given are represented by the residents of the district.

V.

FIFTY-FIVE MERCHANDISE ESTABLISHMENTS, REPRESENTING 745 STORES.

Foods:	
Delicatessen stores	5
Egg stores	17
Fruit and vegetable stores	30
Fish stores	23
Grocery stores	117
Milk stores	5
Mushroom stores	2
Poultry stores	3
Tea and coffee stores	2
Total (27.4 per cent)	204
Household articles:	
Bird stores	2
Coal and wood stores	18
Crockery stores	15
Carpet stores	6
Costumes store	1
Dry goods stores	94
Furnishing stores	43
Gas-appliances store	1
Gas-mantle store	1
Hardware stores	24
Leather-goods stores	4
Phonograph stores	2
Sewing-machine stores	2
Window-shade stores	2
Total (28.9 per cent)	215
Wearing apparel:	
Cloak and suit stores	2
Clothing stores	34
Corset store	1
Embroidery stores	2
Flower and feather store	1
Gents' furnishing stores	43
Men's hat stores	25
Notion stores	48
Shoe stores	28
Sweater store	1
Trimming stores	5
Umbrella stores	3
Woolen stores	8
Total (26.9 per cent)	201
Reading matter:	
Bookstores	10
News stands	36
Total (6.2 per cent)	46
Miscellaneous:	
Auctioneering stores	3
Awning store	1
Barber-supplies store	1
Cigar stores	21
Express offices	2
Fixture store	1
Feed stores	2
Insurance offices	18
Livery stables	10
Musical-instruments stores	3
Moving-van office	1
Plaiting store	1
Paper-box stores	3
Rags store	1
Stationery stores	10
Telephone exchange	1
Total (10.6 per cent)	79
Grand total (100 per cent)	745

RÉSUMÉ.

The capacity of the people living in this district to save money over and beyond living expenses can easily be determined by the various industrial and mercantile concerns dealing in articles of luxury, and by the fact that the people in this district largely patronize custom-tailoring establishments. The well-dressed appearance of many of the men and women is striking. The small number of pawnshops (only two) is likewise an additional evidence of thrift.

It is interesting to note that the Penny Provident Bank, connected with the University Settlement, for the year ending September 30, 1911, showed over $7,000 deposited by children of this neighborhood. There are six such penny provident institutions connected with other settlements and schools of this district.

The intelligence of the people is indicated both by the numerous bookshops and news stands, and by the large number of readers that are to be found among adults as well as children in the libraries of this district. Proportionately fewer books of fiction are read than in other parts of the city, the literature for home reading being mostly of a serious character.

Miss Ida Simpson, head librarian of the Seward Park New York Public Library Branch, when interviewed said that the circulation from that branch for the year ending 1911 was one-half million. This is the largest number of books circulated in any branch library in the world. The circulation among adults constituted two-thirds in the summer and one-half in the winter. The reason for the decline of adult readers in the winter can be ascribed to two causes, viz, the running of evening schools and the fact that they engage in overtime work in certain branches of industry during that period.

While fiction (and it was invariably of the best kind) led numerically, sociology was second, and economics third; 5,200 works in civics and American history are on the catalogue of this branch, but they are in constant use. Books representing simple methods for the study of English, to which this branch gives particular attention, are likewise in great demand. Despite the large number of foreigners residing in the vicinity, only 12 per cent of the total number of books taken out were in languages other than English. It was observed, Miss Simpson says, that many of the readers of this library change frequently. Investigation disclosed the fact that no sooner do the people coming from abroad become somewhat Americanized than they change their residence. The Borough of the Bronx draws very largely from this section. The transfer of these people from this branch to the branches in the upper part of the city in connection with the libraries there located also confirms this statement

Miss S. P. Kent, head librarian of the Rivington Street Branch, claims that for the year 1911, 265,405 volumes were taken out, 60 per cent of which were drawn by children, 40 per cent by adults. In point of numbers the order in which books were read was: Fiction, first; sciences, second; literature, third. The percentage of foreign books taken out was 12 per cent. Books on civics, American history in general, and local history pertaining to city and State can not be furnished quickly enough to satisfy the demands of the readers. This library, as well as others in this district, make it a point to keep in close contact with the evening and day schools, as well as with the several social centers in the neighborhood, and in that way the library is made known to those who frequent these centers. Miss Kent emphasizes the fact that the books drawn were largely of a utilitarian character, many being textbooks selected by young men and young women who are anxious to prepare for the civil service or regents examinations.

Miss Augusta Markowitz, head librarian of the Hamilton Fish Branch, shows a total circulation of 350,539 volumes for the year ended 1911, of which 215,712 were taken out by children, 134,827 by adults. Last year 4,001 new applications were made by children. Only 7 per cent of the books circulated are in foreign languages.

In the auditorium maintained in connection with this particular branch the Hungarian-American Lyceum meets weekly. It is made up of intelligent young men and women in the Hungarian colony, of which this library is the center. Interesting lectures both in Hungarian and English are held here. Boy scouts, composed of the boys of the neigh-

borhood, meet here weekly. Last summer a female physician connected with the board of health, Dr. Tinker, organized a Little Mothers' League, the purpose of which was to teach the young girls the care of infants so that they might become helpful to their mothers, and much good came of this effort.

The shifting of population, noted so largely in the case of the Seward Park Branch Library, has been likewise observed at the other two branches.

It is noteworthy that the large population of this region reads English mainly and that the percentage of books in other languages in circulation is from 7 per cent to 12 per cent. Those who in the first instance get simple books for the purpose of learning English, read at the same time for the sake of self-culture and amusement foreign books of a more serious character until they are sufficiently familiar with the language of the country to enable them to read English exclusively. The comparatively brief period that it takes them to acquire the language is remarkable.

Mr. Edward Mandel, principal of Public School No. 188, located at Houston and Lewis Streets, states that 2,500 boys attend his school, of whom 50 per cent are foreign born. Out of 1,500 boys 10 years or older, hence of library age, only 11 boys do not belong to the district branch library. During the whole of 1911 only 8 of the 2,500 boys were arrested, and they on charges that were trivial. There was but one who evinced serious moral delinquency.

In this school there are two foreign classes for children for the newly arrived. The average time that the children attend these special classes is from two to three months. They are then sufficiently qualified in English to enter the general classes and to keep up with the work. Fully 25 per cent of the children attending this school yearly change their residence from this district to the outlying parts of Brooklyn and the Bronx.

The high mental quality of the children has not varied to any extent during the past 10 years or more. Years ago the schools afforded no special facilities for social development. Now the school referred to has a well-conducted orchestra, a glee club, literary and other societies, including basket ball and other teams. The schoolrooms, auditoriums, and playgrounds are thus utilized on certain days after school hours. Entertainments are given in this school, and the parents are often invited. Similar work is done throughout the district. In this way the leisure hours of the children are devoted to recreation in an organized and useful manner.

There is no doubt that the schools, as well as the social settlements, are useful factors toward Americanizing the children of this locality, and that both react most beneficially upon the parents.

The public lectures delivered under the auspices of the board of education and the evening schools for adults are remarkably well attended. When it is remembered that the majority of people living on those streets are industrious toilers, the success of the public lectures and night schools is especially noteworthy.

Mr. Robbins Gilman, head worker of the University Settlement, gives it as his opinion that the children of the district which cover the streets mentioned evidence a degree of intelligence second to none amongst children of any other locality with which he is acquainted. So far as the young people are concerned, he says that those who are associated with the various clubs and societies identified with his settlement seem never to be satisfied with their present mental attainments, but eagerly seek additional knowledge.

Mr. Gilman, when asked what type of citizenship may be expected from this district, said: "There is no evidence that the United States is likely to suffer, from a civil point of view, as a result of the addition of citizens from the children and other minors of this district. On the contrary, every indication points to an enrichment of citizenship."

Another indication of the high standard of the population alluded to is shown by the fact that in the 8 halls and buildings used for meetings enumerated above there are 80 individual lodge rooms. Many incorporated societies for mutual and general beneficial purposes meet in them. The "community of interest" idea prevails to a very large extent. This is proven both by the large number of fraternal and other organizations, as well as by the fact that there are 104 congregations.

The 53 Hebrew schools at which religious education is imparted emphasize the anxiety of the parents that their children be made conversant with the teachings of their faith.

And, lest I forget, let me read what a Republican President and one of your candidates stated. I refer to Mr. Roosevelt's message of December 3, 1901, which is in part as follows:

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens. This would not keep out all anarchists, for many of them belong to the intelligent criminal class. But it would do what is also in point; that is, tend to decrease the sum of ignorance so potent in producing the envy, suspicion, malignant passion, and hatred of order out of which anarchistic sentiment inevitably springs. Finally, all persons should be excluded who are below a certain standard of economic fitness to enter our industrial field as competitors with American labor. There should be proper proof of personal capacity to earn an American living and enough money to insure a decent start under American conditions. This would stop the influx of cheap labor and the resulting competition which gives rise to so much of bitterness in American industrial life; and it would dry up the springs of the pestilential social conditions in our great cities where anarchistic organizations have their greatest possibility of growth.

Both the educational and economic tests in a wise immigration law should be designed to protect and elevate the general body politic and social.

This needs no comment on my part; it shows where he stands and the hollowness of his professed friendship for foreign-born citizens.

Again, in Mr. Roosevelt's message of December 5, 1905, he goes on record in the following language:

The question of immigration is of vital interest to this country. In the year ended June 30, 1905, there came to the United States 1,026,000 alien immigrants. In other words, in the single year that has just elapsed there came to this country a greater number of people than came here during the 169 years of our colonial life which intervened between the first landing at Jamestown and the Declaration of Independence. It is clearly shown in the report of the Commissioner General of Immigration that while much of this enormous immigration is undoubtedly healthy and natural, a considerable portion is undesirable from one reason or another.

Mr. Speaker, I shall now turn to the record of my party, the Democratic—the party of the people, the party that has survived since our independence—the party that stands for the people's rights, for justice and freedom, for progress, and for personal, civic, political, and religious liberty. It was nearly continuously in control of our Government from the time of our independence until 1860, and, although many efforts were made by the various political parties to pass restrictive legislation, especially between the years of 1830 and 1860, the Democratic Party during all these years stood firm for broad and liberal policies.

It stood then as it stands to-day—for the fundamental principles of our free Government. We have been and will continue to be in favor of the policy that this land of ours should ever be a refuge for the oppressed and persecuted of every nation.

In upholding the sacred traditions of the country and of the Democratic Party, the Democratic platform of 1884 contained the following:

We oppose sumptuary laws, which vex the citizen and interfere with individual liberty.

In reaffirming the declaration of the Democratic platform of 1856, that the liberal principles embodied by Jefferson in the Declaration of Independence and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith. * * *

And in the platform of 1892 we had the following:

We condemn and denounce any and all attempts to restrict the immigration of the industrious and worthy of foreign lands.

And in the latest pronouncement of Democratic doctrine, our platform of 1912, we have this ringing declaration:

No treaty should receive the sanction of our Government which does not recognize that equality of all our citizens, irrespective of race or creed, and which does not expressly guarantee the fundamental right of expatriation.

In contrast with Taft's and Roosevelt's narrow and biased views I desire to read an extract from the message of the only Democratic President we have had since 1860. It reads as follows:

MARCH 2, 1897.

To the House of Representatives:

I hereby return without approval House bill No. 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admission to the United States the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language: * * *"

A radical departure from our national policy relating to immigrants is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to rouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

The Democratic Party as such not only has at all times demonstrated its friendship for the foreign-born citizens, but whenever it was in power it has shown its ability and its wisdom to legislate at all times in the interest of all the people. This Congress, the first Democratic Congress in 16 years, has enacted more beneficial legislation, more legislation in the interest of the masses, in the interest of the laboring men, in the interest of the country than the Republican Party has enacted during the entire time of its existence. The Democratic Party, every Democrat and every honest citizen, may feel proud of the excellent record that we have made. Every pledge of ours has been redeemed and every promise kept, while many laws in the

interest of the people were passed in addition to those that our platform called for.

During our campaigns we promised the people, through our party platform, that if intrusted with authority we would take from the Speaker the power to appoint committees and thereby give the power to the representatives of the people to control legislation. We have promised the people to eliminate Cannonism, and we have fulfilled our promises. We have revised the rules and did take away from the Speaker the power to appoint committees, and we have placed each Member in a position where he is able to legislate for the interests of the people in accordance with the pledges and promises made, and we have made it impossible for any one man, no matter who he may be, to control legislation.

Mr. Speaker, I point with pride to the record of this Democratic Congress, and I now wish to point out some of the beneficial legislation which we have enacted:

First. We passed a resolution providing for an amendment to the Constitution which would give to the people the right to elect Senators by a direct vote, thus preventing the special interests from controlling these elections as has so often been the case heretofore.

Second. We have passed the campaign publicity bill, which requires candidates as well as campaign managers to publish the names of all campaign contributors, thereby giving the people a chance to see who is supplying the money for campaign expenses. Had this law been in force in 1904 we would have known before the election that the Harvester Trust had made a donation of some $30,000 to Mr. Roosevelt's campaign fund.

Third. On May 8, 1912, this Democratic Congress passed the free-list bill, removing the tariff on all agricultural implements, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles. President Taft, however, having the interests of the trusts at heart and ignoring the people's demands, vetoed this bill.

Fourth. The Democratic Congress has passed a bill reducing the tariff on cotton and on cotton goods, which would have no doubt reduced the price of wearing apparel; but again the Republican President came to the rescue of the rich manufacturers by vetoing the bill.

Fifth. The Democratic Congress has passed the bill known as the steel schedule, which reduces the tariff on steel and steel products over 50 per cent. In fact, we have passed this bill twice—the first time it was vetoed by the President, and it is now being strangled in the Senate. If this bill had become a law, the prices of building material and of all products of a like nature, as well as the prices of the tools with which mechanics and laboring men earn their livelihood, would have been materially lowered.

Sixth. We have properly charged the Republican Party with criminal extravagance and have promised the people of the country economy. Again we have kept our faith and have reduced the House expenditures alone by about $180,000, and we will save the country nearly $30,000,000 during the fiscal year.

Seventh. Believing that the tax of nearly 2 cents on sugar is a tax upon the necessities of life, we have passed a bill placing sugar on the free list, and thereby saving the people of this country on the tax alone over $55,000,000 annually. If you take into consideration the profit of the Sugar Trust on the sugar coming here free from our possessions, we can safely say that we will have saved the people nearly $300,000 for each congressional district, provided, of course, that the Republican Senate will likewise do its duty by the people, and provided also the President does not come to the rescue of the Sugar Trust.

Eighth. Let us now turn to the income tax. Instead of taxing the poor, as the Republican Party has been doing, the Democratic Party believes in imposing the tax on those who can easier afford to pay it. We therefore have passed the income-tax bill, which provides that there be an annual tax levied on those individuals having a yearly income of $5,000 or over. If this bill is passed by the Republican Senate and signed by the Republican President, this will equalize all the reductions that we have made in the cut on the articles I have mentioned and the losses of revenue we would undergo in placing the other articles I have referred to on the free list.

Ninth. And now let us consider the wool bill. It is a well-known fact that the tariff on wool is criminally high. Yes; even our Republican President has openly admitted that fact and promised that it should be revised downward. We, the Democrats, have revised the woolen schedule and revised it downward, reducing it nearly 50 per cent, and instead of signing it the President vetoes it, and the only excuse he has given the country for his action is that the woolen interests are too strong in the Republican Party and that party solidarity would not permit of his signing the bill. However, we have passed it again, and he has vetoed it for the second time notwithstanding the fact that the report of his own tariff commission shows conclusively that we were right in both instances. Realizing this and knowing that the people are in need of immediate relief, we have passed it over the President's veto.

Thirteenth. A bill to give to official papers of trades-unions and fraternal organizations second-class mail privileges.

No one can deny that we have done our duty, that we have endeavored to relieve the people of their burdens. I feel sure that the people at large must realize that were it not for the Republican Senate and the Republican President they would have been deriving the benefits from our legislation long ere this.

I mentioned the measures passed by this Democratic House that are of general benefit to the country, but I have not as yet mentioned the measures that we have passed for the interest of the laboring classes. I now wish to call attention to some of these:

First. The Democratic House has enacted legislation extending the operation of the eight-hour law to work done for the Government as well as work done by the Government; it has passed a bill providing for the application of the eight-hour law to men engaged in dredging work in our rivers and harbors; it has incorporated in the Post Office appropriation bill an eight-hour provision for post-office clerks and letter carriers; it has incorporated a similar provision in the naval appropriation bill making the eight-hour workday apply to workmen employed under the current appropriations, and it has also included in the naval appropriation bill a provision requiring that all coal purchased for the use of the Navy be mined on an eight-hour workday.

Second. We have passed the children's bureau bill to promote the welfare of children and to devise means whereby the necessities of the parents shall not retard the development and progress of the children of our land.

Third. The Democratic Congress passed the anti-injunction bill, which has for its object the protection of workingmen during the period of labor disputes and giving them the same protection in the courts that other men enjoy.

Fourth. The contempt bill has been passed by this Democratic House. This provides a trial by jury in cases of indirect contempt.

Fifth. A bill creating a Department of Labor, with a secretary who shall be a member of the President's Cabinet. This bill provides that this secretary of labor shall have the power of mediation in trade disputes and the right to appoint conciliators in such cases, when in his judgment it is wise to do so.

Sixth. A bill providing for an industrial commission to investigate the entire subject of industrial relations between employer and employee, with a view of ascertaining the best methods of dealing with industrial problems so as to protect the rights of all persons who may be directly or indirectly interested.

Seventh. The bill providing for an investigation of the Taylor and other systems of so-called scientific shop management, in order that the workingman might be protected against "speeding up" beyond his normal power.

Eighth. The seamen's bill—which is intended to give freedom to the seamen—provides a standard of skill for seamanship, to promote safety of travel at sea, and to equalize the operating expenses of foreign vessels with American vessels, so as to build up an American merchant marine without resorting to subsidies.

Ninth. The convict-labor bill, the provisions of which are that the sale of convict-made goods must conform to the laws relative to these goods in the State which they are sold, so as to prevent illegitimate competition with free workmen and their employers.

Tenth. The Bureau of Mines bill, which has for its object the widening of the scope of the Bureau of Mines so that it may better be able to develop methods of preventing accidents in mines and have greater efficiency in rescue work when accidents occur.

Eleventh. A provision in the Post Office appropriation bill removing from post-office employees the gag rule, and making it possible for them to bring their grievances to Congress without fear of being discharged for doing so.

Twelfth. The bill to extend the provisions of the compensation-for-injury act to the employees of the Bureau of Mines.

THE PROGRESSIVE PARTY.

Some of the Republicans, recognizing that the day of reckoning has arrived, knowing that the Republican Party is doomed, and wishing to save the party in order to save themselves, have started to advocate Democratic principles and have here and

there voted for Democratic measures, which gave them the name of "insurgents." The people at home, believing in their sincerity in aiding the cause of progressive Democracy, have approved of their actions and reelected them; but as soon as the opportunity presented itself they believed themselves safe to again betray the trust placed in them, and they have allied themselves with the old Republican combination. In other words, they have been progressives at election time only, so as to be able to secure reelection, but what a change of heart after the election.

That, however, does not apply to all, there are a few who really did vote right, who refused to follow the dictates of the old Cannon-Payne-Dalzell-Sherman combination, and these few have made an honest effort to secure the aid of Theodore Roosevelt. Did they receive it? Did he not refuse them his aid and cooperation? Did he not deprive them of patronage and recognition? And, oh, what an irony; to-day he endeavors to make the country believe that he stands for progressive policies.

If Mr. Roosevelt was honest and sincere, would he not have domonstrated it when he was in a position of power, when he was able to bring about the reforms that he now advocates and preaches? Anyone that reads his confessions of sin and not of faith and the Bull Moose platform can not help but come to the conclusion that it is the most insincere declaration that has ever been penned. Every one of the planks that go to make up this so-called platform that are of any value have been preached and advocated by all sincere Democrats for years, and not only have they been preached and advocated, but the majority of them have been put in force; the majority of them have been enacted by the Democratic Congress into laws.

Let us examine the Bull Moose platform for a minute and see what we find. We note from one of its first declarations that Mr. Roosevelt and his followers assail, and justly so, the Republican Party for the "deliberate betrayal of its trust." Surely these men know whereof they speak; for, were they not for a number of years the leading men in this selfsame party while it was "betraying its trust"?

A little further on we find that Mr. Roosevelt is in favor of the election of United States Senators by popular vote. If he would take the trouble to examine the work of the Democratic Congress, he would see that a bill intended to accomplish this was passed many months ago by the Democratic Congress.

He next advocates publicity of campaign contributions. Is not that the law now, through the aid and assistance of the Democrats? But why did he not advocate same while he was receiving the enormous contributions from trusts, including Standard Oil?

Next he desires the development of a method of getting rid of corrupt judges. Have we not secured within the past year the resignations of two judges? And did not the Democratic House bring impeachment proceedings against a third, whose resignation will no doubt be forthcoming shortly? Why did Mr. Roosevelt and the other Republican Presidents not appoint men as judges who were honest and able, instead of appointing corrupt Republican politicians? Had they done so there would not now be need for the recall.

Mr. Roosevelt advocates the establishment of standards of compensation for industrial accidents and deaths and for occupational diseases. Has he forgotten that for nearly six years I have been endeavoring to secure such legislation, and that a commission has been appointed, that bills are now being considered on this subject, and that as soon as a bill is submitted which really does provide actual compensation for those injured and the families of those killed it will immediately be passed by this Democratic Congress?

There are four different clauses in his platform about eight-hour laws. Oh, what great solicitude he now shows for the wage earner. Can he be honest, can he be sincere, in view of the fact that during his administration he issued an Executive order prohibiting the Government employees from appealing to Congress for relief? Does he not know that we have passed eight-hour laws applying not only to the Government employees, but to all who are employed in any way in establishments furnishing the Government with supplies?

He says he is in favor of a provision being made for insurance and old-age pensions. If he had kept posted as to our progressive legislation, he would have found that even this is now being considered by the Democratic Party under my resolution.

He favors the strengthening and enforcement of the pure-food law. Only a few days ago the Democratic Congress passed the Gould bill and in the next few days will pass the Sherley bill, both of which measures will strengthen the pure-food law and permit of its being more rigorously enforced.

He wants a national industrial commission created. If he had not been so busy with the ex-bosses and discards of the Republican Party, he would have known that the Democratic Congress some time ago passed a bill creating this commission.

Now, as to the remodeling of the patent laws. Can he suggest anything better than the Oldfield bill, which has already been recommended by the Democratic committee and which will no doubt be passed? And has he failed to notice the resolution adopted by the Democratic House, demanding an investigation of the Patent Office by the Efficiency Commission, for the purpose of eliminating the frauds and abuses now existing there?

As to the establishment of a parcel post. It is apparent that he is traveling by freight and behind the schedule. The Democratic House has already provided for this by incorporating in the Post Office appropriation bill an amendment creating a parcel post. This amendment has undergone some slight revision in the Senate and will shortly be again approved and passed by the House.

As to the strengthening of the interstate-commerce law, especially as regards the railroads. It is my pleasure to inform him that legislation tending toward this end is now being carefully considered, and several measures along this line have already been reported by a Democratic committee, including the bill which provides for physical valuation of all railroads.

Mr. Roosevelt is in favor of a sound and elastic currency reform, guarded against a monopoly and social practices. Again, what an irony; the demons ought to join in laughter. Is he in favor of the system recommended by Aldrich, or the system that he pursued when President, when without any authority of law he ordered $40,000,000 of the people's money taken from the United States Treasury and turned over to Wall Street gamblers, that they may manipulate the market?

We read further that the Panama Canal, being built and paid for by the American people, must be used primarily for their benefit. Two months ago the Democratic Congress provided for free tolls for American ships. Here again it would seem that Mr. Roosevelt was on board a becalmed freighter which is already behind its schedule, while the Democratic Party is steaming ahead at full speed.

He goes on record for a protective tariff, which shall equalize conditions of competition between the United States and friendly countries. He was our President for seven years; he had a Republican Senate and a Republican House ready to obey his commands. Did he during this period make a single effort to revise the tariff in order that the American people might be afforded some relief?

Let us take up the income tax. It appears that Mr. Roosevelt was so busily engaged during the early part of his campaign for the Republican nomination, trying to line up the colored delegates, that he lost sight of the fact that early in March, 1912, the Democratic House passed a bill taxing all incomes of $5,000 or more.

And last, but not least, we find that he advises the establishment of a Department of Labor with a seat in the Cabinet. Is he really so uninformed on such matters that he does not know that the Democratic House on July 17, 1912, passed a bill creating a Department of Labor with a seat in the Cabinet?

No, I can not believe that Mr. Roosevelt is not informed regarding the important legislation enacted by the Democratic House, but I am forced to the conclusion that he is only displaying the same amount of disregard for existing conditions as he has in the past. In other words, he is now no more sincere than he ever was, and he believes that the American people will again be misled by his four-flushing tactics. Deduct from his platform all the legislation enacted by the Democratic House and that which will be enacted shortly and what do you have? Nothing of any importance.

Mr. Speaker, I feel confident that he will not again be able to fool the American people. They will not again be misled by him, nor by any other Republican, no matter under what label he parades. The American people have demonstrated in the last election that they are willing to give Democracy a trial. We have proven beyond any reasonable doubt that we are worthy of their confidence. We have carried out honestly and satisfactorily our pledges and promises, and we firmly believe that we merit their confidence and support, and nothing that the Republican party can do will prevent them doing their duty by themselves and by us and rewarding us for our work and efforts in their behalf.

In my opinion the only course for Mr. Roosevelt and his followers to pursue, if they are in favor of those things they advocate in their so-called platform, is to vote for and support the Democratic candidate for President. From what I know of some of Mr. Roosevelt's followers I am convinced that they are

making an honest effort to break away from the old Republican Party, with its boss rule, its Cannonism, and its Taft, and it is to these men that I wish to appeal, for I do not think they realize that they are merely being used by Saint Theodore I to gratify his personal ambitions.

No argument can be brought more forceful to convince the American people of Republican misrule and corruption than by reading that which Mr. Roosevelt had to say concerning the administration of his lifelong friend Mr. Taft, and then turn the medal to the other side and read what Mr. Taft has to say concerning Mr. Roosevelt's administration. Mr. Speaker, I am inclined to believe that these two gentlemen know each other.

Although for 16 years the Democratic Party was out of power, it has nevertheless demonstrated beyond the semblance of a doubt that it is a party which, when given an opportunity, will conduct the affairs of our country for the best interests of all of its citizens. That it legislates wisely, justly, and prudently; it has proven that it legislates for the people and not for the trusts, for the masses and not for the special interests, for the wage earner and not for the rich idler. It has fulfilled the pledges and promises made to the people, and in the brief space of time since its return to power it has enacted more beneficial legislation, more legislation in the interest of the wage earner—American native and foreign born alike—than the Republican Party enacted during its entire existence. This Democratic Congress is the most progressive, the most productive of sound and beneficial legislation of any in the history of our country.

And in conclusion I desire to say this: I have been and am now a Democrat who believes in the Democratic doctrine, in equal rights to all and special privileges to none. I became a Democrat because of my belief in these principles and because the Democratic Party was the party that stood for them. I am a Democrat because I believe the Democratic Party is the party of the people and for the people; that it stands for and does what is just and right. I firmly believe that it stands for justice and equity; that it is a party that is broad and liberal; that and through it the people can secure beneficial legislation that will relieve them from oppression.

It stands by its pledges. It carries out its promises. And, notwithstanding the fact that I stand for and firmly believe in all its fundamental principles and have been active ever since 1888, voting for Cleveland, Bryan, and Parker, and have been many times honored by it, if I believed that our candidate for President—the Hon. Woodrow Wilson—had intentionally spoken unfairly of our foreign-born citizens and actually was prejudiced against them, I would unhesitatingly refuse him my vote and my support.

But, Mr. Speaker, I am satisfied that he is a man of broad and liberal ideas, a man of excellent judgment, a man of great knowledge and intelligence, honest and fearless, and I feel confident that, after he has been elected the President of the United States, the greatest and most glorious country under the canopy of Heaven, and President of the greatest and most hospitable people inhabiting any portion of this globe, he will demonstrate to those who are endeavoring to place him in a false light that he can not and will not be swayed from the path of righteousness and justice, and will easily shine after his days of service are over with the other illustrious stars—Washington, Jefferson, Jackson, and Lincoln.

AUGUST 17, 1912.

MY DEAR MR. DONGRES: In my haste to answer your communication I neglected to comply with your request that I send you my interview with Gov. Wilson in reference to immigration.

In connection with the Democratic Members of the House I visited the governor at Seagirt. My reason for going was in order that I might interview him and obtain his views on immigration and foreign-born citizens. Ever since he became a candidate, and especially during the primaries, people opposed to him have endeavored in every way possible to create prejudice against him in order to weaken him. In the districts where foreign-born citizens are numerous, Mr. Wilson's opponents have naturally endeavored to find something that would influence them, and after a long search through his many books they have found a passage in his History of the American People with which they aim to prejudice the minds of all of the foreign-born citizens, though that passage has reference only to that part of the immigration of Hungary, Italy, and Poland, which is styled as the "meaner" or "lower" classes.

Being a Democrat and having the interests of the foreign-born citizens at heart, having fought as a member of the Immigration Committee for years against unreasonable restriction of immigration and for fair and humane construction of our laws pertaining to immigration, and representing a district and a city composed of foreign-born citizens, I deemed it my duty before going on record or before indorsing Mr. Wilson's candidacy, to hear from his own lips his views pertaining to that passage, as well as his views on the present conditions relating to this ever-present problem. Feeling as strongly on the question as I do, I was ready to inform him and the Democratic Party with which I have been for many years associated, that I could not give him my vote or support unless I was satisfied that the many attacks and charges were not founded on fact, and unless I found him to be a man of broad and liberal views.

Nearly all the Democratic Members of Congress have known my views and have frequently requested me to come out in Mr. Wilson's favor, but up to the time of my interview with him I had absolutely refused.

Nothwithstanding there were present on that day about 150 Democratic Members of Congress, when I stated to Mr. Wilson my mission, he gave me nearly one hour of his time, because of his desire to be put right before the foreign-born citizens and the American people at large on this question, and this is about in substance his explanation of the unfortunate passage referred to:

"At the time that I wrote the History of the American People," said Mr. Wilson, "there was a widespread demand that a stop be put to the importation of contract labor. It was generally charged by the press and by men in public life and students of political economy, that the large industries, aided by the profit-seeking Steamship Trust, were bringing untold thousands of immigrants to this country under contract to supplant those at that time in their employ, the latter having demanded improved labor conditions and a substantial increase in wages. It was these people brought over under these conditions that I referred to when I mentioned the 'meaner sort.' I took it for granted that these men who were being drafted and brought over here under contract by these various industries were aware of the conditions under which they were being imported, and I was under the impression that no people of any race and of any country would permit themselves to be used for these purposes unless they really belonged to the lower and the meaner classes, and it must be admitted that every country and every nation has a certain percentage of people who are classed as the lower and meaner sort."

Mr. Wilson stated further to me that he fully realized what a great factor the immigrants and foreign-born citizens have been in making our country what it is—the greatest on the globe—that they have been in a great measure instrumental in building up many of our largest industries, and that they have materially aided in developing and settling up many sections of our country.

Time will not permit of my giving the entire interview verbatim, but I wish to say in conclusion that he has made it clear to me that he is not opposed to honest immigrants from any European country who desire to make this country of ours their future home, and after the long interview I had with him I came away satisfied that the passage in his book has been wrongly interpreted and that we who sympathize with the foreign-born citizens and are in favor of liberal immigration laws need not entertain any fears as to his position.

I have come to the conclusion that Mr. Wilson is not only fair, honest, and sincere, but he is a truly great man, with broad and liberal views; and I am satisfied that if he is elected, and all indications are that he will be, that he will follow in the footsteps of the other great Democrats who have gone before and will live up to the traditions of our country, which I hope will always remain the asylum for the oppressed and persecuted of the other nations.

Feeling satisfied that Gov. Wilson is not prejudiced against foreign-born citizens or against immigration, I have decided not only to give him my vote, but also to support him to the best of my ability. I hope that all those that have heretofore believed in me and approved of my views and humble efforts in their behalf will approve of my views in this matter and will bend every effort to secure his election, as I believe it is our duty to show the American people that we will not be misled by the efforts of Mr. Wilson's opponents to poison our minds against him.

With kindest regards, I am,

Sincerely, yours,

A. J. SABATH, M. C.

Mr. LOU W. DONGRES,
Editor Bohemian Country Life,
1516 Lincoln Avenue, Omaha, Nebr.

Illiteracy Test.

EXTENSION OF REMARKS
OF
HON. BENJAMIN K. FOCHT,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
Friday, August 23, 1912.

Mr. FOCHT said:

Mr. SPEAKER: I have here two editorials by Samuel Gompers, president of the American Federation of Labor, an article by John Mitchell, vice president of the federation, and a very short brief in favor of the illiteracy test, which I ask to insert in the RECORD.

The matter referred to is as follows:

IMMIGRATION—UP TO CONGRESS.

[By Samuel Gompers.]

THE A. F. OF L. ON IMMIGRATION.

Resolution 77, passed at the annual convention held at Toronto, Ontario, November, 1909:

Whereas the illiteracy test is the most practical means for restricting the present stimulated influx of cheap labor, whose competition is so ruinous to the workers already here, whether native or foreign; and

Whereas an increased head tax upon steamships is needed to provide better facilities, to more efficiently enforce our immigration laws, and to restrict immigration; and

Whereas the requirement of some visible means of support would enable immigrants to find profitable employment; and

Whereas the effect of the Federal Bureau of Distribution is to stimulate foreign immigration: Therefore be it

Resolved by the American Federation of Labor in twenty-ninth annual convention assembled, That we demand the enactment of the illiteracy test, the money test, an increased head tax, and the abolition of the Distribution Bureau; and be it further

Resolved, That we favor heavily fining the foreign steamships for bringing debarable aliens where reasons for debarment could have been ascertained at the time of sale of ticket.

The final inning of the tug of war over immigration has now begun. In this contest tremendous forces are engaged. On the side of America are the upholders of two distinctive American sentiments, the maintenance of the American standard of living for our wageworking classes and the maintenance of American institutions as they are, unimpaired through the financial degradation of the working classes. On the proimmigration side is the powerful immigration machine, composed of the trans-ocean combine, with all its thousands of agents and other innumerable parasites, the bankers, padrones, etc., who are coining money out of the millions of immigrants coming in the course of years into this country from Europe.

The center of this tug of war has at last shifted to Congress. No longer is the discussion indefinite, casual, or partisan, or without an immediate object, conducted through the press and other insufficient agencies of information and debate. No longer either, is it backed up merely by individual impressions or the partial investigations heretofore promoted by various private institutions. The Federal Government undertook four years ago the solution of the immigration question through scientific means. It set out to ascertain the undeniable facts, and after three full years of research its commission has brought forward no less than 40 volumes on the subject, covering every possible phase. Its recommendations it has brought forward in concise form in a separate pamphlet.

A reading of these recommendations confirms the facts of the case as they have been accepted by the American Federation of Labor after the serious study its members had given the question for decades. The local, and then the international unions, and finally the annual conventions of the American Federation of Labor itself, have had immigration up for consideration as one of the principal labor topics on literally thousands of occasions. The membership as a whole, from upholding the sentiments the great majority once entertained, namely, that this country could go on indefinitely absorbing the entire possible stream of immigration, have reluctantly, in view of the facts, passed over to the sway of the sentiment that their own good heartedness toward the immigrants and the laborers of the Old World was being exploited by large employers for the purpose of reducing wages as well as by the steamship combine and its myriad of parasites for the sake of their own profits. At last the great body of the American industrial wageworkers have come to see one fact above others, which is, that the immigrants are assimilated in America through the wageworking class. This means that the American-born wage earners and the foreign wage earners who have been here long enough to aspire to American standards are subjected to the ruinous competition of an unending stream of men freshly arriving from foreign lands who are accustomed to so low a grade of living that they can underbid the wage earners established in this country and still save money. Whole communities—in fact whole regions—have witnessed a rapid deterioration in the mode of living of their working classes consequent on the incoming of the swarms of lifelong poverty-stricken aliens. Entire industries have seen the percentage of newly arrived laborers rising, until in certain regions few American men can at present be found among the unskilled.

By the commission's report it is shown that in many communities as high as 50 and even 70 per cent of the children in the public schools are the offspring of foreign fathers. This remarkable change in America, it must be kept in mind, is almost wholly in the wageworking class. It was recognized by our wageworkers in many parts of the country that this radical change in population was taking place, and hence delegates to the trades-union conventions began some years ago to give their testimony as to the need of restriction of the evidently assisted, or artificially promoted, immigration. Opposition to those who supported these views brought about a continual sifting and searching for the truth as it affected trade-unionism and the general wage level. At work in advance of the investigators of the Immigration Commission were the representatives of labor as most deeply interested investigators in the cause of labor. Not only in a general way but most strikingly in certain occupations and in certain districts of the country, what had been brought home to trade-unionists as going on through immigration was the rapid change in the membership of the unions as well as in population. In no country on the face of the globe do such rapid transitions in industry and in population take place as in ours. Therefore, in time the general opinion among union men on immigration had come to be such as was expressed in the resolution passed at the Toronto convention.

The United States Immigration Commission, after its protracted studies, perfectly agrees with this opinion. The commission, as a whole, in its own words—

recommends restriction as demanded by economic, moral, and social considerations, furnishes in its report reasons for such restriction, and points out methods by which Congress can attain the desired result if its judgment coincides with that of the commission.

There was but one dissenting voice on the commission's report—that of Congressman William S. Bennet, of New York, whose emphatic rejection on November 8 by his constituents was one of the remarkable features of the recent campaign. Mr. Bennet's minority report is brief and not very clear as to his reasons for finding every other member of the commission of nine members in the wrong. Since the date on which he sent it in, however, he has found his proper place. On December 6 he sent a telegram to the president of the "Liberty Immigration Society," declaring that "immigration at the present time is not a menace, either mentally, morally, or physically." This telegram was published, with words of approval, by the foreign New York newspapers, which draw much of their financial support from the large display advertisements of the steamship combine engaged in dredging Europe for emigrants.

The following is the most significant passage of the United States Immigration Commission's report (p. 39):

The investigations of the commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demands legislation which will at the present time restrict the further admission of such unskilled labor.

It is desirable in making the restriction that—

(a) A sufficient number be debarred to produce a marked effect upon the present supply of unskilled labor.

(b) As far as possible the aliens excluded should be those who come to this country with no intention to become American citizens or even to maintain a permanent residence here, but merely to save enough, by the adoption, if necessary, of low standards of living, to return permanently to their home country. Such persons are usually men unaccompanied by wives or children.

(c) As far as possible the aliens excluded should also be those who, by reason of their personal qualities or habits, would least readily be assimilated or would make the least desirable citizens.

The following methods of restricting immigration have been suggested:

(a) The exclusion of those unable to read or write in some language.

(b) The limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.

(c) The exclusion of unskilled laborers unaccompanied by wives or families.

(d) The limitation of the number of immigrants arriving annually at any port.

(e) The material increase in the amount of money required to be in the possession of the immigrant at the port of arrival.

(f) The material increase of the head tax.

(g) The levy of the head tax so as to make a marked discrimination in favor of men with families.

All these methods would be effective in one way or another in securing restrictions in greater or less degree. A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration.

The commission also makes the following points in its report:

Further general legislation concerning the admission of aliens should be based primarily upon economic or business considerations touching the prosperity and economic well-being of our people.

The development of business may be brought about by means which lower the standard of living of the wage earners.

Aliens convicted of serious crimes within a period of five years after admission should be deported.

So far as practicable the immigration laws should be so amended as to be made applicable to alien seamen.

Any alien who becomes a public charge within three years after his arrival in this country should be subjected to deportation.

The commission also believes that in order "to protect the immigrant against exploitation, to discourage sending savings abroad, to encourage permanent residence and naturalization, to secure better distribution of alien immigrants throughout the country" the States should enact laws strictly regulating immigrant banks and employment agencies, and that aliens who attempt to persuade immigrants not to become American citizens should be made subject to deportation, and that the division of information should cooperate with the States desiring immigrant settlers.

At the recent St. Louis convention of the American Federation of Labor the president, in his report, called the attention of the delegates to the fact—

that a veritable flood of bills designed to check immigration had been introduced in the last session of Congress, and the report of the executive council on the president's report expressed the hope that this flood of bills and work of the Immigration Commission would result in the enactment of legislation which will protect the workers in this country from the unfair competition resulting from indiscriminate immigration.

On behalf of American labor, it is to be said that the action of the trades-union in this country on this most delicate international question involves a step that touches the heart of every man contemplating it. That step—the advocacy of exclusion—is not prompted by any assumption of superior virtue over our foreign brothers. We disavow for American organized labor the holding of any vulgar or unworthy prejudices against the foreigner. We recognize the noble possibilities in the poorest of the children of the earth who come to us from European lands. We know that their civilization is sufficiently

near our own to bring their descendants in one generation up to the general level of the best American citizenship. It is not on account of their assumed inferiority, or through any pusillanimous contempt for their abject poverty, that, most reluctantly, the lines have been drawn by America's workingmen against the indiscriminate admission of aliens to this country. It is simply a case of the self-preservation of the American working classes. Changes are constantly going on in Europe for the uplift of the men of labor, and it can well be believed that each country in Europe is in position to-day to solve its own labor questions in the way best for itself. A fact now obvious to labor in this country is that American labor and European labor have both been made the subject of a colossal bunco game played by avaricious exploiters of the poor. The sounding phrase "protection to American labor" has of recent years been a standing insult to the intelligence of American wage earners, with millions upon millions of newcomers arriving here through promoted immigration. Considering the opportunities now existing in Europe for the advance of the working classes, the net gains to be made on the whole by European immigrants to this country at the present time are to be questioned. The manifold acute sufferings of immigrants, their sacrifices to enable them to come to America, the trials of the ocean voyage, the discouragements in seeking work in the United States—in getting a foothold in the wageworking ranks, in the oppression they suffer at the hands of employers, and in their sickness and death rate—all these drawbacks serve to counterbalance much of whatever success may at last come to them. Of the 30 to 40 per cent of the immigrants who return to Europe, an enormous number go back, by the evidence of the commission, defeated, disheartened, ruined.

It is not necessary here to dilate on many of the inhuman features of immigration, statements as to which have been so hotly disputed in the many articles published in American periodicals in recent years. Suffice it to say that the Immigration Commission's report in its summary gives reason to believe that the most sensational charges against steamship companies and other monster plunderers of the poor ever made in the yellowest of the magazines come near to official substantiation. The commission says:

The old immigration movement was essentially one of permanent settlers. The new immigration (since 1882) is very largely one of individuals, a considerable proportion of whom apparently have no intention of permanently changing their residence, their only purpose in coming to America being to temporarily take advantage of the greater wages paid for industrial labor in this country. This, of course, is not true of all the new immigrants, but the practice is sufficiently common to warrant referring to it as a characteristic of them as a class. From all data that are available it appears that at least 40 per cent of the new immigration movement returns to Europe and at least 30 per cent remains there. This percentage does not mean that 30 per cent of the immigrants have acquired a competence and returned to live on it. Among the immigrants who return permanently are those who have failed, as well as those who have succeeded. Thousands of those returning have, under unusual conditions of climate, work, and food, contracted tuberculosis and other diseases; others are injured in our industries; still others are the widows and children of aliens dying here. These, with the aged and temperamentally unfit, make up a large part of the aliens who return to their former homes to remain (p. 16, Brief Statement).

As a class, the new immigrants are largely unskilled laborers coming from countries where their highest wage is small compared with the lowest wage in the United States. Nearly 75 per cent of them are males. About 83 per cent are between the ages of 14 and 45 years, and consequently are producers rather than dependents. They bring little money into the country and send or take a considerable part of their earnings out. More than 35 per cent are illiterate, as compared with less than 3 per cent of the old immigrant class (p. 16).

It should be stated, however, that immigration from Europe is not now an absolute econonomic necessity, and as a rule those who emigrate to the United States are impelled by a desire for betterment rather than by the necessity of escaping intolerable conditions. This fact should largely modify the natural incentive to treat the immigration movement from the standpoint of sentiment and permit its consideration primarily as an economic problem (p. 17).

Comparatively few immigrants come without some reasonably definite assurance that employment awaits them, and it is probable that as a rule they know the nature of that employment and the rate of wages. A large number of immigrants are induced to come by quasi labor agents in this country, who combine the business of supplying laborers to large employers and contractors with the so-called immigrant banking business and the selling of steamship tickets.

Another important agency in promoting emigration from Europe to the United States are the many thousands of steamship ticket agents and subagents operating in the emigrant furnishing districts of southern and eastern Europe. Under the terms of the United States immigration law, as well as the laws of most European countries, the promotion of emigration is forbidden, but nevertheless the steamship-agent propaganda flourishes everywhere. It does not appear that the steamship lines, as a rule, openly direct the operations of these agents, but the existence of the propaganda is a matter of common knowledge in the emigrant-furnishing countries and, it is fair to assume, is acquiesced in, if not stimulated, by the steamship lines as well. With the steamship lines the transportation of steerage passengers is purely a commercial matter; moreover, the steerage business which originates in southern and eastern Europe is peculiarly attractive to the companies, as many of the immigrants travel back and forth, thus insuring east-bound as well as west-bound traffic (p. 17).

There are annually admitted, however, a very large number who come in response to indirect assurance that employment awaits them. In the main, these assurances are contained in letters from persons already in this country, who advise their relatives or friends at home that if they will come to the United States they will find work awaiting them. On the other hand, it is clear that there is a larger induced immigration due to labor agents in this country, who, independently or in cooperation with agents in Europe, operate practically without restriction. As a rule only unskilled laborers are induced to come to the United States by this means (p. 21).

There have been established at a number of our important ports societies who, with the permission of the immigration authorities, send representatives to meet incoming aliens whose friends and relatives fail to call for them. In case these immigrants need advice or a place where they can remain in safety for a few days, these societies furnish such aid and permit them to come to the homes which have been established for that purpose. These societies and homes have usually been founded by and are under the direction of societies connected with some religious body. In a number of instances they receive subventions from foreign governments, inasmuch as they care for the immigrants of the countries concerned.

As the welfare of the immigrants, especially young women, might be materially affected by the care exercised by the representatives of these homes, it seemed wise to investigate their methods of work and the condition of their homes. The results were surprising. While in a number of cases the societies were doing excellent work and the homes were giving due attention to the welfare of the young women placed in their charge, securing them positions and afterwards seeing that the positions were those suitable for the girls, in a number of instances it was found that the managers of the homes had apparently deceived the directors and supporters of the societies and were making of the homes mere money-making establishments for the managers. In a few cases, in order to promote their own financial advantage, the managers overcharged the immigrants, permitted the immigrant homes to remain in a filthy condition from lack of care, and even were ready to furnish to keepers of disreputable houses young girls as servants in such houses. The commission called the attention of the Immigration Commissioner at Ellis Island and of the authorities at Washington to these abuses. In a number of cases vigorous action was taken, and representatives of seven societies were forbidden access to the immigrant station until a complete change in the management had been brought about (p. 23).

A large proportion of the southern and eastern European immigration of the past 25 years has entered the manufacturing and mining indutries of the Eastern and Middle Western States, mostly in the capacity of unskilled laborers. There is no basic industry in which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries. Coincident with the advent of these millions of unskilled laborers there has been an unprecedented expansion of the industries in which they have been employed. Whether this great immigration movement was caused by the industrial development or whether the fact that a practically unlimited and available supply of cheap labor existed in Europe was taken advantage of for the purpose of expanding the industries, can not well be demonstrated. Whatever may be the truth in this regard, it is certain that southern and eastern European immigrants have almost completely monopolized unskilled labor activities in many of the more important industries (p. 29).

The effect of the new immigration is clearly shown in the western Pennsylvania fields, where the average wage of the bituminous coal worker is 42 cents a day below the average wage in the Middle West and Southwest. Incidentally, hours of labor are longer and general working conditions poorer in the Pennsylvania mines than elsewhere. Another characteristic of the new immigrants contributed to the situation in Pennsylvania. This was the impossibility of successfully organizing them into labor unions. Several attempts at organization were made, but the constant influx of immigrants to whom prevailing conditions seemed unusually favorable contributed to the failure to organize. A similar situation has prevailed in other great industries (p. 30).

These groups have little contact with American life, learn little of American institutions, and aside from the wages earned profit little by their stay in this country. During their early years in the United States they usually rely for assistance and advice on some member of their race, frequently a saloon keeper or grocer, and almost always a steamship ticket agent and immigrant banker who, because of superior intelligence and better knowledge of American ways, commands their confidence. After a longer residence they usually become more self-reliant, but their progress toward assimilation is generally slow (p. 30).

Space prevents us from giving further quotations. It is to hoped that all intelligent unionists will write to their Representatives in Congress for copies of the Brief Statement of the Conclusions and Recommendations to the Immigration Commission, issued last month from the Government Printing Office and which can be had for the asking. Let every active unionist and every local union also see to it that this information has its proper and due influence on the public through the local newspapers and on the local Representative in Congress.

Now is the time to be wide awake. It was well enough to promote discussion of the question and to follow up through the years the development of public opinion on the subject, but now is the hour for action. Remember the forces we are obliged to encounter, and let the campaign be quick, sharp, and brief. The enemy has everything to gain through procrastination of our lawgivers in dealing with the subject.

PROTECT THE WORKMAN.

[American Federationist, October, 1909.]

(By John Mitchell.)

Certain steamship companies are bringing to this port many immigrants whose funds are manifestly inadequate for their proper support until such time as they are likely to obtain profitable employment. Such action is improper and must cease. In the absence of a statutory provision, no hard and fast rule can be laid down as to the amount of money an immigrant must bring with him, but in most cases it will be unsafe for immigrants to arrive with less than $25 besides railroad ticket to destination; while in many cases they should have more. They must, in addition, of course, satisfy the authorities that they will not become charges upon either public or private charity.

No official bulletin upon the subject of immigration has attracted more attention or caused more discussion than that issued under date of June 28, 1909, by the commissioner of immigration at the port of New York, from which the above excerpt is taken. It is both interesting and significant to observe the expressions of approval and disapproval of the principle laid down by Commissioner Williams for the guidance of prospective immigrants and the steamship companies through whose instrumentality large numbers of aliens are induced to leave the countries of their nativity and seek temporary or permanent homes upon our shores.

While this article is written from the standpoint of a wage earner, the subject is approached from the viewpoint of an American, because, fundamentally, no governmental policy can be of permanent value to the wage earners as such that is not beneficial to our country and all our people. And it is because a high standard of living and a progressive improvement in the conditions of life and labor among workingmen are essential to the prosperity of the whole people that the wage earners believe in a reasonable and effective regulation of immigration.

The commissioner at the port of New York, in serving timely notice upon steamship companies, and indirectly upon the people of the Old World, that "in most cases it will be unsafe for immigrants to arrive with less than $25, besides railroad ticket to destination," has laid down a rule that, if followed, will not only afford some measure of protection to American labor, but will also protect the poor and oppressed of other countries by deterring them from coming here without adequate means to enable them to maintain themselves until such time as they can secure employment at a rate of wages comparable to the standard prevailing in the trade in which they seek work. When it becomes known in the countries of Europe that it is necessary for an immigrant to have in his possession a sufficient amount of money to pay his own way to the interior of the United States and to live until he can secure work at the prevailing rate of wages, only such immigrants will seek admission as are of the better class, and the danger of lowering the American standard of living will be materially reduced. It goes without saying that it is no advantage to society when an alien gains admission to our country and is forced by his necessities to accept employment at a rate of wages lower than the established or prevailing rate in the class of work he undertakes to do. And it is a real hardship to the American workman and a loss to society if the newly arrived immigrant underbids him and secures the job held by one of our own citizens.

The standard of wages for both skilled and unskilled labor in the United States has been built up as a result of years and years of energetic effort, struggle, and sacrifice. When an immigrant without resources is compelled to accept work at less than the established wage rate, he not only displaces a man working at the higher rate, but his action threatens to destroy the whole schedule of wages in the industry in which he secures employment, because it not infrequently occurs that an employer will attempt to regulate wages on the basis of the lowest rate paid to any of the men in his employ. Any reduction in wages means a lowering of the standard of living, and the standard of living among a civilized people can not be lowered without lowering in the same ratio the physical standard and the intellectual and moral ideals of that people.

Of course it may be said that this observation is not borne out by the experience and the history of our country. It is admittedly true that our population is largely an immigrant population, and that the standard of living has gradually tended higher; but in considering the influence and effects of stimulated immigration it is necessary to contrast conditions now with conditions prevailing in the past, and also to keep in mind the change that has taken place in the extent and the character of the immigration.

If the number of aliens coming annually to the United States were no greater now than in any year between 1820 and 1880, there would be, and could be, no reasonable ground for complaint; indeed, there would be little demand from wage earners for the enactment of laws restricting immigration if the number of aliens arriving did not exceed the number admitted in any year up to 1900, provided, of course, that such aliens were not brought here as contract laborers, or were not physically, mentally, or morally defective.

That immigration in recent years has been stimulated beyond the line of assimilative possibility will be apparent even to the casual observer when the volume of immigration at the present time and in the recent past is compared with the number of immigrants who arrived here during the first 80 years for which statistics have been tabulated. For illustration, more aliens were admitted through our ports in 1 year—1907—than were admitted during the entire 24 years from 1820 to 1843, inclusive; and nearly as many aliens were admitted in the 5 years from 1904 to 1908, inclusive, as were admitted during the 40 years from 1820 to 1859, inclusive.

It is important to an intelligent understanding of this subject that at this point consideration be given not only to the extent of present immigration as compared with the immigration of early times, but also to the character and intention of many aliens who in recent years have gained admission to our country. It is safe to say that prior to 1880 nearly every immigrant, except contract laborers, left his own country for the purpose of making a permanent home for himself and his posterity in the country of his adoption. The immigrant of those days was a sturdy, adventurous pioneer, who was willing to undertake and withstand the struggles and the hardships incident to the development of a new and ofttimes dangerous country. He expected to carve out a career for himself, to build his home, and to find employment on ground and in fields upon which no other man had claim. The avenues and the opportunities of employment and home building of early times have largely passed away. To-day the alien has not the chance, even though he have the inclination, to be a constructive factor in the development of a new and high civilization. Large numbers of the immigrants of recent years regard our country simply as a foraging ground, in which they expect to make a "stake," and, when they have done so, to return to their own countries and spend the remainder of their lives there; and thus "stake" is too often accumulated by eating and living in a manner destructive of physical and social health. An immigration of this character is of absolutely no benefit to us. The alien who enjoys the advantages and protection of our Government, and afterwards takes or sends his accumulated savings back to the country of his birth is not unlike our butterflies of fashion whose parents invest American millions in the purchase of foreign titles.

That the question of immigration presents a real problem, which is rapidly approaching a crisis, is evidenced by many circumstances, all of which point in the same direction—not the least of these being the act of Congress creating a commission to make an exhaustive investigation into the effects of immigration upon our national life. From public and private institutions of charity comes the ominous warning that the means at hand are insufficient to relieve the cry of distress; the bread line, that standing indictment against society which has been duplicated in other cities and in other sections of the city of New York, proclaims louder than words that something is radically wrong. Trade-unions, ever jealous of their prestige and of the dignity and self-respect of their members, have given out millions of dollars to buy bread for those of their number who can not find work to do. And all this time, during which able-bodied men anxious and willing to work are tramping the streets and the highways in idleness, hundreds of thousands of immigrants are pouring in upon us—some to make the struggle of the American worker more difficult to bear, and others to be recruited into that army of unemployed which threatens to become a permanent institution of our national life.

It is not sufficient to say that these are abnormal conditions, the result of a temporary industrial depression, or that the evils will vanish with the return of "good times." While there can be no doubt that a revival of industrial activity will relieve, in a measure, the strain of the situation, and perhaps the cry of want and the mutterings of discontent will be less frequently heard, nevertheless a cure will not be effected and the problem will remain unsolved. The world does not owe a living to an able-bodied man, but society does owe its workmen an opportunity to earn a living under fair and reasonable conditions. The first duty of a community is to give its own members the opportunity of being employed at decent wages; then, and not until then, its arms should be held wide open to welcome the less favored of every nation and of every clime.

The American wage earner, be he native or immigrant, entertains no prejudice against his fellow from other lands; but, as self-preservation is the first law of nature, our workmen believe and contend that their labor should be protected against the competition of an induced immigration comprised largely of men whose standards and ideals are lower than our own. The demand for the exclusion of Asiatics, especially the Chinese and the Hindus, is based solely upon the fact that as a race their standard of living is extremely low and their assimilation by Americans impossible. The American wage earner is not an advocate of the principle of indiscriminate exclusion which finds favor in some quarters, and he is not likely to become an advocate of such a policy unless he is driven to this extreme as a matter of self-protection. He fails, however, extreme as a matter of self-preservation. He fails, however, does not, at the same time that it protects industry, give equal

protection to American labor. If the products of our mills and factories are to be protected by a tariff on articles manufactured abroad, then, by the same token, labor should be protected against an unreasonable competition from a stimulated and excessive immigration.

And it is highly important to the peace and harmony of our population, whether it be native or alien, that discrimination against Americans shall not be permitted. Every good citizen will view with regret and foreboding the publication of advertisements such as the following, which appeared in the Pittsburgh papers a few days ago:

Men wanted—tinners, catchers, and helpers to work in open shops—Syrians, Poles, and Roumanians preferred. Steady employment and good wages to men willing to work. Fare paid and no fees charged.

The suggestion that American labor is not wanted is likely to arouse a sentiment of hostility against the foreign workers whose labor is preferred by the companies responsible for advertisements of this character. Nothing but evil can come from discord and racial antagonism. At the same time that the American workman recognizes the necessity of reasonable restriction upon the admission of future immigrants, he realizes that his own welfare depends upon being able to work and to live in harmony and fellowship with those who have been admitted and are now a part of our industrial and social life.

There is perhaps no group in America so free from racial or religious prejudice as the workingmen. It is a matter of indifference to them whether an immigrant comes from Great Britain, Italy, or Russia; whether he be black, white, or yellow; whether he be Christian, Mohammedan, or Jew. The chief consideration is that, wherever he comes from, he shall be endowed with the capacity and imbued with the determination to improve his own status in life, and equally determined to preserve and promote the standard of life of the people among whom he expects to live. The wage earners, as a whole, have no sympathy with that narrow spirit which would make a slogan of the cry, "America for the Americans"; on the contrary, we recognize the immigrant as our fellow worker; we believe that he has within him the elements of good citizenship, and that, given half a chance, he will make a good American; but a million aliens can not be absorbed and converted into Americans each year; neither can profitable employment be found for a million newcomers each year, in addition to the natural increase in our own population.

That there is an inseparable relation between unemployment and immigration is demonstrated by the statistics which are available upon the subject. There are, of course, no complete data showing the extent and effects of unemployment, but from the records of 27 national and international trade-unions it is found that during the year 1908 from 10 to 70 per cent of the members of various trades were in enforced idleness for a period of one month or more. These 27 unions are selected from the highly skilled trades, in which organization is most thorough and systematic. Their records show that an average of 32 per cent of the total membership was unemployed one-twelfth of the time. If this ratio applied to other organizations, it would indicate that approximately 1,000,000 organized workmen were without employment during the past year. Assuming that unemployment affected the unskilled and unorganized wage earners in the same proportion, it would mean that 2,500,000 wage earners were unemployed; and while there has been a marked improvement in industrial conditions during the past few months, it will not be contended that unemployment is not still a serious problem, and the cause of great and general suffering. Indeed, it is perfectly safe to say that the unskilled and unorganized workmen suffered more from unemployment, both as to the proportion who were so unemployed and in actual physical and mental distress, because the organized workman, in most instances, had built up in normal times a fund upon which he could draw to tide him over his emergency; whereas the unskilled and unorganized workmen—many of whom are recently arrived immigrants—were forced to depend upon charity or upon the munificence of their friends to carry them over the industrial crisis.

In connection with this subject, a significant feature of our immigration problem presents itself. Of the 113,038 aliens admitted in March, 1909, which figures are typical of all other periods in recent years, only 10,224 were skilled workmen, while 77,058 were unskilled laborers; the remaining 25,756 being women and children, professional men, and others having no definite occupation. In other words, these figures show that less than 10 per cent of the aliens admitted in the month of March were equipped and trained to follow a given line of employment, whereas 77,058 were thrust upon us, in most cases so situated that they would be compelled to accept the first job, and at any wages, offered to them. It is true that many thousands of these laborers are classed as "farm hands," but it requires no exhaustive inquiry to discover that a farm hand from continental Europe rarely seeks employment as a farm laborer in America. Farming in Europe and farming in America are two separate and distinct propositions; in this country farming is done with modern machinery, in continental Europe the work is done by hand, and the European farm laborer is little better equipped to operate the machinery on an American farm than is a section hand to drive a locomotive. The facts are that the immigrant who was a farm laborer in his own country seeks employment in America in the unskilled trades. He becomes a mill hand, a factory worker, an excavator, a section hand, and in large numbers he becomes a mine worker. It is only necessary to visit the mining districts of the Eastern and Central Western States, the mill towns, and the centers of the textile industry to find these erstwhile European farm laborers. They have been colonized, and because of the large numbers who are congregated together, the opportunity for or the possibility of their assimilation is greatly minimized. The temptation to establish and perpetuate the customs and standards of their own countries, instead of adopting the standards of our country, is so great that if the system of colonization continues it will take several generations to amalgamate these races and blend them into an American people. This condition is not best for them; neither is it good for us; it is simply the result of an unregulated immigration and an unwise distribution of aliens.

While wage earners will undoubtedly indorse the principle laid down by the commissioner of immigration at the port of New York, the enforcement of that policy should not be discretionary with him. If we are going to regulate immigration at all, we should prescribe by law definite conditions, the application of which would result in securing only those immigrants whose standards and ideals compare favorably with our own. To that end wage earners believe:

First. That, in addition to the restrictions imposed by the laws at present in force, the head tax of $4 now collected should be increased to $10.

Second. That each immigrant, unless he be a political refugee, should bring with him not less than $25, in addition to the amount required to pay transportation to the point where he expects to find employment.

Third. That immigrants between the ages of 14 and 50 years should be able to read a section of the Constitution of the United States, either in our language, in their own language, or in the language of the country from which they come.

While the writer holds no commission that gives him authority to speak in the name of the American wage earners, he believes that he interprets correctly in this article their general sentiment upon the subject of immigration.

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SCHEMES TO "DISTRIBUTE" IMMIGRANTS.

[By Samuel Gompers.]

In his annual report, issued a month ago, the New York City commissioner of licenses, Herman Robinson, discusses the problem of free public employment agencies. He does not think they would be a success in New York City. Mr. Robinson points out the fact that the several philanthropic labor bureaus established in New York, all conducted at a financial loss, have not, even to the slightest extent, supplanted the private agencies. In the commissioner's opinion these philanthropic intelligence offices are undoubtedly conducted more conscientiously than public bureaus could be. This conclusion of the commissioner is valuable inasmuch as his opportunities for forming a judgment in the matter are as good as those of any other person in the United States, whether in public or private position. He is close to the great source of the supply of cheap adult male labor seeking employment—immigration. He is the supervisor of all the New York City private labor agencies, which, operating for many States, have their share in supplying the largest population in the world with male and female wageworkers. A large proportion of those who thus obtain positions, it is to be observed, find only casual employment, and, consequently, moving continually from place to place or from job to job, pass through the employment agencies again and again.

What is the meaning of the persistent and widespread promotion in this country of the scheme for State and philanthropic employment bureaus? What motive animates the active promoters of the scheme? Have our philanthropists who give money to "help the jobless man to the manless job" any idea of the broader effects on the country of their immediate local charity? What class of wage earners are chiefly the beneficiaries of either State or philanthropic bureaus in obtaining work? Are the interests of any capitalists served by such agencies?

To these questions we shall indicate at the outset what in our opinion are the correct replies. But because we put forth that opinion without labored preliminary it must not be inferred that it is given hastily without well weighing the necessary evidence. The subject has long received our attention. As we proceed we shall bring to bear on the matter sufficient testimony to establish good grounds for our judgment.

If the reader will but give due weight to the fact that the transatlantic steamship combine is one of the greatest "pools" in the world, and that it is without cease reaching out for dividends, to be obtained by every business method possible, he will have a key to the secret of many of the activities of individuals and organizations, and even foreign Governments, in relation to the distribution of laborers in the United States. If the reader will also bear in mind that the industrial trusts, the employers' associations in the centers of population, and the mining and railroad interests aim at employing the cheapest effective manual labor, he will find himself taking account of the proportion of newly arrived non-English-speaking laborers among their workmen.

The number of immigrants landing in the United States for the last six years has averaged more than a million a year. That is: 1905, 1,026,499; 1906, 1,100,735; 1907, 1,285,349; 1908, 782,870; 1909, 751,786; 1910, 1,041,570. Passengers other than cabin—that is, third-class passengers—who departed from United States seaports in the last six years averaged about 350,000 a year. The figures are: 1905, 334,943; 1906, 282,068; 1907, 334,989; 1908, 637,905; 1909, 341,652; 1910, 177,982. The total revenue to the steamship companies from coming and going third-class (steerage) passengers is to be seen, therefore, as running up toward $50,000,000 a year.

At this point the question may be asked: Is it probable that, to forestall possible decrease in dividends, the steamship combine would engage in efforts to mitigate the obvious effects of immigration in overstocking the labor market in the congested districts of the United States? In reply, in order to estimate such probabilities, it may be asked: Have the steamship companies been engaged in any efforts to bring over immigrants merely for the dividends arising from their passage money? Here is the answer from the Report of the Commissioner General of Immigration, 1910:

> The reasons for this enormous increase in immigration from southern and southeastern Europe were stated clearly and in some detail in the report for 1909. It is to a very large extent induced, stimulated, artificial immigration; and hand in hand with it—as a part, indeed, of the machinations of the promoters, steerers, runners, subagents, and usurers, more or less directly connected with steamship lines, the great beneficiaries of large immigration—run plans for the exploitation of the ignorant classes which often result in placing upon our shores large numbers of aliens who, if the facts were only known at the time, are worse than destitute, are burdened with obligations to which they and all their relatives are parties, debts secured with mortgages on such small holdings as they and their relatives possess, and on which usurous interest must be paid. Pitiable, indeed, is their condition, and pitiable it must remain unless good fortune accompanies the alien while he is struggling to exist and is denying himself the necessaries of decent living in order to clear himself of the incubus of accumulated debt. If he secures and retains employment at fair wages, escapes the wiles of that large class of aliens living here who prey upon their ignorant compatriots, and retains his health under often adverse circumstances, all may terminate well for him and his; if he does not, disaster is the result to him and them.

Next in order is the question, To what extent do employers of labor on a large scale hire newly-arrived immigrants? Suggestions for the answer are to be found in such facts as these:

John A. Fitch, in his volume "The Steel Workers," describing working-class conditions at the Carnegie Steel Co.'s plants in the year 1907, says that of the 23,337 men in the works 7,479 were foreigners unable to speak English, 14,019 were unnaturalized, and only 5,750 native-born white Americans.

The Boston Common, April 29, 1911, describing a strike of grinders of the American Axe & Tool Co., at East Douglas, Mass., said that the cause of the strike was a cut of 33⅓ per cent in wages. It quoted George Peckhander, boss grinder, who led the strike, as saying:

> Most of the men have not been making more than a living even under the old rates. I know lots of them who, on the average, did not make over $7 a week for the past year.

The Common goes on to say that "an early death" is said to be inevitable for any man who sticks at the grinder's trade, and sums up:

> The situation in short is this: Young men are paid $7 a week for work that costs them their lives within seven years.

The Common further says that the American Axe & Tool Co. is a trust, and that its present force at East Douglas is made up of Poles and Finns. The most important point made in the page article of the Common regarding conditions at East Douglas is this, in an editorial note:

> There are perhaps 50 villages in Massachusetts in which factory conditions resemble those so vividly described in this article.

The Survey of April 1, 1911, in a careful study of conditions among the bituminous coal miners and coke workers in western Pennsylvania and northern West Virginia—by W. Jett Lauck—says that perhaps the most significant fact of the situation is that, as in the other soft-coal fields, as well as in the southern anthracite region, these miners are not Americans, but as a rule recent immigrants from southern and eastern Europe. The writer also says:

> Of the employees in the bituminous mines of Pennsylvania in 1909 only 15 per cent were native Americans or born of native father and 9 per cent native born of foreign father, while 76 per cent, or slightly more than three-fourths, were of foreign birth. What is more significant is that less than 8 per cent of the foreign-born mine workers were English, Irish, Scotch, German, or Welsh. The majority were from southern or eastern Europe, with the Italians, Magyars, Poles, and Slovaks predominating. The term "American miner," so far as the western Pennsylvania field is concerned, is largely a misnomer.

When they work these miners average, as in the case of the Roumanians, as low as $1.85 a day, while in the greater number of cases the range is close to $2; more than one-tenth of the Ruthenians, Roumanians, Poles, and Croatians earn on an average under $1.50 a day. But unemployment in the course of the year brings down the general average for heads of families to $431. The south Italians earn only $390, and the Poles $324. The yearly figures reveal the compulsory "lay-off" system of the mine operators, the same as that which in the anthracite regions brings down the average earnings to a third less than they might be were employment regular. These facts stand as a refutation of the claim, made by defenders of immigration as it is, that "we need more labor."

In "Women and Children Who Make Men's Clothes," Mary Van Kleeck brings out these points from a study of the recent Government report on conditions of working women and children: The five cities, New York, Chicago, Baltimore, Philadelphia, and Rochester, make 68.3 per cent of the total product of men's ready-made clothing of the United States. In Rochester 61.3 per cent of the workers are women, in Chicago 57.8, in Baltimore 48.7, in Philadelphia 45.9, and in New York 40.9. In no city were more than 35 per cent of the total force found on the pay roll 50 or more weeks in the year. Among the women, Americans constitute only 7.4 per cent of the force; 62.9 per cent are foreign born, and 25.5 per cent native born of foreign parents. The average weekly earnings of the house workers with helpers were $3.72, without helpers $3.04. The manufacture of clothing is carried on in "seasons." During the short busy periods the employees are overworked; during the long, dull periods they are underfed. Among the houseworkers at the occupations, in all cities, 75.7 per cent can not speak English.

Now, in citing this indisputable evidence that the poorest of the poor non-English-speaking immigrants have driven out of the market most of the English-speaking races in several of the basic occupations of the country, we are brought to ask several questions bearing on our subject:

(1) Where to-day in America is there not a glut in the unskilled or less highly skilled "labor market" in any occupation which yields a living the year through? The demand for steadily engaged rough labor on the farms is to be measured accurately by the earnings of miners and unskilled laborers in the iron and steel industries. The day the farm offers a better wage by the year it will get the surplus labor engaged in these occupations. The same is to be said in case of the demand for day laborers on the railroads or on big contract work.

(2) What effect on the mobility of labor may be expected from the established American methods of hiring and being hired in the labor market? In those trades and other callings which are organized the prevailing means of finding employment are the union labor bureaus and the free masonry existing between shopmates or fellowcraftsmen. Upon his own union employees any employer of skilled labor can almost invariably depend for a supply of the best men in his industry who are unemployed. Next to this—a method more applicable to the lesser skilled—is newspaper advertising. Nowhere in the world are the "want" columns of the daily papers so much relied upon as a factor in hiring and being hired as in the United States. In each occupation the regular advertisers for "help wanted" get to be known to the workers, who in a sense supervise the agencies thus advertising, which, if they are unfair, lose patronage. Employers also in this country answer the "situations wanted" column, where in other countries dependence would be placed almost solely upon employment agencies. On a certain Sunday the "want" section of a New York daily paper recently contained 28 columns of "help wanted, female," and 25 columns of "help wanted, male," advertisements, while there were besides six and a half columns of "situations wanted, female," and seven and a half of "situations wanted, male." Here is testimony to the want columns

of the newspapers as an American institution that certainly must have its marked advantages or it could not flourish as it does. As to the private employment agencies, being now subject to a stricter regulation than formerly, the wageworkers who seek places through them have the less cause for complaint of abuses.

These several American methods, combined, pretty well cover the field among the English-speaking wage earners, not only for particular localities but for the entire country.

(3) Where is the stage reached at which State labor exchanges, philapthropic employment agencies, or employers' labor bureaus are, by some public advisers, seen to be necessary? The answer to this question is clear. The necessity for these forms of help arises mainly where the stream of immigration is to be directed to one locality or the another to the benefit of the employer. The employer's profit in this respect may come through replacing union by nonunion employees, through substituting foreign cheap labor for unorganized labor which has learned to aspire to American standards, or through maintaining a parasitic industry, by means of labor so poorly paid that the wageworkers are not self-sustaining.

Still keeping in mind the steamship combine, in partnership with the great industrial employing class in flooding the United States with foreign cheap labor, we may trace operations satisfactory to one and the other of these two great social powers which have been undertaken by public authorities "nudged" by them and by well-meaning but mistaken philanthropists.

The regulations which the Government of Italy has imposed on the steamships engaged in the transatlantic immigration traffic from Italian ports has resulted in enormously increasing the volume of emigration from that country. It has been a case of doing good to the steamship companies in spite of themselves. In the beginnings of the day of regulation their managers fought it. Not until the Italian Government put their ships under a strict control was any considerable improvement made in steerage conditions. To-day the Italian Government takes charge of the emigrant from the time he quits his home, usually an inland village or small town—the big cities of Italy send us but few laborers—and keeps him under its paternal care until he reaches his job in America in the mines or big works or on the railroads, in case he comes with a job in view, or, on the other hand, until he settles among his friends in one of his national "colonies" in a large city. Even after that, in case he is killed or injured, a vice consul or official agent is soon at hand to represent Italian interests. In New York, near the Battery landing for steerage passengers, is a large five-story hotel for Italians, at which those just arriving may get lodging and three meals a day for 50 cents. It is under the supervision of the Italian Government. A free employment office, in charge of the Italian Emigration Commission, is in operation in Lafayette Street. The latter issues gratis a weekly "Bulletin of Information," telling where work is to be found, what wages are offered, what the railroad fares are, where strikes are on, and where farms are for sale. What is the consequence of all this fostering care? More than 2,000,000 Italians have come to the United States in the last 10 years—1901–1905, 974,236; 1906–1910, 1,129,975. Here from a single nationality has been a revenue of $70,000,000 to the steamships. If 1,000,000 Italians have gone back, they have paid for transportation thirty to forty million dollars more. The banking for the earnings of these millions of men, the supplying of their needs—food, clothing, transportation, amusements, reading matter, etc.—have given business to thousands of the more intelligent or venturesome among their conationalists here and in Italy.

The advertisements in the New York daily Italian newspapers, of which there no less than six, are a revelation of the financial interests which are maintained by the Italians in the metropolis who are not yet sufficiently Americanized to depend on American newspapers fortheir daily reading. The revenues of any one of these newspapers would be reduced by a good percentage, perhaps below the sustaining point, if the steamship advertisements were withdrawn. The bankers, the doctors, the transportation agents, the dealers in Italian food supplies are all enterprising advertisers. None of these interests, it may be imagined, are calling for a restricted immigration. On the contrary, one may look out for them to be well represented wherever measures for the promotion of immigration are being agitated.

The main factors bearing on immigration and its promotion, as thus revealed in the case of the Italians, are duplicated in regard to other nationalities of southern and eastern Europe. One difference is to be remarked, by the way. The Italian Government has put an end to various publicity devices for the promotion of immigration common in Italy until the establishment of its emigration commission in 1902. The steamship companies may yet announce in inland Italy the date of their sailings, but are forbidden otherwise to drum up trade. Various methods, bordering on the fraudulent, formerly practiced by agents representing nearly all the professions, have been suppressed, at least in their public manifestation. But, on the other hand, with the better care of its emigrants, Italy is sending out a greater number than ever to the United States. The steamship companies are satisfied.

With unskilled labor in excess of demand in our mining and manufacturing districts, and an enormous reserve of it in our great cities ready to be called to any needed point, what is to be done with the stream of immigrants arriving? Is this not a problem first of all for the steamship combine to solve in its own interest? Obviously, it can not promote every form of distribution by direct means; it must depend upon—yes, upon the patriotism of the American people bent upon keeping up the policy of making the United States an asylum for the poor and oppressed of all nations, upon the noble impulses of philanthropy which does not in its efforts recognize differences of nationality, upon the complaisance of our lawmakers and other Government officials who have recently arrived foreign-born constituents in balance-of-power number, and upon the distress of our great employers of labor over the deficiency in the supply of labor—at $1 a day.

From two of these four elements the steamship combine has received invaluable and unflagging public assistance—the patriots and the philanthropists. A most patriotic organization, ever in the forefront in advancing the interests of the immigrant, is the National Liberal Immigration League. Its objects are "the proper regulation and better distribution of immigration."

What its conception is of "proper" regulation may be seen by its activities in combating the pitiful efforts of the immigration officials at Ellis Island to separate and deport the defectives of all sorts who are swept in with the human tide of arrivals. Distribution, however, is the strong point of the Liberal League. It promotes mass meetings in New York to advance the welfare of immigrants going inland, with such men as the Secretary of Commerce and Labor as speakers; assists in getting up excursions to Washington of editors and proprietors of newspapers printed in foreign languages, with a call on the President, whose fair words to the excursionists are duly pamphletized; takes a part in conferences and congresses of people of the various nationalities in America, at which methods of caring for and distributing the immigrants are discussed; issues leaflets and letters in which the cause of the poor immigrant looking for work is eloquently pleaded. It is on hand whenever correction of the defects of our naturalization courts is necessary; it recently called attention to the fact that 150,000 "first papers" are held within the jurisdiction of the Federal district court sitting in Manhattan, which issues 50,000 first papers a year.

Patriotic and philanthropic Americans are continually forming societies to help the immigrants. To-day the spokesmen for these societies agree that, the cities being choked up with poverty-stricken unemployed immigrants, and the mining and great industrial districts having gotten wages down through them to a level, all things considered, approximating to the European standard, the stage of the problem now reached calls for "distribution." This is the most obvious means of putting the immigrant next against the American workingman with whom he is to compete.

"The National American Federation for the Promotion of Sane and Liberal Immigration Laws" has got down to work in New York City. Among its well-known American originators are Marcus Braun, Jacob Schiff, H. M. GOLDFOGLE, Carl Hauser, Gustav Hartman, and Henry W. Schloss. Mr. Schiff, at its formation, wrote:

> With my associates I am at present actively engaged in getting the Galveston situation into such shape that the movement toward and through Galveston into the American hinterland can progress without being thwarted at every step by the representatives of the Department of Commerce and Labor. * * * It is unfortunate that, contrary to all expectations, the report of the United States Immigration Commission is so unsatisfactory.

Louis Costelak, believing "we have resources second to none in the world," wants "our Federal Departments of Agriculture and Interior" to go into "a campaign of judicious advertising."

> First, it would be necessary to secure the services of a broad-minded man, a student of human nature versed in a number of the European tongues. He would then gather about him a staff of efficient assistants conversant with the Latin, Teutonic, and Slavonic languages. Centrally located, he should be in touch with the Federal departments in Washington, being actually a part or branch of them, if you will.

Lajos Steiner has his plan for reaching and distributing the immigrants. His principal ideas are these:

> Print and distribute information by newspapers, circulars, booklets, correspondence, conferences, etc., in the languages which peasant immi-

grants understand, of our agricultural opportunities, of our banking, of our educational facilities, of our methods and institutions, of how and where to engage in industrial occupations, and of the ways and means to become Americanized. Show the price of land per acre here and the value of its product here and in the respective European countries; point out the taxes here and our facilities, and in the respective Hungarian, Italian, and Slav countries; call attention to the fact that no compulsory military service of years is inflicted here in times of peace; furnish information for publication to the press, especially to the Hungarian, Italian, and Slav newspapers; inform the right sort of farm dealers how and where to reach peasant immigrants, so they can sell them farms; encourage the establishment of immigrants' agricultural associations.

Anna Seaburg calls the attention of the New York public to the methods of help begun last year by the Young Women's Christian Association for "the 200,000 or more immigrant women and girls who come to this land yearly." Among the methods for immediate work are the establishment in lower New York of a headquarters for immigrant women to include a "home," a secretary's office, an assembly room, an employment bureau, and a press bureau. The latter "shall keep our foreign-speaking peoples informed through their own publications of the advantages open to them in this country." Miss Seaburg believes that because of its international affiliations the Young Women's Christian Association is peculiarly fitted for this work. J. S. Kana saw to the printing of advertisements in five languages for the association. Mrs. Kana spoke to the immigrant girls in seven languages. Miss Lizzie Strunsky interviewed Russian factory workers.

G. E. di Palma Castiglione, manager of the labor information office for Italians, wrote to the daily press of New York that the Bulletin of the office is sent free of charge to all the Italian priests resident in the United States, to the Italian newspapers, and to the largest Italian societies. He also says:

> The board of immigration of the State of Missouri and the commissioners of agriculture of the States of Illinois and Virginia have inserted special notices in the newspapers of their States calling the attention of farm owners to our publication, and urging them to use it should they be willing to dispose of their property. We are satisfied that disseminating information in the language of the immigrants in regard to definite opportunities to buy farms may help their distribution. On the other hand, we do not think that a large number of Italian immigrants will ever go to work on farms as wage earners as long as wages on farms are much lower than wages on construction work, as it is at present.

The Contessa Lisa Cipriani is fostering what one of the magazines calls "a comprehensive and exceedingly ambitious program to benefit 750,000 Italians in New York City." The Contessa is a representative of a society intrusted by the Italian Government with the welfare of Italian women and children abroad. The program includes: A central bureau of research, investigation, and translation; a hygienic station; trade and industrial schools; encouragement of farming villages; assistance to the needy in making proper application to local charities. The magazine giving this information adds:

> The City & Suburban Homes Co. offers to raise $1,000,000 for model housing accommodations, provided Italians and their friends will find an equal sum. The intention is to build homes in the less congested districts. To supplement the model tenements, gymnasiums, reading rooms, and lectures halls are planned.

Among the leading philanthropic agencies of New York sending wageworkers out of the city are: Jewish Agricultural and Industrial Society, Immigrants' Free Labor Bureau, Industrial Removal Office, National Employment Exchange, and the Joint Application Bureau. It is worth noting that these agencies, together with the Bureau of Labor of the Agricultural Department and the Division of Information, Bureau of Immigration, in all sent out from New York last year less than 20,000 men, exclusive of farm laborers, while the private employment agencies sent out 35,000, not counting farm laborers.

The foregoing denote but a few of the philanthropic plans that are constantly cropping up in New York with the distribution of the immigrants as their object.

When we turn to look at the labor bureaus in operation under our National and State Governments and the proposals to establish others, we see again emerging from amid the facts a great deal of patriotism and philanthropy—and some politics. Of course these motives have in view simply the good of the immigrant and are wholly indifferent to the incidental aid afforded the steamship combine and the great employing industries.

C. L. Green, inspector in charge at the New York branch, Division of Information, Bureau of Immigration, situated three minutes from the landing place of immigrants in New York City, gave a few months ago to a New York daily newspaper some explanation as to the promotive work carried on by the division. He said:

> As to advertising in local newspapers published in foreign languages, I beg to inform you that the cooperation of various papers has been asked, and some have responded to the extent of publishing free of charge lists of opportunities available to their readers. One German daily published in New York has been doing this more than two years, as has also a German monthly published here. A Polish weekly has also given space to opportunities available to the Slavs. The publicity thus given to the work has been productive of good results. * * *
>
> A pamphlet (copy herewith) in 24 languages, calling attention to the division, is handed to immigrants landing in New York City; this distribution is made at the Barge Office, where the immigrants land from Ellis Island. The various mission houses, societies, and organizations of the city have been advised as to the work of this Federal bureau, inviting cooperation. Ministers have, by request, announced from their pulpits the fact that the Federal Government collects information as to where employment may be found, and that this information may be had free of charge by applying for it. All applicants who present themselves are requested to inform their friends of the division.
>
> Much thought has been given to printing and distributing information as to specific opportunities for aliens, but when one takes into consideration the number of languages involved the enormity of the task will be appreciated.

In New York the legislature passed a law in 1909 authorizing a commission, having, among other purposes, the duty of inquiring into "the lack of farm labor." The commission sent abroad an exassemblyman from Brooklyn, who, in September, 1910, reported on the familiar methods of the various Government bureaus in the principal European countries. He recommended that the State should set up labor bureaus.

A proposal was brought last winter before the New York congestion commission to establish labor bureaus under the municipality.

On October 1 last the law establishing a bureau of industry and immigration in the New York department of labor went into effect. The mission of this bureau is "to inquire into the condition of all aliens arriving in New York, to search out the demand for labor in all parts of the United States, to investigate all applications for laborers," and "to take a step toward preventing congestion and obviating unemployment." The bureau will also "act as an investigating agency of all philanthropic institutions now brought to bear on the immigrant," etc. "It will protect the immigrant at the place of landing, and will exercise control over the banker, the ticket agency, the padrone, and all those agencies of fraud, vice, and extortion which have hitherto so pitilessly exploited the alien."

The Wainwright commission of New York recommended, April 26, to the legislature that State employment offices be established in New York, Buffalo, Syracuse, Albany, Binghamton, Watertown, and Corning, with an appropriation of $100,000 to do the work, which should be supervised by a deputy commissioner of labor at $4,000 a year.

In a number of other States legislators and immigration commissioners have within the last year or two been awakened to the patriotic and philanthropic duty of distributing immigrants. In Massachusetts a committee bill was filed March 2 this year "to provide for a better distribution of immigrants." In Minnesota a bill introduced in March in the legislature authorized a State board of immigration, and the State immigration commission was actively urging merchants of the State to work for its development through immigration. In Montana a delegate meeting of commercial men was held at Great Falls, March 3, to lay plans for a Northwestern Development League, which should have for its object "the diverting of the stream of western immigration" to Minnesota, the two Dakotas, Montana, Idaho, Washington, and Oregon. In South Dakota a proposal for a State immigration bureau was defeated in the house February 23, but on February 27 the senate voted a similar bill, which passed the house March 2 by a bare majority. The farmers from the eastern part of the State were solid against the measure as useless and expensive. The State will "now start in advertising for immigrants." In Nebraska a bill for a bureau of publicity and immigration was introduced early in March. In Oregon a "State immigration bill," carrying an appropriation of $25,000, was passed in February.

An article in the Lincoln (Nebr.) Journal, February 15, recorded the fact that on the day previous J. L. McGrew, assistant chief of the Federal Division of Information, Bureau of Immigration, had been in conference with Gov. Aldrich and other State officials to arrange a plan of cooperation between the Federal Government and the State governments concerning the distribution of aliens. "The department," said the Journal, "in which Mr. McGrew is working has for its particular mission the beneficial distribution of aliens." "Up to the present time three States have agents cooperating with the Federal Government under the law establishing the bureau. They are Missouri, Kentucky, and New York. A number of the Middle Western States have bills in their legislatures which have this for their aim." An article in the Philadelphia Inquirer, February 14, serves to indicate the ramifications of these sentiments of patriotism and philanthropy in regard to the immigrants. Its opening paragraph is:

> For the purpose of promoting local interest in the nation-wide movement to secure better and more equitable immigration laws, a group

of prominent Philadelphians met last night in the home of Rudolph Blankenburg, 214 West Logan Square, and organized the Philadelphia Branch of the National Liberal Immigration League.

In the South prevalent sentiment doubts the desirableness of the immigrants now arriving in America, though two or three of the States have taken up with "distribution." One of the States which recently created the office of commissioner of immigration is Alabama. Lee Cowart, the new commissioner, described in the Birmingham Age-Herald as "familiarizing himself with the details of his department," found out at once that the place to locate the State immigration bureau was not Montgomery, the capital, but Birmingham, where the "shortage" of labor occurs from time to time in the big industrial establishments! The Age-Herald continues:

Mr. Cowart proposes to begin with listing all salable untilled lands, and to lay these lists before German, Italian, and Swedish agriculturists in their homes across the sea.

In Louisiana the New Orleans press for the last few months has been giving much space to the new immigration station, the plans for which have been approved by the authorities at Washington. A Louisiana immigration and development league has been proposed, but, it was announced by the New Orleans State, it would "probably not take shape until the Hamburg-American Steamship Line definitely announced its purpose to come to New Orleans." To the New York observer the immigration at present to the Gulf States seems insignificant. In 1910 Tampa had 5,386 alien arrivals; Miami, 1,787; Key West, 2,457; Galveston, 4,996; and New Orleans, 3,604, with only a few hundreds in all at other ports.

In the other Southern States the "nation-wide patriotic and philanthropic movement for the distribution of immigration" is not being welcomed. Texas would have to repeal one of the provisions of its constitution before it could establish a State immigration bureau. The Missouri Legislature, in February, threw out the appropriation for the State board of immigration, and Kansas City, St. Louis, and other cities of the State will lose $25,000 advanced by them during the last two years for the support of the board. Georgia, through a convention of its Farmers' Union, which has 80,000 members, decided a few months ago that it wants no immigrants. The attempts to employ Italian laborers on railroad building in the State and on excavation work in Atlanta developed the fact that the southern employers prefer the native negroes. In Mississippi the Farmers' Educational Cooperative Union passed resolutions in July, 1908, declaring its members "irrevocably opposed to the present tide of undesirable immigration now pouring into this country." North Carolina, through its bureau of labor, made a canvass of its possible need of immigrants, and it found a strong opposition to the inducement or distribution of foreign cheap labor. South Carolina five years ago established a State bureau of immigration, appropriated considerable money to it, and, with a fund raised among cotton-mill owners, real estate dealers, and others pecuniarily interested, its commissioners went abroad and brought two shiploads of immigrants from Belgium and distributed them to the number of 762 to various places, but in two years few if any of these induced immigrants were to be found in the State. Consequently, March 4, 1909, a law was passed forbidding a State official "to attempt directly or indirectly to bring immigrants into the State of South Carolina." Virginia and North Carolina, which for a time had been taken in with South Carolina on the distribution scheme, after a brief experience suppressed their share in it by refusing to appropriate any more funds for the purpose.

The sentiments and views of the farmers, the small business men, and the wageworkers of the South were thus expressed by T. J. Brooks, representing the Farmers' Educational and Cooperative Union, before the Congressional Committee on Immigration and Naturalization, March 8, 1910:

The only demand for foreign immigration throughout the agricultural districts of the South and West comes really from the transportation interests, that wish to develop traffic; real estate boomers, hoping to sell land thereby; the large employers, always demanding cheap labor; and certain other financial and gambling interests, anxious to prevent the farmers properly controlling the production and marketing of their crops sufficiently to secure a fair and reasonable price.

Speaking for Mississippi, the Jackson Farmers' Union Advocate has this:

If some good people from the northwestern part of the United States want to come down here, they will come, and we will welcome them if they take to us, our ideas about local matters, such as the negro, but if we do not favor a State movement to get them nor the expenditure of State funds to attract them, because just as sure as that once gets started it will not only bring in some we don't want, but there will be a demand on the part of some to turn it to bringing in the foreign immigrant.

The Baltimore Manufacturers' Record, in a review of the distribution movement, concludes:

Willingness on the part of a few southern men here and there has given ephemeral standing to a variety of undertakings, called "southern" congresses, parliaments, and conventions, under cover of which has been sought promotion of the purpose to relieve New York of its "congestion" at the expense of other parts of the country, and thereby to allay immediate opposition to the carrying out of alien European plans to exploit the people of the United States. In view of the menacing situation the safety of the country lies in opposing vigorously at every turn any proposition originating in or from New York turning upon "philanthropic" desire to help the rest of the country by supplying it with labor from the metropolis. "Philanthropy" has come into such bad odor in recent years through the drive made from New York against the South upon economic, social, or educational lines that now it is quite the thing to announce that new undertakings are essentially businesslike and that the "philanthropy" involved is purely incidental. The rest of the country should do all within its power to encourage the divers organizations of the kind in New York to solve their various problems by agitating for greater restrictions upon immigration, and, to that end, for the abolition of the worse than useless Division of Information in the National Bureau of Immigration.

Several other phases of immigration and of the proposal to set up State and municipal labor exchanges which may, among their purposes, "direct the stream of immigrants where they are needed" and "lessen the congestion of population in our cities," ought at least to be glanced at in this article. Were these phases not mentioned the reader might infer that we had overlooked them in forming our views on the question:

(1) The immigrants send to Europe from the United States $275,000,000 a year. If American labor could get it, that money would stay in this country. The number of immigrants returning to Europe yearly is 350,000. If one-third of these return with sufficient means to establish themselves in their home countries, it shows that a large proportion of the thrifty merely come here temporarily to "exploit" America. Why should the public authorities of this country spend money in assisting this class? Quite a different element, however, makes up a large proportion of those who remain in our cities. The enormous proportion of foreigners in the New York prisons, insane asylums, and charity institutions, upon which subject there are many official reports, is indicative of the general burden that the community is carrying, brought upon it by unrestricted immigration.

(2) The indefinite assertion that "the farmers need help," here or there or somewhere, has been sifted a countless number of times, with the result of finding one definite comprehensive fact. This is, that twice in the year, when the farmer sows his seed and when he reaps his crop, he can employ help; but, as a rule, he can not or will not employ labor the year round. On this point the testimony of John C. Earl, financial secretary of the Bowery Mission, is but a repetition of evidence that has been given by scores of other social workers who have investigated the subject. On a certain day, according to Mr. Earl, two Omaha newspapers published a story with flaring headlines to the effect that the deputy commissioner of agriculture of Nebraska had said he knew of cases enough of farmers needing help to give employment to a thousand men from the East if they could be obtained. The deputy commissioner named 25 farmers who, he said, each needed from 5 to 20 laborers. A Nebraska newspaper reader sent clippings containing these stories to the Bowery Mission, intimating that the men of the bread line, if they wanted work, ought to go West at once. Mr. Earl wrote to the newspapers, to the farmers they named, and to the deputy commissioner of agriculture, asking for the addresses of farmers needing men. The newspapers could give no addresses, the farmers named said they were supplied, and the official quoted replied that there was all the help needed just then in the State. After the reader has appreciated the inferences from this story he will naturally inquire why the farmers who need laborers, to be steadily employed, do not apply direct to the many New York philanthropic agencies. The reply is that no doubt the few do who are seeking labor to be kept all the year.

(3) As to the Government employment agencies in operation in various countries of Europe, American readers continually obtain the results of the observations of newspaper, magazine, official, and philanthropic investigators. Usually such reports are no more than undiscriminating transcriptions of official reports, with superficial descriptions of the functioning of the establishments. These writings, as a rule, lack comprehensiveness of view, and they fail to take in the relative influence of all the employment agencies in operation—trade-union, private, government, church, and charitable. They do not account for the existence of each of these forms or for the reasons of the movements of labor in Europe from point to point and from country to country. They see no significance in the adaptability of certain methods to certain countries, nor do they go to the origins of the various forms of the labor exchanges in each country. The writers who describe the big central labor bureaus of Berlin or Munich, for example, omit due weight to the fact that in Germany there are to-day between 7,000 and 8,000 private registry offices; they do not know how much politics

has to do with the bourses du travail in France; they have not followed the criticisms recently made by the trade-unionists of the British labor exchanges established two years ago under the official board of trade. In the work of the multiplicity of labor bureaus in Europe any investigator bent on establishing a priori conclusions may select sufficient facts to back up any project by which any organization in society, any political party, any capitalistic combine may further its selfish interests or its alleged philanthropic objects.

(4) The question, "Where would you be but for immigration?" or, "Where would your parents have been but for immigration?" is snapped off at the immigrants of 30 years ago or the children of immigrants of that or an earlier period. The reply is in these facts: Up to 1880 the average arrivals for 30 years had been less than 250,000 a year. Nine-tenths of the immigrants of that time came from the United Kingdom of Great Britain and Ireland or Germany. They spoke the English language or a tongue closely allied to it. A large proportion of them went directly on the land, it being then true that the public domain needed settlers. A considerable percentage came taught in the skilled trades. They could not be used as a means to cut down the American standard of living. They never brought this country to confront the social problems which now vex and torment it—problems associated with illiterate, poverty-stricken masses packed in "colonies," strangers to the American spirit and American history, working in slave gangs for an industrial aristocracy, driven into competition with American labor as their sole means of gaining a livelihood, the highest hope of many of the more thrifty being a return to their home land, with America as nothing to them. The immigration question now is totally different from that of 30 years ago.

(5) Significant basic facts are to be learned from the reports of State and philanthropic labor bureaus now in existence in America:

Massachusetts has three State free-employment offices—at Boston, Springfield, and Fall River. According to the fourth annual report of the director, the positions filled from these offices in 1910 numbered 20,574; in three years over 43,000 individuals were sent to 68,780 positions; cost to the State, more than $80,000. The offers of positions were 172,129. Query: Why were only one-fourth of the positions offered filled by the applicants, who numbered 195,135? Were the other three-fourths in the class of offers which will not stand investigation by unemployed wageworkers seeking steady work yielding a living? Were they jobs that were merely casual or seasonal or that were underpaid? The classification of occupations for the 20,574 positions filled in 1910 may indicate the reply: Domestic and personal service, 11,779; agriculture, 2,004; trade and transportation, 2,770; manufacturing and mechanical pursuits, 3,786.

A glance at these figures reveals the whole situation. The State free-employment offices of Massachusetts have for the most part been merely employed in doing a certain small percentage of the work of transferring and retransferring the household and hotel help that must be moved about with the seasons and the comings and goings of householders. On the industries, the influence of these free public agencies in the third greatest manufacturing State in the Union it is to be noticed, has not been as much as a raindrop in a barrel of water. Among its more than a half million industrial wage earners, of whom it might be estimated that 20 per cent change places in a year, only about one-half of 1 per cent obtained positions through the State free-employment offices.

The National Employment Exchange of the State of New York was set up in 1909 by nearly 30 millionaire subscribers to a fund of $100,000. Its first annual report states that from May 12, 1909, to September 30, 1910, it placed 4,120 men. The operating expenses were $24,793; fees, $11,813 (employees, $10,088; employers, $1,725); net loss, $10,622. This exchange has two bureaus, one in State Street near the immigrant landing, and the other in Grand Street in the heart of the lower East Side. Its effect on the movement of labor, as shown by this report of places filled, was nil. But certain straightforward statements made by the manager outline typical conditions under which laborers and office help (the latter presumably mostly English-speaking) must gain their living in the United States:

> On many orders the low salaries offered (for office help) for the work to be performed makes it impossible to fill them. * * *
>
> The causes of dissatisfaction, where unquestionably good laborers have been supplied, and who refused to stay on the job, emanate from the lack of proper housing and subsistence; failure to receive the amount of wages believed to be due on pay day also leads to disputes which cause men to seek other employment. The commissary is not always conducted in the interests of the men, especially when a padrone or some outsider agrees for the privilege to furnish laborers free of charge. Complaints have been numerous, not only about extortionate prices being charged for supplies purchased through the commissary, but short weight also being practiced. * * * Some of the men who return to the city soon after they were shipped out will tell you that the foreman was too hard to get along with; others will complain about the exorbitant prices charged for commissary supplies; others will say that there was no provision near at hand for purchasing food; others say they quit because of the poor sleeping accommodations in camp, claiming the shanties leaked and were poorly heated, etc.; some object to being vaccinated; others will say that they were robbed of their clothing; others found the work wet when they thought it would be dry; others would not work with a pick and shovel when they supposed they would only chop timber, etc.

Do not these reports, both of State and private agencies, tend to confirm the evidence we have cited to show the mission of the "distribution" movement?

These reports, as we read them, show that the final question with the laborer seeking work anywhere in the United States—with perhaps the exception of a few remote regions in which the circumstances of time-consuming distances, high transportation charges, sparse settlement, and uncertain duration of employment are discouraging factors—is not the matter of finding a job. It is the matter of finding even a casual job, to say nothing about steady employment, which will maintain a human being at the American standard of living.

As we have shown, the usual established American methods for supplying American (or English-speaking) migratory labor to any point in the country where labor is needed at American wages are equal to the performance of their task. These methods are, as we have pointed out, trade-union bureaus and comradeship, advertising, and regulated private agencies. Of course, they have to be supplemented by individual hustle, horse sense, courage, and independence of character.

In the light of our survey of the situation then, the principal aim and mission of the schemes for immigrant distribution come plainly into view. It is not to supply our country with any needed labor. It is not the building up of any American community. It is not even to assist American labor equally with foreign labor. It is to promote and assist the coming and going steerage passenger regardless of the effect on American labor.

English-speaking labor in the United States can find its way to any job anywhere that will yield a fair living, even if it has to travel in a "box car." The trouble to-day is that, no matter how it travels, it finds on the job a previous arrival—a man speaking a strange tongue, living with a gang of others in a shack, working at a serf's wages, submitting in a slavish spirit to outrages on him as a human being, and in debt to the agencies that have found the job for him and paid his way to it.

To add to the irony of the situation, the steamship combine, which is the chief profit-taking interest in this process of debasing American labor, is a foreign enterprise. Its companies have foreign charters, its officers and crews are foreigners, many of its ships are under contract to be used by European Governments in case of war. On every trans-Atlantic vessel coming to American ports the official atmosphere is anti-American. The officers in many cases are commissioned officers of foreign navies, they and the petty officers, and even the serving stewards all sneer at America. All the world sees through the colossal game that the European powers and their high financiers are working on the United States—that is to say, all the world except those Americans who are still caught by the balderdash of a patriotism requiring us to admit the poor and oppressed of Europe and the Far East until American labor shall be reduced to the European level, or who are imposed upon by a mawkish philanthropy that would finish by substituting for the traditional independence of the self-maintaining and self-respecting American wageworker the broken spirit, the semipauper existence, and the slum habits of the class of European laborers that now mostly make up the cargoes of the steamships in the combine.

BRIEF IN FAVOR OF THE ILLITERACY TEST.

(a) The illiteracy test would largely cut down the number of undesirable immigrants, thus promoting the assimilation of other immigrants.
(b) It would improve the quality of immigration.
(c) It is a certain and definite test, easily applied.
(d) Elementary education on the part of immigrants is desirable.
(e) The illiteracy test is demanded by intelligent public opinion.

(A) THE ILLITERACY TEST WOULD EXCLUDE UNDESIRABLES.

1. It is generally admitted that a large proportion of the aliens coming to us to-day are not as desirable as the former immigration, which settled the Middle and Western States. (See Report of Commissioner General, 1909, pp. 111, 112.)

2. The illiteracy of the various races of immigrants in 1909 was as follows:

Northern and western Europe (chiefly Teutonic and Celtic).

	Per cent.
Scandinavian	0.2
Scotch	.5
Finnish	.5
English	.7
Bohemian and Moravian	1.5
Irish	1.5
Dutch and Flemish	2.6
German	6.3
French	8.0
Italian (North)	8.4
Average of above	3.5

Southern and eastern Europe (chiefly Slavic and Iberic).

	Per cent.
Spanish	10.6
Magyar	10.8
Slovak	19.7
Greek	26.1
Croatian and Slovenian	28.7
Hebrew	29.2
Polish	39.9
Russian	41.7
Portuguese	42.3
Bulgarian, Servian, and Montenegrin	46.5
Ruthenian	51.3
Roumanian	52.3
Italian (South)	56.9
Lithuanian	58.2
Average of above	42.1

Other races.

	Per cent.
Cuban	2.4
African (black)	22.4
Armenian	22.5
Japanese	28.7
Syrian	52.5
Mexican	64.6
Average of above	42.4

From this it appears that the illiteracy of immigrants from southern and eastern Europe is over twelve times as great as that of aliens from northwestern Europe, and that the illiteracy of Armenians, Japanese, and Syrians is also high.

In 1909 over three-fifths of the total immigration was of these illiterate races.

3. Ignorance of a trade goes hand in hand with illiteracy. Of one group of illiterate aliens arriving in 1909 less than 5 per cent had any skilled occupation, and 94 per cent of those having occupations were common laborers, and of another group 90 per cent were laborers.

4. The illiterate races now coming do not distribute themselves over the country, but settle in a few States. Thus, of 165,248 south Italians arriving in 1909, 125,139 were destined for Illinois, Massachusetts, New York, and Pennsylvania; and of 77,565 Poles, 52,375 were destined for the same States. Of 57,551 Hebrews, 46,889 had the same destination.

5. These races not merely tend to congregate in certain States but in the large cities of those States.

The census of 1900, Population, Part I, page 176, shows that, while immigrants of those races which came to us formerly in large numbers settle in the country, immigrants of races now coming herd together in the cities. Thus only one-fourth to one-third of the Scandinavians live in our cities and one-half of the British and Germans. On the other hand, three-fifths of the Italians and Poles and three-fourths of the Russian Jews live in cities.

Further, Chicago contained 91 per cent of all the Poles in Illinois and 84 per cent of all the Italians. New York City contained 47 per cent of all the Poles in the State, 80 per cent of all the Italians, and 94 per cent of all the Russian Jews.

6. And even within the large cities the illiterate races tend to herd together in the slum districts.

The Seventh Special Report of the United States Commissioner of Labor (1894, p. 44) showed that natives of Austria-Hungary, Italy, Poland, and Russia constituted six times their normal proportion in the slums of Baltimore, seven times in Chicago, five times in New York, and twenty-six times in Philadelphia. It appears also (pp. 160–163) that of every 100 aliens, 40 were illiterates in the slums of Baltimore, 47 in Chicago, 59 in New York, and 51 in Philadelphia, and that the illiteracy of southeastern Europeans in these slums was 54.5 per cent, as compared with 25.5 per cent for northwestern Europeans and 7.4 per cent for native Americans in the same slums.

In other words, if an illiteracy test had been in operation since 1882 these slums would now be of insignificant proportions instead of being hotbeds of crime, disease, and pauperism—a menace to the immigrants and to the community at large.

7. In part this tendency to slum life is directly due to ignorance of gainful trades; in part it is due to lack of thrift. That the illiterate races are less thrifty than others appears from the fact that the amount of money brought by immigrants is in inverse ratio to their illiteracy.

The report of the Industrial Commission (p. 284) shows that in 1900, while the British and Germans brought from $30 to $40 per capita, the north Italians $22, the Scandinavians $17, the Poles, south Italians, and Hebrews brought less than $10, although the latter races were mostly single men, and the former brought many children.

8. The illiterate aliens do not have a permanent interest in our country, and seek not liberty but the dollar. This is shown by the absence of naturalization among them. The census of 1900 shows that, of males of voting age, only one-tenth of the British, Germans, and Scandinavians were aliens, as compared with over one-half of Italians and Poles.

(B) THE ILLITERACY TEST WOULD IMPROVE THE QUALITY OF IMMIGRATION AND WOULD EXCLUDE FUTURE DEPENDENTS AND DELINQUENTS.

The illiterate races are generally inferior in physique, as appears from the fact many more of them are sent to the hospital on arrival. The census of 1904 shows that an illiteracy test would have excluded 18 per cent of the foreign-born insane over 10 years of age and 30 per cent of the foreign-born paupers. The report of the commissioner general for 1904 shows that 42 per cent of the alien murderers and 57 per cent of aliens attempting to murder in 1904 were of the relatively illiterate Slavic and Iberic races. The Slavic and Iberic alien criminals constituted, in 1904, 64 per cent of all aliens detained in penal, reformatory, and charitable institutions, and 87 per cent of the alien inmates of such institutions arrived within five years. The recent alarming increase in insanity in New York State is attributed by the State Lunacy Commission to recent immigration.

In the State prisons of New York State the number of Italians and Russian inmates doubled from 1906 to 1909. It is not claimed that an illiteracy test would exclude all criminals, for many of them are well educated. But that it would exclude a considerable number appears from the fact that over one-fifth of all foreign-born prisoners in the United States are illiterate. In view of the fact that the present provisions of law specifically excluding criminals are almost impossible to enforce, an illiteracy test would be of distinct value in this regard.

(C) IT IS A CERTAIN AND DEFINITE TEST EASILY APPLIED—THE ILLITERACY TEST WOULD SAVE HARDSHIP.

About 44 per cent of those now excluded are debarred as being "liable to become public charges." In a considerable number of cases the alien can not tell until he arrives here whether he will be debarred on this ground or not. The phrase itself is very elastic. The fact often is determined by evidence obtainable only when the immigrant arrives, such as ability of relatives to support him, pregnancy of immigrant women, and other circumstances. If an immigrant is debarred, it means often great hardship to him and to his relatives.

It is not proposed to abolish the present requirements as to economic sufficiency, but in a very large number of cases those debarred for this cause are also illiterate, and to this extent an illiteracy test would save hardship, and often the separation of families. At present this hardship tends to relax inspection on the part of sympathetic officials.

THE ILLITERACY TEST IS DEFINITE.

One defect in the present law is its vagueness and elasticity, especially as to the class of persons "liable to become a public charge." Ninety per cent of all immigrants are admitted by a primary inspector without further inquiry. When any officials, especially superior ones, conscientiously or otherwise favor a lax interpretation of the law, its existing provisions are but a small protection to our people. Any change from a lax to a strict interpretation, or vice versa, is unjust to the immigrant.

A reading test in any language or dialect the immigrant may prefer is perfectly simple and definite, and can be evaded neither by the immigrant nor by the inspector.

An illiteracy test would diminish the work of the board of special inquiry and give them time for more thorough examination of other cases.

THE ILLITERACY TEST CAN BE EASILY AND EFFICIENTLY APPLIED.

When commissioner at New York Dr. J. H. Senner voluntarily applied the test for three months, and reported that there was no difficulty in using it and no appreciable delay by reason of it.

The theory of our immigration laws is that, in the first instance, the steamship companies, for their own protection, will not sell tickets to aliens who they know are inadmissible. Although the steamship companies are prone to take chances on the admissibility of an immigrant, and although it has been found necessary to fine them for bringing inadmissible immigrants where such inadmissibility could have been detected before embarkation, yet most of the trouble arises in cases where neither the immigrant nor the steamship company can be certain of the result.

With the illiteracy test a part of the law the steamship agents would have no excuse for bringing illiterates, as it would be perfectly simple for them to ascertain the fact of illiteracy at the time of selling the ticket, and the companies could justly be fined if they brought any aliens found to be illiterate.

This would probably result not in any great diminution of the numbers of immigrants, but in a great improvement in the quality. If the steamship companies can not bring illiterates, they will seek immigrants who can read. The falling off in the desirable immigration from northwestern Europe has been ascribed by competent authorities to the unwillingness to compete with the kind of immigration we are now chiefly getting. One effect of the test would be to improve the sources as well as the quality of our immigration. Further, it is the very ignorant peasants who are now most easily induced to emigrate by unscrupulous steamship agents by false and misleading statements as to conditions of employment in this country.

(D) ELEMENTARY EDUCATION DESIRABLE IN IMMIGRANTS.

Ability to read is now required for naturalization. But the ballot is only one way in which a foreign-born resident affects the community at infrequent intervals. In countless other and more important ways he is affecting the community all the time. The newspapers are the chief source of information as to social, political, and industrial conditions. An immigrant who can not read, unless in very favorable environment, will be assimilated, if at all, much less rapidly than one who can.

The ability to read is essential not merely for citizenship but for residence in a democratic state. It helps the understanding of labor conditions and the obtaining of employment under proper environment.

Then, again, how can one obey the laws and ordinances, whether penal or sanitary, unless he can read them? One difficulty experienced to-day in our large cities in enforcing sanitary regulations and preventing epidemics is the illiteracy of large masses of the immigrant population.

At the present day even manual employment is conducted in a manner which makes the ability to read desirable, if not indispensable. Time slips, records of all kinds, are more and more used in factories and shops, and the ability to read and write is necessary for all but the lowest grades of labor.

(E) THE ILLITERACY TEST IS DEMANDED BY THE PEOPLE.

No single proposed addition to our immigration laws has received the indorsement accorded to the illiteracy test. Bills to enact it into law have passed one or the other House of Congress seven times since 1894, usually by very large votes.

It has been advocated in party platforms and presidential messages; by the Farmers' Educational and Cooperative Union, representing some 3,000,000 farmers of the country, who do not want as farm help the kind of immigrants we are now receiving; by the American Federation of Labor and the Knights of Labor, by the patriotic societies, by the boards of associated charities, and by thousands of other organizations and individuals in all parts of the country. Four thousand five hun-

dred petitions in its favor were sent to the Fifty-seventh Congress. A recent canvass of leading citizens, whose opinion was not known beforehand, showed that 93.1 per cent favored further selection of immigration, and 81 per cent advocated the illiteracy test.

The Immigration Commission, which has been studying the question for nearly four years, says in the statement of its conclusions (p. 40): "The commission as a whole recommends restriction as demanded by economic, moral, and social considerations. * * * A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration." The majority in this case consisted of eight out of nine members of the commission.

(F) GENERAL REMARKS.

It is often said, "A man is not a better man because he can read or write." It is not claimed that ability to read is a test of moral worth or even in some cases of industrial value. But in framing law for selecting immigrants, as in framing any law of classification, we have to consider classes, not individuals.

Taking the world as it is, we find, on a broad view, that the illiterate races, and especially the illiterate individuals of those races, are the ones who are undesirable, not merely for illiteracy, but for other reasons. Those who are ignorant of language are, in general, those who are ignorant of a trade, are of poor physique, are less thrifty, tend to settle in the cities and to create city slums, tend to become dependent upon public or private charity, even if not actual criminals and paupers, have little permanent interest in the country, and are unfitted for citizenship in a free and enlightened democracy.

An illiteracy test would undoubtedly shut out some unobjectionable individuals, but the absence of it is causing untold hardships to thousands already in the country. Let the immigrant who seeks to throw in his lot here take at least the trouble to acquire the slight amount of training necessary to satisfy this requirement, and thus show that he appreciates the advantages he seeks to share.

A Message to the Young Men.

The country calls the young voters to service and leadership.

It is the privilege and the duty of the young men to stand with the party that guarantees equality of opportunity.

The young men of to-day are the leaders of to-morrow.

Now is the time for action.

The future belongs to the young man through the Democratic Party.

EXTENSION OF REMARKS

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. RAKER said:

Mr. SPEAKER: The fathers of this country poured out their blood and treasure to free the new land from the tyranny of monarchy and aristocracy. They succeeded; but to-day a new and deadlier form of tyranny is fastening its fangs upon our country and threatens to turn a Government dedicated to liberty and human rights into a land of oppression, with all power concentrated in the hands of a few men. Taking their cue from Alexander Hamilton, who believed that the people were not fit to rule themselves, Republican leaders are to-day virtually denying the fundamental truths of equality upon which this Government was founded. Under their rule a few men are acquiring all power and the masses are being reduced to a condition that abolishes the equality of opportunity. Unless the present movement is checked the upward road that has always been open to our young men will be blocked, both in business and politics.

The natural place for young men is the Democratic Party, whose purpose is to keep the road to opportunity open. The Republican Party, standing for trusts, monopolies, and narrowing opportunity, is not the natural home of the vigorous, intelligent, ambitious, manly young men who ask only a free hand and a fair chance. Turn the country over to the unchecked rule of the Republican Party, and the average young man can only hope to be a clerk in the ranks of monopolies; and if he be an exceptionally able man, he may hope to rise to be a head clerk. But that is all. Corporate organization and wealth are clutching into their deadly grip the opportunities of a once free land. If the men of to-day would bequeath a heritage of freedom and of opportunity to their sons, they must fight now. The Democratic Party stands for the open road. It believes that the people can and should govern themselves. It believes that America needs only a fair field and an even chance; and for that it will die in the last ditch. It is the standard for the young men to enlist under, and it depends upon them to take their places and do their duty.

THE TRUMPET CALL TO DUTY.

Our great country is throbbing with possibilities. We must keep them open for our young men. We are setting about the task of building up a great modern nation. Old things are passing away and new are taking their places. The illustrious heroes of the past have bequeathed us a marvelous heritage. The Democratic Party has accepted the responsibility. It honors the past with all its glory, it acts in the present, and it safeguards the future. It stands for equal rights and it guarantees an equal chance. It will build schoolhouses where jails were once needed. It will give a marvelous impetus to agriculture and increased commerce, its handmaid. It stands for progress, growth, and development, and a glorious to-morrow, with happiness and prosperity for all. It will give good government and not bad. It guarantees a Government where peace and justice will reign, where men will prefer light to darkness, where every man, woman, and child will have the opportunity to make the best of himself.

The Democratic Party calls on the young men to carry this work on. It is a call to duty and a call to honor, fame, and usefulness. The great men of the world have been those who bestowed something on mankind. In this great, new, formative period the young men must take their places and control the forces that are shaping the future. Will they control or be controlled? Will they keep the reins of power in their own hands or turn them over to centralization, to men who believe that power and wealth and opportunity should be limited to the few?

THE COUNTRY COMING TO DEMOCRATIC PRINCIPLES.

The country is embracing the principles of Democracy. Its fires have been kept burning in the homes all over this land with purity and vigor, and behold a conflagration is sweeping the country. The vestal flame has been kindled anew in the land. The people of the great West are adding fuel to it, and even the East and New England are not lagging behind. The Democratic Party is coming into its own because it has been true to principle and itself. Trust-controlled protection has been found to mean privilege, and privilege has no place in America. This great truth has been held sacred by the Democracy, and the people are looking to our party to lighten the load that Republicanism has placed upon them. The Republican Party can be no longer held together by the "cohesive power of public plunder," and it is disintegrating from within. It cries in vain to the young men of the land, for it has nothing to offer them. Where Democracy is giving bread, it tries to entice the people with stones; where Democracy is a crystal stream, Republicanism is a stagnant pool.

BE A LEADER.

To the young men I would say, you must be prepared to take part in public life. Practical politics is government in action. Government is the vital thing in a country of freedom. The public business is your business and mine. You young men of to-day will be the campaigners, the leaders, and the governors of to-morrow. Stand for something and know what that something is. The Republican Party asks you to be an office seeker; the Democratic Party says make yourself worthy to hold office and the people will bestow it upon you. They have done so in the past. The records of the Democratic Party are full of instances where young men of worth have been called to positions of honor and responsibility.

YOUNG DEMOCRATS HAVE BEEN CALLED TO LEADERSHIP.

William Jennings Bryan, the youngest man ever nominated for President of the United States, was only 36 when nominated by the Democrats. Joseph W. Folk was elected governor of Missouri at 34; HOKE SMITH was appointed Secretary of the Interior in President Cleveland's cabinet at 37; James H. Higgins was elected governor of Rhode Island at 30—served two terms; RICHMOND P. HOBSON sunk the *Merrimac* in Santiago Harbor when only 28; James D. Phelan was elected mayor of San Francisco at 35; George B. McClellan was elected mayor of New York at 37; Alva Adams was elected governor of Colorado at 37.

Thomas M. Waller was only 30 when chosen secretary of state of Connecticut; Carter H. Harrison, five times elected mayor of Chicago, was first elected at 37; Wilkinson Call was elected United States Senator from Florida at 31; William D. Bloxham was elected governor of Florida at 35; Adlai E. Stevenson, late Vice President of the United States, began his political career at 25; Grover Cleveland, elected President of the United States at 47, began his career as district attorney at 26; James Hamilton Lewis was nominated as a candidate for governor at 26; WILLIAM SULZER was elected speaker of the New York Assembly at 29; David R. Francis was elected mayor of St. Louis at 34, governor of Missouri at 38, appointed Secretary of the Interior in President Cleveland's Cabinet at 45; David Bennett Hill was elected lieutenant governor of New York at 39, governor at 41; John F. Fitzgerald was elected mayor of Boston at 30; Don M. Dickinson was appointed Postmaster General of the United States at 41; Josiah Quincy was ap-

pointed Assistant Secretary of State, United States, at 34; JOHN W. KERN, United States Senator from Indiana, began his political career at 35; William E. Russell, governor of Massachusetts, at 31; John C. W. Beckham was elected governor of Kentucky at 35; James Proctor Knott, former governor of Kentucky, elected attorney general of Missouri at 29; James B. McCreary, governor of Kentucky, first elected governor of Kentucky at 36; Newton C. Blanchard, United States Senator, governor of Louisiana, justice of the Supreme Court, was elected to Congress at 30; William E. Cameron, elected mayor of Petersburg at 34, governor of Virginia at 40; James Davis Porter, judge, governor, Assistant Secretary of State, minister to Chile, was elected as a member of the Tennessee Legislature at 30; Robert Love Taylor, United States Senator, elected to Congress at 28, governor of Tennessee at 36; William U. Hensel was attorney general of Pennsylvania at 40; Duncan C. Heyward was elected governor of South Carolina at 39; Henry D. Harlan was elected chief judge of the Supreme Court of Maryland at 30; Newton D. Baker, elected city solicitor of Cleveland, Ohio, at 32, mayor at 39; Andrew J. Montague, elected attorney general for Virginia at 36, governor at 40; LUKE LEA, United States Senator from Tennessee at 32; THOMAS P. GORE, United States Senator from Oklahoma at 37; John E. Osborne, elected governor of Wyoming at 29; Oswald West, elected governor of Oregon at 36; William A. McCorkle, elected governor of West Virginia at 34; CHARLES A. CULBERSON, United States Senator from Texas, elected attorney general at 35, governor at 39; HENRY F. ASHURST, United States Senator from Arizona at 35; Henry T. Hunt, mayor of Cincinnati at 33. History is replete with the names of thousands of young men who have been elected as Democratic governors, United States Senators, Members of Congress and legislatures, mayors of cities, or appointed to positions of trust, honor, and responsibility.

William Pitt, the younger, was chosen premier of Great Britain at the age of 23; Napoleon Bonaparte when but 27 won his famous Italian campaign by the means of the most brilliant and daring military tactics of modern times; Alexander the Great was in his grave at 34.

Verily, it is the day of young men. The Democratic Party calls you to its work and its honors.

DEMOCRATIC VICTORY NEAR AT HAND.

Every Democrat in the land has his face to the rising sun and is marching on, full of hope. The Republican administration of national affairs during the past few years supplies us with all the ammunition we want, and if we will present the facts of Republican inconsistency and broken promises earnestly and fearlessly to the American electorate our cause will be sustained. Every sincere Democrat in the land is confident of success, and all the signs of the times point unmistakably to Democratic victory in the battle of the ballots this fall.

Do you realize what this will mean to thousands of young men of vigor, energy, and ambition? It will mean the opening of thousands of avenues to opportunity, fame, honor, and usefulness. Are you going to cast your lot with those who have created the system of trusts and who can not extricate themselves from it, or will you act with those who mean slowly, steadily, persistently to change it and draw the country forward to a better, a freer system; a system of more open opportunity, in which the Government will accord no patronage and in which the law will make men as individuals responsible again?

It is into the ranks of this great and glorious party, whose records are so full of magnificent achievement and inspiration for the young men, that we invite you and your friends to come and share with us in labors and triumphs.

NATIONAL DEMOCRATIC LEAGUE OF CLUBS.

APPLICATION FOR ENROLLMENT.

The _____
(Give name or official title of your organization.)
of _____, organized _____,
(Give location.) (Date of organization.)
having _____ members, approving the plans and purposes of the National Democratic League of Clubs, hereby makes application for enrollment as a member of the same.

The headquarters of our organization are located at _____ (Give location of headquarters.)

The following are the officers of our organization: President, _____; address, _____. Vice president, _____; address, _____. Secretary, _____; address, _____. Treasurer, _____; address, _____. Assistant secretary, _____; address, _____. Sergeant at arms, _____; address, _____. Marshal, _____; address, _____.

Remarks: (*)

Respectfully submitted.

_____, *Secretary.*
_____, *President.*

(*) Under remarks please give brief history of your organization, its condition, etc. State whether or not the club is equipped for marching purposes or whether it be organized for marching purposes to escort speakers and work up enthusiasm for public gatherings.

Names and addresses of members of various standing and campaign committees should accompany this statement.

NOTE.—Please fill this blank out (on typewriter, if possible) and forward immediately to

WILLIAM C. LILLER,
President National Democratic League of Clubs,
Indianapolis, Ind.

(The third biennial meeting or convention of the Federated Democratic Clubs of the United States will be held at Columbus, Ohio, November 11 and 12, 1912.)

State _____.

List of first voters.

In _____ precinct, _____, _____ County, 1912.

Write down the names in alphabetical order of all persons who will arrive at the age of 21 years on or before November 5, 1912, and who, in consequence thereof, will be entitled to cast their first vote at the general election this year.

Name.	Post office.

Please make three (3) copies of this list of "First voters" and forward promptly to the secretary, National Democratic League of Clubs, Indianapolis, Ind. One copy is for the use of national headquarters, one copy for the use of the State League or Federation of Democratic Clubs, and the other for the use of the local party organization or county or district league of clubs.

A CALL FOR VOLUNTEERS.

Wanted—an army of a million—not a million men armed with rifles, but a million men armed with the determination to win a victory for Democratic principles. That is the army to be recruited and that is the campaign to be waged if success is to be won in the congressional and State elections and the national campaign of 1912. It must be a campaign of education and organization—education along Democratic lines and organization of the forces that realize the necessity of concerted action against the selfish interests that have so long dominated political affairs. Do you want to enlist in this army of a million volunteers and do your part in the great work? The National Democratic League of Clubs is now waging a campaign of organization, education, and agitation. We aim to make it one of the most comprehensive educational-publicity campaigns ever undertaken for the upbuilding of the Democratic Party. To make this campaign successful the National Democratic League of Clubs needs the assistance of 1,000,000 earnest workers. We want and must have your cooperation and support.

Will you enlist? Will you become a recruiting officer, trying to enlist others? Will you help organize this army of a million to wage a strong and winning battle for the triumph of Democratic principles? Victories, both of war and peace, are not the results of chance—they are the results of organization, of careful planning, of thorough equipment, and concert of action.

The lines for the campaign of 1912 have been formed. The skirmishers have been ordered forward. As they advance, let the work of organization be pushed, to the end that when the battle opens the forces of Democracy may be prepared for a general advance well organized, well planned, and well equipped.

A million earnest men are needed to take hold and help in this great campaign. If you will be one, prevail upon as many others as you can to enlist.

Cut off, sign, and return the enrollment blank below for your own membership. Or, better still, send in a request asking for a number of enrollment blanks, and they will be forwarded promptly, enabling you to give your friends and neighbors an opportunity to join in the work of building up the "army of a million volunteers," and to secure copies of the official publications of the league and other interesting and instructive literature from time to time.

By authority of the executive board.

WILLIAM C. LILLER,
President National Democratic League of Clubs.
ROBERT J. BEATTY,
General Secretary.

THE VOLUNTEER ARMY OF 1912—ENROLLMENT BLANK.

NATIONAL DEMOCRATIC LEAGUE OF CLUBS,
Indianapolis, Ind., _____, 1912.

Please enroll my name as a member of the volunteer army of 1912.

I agree to assist in the organization of Democratic clubs in this district, distribute such campaign literature as may be sent me from time to time, and pledge my assistance in bringing success to Democratic policies in State and Nation.

I further pledge myself to secure at least one additional member of the league and help increase its membership.

I inclose $_____ as a voluntary contribution to help defray the expenses of the campaign conducted by the league.

Name _____. Post office _____. County _____. State _____. Street address _____.

All contributions, whether 25 cents, 50 cents, $1, or more, will be greatly appreciated and promptly acknowledged. If you do not feel able to make any contributions, do not let that hinder you from enrolling now; we want your hearty cooperation and loyal support in this great movement. We want workers as well as funds.

Make all checks, money orders, etc., payable to the order of

FRANK S. CLARK,
General Treasurer, Indianapolis, Ind.

NATIONAL DEMOCRATIC LEAGUE OF CLUBS.

Date ———, *1912.*

"LET THE PEOPLE RULE."

DEMOCRATIC CAMPAIGN FUND CONTRIBUTION.

In the interest of the principles enunciated in the Baltimore platform and for the purpose of assisting in the election of Wilson and Marshall, the undersigned hereby subscribe the sums set opposite our names to help defray necessary campaign expenses:

Name.	Address.	Amount contributed.
		$
	Inclosed find.....	$

If you can not give much, give what you can. "Every little bit helps." We want every Democrat and person who believes in good government and who is in sympathy with our cause to help. If you can, give at least $1; if you feel that you can not afford that much, then give less but do not fail to give something. Make all remittances payable to the order of Frank S. Clark, treasurer National Democratic League of Clubs, Indianapolis, Ind., and send in your contributions promptly. The campaign is short and we must act promptly and effectively.

Sent by ——— ———,
Address ———.

How to remit.—Always remit by express or postal money order or draft. Do not send personal checks unless certified. It is not safe to send money through the mails in excess of $1 unless registered. Contributions must be voluntary, and when remittance is made the word "Paid" should be written opposite the name of the contributor.

Use additional sheets of paper for additional subscribers and attach these lists to this blank.

NATIONAL DEMOCRATIC LEAGUE OF CLUBS,
FRANK S. CLARK, TREASURER,
Indianapolis, Ind.

"LET THE PEOPLE RULE."

DEMOCRATIC CAMPAIGN-FUND PLEDGE.

Date, ——— ———, 1912.

In the interest of the principles enunciated in the Baltimore platform and for the purpose of assisting in the election of Wilson and Marshall, I promise to pay to Frank S. Clark, treasurer National Democratic League of Clubs, on or before 30 days after date the sum of —— dollars.

This pledge does not bear interest. It is not negotiable. Collection of it will not be forced, and when remittance accompanies this pledge it should be marked "Paid" on its face.

Name, ——— ———,
Address, ———.

ENROLL! ENROLL!!—DO IT NOW.

The battle of 1912 is now on.

The fight will be a hard one.

The result will determine whether the Democratic Party will go ahead or go back on its record of the past 16 years.

Every indication is auspicious for Democratic success.

Every Democrat in the land has his face to the rising sun and is marching on, full of hope.

In order to win all we have to do is to organize and pull together.

The Republicans can not defeat the Democratic candidate for the Presidency. The only possible thing that can prevent the election of a Democratic President this year is the Democrats themselves.

DEMOCRATIC VICTORY IN 1912.

The opportunity is here, and from all parts of the country reports are reaching headquarters that the Democrats realize it and are laying plans for a campaign that will result in the Democrats sweeping the country.

There seems to be no way for the Republicans to avoid defeat if the Democrats will continue to get together and work as they have started out to do.

All the signs of the times point unmistakably to Democratic victory in the battle of the ballots next fall.

A CALL FOR VOLUNTEERS.

Now is the time to get busy and organize every election precinct in the country. Democratic victory in 1912. The battle lines for the campaign of 1912 have been formed. The triumphs of 1910 and 1911 have served to inspire the Democrats to greater victory in the coming battle. The roll call shows that over 600,000 men of courage and independence are already under arms. The skirmishers have been ordered forward. As they are advancing let us extend the skirmish lines to all sections of the country. We need reinforcements in every town, village, and hamlet, to the end that the forces of Democracy may be prepared for the final advance, well organized, well trained, and well equipped. Democratic victory in 1912! We need a million earnest men to take hold and help in this great campaign of organization, education, and agitation. We aim to make it one of the most comprehensive educational-publicity campaigns ever undertaken for the upbuilding of the Democratic Party. We want and must have your cooperation and support. Won't you enlist in this great army of Democrats and become a recruiting officer, trying to enlist others? Victories are not the result of chance; they are the result of organization, of careful planning, of thorough equipment, and of concerted action!

The Democratic Party needs your help now. Now is the time for action! Now is the time for you to show your mettle, your courage, your fidelity to Democratic principles. You are now put to the test. Will you neglect the greatest opportunity you have ever had to help the Democrats win this fight?

ENROLL NOW!

Our ranks are being rapidly recruited, our membership is growing by leaps and bounds, and our organization promises to become the most powerful army the world has ever known. The special interests are now mustering all the strength and power at their command to resist our efforts. That is why we are seeking recruits to swell the ranks of our army. We must have more men on the firing line to carry on this great work and help us to prepare for the final charge, so that our mighty army of loyal and determined patriots will march on to triumphant Democratic victory in 1912.

We appeal to every Democrat, and especially to the young men of ambition, energy, enthusiasm, and courage, to enlist in our cause, carry our banner, fight for Democratic principles, and help us to win the victory that awaits us.

Write immediately to the secretary National Democratic League of Clubs, Indianapolis, Ind., for enrollment blanks and full instructions.

Enlist now, while the call for volunteers is ringing in your ears.

Review of Work of the Committee on Foreign Affairs, House of Representatives.

REMARKS
OF
HON. WILLIAM SULZER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. SULZER said:

Mr. SPEAKER: In accordance with what other committees of the House have done, I ask unanimous consent to print in the RECORD data regarding the work of the Committee on Foreign Affairs of the House of Representatives for the past session of Congress.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

The data is as follows:

[From the Times, Aug. 22, 1912.]

THE RECORD OF THE COMMITTEE ON FOREIGN AFFAIRS UNDER THE CHAIRMANSHIP OF WILLIAM SULZER.

When the Democrats organized the House of Representatives for the Sixty-second Congress Mr. SULZER, of New York, was selected by the unanimous vote of his party colleagues for the chairmanship of the Committee on Foreign Affairs. The Foreign Affairs Committee, under the leadership of Mr. SULZER, has made a record of which the Democratic Party can be justly proud.

First. It reported and passed, by a vote of 300 to 1, Mr. SULZER'S resolution for equal rights to all American citizens, native and naturalized, at home and abroad, and forced a reluctant Republican President to abrogate the Russian treaty of 1832 because Russia refused to recognize American passports regardless of race or religion.

Second. It reported and passed the resolution to protect Niagara Falls.

Third. It reported and passed the Sulzer law for the preservation of the fur-seal herd from pelagic sealing in the north Pacific Ocean.

Fourth. It reported and passed Mr. SULZER'S resolution congratulating the people of China on the establishment of a Republic.

Fifth. It reported and passed Mr. SULZER'S bill to utilize the American Red Cross on land and sea during war or when war is threatened.

Sixth. It reported and passed Mr. BARTHOLDT'S bill for the interparliamentary union.

Seventh. It reported and passed Mr. SULZER'S bill for an international council for the exploration of the sea, to study and protect the food fishes of the ocean.

Eighth. It reported and passed Mr. PETERS'S bill for an international congress of the chambers of commerce to be held in Boston.

Ninth. It reported and passed Mr. SULZER'S bill for an international prison congress.

Tenth. It reported and passed the Smith law regarding the rights of American citizens on the Mexican frontier; to secure them damages for injuries by shots fired across the border.

Eleventh. It reported and passed the Sulzer joint resolution for an international peace commission.

Twelfth. It reported and passed the Chinese indemnity bill.

Thirteenth. It reported Mr. SULZER'S bill for the improvement of the foreign service, to put the diplomatic and consular representatives on a high plane of efficiency.

Fourteenth. It reported Mr SULZER'S bill appropriating $500,000 for the acquisition of embassy sites abroad.

Fifteenth. It reported Mr. ALEXANDER'S bill for an international maritime conference, to prevent a recurrence of maritime disasters like the *Titanic* and for the greater security of life and the protection of property at sea.

Sixteenth. It reported the McCall anticonquest of territory resolution.

Seventeenth. It reported the Sulzer joint resolution for an international inquiry into the cause of the increased cost of the necessaries of life and the high cost of living.

Eighteenth. It prevented a disastrous war with Mexico by steadfastly resisting every attempt to pass a resolution to invade Mexico.

Nineteenth. It worked consistently to advance American commerce and establish closer trade relations with Latin America.

Twentieth. It reported and passed the resolution introduced by Mr. McCALL regarding the Putumayo outrages in Peru.

Twenty-first. It reported and passed the Norris resolution regarding the alleged killing of Capt. James W. Rodgers, an American citizen, by English soldiers in the wilds of Africa.

Twenty-second. It reported and passed the bill, introduced by Mr. FLOOD, to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries.

Twenty-third. It reported and passed the resolution requesting the President to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress of School Hygiene.

Twenty-fourth. It prepared, reported, and passed the diplomatic and consular appropriation bill. This appropriation bill was the first of the great appropriation bills to be signed by the President during the Sixty-second Congress. The estimates submitted aggregated $4,449,697.41; the amount appropriated for the last fiscal year was $3,988,516.41; the bill as it passed the House carried appropriations for the next fiscal year totaling $3,418,791.41, which was a reduction of $569,825 less than last year's appropriation. The Senate increased the appropriation $369,566. The bill as agreed on finally in conference between the Senate and the House conferees and as it became a law appropriated for the fiscal year of 1913, $3,638,047.41, which is $811,650 less than the estimates and is $354,690 less than the appropriations in the last diplomatic and consular appropriation bill—a saving of 10 per cent to the taxpayers of the country—and it was all done without reducing a single salary or crippling in any way any branch of the State Department or the foreign service.

If the same saving is made in the other appropriation bills, it will amount to over $100,000,000 that the Democrats have saved the taxpayers of the country in one single year.

SULZER'S RECORD AS A MEMBER OF CONGRESS—SOME OF THE IMPORTANT THINGS HE HAS DONE FOR THE COUNTRY—HALTS MEXICAN WAR—SHOWS UP THE TRUE SITUATION IN THE PANAMA CANAL DEAL AND BLUFFS RUSSIA.

TELL THE TRUTH, SAY WHAT YOU MEAN, AND BE POLITE.

At a recent reception in Washington a diplomat asked Mr. SULZER if he was in favor of "dollar diplomacy." "I am in favor of direct diplomacy," promptly replied the New York Congressman. "What do you mean by direct diplomacy?" he was asked.

"Telling the truth," he said. "Say what you mean and mean what you say, and be polite about it."

[Special to the New York World.]

WASHINGTON, D. C., *March 4, 1912.*

Representative WILLIAM SULZER, of New York, knows nothing about politics. Such, at least, is the firm belief of a majority alike of his friends and his enemies. Still the fact remains that the Democratic chairman of the House Committee on Foreign Affairs is now completing his ninth consecutive term in the House of Representatives, and that for 18 years he has carried a stanch Republican district in New York City.

All the efforts of Tammany Hall, of the Republican organization, of Wall Street and its allies, have failed to pry him loose from his seat. Twice he has come within an ace of forcing Tammany to accept him as the Democratic candidate for governor, and to-day he is stronger than he ever was.

When asked how he does it, the Hon. BILL thrusts his quid a little farther into his cheek, affects an enigmatic smile that would make Wu Ting-fang himself envious, and says, "The people understand me, I understand the people, and we trust each other."

Students of history will recall that one Thomas Jefferson and one Abraham Lincoln ascribed their political fortunes much to the same reason. But anyone who would have taken up either of those distinguished gentlemen for a fool in politics would have found himself badly left. So, too, would anyone who tried the experiment with Congressman SULZER. He is one of the only three Congressmen on the Democratic side of the House who received any real political advancement when his party gained control in 1910.

The other two were CHAMP CLARK and OSCAR UNDERWOOD. Mr. CLARK was made Speaker, Mr. UNDERWOOD became chairman of the Ways and Means Committee and floor leader of the House, and WILLIAM SULZER was placed at the head of the important Committee on Foreign Affairs.

THREE GREAT ACHIEVEMENTS BY SULZER.

All three have distinguished themselves, but to Chairman SULZER belongs the credit of three great achievements. He prevented the throwing of American troops into Mexico, he secured the abrogation of the Russian treaty on the Jewish passport question, and he has brought the strong light of publicity to bear upon the rape of the Isthmus, one of the blackest spots on Mr. Roosevelt's record.

All three stories are worth the telling. Last summer when Ambassador Wilson told President Taft that "the whole of Mexico was seething with political discontent and Diaz was seated on a volcano, the eruption of which might endanger the safety of 40,000 Americans, men, women, and children, living in Mexico," President Taft concentrated an army along the Rio Grande.

Immediately every conceivable pressure was brought to bear upon the President to induce him to send American troops across the border, ostensibly to protect American interests, but in reality to uphold the tottering régime of Diaz, the dictator. The President would have yielded if the consent of the House had been obtained to this suggestion.

The Senate was ready to accede to the desire of the Morgans, the Guggenheims, the Rothschilds, and other financial interests. Some little opposition was expected from the Democratic House, but this everyone believed would easily be overcome. They did not know SULZER then; they have learned to know him since. SULZER believed then as he does now that the United States should keep out of Mexico and allow the Mexicans to settle their own affairs in their own way. It was certain the House would not consent to an invasion of Mexico, even on pretext of protecting American lives and property, in the face of an adverse opinion of the Committee on Foreign Affairs.

Pressure, pressure of the most powerful kind, which few men would have been able and fewer still have dared to withstand, was brought to bear upon the plain, hard-working chairman. The thousand millions of American investments shrieked their loudest, but SULZER stood firm. He was summoned to the White House. The messages of Ambassador Wilson, the secret reports of American agents and American Army officers were laid before him, the necessity for upholding the Diaz régime and all it meant to the vast financial interests was pointed out, he was argued with, cajoled, and threatened, but he told President Taft and the Republican Senators that in his opinion Mexico was a friendly sister Republic, and that she should be treated as such by the Government of the United States.

PUTS AMERICAN HONOR ABOVE AMERICAN DOLLARS.

SULZER added that American honor was more sacred than American dollars, and that the policy of this country should be to live up to its treaty obligations, enforce the neutrality laws, and allow the people of Mexico to settle their differences without the intervention of the United States or any other foreign government.

As President Taft has given assurances to the representatives of all Latin-American Republics in Washington that the United States had no ulterior designs on Mexico, Mexican territory, or Mexican independence, and that he would not intervene except by and with the advice and consent of Congress, it was impossible in the face of Mr. SULZER'S opposition to do more than patrol the border.

As a result of the nonintervention of the United States, Mexico overthrew Diaz, and Madero, the leader of the revolutionary forces, became President. Within the last few weeks the situation has again become acute. Madero has failed to fulfill the expectations of the Mexican people, and the weakness of his administration has given rise to armed disturbance throughout Mexico.

Financial interests suffering severely from so long a period of political unrest have again brought every conceivable pressure to bear upon Mr. Taft to send American forces into Mexico to restore order and establish a stable government that could afford the protection so badly needed.

Only last Saturday a meeting was held at the White House at which were present Secretary of War Stimson and other members of the Cabinet, together with Senators ROOT, LODGE, STONE, CULBERSON, BACON, BAILEY, and others, and again the decision was reached that if the consent of the House could be obtained American troops should be thrown into Mexico.

Again Chairman SULZER held the key of the position. He was summoned to the White House, the situation was laid before him, again he stood firm. If this country to-day is not at war with Mexico it owes it more to Congressman SULZER than to any other man. Mr. SULZER pointed out that Mexico is rich

and can be held financially responsible for any loss of life or property suffered by American citizens; that a war of conquest would be an international crime; that Latin America would unite in protest if this great Republic ruthlessly invaded the territory of a friendly sister nation. He refused to assent to the crossing of the Mexican border line by a single American soldier. He said that if one man went over, the whole Mexican people, irrespective of their political differences, would join to repel the invader, and that the outcome would inevitably be a war that could only end by the conquest of every inch of Mexican territory. So much for the Mexican story.

ANOTHER TRIUMPH IN THE RUSSIAN PASSPORT AFFAIR.

The Russian passport question afforded Mr. SULZER another signal triumph. It has been a thorn in the side of the State Department for 40 years. American citizens bearing American passports were refused access to a country which had bound itself by the sacred ties of a solemn treaty to give free access to citizens of the United States, but which refused to admit Jews within its borders. Here was a friendly nation arrogating to itself the right to discriminate between American citizens and to discriminate on account of race and religion. Yet nothing had been done, and it almost seemed as though nothing ever would be done until Mr. SULZER became chairman of the House Committee on Foreign Affairs. He took up the question. He cut the Gordian knot by introducing a resolution to abrogate the Russian treaty of 1832, and he made that resolution express the fundamental rights of American citizens at home and abroad. In urging its passage he told the House:

"I stand * * * for equal rights to all and special privileges to none; for the dignity of American citizenship here and anywhere.

Mr. SULZER won a notable victory in passing his resolution through the House by the overwhelming vote of 300 to 1, and this forced the President to give to Russia the notice of abrogation directed to be given by the resolution. It is true that the Senate afterwards amended the resolution, but in so doing they made no improvement, and the Sulzer resolution, as passed by the House, will stand for all time as a landmark in the legislative history of the country regarding the rights of American citizens. Contrary to what was published, Russia never objected to the language of the House resolution, directly or indirectly, formally or informally, either in St. Petersburg or in Washington.

TRUE STORY OF THE PANAMA CANAL RIGHTS.

Last but not least of Congressman SULZER'S achievements has been the placing on the official records of Congress the true story of how the United States acquired the right to build the Panama Canal. The hearings that have so far been held by the House Committee on Foreign Affairs have proved conclusively:

First. That Mr. Roosevelt and some members of his administration were cognizant of and gave their support to the preparations being made for the Panama revolution.

Second. That the steps taken by Mr. Roosevelt to prevent Colombia from maintaining her sovereignty over the Isthmus of Panama and to prevent the landing of troops within the State of Panama and the suppression of the fake rebellion were in violation of the treaty of 1846–1848; and

Third. That the acts of Mr. Roosevelt in respect to the creation and recognition of the Republic of Panama were in violation not only of the treaty obligations of the United States but of fundamental principles of international law, which have been and are recognized by the United States as binding upon nations in their dealings with one another.

There is now every prospect that Colombia's claims will be submitted to the permanent court of arbitration at The Hague, to which Mr. Taft and Mr. Knox have repeatedly expressed their desire to see all nations bring their international disputes for settlement. The far-reaching results of the great service Mr. SULZER has rendered in this connection can best be realized by the fact that the anti-American feeling caused throughout the Latin Republics by the rape of the Isthmus is costing the United States forty or fifty millions of dollars a year in trade alone and that the country is virtually paying for the Panama Canal twice over, once in money and once in trade.

Another signal service rendered to the cause of justice and liberty by Congressman SULZER was the recognition of the Republic of Portugal. This he has followed up by introducing this very week a resolution congratulating the people of China on the establishment of the Chinese Republic. This resolution has been favorably reported to the House and its passage seems assured.

Some of the other public services rendered by Congressman SULZER are the introduction of the resolution to change the Constitution of the United States to bring about the election of United States Senators by the people. This he has been advocating ever since he came to Congress, and the victory is almost won. Mr. SULZER is the author of legislation in Congress to give the people of this country the benefits of the parcel post, and there is every likelihood that before this session adjourns the bill will become a law.

SULZER is the author of the bill to create a department of labor, the bill to restore the American merchant marine, and for years has been advocating legislation to place the American flag on the high seas.

And there are others too numerous to mention. When the people wanted the wreck of the *Maine* raised SULZER introduced the bill and passed it. He is the author of the bill to create a patent court of appeals. He is the author of the best copyright law ever placed upon the statute books of this country. And so on, and so on.

SULZER is patient and courteous and sincere and grateful. He knows what to do and how to do it. When he champions a cause for justice or humanity he never ceases to advocate it until that cause is won. His enthusiasm for right is only equaled by his perseverance to secure its final triumph.

"Work tells" is SULZER'S motto.

[From the Cosmopolitan Magazine, July, 1912.]

HON. WILLIAM SULZER; "HE HAS FOUGHT ALL HIS LIFE—FOUGHT FOR HONEST OPPORTUNITY FOR THE RIGHT SIDE, FOR HIS FRIENDS, HIS STATE, HIS COUNTRY."

(By Col. John Temple Graves.)

On March 18, 1863, at 6 o'clock in the morning, in the eminently industrious and orthodox town of Elizabeth, N. J., there was born into this world a genuine Democrat.

Some men are born Democrats, some achieve Democracy, and some, by reason of interest or environment, have Democracy thrust upon them. Not a moment of time need be lost in deciding where WILLIAM SULZER came into his own. He started at the beginning. He was born to his political estate. SULZER would have been a Democrat if neither Jefferson nor Jackson nor Tilden had lived or died.

Every stalwart virtue and every sturdy creed that has ranged or rioted under the stormy banner of Democracy—liberty, equality, fraternity, popular rights, and the love of constitutional government—throbbed as vigorously under the corduroy jacket or the student's gown as it beats undiminished and undiluted now under the frock coat within which the Congressman from the tenth New York district fronts his colleagues or constituents upon the rostrum or on the floor.

Scotch-Irish and Dutch is the blood that makes the fighters of the world; and SULZER is Scotch-Irish and Dutch. He has fought all his life—fought for honest opportunity; fought for the right side, for his friends, for his district, for his State, for his country; and whether he won or failed in the finals, he has carried unfailingly the respect of friend and foe.

He was a success as a lawyer and won recognition in that most difficult of professions in his first year. He has fought eloquently and consistently for his party in every State and national campaign since 1884. He was five times a member in high standing of the New York Legislature and was in 1893, at the age of 31, one of the youngest and ablest speakers in the official history of the State assembly. Under his speakership, run the chronicles, New York enjoyed the lowest tax rate and the most economical tax budget in 47 years and the cleanest and shortest session of the legislature in 51 years. It is nobly characteristic of the young legislator that after his triumphant life at Albany he turned his back upon pleas innumerable and fees that were princely and never crossed the portals of the capitol to lobby for or against a bill. SULZER never loved money. He is as poor to-day as he was in 1893.

WILLIAM SULZER went to Congress in 1894, and has been there ever since—from first to last a consistent and progressive Democrat.

Three Democrats were promoted by the Democratic majority of the Sixty-second Congress—CHAMP CLARK was made Speaker, OSCAR UNDERWOOD was made chairman of the Ways and Means Committee, and WILLIAM SULZER was given the important Committee on Foreign Affairs, a world committee, in which he has won new laurels for judgment, vigilance, and discretion in his country's interests.

There is scarcely a progressive piece of Democratic legislation within this decade with which WILLIAM SULZER has not been prominently connected. He introduced and advocated the resolution to change the Constitution for the direct election of United States Senators by the people. He introduced the bill for a general parcel post and has worked for it unceasingly. He is the author and advocate of the patriotic bill for the reestablishment of our American merchant marine. He is the author and advocate of the bill for an income tax. He introduced the bill for the abrogation of the Russian treaty of 1832 and succeeded in passing it through the House by a vote of 300

to 1. He introduced the resolution of sympathy and encouragement to the Chinese Republic and made it an issue in Congress. He introduced and passed the bill creating the Department of Labor, with a secretary in the Cabinet of the President. He introduced and passed the law to raise the wreck of the *Maine*.

He has been the essence of diligence and discretion in the dealings of his committee with the difficult and dangerous recent relations of our country with Mexico.

SULZER's industry is amazing. It is doubtful if any other Member of the Sixty-second Congress has introduced and successfully advocated so many bills. His duties are absorbing, his achievements remarkable, and yet he always has time, or finds it, for his friends—and for many public matters.

SULZER is the best vote getter in the State of New York. He always runs ahead of his ticket. He has never been defeated. He is the unbeaten candidate. His hold upon the tenth New York district is remarkable. The tenth was a strong Republican district which the sturdy Democrat captured from the enemy in a pitched battle of eloquence and energy. For 18 years it has been impossible to dislodge him. The Republicans have failed, and even his own party has not succeeded. SULZER, independent and a good lawyer, as honest as the day, has been time and again in open opposition to the powers that be, but the brave young Congressman has defied them and, laughing in their faces, has gone on his way to successive victories.

The whole career of WILLIAM SULZER, Congressman, publicist, and patriot, is a wholesome and inspiring tribute to the power of sincerity, courage, integrity, and absolute frankness in a people's government.

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. THOMAS U. SISSON,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 20, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes—

Mr. SISSON said:

Mr. CHAIRMAN: I reserved the point of order as to the whole proposition. I understand the gentleman from Tennessee reserved it only as to the proviso.

I presume this is as good an opportunity to make my statement as to wait until the matter is reached regularly. I have been opposed to this proposition from its very inception. This item was put in the sundry civil appropriation bill in the Senate. There was only one question asked about it in the Senate, and that was asked by the Senator from Kansas, Mr. BRISTOW. The statement was made in the Senate at that time that the property did not amount to very much, and the matter evidently did not consume more than half a minute's time after the reading of the bill. It then came back to the House. The bill then was amended in the Committee on Appropriations in the House.

My information is that the amendment was prepared by the gentleman from Iowa, Mr. Smith, who was then a Member of the House and a member of the Committee on Appropriations. An investigation will show that the statement was made that this property would cost about $3,000,000. When it came up for discussion in the House the gentleman from Tennessee [Mr. SIMS] and the gentleman from Alabama [Mr. UNDERWOOD] and, my recollection is, the gentleman from Indiana [Mr. CULLOP] submitted a few remarks. I think 20 minutes were devoted to debate. Five minutes of it was consumed by the gentleman from Tennessee and about that much by the gentleman from Alabama, and the gentleman from Indiana consumed the balance of the time. It was at that time close to the end of the session. The Democrats at that time voted almost solidly against the proposition. That is my recollection. If you will make some investigation of the property between the Capitol and the Union Station you will find that there are 12 squares of property to be taken by the Government. I have in my hand here a map of that district, which was made by Mr. Woods, one of the commission. This shows the property lying between the Union Station and the Capitol. The property proposed to be purchased is marked in red. These 3 squares—633, 634, and 635—are as good property, practically, as you will find in the city of Washington. The proposition is that you will take this property, which represents human value, human toil, human labor, destroy it, tear it down, in order that you may have a lookout for the Capitol.

Mr. SIMS. No; for the station.

Mr. SISSON. I am willing to accept the amendment of the gentleman from Tennessee that it is a proposition to annex the Capitol Grounds to the Union Station. This property here is not parked. About 100 lots around the Union Station are owned by the Baltimore City Realty Co. The Baltimore City Realty Co. is not chartered in the District of Columbia. I made an investigation at Annapolis, and it has no charter there. It is not chartered in the city of Baltimore. I do not know where it is chartered. A statement came out in the paper when I introduced a resolution to investigate who owned the property, to the effect that the Baltimore City Realty Co. was a holding company for the railroad or the Union Station, but that was a mere newspaper statement about it.

You will find that a great deal of this property is held by trustees for somebody. You will find that trust companies hold the title to a great deal of it. I do not know who these people are, but I do know that when this matter came before this House it was stated on the floor that it would cost about $3,000,000.

Under this act squares 634 and 635 have been purchased. The assessed value of 634 is $256,276, and of 635 $241,259. The actual value, as shown here by an estimate which was made, is of 635 $361,558.50, and of 634 $361,558.50. The total assessed value is $479,511, and the total actual value $746,256.50. Shortly after I introduced the resolution for the purpose of investigating who owned the property, those two squares were purchased at $1,111,000, or about $400,000 more than its real value.

The property on which the Driscoll Hotel and the Maltby Building are located is square 633. I think that is the most valuable square in the lot. Instead of all this property to be condemned, costing about $3,000,000 as was estimated originally, the attorney for the Interior Department, who was before the committee, states in his testimony that it will now cost $5,000,000 to buy the balance of these squares, $2,000,000 more than was estimated at the time the bill passed the House.

The proposition, as I understand it, is to have a boulevard running diagonally from the Plaza into the mouth of Pennsylvania Avenue at Peace Monument. I do not claim to be a landscape gardener, but it seems to me that that is a most awkward arrangement. I do not know whether any art commission or individual who had in his mind the beautifying of the city suggested that or not, but that was the plea at the time.

In purchasing this property, if you buy property enough to carry the boulevard through here, it would only have been necessary to purchase three squares of property to open up the boulevard. But that was not the scheme. The scheme was to buy this, and I presume that would be admitted now, in order that you might have an open view between the Capitol and the Union Station. After investigation, my judgment is that it will cost in the neighborhood of $2,000,000 to put this ground which is proposed to be purchased, after purchase, in the shape that the present Capitol Grounds are in. In addition to that, you have a fixed charge upon the Government of the United States where it will require practically 25 or 30 additional men to keep that additional park in proper shape. I believe that it will more than double the present size of the Capitol Grounds proper, unless you include all of the property between here and the Congressional Library. With the Congressional Library property included, it would be nearly twice as much; that is, that is proposed to be purchased here.

I do not believe that Congress can justify itself in condemning property in this way in the District of Columbia, particularly in view of the statement made on the floor that 54 per cent of all of the property in the District is owned now by the Government. If it is true that the Baltimore City Realty Co. is a railroad-holding institution, then you relieve this company of the necessity of parking that property and paying taxes upon it, because it will not be permitted to remain in its present condition, even if it is not purchased by the Government.

If you permit those who now own the property to sell it the District Commissioners would make provision for the kind and character of buildings that would be put upon it. The railroads desire a park, however, attached to the Union Station, but do not want to pay for and maintain it. I would not have serious objection to the purchase of vacant property there, because if the Government should need it in the future it would have vacant property and would not have to purchase buildings; but I do say it is criminal on the part of the Federal Government, solely because it has the power to do so, to go

and condemn property that represents human value and human toil, raze it to the ground as a monarch of old would take the property of a subject when he might have need of good hunting grounds in order that deer might be better preserved. There can be no justification for this sort of procedure. Now, if the Government does not need property where human beings have built for themselves homes, where they have associations, where they have neighbors, where they have schools, where they have friends—and that means a great deal to people—it is nothing short of criminal when it ruthlessly takes their property and condemns it.

Oh, well, the proposition is at once advanced that they are very glad to sell to the Government. Why? The intimation of that statement is because they get more from the Government than they get from other people. But the exercise of the right of condemnation should not be for the purpose of destroying valuable property like that between here and the station. You hear a great deal about beautifying the Capital City. I say to you that there never has been any stability in a Government on this earth because she has marble palaces and mighty parks. There never has been a Government that has ever risen to the dignity of being one of the powers of the earth that has been destroyed but that its public buildings were built of marble. Hanging gardens and palaces and palisaded walls, and buildings of the most magnificent character, have never and never will save a nation. They are first sure signs of national decay. These are burdens that must be placed upon the backs of the taxpayers if a government will persist in such extravagance. These burdens will continue to be increased, and the trouble about this whole proposition is that they never get lighter. This magnificence must be maintained.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes. I may not use so much of that time.

Mr. CANNON. Is there a point of order to be made against this provision?

Mr. SISSON. Well, the point of order, Mr. Chairman, is now reserved.

Mr. CANNON. Precisely; does the gentleman propose to make it?

Mr. SISSON. I think I will make the point of order, but, Mr. Chairman, I want to say——

Mr. CANNON. It seems to me——

Mr. SISSON. I say this to the gentleman, that the committee will save time by permitting me to conclude my remarks.

Mr. CANNON. That does not affect me in the slightest.

Mr. SISSON. I realize that.

Mr. CANNON. The gentleman now desires to make a speech—to continue a speech—and get his side in the RECORD. I do not know——

Mr. SISSON. I will say to the gentleman, if he wants to have anything to say, I will reserve the point of order. I do not desire to take any advantage.

Mr. CANNON. I do not care to make any statement so far as I know or believe. In fact, it would take me quite as much time to cure what I conceive to be the misstatements of the gentleman as it would to make the statement. I do not mean to accuse the gentleman or criticize his manner nor his method, but, after all, would it not answer the gentleman's purpose just as well to print?

Mr. SISSON. No, sir. There is one other matter which I wish to discuss.

Mr. FITZGERALD. Take 10 minutes.

Mr. SISSON. I do not object; I think I can get through in 10 minutes. I took this course because I wanted to make my statement to the committee, and then, if the matter was disposed of on any amendment which might be offered after that there would be no discussion so far as I was concerned. I desire to make a continuous statement.

Mr. CANNON. I shall not object to the gentleman having 10 minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 10 minutes.

The CHAIRMAN. Without objection, the gentleman will, by unanimous consent, proceed for 10 minutes.

There was no objection.

Mr. SISSON. Now, Mr. Chairman, under this law the Vice President, the Speaker of the House, and the Superintendent of the Capitol Grounds were authorized to buy this property. They were given plenary power. They were given power to buy it at public or private sale. They were given the right to invoke condemnation proceedings if they saw fit and proper to do so. In addition to that, the commission that purchases this property is not called upon under the act to make any report to Congress; it is not called upon to make any report of any kind as to the price paid for the property; it is not called upon to make any showing of any kind; but they are given plenary power to buy this property as if they were buying it for themselves.

Now, I do not say that this commission has not bought this property as cheaply as they could buy it, but there is a peculiar order which has been entered in the courts in reference to this combination, and I would call the attention of the House to it. The order authorizing the condemnation of this property, one clause of it, is in the following language (see instructions to commissioners under date of November 14, 1911, of Associate Justice Job Barnard, Supreme Court of the District of Columbia):

Instruction 12. Inasmuch as the assessment of the property in question for the purpose of taxation was not made by the United States nor by the owners, and was made for a purpose entirely different from and alien to this condemnation, the commissioners are instructed that they take no evidence with respect to the assessed values of the lots or any of them or give any consideration thereto.

Now, Mr. Chairman, I do not believe that a man is bound by the assessment roll, nor do I believe this commission ought to be so bound. I do not believe that property given in at its real value or assessed at its real value ought to be an element in awarding a man damages in a condemnation proceeding. It ought to be taken as a circumstance. It ought to be admitted along with the other evidence as to the valuation of the property, and then let the commissioners determine whether under all the evidence the property is assessed at anything like its real value. I understand that has been the rule which has been adopted here in reference to the purchase of property in the District of Columbia. You know—I can not tell you; I do not know—how much wrong has been done in the past in the purchase of property throughout the District, but by rumor, some of it well founded, a custom has been prevailing in this District in reference to real estate for a number of years which does not seem to me to be a proper one. It does not seem to me that if all of these methods that have been pursued in the past are the methods to be pursued in the future that men presuming to be representing the Government, officers of the Government, men connected with the Government, men interested in the sale of property, should themselves insist upon the Government purchasing their own property; and then, if that be true, that orders like this may be obtained in the courts. I do not believe, gentlemen of the committee, that the court under the law ought to ever give an instruction of that kind, because if the rumors in the past have been true, then, indeed, there have been many irregularities in the purchase of property on the part of the Federal Government.

Mr. FITZGERALD. Does not the gentleman know it is a uniform rule of law that such valuation of property is not competent evidence as to its value?

Mr. SISSON. I do not know that. On the contrary, my information is that unless there is a statute or some act to the contrary, it can be taken as a circumstance, together with all the other testimony.

Mr. FITZGERALD. I can refer the gentleman to an authority—Lewis on Eminent Domain—where it is laid down as a universal rule. I am familiar with these proceedings in these cases.

Mr. SISSON. I do not know what the rule of law in the District of Columbia is, except by this order. But as to my own State, there are a number of lawyers in the congressional delegation that know that in the case of proceedings of a railroad company condemning land the assessed value of the land can be taken as a circumstance along with other evidence.

Mr. CANDLER. I can testify that that rule of law is exercised in my own State, and, so far as I know, throughout that section of the country, namely, that the assessment roll can be taken as a circumstance to be used as evidence.

Mr. SISSON. I have not discussed several matters I wanted to talk about. But I introduced a resolution here that was referred to the Rules Committee to have investigated the ownership of this property. I thought that there could be nothing wrong; if no official or anybody connected with the Government had any property here, it could do no harm. It could not in any way affect the standing of any officer or any Congressman. But the Rules Committee did not report that resolution. I am making no complaint. They wanted me to bring some charges against some specific individual. I did not do that. I do not make any specific charges now. On the contrary, I specifically state to you, as I stated to the Rules Committee, that I will not make them; but there is a great deal of this property that is held by banking and trust companies, by trustees for somebody, and there is a great deal of this property held by corporations, and over 100 lots, I am told, are held by the Baltimore Realty Co.

Now, it struck me that those matters should be investigated by Congress and that that investigation should be made thoroughly, and that none of this money should be expended until that matter could be investigated. But that committee did not report the resolution.

Now, I do not know who owns this property, nor do I believe it to be a crime to own it, and if anyone that is connected in any way with the Government owns property here it is his right to own it; but it is the right of Congress to know who owns it, and it is the right of Congress to know for whom these trustees are holding the property. I do not know for whom they hold it; but if the Congress of the United States would be more vigilant in these real-estate transactions in the District of Columbia there would be less of rumors abroad, less of rumors in Congress, and less of rumors in the District about irregularities in connection with the acquirement of parks and other real estate on the part of the Government.

Mr. CANDLER. Mr. Chairman, will the gentleman yield for one moment?

Mr. SISSON. Certainly.

Mr. CANDLER. Is it not a fact that the strongest reason in the world why this provision should not prevail is that there is no necessity on earth for it?

Mr. SISSON. Yes.

Mr. CANDLER. I voted against it when it was proposed away back yonder, but there is no necessity of adding to that statement now.

Mr. SISSON. I see no necessity whatever for it. Men may differ with me about it. Some men have the idea that it would greatly beautify the Capitol and greatly beautify the grounds surrounding the Capitol. But I am unwilling that this property should be destroyed for the sole purpose of making a beautiful lookout and parks around the Capitol Grounds. I do not believe that people should be called upon to surrender their property, and I do not believe that simply because the Government has the strong arm of power it ought to exercise that power to compel people to sell their property. It is not a sufficient answer to say that men are glad to sell their property.

Now, this property, the actual value of which was about $700,000, is estimated by one of the commissioners, as shown on this map, which was made 9 or 10 months ago, to be worth $720,000. The assessment of the property was made something over a year ago. Now, that property which was valued at about $700,000 has risen in value to the point where the Government has already paid $1,119,000 for it.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. Yes; certainly.

Mr. HENSLEY. Has the gentleman made any effort to separate the value of the improvements on this property from the real estate, the ground?

Mr. SISSON. The improvements are stated here, and I will ask leave to put this statement in the RECORD, to show the value of the improvements and the value of the land. I have here a list showing the parties to whom this property is assessed. You will find that, beginning with lot No. 1, square 642——

Mr. FITZGERALD. The gentleman says the assessed valuation is $750,000.

Mr. SISSON. No; the real value.

Mr. FITZGERALD. What was the assessed value?

Mr. SISSON. Seven hundred and twenty thousand dollars.

Mr. FITZGERALD. That is supposed to be two-thirds of the real value?

Mr. SISSON. I do not know how he arrived at that figure.

Mr. FITZGERALD. Under the law the property in the District is supposed to be assessed at two-thirds of its value.

Mr. SISSON. Yes; I understand that. I presume that perhaps the gentleman making this map and fixing the valuation made it in that way. I do not know, however.

Mr. CULLOP. Mr. Chairman, will the gentleman permit me a question there?

Mr. SISSON. Certainly.

Mr. CULLOP. Is the valuation which the gentleman just read there the valuation of that property for taxation purposes or is it the value that has been fixed on it for purposes of sale in this deal?

Mr. SISSON. There is no valuation fixed here, I will say to the gentleman. The assessed value, of course, is shown on the assessment roll. Then I asked the gentleman to give me a statement of the actual value of the property, as nearly as he could get at it, and this is what he did.

Mr. CULLOP. The gentleman will readily understand that there is always a very wide difference between the assessed value of property for taxation and the valuation fixed for sale?

Mr. SISSON. Yes.

Mr. CULLOP. That is why I wanted to know which that was.

Mr. SISSON. Yes. Now, Mr. Chairman, I want to ask unanimous consent to insert in the RECORD the names of the parties to whom this property is assessed as a part of my remarks.

Then, Mr. Chairman, I want also to show what this property was assessed at by the square foot. I will put the exact figures in the RECORD. I can not recall exactly what it was, but it was right around $1 per square foot. Some of this property, according to the testimony of the gentlemen who came before the committee, was paid for at about an average of $6 per square foot, including the land and improvements. The assessed value of the property would average something like one dollar and a few cents over a square foot. Some property had been assessed the year before at $1 per square foot, and a year after these condemnation proceedings began it was increased to $2 per square foot. I do not know that there was any desire of the parties to increase the value of the property because of this condemnation.

Mr. SIMS. If the gentleman will pardon me, he can find a record right here in the District when we were trying to condemn some land which was assessed very low. The proceedings were not completed, and the next year the value of the land was doubled and trebled, and the assessor came before the committee and said that the owners gave him the value and requested the increase.

Mr. SISSON. That is why I would not give much credence to the assessment, but it ought to be taken into consideration along with all other testimony. I have no right to complain of the commission.

Mr. FITZGERALD. I would like to call the gentleman's attention to what the law is in this respect. I have Ellis on Eminent Domain, a well-recognized authority on eminent domain. Section 448 says:

ASSESSMENT FOR TAXATION.

The assessment of property for taxation, being made for another purpose, and not at the instance of either party, and not usually at the market value of the property, is not admissible as evidence of value in condemnation proceedings.

And then there is a long list of authorities from various States in the Union. I wanted to call the gentleman's attention to it in reference to what was said a few minutes ago. That is the universal rule of law.

Mr. SISSON. It may be the general rule, but it is not universal. I stated frankly to the gentleman that it is proper that men should not be bound in condemnation proceedings by the assessment. The man is compelled to sell; he is compelled to dispose of the title whether he wants to sell or not. Solely because there has been a low assessment he ought not to be bound by it. Many people assess their property, not because they think it is what it is worth but because their neighbors assess it low.

Now, Mr. Chairman, unless some one else desires to address the committee——

Mr. MANN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. Does the gentleman believe that the Union Station is a good thing?

Mr. SISSON. I think the Union Station is a good thing, and if the railroad company desires to build a magnificent union station I am content.

Mr. MANN. It involved the taking of a great deal of private property and the homes of many people to do it.

Mr. SISSON. But that was on the ground of public necessity. I deny that simply to make a beautiful park is a public necessity. The gentleman may differ with me about it. If they want to build a public building for the Government, I have no objection to condemning property.

Mr. MANN. I heard what the gentleman said with reference to the homes of people and the great attachment they have for their homes. The building of the Union Station deprived many more people of their homes than this provision would.

Mr. SISSON. That is true; and the right of eminent domain is absolutely essential to the development of modern civilization. But in the exercise of that power I do not think that this is a case for exercise of the right of eminent domain unless there is a public necessity for it. I do not believe that the mere annexation of the Capitol Grounds to the Union Station amounts to a necessity.

Mr. SIMS. I want to state that when they were passing the street car legislation and putting the tracks in front of the station and along the avenues, I was opposed to it on the ground that possibly this very thing would come up, and it was hooted at, the idea that we would ever need this property, and so they put the tracks down this street and around there

under the idea that we would never care anything about having the property. After it was done they began the campaign of buying the property.

Mr. MANN. Was it not contemplated from the very start? I understood when we made the provision for the Union Station that it was contemplated that eventually we would acquire the property between the Capitol and the Union Station.

Mr. SIMS. I made that statement when the street car legislation was up. I wanted the street cars to approach each end of the station, and the argument made against it was that we would never have any use for this property and would never want to buy it.

Mr. MANN. I never heard that argument.

Mr. KAHN. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. SISSON. Certainly.

Mr. KAHN. Has the gentleman heard of any protests made by the owners of that property?

Mr. SISSON. Most assuredly not.

Mr. KAHN. But the gentleman is fearful that the people are going to be deprived of their homes.

Mr. SISSON. Never, when it is bought in the District of Columbia or by the Government of the United States in the gentleman's town or in my town or in any other of the towns in the country.

Mr. KAHN. Did not the gentleman say awhile ago that we were going to deprive a lot of people of their homes?

Mr. SISSON. Yes.

Mr. KAHN. Has the gentleman heard of anybody who is fearful of that fact?

Mr. SISSON. Oh, I do not want to punish the taxpayers on the one hand or the property owners on the other. If you pay them such values that they are glad to sell out, then you are punishing the taxpayers, and if you pay them about what the property is worth, then you are forcing a man to sell a piece of property, and I contend in this case that it is for a purpose that is not a public necessity.

Mr. KAHN. Has the gentleman heard of any protest of any taxpayers against this proposition?

Mr. SISSON. Oh, I will not yield to the gentleman for that sort of question. I have not gone around. I will state to the gentleman, however, that I did receive a letter from one party who protested against the sale of his property upon the ground that it was his home.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The Taylor System of Scientific Shop Management.

EXTENSION OF REMARKS
OF
HON. MICHAEL DONOHOE,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. DONOHOE said:

Mr. SPEAKER: I desire to discuss briefly the so-called Taylor system of scientific shop management. At the outset I wish it be understood that I am a firm believer in efficiency in both the managing and the working forces in every industrial establishment. Without efficiency from head to foot there is necessarily much waste of effort, as much of the work is done in slipshod fashion that never can produce satisfactory results.

The advocates of the system of scientific management, of which we have heard so much of late, tell us that it is needed in the development of our national efficiency. They say that it will "secure the maximum prosperity for the employer, coupled with the maximum prosperity for each employee." Mr. Frederick W. Taylor in his book, The Principles of Scientific Management, which I have read with much interest, says:

> The greatest possible prosperity can exist only as a result of the greatest possible productivity of the men and machines—that is, when each man and each machine are turning out the largest possible output; because unless your men and your machines are turning out more than those around you it is clear that competition will prevent your paying higher wages to your workmen than are paid by your competitor.

Now, Mr. Speaker, we have heard it stated many times on the floor of this House that the average American workman operating an American machine, turns out twice and in some instances three times as much per day as is turned out on a similar machine in the same time in other countries. It has also been repeatedly stated here that the average rate of wages paid to American workmen is more than double that which is paid in the best of those other countries. If these statements be true—and I feel that few will dispute them—do they not furnish satisfactory evidence of the efficiency of the average American mechanic? And these statements have not been made with reference to those industries that have been brought under the system of scientific management.

The British consul general of the port of New York reporting on industrial conditions of the States of New York, New Jersey, and Connecticut for 1910 says:

> Every worker in America puts more energy in his work than does the European in his own country. Speeding is partly responsible for this, but the reserve of energy is no greater in the American than in the European stock. American energy is consequently exhausted more rapidly. Between the ages of 40 and 50, when the European workman is at his best, the American frequently breaks down. Physical exhaustion, dyspepsia, or nervous prostration follows, and the man's life as a worker is done. His place is taken by a younger man.

It is only too true, Mr. Speaker, that nowadays a man over 40 has but a slim chance of securing employment with any of our big railroad or manufacturing corporations.

But Mr. Taylor gravely tells us that—

> Slow work or "soldiering" directly and powerfully affects the wages, the prosperity, and the life of almost every workingman, and also quite as much the prosperity of every industrial establishment in the Nation.

Now, let us take two of the examples by which Mr. Taylor tries to show us how the "greatest possible prosperity" can be brought about. He first tells of the advantages of the system of scientific management in the handling of pig iron at the Bethlehem Steel Co.'s plant. The story is extremely interesting—to one not obliged to handle pig iron. The pigs, weighing 92 pounds each, had to be carried an average distance of 36 feet up an inclined plank and dropped on the end of a railroad car. Before the introduction of the system the men at the Bethlehem works were loading about 12½ tons per man per day at a wage rate of $1.15 per day. Under the system the men loaded 47 tons per man per day and earned $1.85 per day. In other words, under the system the men received 60 per cent more pay for doing almost four times the work. The friends of the system admit that out of a gang of 75 men, whom they characterized as "good, average pig-iron handlers," only about one man in eight was physically able to keep up the pace.

And what wonder that seven out of every eight men failed in the task when you consider that the unfortunate man had to travel 16 miles per day, lifting from the ground and carrying every alternate 36 feet of that distance 92 pounds of pig iron. The very thought of this is provocative of strong language, but I will only ask: Is it necessary in our day, with all our boasted civilization, science, and invention, that human beings must perform such tasks for the sake of earning a mere living?

Another example cited by Mr. Taylor is one in which girls were employed in the work of inspecting steel balls for bicycle bearings. Before the introduction of the system 120 girls were employed working 10½ hours per day. Under the system 35 girls working 8½ hours per day did the work formerly done by 120. How was this accomplished? By increasing the pay of each "selected" girl in proportion to her output and the accuracy of her work. It is admitted that the girls were seated so far apart that they could not talk to each other; that the management found it desirable to give them a 10-minute period for rest and recreation at the end of each hour and a quarter; that the girls were encouraged during those periods to leave their seats and get a complete change of occupation by walking around, talking, and so forth.

The friends of the system say that the girls averaged from 80 to 100 per cent higher wages than formerly for doing almost three and one-half times the work.

Again I would ask: Is it necessary that our young girls should be thus driven to the point of exhaustion so that costs may be reduced and profits increased at the expense of flesh and blood and brain and nerve? If this be the aim of our new industrialism, then, indeed, are they to be envied who till the soil and enjoy life "far from the madding crowd."

Mr. Calder, manager of the Remington typewriter works, commenting on the claim made by efficiency experts that the adoption of scientific-management methods would not only greatly improve the output but would also enable industries to become to a large extent independent of their managers, says:

> First. No army of clerks mechanically following planning instructions, however perfect, can take the place of able engineering administraters and shop assistants under any conceivable work system.
>
> Second. The modern administrator of industrial establishments is a manager of men rather than of things, and the human factor touches his business on all sides.
>
> Third. An organization, therefore, can not go into commission. It must have a strong, resourceful leader and a carefully selected, well-trained, loyal, and enthusiastic staff. This will only come through intimate contact with a man, not a mere machine or inanimate system.
>
> Fourth. The cold-bloodedness of some of the modern schemes for exploiting the higher human energies is not only repelling; it is a fatal defect.

Prof. John C. Duncan, of the University of Illinois, who has written on the subject, says:

Notwithstanding all its advantages the functional system of organizations has not proven popular or successful in a number of plants where it has been tried. It causes men to lose initiative. It has a tendency to shift responsibility in spite of the contrary intention. It requires a great amount of clerical work. It is exceedingly hard at times to define clearly to whom certain functions belong and on whom the responsibility rests when things go wrong. It is cumbersome and expensive to operate.

Rear Admiral John R. Edwards, United States Navy, who was for several years head of the steam engineering department at one of the United States navy yards, who served three years as inspector of machinery at the plant of the William Cramp & Sons' Ship & Engine Building Co., and who has since been general inspector of machinery for naval vessels building on the Atlantic coast, has evidently made an extensive study of this question. His paper, "The fetishism of scientific management," appears in the Journal of the American Society of Naval Engineers, volume 24. Among the other shortcomings of the system he points out the following:

(1) It attaches too little value to the humanity of labor. Men can not be forced like machines.
(2) It discredits labor to an inordinate degree by impeaching its integrity. It attempts to set a daily task of such character as to be beyond the capacity of the ordinary workman.
(3) It expresses the resourcefulness and initiative of the individual workman.
(4) Intensive work can never be obtained for any extended period from the average mechanic. In order to promote his own interests or to accomplish some definite purpose the individual, for a brief time, may work under such strain. The intensive demands of the system will, however, always be a bar to its extended use.
(5) It exploits system to such a degree that it becomes a hindrance rather than a help to efficient management and industrial development.
(6) Experienced, conscientious, and highly proficient mechanics will not cheerfully submit to any system of petty tutorage. There are so many good shops open to them where they will not be subjected to the humiliating situation of having every motive impeached and every motion supervised that they will not remain in shops where such methods prevail.
(7) In attempts to put into force methods of precision, refinement, and discipline that are not compatible with practical shop management.
(8) There is not a single article manufactured under the Taylor scientific system whose cost has been reduced to the consumer.
(9) Although its advocates claim that the system is simply another application of the moral law of the universe, it seems quite incongruous that the recognized leader of the movement should unqualifiedly assert that even though the productive power of the workman should be increased threefold, the laborer, by reason of his character and temperament, was entitled to but 60 per cent increase of wages. Such a code of ethics surely falls far short of the basic principles of the moral law.
(10) If measured by the results produced, the existing management of our navy yards ought to be regarded as highly satisfactory. Their efficiency has been shown by the performances of the battleships that have been repaired at the various naval stations.

As the Taylor system was thoroughly investigated by a special committee of this House, under House resolution 90, I will quote a few extracts from the report of that committee as presented here on March 9, 1912:

(*a*) A great amount of good work has been done by Mr. Taylor and others in working out the details of scientific methods of shop management, but neither Mr. Taylor nor anyone else has presented to this committee a system so complete and perfect as to justify a recommendation that it be imposed in its entirety in any Government shop.
(*b*) Government in a mill should be like government in a State—"with the consent of the governed."
(*c*) Efficiency must not be had at the cost of the men, women, and children who labor and who should be the primary beneficiaries from efficiency.
(*d*) The bonus system is based upon the establishment of a task large enough for an ordinary day's work and then giving additional compensation as an inducement to a workman to do more than he would ordinarily do.
(*e*) Stop-watch time study should not be made of workmen without their consent or any conditions be imposed upon them by authority which imply any indignity.

I have clearly in mind at this moment the common-sense methods that were successfully employed for more than 30 years in a manufacturing establishment in the city of Philadelphia. The proprietors were practical men. They commenced in a small way, but having a thorough knowledge of the technical side of the business and being men of sound judgment and strict integrity, they were successful from the start.

They kept in close and sympathetic touch with their employees at all times. Many who entered their employ as mere boys were personally guided, instructed, and encouraged, step by step, through the various stages, until they became highly skilled mechanics. And I feel safe in saying that few industrial establishments of its size and kind in all the country turned out so many first-class workmen.

The interests of the employees were never lost sight of. To provide for their convenience, to give them full time and to increase their comfort and happiness seemed to be the constant aim of the management. In dull seasons or in periods of business depression, when most concerns would operate with decreased numbers or on short time, they invariably tried to keep their entire force on full, or nearly full, time in anticipation of orders which in some instances were very, very slow in coming in. On many occasions this policy proved unprofitable to the employers; but I have every reason to believe that on such occasions the consciousness that their faithful workers had benefited by it, more than compensated the proprietors for their loss in profits.

While the aim of the management was to eliminate unnecessary waste, improve the product, and increase the output, there was absolutely no driving and no harsh methods employed. There was no speeding nor any stop-watch tests applied, but rather was there kindly and helpful assistance and encouragement given to the individual whenever such was deemed necessary.

These good men—three brothers—who founded and managed so well the establishment to which I have alluded, have passed away. I have referred to their system of management as an humble tribute which their memory well deserves and with the hope that many other employers of labor may emulate their good example.

President Taft and ex-President Roosevelt, Bound by Ties Sacred and Dear, Should Not Live and Die as Enemies But as Friends. Who Will Act as Mediator?

EXTENSION OF REMARKS

OF

HON. SAMUEL W. SMITH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 16, 1912.

Mr. SAMUEL W. SMITH said:

Mr. SPEAKER: During my congressional career I have enjoyed the acquaintance and friendship of Presidents McKinley, Roosevelt, and Taft, and felt that I have had their confidence and respect; so much so that I have followed their movements with the keenest interest.

Many people who knew the intimate relations existing between Mr. Roosevelt and Mr. Taft spoke of it as akin to affection, and accordingly when I made a speech in this body June 28, 1902, with reference to a "civil government for the Philippine Islands," I said:

"I can not conclude without calling attention to the tribute paid to Gov. Taft by President Roosevelt at the commencement exercises at Harvard University, June 25, this year. It is given to but few men to make such sacrifices as Gov. Taft has made for the cause of human right and for the betterment and higher civilization of millions of people who have been downtrodden and oppressed for 300 years.

TRIBUTE TO JUDGE TAFT.

"And Taft—Judge Taft, Gov. Taft—who has been the head of the Philippine Commission and who has gone back there; Taft, the most brilliant graduate of his year at Yale, the youngest Yale man upon whom that institution ever conferred a degree of LL. D.; a man who, having won high position at the bar and then served as Solicitor General, with all his tastes impelling him to a judicial career, and was appointed to the United States bench, was asked to give up the position in order to go to the other side of the world to take up an infinitely difficult and infinitely dangerous problem and to do his best to solve it.

"He has done his best. He came back here the other day. The man has always had the honorable ambition to get upon the Supreme Court, and he knew that I had always hoped he would be put upon the Supreme Court; and when there was a question of a vacancy arising I said to him, 'Governor, I think I ought to tell you that if a vacancy comes in the Supreme Court, while it would give you an opportunity to be put in the position you would like to have, I think I ought to tell you that if such a vacancy should occur I do not see how I could possibly give it to you, for I need you where you are.'

"He said to me, 'Mr. President, it has always been my dream to be in the Supreme Court, but if you should offer me a judgeship now and at the same time Congress should take entirely off my salary as governor, I should go straight back to the Philippines, nevertheless, for those people need me and expect me back, and I won't desert them.' [Applause.]

"He has gone back, gone as a strong friend among weaker friends, to help them upward along the stony and difficult path of self-government [applause] to do his part, and a great

part, in making the American name a symbol of honor and of good faith in the Philippine Islands; to govern with justice and with that firmness, that absence of weakness which is only another side of justice. [Applause.] He has gone back to do all of that because it is his duty as he sees it. We are to be congratulated, we Americans, that we have a fellow American like Taft." [Applause.]

In that same address he said:

"I wish to speak of three men, who during the past three or four years have met these requirements—of a graduate of Hamilton College, ELIHU ROOT; of a graduate of Yale, Gov. Taft; and of a fellow Harvard man, Leonard Wood—men who did things; did not merely say how they ought to be done, but did them themselves; men who have met that greatest of our national needs, the need for service that can not be bought, the need for service that can only be rendered by the man willing to forego material advantages because it has to be given at the man's own material cost."

Later in his address he paid an eloquent tribute to Hon. ELIHU ROOT and Gen. Leonard Wood, concluding as follows:

"These three men have rendered inestimable service to the American people. I can do nothing for them. I can show my appreciation of them in no way save the wholly insufficient one of standing up for them and for their work, and that I will do as long as I have tongue to speak."

I have read and reread the letter of Mr. Roosevelt to Mr. Conrad Kohrs, Helena, Mont., of September 9, 1908. The letter deeply impressed me when it was written, for it was given wide circulation during the campaign of 1908. It speaks for itself; it is a masterpiece like all the writings of Mr. Roosevelt—clear, clean-cut, and unmistakable.

Last of all, I want to call your attention to the address of Mr. Roosevelt, as follows:

Mr. Roosevelt, in his speech following his election as temporary chairman of the Republican State convention, Saratoga Springs, N. Y., September 27, 1910, said:

"We came here feeling that we have the right to appeal to the people from the standpoint alike of National and State achievement. During the last 18 months a long list of laws embodying legislation most heartily to be commended as combining wisdom with progress has been enacted by Congress and approved by President Taft.

"The amendments to the interstate-commerce law, the beginning of a national legislative program for the exercise of the taxing power in connection with big corporations doing an interstate business, the appointment of a commission to frame measures that do away with the evils of overcapitalization and of improper and excessive issues of stocks and bonds, the law providing for publicity of campaign expenses, the establishment of the maximum and minimum tariff provisions and the exceedingly able negotiations of the Canadian and other treaties in accordance therewith, the inauguration of the policy of providing for a disinterested revision of tariff schedules through a high-class commission of experts, which will treat each schedule purely on its own merits with a view both to protecting the consumer from excessive prices and to securing the American producer, and especially the American wageworker, that will represent the difference of cost in production here as compared with the cost of production in countries where labor is less liberally rewarded, the extension of the laws regulating safety appliances for the protection of labor, the creation of a Bureau of Mines—these and similar laws, backed up by Executive action, reflect high credit upon all who succeeded in putting them in their present shape upon the statute books; they represent an earnest of the achievement which is yet to come; and the beneficence and far-reaching importance of this work done for the whole people measure the credit which is rightly due to the Congress and to our able, upright, and distinguished President, William Howard Taft."

I have spent a good deal of time thinking, talking, and reflecting upon what President Taft could have said or done since this last utterance in praise of him to cause Mr. Roosevelt to pursue the course which he has toward him in the last few months. It can not be Canadian reciprocity, the source of so much criticism in the past from the farmers toward the President, for, as I understand it, Mr. Roosevelt at first entertained the same views as the President, but later on, upon investigation, revised his opinion.

I am reminded that when Mr. Roosevelt was President I honestly differed with him upon Cuban reciprocity, as did many others, and as I did with President Taft upon Canadian reciprocity. I made a speech on Cuban reciprocity in this Chamber April 15, 1902, in which I said in part:

"Mr. Chairman, impressed as I am with the belief that I ought not to give my support to the pending measure, I feel that I owe it to myself, the House, and to my constituents to give some of the reasons which actuate me at this time.

"When I came here, at the beginning of the Fifty-fifth Congress, all branches of industry were in a deplorable condition. Capital was idle, agriculture was depressed, and the laboring men of the country were without employment. During the exciting contest of 1896, I had said to my constituents that if they honored me with a seat in Congress I would do all in my power to bring about a change for the better, and I at once set myself to work as best I could to accomplish that purpose.

"Some one has said in the course of this debate that those of us who oppose this legislation are not in accord with the administration. It is true that the President, Secretary of War, and Gov. Wood have made certain recommendations. But have we not the right to differ with one or all of them and to make our objections known? This is a Government composed of three great departments—the legislative, judicial, and executive—and notwithstanding the Supreme Court of the United States is the court of last resort, I hold that it is the right of every citizen not only to differ from but in a respectful manner to criticize the court's decisions. Surely the legislative is an independent branch of the Government.

"I do not believe we ever had a President who more thoroughly respected one who honestly differed with him or who had more decidedly the courage of his convictions than President Roosevelt. I may be wrong in the views which I entertain about this proposed legislation, but God knows I am honest in the position which I take. I have great admiration for the President, and congratulate him upon the splendid administration that he is giving to the country; and his recent trip to Charleston demonstrates that he is not simply the President of the Republican Party or a divided country, but that he is the President of all the people of this great Republic." [Applause.]

And when he was a candidate for President in 1904, I was untiring in my efforts to secure his election, and cherish the hope that I may continue to enjoy his well wishes.

I, as have many others, have been deeply pained and made sad by the estrangement which exists between these former devoted friends.

With malice toward neither, but with a fondness for both, in behalf of untold thousands of earnest, sincere, enthusiastic, devoted followers and admirers, like myself, I ask, What is the trouble?

May I express the fond hope that now, or after the storm of this political strife shall have cleared away, that some good friend or friends may bring about a reconciliation between these men, whose names will go down in history as among the best of Presidents.

Good Roads.

EXTENSION OF REMARKS
OF
HON. CHARLES D. CARTER,
OF OKLAHOMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. CARTER said:

Mr. SPEAKER: At the request of Mr. W. H. Harvey, of "Coins Financial School" fame, I desire to have printed in the RECORD the following resolution adopted by the tri-State good roads convention at Monte Ne, Ark., on the 3d day of last July. The States of Arkansas, Oklahoma, and Missouri took part in this convention.

The resolution is as follows:

Resolution passed by the Tri-State (Arkansas, Oklahoma, and Missouri) good roads convention at Monte Ne, Ark., July 3.

Resolved, That we regard a national, State, and county system of good roads of more advantage and profit to the people of the United States at this time than any other object of now pressing importance, and it is, by well-directed effort, of easy achievement without increased taxation. We favor a national system of highways, macadamed and on easy grades, as authorized by section 1, Article VIII, of the Constitution of the United States, and an appropriation of $50,000,000 per year for the carrying out of such work under the supervision of the United States engineer. With modern machinery for road building, this sum, properly handled, will build about 20,000 miles of average, finished macadamed pike per year, and in 10 years will build 200,000 miles of highways, equivalent in distance to crossing the United States east and west 20 times; north and south, 50 times. In the last 20 years an average of $100,000,000 has been expended on the Navy, and other large sums have been extravagantly, wastefully, and unnecessarily expended; and by paring down such appropriations in the future more

than the said sum of $50,000,000 will be available for the construction of a national system of highways. A like policy upon the part of the States and counties will, altogether, give work to tens of thousands of people, be spent in the interior among all the people, and in one decade will work a saving to the farmer of $500,000,000 annually in the marketing of their crops, will beautify the country, advance civilization, and win the gratitude and loyalty of a people whose material interest has been long neglected.

The fact that more than 5,000,000 miles of roads are needed to perfect our system of highways, requiring 50 years for its completion, emphasizes the importance of cooperation of the Nation, States, and counties. We have no hesitancy in saying that under wise statesmanship this policy assures an era of progress and prosperity unexampled in the history of the United States.

The foregoing resolution, after full discussion, was unanimously adopted by a rising vote.

W. H. HARVEY, *Secretary.*
P. A. ROGERS, *Chairman.*

Senator La Follette Punctures the Roosevelt Bubble.

EXTENSION OF REMARKS
OF
HON. ALBERT S. BURLESON,
OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. BURLESON said:

Mr. SPEAKER: In pursuance of the authority given by the House of Representatives I submit for printing in the RECORD the following review of the relation of Theodore Roosevelt to the progressive spirit in politics, of his professions of progressive policies, and his alignment with reactionaries to-day, as when he was President, from the pen of Senator ROBERT M. LA FOLLETTE, of Wisconsin, as published in La Follette's Magazine. Senator LA FOLLETTE'S record as a progressive Republican requires no certification from anyone, and his analysis of the third-term candidate speaks for itself.

MEN AND ISSUES.

Senator ROBERT M. LA FOLLETTE published a signed editorial which appeared in La Follette's Magazine, under date of March 9, 1912, as follows:

February 26 a New York dispatch in the Washington Post said: "Politicians who have been following the national situation say that LA FOLLETTE will shortly 'make an attack on Col. Roosevelt, showing that representations were made to him by friends of the Colonel to the effect that he (LA FOLLETTE) was the ideal man to make the fight against President Taft.'"

It is not a matter of great importance to the public why I became a candidate.

The issue of this campaign is the right of the individual, the farmer, the worker, every man who pays the tribute to free himself by lawful means from the unjust exactions of the tariff, the railroads, the trusts, the money power controlling capital and credit, and every form of oppression by special privilege.

In the presence of these great problems personal attacks upon candidates should have no place.

But, to determine the fitness of a candidate to perform a particular service, the public has a right to require the candidate to state each problem and offer his solution of that problem.

The public has the further right to know what the candidate has actually done toward solving the problem, whether his course of action as a whole gives assurance of profound conviction and stability of judgment, whether he is best equipped by patient investigation and practical experience to deal with these problems constructively in the public interest.

Hence the exact record of the candidate on the tariff, the railroads, the trusts, the money power, subsidies, and other forms of privilege is just as important, it may be more important than his present declarations.

It will therefore be necessary during this campaign to discuss the records of candidates as well as the remedies proposed by them to correct existing social and political evils.

But such discussion can not be distorted into an attack upon the candidate.

ROBERT M. LA FOLLETTE.

THE PLATFORM AND THE CANDIDATE.

Under date of March 23, 1912, Senator LA FOLLETTE published in La Follette's Magazine the following signed editorial:

The Progressive Republican platform must declare for the speedy abolition of all privilege. It must deal rationally but firmly with the complex problems which have been permitted to develop mainly in the last dozen years. It must be to the last degree a constructive platform.

But a platform, however strong and progressive, is not enough. For example, the platform of 1908 was a plain declaration for a revision of the tariff on the basis of the difference in the cost of production. Revision in compliance with that pledge would have enormously reduced the Dingley duties, but the President elected on that platform approved the Payne-Aldrich bill increasing the Dingley duties.

The lesson is obvious. Its teaching must not be forgotten. The citizen should ask what the candidate has actually done toward solving the problems that confront us; whether his course of action gives assurance of profound conviction; whether he is equipped with patience, determination, and experience to deal with these problems, constructively, in the public interest.

ROBERT M. LA FOLLETTE.

A PERVERSION OF FACT.

In La Follette's Magazine of April 20, 1912, Senator LA FOLLETTE published a signed editorial, giving some of the history of his campaign and of his desertion by those who pretended to be his friends. It was as follows:

The attempt of any of my former supporters to justify their desertion of my candidacy by making a scapegoat of my campaign manager, Walter Houser, is a cowardly perversion of fact. They know that no person authorized the withdrawal of my candidacy, and no person ever professed to have such authority.

They know that I have persistently refused to withdraw in favor of Roosevelt or anyone else, and I told them again and again that, once having entered into the contest, I would not back out.

They know that I refused to permit Roosevelt's candidacy to be coupled with my own or combine with him in any way. Gifford Pinchot and others professing to be my supporters, but who in fact are Roosevelt's supporters, became insistent when my candidacy began to show strength in Ohio, Michigan, and Illinois, and elsewhere, that Roosevelt's name be joined with mine in resolutions of indorsement and combinations to be made on delegates by placing the name of Roosevelt men on the ticket. This, too, while Col. Roosevelt was pretending that he was not a candidate. I refused, directing my headquarters in Washington, Ohio, Michigan, and Illinois to be strictly LA FOLLETTE headquarters, telling Pinchot and his friends that I would not play a double game or be a stool pigeon for Roosevelt or anyone else.

Pinchot thereafter called conferences among my supporters in Washington and sought to force me into such a combination. Failing in this, he called a final conference, when he and his associates put up to me the following alternative:

First, that LA FOLLETTE should withdraw in favor of Roosevelt, with reservations as to differences of opinion, and continue to stump.

Second, that LA FOLLETTE should withdraw, but not in favor of anyone, and continue to stump, leaving individuals or groups to take whatever course they might choose.

I answered that I had never played that kind of politics and never would; that I had become a candidate at the earnest solicitation of progressive Republicans, because I stood for certain well-defined principles; that I did not recognize Roosevelt as standing for those principles; that I refused absolutely to be a stalking horse for the candidacy of any man; that I never turned back or surrendered; and that if I had such a record as a progressive as they were urging me to make, I would never have been selected as a candidate to lead the present contest; and if I were to make such a record, I would never be able to hold up my head or to look an honest man in the face.

Pinchot knows that January 29 ended his connection with my candidacy, and it was so understood when he left headquarters after the conference there on that day. He also knows that five days later, when I had to yield to a few days of rest and recuperation, he seized that time as his opportunity to make public the support he had long given to Roosevelt's candidacy. These gentlemen know before Pinchot left headquarters, after he had finally made his intentions plain, that I said to him that I had no power to prevent him from quitting, but that he had obligated himself to support me, that I wouldn't release him from that obligation, and if he left, that he would have to reconcile his course with his conscience as best he could.

With Gifford Pinchot went his brother Amos, and also Medill McCormick and Gilson Gardner. Those gentlemen quit then and there. As for Gov. Hiram Johnson, of California, he did not quit me until Sunday, February 11. He was manly about it. He came and told me that he would not at that time sneak out

under pretense that anything given out at my headquarters warranted such a course, for nothing issued from headquarters, in his opinion, was subject to such a construction. He quit me to go to Roosevelt, because he thought my campaign had "flattened out," and that I could not win, and that Roosevelt could.

I suggested that as California's primaries were not to be held until May 14, his situation was not urgent and that he could wait until the result of the North Dakota primaries and see whether my candidacy was as flat as he thought. He declined to wait.

ROBERT M. LA FOLLETTE.

ROOSEVELT'S SHIFTY RECORD.

The issues of LA FOLLETTE'S Magazine of June 1 and June 8, 1912, contained an address by Hon. Walter L. Houser, manager of Mr. LA FOLLETTE'S campaign for the Republican nomination, in which Mr. Houser discusses the conduct of the campaign and the attitudes of the candidates toward the principal issues. That address is as follows:

On the 4th of June next the Republicans of South Dakota will choose delegates to represent them at the Republican national convention to meet in Chicago on June 18, to place in nomination a candidate for the Presidency. Only three men are prominently mentioned as candidates, Senator LA FOLLETTE, Mr. Taft, and Col. Roosevelt. Neither Mr. Taft nor Col. Roosevelt, as shown by their records, stand for those principles which real Progressive Republicans demand. For that reason Senator LA FOLLETTE has kept his campaign entirely distinct from that of either of the other candidates.

When the Republican primary campaign was on in North Dakota a few weeks ago, the ablest supporters of Col. Roosevelt were sent into that State to solicit the support from Progressives, on the ground that their candidate stood for the same principles that Senator LA FOLLETTE has so ably and successfully fought for both as governor and United States Senator. While the effort failed in North Dakota, it is important that the Progressives of South Dakota shall be on their guard against the same effort to deceive, and to that end some of the more fundamental differences between the principles represented by the candidacy of Col. Roosevelt and Senator LA FOLLETTE are herein pointed out.

First, let it be said that under no circumstances could Senator LA FOLLETTE now accede to the suggestion of some friends made some time ago to cooperate in any way with the candidacy of Col. Roosevelt if, for no other reason, than that thereby Senator LA FOLLETTE would identify himself and the great cause for which he stands with the coarse personal quarrel which constitutes the sum and substance of the Taft-Roosevelt campaign. Whatever grounds for differences of opinion may have existed a few weeks ago on this subject, the character of the Taft-Roosevelt campaign now being conducted can leave no room for difference of opinion among loyal Progressive Republicans. That the unimportant personal differences of Taft and Roosevelt should take the place of serious discussion of those great questions which must be settled during the term of the next President is not only making us the laughing stock of the rest of the civilized world, but is doing incalculable harm to our own people. That Taft and Roosevelt, however, should devote their entire campaign to discussing the personal habits and characteristics of each other ought to be notice to every intelligent Republican voter that there is no real difference between them to discuss. If there were a difference of principle between them, it is fair to assume that they would discuss it instead of merely calling each other names.

Call the roll of the great principles for which the Progressive movement stands and note the almost perfect agreement between the records of Taft and Roosevelt.

DIRECT PRIMARIES, INITIATIVE, AND REFERENDUM.

When there was real opposition in this country to the adoption of direct primaries, the initiative, referendum, and recall, Col. Roosevelt, although exercising great political power, did absolutely nothing to help advance these principles. At the time Wisconsin, under the leadership of Senator LA FOLLETTE, was struggling for these measures and other States were making similar fights, Col. Roosevelt was governor of the great State of New York and could have been of great assistance in the fight. He not only never uttered a word or did an act at that time to assist in this great effort to bring government back to the people, but in his American Ideals and Other Essays, published at about that time, he wrote:

"Governmental power should be concentrated in the hands of a very few men who would be so conspicuous that no citizen could help knowing all about them, and the election should not come too frequently."

And again (p. 133):

"It is not to his—the voter's—credit that we can only rely and without much certainty upon his taking a spasmodic interest in the Government that affects his own well-being; but such is the case and accordingly we ought, so far as possible, to have a system requiring on his part intermittent and not sustained action."

When Oklahoma sought admission to the Union in 1907, Col. Roosevelt, then President, opposed its radical constitution, containing initiative, referendum, and recall, and sent Secretary Taft, now President, to that State to oppose it. There was published throughout the press of the country, under date of September 27, 1907, a statement of Col. Roosevelt's opposition, showing that at that time he declared that his views of the constitution were "unfit for publication."

That Col. Roosevelt should have used all the machinery, officeholders, and power of the great office of President of the United States to force Taft upon the American people as President, as both he and Taft now admit was done, must always stand as a complete refutation of the claim that he believes in the real rule of the people.

THE TARIFF.

President Taft owes his unpopularity more to his defense of the Payne-Aldrich tariff law than to any other act of his administration, yet this law, iniquitous as it is, which was fought at every step by Senator LA FOLLETTE, was praised as highly by Col. Roosevelt as it ever was by President Taft. In a signed editorial in the Outlook, under date of September 17, 1910, speaking of the Payne-Aldrich tariff law, Col. Roosevelt said:

"I think that the present tariff—Payne-Aldrich tariff—is better than the last, and considerably better than the one before the last, but it has certainly failed to give general satisfaction."

"The last" tariff was the Dingley Act, and the "one before the last" was the McKinley Act. During Col. Roosevelt's terms as President, from 1901 to 1908, he did nothing to relieve the people from the burdens of the tariff. He was in complete control of the New York Republican State convention that met on the 28th day of September, 1910, was elected its temporary chairman, made the keynote speech, yet authorized or permitted at that late date the strongest kind of an indorsement of the infamous Payne-Aldrich tariff law in the platform then adopted. In the same platform he also declares:

"We enthusiastically indorse the progressive and statesmanlike leadership of William Howard Taft, and declare our pride in the achievements of his first 18 months as President of the United States. Each succeeding month since his inauguration has confirmed the Nation in its high estimate of his greatness of character, intellectual ability, sturdy common sense, extraordinary patience and perseverance, broad and statesmanlike comprehension of public questions, and unfaltering and unswerving adherence to duty."

CANADIAN RECIPROCITY.

At the Lincoln Day dinner, February 13, 1911, held under the auspices of the Republican Club of the city of New York, Col. Roosevelt made a speech commending Canadian reciprocity as advocated by President Taft, and the following quotation from that speech is found on page 54 of the proceedings of that dinner, as published by the club:

"I want to say how glad I am to hear of the way in which the club, the members of the club here tonight, have responded to the two appeals made to them to uphold the hands of President Taft [terrific applause], both in his effort to secure reciprocity with Canada and his effort to secure fortification of the Panama Canal [applause] * * *, and I hail the reciprocity arrangement, because it represents an effort to bring about a closer and more intimate and more friendly relationship of mutual advantage on equal terms between Canada and the United States [applause]."

When Senator LA FOLLETTE in the campaign in North Dakota first made it clear that Roosevelt's position was the same as that of Taft's upon Canadian reciprocity, Col. Roosevelt, in a published statement, sought to evade the issue by saying that Canadian reciprocity was dead, and he was so uniformly quoted in the press of the country at that time. This, of course, was not the fact, for it only requires a reversal of the vote by which Canada rejected the arrangement to have it put into effect by proclamation; and lately, in the Illinois primary campaign, when it was clear that the farmers could not be deceived into thinking that Canadian reciprocity was a dead issue, Col. Roosevelt reversed his position and said he was against it and had

not previously understood it, although the above quotation from his speech clearly shows that he pretended at least to understand it thoroughly.

RECALL.

Upon the recall, particularly the recall of judges, Col. Roosevelt's position is even more doubtful. In his Carnegie Hall speech, made a few weeks ago, he said:

"I do not advocate the recall of judges in all States and in all communities. In my own State I do not advocate it or believe it to be needed, for in this State our trouble lies not with corruption on the bench, but with the effort by the honest and wrong-headed judges to thwart the people in their struggle for social justice and fair dealing."

The fact is that the proposition to recall judges is not popular in New York at the present time. The real believers in the recall of judges, however, advocate it everywhere, whether it is popular or unpopular, not merely as a means of removing corrupt judges, but as a means of preventing corruption, and because it is a right that belongs to the people not in one State, but in every State.

Col. Roosevelt has acquired much popular favor recently by attacking the courts, particularly for the income-tax decision and for the abuse of the injunctive process, yet when the income-tax decision was rendered and before its unpopularity became so general he warmly defended that decision. In the book quoted from last week (American Ideals and Other Essays), at page 205, referring to those who condemned the income-tax decision, he said:

"Savages do not like an independent and upright judiciary. They want the judge to decide their way, and if he does not they want to behead him."

In the same book, page 204, defending government by injunction, he said:

"The men who object to what they style 'government by injunction' are, as regards the essential truths of government, in hearty sympathy with their remote skin-clad ancestors who lived in caves, fought one another with stone-headed axes, and ate the mammoth and woolly rhinoceros."

In his recent Columbus speech Col. Roosevelt said that the Supreme Court of the United States, by a recent decision in the Howard case declaring the Federal employers' liability law unconstitutional, not only perpetrated a great wrong in the particular case, "but set a standard of injustice for all similar cases," clearly intending to convey the impression that this wrong of the court was to be perpetuated for all time. The fact is that Senator LA FOLLETTE, immediately after that decission was rendered, introduced a bill in the Senate correcting the defect in the law, and that within a few weeks after the decision a new law was passed by Congress which has been in force ever since, and which really gave to employees all the rights which the former law, which the court destroyed, had been intended to give. The latter law was immediately declared constitutional by the courts, as Col. Roosevelt must have known.

I recommend to Col. Roosevelt the following quotation from Lincoln, which thus far I have not observed that he has used:

"No man has a right to mislead others who have less access to history or less leisure to study it into a false belief * * * thus substituting falsehood and deception for truthful evidence and fair argument."

HIGH COST OF LIVING.

There can never be a reduction in the present high cost of everything we buy so long as we are obliged to pay prices high enough to make a profit on the billions of dollars of watered stock of the great corporations and trusts of the country. As governor, Senator LA FOLLETTE succeeded in having enacted in Wisconsin a law providing for the physical valuation of the property of public-service corporations and the fixing of rates according to something like the actual value of property employed, with the result that he saved millions of dollars to the people of that State on the charges of this class of corporations alone. He is attempting to carry out the same policy in a larger way in the Nation, and in this work he has met nothing but determined opposition from President Roosevelt as well as President Taft. Indeed, President Taft, in his speech of acceptance at Cincinnati, July 28, 1908, quoted the position of Col. Roosevelt upon this question as his own. He said:

"The securities (of trusts and corporations) at market prices will have passed into the hands of subsequent purchasers from the original investors. * * * As Mr. Roosevelt has said, in speaking of this very subject, the effect of such valuation and supervision can not be retroactive."

In his special message to Congress on January 31, 1908, Mr. Roosevelt said:

"When once an inflated capitalization has gone upon the market and has become fixed in value, its existence must be recognized * * *. The usual result of such inflation is, therefore, to impose upon the public an unnecessary but everlasting tax."

The Taft-Roosevelt position is that, while they are very sorry, nothing can be done to relieve the people from the "everlasting tax" due to the billions of dollars of watered stock which have been issued. The public forever must groan under the burden of paying prices high enough to make a profit upon this grossly inflated capitalization. The La Follette plan is to squeeze the water out of the stock along the same lines he adopted in Wisconsin with the railroads and other corporations, and thus bring prices down to the level of a fair return upon the actual money invested. The two policies are directly conflicting and can not be reconciled. If the public indorses the Taft-Roosevelt policy, it must expect to see legislation within the next four years which will validate all fictitious stock and bond issues and place it forever beyond the power of the people to adopt the La Follette remedy.

TRUST PROSECUTIONS.

We now know from records and letters written to and received by Col. Roosevelt during his term as President which have recently been made public, and which appeared generally in the press of the country on April 24 and 25 last, the folowing facts concerning Roosevelt's failure to prosecute the trusts:

(a) The Harvester Trust, which his friend, Perkins, organized and on which organization Morgan's firm received a rake-off of $4,000,000, admitted itself guilty of the crime of rebating, but was not prosecuted.

(b) The Steel Trust, with Roosevelt's express consent, was permitted to take over the Tennessee Coal & Iron Co. in violation of the law, on the plea that it was necessary to do this in order to protect the Tennessee Coal & Iron Co. and prevent a panic. We now know from sworn testimony that the reason given was untrue. Mr. Roosevelt may have been deceived, but had he taken the trouble to have talked with any of the parties in interest, except Mr. Perkins and other gentlemen representing Morgan, he would have discovered that the statements made to him by the representatives of the Steel Trust were absolutely false.

(c) The Harvester Trust, which is a branch of the Steel Trust and in which the McCormick interests are dominant, was not prosecuted by Mr. Roosevelt because of its unlawful restraint of competition, although the facts were brought to his attention. Mr. Perkins again interceded for the company successfully. Under date of August 22, 1907, Mr. Roosevelt wrote a letter to his Attorney General, Bonaparte, in which he told him to talk with Perkins and "not to file the suit until I hear from you." On September 21, 1907, a member of Mr. Roosevelt's official family, Mr. Smith, Commissioner of Corporations, with the indorsement of Mr. Straus, Roosevelt's Secretary of Commerce and Labor, wrote him concerning the reason for not prosecuting the Harvester Trust, as follows:

"It is a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests which, up to this time, have supported the advanced policy of the administration both in general principles and in the application thereof to their specific interests, and to place them generally in opposition."

(d) The Sugar Trust prosecution failed in the city of New York on April 1 last and the jury disagreed because the statute of limitations had been permitted to run during Mr. Roosevelt's term of office upon the admitted crimes of those officers. Mr. Roosevelt was specifically informed by Mr. Earle, of Philadelphia, of the violations of the law by the officers of this corporation, but refused to prosecute.

The foregoing are some, though not all, of the questions upon which Senator LA FOLLETTE's position is directly opposed to the position which Col. Roosevelt has occupied and now occupies, as shown by his record, and I trust make it sufficiently clear why Senator LA FOLLETTE could not, in any way, permit his candidacy in South Dakota, or elsewhere, to be coupled with that of Col. Roosevelt.

WALTER L. HOUSER.

ON GUARD.

La Follette's Magazine, issue of June 29, 1912, contained the following editorial:

"Existing conditions are intolerable. The railroads, the trusts, the tariff, the money power, control in government, and

the burdens upon the people grow heavier every day. These wrongs have ripened into oppression in the last dozen years under the administrations of the two men, Roosevelt and Taft, who, fiercely contending for another lease of power, have rent asunder the Republican Party organization. A crisis is at hand. Passion and prejudice rage about us. It is a time for serious thinking and deliberate action. La Follette's earnestly appeals to every real progressive to hold fast to principle and keep his powder dry."

HOW ROOSEVELT SPLIT THE PROGRESSIVES.

The issue of La Follette's Magazine of June 29, 1912, carried the following:

Until Roosevelt came into the open as a candidate for the Presidency five months ago, there was a strong and rapidly growing progressive movement within the Republican Party. It was based upon clearly defined principles. It stood forth as the representative of modern political thought on fundamental democracy. It had assumed national proportions. It was united. Into this movement, when it gave promise of national success, Roosevelt projected his ambition to be President a third time. He spent weeks carefully planning a "spontaneous call" for himself. He responded by announcing that he would be a "receptive" candidate. His candidacy began to drag; he and his friends were in despair. Then came his defeat in North Dakota. He became desperate. An enormous campaign fund was raised. Headquarters were opened in New York, Washington, and Chicago, and States east and west. Newspaper writers were engaged at large prices to boom his candidacy. Special trains were hired and the "receptive candidate" started in frantic pursuit of the nomination. In the history of American politics there has never been in a primary campaign or a campaign for presidential nomination an approach to the extravagant expenditures made in his campaign. Men notoriously identified with the Steel Trust and the Harvester Trust became his most active supporters. Leading reactionaries, standpatters, and political bosses of the Hanna and Quay sort became his closest political friends and representatives in many States.

A number of the newer recruits to the Republican progressive cause, men who before 1909, with three or four exceptions, had either been indifferent or opposed to the progressive movement became the noisiest supporters of Roosevelt, "the winner." It mattered not to them that Roosevelt had cooperated with Aldrich on legislation during the entire seven years he was President. They forgot that it was only when Roosevelt was out of office and in Africa, through the united efforts of men who for years had been fighting special interests, that the progressive cause became a national movement. That Roosevelt was for Taft in 1910, when Taft was denouncing all progressives as "pirates and traitors"; that he waited until little more than a year ago, balancing the chances before deciding whether to cast in his lot with the progressives in this presidential year, counted for nothing with the class of progressives who wanted to "win"; not a real progressive victory—just a victory. And they did win precisely that kind of a victory. They carried overwhelmingly the great stand-pat States of Illinois and Pennsylvania. That stamped the Roosevelt candidacy with its true character. No real progressive could have secured anything like such a vote in either of those two States. It had, however, the outward seeming of success, the sort of success that intoxicates the crowd. It enabled Roosevelt to win in two or three really progressive States. Fortunately it did not enable him to secure the nomination which would have compromised the progressive movement and defeated real achievement for years.

Upon Theodore Roosevelt and his followers rests the responsibility of having divided the progressives in their first national contest. Stimulated by an overmastering desire to win, they denounced loyalty to conviction and principle as stubborn selfishness. In the convention they put forward no platform, no issues. They made no fight against the reactionary platform adopted. They substituted vulgar personalities and the coarse epithets of the prize ring for the serious discussion of great economic problems, and for the time being brought ridicule and contempt upon a great cause.

But the progressive movement does not consist of a few self-constituted leaders. It consists of millions of thoughtful citizens drawn together by a common belief in certain principles. They will permit no combination of special interests and political expediency to secure control of the progressive cause which is ultimately to redeem democracy and restore government to the people.

YOUR EXPENSE ACCOUNT, MR. ROOSEVELT.

Under date of July 6, 1912, La Follette's Magazine published the following editorial:

If there is one principle which the American people, with one voice, acclaim, that principle is publicity of campaign expenditures.

Purity of elections, the sanctity of the ballot, the integrity of representative government—these are endangered, as the nest is threatened by the serpent, by corrupt practices. And corrupt practices thrive only in darkness and in secrecy.

Big business, with big money derived from unfair privileges, is ever in politics and is ever ready to place its funds back of a likely "winner" who is either subservient, in the sense that a chisel is subservient to the hand of the carpenter, or serviceable to the extent that he is "harmless" in performance. Special privilege puts money into political campaigns by way of investment. From such investments it demands substantial rewards.

It is to protect the public interest from rewards such as these, conceived in twilight and consummated in secret, that the people demand publicity of campaign contributions. Roses do not grow from thistles. The plant from which it is claimed the flower was picked must be known.

One of the cardinal tenets of the progressive movement is publicity—publicity before as well as after elections, publicity in detail, exact publicity, genuine publicity.

Theodore Roosevelt entered the contest for the presidential nomination as a "progressive." He made a strenuous campaign for votes, and a noisy scramble for southern delegates, on the ground that he represented progressive doctrine. In this fight he had the backing of the Steel Trust and the Harvester Trust. Financial giants like Perkins, Hanna, and Munsey contributed to his cause. His campaign was characterized by a riotous expenditure of money. Yet he has made no public accounting. He has not taken the American people into his confidence. He has ignored the progressive principle of publicity.

For the second time Col Roosevelt is called upon to publish the sources of his campaign funds. Before the convention Senator LA FOLLETTE made public a statement of the funds contributed to aid his candidacy, giving names of contributors and amounts in detail. He called upon Roosevelt—that was during the primary contest in Ohio—to do likewise. There was no response.

Now the Republican national convention has come and gone. The preconvention campaign for the nomination is ended. What about the money spent in this campaign?

Is Roosevelt, silent before the convention, going to remain silent afterwards? La Follette's asks Col. Roosevelt, in the name of the progressives of principle, that he now make a full and complete statement of the moneys received and expended in his candidacy. Or, if that is not to be forthcoming, then a candid statement of his reasons for thus spurning one of the basic principles of public morality and political decency. The public has a right to know.

ROOSEVELT PROGRESSIVE ONLY IN WORDS.

In the issue of La Follette's Magazine of July 13, 1912, there appeared the following:

Mr. Roosevelt appeals to progressives to join his party. Roosevelt's whole record demonstrates that he has no constructive power; that he is progressive only in words: that he is ever ready to compromise in order to win, regardless of platform promises or progressive principles. He will not last. In the end the people of this country will get his true measure. No party was ever successfully organized about a man. Principles and issues must constitute the basis of any great movement.

THE CASE OF MR. ROOSEVELT.

In La Follette's Magazine, issue of July 13, 1912, there appeared the following editorial:

Bryan at Baltimore, foregoing all chance of his own nomination, marshaling all his forces, braving Tammany and the trusts to rescue his party from their domination, carrying the convention for the adoption of the most progressive Democratic platform yet offered and the nomination of the most progressive Democratic candidate available, was a towering figure of moral power and patriotic devotion to civic righteousness.

Roosevelt at Chicago, backed by money derived from the stock-watering operations of the Steel Trust and the Harvester Trust, organizing what are now confessed to have been "fake" contests as to nearly 200 delegates in order to control the Republican convention and secure his own nomination, refusing to aid in making a progressive platform, bound to have the nomination or destroy the Republican Party, was a most striking example of misdirected power and unworthy ambition.

Roosevelt had as great an opportunity to serve the progressive cause at Chicago as Bryan had at Baltimore. But Roosevelt was serving the man, not the cause. He wanted one thing—he wanted the nomination. And yet he did not have enough votes to nominate himself upon any honest basis. He did have enough delegates in that convention ultimately to have nominated a real progressive and adopted a strong progressive platform. He could even have nominated Hadley on such a platform, and progressive Republicans could have supported Hadley in much the same spirit as hundreds of thousands of them will now support Wilson. Neither Hadley nor Wilson are veterans in the progressive ranks. Neither of them has been tried by the severest tests. Both appear to be men of high ideals whose records, though short, give promise.

But Roosevelt would not consider Hadley. He would have no one but himself. At the first suggestion of Hadley he ordered the third-party maneuvers, lest he lose his followers.

If he had evidence to prove that Taft could not be honestly and fairly nominated, why did he not direct his lieutenants to present that evidence to the national committee, and then to the convention and the country, so clearly that the convention would not have dared to nominate Taft and that Taft could not, in honor, have accepted the nomination if made?

The reason is obvious. An analysis of the testimony will, I am convinced, show that neither Taft nor Roosevelt had a majority of honestly or regularly elected delegates. This the managers upon both sides well understood. Each candidate was trying to seat a sufficient number of fraudulently credentialed delegates, added to those regularly chosen to support him, to secure control of the convention and "steam roll" the nomination. It was a proceeding with which each was acquainted and which each had sanctioned in prior conventions.

This explains the extraordinary conduct of Roosevelt. He could not enter upon such an analysis of the evidence as would prove Taft's regularly elected delegates in the minority without inevitably subjecting his own spuriously credentialed delegates to an examination so critical as to expose the falsity of his own contention that he had an honestly elected majority of the delegates. He therefore deliberately chose to claim everything, to cry fraud, to bully the national committee and the convention, and sought to create a condition which would make impossible a calm investigation of cases upon merit, and to carry the convention by storm.

That this is the true psychology of the Roosevelt proceedings becomes perfectly plain. He was there to force his own nomination or to smash the convention. He was not there to preserve the integrity of the Republican Party and make it an instrument for the promotion of progressive principles and the restoration of government to the people. Otherwise he would have directed his floor managers to contest every inch of the ground for a progressive platform before the committee on resolutions and in the open convention.

But Mr. Roosevelt was not governed by a suggestion of that spirit of high patriotic and unselfish purpose of which Bryan furnished such a magnificent example one week later in the Democratic convention at Baltimore. Instead, he filled the public ear with sound and fury. He ruthlessly sacrificed everything to the one idea of his being the one candidate. He gagged his followers in the convention without putting upon record any facts upon which the public could base a definite, intelligent judgment regarding the validity of Taft's nomination. He submitted no suggestion as to a platform of progressive principles. He clamored loudly for purging the convention roll of "tainted" delegates, without purging his own candidacy of his tainted contests and his tainted trust support. He offered no reason for a third party excepting his own overmastering craving for a third term.

ROOSEVELT AND THE PARTY.

La Follette's Magazine of July 27, 1912, contained the following signed editorial by Senator LA FOLLETTE:

What is known as the progressive movement in American politics originated within the Republican Party. The rank and file of the party is not now and never has been subservient to privilege in any form.

While special interests have been increasing their hold upon the administrative side of the Government at Washington, progressive Republicans in many staunch Republican States have wrested the control of government from these interests and have enacted statutes restoring representative government to the people of those States. The reforms that have been wrought out in Wisconsin, Minnesota, North and South Dakota, Iowa, Kansas, Nebraska, Washington, Oregon, and California, were secured under Republican leadership and through Republican legislation.

The contest in many of these States was severe and protracted. Defeat was encountered again and again. While Roosevelt was President, he offered no encouragement to the progressive Republicans who were struggling with the old machine bosses to enact direct primaries and other progressive statutes. His influence was openly on the side of the reactionaries. His appointees were the most active agents of the opposition. In Wisconsin Federal officeholders were lobby agents for the corporations and spent their time almost wholly at the State capital during legislative sessions. I am somewhat acquainted with the conditions which prevailed in Northern and Western States where I spoke year after year in support of the effort to establish progressive Republican government, and I know that the same opposition was encountered in most of those States.

Until little more than one year ago Roosevelt had not even expressed himself as friendly to what had become—while he was in Africa—so widely known as the progressive Republican movement. Not until about five months ago did he make his so-called declaration of principles. Shortly thereafter he abandoned any attempt to discuss his "principles." Ignoring issues, he lured the President into a campaign so bitterly personal that by the time of the Chicago convention the frenzy and passion aroused subordinated everything to a fierce scramble to seat delegates and secure the nomination. Fraud and bribery were charged upon both sides. Tempers were at white heat. Threats of personal violence were common. Investigation was baffled. There was no chance for argument. The truth was discounted. Lies were as good as facts. The Roosevelt men charged that the Taft men were stealing the convention. The Taft men charged the Roosevelt men with trying to steal the convention.

And upon this mad squabble for office between two men, under whose administrations the Republican Party had made the trust, tariff, and special interest records for which it is most severely criticized, it is proposed to destroy a sound and vital progressive movement, which had already gone far to nationalize itself within a great and powerful organization.

The failure of a political convention through passion, intrigue, or corruption, to represent the will of the millions who constitute a political party, with inspiring traditions and progressive promise, should not be permitted to destroy that party.

A political party is not made to order. It is the slow development of powerful forces working in our social life. Sound ideas seize upon the human mind. Opinions ripen into fixed convictions. Masses of men are drawn together by common belief and organized about clearly defined principles. From time to time this organized body expresses its purpose and names candidates to represent its principles. The millions can not be assembled. Until direct nominations and the rigid control of campaign expenditures shall prevail they must seek to express their will through the imperfect agencies of congressional, State, and national conventions. These agencies are not the party. They are temporarily delegated to represent the millions who constitute the party. If recreant to their trust the party may suffer the temporary defeat of its purposes. But what abject folly to seek upon such a basis to destroy a great political party seven millions strong, with a clear progressive majority in its ranks, within which there has been builded up a progressive movement that promises to make the Republican Party the instrument through which government shall be completely restored to the people.

TAFT, WILSON, AND ROOSEVELT ACCEPTANCE SPEECHES.

La Follette's Magazine of August 17, 1912, contained the following editorial:

President Taft's acceptance speech is a direct appeal to the conservative vote of the country, Democrats and Republicans, who view with aversion "radical propositions of change in our form of government that are recklessly advanced to satisfy what is supposed to be popular clamor."

Nearly one-fifth of the speech is given over to protest against such changes. He says:

"I have the fullest sympathy with every reform in governmental and election machinery which shall facilitate the expression of the popular will, as the short ballot and the reduction in the number of elective offices to make it possible."

But he objects that those who would go further than this "propose to reform the Government, whose present defects, if any, are due to the failure of the people to devote as much time as is necessary to their political duties, by requiring a political activity by the people three times that which thus far the people have been willing to assume; and thus their remedies, instead of exciting the people to further interest and activity

in the Government, will tire them into such an indifference as still further to remand control of public affairs to a minority."

He ignores the fact that where States have adopted the primary, initiative, referendum, and recall there has been great awakening to the responsibility of the ballot.

The President argues further, "But after we have changed all the Government machinery so as to permit instantaneous expression of the people in constitutional amendments, in statutes, and in recall of public agents, what then? Votes are not bread, constitutional amendments are not work, referendums do not pay rent or furnish houses, recalls do not furnish clothing, initiatives do not supply employment or relieve inequalities of condition or opportunity."

The President does not recognize that placing these instruments of government in the hands of the people will aid in making government more responsive to the will of the majority and result to that degree in legislation that will make it easier for men and women to earn bread and clothing, furnish their homes, pay their rent, and relieve the inequalities of condition and opportunity.

In setting forth the achievements of his administration he justly takes credit for support of the postal savings bank and the parcel post. But he again claims the good features of the railroad legislation of 1910 to which he is not entitled. These good features are the amendment forced by the progressive Senators upon the very bad administration bill prepared by the President's Attorney General, Mr. Wickersham.

The President defends the Payne-Aldrich tariff law; he commends the Standard Oil and the Tobacco Trust decisions, which placed these corporations in such undisputed control of their special fields that their securities have advanced to unprecedented prices; he demands further trust legislation along the lines of the bill which he had offered to Congress providing for Federal incorporation, which, in effect, legalizes the water in the securities of every corporation that comes under its provisions.

The speech will satisfy those whom it was intended to please—the element the President describes as "men who deprecate disturbance in business conditions, and are yearning for that quiet from demagogic agitation which is essential to the enjoyment by the whole people of the great prosperity which the good crops and the present conditions ought to bring to us."

Gov. Wilson's speech of acceptance sets forth his political philosophy rather than specific legislative and administrative policies. He promises to be free, and says:

"I could not have accepted a nomination which left me bound to any man or any group of men. No man can be just who is not free; and no man who has to show favors ought to undertake the solemn responsibility of government in any rank or post whatever, least of all in the supreme post of President of the United States."

And further:

"Should I be intrusted with the great office of President, I would seek counsel wherever it could be had upon free terms."

The attitude of mind, the spirit and purpose with which he will meet the problems of government is the recurrent theme of this polished address. He says:

"Some people only smile when you speak of yourself as a servant of the people; it seems to them like affectation or mere demagogy. * * * They do not or will not comprehend the solemn thing that is in your thought."

This is the keynote of his discussion and he approaches every problem with the solemn promise to be really, in the highest sense, a servant of the people.

Mr. Wilson recognizes that this is a dramatic era. He says:

"Plainly, it is a new age. The tonic of such a time is very exhilarating. It requires self-restraint not to attempt too much, and yet it would be cowardly to attempt too little."

Restraint and understatement characterize and in a degree weaken his presentation of the issues. There is, however, no ambiguity. He frankly announces, and this doubtless required courage, that he believes in the principle of tariff for revenue. But while he defines his policy on the tariff, as revision downward, steadily downward, he cautions against revision in a way to violently disturb the business of the country. His tariff plan evidently conforms with that of the Democratic House, which, with the balance of power in the hands of progressive Republicans, might result in safe and wise reductions schedule by schedule. Gov. Wilson's statement of conditions shows an appreciation of their magnitude. He says:

"There are not merely great trusts and combinations, which are to be controlled and deprived of their power to create monopolies and destroy rivals; there is something bigger still than they are and more subtle, more evasive, more difficult to deal with. There are vast confederacies—as I may perhaps call them for the sake of convenience—of banks, railways, express companies, insurance companies, manufacturing corporations, mining corporations, power and development companies, and all the rest of the circle bound together by the fact that the ownership of their stock and the members of their boards of directors are controlled and determined by comparatively small and closely interrelated groups of persons who by their informal confederacy, may control if they please and when they will, both credit and enterprise."

In another connection he says:

"The fact is that the trusts have been formed, have gained all but complete control of the larger enterprises of the country, have fixed prices and fixed them high, so that profits might be rolled up that were thoroughly worth while."

It is unfortunate Mr. Wilson should have weakened this satisfactory recognition of the big problem with softening phrases as to the responsibilities of the beneficiaries of those confederacies. He says of these confederacies:

"They are a part of our problem. Their very existence gives rise to the suspicion of a 'Money Trust,' a concentration of the control of credit which may at any time become infinitely dangerous to free enterprise. If such a concentration and control does not actually exist, it is evident that it can easily be set up and used at will."

Every student of the question, every business man knows that there is a Money Trust, which not only is potential to control, but does control credit and enterprise. The money power is aggressive and merciless in its destruction of industrial and commercial freedom, without which there can be no political freedom or equality of opportunity. Those who would be guardians of our inherent rights should not mince words in dealing with the destroyers of our liberty..

Gov. Wilson says he does not know enough of the banking question to be dogmatic about it, but that "in dealing with the complicated and difficult question of the reform of our banking and currency laws it is plain that we ought to consult very many persons besides the bankers, not because we distrust the bankers, but because they do not necessarily comprehend the business of the country, notwithstanding they are indispensable servants of it and may do a vast deal to make it hard or easy. No mere bankers' plan will meet the requirements, no matter how honestly conceived. It should be a merchants and farmers' plan as well, elastic in the hands of those who use it as an indispensable part of their daily business."

As a general forecast of his policy, he says:

"As our program is disclosed—for no man can forecast it ready made and before counsel is taken of everyone concerned—this must be its measure and standard, the interest of all concerned."

It is in this tentative way that the Democratic candidate for President proposes to meet the responsibilities of office. Only when the general spirit of his address is considered in connection with his record as governor of New Jersey, when he had to deal with practical problems as they were presented, can we estimate the significance and value of his speech of acceptance.

For many days prior to the meeting of his convention in Chicago Roosevelt gave out from time to time the statement that his speech to be delivered upon that occasion would be denounced as "socialism or anarchy." Whether this was a repetition of his well-worn advertising system to stir the flagging interest, or was designed to prepare the public for something really radical, only the speech itself could answer. The reactionaries anticipated an explosive declaration, something furiously destructive. His adoring followers predicted that he would blaze the way for at least half a century of progress.

The speech was delivered on August 6. It is neither the one thing nor the other. It is Roosevelt. He is forcible, definite, and positive on matters about which there can be no dispute. He asserts, with the enthusiasm of an original discoverer, principles advanced by Republican progressives years ago when conservation was the only progressive policy which Roosevelt favored. To those who have been in the struggle for restoration of representative government and for direct nominations as a means to that end for 15 or 20 years his discussion of these subjects, as though they were new issues, is really comic. He says:

"A few years ago, for instance, there was little demand in this country for presidential primaries. There would have been no demand now if the politicians had really endeavored to carry out the will of the people as regards nominations for President."

In quite a naive way Roosevelt confesses just when he saw the light as to the need of primaries.

"In the contest which culminated six weeks ago in this city I speedily found that my chance was at a minimum in any State where I could not get an expression of the people themselves in the primaries. I found that if I could appeal to the rank and file of the Republican voters I could generally win, whereas if I had to appeal to the political caste—which includes the most noisy defenders of the old system—I generally lost."

In this connection the third query in Mr. Bryan's recent catechism is in point, wherein he asks:

"If Roosevelt had control of the national committee by one vote and had seated enough of his southern delegates to dominate the convention, would he (Roosevelt) not now regard the Republican Party as a people's party, and the only one in the country?"

While Roosevelt deals with progressive principles in general terms, he does not go to the real rock of the existing evils. He is silent on the thousands of millions of overcapitalization in the railroads and industrial combinations. This silence is enforced because he is on record for fastening all of this fraudulent capitalization upon the people as a perpetual tax. He dare not take any other position. To do so, he knows would forfeit the financial backing of Perkins and his Steel Trust associates, McCormick and his friends in the Harvester Trust. This is a millstone about Roosevelt's neck and of itself makes him impossible as a candidate of a real progressive movement. It forces him into a tortuous and shifty course of reasoning upon the high cost of living. The same thing is true when it comes to the valuation of the physical properties of the railroads. He has already taken the position that there is no overcapitalization in the great railroads of the country. If this is true, then railroad rates which have been unjustly increased, adding enormously to the cost of living, can not be reduced at all, and yet within 10 years the mileage of the railroads has only increased 22 per cent, while the gross earnings for the same period have increased 74 per cent and the net earnings 100 per cent.

Roosevelt places the responsibility of the high cost of living upon "middlemen." It is very important in this country that there should be closer connection between the farmer and the consumer and that cooperative marketing and bargaining should be encouraged. But that the tariff and the trusts should be held exempt from blame for the high cost of living and the burden put upon the commission merchants, is the Roosevelt way. He knows that the principal trust growth of the country was under his administration and due to his fast and loose policy in dealing with the great combinations. And he knows that he did nothing during the seven years that he was President to force a reduction of the high Dingley duties behind which the trusts were raising prices day by day. So he is driven to find some other excuse for the extortionate charges imposed upon the people for all the necessaries of life, and he so cites the high price of farm products in proof of his contention that the tariff has little effect on prices, but he does not call attention to the fact that most farm products are trust controlled. Neither the farmer nor the middleman, if by that is meant the small distributor and buyer, are getting rich. It is the men who have the monopoly control of these products who are making dishonest, swollen fortunes. The combination of which Mr. Morgan is the head, which constitutes the money power, which holds the business of the country by the throat, is ignored by Mr. Roosevelt. He ought to know upon whom responsibility for the panic of 1907 really rests. It occurred during his administration, and he was quite intimately associated with some of the gentlemen who knew a great deal about it. But the only reference to the panic is:

"The experience of repeated financial crises in the last 40 years has proved that the present method of issuing, through private agencies, notes secured by Government bonds is both harmful and unscientific. * * *

"The currency should flow forth readily at the demand for commercial activity and retire as promptly when the demand diminishes. * * * Only by such means can the country be free from the danger of recurring panics. The control should be lodged with the Government, and should be safeguarded against manipulation by Wall Street or the large interests."

This is the substance of his discussion of the currency and the evils and remedies of the money power and control. We shall have occasion to discuss this address in connection with the Roosevelt platform in other issues of La Follette's.

WANTED—A CONFESSION OF FACTS.

La Follette's Magazine of August 24, 1912, contained the following editorial:

"There should be publicity of campaign contributions during the campaign."

These words are quoted from the speech of Theodore Roosevelt delivered at Chicago on the 6th day of August, 1912, before the Roosevelt convention.

He called his speech his "confession of faith." Much interest would have been added by making it also a confession of facts, pertaining to the contributions to his campaign for the Republican presidential nomination.

The public knows that he spent an enormous amount of money in that campaign. In some States, as in Ohio, for example, it has been conservatively estimated that not less than $300,000 were expended to secure delegates for him. Go where you would throughout the country in that campaign, it was common talk that "there was all kinds of Roosevelt money everywhere."

It is generally believed that this money was, in large part, the unlawful spoils of the trusts which thrived by special favor, at the expense of the people, under the Roosevelt administration.

Campaign contributions of such magnitude are made by those who have big interests to serve. They are "practical" business men and expect big favors in return.

When the presence of money in the Roosevelt campaign for the Republican nomination became so glaringly conspicuous, there was a very general impression that—to quote the words of his recent convention speech—"there should be publicity of campaign contributions during the campaign."

He was accordingly invited to make such a statement. He did not respond to that invitation.

Interest in the matter has in no degree abated. Indeed, it has steadily grown until there is a wide public demand that he should tell the people all about it.

Until he makes a clean breast of the financing of his last campaign, his Chicago declaration for "publicity of contributions," in this campaign, is an insult to public intelligence.

TAFT VETOES THE WOOL BILL.

No act of William H. Taft since he became President will merit more unqualified censure than his veto last week of the bill to revise Schedule K, reducing the duties on wool and woolens. He admitted in the first year of his administration that the high rates in this schedule could not be defended.

He has since that time twice defeated the efforts of Congress to lower these rates.

He vetoed a bill identical in all respects one year ago, upon the ground that the Tariff Board had not yet investigated this particular schedule.

The Tariff Board completed its investigation and made its report on Schedule K last December. Congress, eight months after receiving this, finding its former action in substantial agreement with the result reported by the board, again passed the bill.

Congress and the country have a right to expect the President's approval of this legislation.

The duty on raw wool, fixed at 29 per cent ad valorem in the bill, is only one-half of 1 per cent lower than the rate which is clearly deducible from the findings of the board as measuring the difference in the cost of producing wool in this and competing countries.

The duty on tops fixed by Congress in this bill is 1½ per cent higher; on yarn 1 per cent lower; and on finished cloth 11⅝ per cent higher than corresponding rates computed from the findings of President Taft's own Tariff Board.

It will be seen from the report of the board that its figures are not to be taken as rigidly accurate, but rather as close approximations or general averages pertaining to an industry which is subject to great variety in a country like ours, with its diversity of climate and conditions. Even if there had been a very substantial difference between the findings of the board and the rates fixed by Congress, a President would not have been warranted in vetoing a bill cutting to the bone the duties in a schedule the rates of which are criminally extortionate.

The people petitioned for reduction and protested against these rates all through the seven years that Roosevelt was President, but he "stood pat" with CANNON and Aldrich, and the man who could not buy woolen clothing wore shoddy and shivered and waited and hoped. Taft was nominated upon a platform promising tariff revision. He interpreted that promise throughout his campaign for election to mean revision downward. The people so understood the promise.

He could not have been elected upon any other construction of that platform promise. Within a year he approved the Payne-Aldrich bill increasing tariff duties. He accepted the high rates fixed by the Cannon-Aldrich Congress without question. At that time no tariff board was required to sanction an increase of the tariff burdens.

But when Congress attempts to reduce duties this newly created Tariff Board seems to be a convenience for stopping revision downward. The difference of a fraction of 1 per cent in the approximation of the board and the deliberate action of Congress is sufficient to block tariff reduction on a schedule the rates of which Taft himself has frankly admitted to be "indefensible."

HOUSEKEEPER RIDDLES THE TARIFF.

Mabel Potter Daggert exposes tribute that Payne-Aldrich law levies on women.

I desire also to present two letters by Mabel Potter Daggert laying bare the increased extortion that the protected interests are to-day exacting of the women of the country by reason of exorbitant duties levied by the Payne-Aldrich bill which President Taft signed, and which Col. Roosevelt, in an article in the Outlook, said was better than the two previous tariff bills. The two letters are as follows:

HEADQUARTERS WOMAN'S NATIONAL
WILSON AND MARSHALL ORGANIZATION,
Fifth Avenue Building, New York.

A LETTER TO THE HOUSEKEEPER.

(By Mabel Potter Daggert.)

DEAR MADAM: Are you a housekeeper? If you are, you have noticed the alarming increase in the cost of living. It is the one absorbing topic of conversation that scarcely escapes discussion wherever two or three women are gathered together. Everybody is talking about it. But you most of all are feeling the effects of it. For you as the manager of the housekeeping business in every home of the United States, are the ultimate consumer who does the purchasing and the paying for what your family eats and wears.

Year by year you have seen prices going up. Have you ever found them coming down? You paid $20 this spring for a suit that once you could have bought for $10. Or if it was only a gingham apron, you paid 10 cents a yard for what used to be 6 cents. Breakfast bacon that once cost 10 cents a pound is now 24 cents to 28 cents, and even 30 cents. Beef is higher than at any other time in 45 years. Even a kitchen broom once 25 cents now costs 40 cents.

And it is the housekeeper who has to stretch the weekly pay envelope or the monthly salary to cover the high price mark. The price mark goes up out of all proportion to the pay envelope. Between the years 1896 and 1910 the average price of commodities rose 61 per cent and the average price of wages not more than 20 per cent. President Taft's dinner table represents an increase in price over President McKinley's of from 25 to 300 per cent for the separate articles of food. To meet it the President got his salary raised from $50,000 to $75,000 a year, to say nothing of the stray $200,000 allowed for incidental White House expenses.

But, perhaps, you are a housekeeper whose husband's salary hasn't so conveniently responded to his family necessities. Or perhaps you are a business woman who earns the pay envelope as well as spends it. In either event the cost of living interests you because it touches your pocketbook hard.

Do you realize that the robbers of the American home are taking your money away from you every time that you go shopping, every day as you go to market? But they do it through a skillful system that holds you up so that you never know what did it.

It is time that every housekeeper should realize this. There are a good many causes that the economists talk about for this increased cost of living. And some of them we can not do anything about right away. But there is one fundamental cause that can be reached in November. It is the high tariff that enables the trusts to force up prices, because the tariff keeps foreign producers from bringing goods to the American market. Now you, as a housekeeper, perhaps have thought that the tariff was wholly a political question that concerned only politicians and the Government at Washington.

But you are mistaken. The tariff is your question more than any one's else. It is charged up in the price you pay for nearly every commodity. There is even a tariff on your sugar bowl. The Sugar Trust is enabled, by reason of the high protective tariff, to charge a little over 2 cents a pound more for sugar than if there were no tariff on it. This amounts in the course of a year to an average of $8 for each American family. Perhaps you can stand this tax. But there are workingmen's families to whom it means a week's wages. From these families and yours and everybody's family in the United States there is taken annually an average of $125 each in extra prices caused by the high tariff on the various commodities they purchase.

The Democratic Party wants to do something about this tariff question. They are eager and anxious to do it. And you can help them.

During the past year when the Democratic Members of Congress got bills passed lowering the tariff, the Republican President, Mr. Taft, vetoed the bills. That is the Republican way. During all the years that the Republican Party has been in power the cost of living has continued to increase. Col. Roosevelt did nothing to lower the tariff during his two administrations when he had the chance, and the cost of living continued to increase. Surely no woman engaged in this business of housekeeping would be willing to try again the man who has already twice failed to help her reduce the expenses that are making the struggle for existence harder every day. No. Other candidates may talk pleasantly about lowering the cost of living, but there is only one candidate who can be trusted to practice it when he gets to Washington.

Woodrow Wilson, the Democratic nominee, is not only pledged to a reduction of the tariff, but this is a fundamental principle of the party that he represents.

Remember that the tariff is costing you $125 a year. You, as a housekeeper, need to have elected the President who will lift your burden.

Then will not you use your influence toward his election? We want your name for enrollment with the Woman's National Wilson and Marshall Organization. Will not you send it to us? We want as long a list as possible of the women who stand for Woodrow Wilson for the next President of the United States. If you do, whether you are a housekeeper or a business woman or a college girl, send your name at once to the Woman's National Wilson and Marshall Organization, Room 1058, Fifth Avenue Building, New York City.

A SECOND LETTER TO THE HOUSEKEEPER.

(By Mabel Potter Daggert.)

DEAR MADAM: Has your husband ever wondered why you have to have so much money to meet your household expenses? Perhaps yours hasn't. Perhaps he passes it out unquestionably week by week, as each year you need more than the last. But there are other husbands who complain querulously, "I don't see what you do with it."

That complaint every woman ought to be able to answer. The Department of Agriculture at Washington has issued figures that illuminate the subject. They show that the wholesale prices for foodstuffs in June, 1912, were from 25 per cent to 50 per cent more than in June, 1911. That means in greater New York, for example, that the city is paying this year $200,000 to $300,000 per day more for food than last year.

But it also means something personally to every housekeeper in the United States. It means that if you were able to furnish your table for, say, $10 a week last year you are obliged now to spend from at least $12.50 to $15 a week to get the same results.

This, however, represents the rise in price of commodities for one year only. They have been going up steadily for a number of years back. Nobody knows it so well as you, the woman who does the buying. The economists and sociologists have now discovered it and are telling the country about it. You have known it all along. Your household expense accounts show it, and if you have kept them from year to year you can now turn to them for comparison with the figures the experts offer. The experts tell us that there has been a rise in price since 1896 of from 67.9 per cent to 71.9 per cent. For arithmetical convenience, then, let us call it 70 per cent. Do you realize what a 70 per cent rise in prices means to you personally? It means that 16 years ago you could buy for $8 or $9 a week the household supplies that now cost from $12.50 to $15 a week.

Or perhaps you weren't housekeeping in 1896. If you weren't, your mother-in-law probably was, which makes the present situation doubly significant to you. For you then not only have to meet the complaint, "I don't see what you do with it," but your husband also insists that his mother was a more economical manager when he declares, "Why, she brought up her family on half what you spend."

Now, he's overstating it a trifle. Your expenses are not, as he is declaring, 100 per cent more than hers. They are that 70 per cent more of which the economists are talking. In other words, you are spending $15 a week where she spent $9.

But you have to; because everything has gone up in price. And do not let your husband or your mother-in-law charge it to your extravagance. You are not extravagant. On the contrary, it is only owing to your painstaking economy and the economy of other housekeepers that the average family can maintain anything like a standard of comfort to-day. There are families that can not. Some of them are suffering from a deterioration in health, some of them are actually starving because they can no longer buy nourishing food and sufficient of it with the wages that the head of the house earns. His wages have not risen as prices have. But that is another story that you will hear about in another letter.

What we want to tell you now is that housekeepers are not to blame that it takes so much money to meet their household expenses to-day. We want you to know who is to blame, and we want you to tell your husband. It is the Republican Party that is to blame. While prices have been rising these 16 years, they have been in power, and they have done nothing to stop this frightfully increasing cost of living. Theodore Roosevelt, during two terms that he was President, did nothing to stop this state of affairs.

Where is it going to stop? For as you see daily when you go to market, every little while something else has gone up. It is not going to stop until the Democratic Party is once more in control at Washington. The high tariff is one of the chief causes of the increased cost of living. The Republicans have not reduced it. Only the Democrats will. Give them a chance. How? Get your husband to vote for Wilson and Marshall in November. Ask him to do it for the sake of his home.

And do not ever let him tell you again that you are more extravagant than his mother. Let him put the blame where it belongs, on the Republican Party.

Speech of Hon. John M. Hamilton, Accepting Renomination for Congress.

EXTENSION OF REMARKS

OF

HON. JOHN M. HAMILTON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. HAMILTON of West Virginia said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include a speech delivered by myself in accepting a renomination for Congress.

The speech is as follows:

Mr. Chairman and gentlemen of the convention, the nomination which you have given me and the manner in which it has been given creates within me a sense of gratitude and pleasure which can be expressed by no words which I can utter. It indicates to me that a large part of those who elected me to Congress two years ago, and their representatives here assembled are inclined for the present, at least, to withhold such criticism as may be in their minds relative to my course in office, and to overlook the many shortcomings on my part and without charging against me the many instances in which I have failed to do such things as ought to have been done, to grant me credit for good intentions, which is about all I have a right to expect or claim at this time.

I do not for a moment entertain the thought that this cordial indorsement is indicative of the idea on the part of the people that I have served them with efficiency, but I may be pardoned for entertaining the belief that in their minds there is some degree of conviction that I have endeavored to be faithful in the work assigned me and have done the best I could in the limited scope of my capacity and ability.

In the House of Representatives, composed as it is of nearly 400 Members, the results accomplished, whether for good or evil, are usually attributable to the action of the body as a whole or of the controlling majority thereof rather than to the individual efforts of any particular Member. Therefore, if good has been accomplished each Member who contributed by his actions or his vote to the result is in some degree entitled to a share of the credit arising from the action, while, on the contrary, if evil has been the result, he who aided therein is justly entitled to bear his share of the public criticism which arises.

INFLUENTIAL ORGANIZATION.

The American House of Representatives, as an institution, is unquestionably the most influential organization for governmental purposes in the world. It is the pulsing heart of the greatest Republic that the world has known. Its membership may be, and oftentimes is, of limited ability, yet as an organization or institution it is the balance wheel of government and stands equally as the safeguard against tendencies to monarchy on the one side, and tendencies to anarchy on the other. It is superior as an institution to the English House of Commons, which can be prorogued at any time by the reigning sovereign, with the result that all the members go out of office, while the House of Representatives is responsible to no earthly power save that of the people who elected it.

ACCEPTANCE OF THE HONOR.

In view of this fact, the honor which you confer upon me by this renomination is in nowise an empty thing, and I thank you sincerely for your confidence and would accept it, though I was sure it led to certain defeat.

While I shall endeavor to make no personal plea or defense at this particular time for my individual actions during the two years past, yet I think it will not be at all amiss in me to advert to some of the actions of the House of Representatives of the Sixty-second Congress as a whole. I am willing to stand or fall in my personal matter accordingly as the people shall view and judge the actions of that body.

A GREAT UPHEAVAL.

This Congress came into power by one of the greatest upheavals in political matters which has been witnessed in this country. In the Sixty-first Congress, elected in 1908, at the same time that William Howard Taft was elected to the Presidency, there was a majority of about 50 holding, or supposed to hold, the same views as the President so elected.

It, as well as the President, was elected upon distinct and definite promises that certain remedial legislation long demanded by the people would be enacted. Nevertheless, afterwards the relief was not given and there arose within the ranks of the then dominant party a division of sentiment on many important questions, which has continued to grow from that time until the present, with a result that in the year 1912, wherever the people have had a chance to assert themselves at the ballot, the progressive element of that party has been overwhelmingly victorious, as evidenced by the recent primaries upon the presidential question. This idea of progressiveness was not confined wholly to the Republican Party, but has permeated as well the Democratic ranks and has recently resulted in the nomination by that party of Woodrow Wilson for the Presidency. The Democratic victory in 1910, which returned a Democratic majority of more than 60 to the House of Representatives, it attributable to the spirit of progressiveism in the old-time Republican Party more than to any other cause.

PLEDGES OF THE PARTY ARE KEPT.

The Sixty-second Congress came into power likewise upon certain pledges definitely made by the Democratic candidates that they would enact such beneficial legislation as had been promised in the preceding election by the Republican platform, the pledges of which had not been carried into effect in good faith. They said that if they were elected they would not give to the people a stone where their just demand was for bread. And I confidently assert that no House of Representatives within the history of this Government has come nearer to the fulfillment of its campaign pledges than has the House of Representatives of the Sixty-second Congress. It was called together by the President in special session within one month after the beginning of its term, and eight months prior to the ordinary time for its meeting, and with the exception of about three months has been in continual session since the 4th day of April, 1911, in all of which time it has been endeavoring, as will be shown by the record of its proceedings, to fulfill both in letter and in spirit the promises upon which its Members secured election. I desire to point out some of the instances in which these promises have been redeemed.

NEW SYSTEM OF RULES.

Prior to the Sixty-second Congress a system of rules had been ingrafted upon the House from time to time by which almost supreme power was conferred upon the Speaker, who, through his Committee on Rules, composed wholly of men of his own selection, had full and absolute power over all legislation, and in many cases the representatives of the people were utterly powerless to subserve the will of their constituents. The Democratic Party promised that if given control of the House of Representatives it would modify these rules and return the power

so long lodged in and exercised by the Speaker and his committee to where it properly belonged—the representatives of the people. Within less than a week after the assembling of Congress, on April 4, 1911, the House carried out this pledge and adopted a system of rules depriving the Speaker of the immense power theretofore exercised by him, and providing that not only the Committee on Rules but every other standing committee of the House should be elected by the House itself, with due deference observed toward the rights of the minority for committee representation, and that course has been followed to the present time, and no man serves on any standing committee unless he has been duly elected to the same by the House itself.

CAMPAIGN EXPENSES.

Another promise of the Democratic Party was that they would pass a law for the publication of campaign expenses incurred by candidates for the Senate and House of Representatives before as well as after the nomination and election of such candidate. This promise has been strictly complied with, and it is now incumbent upon every candidate to file with the Secretary of the Senate or with the Clerk of the House of Representatives, accordingly as he should be a candidate for Senator or Member of the House, at least 10 days before his nomination a complete list of expenditures to that time by him to secure the nomination; and within 15 days after the nomination he shall file a supplemental list of all expenditures incurred for that purpose.

NEW STATES ADMITTED.

The Democratic Party was also pledged to admit as States of the Union the Territories of New Mexico and Arizona, whose people had long been clamoring for Statehood. This promise was likewise fully redeemed, and on the 4th day of the present month two new stars were added to the flag of the Union, floating on land and sea, signifying the admission of these Territories and also testifying the fact that in the whole continental United States there is not now a foot of territory not embraced under sovereign Statehood and entitled to their own government as other States of the Union.

DIRECT ELECTION OF SENATORS.

For many years past there has been a demand from every State in the Union that the people should have the right to elect directly members of the United States Senate. This demand has been carried out by the present Congress so far as Congress had power so to do, and the seventeenth amendment to the Constitution of the United States providing for the popular election of Senators has been submitted to the States for ratification.

REDUCTION OF EXPENDITURES.

Another anteelection promise was that they would reduce and retrench so far as possible and practicable the national expenditures, and in fulfillment of that pledge the Congress, at the beginning of the first session, made a reduction of about $225,000 per annum in the expenditures of the House alone, which was accomplished by the cutting off and dispensing with unnecessary officials and employees of the House. In addition to the incidental expenses of the House so saved to the country there has been a reduction of many millions of dollars in the ordinary expenditures of the Government as shown by the appropriation bills which have been passed by the House of Representatives. This has been done without crippling the efficiency of any governmental department or handicapping any Government enterprise

GRANTING OF INJUNCTIONS.

For a number of years past the matter of granting injunction in disputes between capital and labor has been a question prominent and serious in this country, and the issuing of such injunctions has given rise to serious trouble and contentions, and in many cases has resulted in absolute injustice and the depriving of employees of that protection which is afforded to other citizens of the country. It is neither my desire nor purpose to make an onslaught on the judiciary system of the country as a whole, for I am glad to say that in the great majority of cases the judges have adhered to the true principles of equity and have refused to interfere in private disputes in any other than the ordinary way marked out by justice, fair dealing, and a long course of precedents established by numerous judicial decisions. That branch of government which interprets and applies the law between its citizens and between the Government itself and the citizens thereof must of necessity be regarded as the most important part thereof, and I am glad to say that taken as a whole the judicial branch of the American Government stands unequaled for ability and probity throughout the civilized world. Nevertheless, what I have stated about the judicial system as a whole can not be said relative to all who have held the office of judge in that system.

DECISIONS OF JUDGES.

There are many cases in which it has been apparent that either intentionally or otherwise the decisions of the judges have followed too closely the views entertained by those who believe that government and laws are made for the protection alone of those who from wealth and influence constitute a class preeminent above the great body of the common people. In many cases injunctions without notice to the parties to be affected thereby have been granted and without bond to secure them in the event of the subsequent dissolution of the order. Men have been enjoined from quitting the employment of their employers, thus establishing a system of peonage or slavery which should be unknown in a free Republic.

TENDING TO REMEDY EVIL.

The House of Representatives of the present Congress has passed a bill tending to remedy this evil to a large extent by providing that injunctions shall not be granted without notice to the adverse party and without proper security, except in such cases where irreparable damage to property would follow a refusal of the order or the time lost in giving the notice. The bill so passed is to a large extent declaratory of the present rules of equity as interpreted by the highest courts of the Nation and of the several States, and is not so much a change of law as a mandate to the courts which have hitherto strayed from the weight of judicial decisions to return to the ancient principles of law and equity upon which this country and its institutions were originally founded.

PROCEDURE FOR CONTEMPT.

In connection with the injunction bill the House has also passed a bill defining the procedure for contempt upon alleged disobedience of an injunction and for contempt in other cases. This bill provides that where the alleged act of contempt is of a criminal nature, the party charged to be guilty shall be entitled to trial by jury as provided by the Constitution in all other criminal proceedings. It does not take away from the courts either of law or of equity the right to inquire into and punish for disobedience of its process or other matter of contempt nor is the jurisdiction of the court in anywise limited as to punishment, but it does affect the procedure prevailing in some of the courts by providing that the court shall not punish except for direct contempt committed in its presence or in obstruction of its business and in some other matters not of a criminal nature until the party charged therewith shall have been found guilty by a jury of his fellow men.

MEASURES LONG DEMANDED.

These two measures have long been demanded by the great bulk of the common people, who earn their living by daily toil, and they have been enacted by the House in fulfillment of the pledges made by it in that respect.

I am glad to say that these two measures are largely the result of the labor and legal experience and ability of the Hon. JOHN W. DAVIS, one of West Virginia's Democratic Congressmen, and that they were supported by all of the West Virginia delegation.

PROTECTION OF CITIZENS ABROAD.

Another matter of great complaint, existing for many years and arising out of the treatment by the Russian Government of American citizens seeking to enter that country, has been promptly remedied by the action of the House of Representatives, or upon its initiative. Russia had for years been refusing to accept the passports issued by this Government to certain of its citizens, both naturalized and natives. Eminent citizens of the Hebrew race and faith, as well as the missionaries of a great Christian church, have been frequently refused admittance into that country and its territories, even when armed with the American passport, which ought to be good throughout the world.

TO ABROGATE TREATY.

The Committee on Foreign Affairs promptly reported a resolution, the object of which was to abrogate certain treaty relations between this country and Russia and to provide that if that country desired to longer prevent American citizens of good character and standing from entering its domains a like rule should be applied to citizens of Russia seeking entrance into our domain. The result of this was that the treaty relationships referred to have been abrogated, and it will be but a short time when new treaties will be made providing for the entrance of American citizens into Russia upon proper passports without distinction as to race or religious beliefs. In this action the House again fulfilled a pledge made by it to the people upon one of the most important matters relating to citizenship.

EIGHT-HOUR LAW.

The House has also passed a bill providing that upon all Government contracts eight hours shall constitute a day's labor. It has also passed a bill to establish a Department of Labor, with a Secretary who shall be a member of the President's Cabinet, thus putting the great laboring interests of the country upon an equal footing with other interests now represented by the holders of Cabinet positions. This is to be accomplished by the division of the present Department of Commerce and Labor, in which it is claimed that the laboring interests have been treated as subordinates to those of commerce.

LIBERAL PENSION LAW.

The House has also passed in conformity with its platform pledge of 1908 a pension law more liberal than that which has heretofore existed. The bill as it finally became a law was not so good as the House desired, but in order to afford some relief the House was forced to accept what the Senate would grant. Even with the reduction made by the Senate the act is a benefit to many worthy soldiers who offered their fortunes and their lives in the time of their country's peril, and when it is considered that four of these men die every time the minute hand of the clock circles its dial the House of Representatives is surely entitled to some congratulation for the fulfillment of its party pledges to render this belated assistance.

OTHER MEASURES OF RELIEF.

I might mention many other measures of general relief which the House has passed during its two sessions, but time forbids me to enumerate them all upon this occasion. I can not refrain, however, from alluding to the various measures relative to the tax laws of the Nation which have been acted upon by this House. It is apparent to all that the grip which a country has upon its citizens is more generally and forcibly felt through its measures of taxation than by any other means. A comparative few of the people who have violated the law feel the strong arm of the Government when they are punished for their offenses, but the laws for the creation of revenue are felt by every inhabitant of the country, and no one who is a consumer, however small his consumption may be, is exempt from the operations of these measures. This being true, it is apparent that taxes should be laid only for the necessary expenses of running the Government and should at no time become the means of exacting tribute for the purpose of enhancing the interests of any particular class of the people.

Unfortunately this great economic principle has not been always followed in the past, and taxes have been laid upon all the people for the express and ofttimes the avowed purpose of benefiting the interests of a comparative few of its citizens.

MORE EQUITABLE TAXATION.

The House of Representatives has made many honest efforts to return to that just system of taxation which exacts no more from the citizens than what is necessary to defray the expenses of the Government administered upon an economical basis. In the presidential platforms of both the great parties in 1908 there were express promises that the system of taxation then prevailing should be modified and rearranged so as to take as far as possible the weight of unjust taxation from the shoulders of the common masses of the people, and the President of the United States elected at that time immediately upon his inauguration assembled the Congress in special session to fulfill that particular pledge upon which he had been elected. How the Congress acted at that special session is a part of the history of the country and need not be repeated here.

PAYNE-ALDRICH LAW.

It passed what is know as the Payne-Aldrich tariff law, which, instead of giving the relief promised, in many instances actually added to the burden. So great was the dissatisfaction, even on the part of the Republican Party, that it was the occasion of a division or split in the party which now seems to have as great proportions as did the historic division in the Democratic Party upon slavery and kindred subjects in the year 1860. The insurgent or progressive Republicans were few in 1910, but in 1912 from all indications they appear to constitute a majority of that party. This largely grows out of the fact that the campaign promises made in 1908 were left unfulfilled by the leaders who were elected at that time. The proposition of laying taxes for the benefit of a favored few is no longer countenanced by any considerable number of even the old-time Republican Party. This is evidenced by the public utterances of thousands of the most prominent members of that party, and it will be recalled that the last public utterance of William McKinley, just before his assassination at Buffalo, was the expression of a promise and a hope that the burdens of the tariff would soon be lessened.

ALLUDES TO ONE.

I can not refer to all the public men who have made similar expressions along that line, but I will allude to one who was a native of this State and personally known to many of the citizens. Something more than 50 years ago there was born in one of the counties of this State a boy who afterwards attained eminent statesmanship in the councils of this Nation. When a very young man he left his native State and made his home in a growing State of the Middle West. He was elected to the House of Representatives for several terms and then to the Senate of the United States. In his early career he was a firm believer in the doctrine that it was proper and right to lay taxes for the advancement of the interests of the manufacturers of the country and those allied with them. In more recent years, after deep study upon the subject, he concluded that taxation for such a purpose was clearly wrong and unjust and that the whole people ought not to bear burdens for the benefit of a small part of their number.

ANNOUNCED CHANGE OF VIEW.

He fearlessly announced his change of views upon that question, and in the years of 1909 and 1910, in which latter year he was called suddenly from life, he was a prominent leader for the progressive part of the Republican membership of the United States Senate, and for the people of the country holding the same views. In a speech made in the Senate he declared that certain schedules of the existing tariff law are utterly unjust and oppressive and without foundation of merit. His speech remains wholly unrefuted and unanswered, and has been read by perhaps three-fourths of the voters of this country; and it may be said that the latter years of his life indicate that while it was not as miraculous, the conversion of Jonathan P. Dolliver upon the tariff question was as genuine as that of the great Apostle who saw the light of a new dispensation as he journeyed upon the road from Jerusalem to Damascus.

VETO OF RELIEF MEASURES.

It is true that many of the measures for relief in taxation passed by the House of Representatives and concurred in by the Senate received the veto of the President. I have no word of disrespect for any man who holds or has held the great office of President of the United States, but I think I can safely point out that the President in his veto messages mistook to a large degree the sentiment of the people of the country, including that of his own political party. It is only necessary to allude to the recent presidential primaries and conventions held throughout this country by the Republican Party, especially in the great States of Illinois, Ohio, Pennsylvania, Maryland, New Jersey, Wisconsin, California, West Virginia, and other States which might be mentioned.

REDUCTION OF THE TARIFF.

The House, at its first session, passed what is known as the farmers' free-list bill, embracing agricultural implements, cotton bagging, leather, boots and shoes, barbed wire and other fencing wire, lumber, sewing machines, salt, and other articles. It was a well-known fact that agricultural implements, such as mowers, reapers, binders, hay rakes, plows, and other implements of that character, made in the factories of the United States were being sold in foreign countries at two-thirds and in some instances as low as one-half of the price which American consumers were compelled to pay for the identical article made in the same factories. It occurred to Congress that if these machines could be made and shipped abroad, and sold in foreign lands after the payment of freight and in some instances the payment of duty exacted by the foreign land, there was no necessity for the maintenance of a high rate of duty almost prohibitory in its result and the only effect of which was to raise the price to the American consumer by the prevention of competition with foreign-made articles.

PASSED FREE-LIST BILL.

They therefore passed the free-list bill to which I have referred. The total consumption of the articles embraced in the said bill was estimated at near three thousand millions of dollars and the estimated savings to purchasers by placing them on the free list was $390,000,000, and yet the reduction of actual revenue to the Government by placing them on the free list was only about $8,000,000. Some one may ask how it is possible that the people will save $390,000,000 when the revenue was only reduced $8,000,000. The answer is easy. The $8,000,000 represented what was paid as duty upon imported articles, and that sum went into the Treasury of the United States, while the three hundred and ninety millions represents the advance in prices which followed the imposition of the duty upon the articles manufactured in the United States and as to which the Government received no revenue, inasmuch as the advanced price went wholly into the pocket of the manufacturer.

STRONG EVIDENCE.

The very strongest evidence of this is that the manufacturer sold in foreign lands the identical goods sold in this country at a price sometimes one-half and seldom more than two-thirds of that charged to American consumers. If a farming implement manufactured in Chicago can be transported to Canada and sold for $30, there is absolutely no reason why it should be sold in Chicago at $50. Yet that such is the case is amply proven by numerous witnesses who have testified before committees of Congress to that effect.

WOOL SCHEDULE.

The House revised what is known as the wool schedule, or Schedule K of the tariff law. As to this schedule President Taft has himself frequently stated that it was wholly indefensible and should be substantially lowered. The average rate of duty under the Payne law on manufactures of wool was about 88 per cent, and in many articles of the cheaper grades the rate was much higher than that. The new bill reduced this average to less than 42 per cent, and there would have been a saving of $52,000,000 to the consumers had the bill become a law as it passed the House. The House also passed a cotton schedule bill reducing the average from 47 to 27 per cent, thereby saving $88,000,000. It was upon this cotton schedule that Senator Dolliver chiefly based his great speech to which I have referred. It also passed a metal schedule reducing the average from 35 per cent to about 22 per cent, making a saving of $81,000,000; also, it enacted a chemical schedule reducing the average from 26 per cent to about 17 per cent, saving $17,000,000; and it put sugar, which was bearing a rate of about 54 per cent, on the free list, by which a saving of $115,000,000 was made to the people or will be made when the bill becomes a law.

SUGAR SCHEDULE.

Sugar was one of the greatest revenue producers in the taxable subjects, and by placing it upon the free list $53,000,000 were lost in revenue, and it was important and necessary that this amount be provided for in some other way. To supply this loss the House passed what is known as the excise tax, which lays a revenue of 1 per cent upon the income of all persons and firms engaged in business when such income exceeds in the aggregate $5,000. The consumption of sugar is general in its nature and the article is a matter of necessity in every family, and nothing can be more just than that the burden of this taxation upon a necessity of life should be taken from those least able to pay and placed upon such enterprises as have an annual income above expenses of $5,000, and even when in excess of $5,000 only the excess is subject to taxation. So overwhelming was the sentiment in Congress and in the country for this measure that only 40 votes were cast against it in the whole House, the Republicans almost solidly voting with the Democrats. It is likewise true that upon every tariff measure passed by the House a large number of Republicans voted with the Democrats because they saw the justness of the proposed legislation.

SAVING TO THE CONSUMER.

The saving which would have resulted from the several tariff measures to which I have referred is estimated at $743,000,000, while the loss of revenue after applying the sixty millions estimated to be derived from the excise tax was only $6,000,000, and it was proposed by the House to save more than this latter sum by retrenchment in the ordinary expenses of the Government, which was more than done in the appropriation bills passed by the House.

I have made this statement of the action by the House of Representatives, of which I was a Member by your suffrages and the suffrages of many others of different political persuasion who saw fit to support me at the last election and to whom I take this occasion to extend my sincere thanks. I believe that the servant is accountable to his master and that it is due to the people of the district that this public statement be made by me.

READY TO ENTER CAMPAIGN.

Now, as I have before stated, I accept your nomination with a high degree of satisfaction and will endeavor to do all that I can in the fair and upright manner to be elected. I know that I will be handicapped by reason of the fact that the Congress of which I am a Member is in session, and may remain so for some time to come, and that my duties lie there and in tending to the business already committed to my charge rather than in seeking my reelection.

HIS OPPONENT.

I know that there is opposed to me a brilliant and worthy young man, for whom I have the greatest respect; one who has filled other offices with satisfaction to the people, and who, it would appear by his original letter of announcement, seemed to have the choice of holding his present office of judge or of taking the nomination for Congress. I am sorry, of course, that he became tired of the judicial honors, which honors, in my judgment, are superior to those of Congressman. I hope to be elected, but am not unmindful of the fact that the electorate of this district is a power unto itself and that my wishes may not be the prevailing element with them at e election. If I am defeated I am sure I can have the consolation that in the short term which has been intrusted to me I have made an honest endeavor to perform my duty to the best of my skill and ability and that, notwithstanding the transitory pangs of defeat, I can retire to my old-time seclusion and extend the hand of welcome to my successor and bid him Godspeed in his new official career.

If, on the other hand, I shall be elected, I shall endeavor to serve with zeal all the people of this district, irrespective of political differences, as I have endeavored to do in the past, and in the giving of the best service which I can command, so as to merit, in some feeble degree at least, the honor which they shall have again conferred upon me.

The Payne Tariff Bill.

SPEECH

OF

HON. SAMUEL W. SMITH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. SAMUEL W. SMITH said:

Mr. SPEAKER: I would like to insert as a part of my remarks an extract from a speech in the Senate on June 21, 1911, by Senator JOSEPH M. DIXON, of Montana, chairman of the Progressive Party national committee (see p. 2386, CONGRESSIONAL RECORD, 62d Cong., 1st sess.):

I voted for the Payne bill without any apology. It was not perfect, but I voted for it because I knew that no tariff bill that any American Congress could enact would be perfect, and because it seemed a comprehensive bill that covered all phases of American industry and American life.

I fully agree with the distinguished Senator from Montana, and in a speech made in this Chamber, upon the Payne tariff bill, July 31, 1909, I used the following language:

In the preparation of a tariff bill, Thomas B. Reed has said:

Did a perfect tariff bill ever exist? Oh, yes. Where? Why, in your mind, of course. Everybody has a perfect tariff bill in his mind, but unfortunately a bill of that character has no extraterritorial jurisdiction.

During the passage of the bill which bore his name William McKinley used this language:

There are amendments which I would make if I alone were to be consulted; but in the preparation of this bill we have had to look to every interest, to all the varied interests of the United States, extending from the East to the West, and from the North to the South. No single man could have, in any single tariff bill brought before the House of Representatives, exactly what he wants. So gentlemen may complain here and there that they want this duty lowered and they want that duty raised. They forget that in the preparation of a bill covering more than 3,000 articles you have got to give consideration, not to a single section, not to a single individual, not to a single interest, but to all the varied and combined interests of the United States.

The distinguished minority leader [Mr. CLARK of Missouri] in a speech on this bill, in speaking of the work of the committee, said:

In such joint work no man could have gotten into the bill or out of it all that he desired. I will give bond for the proposition that no reputable man, not even Mr. Chairman PAYNE, will stand up in the light of day and assert that this bill contains everything that he desires, or that it does not contain certain undesirable things.

Here are three distinguished statesmen giving their views about the making of tariff bills; two Republicans and one Democrat. One Republican, the beloved McKinley, and ex-President; and the other, one of the greatest of parliamentarians; and the Democrat, the present Speaker of the House of Representatives, always trying as Speaker to be fair and just, and recently a candidate for President. It would seem as if those opinions ought to have weight with men of all classes and parties.

Many times during the campaign of 1910 I pointed out to my constituents and others that the Payne tariff bill was not perfect, but taking it all in all it was the best tariff bill the country ever had, for under it we have prospered as never before, and long before November I think the people are going to stop, think, and reflect, and ask themselves if we had not better

"let well enough alone," and this applies to people in all the walks of life and of all political parties.

You and I well remember 1892, when we were enjoying such marvelous prosperity, people said we want a change, and when they were remonstrated with they replied, "It can be no worse." Let the younger generation ask those who lived during that period, and there will be no doubt as to what ticket they will vote this fall.

It has often been said that the last Democratic administration, from 1893 to 1897, was more costly than the Civil War. Who cares to repeat it? You can avert the danger if you will vote the Republican ticket the 5th day of next November.

I would like to further insert, as a part of my remarks, two extracts.

Extract from the platform of the Progressive Party, adopted at Chicago on August 7, 1912:

We condemn the Payne-Aldrich bill as unjust to the people.

Extract from the platform adopted by the Republican State convention of New York, at Saratoga, September 28, 1910. Theodore Roosevelt dominated this convention and presided over it as temporary chairman. The platform was reported by W. A. Prendergast, chairman of the committee on resolutions. It was Mr. Prendergast who nominated Mr. Roosevelt for the Presidency at the convention of the Progressive Party at Chicago:

The Payne tariff law reduced the average rate of all duties 11 per cent. By increasing the duties on some luxuries and articles not of ordinary use, making, however, no increase on any common food product, it turned a national deficit into a surplus. Under its first year of operation the value of imports free of duty was the greatest in our history by $109,000,000, and the average rate of duty was less than under the Wilson law. Unlike the Democratic law, its greatest reductions of duties have not stopped industry nor deprived labor of any part of its hire.

No more truthful statement was ever written in any platform of any party than the one at the Saratoga convention above referred to.

The Excise Tax Bill.

SPEECH

OF

HON. HENRY D. CLAYTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 18, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships—

Mr. CLAYTON said:

Mr. CHAIRMAN: Ever since the protective system was fastened upon the country the Republican Party, through its leaders here, has resisted every effort, whatever the form, put forth by the Representatives of the people to relieve them from its burdens and exactions. The policy itself has developed, as false doctrines and political heresies always do, into a system so pernicious and indefensible that many former adherents of the party responsible for it have rebelled and are to-day joined with the Democrats in its condemnation.

The opposition to our attempts to lighten the burden of tariff taxation assumes sometimes one form and at other times other forms. When Republicans can not or dare not defend the exaggerated protective policy set forth in their party platform, and relief is sought by the substitution of an income tax for the purpose of dispensing with some of the onerous duties, the regular or stand-pat Republicans bring forward constitutional objections to every such measure of relief proposed. But the objections on constitutional grounds are not new. They have all been unsuccessfully made here and in the courts, and in every case where enactments containing similar provisions to those in the pending bill were assailed in litigation.

Perhaps no more oppressive tax has ever been levied upon the consuming public than the customs duty on sugar. This tax has given birth to and nurtured one of the most gigantic, merciless, and high-handed monopolies or trusts which ever sprung from the protective tariff, the mother of trusts, according to Mr. Havemeyer, the guiding genius of this very combination, the Sugar Trust. Sugar has long since come into the category of necessities.

One of the fundamental principles of taxation is that taxes should be laid as lightly as possible upon the necessities of life; that the revenue necessary for the maintenance of government economically and honestly administered should be derived as far as may be from taxes imposed upon the luxuries.

By the measures under consideration here it is proposed to remove the tax from a necessity, where it must be borne by all of the people of whatever station or means, and to substitute for it a just tax upon those most able to bear the tax burden. And we find the disciples of protectionism in their customary place, offering specious and spurious contentions, smacking palpably of sophistry, against the proposed measures of relief. With their usual cunning and ingenuity, they are not undertaking, apparently, to defend the present unwholesome and exorbitant customs tax upon sugar. The game is to prove that the measure proposed as a substitute is impracticable, unworkable, or unconstitutional. The burden of their argument has been in this particular case the unconstitutionality of this proposed excise tax. The contention has been that the bill here, H. R. 21214, proposes a direct tax without providing apportionment among the States.

Mr. Chairman, before proceeding to a review of the decisions of the Supreme Court to sustain the excise character of this tax I desire to say something of the taxing power of Congress in a general way and to sustain the right of Congress to lay excises.

The power to tax is essential to the preservation of the Government of the United States. We know that one of the familiar facts of history is that this power was not possessed by the Confederation, and that this inherent defect necessitated the formation of a more perfect union under our Constitution, which delegated to the General Government, to the Congress directly, the power "to lay and collect taxes." The Supreme Court has well said in Nicol *v.* Ames (173 U. S., 509) that—

The power to tax is the one great power upon which the whole national fabric is based. It is as necessary to the existence and prosperity of a nation as the air he breathes is to the natural man. It is not only the power to destroy, but it is also the power to keep alive.

The taxing power of Congress is stated in section 8, Article I, of the Constitution, as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Let it be admitted that the taxing power of Congress is extensive. Upon it the Constitution confers the power to levy every kind of tax except one, and that one is that "No tax or duty shall be laid on articles exported from any State." And there are but five qualifications of the power to tax, namely, that taxes in every case must be laid (1) to pay the debts and provide for the common defense and general welfare of the United States (Art. I, sec. 8, par. 1); (2) but all duties, imposts, and excises shall be uniform throughout the United States (Art. I, sec. 8, par. 1); (3) no capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken (Art. I, sec. 9, par. 4); (4) no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another (Art. I, sec. 9, par. 6); (5) Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to a service for a term of years, and excluding Indians not taxed, three-fifths of all other persons (Art. I, sec. 2, par. 3). * * *

There is, of course, another recognized limitation upon this taxing power of Congress, and that is that it can not be so exercised as to impair the existence and independence of the States.

Of course it is not contended that Congress can not lay an excise tax. The contention is that the bill does not propose an excise tax but a direct tax. The very decisions upholding the requirement for apportionment in cases of direct taxes will support the excise feature of the tax sought to be levied by this proposed measure. The power of Congress to lay excises has never been directly attacked. It has been indirectly attacked many times through attempts to misconstrue excises into direct taxes in the endeavor to thwart the efforts to get away from the so-called protection.

The effort is to make of this proposed excise tax an income tax and to rely upon the decision of a divided court against the validity of the income tax. The decisions of the Supreme Court, both directly and indirectly, by the adjudication of questions expressly involved and by way of obiter, sustain the excise character of this tax. I believe that an income tax similar to that in the Pollock case would be upheld by the Supreme Court if it were now presented to that great tribunal. I shall discuss

the matter more at length in a later period of my argument. To my mind the income tax is the most just tax that can be laid. It observes the fundamental principle of taxation that those most able to do so should bear the greater part of the burden of government. That a majority of the people are convinced of the righteousness of the income tax is supported by the fact that the income-tax amendment submitted by the Congress to the States during the last Congress has received the formal legislative sanction of 28 out of the 48 States of the Union, with the approval of only 8 more States necessary to confer upon Congress expressly the power to lay an income tax.

THIS TAX AN EXCISE TAX.

The language of the bill seems clearly to say to the open-minded that it is not a direct tax; that it is a tax on business and not on property, except in so far as its use in the business is concerned. The income from the property is considered only as the measure of the amount of the tax to be collected.

I quote the first paragraph of the bill, which is as follows:

That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year; or, if a nonresident, such nonresident person shall likewise be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the amount of net income over and above $5,000 received by such person from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during each year. The term "business," as herein used, is and shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit. The word "person" wherever used in this act shall be held to include natural persons or individuals and firms or copartnerships.

It will be seen that the tax is expressly and by its inherent nature an excise tax. The tax is expressly declared to be "a special excise tax." However, this would not operate in the face of its inherent nature as a different kind of tax to give to it the character so denominated. The mere description would fall in such a case. It is a rule of construction, however, for the legislative intent to be made effective by the court wherever it can be done. And the bill goes further than to merely describe the tax; it also expressly provides that it shall be in substance an excise tax in the following language:

Every person, firm, or copartnership * * * shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 dollars received by such person from all sources during the year.

The most recent excise tax levied by the Congress is the tax upon incomes of corporations and exacted by the provisions of the Payne-Aldrich law of August 5, 1909. The similarity of the language employed in section 38 of that act and that of the pending bill is manifest.

Section 38 of the Payne-Aldrich law is in part as follows:

SEC. 38. That every corporation, joint-stock company, or association * * * shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company equivalent to 1 per cent upon the entire net income over and above $5,000 received by it from all sources during such year * * *.

It is, therefore, not to be denied that the language used in the two instruments is identical, except that the description of class upon which the tax is to be levied is enlarged. In other words, the proposed law simply seeks to extend the income-excise tax already operating upon corporations to—

every person, firm, or copartnership * * * carrying on or doing business.

The rate and measure of the proposed tax is the same as that in the corporation income tax law, namely,

1 per cent upon the entire net income over and above $5,000 received from all sources.

Now, the Supreme Court, in the case of Flint *v.* Stone Tracy & Co. (220 U. S., 107), Mr. Justice Day, delivering the opinion of the court, said that the corporation income tax of 1909 is an excise tax and that the declaration of the lawmaking power is entitled to much weight in the determination of the character of the tax laid. I quote here from the opinion in that case the following:

While the mere declaration contained in a statute that it shall be regarded as a tax of a proper character does not make it such, if it is apparent that it can not be so designated consistently within the meaning and effect of the act, nevertheless the declaration of the lawmaking power is entitled to much weight, and in this statute the intention is expressly declared to impose a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company. It is therefore apparent, giving all the words of the statute effect, that the tax is imposed not upon the franchises of the corporation irrespective of their use in business, nor upon the property of the corporation, but upon the doing of corporate or insurance business and with respect to the carrying on thereof

In the same case this corporation income tax was expressly held to be in substance as well as by legislative declaration a constitutional excise tax.

It was there said as follows:

The act now under consideration does not impose direct taxation upon property solely because of its ownership, but the tax is within the class which Congress is authorized to lay and collect under Article I, section 8, clause 1, of the Constitution, and described generally as taxes, duties, imposts, and excises, upon which the limitation is that they shall be uniform throughout the United States.

* * * * * * *

The Pollock case (Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; 158 U. S., 601) construed the tax there levied as direct because it was imposed upon property simply because of its ownership. In the present case the tax is not payable unless there be a carrying on or doing of business in the designated capacity, and this is made the occasion for the tax, measured by the standard prescribed. The difference between the acts is not merely nominal, but rests upon substantial differences between the mere ownership of property and the actual doing of business in a certain way.

The effort is to construe this proposed tax into an income tax, so as to make it come within the inhibition laid down in the income-tax cases—Pollock *v.* Farmers' Loan & Trust Co. (157 U. S., 429; 158 U. S., 601); but the Committee on Ways and Means, in the able report signed by the majority members and submitted by my colleague, makes the following apt quotation from the first one of these decisions:

We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments, in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and been sustained as such. (158 U. S., 635.)

It was strongly urged in the License Tax cases (5 Wall., 462), that the citizens do not derive the right to engage in business from the Government, and that a license gives no authority to carry on a particular business; that the dealings in controversy were a part of the internal trade of the State in which the defendants resided; that the internal trade of a State is not subject, in any respect, to legislation by Congress and can neither be licensed nor prohibited by its authority; that licenses for such trade granted under acts of Congress must therefore be absolutely null and void, and, consequently, that penalties for carrying on such trade without such license could not be constitutionally imposed.

Now, I submit that without adding to or subtracting from the sense of the pending measure Congress might authorize every person, firm, and corporation doing business to receive a license upon payment of the tax therein imposed and provide penalties for doing business after the date when the tax is due, if found doing business without the license. And, if its constitutionality be contested on the ground that it is a tax upon income rather than upon business, the answer of the court would doubtless be the same as in that case. There the court answered that the license was a mere form of excise taxation; that it conferred no right to carry on the business (the selling of lottery tickets and liquor traffic), if forbidden to be engaged in by the State, but the license was applicable whenever, under the State law, such business was permitted to be done.

Let it be borne in mind that the requirement that licenses issued to dealers in tobacco and liquors shall be kept on exhibition is a mere matter of convenience, a mere matter of form, having nothing to do with the substantial requirements of the existing excise law with respect to the sale of tobacco and liquor, and we see that our license acts now in force are the same as the proposed measure, barring matters of detail which have been added for conveniences of administration.

If it were thought necessary the license feature might be added to this bill without adding a single legitimate issue for discussion. But it would be a complication and burden of administration to require every person doing business to obtain and exhibit a license; and, since all must pay, it would be as useless to require it as it would be to require all subject to State and county taxes to keep their tax receipts constantly on exhibition.

The relevant part of the act of 1898, upon which arose the Spreckles case, reads thus:

SEC. 27. That every person, firm, corporation, or company carrying on or doing the business of refining petroleum or refining sugar or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed $250,000, shall be subject to pay annually a special excise tax equivalent to one-quarter of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of $250,000. (192 U. S., 410–411.)

It was contended in argument that this was, in fact, a tax upon the gross receipts, and therefore direct; that the incidence of the tax fell, in reality, upon the money received in gross and not upon the business, and that it was, therefore, direct. But the court answered that the tax was clearly not imposed upon the annual gross receipts as property, but only in respect of

the carrying on or doing the business of refining sugar; that it could not be otherwise regarded because of the fact that the amount of the tax being measured by the amount of the gross annual receipts, and the court added, as an additional reason for sustaining the validity of the statute, that it—as does the pending bill—defined the tax as an excise tax, and that, therefore, it must be assumed that Congress had no purpose to exceed its powers under the Constitution, but only to exercise the authority granted to it of laying and collecting excises. After reviewing the cases the court said:

In view of these and other decided cases we can not hold that the tax imposed on the plaintiff expressly with reference to its "carrying on or doing the business of * * * refining sugar," and which was to be measured by its gross annual receipts in excess of a named sum, is other than is described in the act of Congress, a special excise tax and not a direct one to be apportioned among the States according to their respective numbers.

In the Knowlton case (Knowlton *v.* Moore, 178 U. S., 81) the Supreme Court said:

Undoubtedly in the course of the opinion in the Pollock case it was said that, if a tax was direct within the constitutional sense, the mere erroneous qualification of it as an excise or duty would not take it out of the constitutional requirement as to apportionment. But this language related to the subject matter under consideration, and was but a statement that a tax which was in itself direct, because imposed upon property solely by reason of its ownership, could not be changed by affixing to it the qualification of excise or duty.

The question of what is and what is not a direct tax is not a novel one. A line of decisions have dealt with this question, and will support the excise nature of the tax here proposed upon the "carrying on or doing business."

The first case is that of Hylton *v.* United States (3 Dall., 171), which involved a tax on pleasure carriages exacted by the act of June 5, 1794 (11 U. S. Stat., 373), and the tax was unanimously held not to be a direct tax. The case was determined by four justices—Wilson, Patterson, Chase, and Iredell. Each wrote a separate opinion. Mr. Justice Iredell said:

Perhaps a direct tax in the sense of the Constitution can mean nothing but a tax on something inseparably annexed to the soil * * *. A land or poll tax may be considered of this description.

In Pacific Insurance Co. *v.* Soule (7 Wall., 433) the taxes in question were laid upon the receipts of insurance companies from premiums and assessments, and upon all sums made or added during the year to their surplus or contingent funds. The Supreme Court held unanimously that the taxes were not direct taxes and were not invalid for lack of apportionment.

In Veazie Bank *v.* Fenno (8 Wall., 533) the tax involved was the exaction of 10 per cent upon the notes of State banks paid out by other banks. The court held the tax not to be a direct tax, and Chief Justice Chase said in the opinion in that case:

It may be rightly affirmed that, in the practical construction of the Constitution by Congress, direct taxes have been limited to taxes on land and appurtenances and taxes on polls, or capitation taxes.

In Scholey *v.* Rew (33 Wall., 331) the tax involved was a succession tax laid by the acts of Congress of June 30, 1864, and July 13, 1866. This tax was held not to be a direct tax and valid without provision for apportionment. Mr. Justice Clifford delivered the opinion, and declared the tax to be not a direct tax. He said:

Instead of that, it is plainly an excise tax or duty, authorized by section 1, Article VIII, of the Constitution, which vests power in the Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare.

In Springer *v.* United States (102 U. S., 586) the question was upon a tax imposed by the Congress upon the—

annual gains, profits, and income of every person residing in the United States or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, issues, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever.

The contention was set up that this was a direct tax and invalid for lack of apportionment. After reviewing the previous decisions and writings and State papers, the court, by Mr. Justice Swayne, concluded:

Our conclusions are that direct taxes within the meaning of the Constitution are only capitation taxes, as expressed in that instrument, and taxes on real estate, and that the tax of which the plaintiff in error (Springer) complains is within the category of an excise or duty.

In the income-tax cases (Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; 158 U. S., 601) the Supreme Court, in striking down the income-tax law, referred to the Springer case, and thereby indirectly upheld just such a tax as is here proposed describing the kind of tax proposed by this measure. In that case Chief Justice Fuller, in delivering the opinion of the court, said of the Springer case:

The original record discloses that the income was not derived in any degree from real estate, but was in part professional as attorney at law and the rest interest on United States bonds. It would seem probable that the court did not feel called upon to advert to the distinction between the latter and the former source of income, as the validity of the tax as to either would sustain in the action.

The opinion thus concludes: "Our conclusions are that direct taxes, within the meaning of the Constitution, are only capitation taxes, as expressed in that instrument, and taxes on real estate; and that the tax of which the plaintiff in error complains is within the category of an excise or duty."

While this language is broad enough to cover the interest, as well as the professional earnings, the case would have been more significant as a precedent if the distinction had been brought out in the report and commented on in arriving at judgment, for a tax on professional receipts might be treated as an excise or duty, and therefore indirect, when a tax on the income or personalty might be held to be direct (pp. 578–579).

The following cases support the proposition that the tax sought to be laid by the bill is excise or duty in nature:

Railroad Co. *v.* Collector (100 U. S., 595), United States *v.* Erie Railroad Co. (106 U. S., 327), Provident Institute *v.* Massachusetts (6 Wall., 611), Hamilton County *v.* Massachusetts (6 Wall., 632), United States *v.* Swigler (15 Wall., 111), National Bank *v.* United States (101 U. S., 1).

It has been suggested that the fact that the act of 1909 laid taxes upon business done by corporations induced the Supreme Court to sustain the act on the ground that the special advantages enjoyed by the corporation rendered proper a tax upon its business which would not be a valid tax upon an individual or copartnership not the recipient at governmental hands of the special advantages inhering in corporations. But an examination of the Flint case will disclose that the court sought only to call attention to the motive which actuated the Congress in levying this tax upon this special class of business, namely, corporate business.

And again, Mr. Chairman, it was clearly the view of the court in the Springer case (102 U. S., p. 600) that the difficulty or impossibility of apportioning a tax according to population is alone sufficient reason for holding it constitutional without provision for its apportionment. The court said (page 600), after quoting to the same effect from the Hylton case:

It was well held that where such evils would attend the apportionment of a tax the Constitution could not have intended that an apportionment should be made. This view applies with even greater force to the tax in question in this case (the income tax of June 30, 1864). Where the population is large and the incomes are few and small it would be intolerably oppressive.

INCOME TAX.

I shall now say something as to the income tax, its constitutionality, practicability, and the necessity for and wisdom of such legislation.

In the United Kingdom, for the year 1906, out of a total revenue of about $700,000,000, about 21.8 per cent, or $152,563,000, was derived from the tax on incomes. This tax was 10 pence on the pound, or 5 per cent on all incomes.

In Italy, out of a total revenue for the year 1907 of $363,020,000, about 16.1 per cent, or $59,622,000, was derived from the income tax. The rate varies from 7½ per cent to 2 per cent of the income.

In France, for the year 1907, out of a total revenue of $793,426,000, about 2.2 per cent, or $16,567,000, was derived from incomes on personalty.

In Japan, for the year 1907, out of a total revenue of $196,266,000, about 5.5 per cent, or $10,918,000, was derived from incomes.

In Germany the Imperial Government does not impose an income tax, but, as a rule, each State does.

The first income tax in the United States was contained in section 49, act of August 5, 1861. This act was never enforced. The act of July 1, 1862, was the first that ever was the cause of the collection of revenue from incomes in this country. It provided for a tax of 3 per cent on incomes above $10,000.

The act of June 30, 1864, increased these duties. The act of March 3, 1865, amending the last act before it became operative, again increased the rates. The act of March 2, 1867, increased the limit of exemption. The act of July 4, 1870, still further increased this exemption and lowered the rate of duty. These income-tax laws expired December 31, 1871. A joint resolution of July 4, 1864, imposed an additional and special tax on incomes over $600 of 5 per cent for the year ending December 31, 1864. The total collection under these laws was $346,967,338.

Senate Miscellaneous Document No. 232, Fifty-third Congress, second session, contains the answer of the Bureau of Statistics, under date of April 3, 1894, to Hon. D. B. Hill, covering an estimate of revenue that would be derived under the income tax as provided in the Senate measure. This estimate was from $12,000,000 to $30,000,000, or, as a single estimate, something less than $15,000,000. This proved to be about one-half of the actual figures, as estimated from full returns by the Commissioner of Internal Revenue. This answer also contains some explanation of the British and German system of income tax.

POSITION OF PARTIES.

The platform of the Democratic Party in 1896 contained the following:

We favor an income tax as part of our revenue system, and we urge the submission of a constitutional amendment specifically authorizing Congress to levy and collect a tax upon individual and corporate incomes, to the end that wealth may bear its proportionate share of the burdens of the Federal Government.

That the same general considerations has at all times actuated the Democratic Party in its efforts to make the income tax a part of the fiscal policy of the Government is testified to by the Journal of Political Economy (vol. 3, p. 322), wherein it is said:

The principal considerations now have been presented which led the Democratic Party to partially abandon taxes upon consumption; as has been stated, it was asserted that taxes falling exclusively upon consumption were bound by their very nature to be unequal. From this position it follows as a matter of course that a system which would impose heavy duties upon the so-called revenue articles would be regarded as even more unjust. The strong desire to relieve from taxation the articles of general consumption induced the Democratic Party, in the face of all its traditions, to resort to some form of internal taxation. The income tax was adopted because it was believed that it would in some degree bring about justice in taxation, and by its imposition it was hoped to compel wealth to contribute its proper portion of the maintenance of the Federal Government.

In the last presidential campaign President Taft defined his attitude in these words:

The Democratic platform demands two constitutional amendments—one providing for an income tax and the other for the election of Senators by the people. In my judgment, an amendment to the Constitution for an income tax is not necessary.

I believe that an income tax, when the protective system of customs and the internal-revenue tax shall not furnish income enough for governmental needs, can and should be devised which, under the decisions of the Supreme Court, will conform to the Constitution.

That he was forced to take this position by the rising tide of public sentiment can not be doubted, because his party platform was silent on the subject, while the attitude and record of the Democratic Party on the income tax has been as thus shown. But in the Sixty-first Congress all the leaders and the entire stalwart element in the Republican Party were lined up in opposition to the proposed constitutional amendment then passed. And if we may judge by the opposition now presented to the pending bill, that party is to-day as much opposed to an income tax as it was in 1894, when in its campaign textbook its congressional campaign committee denounced the principle of an income tax as being "hateful taxation," and also as being "communism, pure and simple."

In 1909, immediately upon his inauguration, President Taft summoned Congress to meet in extraordinary session for the purpose of revising the tariff downward, as he had declared to be his policy during the campaign. When the promised tariff bill was introduced, the same being the Payne-Aldrich bill, it provided for a Federal inheritance tax. That bill passed the House. The Senate, controlled by a Republican majority, substituted for the inheritance tax a 2 per cent tax on the net incomes of corporations after having defeated what was known as the Bailey-Cummins amendment to the tariff bill, providing for a general income-tax law.

The Republican majority did not dare go before the country with that record. So it substituted the corporation tax.

INCOME-TAX LAW NECESSARY.

An income tax as a permanent fiscal policy of our Government has been seriously objected to by many, but that at times during the Nation's history it has been a necessity can not be denied. That it is a present necessity, if there is to be a substantial reduction of tariff duties, can not be successfully disputed. And it is equally apparent that occasions may arise hereafter when it must be resorted to to save the existence of the Republic. Either that or forced exactions, in some other form, to meet the exigencies of a war or other crises.

It is true that in the Pollock case the court held the statute there involved to be unconstitutional. But it does not follow by any means that the decision then made forever settles the question that no valid income tax can ever be imposed, though the absence of the power may at some future time imperil the very life of the Nation. It is true theoretically that we might have an income tax apportioned among the States according to statistics of the census, but that is generally conceded to be impossible in practice.

It would be impossible to more forcibly portray the consequences of finally acquiescing in the income-tax decision than in the language of Mr. Justice Harlan in that case. After an unanswerable criticism of the views of the majority, he said:

In my judgment—to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government—this decision may well excite the gravest apprehensions. It strikes at the very foundations of national authority, in that it denies to the General Government a power which is, or may become, vital to the very existence and preservation of the Union in a national emergency, such as that of war with a great commercial nation, during which the collection of all duties upon imports will cease or be materially diminished. It tends to reestablish that condition of hopelessness in which Congress found itself during the period of the Articles of Confederation, when it was without authority by laws operating directly upon individuals, to lay and collect, through its own agents, taxes sufficient to pay the debts and defray the expenses of government, but was dependent, in all such matters, upon the good will of the States and their promptness in meeting requisitions made upon them by Congress.

Why do I say that the decision just rendered imparts or menaces the national authority? The reason is so apparent that it needs only to be stated. In its practical operation this decision withdraws from national taxation not only all incomes derived from real estate but tangible personal property, "invested personal property, bonds, stocks, investments of all kinds," and the income that may be derived from such property. This results from the fact that by the decision of the court all such personal property and all incomes from real estate and personal property are placed beyond national taxation otherwise than by apportionment among the States on the basis simply of population. No such apportionment can possibly be made without doing gross injustice to the many for the benefit of the favored few in particular States. Any attempt upon the part of Congress to apportion among the States, upon the basis simply of their population, taxation of personal property or of incomes would tend to arouse such indignation among the freemen of America that it would never be repeated. When, therefore, this court adjudges, as it does now adjudge, that Congress can not impose a duty or tax upon personal property or upon incomes arising either from rents of real estate or from personal property, including invested personal property, bonds, stocks, and investments of all kinds, except by apportioning the sum to be so raised among the States according to population, it practically decides that, without an amendment of the Constitution—two-thirds of both Houses of Congress and three-fourths of the States concurring—such property and incomes can never be made to contribute to the support of the National Government.

It was stated by the Chief Justice, delivering the opinion for the majority in the Pollock case, that Congress if it saw fit might impose a constitutional income tax, making an apportionment of the amount needed or required among the States. In future discussions of the subject the suggestion will doubtless be reiterated; and I deem it appropriate to call attention to its absurdity and the gross injustice which would result from the enforcement of such a statute.

In the same case where the suggestion was made, Mr. Justice Brown, one of the dissenting justices, said:

By the census of 1890 the population of the United States was 62,622,250. Suppose Congress desired to raise by an income tax the same number of dollars, or the equivalent of $1 of each inhabitant. Under this system of apportionment, Massachusetts would pay $2,238,943. South Carolina would pay $1,151,149. Massachusetts has, however, $2,803,645,447 of property with which to pay it, or $1,252 per capita, while South Carolina has but $400,911,303 of property, or $348 to each inhabitant. Assuming that the same amount of property in each State represents a corresponding amount of income, each inhabitant of South Carolina would pay in proportion to his means three and one-half times as much as each inhabitant of Massachusetts. By the same course of reasoning, Mississippi, with a valuation of $352 per capita, would pay four times as much as Rhode Island, with a valuation of $1,459 per capita. North Carolina, with a valuation of $362 per capita, would pay about four times as much in proportion to her means as New York, with a valuation of $1,430 per capita; while Maine, with a per capita valuation of $740, would pay about twice as much. Alabama, with a valuation of $412, would pay nearly three times as much as Pennsylvania, with a valuation of $1,177 per capita. In fact, there are scarcely two States that would pay the same amount in proportion to their ability to pay.

If the States should adopt a similar system of taxation, and allot the amount to be raised among the different cities and towns, or among the different wards of the same cities, in proportion to their population, the result would be so monstrous that the entire public would cry out against it. Indeed, reduced to its last analysis, it imposes the same tax upon the laborer that it does upon the millionaire.

Justices Harlan, Jackson, and White dissented from the same suggestion with similar emphasis.

JUSTICE OF INCOME TAX.

When the question of how necessary revenues are to be raised is to be considered certain fundamental principles ought to govern. First among these is the rule of equality; not that equality which controls in political matters, but equality according to privileges enjoyed with respect to property and industry under and benefits conferred by government. According to this rule, a per capita tax would be very unequal and therefore very unjust. And a tax upon consumption has some of the same features of inequality. The latter has the same discriminating features against the poor and in favor of the rich as the former. And yet few people would object to a tax on consumption strictly for revenue purposes.

A tax on incomes is substantially one measured by privilege enjoyed and governmental protection afforded, and therefore conforms to the rule of equality. Nor would it infringe the rule, nor would it be any answer to the argument in support of an income tax laid by the Federal Government if its imposition were additional to a similar tax imposed by any particular State.

After discussing the importance of the principle of equality in taxation, Mr. Justice Harlan, in the Pollock case, said:

But this is not all. The decision now made may provoke a contest in this country from which the American people would have been spared if the court had not overturned its former adjudications and had adhered to the principles of taxation under which our Government, following the repeated adjudications of this court, has always been administered. Thoughtful, conservative men have uniformly held that the Government could not be safely administered except upon prin-

ciples of right, justice, and equality—without discrimination against any part of the people because of their owning or not owning visible property, or because of their having or not having incomes from bonds and stock. But, by its present construction of the Constitution, the court, for the first time in all its history, declares that our Government has been so framed that, in matters of taxation for its support and maintenance, those who have incomes derived from the renting of real estate or from the leasing or using of tangible personal property, or who owned invested personal property, bonds, stocks, and investments of whatever kind, have privileges that can not be accorded to those having incomes derived from the labor of their hands, or the exercise of their skill, or the use of their brains. Let me illustrate this: In the large cities or financial centers of the country there are persons deriving enormous incomes from the renting of houses that have been erected, not to be occupied by the owner, but for the sole purpose of being rented. Near by are other persons, trusts, combinations, and corporations possessing vast quantities of personal property, including bonds and stocks of railroads, telegraph, mining, telephone, banking, coal, oil, gas, and sugar-refining corporations from which millions upon millions of income are regularly derived. In the same neighborhood are others who own neither real estate, nor invested personal property, nor bonds, nor stocks of any kind, and whose entire income arises from the skill and industry displayed by them in particular callings, trades, or professions, or from the labor of their hands or the use of their brains. And it is now the law, as this day declared, that under the Constitution, however urgent may be the needs of the Government, however sorely the administration in power may be pressed to meet the moneyed obligations of the Nation, Congress can not tax the personal property of the country, nor the income arising either from real estate or from invested personal property, except by a tax apportioned among the States, on the basis of their population, while it may compel the merchant, the artisan, the workman, the artist, the author, the lawyer, the physician, even the minister of the Gospel, no one of whom happens to own real estate, invested personal property, stocks, or bonds, to contribute directly from their respective earnings, gains, and profits, and, under the rule of uniformity or equality, for the support of the Government.

Speaking many years ago upon the scheme of Federal taxation, Senator John Sherman, from his place in the Senate, said:

While the expenses of National Government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means. That is not true. Everyone can see that the consumption of the rich does not bear the same relation to the consumption of the poor that the income of the one does to the wages of the other. * * * As wealth accumulates this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

In view of the recent popular demand and proceedings in Congress his words were indeed prophetic.

And upon one occasion Senator Morton said in the Senate:

The income tax, of all others, is the most equitable because it is the truest measure that has been found of the productive property of the country.

Speaking of the obligation to contribute in taxes in proportion to benefits, Benjamin Harrison, on a memorable occasion, said:

I want to emphasize, if I can, the thought that the preservation of this principle of a proportionate contribution, according to the true value of what each man has, to the public expenditures is essential to the maintenance of our free institutions and of peace and good order in our communities.

While there is nothing in the works of Alexander Hamilton directly in advocacy of an income tax, yet we find much in support of its basic principle. For instance, as one of counsel for the Government in the Hylton case, he advocated the tax there involved upon the same principle that we now advocate the income tax.

In an article on the income tax in the Outlook of March 2, 1907, contributed by Philip S. Post (p. 503), it is said:

In the earliest times taxation lacked equality. A tax was either a gift regulated by the generosity and loyalty of the members of the clan or an extortion limited only by the power and rapacity of the ruler. Through the rude equity of the poll tax, falling alike upon every male subject, by successive stages more equitable standards have been reached until there is now a general acceptance of the maxim that income is the most equitable test by which to measure the amount that the citizen ought to contribute to the support of the Government that shelters him. To arrange a system of taxation which shall correspond as closely as possible to the net revenue of individuals and social classes, and which shall take into account the variations in tax-paying ability, has thus become the demand of modern civilization.

Further along he says:

The tax is in this regard the protector of legitimate business. The prediction has been ventured that its substitution for the usual property taxes would save many a man from bankruptcy. Unlike license taxes, it does not make it difficult for the man of small capital to begin business; unlike the personal tax, it does not levy toll upon a stock of merchandise from which, because of financial depression, the owner is, perhaps, deriving no profits; unlike the real-estate tax, it does not increase the rent charge of every store and factory, whether succeeding or failing. The tax on incomes wisely and mercifully regards the present ability of the taxpayer, relieving him in adversity and participating in his prosperity.

The income tax has the further claim of reaching certain professional classes who, under existing laws, largely escape taxation. Their gains are great; they live comfortably and even luxuriously; they provide for their families by life insurance or other untaxed investments; yet they contribute not to the State under whose protection they thrive. This, it is said, is a financial injustice to the other classes who do pay, and, more, it is harmful to the Commonwealth itself. It creates a group of persons—often well educated, with opportunities for information and leisure for public service—who, because they pay nothing to the State, become indifferent to the duties of citizenship. They feel no direct monetary concern in the business of the State. They disdainfully disavow any interest in politics. Whatever contribution they make is the result of indirect taxation, and this is paid unconsciously. The exact amount contributed by any citizen because of the internal revenue and customs duties is unknown and unascertainable. There would be a social and political value to the country in a Federal tax under which every citizen would consciously pay a definite sum. Such payment would induce a more careful scrutiny into civic affairs, and would tend to awaken that direct and universal interest in public administration which is the safeguard of democratic government. This would be followed by more orderly methods of business on the part of individuals. Men would keep stricter accounts. They would know how they stand themselves, and financial failures due to ignorance and lack of method would be lessened.

A general tax levied upon the net income of individuals has this great recommendation: It has no tendency to disturb prices. In this it differs from certain taxes, which, being laid on consumption, influence prices and affect markets and values. It is contended that all such taxes fall most heavily upon the poor; that whenever the levy is made, not on the basis of the amount received but on the basis of the amount consumed by the taxpayer and his family, it is a scheme of taxation which, of necessity, rests with disproportionate weight upon the masses of the people; and that this flagrant injustice to the poorer class of contributors can be compensated for only by an income tax in which small incomes shall be entirely exempt.

Among the able economic writers who have advocated an income tax I will mention Richard T. Ely, professor of political economy in Wisconsin University, and Prof. Robert Ellis Thompson, who says in his work on political economy:

The most modern, and theoretically the fairest form of taxation, is the income tax. It seems to make everyone contribute to the wants of the State in proportion to the revenue he enjoys under its protection. While falling equally upon all, it occasions no change in the distribution of capital or in the material direction of industry and has no influence on prices. No other is so cheaply assessed or collected. No other brings home to the people so forcibly the fact that it is to their interest to insist upon a wise economy of the national revenue.

OBJECTION TO INQUISITORIAL FEATURE.

Then objection is made to the inquisitional feature of such a law. With as much reason might the opposition object to all tariff duties and to all taxation upon property, because a diligent and searching inquisition is a common feature of all. Few, except wealthy tax dodgers, have ever heretofore opposed tax laws upon this ground, and when that objection is interposed, it indicates, not that there is anything inherently wrong in a diligent search for the subject of taxation or liability of the person searched, but rather that the objector would like to shirk his duty to pay the tax entirely.

None of these objections are now made for the first time. The same plutocratic classes, having during the whole past of the Nation's history enjoyed practical immunity from Federal taxation, and seeking to escape their proper and just proportion in the future, have made the same arguments and brought forward the same objections every time the subject was up for discussion and at every stage of the controversy. And I will, in default of words of my own choosing to fully convey my answers, quote from the tongues and pens of others. John Sherman, of Ohio, speaking on the subject of an income tax in the Senate in 1871 and answering the objection that it was inquisitorial, said:

They say it is inquisitorial. Well, sir, there never was a tax in the world that was not inquisitorial. There never was so just a tax levied as the income tax. The least inquisitorial of all is the income tax. There is no objection that can be urged against the income tax that I can not point to in every tax. * * * Writers on political economy as well as our own sentiments of what is just and right teach us that a man ought to pay taxes according to his income.

And Senator Morton, of Indiana, said upon one occasion from his place in the Senate:

State taxation in Indiana, and I undertake to say in every other State in the Union, has in it every inquisitorial feature that the income tax has.

Benjamin Harrison, after retiring from the Presidency, said in a great speech in Chicago:

If, for mere statistical purposes, we may ask the head of the family whether there are any idiots in his household and enforce an answer by court process, we may surely, for revenue purposes, require a detailed list of his securities. The men who have wealth must not hide it from the taxgatherer and flaunt it on the street.

The plea of business privacy has been overdone. President Taft evidently takes no stock in it, or he would never have favored the corporation tax, one of whose avowed purposes is to ascertain what every corporation in the country, big and little, is doing.

OBJECTION THAT IT DEPRIVES STATES OF SOURCES OF REVENUE.

An income tax is also objected to on the ground that its imposition would deprive the States of free recourse to subjects of taxation. That this is merely an appeal to local prejudice and far fetched need only to be mentioned to be clearly seen. No one ever dreamed of taxing the income of a State; therefore the States, as such, have no interest in the matter. No tax was ever laid that did not ultimately come out of the pockets of individuals. That is as true of a corporation tax as of others. No matter how much tax the Federal Government collects, no matter what its form, it is first subtracted before the taxing power of the State attaches, because by the very words of the Constitution Federal laws constitutionally enacted are supreme.

There is therefore no question here of an apportionment of the subjects of taxation, but which I mean the things to be taxed, between the General Government and the States. This objection, then, is purely captious and a substitute for argument.

OBJECTION AS TEMPTATION TO PUBLIC EXTRAVAGANCE.

Another argument heard against an income tax is that the opening up of this additional source of revenue will lead to greater extravagance in public expenditures. But I know of nothing so well calculated to arouse public sentiment in favor of economy in governmental affairs as the placing a part of the burden which they have not heretofore felt upon the wealthier classes, who have greatest influence in controlling and shaping legislative as well as administrative policy. It would be vain to expect a decrease in public expenditures in the immediate future if the Republican Party is to be in power. Especially is this true when we consider that increases of both the Navy and Army are parts of the settled policy of the present administration, to say nothing of other ambitious projects. And if taxation is to increase, the argument for placing part of the burden on the previously untaxed rich through an income tax becomes all the stronger. It would take part of the burden which is now almost the same, whether a man be worth $500 or $500,000,000, and compel it to be borne by all in proportion to ability to pay. Perhaps the clamor for a big Navy and a big Army by the administration, in order to rival European nations which have real need for them, would become less persistent when the financiers desiring protection for their operations in Luzon, in China, and South American countries find that they must pay some of the cost.

OBJECTION TO THE MEASURE AS BEING SECTIONAL.

The objection was urged by an eminent lawyer from New York that an income tax would place greater burdens upon some sections than upon others. Many answers to that objection occur to me. Did anyone ever hear of a tax on wealth being collected elsewhere than where the wealth was located or from persons that could not be found? If incomes are greater in New England and in New York than in other parts of the country, we merely carry out the fundamental principle of all income-tax laws in compelling them to pay their greater proportionate part. Nor should the fact be overlooked that where these great fortunes are not the result of manipulating the produce and stock markets, they have been gathered largely through exactions imposed upon the South and West under cover of special privileges granted by law, among which may be mentioned protective tariffs and corporate franchises. These exactions have been laid upon the people of other sections in the form of high prices for manufactured products and excessive fares and freights for transportation. But the learned gentleman who advanced that objection could not have intended to speak for his whole constituency. There may be greater incomes in his part of the country that would be subject to the tax than elsewhere, but they are not more numerous. A greater percentage of the people of New York and New England would be exempt because of small incomes than in any portion of the country.

OBJECTION TO EXEMPTION AND FAILURE TO DISCRIMINATE.

It was objected to the Bailey-Cummins income-tax bill in 1909 that its exemption—$5,000—was too high, and the same objection is now made to the pending bill.

It was also objected that no distinction was made between earned and unearned incomes. This objection comes from a strange source; that is to say, it was first urged by representatives of those who live upon unearned incomes, by which is meant interest upon investments, claiming that a distinction should be made in favor of those whose incomes are received as the result of continuous efforts, physical or mental. But conceding that it is made in good faith, it is entirely inconsistent with the objection that the exemption is too high. Without dwelling upon the point, I would tax any and every one upon the excess over the exemption, no matter what the source of income. Any man earning by industry over $5,000 a year would be willing to be taxed upon the excess, and in fact very few so fortunately situated could be found to object.

OBJECTION BASED ON TENDENCY TO PROMOTE FALSE SWEARING.

The income tax is also objected to on the specious ground that it will offer an inducement to those sought to be charged to commit perjury. This was very strenuously urged against the income-tax bill in 1894 by Mr. Andrew Carnegie, for instance, who since he retired from direct control of highly protected industry with a great fortune has given a great deal of advice on public morality to the country of his adoption. But this objection simply leads to this: That the Government, having power to pass laws, will not be able to secure obedience to them after enactment. The objection, however is without force. Unless our men of wealth transfer their investments to other countries, their concealment for any considerable period will be impossible. The imminency of discovery and prosecution will have a strong deterrent effect in most cases. A few successful prosecutions under penal clauses properly framed will soon put an end to the practice of false swearing. With all classes and avocations paying a proportionate share, with the tax merely supplementing and not displacing other forms of taxation, the percentage taken to total income will be so small and the justice of the impost will be so soon recognized that shirking and false swearing will be not only unpopular but rare and dangerous. I feel that all predictors of failure or even of weakness from difficulty of enforcement will turn out to have been false prophets. I discredit the sincerity or judgment of those who without proof or experience have set down a large percentage of their fellow citizens as liars and perjurers.

It must be admitted that men left free from any form of compulsion have very elastic consciences in dealing with the assessor. But this argues nothing against the income tax on this score. Should we abandon all forms of taxation and allow all governments, National, State, county, and municipal, to come to an end because of the difficulty of reaching property subject to taxation?

OBJECTION OF UNCONSTITUTIONALITY—IT MAY CONTAIN THE EXEMPTIONS AND BE GRADED.

Aside from the general question whether an income tax is constitutional—that is to say, whether it is a direct tax, which must be apportioned among the States according to population, or is in the nature of an excise, requiring no apportionment—was until recently the question whether a statute imposing it may be graded and contain exceptions or exemptions. That question was raised in the Pollock case, but the decision was based upon broader grounds, so that the above question was not reached. The statute of 1898, however, imposing a tax of 5 per cent on gross receipts of persons and corporations engaged in refining oil, and upon those refining sugar exempted gross receipts up to $250,000, and the court, in the Spreckels case, found no fault with the exemption. That feature of an income tax, therefore, requires no argument in support of its constitutionality.

The question of the power of Congress to grade an income tax is, however, a slightly, but not substantially, different question. The principle upholding an exemption also upholds the increase of the tax as the income increases.

As such power has never been directly passed upon by the courts, I am constrained to cite nonjudicial, but eminent, authority on the point.

The principal objection heretofore urged to these features of such a statute was that it lacked the uniformity specified in the Constitution as a requisite for imposts, duties, and excises. I will first refer, without quoting, to an able article in the Yale Law Journal for February, 1900 (p. 164), by William B. Bosley, entitled the "Constitutional requirement of uniformity in duties, imposts, and excises."

Mr. Justice Samuel F. Miller delivered a lecture on the Constitution, in the course of which he said:

> A tax is uniform within the meaning of the constitutional requirement if it is made to bear the same percentage over all the United States. * * * When they (the statutes) use the words "taxes must be uniform," they mean uniform with regard to the subject of the tax; * * * that is, different articles may be taxed at different amounts, provided that the rate is uniform on the same class everywhere, with all people, and at all times.

Surely it will not be disputed that Congress, having the power to fix different percentages of taxation for different classes, may make its own classification—that is, can say that those incomes below a certain sum shall be exempt (as decided in the Spreckels case), and that incomes above that figure shall pay different percentages, increasing as their amounts increase.

OBJECTION BASED ON ALLEGED UNCONSTITUTIONALITY BECAUSE DIRECT TAXATION.

I have shown what Mr. Taft thought of the feasibility of enacting a constitutional statute on the subject, notwithstanding the decision in the Pollock case. Since he is now the official head of his party and is at all times considered as representative of the best talent in the legal profession, I need not encumber the RECORD with quotations from other nonjudicial personages on the same point. But inasmuch as he felt free to doubt the infallibility of the court, I am emboldened to examine and briefly discuss the decision itself and, perhaps, to take issue with the views of the majority of the judges.

Something has been said in debate—and much more may be expected—about the inadvisability of following up the adverse decision of the court with the presentation before it of the

same issue, and President Taft, who did not hesitate to criticize the decision in speeches to mass meetings while a candidate, subsequently hinted in a message to Congress that to do so would be "indelicate."

Others have fancied that such an enactment would be followed by a clamorous and noisy campaign of criticism of the court on the one side and of defense of its decision on the other, in which politicians and newspapers would participate with much heat and earnestness, as a result of which the sensibilities of the justices might be shocked. In answer to all this I would say that they need pay no attention to the passage of such a statute, and would have much less justification for reading, hearing, or heeding what politicians and others would say in heated discussion on the subject prior to the regular and orderly presentation before them of a case arising under the statute. Such has been the history and practice of the court, and no evidence is furnished that it has changed.

The doubts of the soundness of the conclusion reached by the court by which the income-tax law of 1894 was declared unconstitutional is so general among lawyers and men in public life that a desire to pass a new act of the same kind and resubmit the question for final settlement would alone justify the enactment of a new act. Such criticisms and doubts have been expressed, not only by the ablest Democrats, but by official leaders of the Republican Party. Thus President Taft, in his letter of acceptance, said:

In my judgment, an amendment to the Constitution for an income tax is not necessary. I believe that an income tax, when the protective system of customs and the internal-revenue tax shall not furnish income enough for governmental needs, can and should be devised which, under the decisions of the Supreme Court, will conform to the Constitution.

And I quote from the message of President Roosevelt to Congress, dated December 3, 1907, not because of any value that I attach to it as the expression of a legal opinion, but because it may well be received as a reflection of the leading thought of the country and of the prevailing opinions of his legal advisers. After pointing out the relative merits of different forms of taxation, he said:

Whenever we, as a people, undertake to remodel our taxation system along the lines suggested, we must make it clear beyond peradventure that our aim is to distribute the burden of supporting the Government more equitably than at present; that we intend to treat rich man and poor man on a basis of absolute equality; and that we regard it as equally fatal to true democracy to do or permit injustice to the one as to do or permit injustice to the other. The question in its essence is the question of the proper adjustment of the burden to the tax. As the law now stands it is undoubtedly difficult to devise an income tax which will be constitutional. But whether it is absolutely impossible is another question; and if possible, it is most certainly desirable.

From 1796, when the question first arose in the Hylton case, and it was held that the term "direct taxes" included only a capitation (poll) and land taxes, there was complete, undeviating uniformity in the decisions to that effect. The rule was declared, time and again, in conformity to the prior rulings of the court and in accord with public opinion in and outside official life crystallized in various statutes going into and remaining in operation until they were repealed or expired by their own limitations. So the decision in the Pollock case was well calculated to startle and alarm the whole country, as it actually did.

It is not my purpose to review all the authorities; but the logic and effect of decisions since the Pollock case have, without professing to do so, gone to the same logical extent in overthrowing its doctrine as it had gone in overruling the court's previous decision.

By an act of Congress of June 5, 1794, specific rates of duty were laid "upon all carriages for the conveyance of persons that should be kept by or for any person for his use, or to be let out to hire, or for the carrying of passengers." The case of Hylton *v.* United States (3 Dall., 171), decided in 1796, distinctly presented the question whether the duties laid upon carriages by that act was a direct tax within the meaning of the Constitution. If it should be held as a tax of that character, there could be no doubt that the statute was unconstitutional, since it made no provision for an apportionment among the States on the basis of population. It can not be amiss to note the language of the court in that case.

Mr. Justice Chase said:

As it was incumbent of the plaintiff's counsel in error, so they took great pains to prove that the tax on carriages was a direct tax; but they did not satisfy my mind. I think, at least, it may be doubted, and if I only doubted I should affirm the judgment of the circuit court. The deliberate decision of the National Legislature (which did not consider a tax on carriages a direct tax, but thought it was within the descriptions of a duty) could determine me, if the case was doubtful, to receive the construction of the legislature. But I am inclined to think that a tax on carriages is not a direct tax within the letter or meaning of the Constitution. The great object of the Constitution was to give Congress a power to lay taxes adequate to the exigencies of government; but they were to observe two rules in imposing them, namely, the rule of uniformity when they laid duties, imposts, or excises, and the rule of apportionment according to the census when they laid any direct tax. The Constitution evidently contemplated no taxes as direct taxes, but only such as Congress would lay in proportion to the census. The rule of apportionment is only to be adopted in such cases where it can reasonably apply, and the subject taxed must ever determine the application of the rule. If it is proposed to tax any specific article by the rule of apportionment, and it would evidently create great inequality and injustice, it is unreasonable to say that the Constitution intended such tax should be laid by that rule. It appears to me that a tax on carriages can not be laid by the rule of apportionment, and it would evidently create great inequality and injustice. For example, suppose two States, equal in census, to pay $80,000 each by a tax on carriages of $8 on every carriage, and in one State there are 100 carriages and in the other 1,000. The owners of carriages in one State would pay ten times the tax of owners in the other. A in one State would pay for his carriage $8, but B, in the other State, would pay for his carriage $80. I think an annual tax on carriages for the conveyance of persons may be considered as within the power granted to Congress to lay duties. The term duty is the most comprehensive next to the general term tax, and practically in Great Britain (whence we take our general ideas of taxes, duties, imposts, excises, customs, etc.) embraces taxes on stamps, tolls for passage, etc., and is not confined to taxes on importation only. I am inclined to think—but of this I do not give a judicial opinion—that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax simply, without regard to property, profession, or any other circumstance, and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term "direct tax."

And the other justices who delivered opinions were equally explicit to the same effect. Mr. Justice Iredell, in the course of an able and elaborate concurring opinion, said:

As all direct taxes must be apportioned, it is evident that the Constitution contemplated none as direct but such as could be apportioned. If this can not be apportioned, it is, therefore, not a direct tax in the sense of the Constitution.

I have already shown the folly and extreme hardships that would attend an apportionment of an income tax according to numbers. Justice Iredell had something to say on that point, too:

Such an arbitrary method of taxing different States differently is a suggestion altogether new, and would lead, if practiced, to such dangerous consequences that it will require very powerful arguments to show that that method of taxing would be in any manner compatible with the Constitution, with which at present I deem it utterly irreconcilable, it being altogether destructive of the nation of a common interest, upon which the very principles of the Constitution are founded, so far as the condition of the United States will admit.

In the same opinion the learned justice just quoted said what is self-evident and here peculiarly pertinent:

It is sufficient, on the present occasion, for the court to be satisfied that this is not a direct tax contemplated by the Constitution in order to affirm the present judgment; since if it can not be apportioned it must necessarily be uniform.

Meaning, of course, that it must be within the rule of mere general or geographical uniformity throughout the Nation. As has been shown, an income tax can not be apportioned. It follows that, unless provided for as in the Wilson bill or the Bailey-Cummins bill, in the Sixty-first Congress, there can be no income tax whatever without an amendment of the Constitution.

I shall merely make reference to other statutes and decisions prior to the Pollock case, following and reaffirming the Hylton case.

By acts of Congress passed in 1861 Congress not only laid and apportioned among the States a direct tax of $20,000,000 upon lands, improvements, and dwelling houses, but it provided that there should be levied, collected, and paid upon the annual income of every person residing in the United States, whether such income is derived from any kind of property, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any source whatever, if such annual income exceeds the sum of $800, a tax of "3 per cent on the amount of such excess of each income above $800." The scope and range of objects affected by that statute was greatly enlarged and extended by subsequent amendment. By the act of 1862 the tax was laid upon—

the annual gains, profits, or incomes of every person residing in the United States, whether derived from any kind of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any source whatever.

Among other subsequent statutes containing like provisions may be mentioned those of June 30, 1864, March 3, 1865, March 10, 1866, March 2, 1867, and of July 4, 1870.

I now invite attention to the judicial views and constructions of these statutes and to the scope and effect given by the same court to the decision in the Hylton case.

In the Pacific Insurance Co. *v.* Soule (7 Wall., 433, 446) the point was distinctly made in argument that—

An income tax is, and always heretofore has been, regarded as being a direct tax, as much so as a poll tax or a land tax. If it be a direct tax, then the Constitution is imperative that it shall be apportioned.

Mr. Justice Swayne, delivering the unanimous opinion of the court, adhered to the principles laid down in the Hylton case.

In the course of the opinion he said:

The consequences which would follow the apportionment of the tax in question among the States and Territories of the Union in the manner prescribed by the Constitution must not be overlooked. They are very obvious. Where such corporations are numerous and rich it might be light; where none exist it could not be collected; where they are few and poor it would fall upon them with such weight as to involve annihilation. It can not be supposed that the framers of the Constitution intended that any tax should be apportioned the collection of which on that principle would be attended with such results. The consequences are fatal to the proposition. To the question under consideration it must be answered that the tax to which it relates is not a direct tax, but a duty or excise; that it was obligatory on the plaintiff to pay it.

And, without further incumbering the RECORD with quotations, I will cite Veazie Bank *v.* Fenno (6 Wall., 533, 543, 544, 546), where the principal question was as to a tax upon the bank-note circulation of State banks; Scholey *v.* Rew (23 Wall., 331, 346, 347), where the question whether a duty laid by the act of June 30, 1864, as subsequently amended, upon succession was a direct tax within the meaning of the Constitution; Springer *v.* The United States (102 U. S. Rept., 586, 599, 600, 602), where the whole subject was most thoroughly examined by both court and counsel upon the constitutionality of the act of June 30, 1864, as amended by the act of March 3, 1865, in so far as it levied a duty upon gains, profits, and income derived from every kind of property and from every trade, profession, or employment.

It can not be amiss to call attention to a case of special significance, usually overlooked in discussions of this subject. I refer to the case of Clarke against Sichel, and so forth (reported in 14 Int. Rev. Rec., 6). It was decided by Mr. Justice Strong at circuit, he having participated in the decisions before mentioned, and involved the validity of a tax on income derived from an annuity bequeathed by the will of the plaintiff's husband. The annuity was charged upon his entire estate, real and personal. In deciding the question adversely to the contention that the estate was invalid, the learned justice said:

If it be true, as has been argued, that the income tax is a "capitation or other direct tax" within the meaning of the Constitution, it is undoubtedly prohibited by the first and ninth sections of the first article, for it is not "apportioned among the States." But I am of the opinion that it is not a "capitation or other direct tax" in the sense in which the framers of the Constitution and people of the States who adopted it understood such taxes.

When the fact is recalled that the act of 1864 provided, among other things, that (with certain specified exceptions) a tax should be levied, collected, and paid annually upon the annual gains, profits, or income of every person residing abroad, whether derived from any kind of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, the true significance of this decision by Justice Strong is at once seen.

I will now pass to consideration of decisions rendered subsequently to the Pollock case, and will undertake to show that both these decisions and the views of the court expressed in rendering them are totally inconsistent with those in the Pollock case, and are, in effect, in complete accord with the Hylton case and the other cases before referred to adopting and applying its doctrine.

But first, and I think very properly, I will call attention to the changed personnel of the Supreme Court, as an additional reason for a resubmission of the question. Counting those who participated in the decision in the Hylton case, 21 justices of the Supreme Court, comprising those who have shed most luster upon the jurisprudence of the Nation, have adhered to its doctrine. Among them are included Justices Harlan, White, Jackson, and Brown, who dissented in the Pollock case. One of these, Chief Justice White, is still a member of the court. Of the 5 constituting the majority in that case, none remain. So that the court now consists of not one who held the income-tax act of 1894 unconstitutional, of 1 who held it constitutional, and 8 who never passed upon the question. If the question were again presented in simple form a different conclusion might be reached.

The first case subsequent to the Pollock case to which I will refer is that of Nichol *v.* Ames (173 U. S., 509). I refer to it merely to show that the court went back to and again applied those practical rules for the construction of the clauses of the Constitution conferring the taxing power prevailing up to that time and repudiated the theoretical, economic views which were allowed to control the decision in the Pollock case. The opinion sustaining the validity of the tax was by Mr. Justice Peckham and was concurred in by all the other justices. He expressly repudiated all such theoretical canons of construction, saying:

Taxation is eminently practical, and is, in fact, brought to every man's door; and for the purpose of deciding upon its validity a tax should be regarded in its actual, practical results rather than with reference to theoretical or abstract ideas whose correctness is the subject of dispute and contradiction among those who are experts in the science of political economy.

That he here referred to Adam Smith and other political economists whose theories exercised a controlling influence upon the views of the majority in the Pollock case, rejected in all prior decisions, and strenuously combatted by the dissenting justices in the Pollock case, there appears no room to doubt.

In Knowlton *v.* Moore (178 U. S., 41) the decision was upon the constitutional validity of the portion of the act of 1898 which imposed a tax upon inheritances and legacies. The opinion sustaining the validity of the act in the respect here important was by Mr. Justice White and concurred in by the whole court, Mr. Justice Brewer dissenting only as to the power of Congress to grade such a tax according to the amount passing to the heir or legatee. It is true that some attempt was made to differentiate the case from the Pollock case; but after the most careful reading the question recurs, If Congress has no power to tax the whole of one's receipts from all sources, whence does it derive power to tax the isolated act of receiving a legacy or inheritance. If the rents of land and interest upon money received as income may not be taxed, because of the directness of the impost, upon what principle may a tax be laid, without apportionment according to the census, upon the receipt of the land or the money itself? The decision is, in sound sense and reason, wholly irreconcilable with the income-tax decision, and clearly appears to overrule it, if not in words, at any rate in effect.

The case of Spreckels Refining Co. *v.* McLain (192 U. S., 397) involved a provision of the act of 1898, providing for a tax upon the gross annual receipts in excess of $250,000 of every person, firm, corporation, or company carrying on or doing the business of refining sugar or oil, the amount of the tax to be determined by the returns of business required by the statute. The opinion of the court, by Mr. Justice Harlan, distinguishes between a tax upon the business measured by annual income—for that is what gross annual receipts amounts to—and the aggregate annual receipts of a party. But the court sets up the barren ideality of the taxpayer's business as a subject of taxation and uses that fiction as a basis for holding it to be an excise. Without the fiction, it must have been held an income tax, direct, and therefore unconstitutional, following the doctrine of the Pollock case. Does any distinguishing quality inhere in the term "business"? The court loosely uses the term, making no attempt to define it. No constitution or statute has ever so used the term as to indicate an intention to limit its ordinary and accepted meaning, and to do so is beyond the power of any court.

It is axiomatic that in ascertaining the subject upon which a tax is laid something substantial, or at least representing something valuable or limitable, must be found. The question recurs, What is business? The Great Apostle said, "List ye not that I must be about my Father's business;" and Woolsey said to the King, "It is the business of my life to pray for you." Search the dictionaries, general and legal, and you will find them all agreeing business is anything in the world or above the world that concerns or interests an intelligent creature. Turning to Nichol *v.* Ames, and to many other cases that could be mentioned, we find the court saying that to warrant a privilege being the subject of taxation there must be something to distinguish it from common right; and the court held that the privilege of buying and selling on an established exchange was distinguishable from the common right of buying and selling, agreeing that the common right could not be so taxed. That was a vital point in the case, the turning point.

Within the definition of "business" it is impossible to conceive of an income being received without engaging in business. The very act of receiving it is business; and the irresistible logic of the Spreckels case would support the constitutionality of an act containing the provisions of the pending bill even without the fiction of laying the tax on the business. It is true that the decision of the lower court in the Spreckels case was reversed and remanded for correction, but only upon a point raised upon the construction of the statute, the court considering the judgment of the circuit court of appeals too broad. The court was unanimous in holding the act valid.

In this instance Congress named the gross income—gross annual receipts—of two vocations, both useful, harmless, and helpful, neither deleterious to health nor morality. It might have included by name two score or two thousand. It might in the same way have extended the list to all. Or it might, without naming any, have specified "every conceivable character of business, profession, or occupation." That, with exemptions and gradations, would have been the exact equivalent of an income tax such as that contained in the act of 1894. Are we not, then, fully justified in saying that the doctrine of the Pollock decision has been exploded by these later decisions? It must be so,

unless in the settlement of great constitutional questions more consideration is to be given to mere forms of expression than to matters of substance.

Mr. Chairman, the best thought of the country approves the income tax as the most just tax that can be levied by the Federal Government. The House will approve this excise bill, whereby large incomes will be justly subjected to taxation for public purposes. This measure is in the form of an excise tax, so as to meet the position of a divided Supreme Court in opposition to the income tax. In the Sixty-first Congress the Democrats forced the passage of a resolution proposing an amendment to the Constitution to authorize the Federal Government to impose an income tax without apportionment. A majority of the States have ratified this proposed amendment, and it is not too much to hope that the day is not far distant when the other States necessary will join in this ratification, and when this time shall come the Democratic Party will lift from the consumption of this land a part of the onerous taxation which now oppresses it and lay it where it justly belongs—upon those whose abundant incomes will enable them to pay it without abating even the luxuries which they enjoy. [Applause.]

Hon. Tom L. Johnson on Taxation of Land Values—Public Ownership of Monticello.

EXTENSION OF REMARKS

OF

HON. ROBERT J. BULKLEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. BULKLEY said:

Mr. SPEAKER: In view of the general interest now being manifested in the subject of taxation throughout the country, I desire to take advantage of the privilege of extending my remarks by submitting for the RECORD an extract from a speech by a former Member of this House, the late Hon. Tom L. Johnson, at a gathering of farmers near Akron, Ohio, August 29, 1905, when he was the Democratic candidate for governor of Ohio.

After speaking on the issues in State and county for some half hour Mr. Johnson, as was his custom, called for questions. A venerable gentleman, with long white whiskers, arose and said: "Mr. Speaker, I have a suspicion from what I have read in the papers, that you desire to place all taxes on land. Is this correct?" Some one else in the audience then called out: "Tell us about the single tax." Replying to the elderly man Mr. Johnson said: "Most emphatically, no." He paused for a moment, then continuing, said:

"But if you mean that I have a desire to place all taxes on land values, I answer most decidedly, 'Yes.' If you want to hear about the single tax, I will stay with you and let my tent meeting in the city wait, while I say that if it were not for this idea, called single tax, I would not be here to-night. This is the reason that I am what I am and making the fight which we are now in. A tax on land would be an unjust and iniquitous system, but a tax on land values would be the best and fairest system that the world has ever known. Laws which would bring about the taxation of land values would be of more service to humanity than any legislation ever yet enacted. Farmers are large owners of land, but not of land values. We have land in our city that sells at the rate of $5,000,000 per acre. Have any of your farmers lands as valuable as that? In New York city there is land that sells for $15,000,000 per acre. Is there any land in this neighborhood at that price?

"To answer my friend's question I will relate a little talk I had one day with Congressman Pierson, of Tuscarawas County, when we were in Washington together. Pierson was a farmer and said to me one day: 'Tom, I can not go your single tax; it would be a hardship on the farmers, and they already have more than their share of the burden of taxation.'

"I said: 'Look here, Pierson, if I thought the single tax would increase the farmers' burden I would not stand for it for one minute. In fact, if I did not know it would be the greatest blessing to the farmers and to the workingmen in the city as well, I never would advocate it again. I can show you that the single tax will lighten the farmers' burden as compared with the present method. Let me ask you some questions to see if we can get at the facts in the matter. How much, Mr. Pierson, of the present tax burden do you think the farmers bear?' 'Well,' he answered, 'the farmers constitute over half the population of the United States, and I should say that they pay at least 60 per cent of all taxes.' 'Very well, let's call it 50 per cent to be safe.' 'No, no,' said Pierson, 'that's too low. They pay more than 60 per cent, rather than less.' 'All right; but to be safe, let's call it 50 per cent.'

"'Now, Mr. Pierson, I want you to tell me how much of the value of land the farmers have in the United States? Please take into consideration all the valuable coal lands, the iron, silver, gold, copper, and other valuable mines; the water privileges, the railroads, and their rights of way and terminals, including street railroads, telephones, and telegraphs, for these are built on the most valuable lands; all the gas and electric lighting rights of way built on land of great value; all the city lots, some of which are worth more than a whole county of farming land. I want you to take all these into consideration and then tell me how much of these values in the United States the farmers have.'

"Mr. Pierson replied, 'Well, I should say less than 5 per cent.' I said, 'Call it 10 per cent to be safe.' 'Oh, no, no; that's entirely too high; that's double.' 'Well, we will call it 10 per cent, anyway. Now, don't you see that if the farmers are paying 50 per cent, that if all the taxes were raised by a single tax on land values the farmers, since they have but 10 per cent of these values—you say 5 per cent—would pay less; that their taxes would be reduced five times? That instead of paying one-half, as now, they would under that plan pay but one-tenth?'

"'I declare, Tom, I never looked at it in that light, and I guess you have got me.'

"So, I say to you farmers here to-night, that this single tax, of which I am proud to be an advocate, would be to the overburdened farmers and workingmen the greatest boon, the greatest blessing, the greatest godsend that any country ever knew. I wish you good night."

PUBLIC OWNERSHIP OF MONTICELLO.

In these days of Democratic ascendency there has been awakened in the public mind a new interest in the life and philosophy of Thomas Jefferson. This quickened interest has lately been evidenced by the agitation for the public ownership of Jefferson's homestead at Monticello. In order that we may have in the permanent RECORD a full statement of one who has given this subject a great deal of thought, I [illegible] to submit the statement of Mrs. Martin W. Littleton, of New York, before the Committee on Rules of the House of Representatives on July 24, 1912.

The committee having under consideration Senate concurrent resolution No. 24, Mrs. Littleton said:

"I thank the committee for giving me the privilege of appearing before them to-day on a subject so near my heart. I wish that some other true friend of Jefferson could speak to you in my place. I wish very much that my husband could have appeared before you to-day. However, I take courage from the fact that several times before, when the subject of Monticello has been brought up before Congress, Congress has never refused to grant what was asked. So, even though I present the case very inadequately, I feel bold enough to go on and say what I have to say, feeling assured that what I ask will be granted. I am very sorry that the full committee can not be present to-day. I will not take up much of your time this morning and will not undertake to present all of the matter I have here, but will ask to have it inserted in the record.

"The CHAIRMAN. That privilege will be given you, Mrs. Littleton. The Chair will state that a number of the members of the committee are out of the city. I think six of the members are absent, but I hope several other members will come in later. You can proceed as long as you please with your statement, and can insert whatever documents you wish to have included in the record.

"Mrs. LITTLETON. I thank you for extending me that privilege, Mr. Chairman.

"The first time this matter was brought before Congress was in 1863, when Uriah Levy asked Congress to accept Monticello as a gift to the people of the United States. Congress was prepared to do this and a resolution was offered to accept the gift, when Mr. Harris rose and notified Congress that relatives of Uriah Levy had brought a suit, or were about to bring a suit, to break the will of Uriah Levy, and that if Congress accepted this gift it would accept with it a lawsuit. So nothing was done on that occasion.

"The next time was on April 13, 1878, the anniversary of Thomas Jefferson's birthday, when Mr. 'Sunset' Cox, Representative from New York, asked for an appropriation of $5,000 to renew the monument over Jefferson's grave, the first one placed there having been destroyed. Congress granted that re-

quest for $5,000, but the monument was not erected. There was some discussion over the deeds and titles and over the ownership of the grave, which Mr. LEVY claimed, and the money was finally turned back into the Treasury.

"The next request came four years later, in 1882, on another anniversary of Jefferson's birthday, when Representative Geddes offered a measure providing for an appropriation of $10,000 for the building of a monument. That measure was unanimously passed. This was to replace the monument over Jefferson's grave, which during all these years of lawsuits and neglect had been destroyed. As I have said, that request was granted, and $10,000 were appropriated to build the monument which stands there to-day.

"Now I am coming to you with another request, and the request I am making to-day is a very small one. It is that you pass this resolution or take whatever action is appropriate.

"The CHAIRMAN. You might read the resolution into the record if you wish to do so. I suggest that you read it for the record.

"Mrs. LITTLETON. The resolution is as follows:

"[Senate concurrent resolution 24, Sixty-second Congress second session.]

"IN THE HOUSE OF REPRESENTATIVES.

"JULY 18, 1912.—Referred to the Committee on Rules.

"*Resolved, etc.*, That the President of the Senate be, and is hereby, authorized to appoint a committee of five Members of the Senate, to act in cooperation with a similar committee to be appointed by the Speaker of the House of Representatives, to inquire into the wisdom and ascertain the cost of acquiring Monticello, the home of Thomas Jefferson, as the property of the United States, that it may be preserved for all time in its entirety for the American people.

"Passed the Senate July 17, 1912.

"Attest:

"CHARLES G. BENNETT, *Secretary.*

"The CHAIRMAN. Now, you wish this committee to report that resolution to the House of Representatives, and then you wish the House of Representatives to pass it. That would make it effective, and the committee provided for would be appointed by the respective officers of the House and Senate.

"Mrs. LITTLETON. Yes; that is what I am asking to be done, Mr. HENRY. If you do not object, I will read my remarks on the subject of this resolution. I am not an experienced public speaker, and am a little bit nervous.

"The CHARMAN. You can consult your own pleasure and convenience in that regard, Mrs. Littleton.

"Mrs. LITTLETON. When I came to Washington a few months ago I was surprised to find that in this city of history and outdoor monuments there was no memorial in honor of Thomas Jefferson. I was surprised because, though Jefferson did many things which entitled him to recognition, he did one supreme thing that no man ever did do or ever can do again, and that thing was being the author of the Declaration of American Independence. It made him almost a divine exception to the general run of mankind. But if I thought I had to convince this committee of the important achievements of Thomas Jefferson which entitle him and his memory to the lasting gratitude of our country I should stop here and now and surrender my task as hopeless.

"It was he who had faith in man. It was he who fought for a new government, founded upon the belief that all men were equal. It was he who builded an asylum for the oppressed of all nations. It was he who had the laws of primogeniture and entail abolished and made the young son equal to the elder brother. It was he who caused the separation of church and state and made it possible for all men to profess their religious belief without fear of oppression, whether Protestant, Catholic, or Jew. It was he who spoke the first words in behalf of the freedom of the negroes before any other American statesman; and if his bill, the 'Ordinance of the Northwestern Territory,' prohibiting slavery after 1800, had passed our great Civil War might never have been fought. He drew the bill establishing our present system of coinage and currency on the decimal basis. Without sword, and with only his pen, he took over from Napoleon Bonaparte, for the United States, the great Southwestern Territory, known as the Louisiana Purchase, and he took over also the Northwestern Territory of Oregon. Everyone knows that the last work his hands found to do, when he was an old, old man, was to inaugurate and build a great university for Virginia—the first real university in America. He believed that in a representative democracy education and intellectual freedom was necessary. He created and wrote five great state papers from which Americans have learned their lesson of freedom, the sublimest one of all he wrote being the Declaration of American Independence.

"You know he gave eight years in the unremitting service in the greatest office which his country could offer. And at the end of eight years of service the whole people held out their hands in universal greeting as he retired to Monticello after more than half a century of public service. When he started in the public service he was a rich man. When he left, after more than 60 years, he was a poor man. Subscriptions were taken up for him, his home sold, and his grave is now a thing neglected and bandied about, without ownership or one to do it honor. It might almost as well rest in foreign territory. It is a neglected spot, a shame and a disgrace to this country, which prizes above all things the freedom and liberty which he procured for them.

"This is but a brief reference to the things which he did for our country's growth, but you all know this so much better than I and are in some sense living the life he lived and rendering the services he rendered, I shall ask you to let me pass to the particular subject in hand and tell you, if I can, the exact story of Monticello, which I am sure this country wishes and ought to take to itself. I can not speak of Jefferson without speaking of Monticello and without speaking of George Washington and Mount Vernon. They are in my mind together—one the man of the sword, the other the man of the pen. And the two mountains—Mount Vernon and Monticello ('little mountain')—in whose bosoms there now rest these two precious possessions of our Nation. George Washington has a place in all history above neglect or envy. But Thomas Jefferson stands apart.

"While one with his sword carved out a nation and procured liberty for us, the other with his pen carved out a nation and procured human liberty for us. And they both worked together and gave us this beautiful Capital City. In the heart of it a grateful Nation has erected a monument to the memory of one of them. But, I say, in all this city of glorious marble and trees there is not an outdoor monument or shaft erected in honor of the other one. There are monuments to Edward Gallaudet, George Washington, Gen. Jackson, Lafayette, Rochambeau, Gen. Sherman, Gen. Scott, Daniel Webster, Gen. McPherson, Hahnemann, Gen. Thomas, Martin Luther, Gen. McClellan, Gen. Sheridan, Admiral Dupont, Admiral Farragut, Gen. Logan, Gen. Hancock, Gen. Rawlins, Benjamin Franklin, John Witherspoon, H. W. Longfellow, Dr. Joseph Henry, Dr. Samuel Gross, Louis J. M. Daguerre, Dr. Benjamin Rush, Frederick the Great, John Marshall, the Peace Monument, President Garfield, Gen. Grant, Emancipation statue, Abraham Lincoln, Albert Pike, Gen. Greene, Alexander Sheppard, Gen. von Steuben, Christopher Columbus, Pulaski, Kosciuszko, John Paul Jones, Maj. B. F. Stevenson, and the statue of Freedom.

"Jefferson did many, many things which entitle him to our recognition. While the memories of the deeds of most men fade with years, the deeds of Thomas Jefferson grow brighter with time, and as the world becomes more and more enlightened he is more and more beloved. The signing of the treaty of cession of Louisiana was the vastest single forward step of progress in the story of man. Without loss of blood, by peaceful negotiations, more than 1,000,000 square miles of territory were won from the domain of European powers and brought within the jurisdiction of the young Republic—and out of this territory have been carved all these great States: Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming, Indian Territory, Oklahoma. With the addition of Oregon, comprising many more States, Jefferson carved out a real republic, more than doubling the area already a part of the United States.

"But out of all these States whose creation he made possible not one is named after him. It is time all this neglect were atoned for, and it is a disgrace that under the shadows of this Capitol his grave should be neglected.

"We have no Westminster Abbey in America, instead we have two treasure houses—one, Mount Vernon, which, through the Mount Vernon Ladies' Association of the Union, has become a nation's shrine. John Augustine Washington surrendered the mausoleum, house, and grounds for a national memorial, as a sacred trust for the public, as the Lee family and the Jackson family patriotically surrendered their historic houses as national memorials. George Washington's tomb is now carefully protected and guarded against vandal hands and his house protected against fire. The other treasure house is Monticello, and I can think of no memorial to Thomas Jefferson more beautiful, more just, more dignified than that Monticello, which he loved so much, should, like Mount Vernon, belong to the Nation. It is a sacred place, and not one of national but of international importance.

"Pilgrimage to Monticello began more than a century ago. During the lifetime of Jefferson, in the years of his retirement, the leading men turned to Monticello. His home was the place toward which steps were constantly turned. Pilgrimages to Monticello did not cease with the death of Jefferson.

"Many people of all races and creeds continue to journey there. And we hope now that Monticello, which sheltered Thomas Jefferson, his home in life, as it is now his home in death, should become forever a shrine—a place set apart—where our children and our children's children may go to learn lessons of history and freedom. It is too sacred a trust to be left in the care of one individual.

"The home of Jefferson is the natural inheritance of the whole people, and can not fittingly rest in the exclusive ownership of one individual. The right to go to and from his grave belongs to the unnumbered generations, and the right can not be narrowed down to the rights of one individual whose proprietorship rests upon a naked purchase. However much this proprietor may venerate the memory of Mr. Jefferson and rejoice in the ownership of his old home, he should not appropriate to himself, even in this spirit of veneration, that which is common to every human being in the Republic; and no doubt Mr. LEVY would do his part toward the public ownership of Monticello, thereby honoring his ancestor, who believed it should belong to the people, and thereby respecting the memory of the author of the Declaration of American Independence. Monticello can never be known except wholly and solely as the home of Thomas Jefferson, and I believe there is no widespread interest to have it known as a memorial to Commodore Uriah P. Levy, whose family have immortalized him in these words:

"The father and author of the abolition of corporal punishment in the United States Navy.

"The service which Mr. Jefferson gave to his country while he was living was great, but the fruits of his labor are ever growing and ever ripening in the minds and hearts of each generation, and he is thus attached more and more, year after year, to all mankind. And this shrine must be preserved for them, opened to them, ever kindling new hopes, ever awakening new aspirations. The practical safety from destruction may be well assured in the hands of an individual, but such a place, incapable of reproduction, should not be used as a summer home, but should be absolutely guaranteed against loss, by fire or otherwise, under the vigilant eye and in the affectionate solicitude of the whole Nation.

"It may be by will or by the laws of descent continued as a personal exhibit by a proud proprietor, but its future position as a historical place, rich with illustrious names, should not be left to the kindly disposition of fate. No man living to-day in our country, whatever his fortune, station, or prestige, can fill the ample setting laboriously erected by the genius of Jefferson.

"As the property of the Nation Monticello would house the grateful affection of all who made their offerings over its threshold. As the property of any individual it can not be saved from the grotesque. Social life may enliven its corridors, rich with history. Banquets may make it brilliant with its assemblage of welcome guests. All that wealth and luxury can summon to its open doors may serve to drive away the melancholy silence which serves to speak of Jefferson's last pinched days; but none of these things, nor all of these things, can fittingly inhabit or fully occupy the memory of the man who wrote the Declaration of American Independence.

"The gift of Monticello to the Nation would be the most glorious monument possible to the memory of Thomas Jefferson.

"The resolution before the committee calls for an inquiry as to the advisability of the Government purchasing Monticello. In order that we may understand what we are dealing with, let me acquaint you with the actual history of this place known as Monticello. It is a lost story; the facts concerning it are scarcely known. Many books and magazines mention the home of Mr. Jefferson, but few writers have taken the trouble or made the research necessary to tell the whole story or the truth concerning it. The story begins 177 years ago. It is not ended yet.

"Monticello came into the hands of the Jefferson family by grant in 1735 and remained in their possession till two weeks after Mr. Jefferson's death, July 4, 1826—91 years in all. Then it fell into the hands of strangers. Dr. Barclay owned it a few years; then it fell into the Levys' hands, and there it has remained these last years—a little over 70 in all, but not long enough for it ever to be considered a memorial to anyone except Thomas Jefferson, and I hope no one would have the temerity to suggest or insist upon its being a memorial to any other person or family, however distinguished they may be. Even though Commodore Levy initiated the movement to abolish flogging in the Navy, and even though, since his death, some of his relatives are buried at Monticello, I am certain the world could never come to regard Monticello in any other way than as the home and burial place of Thomas Jefferson.

"In order to present you these few facts, it was necessary to consult old records; some in the State Department, some in the Congressional RECORDS, some in the Congressional Library, some in the newspapers of olden times, and some in papers recorded in the State of Virginia. Some information I gathered from a book called 'Monticello and Its Preservation,' presented to the Congressional Library with the compliments of Mr. J. M. LEVY.

"In 1735 Col. Peter Jefferson, father of Thomas Jefferson, obtained patents for large tracts of land lying contiguous to each other—on River Rivanna—1,000 acres in all. Afterwards he purchased 900 acres more.

"In 1738 he married Jane Randolph and brought her to his home, which he named Shadwell. Five years later—April 13, 1743—his third son was born and named Thomas Jefferson.

"Col. Peter Jefferson died in 1757, when Thomas Jefferson was 14 years old. On the day Thomas Jefferson came of age he planted an avenue of trees, and at the present time all that remains to tell of his birthplace are a few of these old, battered, decayed locust and sycamore trees.

"Two miles from Shadwell was an isolated mountain 580 feet high, which he afterwards named Monticello ('little mountain'). The land was valued at not more than $2 per acre.

"In 1770 Shadwell was burned; but already Jefferson had chosen Monticello as a site for his future home, and for some time men had been employed chopping and clearing on the summit, and in the spring he had an orchard planted on its slopes, and immediately he began the construction of Monticello. What a piece of work it was to build such an abode. It was the first one in America worthy of occupation by civilized beings in which art, taste, and utility were united. What a piece of work to place such an abode upon the summit of his little mountain, with no architect but himself, few workmen but slaves, no landscape gardener, no models to copy, trees felled, timber hewn, the nails wrought, vehicles constructed, laborers trained on the scene of operation. He had to send for his window sash to London. Nothing but the coarsest, roughest work could go on in his absence. And often the work stood still for weeks, months, and years while he was in public service. This, in his entry book:

"Choose out for a burial place some unfrequented vale in the park where there is no sound to break the stillness but the brook that, bubbling, winds among the weeds; no mark of any human shape that has been there, unless the skeleton of some poor wretch who sought that place out to despair and die in.

"On New Year's day of 1772 he married Martha Skelton, a childless widow. Shadwell having been destroyed by fire, he took her to the new and unfinished home, Monticello.

"In 1774 Martha Jefferson was born. Later five other children were born. During these years Thomas Jefferson was a thriving young lawyer and able to increase his estate 5,000 acres more and to make further additions to Monticello. Mr. Jefferson planted trees, erected sawmills, gristmill, a nail factory, and blacksmith shop.

"In June, 1776, Mr. Jefferson began to write the draft of our independence, and July 4, 1776, on Thursday, the paper was signed, and on July 8 it was read publicly for the first time in every square and in every city of the United States.

"The deed was done:

"A people not formed for empire ceased to be imperial.

"In 1781 British cavalry entered Monticello. Tarlton gave orders that nothing in the house should be injured or removed. Afterwards Monticello was visited by Marquis de Chastellux. 'Mr. Jefferson,' wrote the marquis, 'is the first American who has consulted the fine arts to know how he should shelter himself from the weather.'

"In a letter dated March 3, 1912, Senator LODGE writes:

"I can agree with you fully as to his great ability and his service in the Revolution when he placed our cause before the world. There is one side of Jefferson to which you allude and which is too often overlooked, and that is his love of art and architecture in a country when they were hardly known. In them and in his love of books and science and with his inquiring mind he was ahead of the society in which he lived and did a great deal to enlighten us when we needed it.

"In 1797 the Duke of Liancourt visited Monticello. I want you to have a picture of Monticello in your minds, so I will read his description. [Shows picture.]

"Monticello is situated 8 miles from Milton, in that chain of mountains which stretches from James River to Rappahannock, 28 miles in front of the Blue Ridge, and in a direction parallel to those mountains. This chain, which runs uninterrupted in its small extent, assumes successively the names of the West, South, and Green Mountains.

"It is in the part known by the name of the South Mountains that Monticello is situated. The house stands on the summit of the mountain, and the taste and arts of Europe have been consulted in the formation of its plan. Mr. Jefferson had commenced its construction before the American Revolution. Since that epoch his

life has been constantly engaged in public affairs, and he has not been able to complete the execution of the whole extent of the project which it seems he had at first conceived. That part of the building which was finished has suffered from the suspension of the work, and Mr. Jefferson, who two years since resumed the habits and leisure of private life, is now employed in repairing the damage occasioned by this interruption and still more by his absence. He continues his original plan, and even improves on it, by giving to his buildings more elevation and extent. He intends that they shall consist only of one story, crowned with balustrades, and a dome is to be constructed in the center of the structure. The apartments will be large and convenient, the decoration both outside and inside simple, yet regular and elegant. Monticello, according to its first plan, was infinitely superior to all other houses in America in point of taste and convenience, but at that time Mr. Jefferson had studied taste and the fine arts in books only. His travels in Europe have supplied him with models. He has appropriated them to his design, and his new plan, the execution of which is already much advanced, will be accomplished before the end of next year, and then his house will certainly deserve to be ranked with the most pleasant mansions in France and England.

"Mr. Jefferson's house commands one of the most extensive prospects you can meet with. On the east side, the front of the building, the eye is not checked by any object, since the mountain on which the house is seated commands all the neighboring heights as far as the Chesapeake. The Atlantic might be seen, were it not for the greatness of the distance, which renders that prospect impossible. On the right and left the eye commands the extensive valley that separates the Green, South, and West Mountains from the Blue Ridge, and has no other bounds but these high mountains, of which, on a clear day, you discern the chain on the right upward of a hundred miles, far beyond James River; and on the left as far as Maryland, on the other side of the Potomac. Through some intervals formed by the irregular summits of the Blue Mountains, you discover the Peaked Ridge, a chain of mountains placed between the Blue and North Mountains, another more distant ridge. But in the back part the prospect is soon interrupted by a mountain more elevated than that on which the house is seated. The bounds of the view on this point, at so small a distance, form a pleasant resting place, as the immensity of the prospect it enjoys is perhaps already too vast. A considerable number of cultivated fields, houses, and barns enliven and variegate the extensive landscape, still more embellished by the beautiful and diversified forms of mountains, in the whole chain of which not one resembles another.

"March 4, 1801, Jefferson was inaugurated President, the first ceremony of the kind the Capital had ever seen, the simplest and most democratic in form, that it was ever destined to see, and in 1802 Monticello was completed, after 30 years' work.

"A few months before his retirement from the Presidency, in 1809, it occurred to Mr. Jefferson to look into his affairs and see how he was coming out on the 4th of March. To his consternation and horror he found there would be a most serious deficit.

"After the war he had relieved himself of his most pressing embarrassments by selling part of his estate, and now he found that it was necessary to sell that other part of his estate which was the most precious to him and most especially his own—his library—the result of 60 years' affectionate search and selection. He offered it to Congress to supply the place of their Library, burnt by the British August 24, 1814, when the Library, the two wings of the Capitol, and the White House and other public buildings were burned. He received from the Government $23,000, about half the value of the real worth of his books. But even this money did not relieve his embarrassment, and at the end of 60 years of public service he was a poor man, weighed down under a load of debt, and the remaining 17 years of his life he spent in retirement at Monticello. During that time his home was constantly overflowing with guests, who, it is said, literally ate him out of house and home.

"Many foreigners of distinction felt their American experience incomplete until they had paid a pilgrimage to the author of the Declaration of American Independence.

"At the close of his life the founding of the University of Virginia was the chief subject of his thoughts and chief object of his labors.

"About this time Lieut. Hall, of the British Army, visited Monticello, and he wrote:

"I slept a night at Monticello, and left it in the morning with such a feeling as the traveler quits the moldering remains of a Grecian temple or the pilgrims a fountain in the desert. It would, indeed, argue a great torpor, both of understanding and heart, to have looked without veneration or interest on the man who drew up the Declaration of American Independence, who shared in the councils by which her freedom was established, whom the unbought voice of his fellow citizens called to the exercise of a dignity from which his own moderation impelled him when such an example was most salutary to withdraw, and who, while he dedicates the evening of his glorious days to the pursuits of science and literature, shuns none of the humbler duties of private life, but, having a seat higher than that of kings, succeeds with graceful dignity to that of the good neighbor and becomes the friendly adviser, lawyer, physician, and even gardener of his vicinity. This is the still small voice of philosophy, deeper and holier than the lightnings and earthquakes which have preceded it. What monarch would venture thus to exhibit himself in the nakedness of his humanity? On what royal brow would the laurel replace the diadem? But they who are born and educated to be kings are not expected to be philosophers. This is a just answer, though no great compliment, either to the governors or the governed.

"In 1824 Daniel Webster and Lafayette visited Monticello; in 1825 the Duke of Saxe-Weimar came, and many other distinguished people.

Mr. Jefferson's affairs did not mend, times were hard, ruin faced him, land could not be sold. Consequently he petitioned the legislature to allow him to dispose of some of his farms by lottery, as was frequently done when money was to be raised for a public object. In the meantime it had been noised abroad, all over the Union, that the author of the Declaration of Independence was about to lose that far-famed Monticello, with which his name had been associated in the minds of two generations as a Mecca to people of all lands.

"A feeling arose in all liberal minds that this must not be; and during the year 1826 subscriptions were made for his relief in several places. Philip Hone, mayor of New York, raised without an effort $8,500. Philadelphia sent $5,000, and Baltimore $3,000, and Mr. Jefferson's last days were solaced by the belief that the subscriptions would suffice to free his estate from debt and secure home and independence to his daughter Martha. He was proud to be the object of the liberality of his countrymen. He said, 'It is the pure and unsolicited offering of love.' Shortly after this he wrote the following letter to his friend, Mr. Madison:

"You will have seen in the newspapers some proceedings in the legislature which have cost me much mortification. Still, sales at a fair price would leave me competently provided. Had crops and prices for several years been such as to maintain a steady competition of substantial bidders at market, all would have been safe. But the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business under levies for the support of manufacturers, etc., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the Western States by silently breaking up those on the Atlantic and glutted the land market while it drew off its bidders. In such a state of things property has lost its character of being a resource for debts.

"Highland in Bedford which, in the days of our plethory, sold readily for from $50 to $100 the acre (and such sales were many then) would not now sell for more than $10 to $20, or one-quarter or one-fifth of its former price. Reflecting on these things, the practice occurred to me of selling on fair valuation and by way of lottery—often resorted to before the Revolution to effect large sales, and still in constant usage in every State for individual as well as corporation purposes. If it is permitted in my case my lands here alone, with the mills, etc., will pay everything and will leave me Monticello and a farm free. If refused, I must sell everything here, perhaps considerably in Bedford, move thither with my family, where I have not even a log hut to put my head into [the house of Poplar Forest had passed out of his possession], and where ground for burial will depend on the depredations which, under the form of sales, shall have been committed on my property.

"The question, then, with me was utrum horum. But why afflict you with these details? Indeed, I can not tell, unless pains are lessened by communication with a friend. The friendship which has existed between us now half a century and the harmony of our political principles and pursuits have been sources of constant happiness to me through that long period. And if I remove beyond the reach of attentions to the university or beyond the bourne of life itself, as soon I must, it is a comfort to leave that institution under your care and an assurance that it will not be wanting. It has also been a great solace to me to believe that you are engaged in vindicating to posterity the course we have pursued for preserving to them in all their purity the blessings of self-government which we had assisted, too, in acquiring for them. If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it—one which, protected by truth, can never know reproach—it is that to which our lives have been devoted. To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections.

"Later, on June 24, 1826, he wrote a long letter in reply to an invitation to attend the fiftieth celebration of the Fourth of July at Washington. He wrote:

"All eyes are opened, or opening, to the rights of man; the general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born with saddles on their backs, nor a famed few, booted and spurred, ready to ride them legitimately, by the grace of God.

"When this letter was read the whole Nation was in tears; celebrations of July the Fourth were turned into deepest mourning, for he died that morning—July 4, 1826—upon the fiftieth anniversary of the day he had done so much to make immortal; and on the day of his death there was found written on the torn back of an old letter, in his own handwriting, the following directions for his monument and inscription:

"On a grave, a plain die or cube of 3 feet, without any moldings, surmounted by an obelisk of 6 feet height, each of a single stone; on the face of the obelisk the following inscription, and not a word more:

"Here was buried
"Thomas Jefferson,
"Author of the
"Declaration of American Independence,
"Of the statute of Virginia,
"Religious freedom,
"And father of the University of Virginia.

"Because of these as testimonials that I have lived I wish most to be remembered. It to be of the coarse stone of which my columns are made, that no one may be tempted hereafter to destroy it for the value of the materials. My bust, by Carracchi, with the pedestal and truncated column on which it stands, might be given to the university, if they would place it in the dome room of the rotunda.

"His remains were placed in the family burial ground, near the summit of Monticello, 600 or 700 feet from the house, on the spot selected nearly 70 years before by himself, and under an oak tree which now stands above him, dead and without a leaf.

"By his will, written in his own handwriting, which is now in the county clerk's office of Charlottesville, he devised Monticello farm to his daughter, Martha Randolph.

He died believing that there was enough money to pay his debts and to take care of his only child—Martha—but in two weeks' time all his property had to be advertised for sale at lottery, which in those days was the usual custom, in order to pay pressing notes and to supply the daily needs of his only surviving child. I thought it might be of interest to the committee to see the old newspapers of that day, which give an account of Mr. Jefferson's death. I have here a copy of the Herald, of Alexandria, Va., of July 11, 1826, containing the announcement of Mr. Jefferson's death, and in the issue of the same paper of July 28 is the advertisement of the lottery for the sale of Monticello, which was advertised as being worth $71,000 and containing 409 acres. This account states that the value had been underestimated by mistake by $14,000. Later the lottery was withdrawn. They expected these subscriptions from New York and other cities to be large enough to pay the debts and also to retain Monticello. But after paying the debts there was not enough money left for this purpose, and in November, 1831, Thomas J. Randolph and Martha Randolph, their heirs, executors, and administrators, sold to James T. Barclay for the sum of $7,000 a tract of land forming a part of the tract of 552 acres commonly known by the name of Monticello, which constituted a portion of the land of which Thomas Jefferson died possessed, and which by his will he had devised to his daughter, Martha Randolph, subject to the payment of his debts. It was found necessary in order to pay his debts to sell the land, and I show you a copy of the deed, in which you will notice the clause reserving to the heirs of Thomas Jefferson the family graveyard and full access to the same.

"I have a copy of the Barclay deed, in which there is a clause reserving the Jefferson family burial ground to his descendants.

"I brought this book with me to show the value of Monticello at the time of Jefferson's death. This book contains a file of the Alexandria Herald, a newspaper of that time. You will find in this paper an announcement of Jefferson's death, printed on Tuesday morning, July 11, 1826. They were slow in getting the news in those days. The place is offered for sale here in this paper, and on August 28 it is advertised for sale at lottery. It appears in several papers, and there is a description of the property and the price, giving the value of the property at the time of Jefferson's death as $71,000, for about 500 acres of land. Of course, at the time of his death the property was at its best and had its highest value.

"Mr. FOSTER. Do you say there was a reservation of the cemetery in the deed?

"Mrs. LITTLETON. Yes, sir; there was a clause in the deed reserving the cemetery to the descendants of Thomas Jefferson. When they sold the place they had this reservation made in the deed.

"The CHAIRMAN. I think it would be a good idea to insert an extract from the deed in the record. Of course, it will not be necessary to insert the formal portions of the deed.

"Mrs. LITTLETON. I will insert just enough to show the dates and the reservation of the family burial grounds.

"Albemarle County court. Randolph to Barclay.

"This indenture, made this 1st day of November, 1831, between Thomas J. Randolph and Martha Randolph, of the county of Albemarle and State of Virginia, of the one part, and James T. Barclay, of the county and State aforesaid, of the other part witnesseth that for and in consideration of the sum of $7,000 they, the said Thomas J. Randolph and Martha Randolph, have granted, bargained, aliened, and confirmed and by these presents do grant, bargain, alien, and confirm to the said James S. Barclay a certain tract or parcel of land lying, etc. * * * The parties reserve to themselves the family graveyard, with free access to the same.

"THOMAS J. RANDOLPH. [SEAL.]
"MARTHA RANDOLPH. [SEAL.]

"Witnessed and admitted to record.
"Attest. "IRA GARRETT, *C. C.*

"In the spring of 1834 Uriah Levy went to Virginia to purchase Monticello, then in possession of James T. Barclay, who desired to sell it. It is said a friend of the family named Allen journeyed to New York, Boston, and Washington in an endeavor to raise the amount necessary to purchase Monticello, with the intention of restoring the property to the daughter of Thomas Jefferson. In the meantime Uriah Levy journeyed from New York in his coach and postillions and made private proposals for the purchase of Monticello for the sum of $2,700 for the house and 250 acres. After his purchase there arose a dispute between him and Barclay about the acreage, which was valued at $5 per acre, and about certain effects in the house; that is, valuable mirrors and an extraordinary clock, which had been reserved and which Uriah Levy had manifested a great desire to obtain. These disputes kept Monticello in the courts till the spring of 1836. I have the report of the lawsuit from the circuit superior court, and here I have a copy of all the court proceedings.

"In the deed book of Albemarle County we read that an indenture was made on the 20th day of May, 1836, between James T. Barclay and Julia Ann, his wife, of the first part, and Uriah P. Levy, of the second part, for and in consideration of $2,700 of lawful money of the United States paid to them by Uriah Levy, sold and conveyed to Uriah Levy, Monticello and 218 acres. Two hundred dollars was subtracted from that amount on account of dispute about acreage, clocks, mirrors, etc., with the result that Uriah Levy paid $2,500 for Monticello and 218 acres of land.

"During Uriah Levy's lifetime Monticello was confiscated by the Confederacy. He said that the act of confiscation was nothing—in a few months the triumph of the Union Armies would restore him his property, and that it was his intention to leave that property to the State of Virginia for educational purposes. This information I gathered from old newspapers.

"On March 22, 1862, Commodore Uriah P. Levy died at his home in St. Marks Place, N. Y.—that is about 50 years ago—and before dying he made a will to secure Monticello to the people of the United States; and he wrote that should the Government refuse the bequest, then he willed it to the people of the State of Virginia; and should they decline to accept the bequest, then he gave the same to certain Hebrew congregations in the cities of New York, Philadelphia, and Richmond. In the last item of his will he directed his executors to hold the whole of the property until proper steps could be taken by Congress or the Legislature of Virginia or the Hebrew congregations to receive the same.

"Part of this will I found is in the reports of New York Court of Appeals, volume 33, page 97, and in Barbour's Reports, page 40. And here is the will:

"Uriah P. Levy, the testator, died in the city of New York, where he was domiciled, in March, 1862, leaving surviving a widow, brothers and sisters, nephews and nieces, his heirs at law, and next of kin. He died seized of real estate in the city of New York of the value of $200,000, and his personal property was inventoried at $131,000. He also was the owner of a farm at Monticello, in Virginia, containing between 2,000 and 3,000 acres (formerly the residence of President Jefferson), and another estate, called the Washington farm, of about 1,100 acres, with the farming implements, cattle, etc., on both properties.

"By his will, after other provisions, the testator devised his farm and estate at Monticello, together with the residue of his estate, real and personal, "to the people of the United States, or such persons as Congress shall appoint to receive it, in trust, for the sole and only purpose of establishing and maintaining at said farm of Monticello, in Virginia, an agriculture school for the purpose of educating as practical farmers children of the warrant officers of the United States Navy, whose fathers are dead," etc. But should the Congress of the United States refuse to accept the bequest or to take the necessary steps to carry out the testator's intention, then he devised the same "to the people of the State of Virginia, instead of the people of the United States, provided they, by acts of their legislature, accept it and carry it out as herein directed." And should the people of Virginia, by the neglect of their legislature, decline to accept the said bequest, then he gave the same to certain Hebrew congregations in the cities of New York, Philadelphia, and Richmond, "provided they procure the necessary legislation to entitle them to hold said estate and to establish an agriculture school at said Monticello for the children of said societies who are between the ages of 12 and 16 years and whose fathers are dead, and also similar children of any other denomination, Hebrew or Christian."

"Idem: I direct my executors, hereinafter named, or such of them as shall qualify, to invest the funds as fast as they accumulate, and to hold the whole of the property and estate hereby devised and bequeathed for said school and in their hands until the proper steps have been taken by Congress, or the Legislature of Virginia, or the said Hebrew Benevolent Congregation to receive the same and discharge said executors.

"Lastly, I appoint the Hon. Benjamin F. Butler, David V. S. Coddington, Asbel S. Levy, Esq., and Joseph H. Patten, Esq., counselor at law in the city of New York; Dr. Joshua Cohen, and Jacob I. Cohen, his brother, of Baltimore; George Carr, Esq., attorney at law, Charlottesville, Va.; and Dr. John B. Blacke, of Washington City, executors of this my said will and testament and trustees of said estate, and in case of the death of either of my executors or trustees or their relinquishment or inability to act, I direct that the remaining qualified executors or trustees act without them.

"Uriah P. Levy died March 22, 1862. His will was admitted to probate June 9, 1862. The executors qualified June 12, 1862. Resolution (S. Res. 137) was introduced in Congress and concurred in by both Houses on March 3, 1863, the last day of the session. In the Congressional Globe of that date we read:

"Mr. FESSENDEN. I wish to introduce a joint resolution to which nobody will object; it will explain itself on being read. It is very necessary to pass it immediately.

"By unanimous consent leave was given to introduce the joint resolution (S. Res. 137) in relation to the property devised to the people of the United States by Capt. Uriah P. Levy, deceased, and it was read the first time.

"It proposes to accept the devise and bequest of Capt. Levy of his Monticello farm in Virginia and his real estate in New York City in trust, to establish and maintain at Monticello an agriculture school for the education of the children of warrant officers of the Navy, and to appoint William M. Evarts, Erastus Corning, and Lewis B. Woodruff, of New York, to receive the property and report their proceedings to the next Congress.

"Mr. FESSENDEN. It will be observed that this will bequeath a considerable amount of property—it is said to amount to about $300,000, including an estate at Monticello and a considerable estate in the city

of New York—to the Government of the United States. The whole amount bequeathed, I am told, will reach that sum. The only question is whether Congress will accept it for the purposes therein named. It is for the consideration of Congress. I understand that if the United States refused to accept it, then it is devised to the State of Virginia; and if they refuse to accept it, then to somebody else.

"Mr. HARRIS. We must accept a lawsuit with it. I understand the heirs are contesting the validity of the will.

"Mr. FESSENDEN. I submit it to the consideration of the Senate.

"Mr. LATHAM. I should like to inquire of the Senator from Maine whether there is any limitation as to the time within which the bequest must be accepted?

"Mr. FESSENDEN. All I know about it is precisely what appears in the resolution itself. It was brought into the committee by the district attorney of New York. We had no time to examine it. He said to me that it was believed the estate devised would amount to about $300,000. I was not aware that there was any litigation about it.

"Mr. COLLAMER. I understand that the form of the devise is this: The property is given first to the United States; if not accepted by them, then to the State of Virginia; and so on. I suppose that under such a devise the United States ought to manifest their intention to receive it in some reasonable time. I will ask how long it is since the man died? I do not know, but I think it is within a short time.

"Mr. GRIMES. About a year, I think.

"Mr. COLLAMER. It seems to me that Congress should, at the earliest session after being informed of the fact, manifest its willingness to receive the devise or not. Perhaps it might be construed by the courts as rejecting it if they did not accept it at the first session after they were informed of the fact. Perhaps not, however. I give no opinion on that point. My idea would be that we had better accept it at any rate.

"Mr. HARRIS. The Senate, in action upon this resolution, ought to understand the precise position of the property in question. The heirs of Capt. Levy have already commenced suit in equity for the purpose of having this will declared void. That suit is now pending in the courts of New York, and if the Government accept this donation undoubtedly we shall have to take with it a severe litigation in the courts of New York in reference to it. I have no objection at all to accepting it, but it should be understood that the matter is to be litigated, and will be litigated, with great severity by the heirs of Capt. Levy.

"Mr. DOOLITTLE. I suppose this would be the rule. It is for us to determine whether to accept it, and we ought to have a reasonable time for that purpose. For the first time this morning, as I understand, it is brought to the attention of the Committee on Finance and presented to the Senate. Now, if we should, under these circumstances, lay it over until the next session of Congress, it could not be said that we were asking any unreasonable time.

"While the joint resolution in relation to the property devised to the people of the United States by Commodore Levy was still pending, and in less than a year, before the United States could take steps to accept or refuse the devise, though Commodore Levy had plainly directed in his will that his executors hold the whole property and estate devised and bequeathed in their hands until proper steps could be taken by Congress to receive the same and discharge the executors, the executors of the will, it seems, brought action "to obtain a judicial construction of the testator's will," and to construe its meaning. The case went to the court, and there it was decided on the technical ground of "indefiniteness," in New York general term, November 30, 1863, that Uriah P. Levy's wish, which was solemnly written in his will, must go for nothing, and the outcome of it was that Monticello came into the possession of J. M. LEVY, instead of the people of the United States, to whom it had been left in trust.

"It was splendid and patriotic of Uriah P. Levy to wish the people of the United States to own Monticello, with its associations and historic interest, and to do all he could to bring it about. He probably remembered how an Englishman named James Smithson had bequeathed his estate to the United States of America to found an establishment for the increase and diffusion of knowledge among men.

"Before willing the people of the United States Monticello, he wrote this letter to the House of Representatives. I find in the Senate report of the Forty-third Congress this correspondence:

"WASHINGTON, *March 23, 1834.*

"To the House of Representatives of the United States:

"I beg leave to present, through you, to my fellow citizens of the United States a colossal bronze statue of Thomas Jefferson, author of the Declaration of our Independence.

"This statue was executed under my eye, in Paris, by the celebrated David and Honoré Genon, and much admired for its likeness to the great original, as well as the plain republican simplicity of the whole design.

"It is with pride and satisfaction I am enabled to offer this tribute of my regard to the people of the United States, through their Representatives, and I am sure such disposition will be made of it as best corresponds with the character of the illustrious author of the Declaration of our Independence and the profound veneration with which his memory is cherished by the American people. With profound respect, I have the honor to be,

"Your obedient and very humble servant,

"U. P. LEVY,
"Lieutenant in the United States Navy.

"It appears that the letter of Lieut. Levy was communicated to both Houses of Congress, and the Vice President laid before the Senate the copy he had received March 24, 1834, which was referred to the Joint Committee on the Library.

"On May 6, 1834, Mr. Robbins, from the Joint Committee on the Library, made the following report:

"That they have received from Lieut. Levy the statue, and recommend that it be placed in the center of the square in the eastern front of the Capitol.

"In fulfillment, also, of their sense of duty they have addressed to Lieut Levy a letter of acknowledgments, a copy of which they submit to the Senate as part of their report, with a view that the same be spread upon its journals.

"CITY OF WASHINGTON, *March 27, 1834.*

"DEAR SIR: I have been instructed by the joint committee of the two Houses of Congress to express to you their thanks for the present you have made to the people of the United States in the colossal bronze statue of Thomas Jefferson. It is every way fit and proper that the statue of the author of the Declaration of American Independence should find a place at its Capitol. This would doubtlessly, sooner or later, have been ordered by the Representatives of the States and the people. You, sir, have only anticipated their action, and have manifested in so doing a devotion to the principles contained in that celebrated instrument equally felt by all classes of your fellow citizens.

"I have the honor to be, with sentiments of great respect,

"Your most obedient servant,

"ASHER ROBBINS, *Chairman.*

"URIAH P. LEVY, Esq.,
"Lieutenant, United States Navy.

"The Senate proceeded, May 13, 1834, to consider the report of the Joint Library Committee on the letter of Lieut. Levy, presenting the statue of Jefferson; and

"*Resolved*, That the Senate concur therein.

"It would appear from this examination of the subject that the object of Lieut. Levy could have been none other than liberal and patriotic; that Congress through the action of its Joint Committee on the Library, accepted the statue, and by letter communicated thanks and a respectful acknowledgment to Lieut. Levy; that the Senate proceeded on May 13, 1834, to consider the report of the Joint Committee on the Library, made May 6, 1834, accepting the statue and recommending that it be placed in the center of the square in the eastern front of the Capitol; that the House passed a joint resolution June 27, 1834, soon after the donation had been made, directing the statue to be placed in the square east of the Capitol.

"Forty years later, when the Levy family were trying to recover Monticello, the Committee on Public Buildings and Grounds received from James P. Levy, brother of the late commodore, the following letter, viz:

"WASHINGTON, D. C., *February 16, 1874.*

"SIR: Some 40 years ago my brother, then Capt. Uriah P. Levy, of the United States Navy, at a great expense to himself, while in Paris, had models of a statue of Thomas Jefferson made, and upon a satisfactory one being executed by the then sculptor David, he had cast the present statue out of bronze, etc., of Jefferson. He afterwards shipped it to New York with the model, that being bronze. This latter my brother presented to the city authorities, who accepted it and placed it in his excellency the governor's room, where it now stands as an emblem of his patriotism. The authorities of the city voted to him (my brother) the freedom of the city and presented him with a gold snuffbox, the statue being such a striking likeness to the great statesman and so pronounced by the best critics of that date.

"My brother then had the present bronze statue brought to this city of Washington, at his own expense, and it was placed in the center of the Rotunda of the Capitol (where it should have remained), and presented to the Congress of that date. Objections were made by Congress to receiving a present from an officer of the United States Navy, and, consequently, the statue was removed from the Capitol and, by permission of President Polk, placed in the President's grounds in the north front, where it remained until quite recently.

"The resolution lately presented by Hon. Charles Sumner, United States Senator, for the preservation of said statue, suggests to me the propriety of requesting of you, as chairman of your committee, that as the statue has never been properly received by Congress you will please have offered a resolution to that effect. There can not now be any objection to receiving it upon the grounds formerly made; besides, I desire to honor the name of Jefferson and the memory of the would-be donor, who was a meritorious officer of the United States Navy for 50 years, and at his death the owner of Monticello, Va., the home of Jefferson, the same being now held by heirs. In this connection may I add that quite an interest is now felt for anything which could or would affect the memory of the sage of Monticello, Va., that great man, Thomas Jefferson, and the memory of my brother, the late Commodore Uriah P. Levy, the father and author of the abolition of corporal punishment in the United States Navy.

"If the statue is not accepted by Congress, I have to request, as one of the heirs to the said property and its recent owner, that the statue may be turned over to us with as little delay as possible and in as good condition as it now appears in. Besides, it being the only thing at the National Capitol, except the Declaration of Independence, which we have to perpetuate the memory of the great statesman, we will preserve it, that it may bring to generations to come the memory of the great man of our great and glorious Union.

"I have the honor to subscribe myself, with high esteem,

"Yours, truly, JONAS P. LEVY.

"Hon. JUSTIN S. MORRILL,
"Chairman of Committee on Public Buildings and Grounds,
"United States Senate, Washington, D. C.

"Your committee therefore recommended the adoption of the following resolution:

"Whereas it appears the late Commodore Uriah P. Levy, while a lieutenant of the United States Navy, in 1834, procured in Paris a bronze statue of Jefferson, by the celebrated sculptor David, which was presented by him through Congress to his fellow citizens of the United States, and to which attention is now called by his brother, Jonas P. Levy, who requests that the statue, if not accepted by Congress, shall be returned to the late Commodore Levy: Therefore be it

"Resolved, etc., That the bronze statue, presented in 1834 by Lieut. Uriah P. Levy, of the United States Navy, of Thomas Jefferson, be accepted with grateful appreciation, and that the officer in charge of public buildings and grounds be directed to properly prepare and place the same in the National Statuary Hall of the Capitol.

"March 23, 1834, Uriah Levy presented a bronze statue of Thomas Jefferson to his fellow citizens of the United States in a letter addressed to the House of Representatives of the United States.

"March 27, 1834, it appears that Congress, through its joint Committee on the Library, accepted the statue, and by letter of Asher Robbins, chairman, communicated thanks and a respectful acknowledgment to Lieut. Levy, and recommended that the statue be placed in the center of the square in the eastern front of the Capitol.

"Uriah Levy had lived 28 years after the presentation of this gift to the United States.

"Twelve years after his death, when the Levys were contesting for the possession of Monticello, his brother, Jonas Levy, wrote this letter to the chairman of the Committee on Public Buildings and Grounds, which said:

"I desire to honor the name of Jefferson and the memory of the would-be donor, who was a meritorious officer of the United States Navy for 50 years, and at his death the owner of Monticello, Va., the home of Jefferson, the same being now held by heirs. In this connection may I add that quite an interest is now felt for anything which could or would affect the memory of the sage of Monticello, Va., that great man, Thomas Jefferson, and the memory of my brother, the late Commodore Uriah P. Levy, the father and author of the abolition of corporal punishment in the United States Navy.

"If the statue is not accepted by Congress, I have to request, as one of the heirs to the said property and its recent owner, that the statue may be turned over to us with as little delay and in as good condition as it now appears in.

"The severe stormy years of confiscation and the nearly 15 years of lawsuits left Monticello without roof or window panes and exposed to all kinds of hurt and injury.

"At last, when 'Clarkson N. Potter, the law preceptor of Commodore Levy's nephew, broke the will,' it was returned to the Levy heirs and they, to straighten up the title, had a suit among themselves, and J. M. LEVY, who previously had come into part of the place, bought the remaining parts.

"On May 1, 1882, the land was sold, and Thomas J. Evans, special commissioner, granted 218 acres of land, with all the buildings and appurtenances, known as Monticello, which was the residence of Thomas Jefferson, late President of the United States, and which, by the decree of the court entered on the 30th day of November, 1868, in suit, George Carr was directed, as commissioner, to sell and sold, on the 20th of March, 1879, to J. M. LEVY, at a price of $10,050, it being the same tract of land of which the late Commodore Uriah P. Levy died possessed and which was conveyed to Uriah Levy by James T. Barclay and wife by deed dated 20th day of May, 1836.

"J. M. LEVY came into actual possession of Monticello in 1882, at which time the deeds were passed and lawsuits settled. And here I wish to correct a mistake published in the National Cyclopedia, and which has gotten into the minds of many people.

"In the National Cyclopedia of American Biography, Volume III, there appears this:

"Monticello is now (1892) the property of Jefferson's grandson, JEFFERSON M. LEVY, a prominent citizen and lawyer of New York. It was purchased by his uncle, Commodore Uriah P. Levy, of the United States Navy, and from him descended to its present owner.

"This is not true. J. M. LEVY is not the grandson of Thomas Jefferson, and he did not inherit Monticello.

"During these years of lawsuits, when Monticello had been terribly neglected and when Jefferson's home was being bandied about and fussed over, the monument over Jefferson's grave was destroyed, and, on April 13, 1878, the following proceedings occurred in the House of Representatives:

"Mr. COX of New York. I ask the attention of the House for one moment. This is the anniversary of Jefferson's birthday, the 13th of April. I am directed by the Joint Committee on the Library to report back with an amendment a joint resolution which was referred to that committee making a small appropriation for the repair of the monument to the memory of Thomas Jefferson, the appropriation to be expended under the control of the State Department. I will not take up the time of the House in further explaining the matter, for the joint resolution which I send to the Clerk's desk will explain itself.

"The SPEAKER. The joint resolution will be read, after which objections will be in order.

"The joint resolution (H. J. Res. 141) for the erection of a monument over the grave of Thomas Jefferson provides that there shall be appropriated the sum of $2,500, or so much thereof as is necessary, for the erection of a suitable monument over the grave of Thomas Jefferson, at Monticello, to be expended under the direction of the Secretary of State.

"The amendment was to add to the joint resolution the following:

"'*Provided*, That the owners of the estate upon which said grave is situated shall first quitclaim to the United States all right of property to 2 rods square of the land surrounding and including the grave, and grant to the public the free right to access thereto.'

"Mr. COX of New York. I think it is very ungracious to make an objection, especially to-day. Jefferson did not belong to Virginia, but to the whole country. If the gentleman from Ohio [Mr. Foster] could know what I know and what is known by some of our own Members who have recently visited the resting place of Thomas Jefferson, he would not object to the appropriation of this small sum—a pittance—or so much thereof as may be necessary, for so honorable and patriotic a purpose. I hope we will give some distinguishing honor to this natal day of Jefferson by passing this joint resolution.

"Mr. DUNNELL. I would like to ask one question of the gentleman from New York [Mr. Cox]. Is this $2,500 to be expended in the erection of a monument?

"Mr. COX of New York. No, sir. I will say to my friend from Minnesota [Mr. Dunnell] that after Jefferson's death there were found in his escritoire some memoranda in regard to his grave, providing for a shaft of granite, with the inscription which he desired to be placed on that monument. That monument is now broken, and the other graves and the property around it are in similar shameful neglect and decay. This is beyond expression mortifying to those who know the origin of our independence or love the intellectual heroes of our elder day.

"The inscription can not be found. It is all defaced. The monument is in a scandalous condition. It will be shameful to the American people if when their Representatives know the truth they do not apply the remedy. Every year during the summer pilgrims go to Monticello, as to a sacred shrine, to see the place where the author of the Declaration of Independence lived and where he is buried. I do hope that we may do something at least to put that simple grave in repair, and hereafter, if the American Congress should choose to erect in this city a suitable monument to the great fame of the third President of the United States I shall be among the first to welcome any such movement.

"Mr. DUNNELL. I understand that his grave is without even a monument to mark the spot where he rests.

"Mr. HANNA. I wish to ask the gentleman from New York [Mr. Cox] whether the title of the ground on which this monument is to be erected is in such a shape that the Government will have the possession of the monument hereafter?

"Mr. COX of New York. We leave it to the Secretary of State to make proper provision for that purpose. We provide for obtaining title and securing access for the Government and the public as a condition precedent to spending any money by the Government.

"Mr. HARDENBERGH. Mr. Speaker, during a visit last week to Monticello and the grave of Jefferson I met there his great-grandson, the son of Thomas Jefferson Randolph. He informed me of a fact I never knew before—that the original monument to Thomas Jefferson had been all chipped away; that a second one had also been chipped away; and a third is now undergoing the same process—an unsightly structure. Last night a week ago during a heavy gale the lower part of the brick wall surrounding the tomb was blown down, but it is about to be restored by the family of Dr. Randolph, who now have the matter in charge. The inscription is gone; not a trace remains. An obelisk stands over the tomb, but the whole site bears the evidence of a nation's neglect.

"It does seem to me that no more fitting time than now could occur for passing a measure of this kind. It is fitting that on the anniversary of Jefferson's birthday the Nation should at last do justice, even in so small a way, to his memory. The title to Monticello has been in litigation for a number of years, and I think a judicial decree has been made for a sale; but that does not affect the graveyard, which is reserved to the family. Desolation and ruin mark everything around the place. I went through the house in which Jefferson lived. There is scarcely a whole shingle upon it, except what had been placed there within the last few years. The windows are broken; everything is left to the mercy of the pitiless storm. The room in which Jefferson died is darkened; all around it are the evidences of desolation and decay—a standing monument to the ingratitude of a great republic. Let it no longer be said that the framer of our Declaration of Indepence lies there moldering, with no fitting tomb over his remains, to commemorate a nation's gratitude and nation's pride in those principles which he announced in behalf of human freedom and happiness throughout the world.

"Mr. COX of New York. I am requested by gentlemen all around me to amend the resolution so as to make the appropriation '$5,000, or so much thereof as may be necessary, in the opinion of the Secretary of State.'

"The SPEAKER. Is there any objection to modifying the joint resolution as indicated by the gentleman from New York? The Chair hears none.

"The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

"With the permission of the committee, I would like to read some letters bearing on this subject. The letters are as follows:

KESWICK DEPOT, ALBEMARLE, VA.,
Edge Hill, May 3, 1878.

Hon. WM. EVARTS,
Secretary of State, Washington.

DEAR SIR: I write to ask that you will intrust to me, as the descendant of Jefferson, who, in an humble way, has been his biographer, the task of superintending the restoration of his monument for which Congress has made an appropriation of $5,000 to be expended under the control of the State Department. I have in my possession Jefferson's family letters and private papers and among the last I have the one in which he leaves direction for the monument he wishes erected over him, with a rough sketch of it made by himself. I was told by the gentlemen on the committee to whom the matter was referred that nothing was contemplated by them but a restoration of the monument according to these directions and having the graveyard put in order. There would be no need therefore of an artist to furnish a design, to superintend the work; with Jefferson's directions under my eye and being on the spot as I am here, I would have the whole work done at a saving of expense and most in accordance with his wishes. The execution of this task, which will be a labor of love to me, is a boon which I trust you will not deem to be inappropriately asked by one than whom no one could take a deeper interest in it. Mr. Corcoran, who will be kind enough to hand you this, will tell you of the plan which has been suggested to preserve that sacred spot at Monticello from future desecration.

Very sincerely, yours, SARAH N. RANDOLPH.

DEPARTMENT OF STATE,
Washington, May 15, 1878.

Miss RANDOLPH, *Edge Hill, Va.*

MY DEAR MISS RANDOLPH: I am in receipt of your letter of the 3d instant, which has been handed me by Mr. Corcoran.

I requested him to say to you when he wrote, as he said he expected to do, that I should not take any steps in regard to the restoration of the monument of Jefferson until I heard from you as to your plans and wishes in the matter. I shall be glad to have you communicate with me at your earliest convenience.

Very truly, yours, WM. M. EVARTS.

KESWICK, ALBEMARLE, VA.,
Edge Hill, May 17, 1878.

Hon. WILLIAM M. EVARTS,
Secretary of State.

DEAR MR. EVARTS: Your very kind letter of the 15th has just been received, and I can not thank you too much for acceding to my request to lay before you our plans and wishes as regards the restoration of Jefferson's monument. I have felt sure that your good taste and delicacy of feeling would make you appreciate the propriety of following his own directions for his monument. These directions I had in his own handwriting with me in a recent visit to Washington. I wished much to show them to you, in view of the fact that the subject would soon come under your consideration, but I hesitated to worry you with a visit when I knew what an absorbing care you had in your son's fatal illness.

Inclosed I send you a rough sketch of Jefferson monument, executed according to his directions by my father. All that relic seekers have left of this monument you saw on your visit to Monticello last fall. The obelisk is, of course, over Jefferson himself; on his right lies his wife; on his left his daughter, Mrs. Eppes. Across their heads lies his eldest child, Miss Randolph; on the opposite side from her, across their feet, lies her husband, Hon. Thomas Mann Randolph, of Virginia. The mutilated obelisk and a fragment of the slab over Miss Randolph alone remain to mark the spot.

What we would like to have done is to restore the marble slabs over his wife and children and to place on his grave an obelisk of the finest Richmond granite, but in handsome and more imposing proportions than he directed, and also to have the simple but comprehensive epistle which he left for his tomb cut on the obelisk itself and not on a marble tablet to be inserted in one of its faces. This would not be costly and would take a small part of the appropriation made by Congress. The whole graveyard, if put in proper shape, would be a monument to Jefferson, and, as the main aim after the erection of his tomb alone will be to secure it from desecration, the disproportion between its cost and that of the railing inclosing it should not be an objection to the latter being in the handsomest style, while it shall be made such as will be most efficient in keeping out intruders. An iron railing similar to the chaste and massive one inclosing the Georgetown Cemetery would best unite beauty and efficiency. I have taken steps to ascertain the cost, as well as that of the obelisks, slabs, and their erection, etc. As soon as I get the estimates I will forward them to you.

Hoping you will approve these plans and will allow me the great pleasure of superintending the work, I am, with sentiments of the highest regard,

Yours, very sincerely and respectfully,

SARAH N. RANDOLPH.

—

LAW OFFICE, 23 PARK ROW,
New York, July 13, 1878.

Hon. WILLIAM M. EVARTS.

DEAR SIR: I have recently ascertained that you are making preparations to erect a monument over the grave of Thomas Jefferson, at Monticello, pursuant to act of Congress.

I am one of the largest owners of this property, and it afforded me much gratification when I heard of the passage of the act, which I considered a token of respect to the memory of the great statesman.

In writing this I desire to call your attention to the fact that some of the parties (the Levys) who own interests in this property have expressed opinions antagonistic to the spirit of the act of Congress and have stubbornly refused and will strenuously oppose the erection of the monument, assigning as their reasons therefor that the grave would be desecrated by the removal of the present monument, and also being unwilling to cede any of their rights to the ground and the control of the place, which has been in my family for over 50 years. I deeply deplore their attitude in the matter, as it may be a barrier which can not be easily overcome. The grave and its surroundings belong absolutely to the owners of Monticello and not, as is thought, to the heirs of Jefferson. I am negotiating to obtain the consent of these parties, who reside in various parts of the United States and Europe, and hope to successfully overcome their objections. The monument that was erected shortly after Mr. Jefferson's demise is still standing, and consists of a massive piece of stone, but it is sadly marred by relic seekers, which I hope will not be the fate of the proposed new monument, although my late uncle, Commodore U. P. Levy, and self have used the most energetic efforts to prevent this desecration. It would afford me much pleasure to know your plans in carrying out the act, what disposition will be made of the old monument, and whether any money is to be expended on the grounds. If you will delay this matter until next fall, I have no doubt that I could obtain the consent of all the heirs, and thus avoid any unpleasantness. I feel deeply interested in this matter, as Monticello has been owned by my family so long. It is my intention never to allow it to pass into the hands of strangers.

Yours, very truly, JEFFERSON M. LEVY.

P. S. If you can accommodate me with a copy of the act, as passed, you will oblige.

J. M. L.

—

DEPARTMENT OF STATE,
Washington, July 29, 1878.

Miss SARAH N. RANDOLPH,
Keswick, Albemarle, Va.

MY DEAR MADAM: I have received a letter from Mr. JEFFERSON M. LEVY, of New York, who represents himself to be one of the largest owners of Monticello, upon the subject of the proposed erection of a new monument over the grave of Jefferson, and, as it may prove of some interest to you, who doubtless feel deeply concerned in all that pertains to the question, I inclose a copy of it.

He states that there is a strong opposition manifest on the part of some of the owners (the Levys) of the estate to the project, and he thinks that if the work be delayed until next fall he could in the meantime overcome their objections.

I am, my dear madam, very respectfully, yours,

WM. M. EVARTS.

—

KESWICK DEPOT, ALBEMARLE, VA.,
Edge Hill, August 1, 1878.

Hon. WM. EVARTS, *Secretary of State.*

DEAR SIR: I have to thank you for your letter of the 29th, as well as your kindness in sending me a copy of a letter from Mr. JEFFERSON M. LEVY, of New York.

Your letter would have been answered by return mail but for the delay in a properly attested copy of the deed for Monticello, given by my father and his mother on its sale to Dr. Barclay, and that of the deed given by Dr. Barclay to Commodore U. P. Levy when he became the purchaser of the place. In the closing lines of the first deed you will find a clause in there under "The parties reserve to themselves the family graveyard with free access to same." This effectually disposes of Mr. LEVY's claim of a right to "Jefferson's grave" and its surroundings.

To those who know how long and anxious the Levys have watched and waited for an opportunity to sell Monticello to the United States Government, this claim of theirs, set up now for the first time, looks very much as if they thought the propitious moment had at last arrived, and that by refusing to allow a new monument to be erected they could force the Government to purchase the place. Happily for us the inclosed papers show that they have no more right to assert themselves as the possessors of Jefferson's grave and its surroundings than any other citizen of the United States.

The tender affection of the heirs, for Monticello, which Mr. LEVY expresses in his letter to you, is in startling contrast to the filth and ruin in which it now is and with which Mr. LEVY is quite familiar, as he visits the place from time to time. He doubtless did not know when he wrote the letter that you had visited Monticello within the past 12 months.

We are having the wall around the graveyard removed and the place prepared for the reception of the tomb, and railing, etc., which the patriotism of the last Congress has secured for it. All this is being done with the full knowledge of the agent of the Levy's who now occupies the house at Monticello, but he has not ventured to pretend that we are transgressing our rights.

Trusting that Mr. LEVY's letter will not cause an hour's delay in the execution of a design in which we all take such a deep interest, I am, with great respect,

Very sincerely, yours, SARAH N. RANDOLPH.

—

WHITE SULPHUR SPRINGS, W. VA.,
August 12, 1878.

DEAR SIR: The heirs of Thomas Jefferson have placed in my hands, to be delivered to you for safe-keeping in the archives of the Department of State, the inclosed paper.

I am sure that you will agree with me in the opinion that it adds a fresh laurel to the chaplet that has so long adorned the brow of the author of the Declaration of American Independence.

There is a marvelous simplicity in it, which is mingled with a humility and tenderness of feeling that go directly to the heart.

Being in his own handwriting it comes to us with additional claims to our veneration.

I am happy to hand you this interesting relic, particularly as you first suggested this disposition to be made of it.

With high regard, I am,

Very respectfully, W. W. CORCORAN.

To Hon. WILLIAM M. EVARTS,
Secretary of State.

"MRS. LITTLETON. The inclosed papers referred to were the directions and drawings for Jefferson's grave, written in his own handwriting. The papers are now in a fireproof case alongside of the Declaration of American Independence, written in his handwriting, and preserved in the Department of State.

EDGE HILL, *November 9, 1878.*

DEAR JEFF: I received a letter yesterday from Mr. Corcoran sending the inclosed copy of a letter from the United States district attorney for the Western division of Virginia to the Attorney General. I fear from the tone of the letter the attorney of the district has misunderstood or misrepresented our wishes as to giving a quitclaim to the two rods of land surrounding and including Jefferson's grave, as I believe a letter from the attorney inquiring into the matter was referred to you as a lawyer, and a representative of the branch of Jefferson's family, to whom the graveyard belongs. I write to ask what report you made in reply and to whom.

Let me hear from you at once.

Your affectionate aunt, SARAH N. RANDOLPH.

JEFFERSON R. TAYLOR,
Charlottesville, Va.

—

CHARLOTTESVILLE, VA., *November 9, 1878.*

DEAR SARAH: Your letter of to-day has been received. Judge Rivers, of the United States District Court for the Western District of Virginia, requested me some three weeks ago to find out what was necessary to be done in order to perfect the title to the graveyard at Monticello. This I did, reporting to him in writing on the 14th of October last that the title to the graveyard, or rather to the two rods square in which Mr. Jefferson's grave is located, mentioned in the act of Congress making an appropriation to erect a monument over said grave, was in the heirs of your father, T. J. Randolph, sr.; that these heirs owned said graveyard with free access there, and that I thought you would be willing to make the deed required by the act of Congress, provided that the whole graveyard should be included in the railing around the monument and that no one should have the right to remove Mr. Jefferson's body from where it now lies. I further stated that these heirs were numerous, and that as soon as I could get time, if he wished me to do so, I would make a list of them and give them to him. This is the substance of my report as nearly as I can recollect it. Since that time I have received a letter from the United States attorney, asking me to give him the names of these heirs. This last letter, owing to other engagements upon me, I have not yet been able to answer.

Your affectionate nephew, J. R. TAYLOR.

—

KESWICK, ALBEMARLE, VA.,
Edge Hill, November 11, 1878.

DEAR MR. CORCORAN: I received your letter of November 7, Friday, and next day wrote a note to my nephew, Mr. Taylor, which I inclose to you with his reply. The two notes will explain themselves. The only condition in the world that we want put in the quitclaim demanded by the resolution of Congress is some security that the remains of Mr. Jefferson would never be removed from the spot where they now lie, within the 2 rods mentioned in the resolution. The

graves of some of our nearest relatives lie there, and we think it would be improper in us to give up all ownership or control over them. Any arrangement by which there would be security against the removal of *any* of the remains, Mr. Jefferson's included, within the 2 rods square would be satisfactory to us. The different members of the family are willing to sign any such paper, and the six minors would be represented, I suppose, by their parents or guardians. My nephew, who is a lawyer, bids me say that he will do anything that may be required of one of his profession free of all expense, so far as fees are concerned. There is no earthly necessity for an agent where all the parties are ready to act.

When you write don't hesitate to express your opinion in the matter.

With much care,

Yours, most affectionately, SARAH N. RANDOLPH.

WASHINGTON, D. C., *November 13, 1878.*

Hon. WM. M. EVARTS,
Secretary of State, Washington, D. C.

DEAR SIR: I beg to inclose herewith for your information a letter from Miss S. N. Randolph to me, dated the 11th instant, inclosing a copy of her letter to J. R. Taylor, Esq., of Charlottesville, dated November 9 instant, together with his reply to the same, bearing date also on the 9th instant.

You will observe upon the perusal of these letters that the United States district attorney in his report to the Attorney General is under a misunderstanding as to the difficulty of obtaining title in the United States to the parcel of ground containing Mr. Jefferson's remains named in the resolution of Congress.

It appears from Mr. Taylor's letter, and that of Miss Randolph to me, that the owners of the plot of ground are willing to convey the same to the United States, the only condition being that Mr. Jefferson's remains and those of other members of his family now within the inclosure shall never be removed. The only difficulty attending the transfer of the title it seems would be the delay in perfecting the deed from the heirs, they being numerous and some of them minors.

Mr. Taylor is a lawyer by profession and offers his services free of all charge for fees in perfecting the transfer, which offer, if accepted, will obviate the necessity of sending a special agent to attend to the matter.

Very respectfully, yours, W. W. CORCORAN.

QUITCLAIM DEED TO THE GRAVE OF THOMAS JEFFERSON.

This deed, dated the 28th day of November, in the year 1878, between Mary B. Randolph, Carolina R. Randolph, Sarah N. Randolph, Ellen W. Harrison, Charles Mason and Maria Mason his wife, Wilson C. N. Randolph and Nanie Randolph his wife, Jane Margaret Anderson, William L. Randolph and Agnes Randolph his wife, Bennett Taylor and Lucy Taylor his wife, Jane R. Taylor, Margaret R. Taylor, John S. Blackburn and Susan B. Blackburn his wife, Jefferson R. Taylor, Stevens M. Taylor, Moncure R. Taylor, Cornelia J. Taylor, Edmund R. Taylor, Jefferson R. Ruffin, W. Roane Ruffin and Sally Ruffin his wife, W. Nicholas Ruffin and Mary Ruffin his wife, George R. Ruffin, Frank G. Ruffin, jr., Eliza M. Ruffin, Cary R. Ruffin, Frank M. Randolph, T. Jefferson Randolph, Margaret D. Randolph, F. Nelson Randolph, George G. Randolph, Mary Walker Randolph, Launcelot M. Kean, Patsy C. Kean, Jefferson Randolph Kean, and R. G. H. Kean, jr., parties of the first part, and the United States of America, party of the second part, witnesseth: That whereas the Congress of the United States have appropriated the sum of $5,000 to be expended in the erection of a monument over the grave of Thomas Jefferson, provided that the owners of the estate on which said grave is situated should make a quitclaim deed to 2 rods square of the land immediately around said grave and should give free access thereto; and whereas the estate on which said grave is situate now consists of the family graveyard on the farm on which Thomas Jefferson resided at the date of death, commonly known as Monticello; and whereas the said parties of the first part are now the owners of said family graveyard, with free access thereto, and are willing to make the quitclaim deed and to grant free access to the lot to be hereinafter conveyed, as is required by the act of Congress making the appropriation aforesaid: *Provided*, That the remains of Thomas Jefferson shall never be removed from where they now lie; that the remains of other persons whose graves are within the limits of the lot hereinafter conveyed shall be allowed to remain where they are, with the privilege to their relatives to remove them or to erect monuments over such graves if they shall wish to do so; that the remains of such of the grandchildren of Thomas Jefferson as have died, or as are now living, or the remains of any husband or wife of any of such grandchildren, and the remains of no other person whatsoever may be buried within the lot aforesaid and that monuments may be erected over the graves of such persons; and that no inclosure shall be made around the grave of Thomas Jefferson which shall divide it from the residue of the said family graveyard. Now, therefore, in consideration of the premises, and subject to the provisos hereinafter contained, the said parties of the first part have granted, conveyed, remised, released, and forever quitclaimed, and by these presents do for themselves, their heirs, executors, and administrators, justly and absolutely grant, convey, remise, release, and forever quitclaim unto the United States of America forever all such right and title as they, the said parties of the first part, and each of them have, or ought to have, in and to a certain lot of land situated in the State of Virginia and county of Albemarle, on Monticello Mountain, on which is the grave of Thomas Jefferson, being a portion of a certain parcel of land which has, since the death of said Jefferson, been used by his descendants as a family graveyard, and having the following metes and bounds, to wit: Beginning at a point on the outer line of said graveyard nearest to the middle point of the monument at present over the grave of Thomas Jefferson; thence along said line in a westerly direction 1 rod; thence in a southerly direction, a new line at right angles to said outer line, 2 rods; thence in an easterly direction, a new line parallel to said outer line, 2 rods; thence in a northerly direction, a new line to said outer line and perpendicular thereto, 2 rods; and thence in a westerly direction along said outer line to the beginning; and the said parties of the first part hereby grant to the said party of the second part, and to all persons whatsoever, free access to the lot hereby conveyed, as fully and entirely as they and each of them now have access thereto. To have and to hold the above conveyed premises, unto the United States of America, and to their only proper use and behoof forever; and to have and hold the said right of access to said lot unto the United States of America, and unto all persons whatsoever, this conveyance is made, subject, however, nevertheless, to the express proviso and conditions following, viz: That the remains of Thomas Jefferson shall never be removed from where they now lie; that the remains of the other persons whose graves are within the lot conveyed by this deed shall be allowed to remain where they are, with the privilege to the relatives of such persons to remove such remains, or to erect monuments over such graves, if they shall wish to do so; that the remains of such of the grandchildren of Thomas Jefferson as have died, or, as are now living, or the remains of any husband or wife of any such grandchildren, and the remains of no other person whatsoever, may be buried within the lot aforesaid, and that monuments may be erected over the graves of such persons; and that no inclosure shall be made around the grave of Thomas Jefferson which shall not include in it the rest of the family graveyard.

Witness the following signatures and seals:

"This is a letter from Mr. Devens to Mr. Evarts, dated May 23, 1879, as follows:

DEPARTMENT OF JUSTICE,
Washington, May 23, 1879.

Hon. WILLIAM M. EVARTS,
Secretary of State.

SIR: Your letter of the 19th instant is before me inclosing a letter from Mr. Corcoran, and its accompanying papers, upon the subject of the proposed restoration of the Jefferson Monument at Monticello.

Without having intended to pass upon the title formally, I inquired of you by my letter of January 31, last, whether the quitclaim contemplated by the joint resolution of May 3, 1878, would be accepted if it contained the condition that the remains of the family of Mr. Jefferson that now lie within the inclosure should not be disturbed, and, further, that the inclosure should not be made around the grave of Mr. Jefferson so as to exclude the rest of the family graveyard aforesaid. Your reply of February 5 expresses the opinion that the quitclaim might properly be accepted with such conditions.

It is now proposed by the heirs of Mr. Jefferson that his relatives be permitted to erect monuments over the graves of such persons as lie within the inclosure other than Mr. Jefferson if they wish to do so, and, further, "that the remains of such of the grandchildren of Thomas Jefferson as have died or as are now living or the remains of any husband or wife of any of such grandchildren and the remains of no other person whatsoever may be buried within the lot aforesaid, and that monuments may be erected over the graves of such persons."

By "the lot aforesaid" I understand the lot proposed to be conveyed to the United States of two rods square of land immediately around the grave of Mr. Jefferson.

None of the conditions proposed seem to me to be strictly consistent with the quitclaim contemplated by the joint resolution. If, however, these conditions could be assented to, there are certain difficulties in carrying out the joint resolution to which I call your attention.

This resolution provides that the owners of the estate upon which the grave of Mr. Jefferson is situated shall first quitclaim, etc. The graveyard is an estate separate from the farm upon which it is situated. It is reserved in a deed made by Thomas J. Randolph, as executor of Thomas Jefferson and Martha Randolph, who was the devisee of the Monticello estate. This reservation is in the intestimonium clause of the deed, and, although irregular, was, in my opinion, a sufficient reservation of Mrs. Randolph, as devisee, of "the family graveyard, with free access to the same."

So far as is known there has been no possession or occupancy of the graveyard in question or assertion of title to it by anyone except the descendants of Mrs. Randolph. She devised this property to her son, the late Thomas J. Randolph, by a general devise. In order to make a title from her son's heirs it will be necessary to obtain the concurrence of some 41 persons, 7 of whom are minors. Even if the quitclaim with the conditions suggested is satisfactory to the adults, a difficulty arises in regard to obtaining the assent of the minor heirs thereto.

In order to do this it will be necessary that a guardian be appointed for them and a petition filed in chancery for leave to make the proposed conveyance. It is uncertain whether the court will authorize such conveyance on behalf of the minors when no valuable consideration passes to them. It may be, however, that the care of the grave of their ancestor contemplated by the United States may be held to be a sufficient consideration. Upon this point it is difficult for me to express an opinion. It is evident, however, that no title can be obtained from the owners of the estate unless the concurrence of the proper court in Virginia can be secured to such conveyance on behalf of the minors.

An additional difficulty presents itself with reference to the right of free access to the lot in question. It is a part of the proviso that the owners of the estate shall grant to the public the free right of access to the lot. The reservation was a reservation to themselves of the family graveyard, with free right of access thereto. It is situated within the limits of the Monticello farm and at some distance from the highway. There could be no doubt that such a reservation would give to the parties themselves and their lawful heirs a right of access to the grave for all appropriate purposes; but it would not seem that they have a general right of free access which they are competent to convey to the public. From its nature it was limited to the family, or those who might on proper occasions attend with them as mourners; and such a right of access could not be interpreted to be a general right which could be conveyed to the public.

It would seem necessary, therefore, that if this free right of access to the public should be obtained the concurrence of the owner of the Monticello farm must also, to this extent, be obtained. This owner is understood to be M. P. Levy, residing in the city of New York.

Considering the difficulties that must be encountered in endeavoring to obtain such a title as was contemplated by the joint resolution, and, further, the conditions which the heirs of Mr. Jefferson and of his descendant, Mr. Randolph, feel that they must insist upon, I would respectfully suggest the propriety of requesting from Congress such additional legislation as would authorize the expenditure of the money upon the conditions suggested by the heirs, even if the consent of the minors can not be obtained. Congress may reasonably expect that when they reach their majority there will be no hesitation upon their part in assenting to the provisions which have for their object appropriate honor to their distinguished ancestor.

I inclose a memorandum from Mr. J. R. Taylor of an abstract of the title to the graveyard in question. I have not deemed it necessary to verify it by any officer of this department, as Mr. Taylor is himself a lawyer of reputation and much interested in carrying out the wish expressed by Congress in the joint resolution.

I return the inclosures of your letter of May 19, as you request.

Very respectfully, your obedient servant,

CHARLES DEVENS,
Attorney General.

ABSTRACT OF TITLE TO GRAVEYARD.

AN ABSTRACT OF THE TITLE TO A CERTAIN LOT OF LAND LYING AND SITUATED IN THE COUNTY OF ALBEMARLE AND STATE OF VIRGINIA, KNOWN AS THE "MONTICELLO GRAVEYARD," BEING THE FAMILY GRAVEYARD OF THE DESCENDANTS OF THOMAS JEFFERSON, IN WHICH THE GRAVE OF SAID JEFFERSON IS.

This lot of land was the property of the said Thomas Jefferson at the date of his death, being a portion of the farm known as Monticello, on which he resided at said last-named date.

By his will, which is of record in the clerk's office of the county court of Albemarle County, Va., Mr. Jefferson devised this Monticello farm, together with other property, to his daughter, Mrs. Martha Randolph; such devise, however, to be subject to the payment of his debts.

That portion of the Monticello farm which surrounds the said graveyard was sold and conveyed by Thomas J. Randolph, executor of Thomas Jefferson, and Mrs. Martha Randolph, his devisee, to James T. Barclay, as appears by reference to a deed from said executor and said Mrs. Randolph to said Barclay, dated November 1, 1831, and of record in the clerk's office aforesaid; but by said deed the parties thereto reserved to themselves the said family graveyard, with free access to the same.

The title to said graveyard, with free access thereto, remained in Mrs. Martha Randolph during her lifetime; at her death it passed to her son, the late Thomas J. Randolph, to whom, by her will, of record in said clerk's office, she devised all of her property not otherwise disposed of, of which property the said graveyard was a part.

Said graveyard, with free access thereto, belonged to the said Thomas J. Randolph during his lifetime, not having been disposed of by him by deed or will, and at his death passed to his heirs, who, together with their husbands or wives, are Mary B. Randolph; Caroline B. Randolph; Sarah N. Randolph; Ellen W. Harrison; Charles Mason and Maria, his wife; W. L. Randolph and Agnes, his wife; L. Margaret Anderson; Wilson C. N. Randolph and Mamie his wife; Bennett Taylor and Lucy, his wife; Jane R. Taylor; I. S. Blackburn and Susan B., his wife; Jefferson R. Taylor; Margaret R. Taylor; Stevens M. Taylor; Cornelia J. Taylor; Moncure R. Taylor; Edmund R. Taylor; Jefferson R. Ruffin; O. Roane Ruffin and Sallie, his wife; W. Nicholas Ruffin and Mary, his wife; George R. Ruffin; Frank G. Ruffin, jr.; Eliza M. Ruffin; Cary R. Ruffin; Frank M. Randolph; T. J. Randolph; Lancelot M. Kean; Patsy G. Kean; I. Randolph Kean; R. G. H. Kean, jr.; Margaret D. Randolph; F. Nelson Randolph; George G. Randolph; and Mary Walker Randolph, the last seven of which are believed to be infants.

There are no incumberances, by deed or will, on the said graveyard.

There are some judgments against one, and perhaps others, of the foregoing heirs of Thomas J. Randolph, deceased; but these do not, in my opinion, bind the said graveyard under the exemption laws of Virginia.

Respectfully submitted.

J. R. TAYLOR.

JANUARY 17, 1879.

"Mrs. LITTLETON. The Randolphs were willing to deed the grave of Thomas Jefferson to the Government of the United States. They were the only ones who had a right to go to and from the grave except the owners of Monticello farm. They made this proposed deed giving the grave to the Nation and the Nation was to build a monument. Secretary Evarts asked Attorney General Devens to pass on the deed. Attorney General Devens said, first, that there were many minor heirs of Thomas Jefferson, and many actions in Virginia courts would have to be taken to procure their legal consent. Second, that there was a further difficulty. That while the old deed reserved to the heirs of Jefferson the right of access to the grave, this right was peculiar to the family and could not be conveyed to the public at large. So that the effect of making such a deed by the heirs would be that the Government would get the grave, the heirs would lose their right of access to the grave, and the public would get no right of access to the grave. Third, he called attention to the fact that the only person who could give to the public the right of access was the owner of Monticello, Mr. LEVY. This Mr. LEVY has persistently refused to do, as is shown by letters of Secretary of State Frelinghuysen and Secretary Bayard. If I am right, and I know now I am, in saying the deed was never executed, then the matter stands thus: Mr. LEVY owns all the grounds surrounding the graveyard and is the only one who has access to the grave of Thomas Jefferson except the Jefferson heirs, who own the graveyard, and, everything being in such a muddle, the $5,000 was returned to the Treasury. A little further on I will read a letter from Sarah Randolph which explains everything.

"Four years later this resolution was offered by Mr. Geddes and passed:

"*Resolved*, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary, for the erection of a suitable monument and to make suitable improvements over the grave of Thomas Jefferson at Monticello, Va., and that said sum be expended under the direction of the Secretary of State.

"Mr. GEDDES. Mr. Speaker, the Joint Committee on the Library, to whom was referred by the House a joint resolution the same as that just read, which has passed the Senate, instructed me to recommend its passage at the earliest practicable moment.

* * * * * * * *

"On this anniversary of the birth of Thomas Jefferson, the author of that immortal instrument, the Declaration of our Independence, we may well recognize his invaluable services to our country by providing for the erection of this plain monument to mark his last resting place. He lies buried on a piece of ground 100 feet square, reserved out of his beloved home, Monticello. When he entered the public service he owned 10,000 acres of land, but by his uninterrupted devotion to the interests of his country he found himself, in the evening of life, poor in the goods of the world. His private library, costing over $50,000, was sold to the Government for less than half its cost. His real estate, including Monticello, passed to strangers. The small piece of ground on which he lies buried is precious to his descendants, and must forever remain sacred to the lovers of liberty throughout the civilized world.

"It is a matter of profound regret to the committee having this matter in charge, and doubtless will be to the whole country, that this duty of marking by a suitable monument the last resting place of Thomas Jefferson should have been delayed so long. It is due to the American people that the circumstances producing this delay should be known.

"The facts are so concisely and pathetically stated in a letter submitted to the committee from the great-granddaughter of Mr. Jefferson that I yield to the gentleman from Mississippi [Mr. Manning], the author of the resolution, to whom the letter was addressed, that the same may be communicated to the House, and for such remarks as he may see proper to submit in regard to this matter.

"Mr. MANNING. Mr. Speaker, I shall detain the House but a few minutes. One hundred and thirty-nine years ago to-day, by the new-style calendar, Jefferson was born, and it would seem to be more in order to explain, if we can, why the conceded duty now proposed by the pending resolution to be performed has been so long postponed, than to discuss the merits of the appropriation. All within the broad limits of this great country concur that as a legislator, statesman, patriot, and benefactor of the human family Jefferson is preeminently the marked man in the annals of the New World, and that his death, within itself, is an epoch never to be forgotten by civilized men. The tribute embodied in the resolution before us of the esteem of Jefferson's countrymen for the greatness, grandeur, and sublimity of his character is small, but all will surely experience the most genuine pleasure in placing upon the records of the country this testimonial of our veneration for the life and services of the illustrious dead.

"Now, I will read the letter Mr. Manning received from Sarah Randolph, the great-granddaughter of Thomas Jefferson, which explains the delay in marking, by a suitable monument, the last resting place of Jefferson. This letter was communicated to the House of Congress by Mr. Manning, of Mississippi:

PATAPSCO INSTITUTE,
Ellicott City, Md., March 30, 1882.

DEAR SIR: Allow me to make the following statement as to the present condition of the Monticello graveyard and the tomb of Jefferson, and also respectfully to express the feelings of his descendants on the subject.

Monticello was sold a year after Jefferson's death for the paltry sum of $2,500, thus disappointing the fond hope in which he died that amid the wrecks of his fortune this home at least was secured to his daughter, my grandmother. In the deed conveying the place to the purchaser the graveyard and the right of way to it were exempted and retained in the possession of my grandmother and my father, both of whom signed the deed, my father being Jefferson's executor. That right now belongs to my father's descendants.

Some years after Jefferson's death a monument in strict conformity with the simple directions left by him was erected over his grave at my father's expense. The zeal or vulgar mania of tourists for relics has long ago battered that monument—a simple granite obelisk—into a shapeless mass. As such it now stands, a mortification alike to his descendants and his countrymen.

At your suggestion a resolution was introduced by Mr. COX, of New York, on Jefferson's birthday, April 13, 1878, appropriating a sum for the erection of a monument on condition that the owners of the graveyard should quitclaim to the United States Government the grave and a lot 2 rods square containing it. The resolution was passed without a dissenting voice, and the Secretary of State, Mr. Evarts, had gone so far as to have contracts for the work ready to be signed when Mr. JEFFERSON LEVY, a nephew of the late owner of Monticello, wrote to him and stated that the heirs of Jefferson had no right nor claim to his grave nor to the graveyard; that both belonged to the heirs of the late owner of Monticello, who objected to the erection of a monument. A copy of this letter was forwarded to me and was satisfactorily answered by my sending the Secretary of State an autheticated copy of the deed, which showed that the graveyard belonged to my father's descendants. Later the place was sold and bought by Mr. JEFFERSON LEVY.

In the meantime, to prepare for the erection of the new monument and iron railing which was to inclose the graveyard, the high brick wall which had formed the inclosure, but which was falling down, was removed. The graveyard is now inclosed by a plain plank fence.

When the quitclaim came to be arranged Jefferson's descendants naturally felt reluctant to deed away—even to the Government—his grave; and some of them, who had near relatives buried in the lot demanded by the Government, felt that deeding their graves away would be almost a greater sacrifice than they could make. Still, feeling and sentiment might have been stifled, but other obstacles in the way of granting the quitclaim arose. Many of my father's heirs are minors, and before the lot could be deeded away the matter would have to go through the courts, which would involve great delay. Then, again, a quitclaim could not be given by the owners of the graveyard without getting the consent of the Legislature of Virginia, which would be another delay. From these statements it will be easily seen how long it would be before the monument could be erected if the quitclaim is insisted on, and in the meantime the graveyard must remain in the sad state of neglect and ruin which is now so mortifying. Under these circumstances it is believed that if the facts of the case are laid before the committee their enlightened patriotism will make them at once appreciate how reasonable is the suggestion that the modest sum should be made an unconditional donation in honor of the memory of one of that great and remarkable historical group of men whom Americans are wont to delight in calling the fathers of the Republic. The case is so unique and exceptional that there is but little probability of its being cited hereafter as a precedent.

The little graveyard at Monticello—only 100 feet square—is all of the 10,000 acres of land owned by Jefferson when he entered public life which is now left in the possession of his descendants. He sleeps, amid scenes of surprising beauty and grandeur, on that lovely mountain side surrounded by the graves of his children and grandchildren to the fifth generation. At his side lies his wife, whom he loved with such singular devotion. A few feet from him rests the cherished friend of his youth—young Dabney Carr—whose motion in the Virginia House of Burgesses to establish committees of correspondence between the sister colonies, leading as it did to the meeting of the First Congress, has given his name an enviable place in American history. A little farther off lie the remains of another devoted and distinguished friend, Gov. William Cary Nicholas, of Virginia; while at his feet sleeps an-

other governor of the old Commonwealth—his own son-in-law—Thomas Mann Randolph. The modesty of the spot is in striking contrast with the celebrity of its dead, and there are, perhaps, few in America of greater historic value or more deserving of the Nation's care.

One circumstance connected with the monument, proposed four years ago, deserves to be mentioned. Soon after the appropriation was made by Congress Mr. W. W. Corcoran, the distinguished philanthropist, with characteristic munificence, endowed a professorship of natural history in the University of Virginia on condition that that institution should take care of the graveyard at Monticello, thus very appropriately placing the care of Jefferson's tomb in the hands of this, the child of his old age and the last creation of his genius.

With an apology for the length of this letter,

Yours, very respectfully, SARAH N. RANDOLPH.

Hon. VAN H. MANNING,
House of Representatives, Washington.

"The joint resolution was passed.

"That is the resolution for $10,000. I will now read a letter from Col. W. L. Casey, lieutenant colonel of the Corps of Engineers, who built the monument under the direction of Hon. Frederick T. Frelinghuysen, Secretary of State:

OFFICE OF BUILDING FOR STATE,
WAR, AND NAVY DEPARTMENTS,
Washington, D. C., October 13, 1883.

Hon. FREDERICK T. FRELINGHUYSEN,
Secretary of State.

SIR: In view of the fact that under your direction the tomb of Thomas Jefferson has been renewed and the burying ground at Monticello, near Charlottesville, Va., suitably improved in accordance with the terms of the United States statutes dated April 18, 1882, I have the honor to inclose herewith copies of a correspondence between Mr. W. W. Corcoran, of Washington, and the Hon. Alex H. H. Stuart, rector of the University of Virginia, in which the university agrees to keep the burying ground in order, believing that under the circumstances the information may be of interest to the Department of State.

Very respectfully, your obedient servant,
WILLIAM LINCOLN CASEY,
Lieutenant Colonel, Corps of Engineers, United States Army.

"It is a very interesting fact to remember that Col. Casey was building this great national monument to George Washington, costing over $1,000,000, at the same time he was building this little $10,000 one to Thomas Jefferson.

WHITE SULPHUR SPRINGS, W. VA., *August 13, 1878.*

DEAR SIR: I propose to make the University of Virginia a similar donation with same condition as that made on the 8th of December, 1876, for the purpose of endowing a professorship of natural history as a token of my warm personal regard and as an expression of the gratitude which I, in common with the citizens of the old Commonwealth, feel for the profound scholarship it has given to the country—a scholarship which has impressed itself on the universities of the Old World and enlisted the sympathy of the honored Queen of England.

I am sure that the admiration in which we hold the memory of its illustrious founder, whose statesmanship was only equaled by his masterly pen, will make the condition I am about to name a pleasure and not a burden.

It is that the authorities of the university pledge themselves to keep the monument and the grounds around it in good order for all time.

We owe a duty to the memory of one who gave dignity to office and who showed his high appreciation of leaders by kindling so bright a light in the earlier age of the Republic.

We can not forget his own inimitable epitaph: "Here lies buried Thomas Jefferson, author of the Declaration of Independence, of the statute of Virginia for religious freedom, and father of the University of Virginia."

Nor can we forget the reasons assigned for it, which are thus beautifully expressed: "Because of these as testimonials that I have lived, I wish most to be remembered."

I am satisfied that he could in no way reflect greater honor on your university than in connecting it more closely, if possible, with the tomb of Jefferson, and I could crave no greater blessing to the country than to return to the grand principles of wise government he has unfolded.

Please say what disposition I shall make of the bonds. With warm regards,

Your friend and obedient servant,
W. W. CORCORAN.

To Hon. A. H. H. STUART,
Rector University of Virginia, Staunton, Va.

STAUNTON, VA., *August 16, 1878.*

W. W. CORCORAN, Esq.

MY DEAR SIR: I had the pleasure of receiving by the mail of yesterday your letter dated 13th instant, in which you communicate to me officially your purpose to make the University of Virginia a further donation of $50,000 in Virginia consol bonds for the purpose of endowing a professorship of natural history in the institution.

On behalf of the visitors and faculty of the university and of the people of Virginia, I hasten to tender to you their thanks for this munificent gift. I am sure, too, that they will be especially grateful for the particular appropriation of a fund to the endowment of a professorship of natural history, as it will enable the university to enlarge its circle of instruction and contribute more effectually to the development of the natural resources of Virginia and her sister States.

The condition which you have thought proper to annex to the gift, to wit, "That the authorities of the university pledge themselves to keep the monument about to be erected by national authority over the grave of Jefferson, and the grounds around it, in good order through all time," must be recognized by all as not only reasonable but exceedingly appropriate.

As he was the "father of the University of Virginia," there seems to be a peculiar propriety in intrusting to this child of his old age the sacred duty of keeping guard at his tomb—a protection from injury and decay—a monument erected by national gratitude to commemorate his patriotism and illustrious public services.

A meeting of the visitors of the university will be held at an early date to take the necessary measures to give particular effect to your generous purpose. In regard to the disposition of the bonds, I would respectfully suggest that they be sent to Richmond to the care of Asa Rogers, second auditor, to be held by him for the use of the university until the meeting of the General Assembly of Virginia in December next.

With sincere respect and esteem,

Your friend and obedient servant,
ALEX. H. H. STUART,
Rector University of Virginia.

"On June 4, 1912, I wrote this letter, to which I have not yet received an answer:

JUNE 4, 1912.

DR. EDWIN A. ALDERMAN,
President University of Virginia, Charlottesville, Va.

DR. ALDERMAN: I have become much interested in a movement to acquire Monticello, the home of Thomas Jefferson, for the American people, and in looking up in the State Department at Washington a day or two ago the records with reference to the donation by Mr. Jefferson's descendants of his grave to the National Government and the question of a public right of way thereto, I found a very interesting correspondence, of which I inclose a copy.

By the letter of W. W. Corcoran, of this city, dated August 13, 1878, it appears that he made a donation to the university of $50,000 in Virginia State bonds for the purpose of endowing a professorship of natural history. With this donation he made a condition which, as he stated, he believed would be to the authorities of the university a pleasure and not a burden, viz, that the authorities of the university should keep the monument of Thomas Jefferson and the grounds around it in good order for all time. This donation, with the condition attached, was accepted by the Hon. Alex H. H. Stuart, dated Staunton, Va., August 16. Would you oblige me by informing me just what steps the University of Virginia has taken to comply with the conditions of this legacy, and whether the graveyard at Monticello is maintained in such condition of care and neatness as is befitting the memory of the illustrious dead interred there?

With warmest regards to Mrs. Alderman, believe me,

Sincerely, yours,
Mrs. MARTIN LITTLETON.

"I have not yet received an answer to my letter. Now I will read letters from two Secretaries of State to Mr. LEVY, stating their unwillingness to do any more work on the graveyard of Jefferson unless Mr. LEVY would give to the Government a right of way from the road to the graveyard. As Mr. LEVY has not granted this request of the Government, further improvements have not been made.

"Here are some letters I found, which speak for themselves:

DEPARTMENT OF STATE,
Washington, April 2, 1884.

JEFFERSON M. LEVY, Esq.,
100 Broadway, New York City.

MY DEAR SIR: You suggest in your communication of the 11th December last the further improvement of the grounds about the grave of Thomas Jefferson by the construction of granite steps from the roadway to the fence and a pavement around the inclosure, with proper provision for drainage and the planting of ornamental evergreens, etc., the expense of which you observe could be defrayed from the balance of the appropriation made by the joint resolution of April 18, 1882.

Upon investigation I find that the balance referred to is probably sufficient for the work you suggest, which commends itself to my approval, but I should be unwilling to take any steps in the direction until the Government is invested with a title or an irrevocable right of way from the road to the graveyard and the ground immediately surrounding it.

I am, my dear sir, very truly, yours,
FREDK. T. FRELINGHUYSEN.

(Copied from Domestic Letters, No. 150, State Department, Feb. 14 to Apr. 29, 1884.)

DEPARTMENT OF STATE,
Washington, May 14, 1885.

JEFFERSON M. LEVY,
100 Broadway, New York City.

SIR: After the conversation I held yesterday with your son in relation to the improvement of the grounds surrounding the monument erected to the memory of Thomas Jefferson at Monticello, I find that my honorable predecessor had in addressing you on the same subject, under date of April 2, 1884, expressed himself as favorably disposed toward the improvement, but declined to take any steps in the matter until the Government should be invested with a title or irrevocable right of way from the road to the graveyard and the ground immediately surrounding it.

This position of Secretary Frelinghuysen's commends itself to me as eminently proper, and I can not but adhere to it.

I am, sir, your obedient servant,
T. F. BAYARD.

(Copied from p. 379, Domestic Letters, No. 155, Apr. 7 to June 13, 1885.)

"The monument was built and a fence was put around it, and it was turned over to the Secretary of State with the understanding that the University of Virginia was to take care of it. I have with me a picture of the monument which was built with the $10,000. You will see there the old oak tree under which Mr. Jefferson asked to be buried.

"So the matter stands thus: The Government built the monument; Mr. Levy owns all the surrounding ground of the graveyard and is the only person who has legal access to the grave of Thomas Jefferson except his heirs.

"The CHAIRMAN. You mean legal access?

"Mrs. LITTLETON. Yes; no one else has a right to go there. And I think the whole people ought to have the right. In the land books I find these entries; these are the assessed values:

"Levy, Jefferson M., Mt. Cello, 2 miles from courthouse S. E.; 606¼ acres; value per acre, $41.76; value of land exclusive of buildings, $13,403; value of buildings, $12,000; total value of lands and buildings, $25,403.

"That is the assessed value. I do not know the actual value of the property. In its best days it was valued at a little over $80,000.

"I am permitted to say now that several members of the Randolph family have communicated with me and expressed their willingness to deed to the Government the grave of Thomas Jefferson if Mr. J. M. Levy is willing that Monticello should become the property of the Government. And in that connection may I say a few words?

"I think Monticello ought to belong to the public, and I will tell you the reasons why.

"The first reason, and the best, is that the people want it. It is one of the places in the United States that everybody goes to see at least once in a lifetime, or to which they hope to go. There are loads of people who economize and save and stint for years to be able to make the trip. The world is full of people who want to see Monticello and who will take any amount of trouble to get there. Parents plan and sometimes make great sacrifices in order to send their girls and boys to see the grave of Thomas Jefferson. Large excursions are made up and go there. Schools send students; railroads vie with each other for the traffic that leads to Charlottesville; people from all over the world go there; noted foreigners on arriving in America travel to Monticello to pay their respects to Thomas Jefferson and to lay a wreath on his grave.

"We love to travel to England and other lands to see their historic places, and we who are so young have only a few such treasures. Why not preserve them?

"Ever since I was born I have been hearing of Monticello, and my parents had always promised me a trip there, that they would either take me or send me to Monticello. Virginia was a long way from Texas in those days, but nobody ever left home without stopping off at Charlottesville. And they continue to do so to this day.

"When I was there a few days ago, in answer to inquiries, I was told that the trains never stop at Charlottesville without people getting off and hiring carriages to drive up the mountain to where Jefferson is buried, and that an average of 60 people a day visit his home. Most of the tourists visiting Washington think nothing of taking the train over to see Monticello—that is a part of their plan and trip.

"Monticello has been in my thought ever since I first saw it. I remember it was about three years ago when I accompanied my husband to Virginia where he made the founder's day address at the university. We stopped at the home of Dr. Alderman, president of the university, and Mrs. Alderman, and one night we were invited by Mr. Levy to dine at Monticello. Friends advised us not to go on account of the roads. But I begged. Had I not heard of Mount Vernon and Monticello all my life? When I was a child in Texas, was it not a great event when people traveled as far away by train as Virginia to visit Mount Vernon and Monticello? And didn't I watch for their home-coming to hear beautiful stories about it all?

"I remember that night, three years ago, when Mr. Levy invited us to dinner. Somehow it did not enter my mind that I was going to visit him. He did not seem to me to be a part of Monticello. Thomas Jefferson was uppermost in my mind; I could think of no one else. Somehow I had never connected Mr. Levy with Mr. Jefferson and Monticello. He had not entered my dreams.

"Well, the evening came, and we drove through the black night and deep mud up that steep road to the top of the little mountain. Nothing could be seen. Only above our heads a thick mass of bare limbs of trees, like serpents coiled above us. I can remember nothing now of the house and my visit, except that I have a vivid impression of portraits—big oil portraits of the Levys—and ships—models of ships in which Uriah Levy was supposed to have sailed.

"I did not get the feeling of being in the house Thomas Jefferson built and loved and made sacred, and of paying a tribute to him. I did not seem to feel his spirit hovering around those portraits. My heart sunk. My dream was spoiled. Jefferson seemed detached from Monticello. He seemed to have been brushed to one side and to be fading into a dim tradition. Somebody else was taking his place in Monticello—an outsider. A rank outsider.

"Everything was disappointing. I had a heavy-hearted feeling. There was nothing of Jefferson to me in Monticello. He had dropped out and the Levys had come. One could hear and see only the Levys and the Levy family, their deeds of valor, their accomplishments, their lives. And I wished that I could get them out of my mind, but when I left Monticello Thomas Jefferson was but a disappearing memory, run out into and mixed up with the Levys.

"I made up my mind to find out how it all came about. It seemed to me that the people of the United States should own Monticello; that it should be public property like Mount Vernon; that it should be preserved from all danger of fire like Mount Vernon; that it should not be lived in by anybody or used as a summer home; that it should be open the year round so that people who make long journeys to get there could go in and see it; that it should not be for just those few who were fortunate enough to know Mr. Levy and to have special invitations from him, but that everybody should be free to go there; that it should be furnished as much like Mr. Jefferson had it as possible, and that it should not stand as a memorial to any other human being.

"This is no reflection on the hospitality of Mr. Levy. It is a national matter and, despite all Mr. Levy's kindness and hospitality, we would prefer when we visit Monticello to feel that we are the Nation's guests rather than the guests of an individual. No man living in our country, whatever his fortune, station, or prestige, can fill the setting laboriously erected by Mr. Jefferson.

"And I wondered why it was and how it was that we had to go to Mr. Levy to ask him about it. I tried to find out how it came about that Mr. Levy owns Monticello. That is a question which comes to everybody's mind. Surely he is not related to Thomas Jefferson, and he could not have inherited the place. When I inquired, I found that Uriah Levy had bought Monticello and 218 acres of ground from Dr. Barclay for $2,500. I found in certain records that when a boy he went in for a seafaring life and entered the Navy, where he remained off and on for most of his life. It seemed to be his one ambition and he persistently stuck to it, though his life in the Navy was full of difficulties and dismissals, mixed with promotions. When in France, by a set of circumstances, he came into a fortune, and on arriving in America he traveled by coach and postilions to Charlottesville and made private proposals for the purchase of Monticello, and succeeded in getting it for $2,500. Though his experiences in the Navy had not been the most serene, toward the end of his life he found that as every creature had his part and place in the world, he seemed to see his part and place quite clearly, that there were things he could do, and there was a way he could earn for himself a place in the hearts of men. He could offer his sword to Lincoln; he could leave his nieces and nephews a fortune; and he could crown his life by doing one fine, big, beautiful thing—he could present to the people of the United States Monticello, holding in its bosom this thing, this consecrated thing which had kindled a great light in the world. Monticello had no money value, and should not be left to relatives or individuals. It was a memory and should belong to all the people. So he wrote his will and gave Monticello to the people of the United States. He did not have any children.

"When Uriah Levy died it was with a conscience at last at peace with all mankind and a mind content that at last his name would have a meaning in history.

"It is a great pity that his relatives did not respect his wish and will, but instead should break his will by a pure technicality of law, and thus deprive him of the fame and glory of such a gift and take from the millions of outstretched and protecting arms of the people of the United States this one of its greatest treasures.

"Mr. Levy knows that Monticello should belong to all the people. He knows it should be public property. No one knows this better than he or has been made to feel it more keenly, for it is he who has stood at its threshold a good long time, seeing thousands of people pass through its gates. He has seen them pause at its entrance with humiliating sense of intrusion. He has seen them hesitate, reluctant to enter. He has seen proud and sensitive people shrink from asking his permission. He has seen them turn away from the doors without a glance into the rooms where Jefferson lived and died.

"Does he wish to keep this up? Is it not as humiliating to him as to them? And by what right must the people ask Mr. Levy's permission to visit the home and grave of Thomas Jefferson? Is it only through his favor that we can take our children up to the top of that little mountain to teach them lessons in history? How much longer does Mr. Levy think this can exist? Is he insensible to all emotions of patriotism and unselfishness? Does he want a whole Nation crawling at his feet forever for permission to worship at this shrine of our independence? Could he submit his feelings to the mortification of saying no? Would not the world cry out shame upon him, and where could he find a place to hide his head?

"Jefferson was not one man's man. He belonged to all the people, and as year by year his deeds grow brighter, so he is year by year more and more beloved. And are a patriotic people

to stand outside the gates waiting till one individual gives them permission to enter to lay at the grave of Thomas Jefferson a Nation's appreciation and tears? Is one man to be a stumbling-block in the path of love?

"I do not believe this condition can exist much longer. I do not believe the people of the United States will permit it. I do not believe our love of Thomas Jefferson and the things he did for us is all pretense. I do not believe the celebration of his birthday and July Fourth by the people of this Nation is all sham and bluff. But I believe that Jefferson is one of the idols of the whole world wherever liberty is, and that our gratitude for what he did for us is real, and that each one of us has a feeling that he is ours. And I believe there is a universal and determined wish in the minds of the people of the United States to rescue the home and access to the grave of Thomas Jefferson from the oblivion and selfishness of private ownership. It does not surprise Mr. LEVY to be told that people think he ought not to have the exclusive ownership of Monticello, and ought not to be the only human being in the whole world with a right to visit Jefferson's grave. He has been told it many, many times before, and approached in the most proper and delicate way by people far more important and persuasive than I. But it was of no avail. If this thing continues, in the not far distant time there might appear flaming headlines which shall announce: 'Mount Vernon for sale. How much am I offered?' 'The Hermitage on the auction block.' 'Arlington; who wants it? How much?' Then some obscure person with means enough will slip into the surroundings of Washington and become great, and some feeble person who never struck a blow for his country will take on the militant atmosphere of the Hermitage. Is it possible that the commercialism of America is so deep-rooted that it will tolerate, much less indorse, a sordid scramble between those who have the longest purse for our treasures which represent the highest point patriotism has ever reached in this country?

"The present owner of Monticello should not tax the patience of the people by insisting upon keeping it longer. He should accede to the wishes of the people and place it at the disposal of the Nation. Could he refuse when he realizes that Jefferson belongs to all the people and that his grave is a sacred spot where generation after generation will stop to pay tribute of respect? Can he serve the people of the United States and their children any better as a Member of Congress than he can by stepping to one side and permitting them to be the custodians of Thomas Jefferson's home? How on earth could any man do a nobler service?

"Surely he can not say "No," when before his eyes are such patriotic examples as John A. Washington, the Lees, and the Jacksons, who gave up their sacred treasures to the people of the Nation. And surely there is not a man in the world who could say no to this tiny little thing asked for the sake of Thomas Jefferson, who did so much for us.

"That is all that I have to say, except that I do want to say that I have a number of letters here which I have received all bearing on this subject, and I would like for the committee to read them. I have them pasted in scrapbooks. I have here letters from nearly all the governors of the States, including Govs. Wilson, Folk, Haney, Mead, McDonald, Carey, Eberhard, Goldsborough, Norris, McCreary, Colquitt, Deneen, Blease, Oddie, Osborn, Ellyson, and others.

"The CHAIRMAN. Let me suggest that you leave the letters here in the committee room. They will be taken care of, and some members of the committee might desire to examine them.

"Mrs. LITTLETON. Here is a letter from Mr. James M. Beck, of New York, which I will read:

NEW YORK, *July 18, 1912.*

Mrs. MARTIN W. LITTLETON.

DEAR MRS. LITTLETON: I have read with deep interest your open letter published a few days ago with reference to the acquisition by the United States Government of the home of Thomas Jefferson.

This object should appeal to every patriotic American. As the Nation grows older it becomes more desirable and also more necessary that the early landmarks of the Republic should be jealously preserved, and what physical landmarks are more valuable than the homes of the master builders of the Republic? As a native Philadelphian I have always deeply regretted that the home of Benjamin Franklin was destroyed. How deeply interesting it would be if we could revisit the house in which the great philosopher lived, see the library in which he worked, and the little printing shop from which he issued those pamphlets which so profoundly affected the development of our country in colonial times.

Of all the personages of our epic period it would have been most interesting to have preserved the homes of Washington, Franklin, Jefferson, Marshall, and Hamilton. Mount Vernon is preserved, and is and will continue to be an unending delight and a perpetual inspiration to many generations. The homes of Franklin and Hamilton have both been destroyed. That of Marshall has just been saved by the city of Richmond, and there remains upon the crest of the Virginia hills that historic edifice in which lived the man who was not only the pen of the Revolution, but who, after the Republic was formed, more profoundly affected its development for a period of over two decades than any political leader since his death.

Monticello should not share the fate of Franklin's home and that of Hamilton. Those of us who have visited Stratford and, with the most intense interest, examined the birthplace of Shakespeare and the humble home of Anne Hathaway must always feels a regret that that later home of the great poet, to which he returned after his successes in London, was destroyed by a vandal who resented the desire of the people to see the house in which William Shakespeare died.

Your patriotic purpose need not, however, be amplified. The more important question is, Can the Nation acquire Monticello and the grave of Jefferson except with the consent of its present owner? It is with reference to that question that I am taking the liberty of addressing you.

It has been held by the Supreme Court that the United States Government has, as an inherent attribute of sovereignty, the right of eminent domain (U. S. *v.* Jones, 109 U. S. Rep., 513); but this doctrine is subject to the qualification that the right must be exercised as an incident to some Federal function under the Constitution. The question therefore is whether it is within the sphere of the Federal Government to acquire sites and places which are intimately interwoven with its political and historical development. That it has the power to acquire a lighthouse to safeguard its coasts by the right of eminent domain has been ruled; but has it the right to acquire those historic lighthouses from which a steady light is thrown as from Pharos upon both the past and future?

I think it has, and I venture to call your attention to the case of United States *v.* The Gettysburg Electric Railway Company, reported in 160 United States, 668. I had some connection with that litigation. The Government, by act of Congress approved March 3, 1893, made an appropriation "for the purpose of preserving the lines of battle at Gettysburg, Pa. * * * with reference to the study and correct understanding of the battle and to mark the same with suitable tablets, each bearing a brief historical legend compiled without praise and without censure."

Subsequently to this act Congress passed a resolution which made a further appropriation "to acquire by purchase or by condemnation * * * such lands or interest in lands upon or in the vicinity of said battlefield as in the judgment of the Secretary of War may be necessary for the complete execution of the act of March 3, 1893."

Under this act the United States, through the Department of Justice, filed a petition in the name of the United States to condemn certain portions of the battlefield of Gettysburg for the purpose of marking the strategic points of the battlefield, and for the other purposes set forth in the act of Congress.

The constitutionality of this act was questioned and the case went to the Supreme Court of the United States. The Supreme Court, in an opinion by Mr. Justice Peckham, held that the constitutionality of the act depended upon the question whether the land was taken for a "public use" within the meaning of the Federal Constitution. The court held that "when the legislature has declared the use or purpose to be a public one, its judgment will be respected by the courts, unless the use be palpably without reasonable foundation."

Independent of the presumption which flowed from an act of Congress, the court held that "any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some or all of the powers granted by Congress, must be valid."

The court then proceeds to state that as the Battle of Gettysburg "was one of the great battles of the world"; that as "the importance of the issue involved in the contest of which this great battle was a part can not be overestimated"; that as "the existence of the Government itself and the perpetuity of our institutions depended upon the result," the Government could not be held to be "without power to preserve the land and properly mark out the various sites upon which this struggle took place."

Mr. Justice Peckham said:

"Such a use seems necessarily not only a public use, but one so closely connected with the welfare of the Republic itself as to be within the powers granted Congress by the Constitution for the purpose of protecting and preserving the whole country. It would be a great object lesson to all who looked upon the land thus cared for, and it would show a proper recognition of the great things that were done there on those momentous days. By this use the Government manifests for the benefit of all its citizens the value put upon the services and exertions of the citizen soldiers of that period. * * * The value of the sacrifices then freely made is rendered plainer and more durable by the fact that the Government of the United States, through its Representatives in Congress assembled, appreciates and endeavors to perpetuate it by this most suitable recognition. Such action on the part of Congress touches the heart and comes home to the imagination of every citizen and greatly tends to enhance his love and respect for those institutions for which these heroic sacrifices were made. The greater the love of the citizen for the institutions of his country the greater is the dependence properly to be placed upon him for their defense in time of necessity, and it is to such men that the country must look for its safety. * * * It seems very clear that the Government has the right to bury its own soldiers and to see to it that their graves shall not remain unknown or unhonored."

This conclusion was the unanimous judgment of the Supreme Court of the United States, and it may be noted that the eminent justice who was selected to render the opinion for the highest court of our land was himself a distinguished member of that party which traditionally adheres to a strict construction of the Constitution.

It seems to me that these words of Mr. Justice Peckham are quite as applicable to the acquisition of an historic edifice belonging to a distinguished civilian as to the site of a great battle field. "Peace hath her victories not less renowned than war"; and if the Federal Government has the power, as the Supreme Court has said in the case above referred to, "to bury its own soldiers and to see to it that their graves shall not remain unknown or unhonored," it must equally have the power to render the same kind of services to those distinguished civilians who, by peaceful achievements, have formed and developed our common country. If the preservation of an historic battle field is a legitimate Federal function, why is not the preservation of any other historic landmark within the inherent powers of a sovereign nation? Even if this were not so, Mr. Jefferson, as twice President of the United States, was Commander in Chief of its Army and its Navy, and the part which he played in the greatest struggle which made us a Nation was so conspicuous that the preservation of his home as an inspiration to all succeeding generations of Americans would seem to be within the powers of the Federal Government.

I would not have troubled you with this opinion if I had not gathered from your letter and from newspaper reports that some have assumed

that Monticello could not be acquired by the Federal Government without the consent of its present owner. If I am right in this opinion, the Government need not consult the wishes of the present owner or be dependent upon his sufferance or good will. It can by appropriate action, through the United States court in Virginia, file a petition to condemn Monticello and the grave of Jefferson, and the court will then award to the owner that "just compensation" which the Constitution equally requires.

Yours, very truly, JAMES M. BECK.

"The CHAIRMAN. Mr. Beck was formerly an Assistant Attorney General and is a distinugished lawyer of the New York bar.

"Mrs. LITTLETON. Yes, sir. I have a number of letters here from different societies and committees and from men and women all over the country; and, if you will allow me, I will leave them here for the committee's inspection.

"The CHAIRMAN. If you would like to have some of them printed in the record I think there would be no objection to that.

"Mrs. LITTLETON. Yes, sir; I will select some of them for the record.

"The CHAIRMAN. Have you a letter from your constituent, Mr. Theodore Roosevelt?

"Mrs. LITTLETON. I have not heard from him, but I have heard from some one else—Gov. Wilson. May I read it?

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
June 17, 1912.

MY DEAR MRS. LITTLETON: I wish sincerely that I could be present and lend such personal influence as I could command to your interesting efforts in behalf of the purchase of Monticello, but I find myself obliged to be contented with these few lines of hearty indorsement. I wish the project well with all my heart.

Cordially and sincerely, yours WOODROW WILSON.

Mrs. MARTIN W. LITTLETON,
Washington, D. C.

"The CHAIRMAN. Your address shows much painstaking labor and extensive research into records and heretofore undiscovered archives, and I think it will be of permanent historical value. The committee will take up the resolution and give it careful consideration. We thank you very much for your address.

Oregon and Washington Railroad Lands.

EXTENSION OF REMARKS

OF

HON. A. W. LAFFERTY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: The President on August 20, 1912, approved, and thereby made a law, H. R. 22002, relating to the Oregon and California land-grant suit, which bill was introduced by me in this House March 15 last.

The bill is composed of six sections.

Section 1 ratifies the action of the Attorney General in filing suit to recover the 2,300,000 acres of unsold lands from the railroad company, and declares said suit by the Attorney General to be of the same force and effect as a declaration of forfeiture by the Congress of the United States.

Section 2 provides that none of the lands reverting to the United States as a result of any final decree of forfeiture shall be subject to entry under any of the public-land laws of the United States, which means that it would require a future act of Congress to open up the lands to settlement if they shall be forfeited as a result of the suit. It may be said in passing that I already have another bill pending which provides that if the 2,300,000 acres of unsold lands shall be forfeited that they shall be opened up to settlement in tracts of not less than 40 acres nor more than 160 acres to actual settlers by proclamation of the President, under the drawing system.

Section 3 provides that no further suits shall be brought against those who purchased from the railroad company prior to the agitation for the enforcement of the grant unless such suits be brought within a year from the date of the approval of the act.

Section 4 authorizes the Attorney General to compromise with the 45 large purchasers who bought in the aggregate 400,000 acres from the railroad company before the agitation was started to enforce the law. This section will bring in $1,000,000 to the Government as a result of the compromise with the 45 large purchasers, who have heretofore been sued separately and who are anxious to make the compromise.

Sections 5 and 6 simply provide that no part of the act shall be construed so as to authorize any compromises with the railroad company itself, and makes it clear that as to the 2,300,000 acres of unsold lands still in the hands of the railroad company either an outright forfeiture to the Government or enforcement of the original terms of the grant is to be had, if within the power of Congress and the Department of Justice to obtain that result.

Every word of the bill as it passed Congress and became a law is exactly as I wrote it, except for section 2, which is a very short section, containing less than five lines. Section 2 does not contain all that I originally inserted in that it fails to provide expressly at this time that if the 2,300,000 acres of unsold lands shall be forfeited to the Government they shall nevertheless be opened up to settlement by proclamation of the President. The Committee on the Public Lands was of the opinion that a law could be passed authorizing the President to open the lands up to settlement later on as well as at the present time if a forfeiture should become effective as a result of the final decree of the Supreme Court in the pending case. That is why the Public Lands Committee amended section 2 of my original bill in the manner indicated.

The Oregon & California Railroad Co. derived its title to all of the lands in question under the acts of Congress of April 10, 1869 (16 Stats. L., 47), and May 4, 1870 (16 Stats. L., 94).

The former act conveyed the lands adjacent to the main line of railroad from Portland south to the California line, while the latter conveyed the lands adjacent to the line of railroad running west from Portland to McMinnville, a distance of 45 miles.

The act of April 10, 1869, by which most of the lands were granted, reads:

And provided further, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

The act of May 4, 1870, by which the remaining lands were granted, reads:

Said alternate sections of land granted by this act * * * shall be sold by the company only to actual settlers in quantities not exceeding 160 acres, or a quarter section, to any one settler, and at prices not exceeding $2.50 per acre.

It will therefore be seen that the railroad company never received any right to do anything with the lands, except to convey them in tracts not larger than 160 acres to bona fide settlers.

The railroad company completed the railroad in 1887. About 8 years thereafter, or 17 years ago, it received patents for the bulk of the land.

In the meantime it seems that most everyone had forgotten the terms upon which the lands were granted to the railroad company.

Consequently the railroad company proceeded to ignore the law and treat the land absolutely as its own. It sold 800,000 acres of the land prior to 1907, when a halt was suddenly called by the beginning of the present litigation. Since the present suits were started the railroad company has sold none of the land, and it now holds 2,300,000 acres.

The original amount of land granted to the railroad company by the two acts referred to was 3,100,000. Therefore the sales of the company amount to 800,000 acres. Of the lands sold, 400,000 acres were sold to 45 purchasers, the Booth-Kelley Lumber Co. being the largest purchaser. Most of the other 44 large purchasers are Oregon lumber companies. These 45 large purchasers are the people who are to be allowed to compromise and hold their land, unlawfully purchased from the railroad company, on paying to the Government $2.50 an acre. This compromise, as stated, will bring into the Federal Treasury $1,000,000.

As to the other 400,000 acres sold contrary to law prior to the institution of the pending suits, the sales were made in small quantities, there being a total of 5,000 purchasers. Those purchasers have not been sued at all, and will not be sued. These titles will become perfect at the end of one year from the date of the approval of my bill, which, as stated, was signed by the President on August 20, 1912.

The whole issue now resolves itself into the question as to what shall be done with the 2,300,000 acres of unsold lands remaining in the hands of the railroad company. I think it is safe to say that these lands will either be forfeited to the Government as a result of the pending litigation or the court will enter a final decree requiring that the company shall live up to the law as to said 2,300,000 acres, and sell the same to actual settlers, as provided in the original granting acts.

Many citizens have written to me for the present status of these lands, and that is why I have gone into the matter in detail.

It is my opinion that any citizen who may so desire has a perfect right to pick out a tract of the unsold portion of the railroad land grant—that is to say, any part of the 2,300,000 acres involved in the main Government suit—and to settle upon

the same, build his house, take possession, inclose the tract, if desired, and make all necessary clearings and improvements, cultivation, and so forth.

It is certain that no citizen could acquire any right to a tract of this land in any other way. The mere filing of a written application to purchase from the railroad company would amount to nothing, because the law says that the lands shall be sold by the railroad company only to actual settlers.

Of course, it is perfectly clear since Congress passed my bill of August 20, 1912, including section 2, framed by the Public Lands Committee, to provide that none of the lands which may be forfeited to the United States shall be subject to disposition under any of the public-land laws, that any person now settling on the land would be charged with notice that he would acquire no rights as against the Government if forfeiture rather than a decree for specific enforcement should be the final outcome of the litigation.

But, pending the final decree of the Supreme Court, it is my opinion that any citizen desiring to do so may take up any tract of the 2,300,000 acres of unsold land not previously settled upon, and if the final decree should happen to be enforcement instead of forfeiture the bona fide settler living on the land would get title on paying into court the $2.50 per acre.

I would not advise any man to settle upon a tract of these lands unless he could find a tract that would make him a congenial home. Nor would I advise any man to take such a step unless he could afford to lose the time and money necessary to expend on the claim, pending the litigation, and even then be able, if necessary, to withstand an adverse decision as to his rights as a settler.

But I have given the law fully and completely, so that any citizen may know as well what his rights are as any lawyer knows them. And if any citizen desires to take the chance of settling upon one of these railroad claims, under and by virtue of the original granting acts, I shall do everything within my power to protect the settler in so doing.

It is a certainty that the railroad company would not try to put the settler off the land pending this litigation. To do so would be to bring up for immediate decision in court the very question that the railroad company is trying to stave off as long as possible, to wit, whether a settler has the right to treat the law of Congress granting these lands to mean what it says.

And if the Government attorneys should try to put a settler off the land who might now go upon the same, I would be willing, without fee, to defend the settler in any court. It would be ridiculous for the Government to claim a forfeiture of these lands because of the refusal of the railroad company to sell the same to settlers and in the next instant to claim that a settler had no right to go upon the lands.

Of course, when a final decree shall be rendered in the case, if that decree shall be forfeiture instead of enforcement, the lands will then belong absolutely to the United States and no settler will have any right to thereafter go upon the lands without the consent of the Federal Government.

But as long as these 2,300,000 acres of unsold lands are in litigation, I take it that any citizen has the right to assume that the law will be enforced and not revoked, and that, therefore, pending the litigation, any citizen will have a right to go upon the land and settle upon any given unoccupied claim.

Many people no doubt wonder why no test suit was brought prior to 1907 to test the law by which these lands were granted to the railroad company. I am confident that the true explanation is that it was so long between the date of the grant and the date the company finally received its patents that the public had practically forgotten the terms upon which the grant was made.

I take some pride in the fact that I filed the first test suits that were ever brought to enforce this land grant. These suits were filed in September, 1907, for citizens of Oregon who went out upon the land and settled there in good faith and built homes for the very purpose of testing the law and enforcing its provisions, and who are still residing on the land. There were 65 of these settlers, all told. There are not more than 65 settlers on the land now, while there are some 15,000 vacant tracts of 160 acres each.

A year later the Government filed a suit involving the 2,300,000 acres of unsold lands. The Government practically adopted the facts set out in my complaint.

The court consolidated the suits filed by myself as test cases for the actual settlers and the suit filed by the Government, and the entire litigation is now pending before Judge Wolverton, at Portland, where a final decision is expected during the coming winter. Hon. B. D. Townsend, special assistant to the Attorney General, has just about finished the taking of the testimony.

Much work yet remains to be done to bring the case to a reasonably early and successful conclusion in the Supreme Court. I look for a final decision in the Supreme Court about 18 months hence, or in April, 1914. It ought to be earlier.

I have criticized, and I believe justly so, the delay that has attended the prosecution of the case up to this date by the Department of Justice. I am just in receipt of a letter from the Attorney General, stating that he has directed Mr. Townsend and United States District Attorney McCourt, at Portland, to consent to no further delays or extensions of time, and to bring the case to final judgment at the earliest possible moment.

In view of the attempts that have been made to rob me of what little credit may be due me for starting this land-grant litigation and again stirring it up with a vengeance when I arrived in Washington as a Member of Congress, I will say at this time that I have never received one penny for any of the services that I have performed for any client in connection with the case. Furthermore, I made a trip to Washington in June, 1907, and while here laid the law and the facts of the case before Attorney General Bonaparte and filed with him a printed brief on the subject, which I will insert as a part of my remarks.

The printed brief referred to, it may be safely said, is the first authentic and connected statement of all the facts and the law relating to the railroad land grant. While in Washington on the occasion referred to I was requested by Senator BOURNE to go with him to the Attorney General's office and present to that official the facts in relation to this land grant. After a statement of one hour's length to the Attorney General he asked me to prepare the brief referred to. I prepared that brief at a cost of $46 for stenographic services, besides four days' work at the Senate document room, in which I dug up the old debates had in Congress at the time the grant was made. And that was the first time that any individual had brought to light the fact that any debates were even had at the time the grant was made. Those debates are most interesting, and show conclusively that Congress expected the terms of the grant to be complied with, and that otherwise it would not have made the grant at all.

The brief to which I have referred I hereby incorporate as a part of my remarks, and is as follows:

INTEREST OF OREGON & CALIFORNIA RAILROAD CO. IN LANDS GRANTED BY THE ACTS OF CONGRESS OF APRIL 10, 1869, AND MAY 4, 1870. A RÉSUMÉ OF THE LEGISLATION AND HISTORICAL FACTS.

(Prepared for Hon. Charles J. Bonaparte, Attorney General of the United States, by A. W. LAFFERTY, Esq., of the Portland (Oreg.) bar.)

WASHINGTON, D. C., *June 18, 1907.*

Hon. CHARLES J. BONAPARTE,
Attorney General, Washington, D. C.

SIR: Pursuant to my promise, made to yourself and Senator BOURNE at our conference on the 12th instant, I take pleasure in submitting herewith a brief review of the legislative enactments and facts pertaining to the lands now held by the Oregon & California Railroad Co. in Oregon, under the acts of Congress of April 10, 1869, and May 4, 1870.

THE ORIGINAL OREGON CENTRAL RAILROAD CO.

October 6, 1866, the Oregon Central Railroad Co., of Portland, Oreg., was incorporated. Its purpose was to construct a line of railroad from Portland, Oreg., in a southerly direction to the California line, and to receive a grant of lands offered to be donated to aid the construction of such a road by the act of Congress of July 25, 1866 (14 Stats. L., 239). Said Oregon Central Railroad Co. began the construction of its road on the west side of the Willamette River. Under the terms of said act of Congress it was required to be first designated by the Oregon Legislature as a proper company to receive the grant, and it was also required to file its assent to the terms of the grant in the office of the Secretary of the Interior within one year from the date of the act, and to complete 20 miles of road within two years from the date of the act. It was designated by the Oregon Legislature as a proper company to receive the grant by joint resolution No. 13 on October 10, 1866. It did file its assent to the terms of the grant in the office of the Secretary of the Interior within one year from the date of the act, to wit, on June 1, 1867. But it failed to complete 20 miles of road within two years from the date of the act. However, Congress had in the meantime, to wit, on June 25, 1868 (15 Stats. L., 80), by resolution, extended the time for the completion of the first 20 miles of road 18 months, or until December 25, 1869. The company again failed to complete 20 miles of road within the period of this extension, and thereupon abandoned all claim to the lands granted by the act of July 25, 1866, and has since asserted no claim to said lands.

OREGON CENTRAL RAILROAD CO. (NO. 2).

April 22, 1867, there was organized and incorporated at Salem, Oreg., another railroad company, which also styled itself "Oregon Central Railroad Co." It became a rival of

the company first organized by that name. The question of the right of the Salem company to use the name "Oregon Central Railroad Co." found its way into the United States court for the district of Oregon, upon the suit of one of the stockholders in the original company, to enjoin the Salem company from using its name, and in that suit Judge Deady held, on August 3, 1869, that the Salem company was unlawfully using the name "Oregon Central Railroad Co." but further held that a suit to enjoin said company from the use of such name should be brought by the original corporation and not by a stockholder. For convenience the original Oregon Central Railroad Co., of Portland, Oreg., will hereafter be referred to as the Oregon Central Railroad Co. (west side), while the company subsequently organized at Salem, Oreg., will be referred to as the Oregon Central Railroad Co. (east side).

Immediately after the organization of the Oregon Central Railroad Co. (east side) it began the construction of a line of railroad on the east side of the Willamette River to run from Portland, Oreg., in a southerly direction, to the California line. The incorporators of the east side company then set about to become, if possible, the recipients of the lands offered to be donated to aid the construction of such a road by the act of Congress of July 25, 1866. But the east side company had not been designated by the Legislature of the State of Oregon as a proper company to receive the grant. However, the east side company thereafter, to wit, on October 20, 1868, succeeded in getting the Oregon Legislature to pass a resolution whereby the legislature rescinded its former action in designating the west side company as the recipient of the grant and designated the east side company as the recipient of the grant. It is doubtful if this action of the legislature gave any rights whatever to the east side company, and it is certain that even if the east side company was thereby lawfully designated as a proper recipient of the grant, it still could not receive the grant because it had not complied with the act of Congress by filing its assent to the terms thereof in the office of the Secretary of the Interior within one year from the date of the act.

CONGRESS PASSES AMENDMENT OF APRIL 10, 1869, UNDER WHICH OREGON CENTRAL RAILROAD CO. (EAST SIDE) LATER RECEIVES THE GRANT.

To enable the east side company to receive a grant of lands to aid it in the construction of the road should it succeed, Congress, by the act of April 10, 1869 (16 Stat. L., 47), provided that one year should be allowed from that date for any railroad company to file its acceptance of the terms of the act of July 25, 1866. Except for this act of Congress of April 10, 1869, the east side company could not have received the grant. The east side company filed its assent to the terms of the act of April 10, 1869, in the office of the Secretary of the Interior on June 24, 1869. Thus we find two rival companies in the field from that date, both seeking to obtain the same land grant. The act of Congress of April 10, 1869, simply provided a way whereby the east side company could lawfully file its assent to the terms of the act of July 25, 1866, and thereby become a competitor for the grant.

The act of April 10, 1869, provided that only "one company" should receive the grant. In this connection, it was the intention of Congress to leave it to the courts to decide which of the two rival companies should have the grant, provided both of them should succeed in completing 20 miles of road by December 25, 1869. (On this point see S. Rept. No. 3, 41st Cong., 1st sess.) Each of the contending companies claimed that the other had not been legally incorporated or properly designated by the Oregon Legislature to receive the grant. However, as was stated before, the west side company failed to complete 20 miles of road by December 25, 1869, and consequently abandoned all of its claims to the grant of July 25, 1866. The east side company succeeded in completing 20 miles of road on December 24, 1869, the day before its time limit would have expired, and on December 31, 1869, the commissioners appointed by the President reported the completion of the first 20 miles of road by the east side company, and on January 29, 1870, the Secretary of the Interior accepted and approved the map of location of the east side company.

Hence it will be seen that the east side company succeeded in acquiring the grant only through the act of April 10, 1869. Except for that act the east side company could not have come in as a claimant for the grant at all because it had not filed its assent to the terms of the act of July 25, 1866, within one year from its date.

This point is important because it is in the act of April 10, 1869, that the provisions first appear requiring that said lands shall be disposed of to actual settlers only, and at prices not exceeding $2.50 per acre, and in quantities not exceeding one-quarter section. The act of April 10, 1869, is as follows:

Be it enacted, etc., That section 6 of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the Legislature of the State of Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passage of this act; and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if such assent had been filed within one year after the passage of said act: *Provided*, That nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one company to a grant of land: *And provided further*, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding $2.50 per acre. Approved, April 10, 1869.

OREGON & CALIFORNIA RAILROAD CO. SUCCEEDS OREGON CENTRAL RAILROAD CO. (EAST SIDE).

March 17, 1870, the Oregon & California Railroad Co. was incorporated at Salem, Oreg. It was nothing more than a reorganization of the old east side company. Its officers and stockholders were the same as those of the old company. A few days thereafter, to wit, on April 4, 1870, the Oregon Central Railroad Co. (east side) by warranty deed conveyed all of its assets, trackage, franchises, and rights under the land grant to the new Oregon & California Railroad Co.

Said Oregon & California Railroad Co. still exists and is the present holder of said grant and is the present owner of the line of railroad running from Portland, Oreg., to the California line, which road, however, has been leased to and operated by the Southern Pacific Railroad Co. since 1881. But the Oregon & California Railroad Co. owns the trackage, right of way, depots, land grant, and all other property connected with the company.

The sole object of the old east side company's reincorporating under the name of Oregon & California Railroad Co. was to cure the alleged defects in its original incorporation, for its right to use the name "Oregon Central Railroad Co." was being contested by the Oregon Central Railroad Co. (west side), which was still in the field.

ACT OF MAY 4, 1870, MAKES NEW GRANT TO ORIGINAL OREGON CENTRAL RAILROAD CO. (WEST SIDE).

The Oregon Central Railroad Co. (west side) having lost the grant of July 25, 1866, changed the course and plans of the road it was building on the west side of the Willamette River and succeeded in getting Congress, by the act of May 4, 1870 (16 Stat. L., 94), to give to it a new grant of 10 odd-numbered sections per mile on each side of its road, which it then proposed to build from Portland to McMinnville and Astoria. It completed its road from Portland to McMinnville and received the grant that far, but never completed the road to Astoria, and that part of the grant was never utilized. The act of May 4, 1870, like the act of April 10, 1869, granted the lands not absolutely, but subject to the conditions that the same should be sold to actual settlers only, and at prices not exceeding $2.50 per acre, and in quantities not more than 160 acres to any one person.

Section 4 of the act of May 4, 1870, reads:

And be it further enacted, that the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, sidetracks, woodyards, standing ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers, in quantities not exceeding 160 acres, or a quarter section, to any one settler, and at prices not exceeding $2.50 per acre.

July 12, 1870, the Oregon Central Railroad Co. (west side) filed in the office of the Secretary of the Interior its assent to the terms of the act of May 4, 1870.

OREGON & CALIFORNIA RAILROAD CO. SUCCEEDS OREGON CENTRAL RAILROAD CO. (WEST SIDE).

October 6, 1880, the Oregon Central Railroad Co. (west side) by warranty deed conveyed all of its trackage, right of way, land grant, and other assets of every kind and character to the Oregon & California Railroad Co., heretofore mentioned.

From this chronology it will be seen how the Oregon & California Railroad Co. has acquired both the grant that was originally received by the east side company and also the grant that was received by the west side company. Said Oregon & California Railroad Co. now holds all of the land granted by both the act of April 10, 1869, and the act of May 4, 1870, save and except such parcels as it has sold from time to time to different purchasers.

GRANTS AGGREGATE 3,000,000 ACRES.

The two grants aggregate 3,000,000 acres. For the past four years the Oregon & California Railroad Co. has refused to sell any of said lands to any person at any price, and it now holds approximately 2,300,000 acres of the lands received by it under said grants.

Said Oregon & California Railroad Co. in making disposition of that portion of said lands which it has sold ignored all three of the conditions upon which the lands were received by it, to wit, that the lands should be sold to actual settlers only and

at prices not exceeding $2.50 per acre and in quantities not exceeding 160 acres. The records also show that said company in making such sales has never given anything but a quitclaim deed, simply conveying to the purchasers what right, title, and interest the company had in the lands.

The lands granted by the act of July 25, 1866, have been patented from time to time by the United States directly to the Oregon & California Railroad Co., and these patents refer only to the act of July 25, 1866, and make no reference to the qualifying act of April 10, 1869. And these patents purport to convey the fee-simple title to said railroad company. These patents should doubtless have been differently worded.

For the most part the lands granted by the act of May 4, 1870, have been patented by the United States directly to the Oregon & California Railroad Co., but the patents in the case of this grant all recite that they are made under the act of May 4, 1870, which would doubtless be notice to all the world of the conditions under which the railroad company must dispose of the same.

In the case of both grants I would recommend that innocent purchasers be not disturbed, but that action be brought forthwith in the United States court for the district of Oregon to prevent the further disposition of these lands, except in accordance with the terms of the acts of Congress.

UNSOLD PORTION OF GRANTS HELD BY OREGON & CALIFORNIA RAILROAD CO. REASONABLY WORTH $30,000,000.

The 2,300,000 acres now held by the Oregon & California Railroad Co. are worth, at a conservative estimate, $30,000,000. The incentive of the railroad company to dispose of these lands to innocent purchasers at their present market value, if they can do so, and thereby put them beyond the power of the Government to enforce their sale at $2.50 per acre is therefore great. If litigation is contemplated by the Government, the reasons for prompt action are apparent.

These grants were made 37 years ago. The sole question now is, Should the Government require the railroad company to dispose of these lands according to the terms of the grants, or, on account of lapse of time, should the Government suffer the railroad company to assume absolute ownership of said lands and receive the benefits of the sale thereof at their present market value as a fee simple owner?

It is argued on the part of the railroad company that Congress did not intend that they should hold these lands for actual settlers at $2.50 per acre indefinitely. They claim that it was only intended that the lands should be disposed of at the time at that price. It is also asserted on behalf of the railroad company that it has paid taxes on these lands for many years to the State of Oregon and that it would, therefore, be unjust and inequitable to require it to sell the same at this time to settlers for the price of $2.50 per acre. It is not claimed on behalf of the company that its position has been changed by the making of any improvements on these lands, nor is it true that the company has made any improvements thereon. And while it is true that the acts of Congress granting the lands were passed 37 years ago, it is not true that the company has paid taxes thereon to the State of Oregon since that time. The railroad company did not pay any taxes on these lands until they were actually patented to the company. The records of the Interior Department show that many of the patents were issued to the company in the last few years, and, indeed, that most of the lands were patented to the company in the last 10 years, and it is a fact that some of the lands granted by those acts have not yet been patented to the company.

COMPANY HAS ONLY PAID TAXES TO THE AMOUNT OF A FEW CENTS PER ACRE.

It has even been broadly asserted by those unfamiliar with the facts that the company has paid taxes on these lands amounting to more than $2.50 per acre. But this assertion is erroneous. On most of said lands the company has not paid taxes to exceed 25 cents an acre, and on a general average it may be safely asserted, from a partial investigation of the records of Oregon which has been made, that the company has not paid taxes on the entire grants of more than 50 cents per acre.

COMPANY BOTH LEGALLY AND MORALLY BOUND TO SELL TO ACTUAL SETTLERS AT $2.50 PER ACRE.

Now, if the acts of Congress referred to are to be regarded, it is not only the legal but the moral duty of the railroad company to sell these lands to settlers at the price of $2.50 per acre. If the company is not bound by law to so sell these lands at this time, then those provisions of the acts of Congress providing that the lands should be so sold were mere surplusage in the acts and meant nothing.

It has even been contended that the provisions of the acts of Congress requiring the sale of these lands to settlers at not more than $2.50 per acre referred only to such settlers as may have been on the lands at the time of the passage of the acts. But this position is shown to be absolutely untenable by a reading of the acts themselves, for the acts specifically provide other and different means for the protection of such settlers as may have been on the lands at the time by expressly excepting from the operation of the acts any parcel of land then occupied by a settler. Therefore nothing could be clearer than the proposition that Congress, by granting the lands upon the conditions referred to, preserved the right of future generations to enter and settle upon these lands and to purchase the same upon making such settlement at a price not to exceed $2.50 per acre.

ONLY LIMITED INTEREST GRANTED TO RAILROAD COMPANY.

No one will have the hardihood to assert that anything more than a limited interest in these lands was received by the railroad company at the time of the passage of the act. To say that the railroad company received the absolute fee-simple title at the time of the passage of the acts is to assert that Congress is impotent to annex conditions to its disposition of the public lands. However, as I understand it, no one, not even the railroad company, claims that the provisions of the acts of Congress prescribing how these lands should be sold were not valid and enforceable at the time. But it is contended on the part of the railroad company that, owing to changed conditions and lapse of time and laches on the part of would-be settlers and on the part of the Government in calling for the performance of the conditions of the acts of Congress, what was once only a limited interest in the lands has ripened into a fee-simple title, and that the railroad company now has the right to do with the lands as it pleases and to either hold them itself or dispose of them as absolute owner to whom it sees fit and in such quantities as it may desire and at such prices as it may be able to procure upon the market. It is contended on the part of the railroad company that Congress could only have meant, by the conditions referred to, that the railroad company should sell the lands at the price of $2.50 per acre to such persons as might have applied to purchase them at that price within a reasonable time after the passage of the acts, and that it would be unreasonable to construe the acts of Congress as meaning that those limitations upon the alienation of the lands by the company should be perpetual.

CONGRESS INTENDED CONDITIONS REQUIRING RAILROAD COMPANY TO SELL TO ACTUAL SETTLERS ONLY SHOULD BE PERMANENT.

It is only necessary to read the acts themselves to see that the conditions limiting the sale of the lands to actual settlers and at the prices and in the quantities named were permanent conditions. These provisions of the law are too plain to admit of misunderstanding. They are too plain to justify a reference to anything extraneous to the acts themselves in order to determine their meaning.

But when we do refer to the circumstances and conditions which existed at the time of the passage of these acts, we find that they confirm the proposition that Congress expressed its intention clearly in the provisions contained in the acts. We find that those circumstances and conditions show no necessity for giving to the acts a construction different to the plain wording thereof in order to arrive at the exact intention of Congress. A reference to such circumstances and conditions demonstrates beyond doubt that these acts meant what the language thereof clearly conveyed. It demonstrates that Congress not only intended that these lands should be disposed of by the railroad company to such settlers as might immediately settle thereon and apply to purchase the same, but that the lands should be held indefinitely by the railroad company for actual settlers and that the railroad company should have no power to dispose of said lands otherwise.

Therefore, when the railroad company received these grants from the United States under the conditions specified, it became a trustee, and upon it devolved the duty of disposing of these lands in the manner prescribed by Congress. It became a trustee for the United States, grantor in the trust, and for such persons as might thereafter settle upon these lands. Such future settlers were sufficiently described for the purposes of the trust, because they would become definite beneficiaries as soon as they settled upon the lands. The United States is also interested in seeing the trust carried out according to the acts of Congress, because the country as a whole will be benefited by having these lands occupied by small holders.

NO SUIT HAS EVER YET BEEN BROUGHT TO ENFORCE TERMS OF THE GRANTS.

No suit has ever been brought in court to enforce this trust, either by the Government or by any individual. The fact is that the railroad company has never recognized the right of settlers to go upon these lands and to purchase the same at the price named by Congress. The railroad company did for several years prescribe rules of its own for the disposition of these lands, which rules were formulated by the company with-

out reference to the acts of Congress and in violation thereof. In this way the company, through its land department, has disposed at private sale of approximately 800,000 acres of the 3,000,000 acres granted by said acts. It disposed of said lands to nonsettlers, to corporations, and to speculators in timber lands, and for such prices as it could get upon the market, ranging as high as $15 per acre. It is true that in these sales the railroad company has protected itself by giving only quit-claim deeds. The purchasers have, of course, called for abstracts of title, but as the abstracts invariably began with the patent from the United States to the railroad company, which appeared absolute upon its face, the purchasers were made satisfied to accept the title as a fee simple title and did not go back of the patents to investigate any conditions in the acts of Congress, upon the authority of which the patents were issued. For this reason I would suggest, in most instances at least, that these purchasers of the past should be considered as innocen purchasers and that their titles should not be disturbed.

There are, perhaps, remedies through the courts which would be open to persons who might settle now upon these lands, and this phase of the question will hereafter be referred to. But whether such remedy exists or not, the Government itself is a vitally interested party. It is interested to the extent of seeing that the acts of Congress are complied with and not ignored. It is interested in seeing that these lands are peopled by actual settlers and that the development of the country is not retarded by said lands being monopolized by the railroad company or by their sale to large holders. It is interested in preventing the further sale of these lands in violation of the acts of Congress to persons or corporations who might be considered innocent purchasers, which might render the acts of Congress impossible of enforcement thereafter, either upon the suit of the Government or upon the suit of individuals. Besides, whatever remedies, if any, that settlers might have through the courts, unaided by the Government, it is clear that the situation has now reached a point where action by the Government, through its Department of Justice, is absolutely necessary to insure future compliance with the acts of Congresss with reference to the remaining 2,300,000 acres of these lands.

MATTER BEYOND JURISDICTION OF CONGRESS.

Congress lost jurisdiction over the lands when it granted them to the railroad company to be by the railroad company conveyed to settlers. It is now for the Government to either enforce the disposition of the remaining 3,000,000 acres of these lands according to the terms of the acts of Congress, acting through the Department of Justice, or it must acquiesce in the claim of fee simple ownership which is now asserted by the railroad company.

The law demands that the Government shall pursue the former course. The claim of the railroad to anything more than an interest to the extent of $2.50 per acre in the lands is unsupported. The defense of laches can not be raised against the Government, even if there were any grounds for raising such a defense in this case. Nor will the statute of limitations run against the Government, nor does the statute of limitations ever run in the case of an express trust. And there has been no laches on the part of the Government in enforcing the proper execution of this trust, for the Government has had the right to presume all of the time that the railroad company would faithfully execute the trust itself. There could be no claim raised by the railroad company of any additional rights in these lands by reasons of its payment of taxes thereon, or of improving the same, for the reason that it has paid but a trifling amount of taxes and has made no improvement on the land. Even if it had done so it would have been acting with knowledge of the fact that it was legally bound to later convey these lands to settlers, as prescribed by the acts of Congress. And had the railroad company been faithful to its trust and permitted settlers to occupy these lands and purchase them at $2.50 per acre, the lands would all have been sold long ago and the company would have been relieved from a further payment of taxes. But the company has consistently refused from the start to recognize the rights of settlers on these lands and has always insisted on its right to sell the lands as it saw fit. The railroad company will, no doubt, claim that at one time it would have been glad to have sold for $2.50 per acre some of the lands which it now asks $15 an acre for. But it is not true that the railroad company has ever offered to sell these lands to settlers under the terms of the acts of Congress, and even if it had done so at one time that offer would not have relieved the company from thereafter holding itself ready at all times to comply with the acts of Congress. Besides, it was clearly the intention of Congress that the railroad company should hold these lands as trustee until such time as settlers should desire to enter upon and settle the same, no matter what length of time that might be.

CONDITIONS WHICH LED CONGRESS TO INSERT THE SPECIAL PROVISIONS IN THE ACTS OF APRIL 10, 1869, AND MAY 4, 1870, MAKE CLEAR THEIR INTERPRETATION.

The acts of April 10, 1869, and May 4, 1870, by which these lands were granted, both make it the legal duty of the railroad company to sell the lands to actual settlers, at prices not exceeding $2.50 per acre, and in quantities not exceeding 160 acres. A consideration of the conditions which existed in the country at the time makes doubly sure the meaning of the plain wording of the acts of Congress. The act of April 10, 1869, was passed without debate. But the act of May 4, 1870, was discussed at great length in both Houses of Congress. While only in rare instances will the courts refer to the debates upon a bill in order to arrive at the intention of Congress, we may at least properly consider these discussions as showing the conditions which existed at that time, and a consideration of existing conditions may always be properly considered in construing a legislative enactment.

The act of May 4, 1870, was strongly opposed in both the Senate and House of Representatives. Memorials signed by numerous citizens had been presented to Congress, as shown by the records hereinafter quoted, urging Congress to refuse to grant any more land subsidies to railroad companies, but to preserve the Government lands for settlement by the poor people of the country and by future generations. These memorials were frequently referred to in the discussions in both Houses of Congress upon the bill which became a law May 4, 1870. These discussions also referred to resolutions which had been passed by various public bodies in different parts of the country, protesting against the granting of land subsidies to railroad companies. And this policy of retaining the public lands for settlers was strongly advocated in both Houses of Congress by the opponents of this law. But those advocating the passage of the act insisted that the safeguards which had been inserted in the bill in order to secure the land to future settlers answered all the arguments of its opponents and asserted that under the terms of this act future generations would have identically the same rights to settle upon the railroad lands as they would have to settle on the Government land within the limits of the grant, and that the railroad company would be bound to sell said lands to any such settlers, and that the railroad company could not in any event charge such settlers more than $2.50 per acre, which was also made the price of the Government land within the limits of the grant by the same act. It was argued in these debates that even if the railroad company should hold the lands until they were worth $100 an acre that still, under the law, they would be bound to sell the same to actual settlers at $2.50 per acre, and could not charge one cent more.

THE DEBATES IN CONGRESS.

The following discussion upon the act of May 4, 1870, was had in the House:

[From the Congressional Globe for Apr. 1, 1870.]

Mr. SMITH of Oregon. The bill, I will state, is one in which the interests of the Government have been carefully guarded. There has never been a land grant in which those interests have been so carefully guarded as in this bill. * * *

Mr. LAWRENCE. Does the bill make any provision in regard to actual settlers?

Mr. SMITH of Oregon. It provides that the land shall be sold only to actual settlers, in quantities not exceeding 160 acres to each person and at a price not exceeding $2.50 per acre. It is the most carefully guarded bill ever presented to this House.

* * * * * * *

Mr. HOLMAN. Mr. Speaker, as some indication of public sentiment on this subject, I desire to have the Clerk read a petition which is being signed by thousands and tens of thousands of citizens of the United States all over this broad land.

(The Clerk read memorial urging Congress to cease granting land subsidies to railroads and other companies, but to set the same apart for the exclusive use of settlers in limited quantities.)

Mr. MCCORMICK of Missouri. Who is that from?

Mr. HOLMAN. It comes from New York. I have received a number of such memorials. I trust the House will allow me to call attention to the fact that we only a week ago last Monday, without even a division of the House, adopted a resolution declaring it was the true policy of this Government that grants of lands to railroad corporations should cease; that it was the true policy to hold these lands for the exclusive purpose of securing homes to actual settlers under the homestead and preemption laws.

* * * * * * * *

Talk about $2.50 per acre. If there ever was any one measure that ever passed Congress with universal approval as a measure in conformity with the enlightened spirit of the age and the advanced ideas of our country it was the homestead law. And yet step by step, by policy as remorseless as death, you defeat that great measure by giving away your lands to corporations who are to charge $2.50 per acre for lands which ought to be free to the actual tiller as the good gift of God to mankind.

[From the Congressional Globe of Apr. 29, 1870.]

Mr. HOLMAN. * * * The only limitation is that the bill imposes on the company the duty to sell lands to actual settlers at a price of

$2.50 per acre—a proposition, in fact, to require the settlers on these lands to pay to this corporation the sum of $2,320,000. The question comes up as fairly upon this bill as upon any that is pending before Congress—what shall be our future policy in reference to grants of our public lands? Shall the public lands go to the actual settler under the homestead and preemption laws, or shall they be given to corporations?

* * * * * * * *

Mr. SARGENT. One word in regard to the policy of land grants for railroads in the future. If they can be carefully guarded, as this bill is, so that while they construct roads the lands shall also go to the settlers in limited quantities at small prices, then I am in favor of them. * * * The fault of the system heretofore has been that the grants have been made without restrictions to the companies, which could hold them indefinitely for a rise in value. By this means monopolies have been created and the settlers kept from the lands except on the even sections. But we propose to change all that, and do so by this bill. We compel the companies to sell the lands only to actual settlers at not more than $2.50 per acre, and in lots of not more than 160 acres. The only difference it makes to the settlers is that he pays double the minimum for his land; but the proximity of a railroad is certainly an advantage that counterbalances the price. The gentleman's blind rage does not discriminate between this system and that which was unrestricted, and would leave the vast West that needs development a wilderness for the long future.

The gentleman from Indiana [Mr. Holman] also says that the lands along the Union Pacific now sell for $10 per acre. The lands that bring that price must be of a very limited quantity, but if they are worth that it is the road that has given the value, for without it they would be worthless. Under this bill the lands can never realize but $2.50 per acre to the company, even if the road makes them worth $100 per acre.

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Mr. LAWRENCE. Does this bill contain any provision that the lands granted shall be sold to actual settlers only?

Mr. FITCH. Yes, sir; the bill is carefully guarded in that respect.

* * * * * * * *

Mr. MCCORMICK of Missouri. I do not, Mr. Speaker, propose to occupy more than a very few minutes. I wish to call the attention of the House to the land policy of the country, and the policy which is now governing the Committee on the Public Lands in this House. There seems to me no reason for that fear of landed monopolies which the gentleman from Indiana [Mr. Holman] seems to entertain. This bill secures to the use of all actual settlers all the lands granted to the road, and the price is limited to $2.50 per acre, the lands to be sold in quantities not exceeding 160 acres to any one individual. It is impossible for any monopoly to grow up under such a system. * * *

In the Senate the following discussion was had upon the bill, which became a law May 4, 1870:

[From the Congressional Globe of Feb. 2, 1870.]

Mr. WILLIAMS of Oregon. I suppose it is not necessary now to defend the policy that has been adopted by the Government to assist in the construction of railroads in new States by grants of land. Oregon is a State that has nearly 100,000 square miles within its borders. It has had one grant for a railroad, and now asks Congress to make another grant to assist in the construction of another small railroad in that State. The objection which the Senator makes to this bill is not available, for the reason that the bill provides expressly that every foot of the land shall be sold to actual settlers. The lands granted are as open, under the provisions of this bill, to actual settlers as they are under the preemption laws of the country. It simply provides that when settlers go upon these lands they may buy them of the company, and the proceeds shall be applied to assist in the construction of the road. * * *

* * * * * * * *

Mr. THURMAN. Mr. President, at the last session of Congress there were presented by my colleague certain resolutions of the General Assembly of Ohio against any of these grants to railroad companies for the reasons that are set forth in those resolutions, and Senators and Representatives from Ohio were requested to oppose all such grants. I concur with those resolutions. I think they lay down the proper policy, that the land of this Government ought now to be saved for actual settlers, and not granted to railroad companies. * * * I move that this bill be referred back to the Committee on the Public Lands, with instructions to strike out all the grant in the bill except that of the mere right of way.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Ohio [Mr. Thurman] to recommit the bill to the Committee on Public Lands, with instructions to strike out all grants of land except for the right of way.

Mr. STEWART. That is the question. I do not think it is the time to change the policy of the Government toward the remaining Territories and States of the West which have not had these grants, so far as the building of railroads is concerned, except perhaps as it is changed in this bill. In this bill there is a provision for disposing of the lands granted to settlers, and we have a provision against any possible monopoly on the part of the railroad company.

[From the Congressional Globe of Feb. 19, 1870.]

Mr. THURMAN. * * * Then, sir, I have other objections to the bill apart from the general question involved in it in regard to the policy of granting lands. It was said the other day when this bill was up that there is a provision in it that removes one of the most serious objections made to all other bills of this kind, and that that provision is that the land granted to the company shall be sold to actual settlers and to no other persons. Now, if there is an effectual provision of that kind in the bill, one that can be made operative and that can not be defeated, it is certainly a great improvement upon any bill of this kind that has heretofore passed Congress. But is that a fact? Is it a fact that this bill does secure to actual settlers as well the land granted to the railroad company as the land retained by the United States? I am very much afraid there is not. Although that provision is contained in the fourth section of the bill, yet the fifth section, very obscurely drawn, provides, upon any fair interpretation that I can give it, that the company shall be authorized to execute a first mortgage, and that without limitation, and therefore a first mortgage upon land that we here grant; and after having executed such first mortgage, there is a provision that the proceeds of the lands will go to certain trustees in another mortgage for the purpose of creating a sinking fund. But suppose the first mortgage be created and the condition broken, and the mortgagees do not see fit to await the tardy operation of this sinking fund, what then? Then, sir, they go into the courts of Oregon, foreclose their mortgage, and sell the property, and then what becomes of the provisions that the land granted can only be sold to actual settlers? Defeated, sir. Defeated. * * *

* * * * * * * *

Mr. WILLIAMS of Oregon. I am surprised that the Senator should make that objection, contending, as he does, against land grants to railroad companies. Wherever there is a provision in the bill which is intended to protect the public, he objects to it. Here is a grant made to this company of public land, and Congress has the right to attach any condition it pleases to that grant. It provides that the net proceeds of these lands shall be secured to the persons who hold the bonds of this company, so that the company may not use this grant for any other purpose whatever except to construct this road. Now, the entire object of this section is to make the grant insure the purpose contemplated by the bill—that is, to aid in the construction of the road, providing that the net proceeds of the lands granted shall be invested and set apart to secure the bondholders who may advance money for its construction.

As to the objection that it will affect the lands in the hands of actual settlers, I am sure the Senator can not be sincere in that, for it only provides that the net proceeds of the lands shall be applied in this way. Actual settlers are to go upon the lands and take them up and pay the company for them; and the proceeds of the sales of the lands by the company are to be applied in this way, and this mortgage or deed of trust or whatever may be executed for the purpose to secure to the bondholders applies in no way to the land, but to the moneys in the hands of the company.

* * * * * * * *

I do not wish to take time, but I should suppose the Senator would know that if a mortgage was executed to any person under and by authority of this act it would be just such a mortgage as the company could execute, and the company is required under this very act to sell these lands to actual settlers at $2.50 an acre, and the company can not by virtue of this law execute any mortgage that would interfere with the rights of the settlers under this act.

* * * * * * * *

Mr. VICKERS. As I understand the bill, the company has no right to sell the lands to anybody but an actual settler. If the lands are sold to actual settlers there is no forfeiture. If a portion of the land is sold to actual settlers the portion unsold will be forfeited to the Government if that condition is violated. That is the sole object of the amendment. It is to secure the sale of the lands to actual settlers, according to our purpose. If any other phraseology can be suggested by the Senator from Vermont, I shall be very happy to adopt it. That is the idea, object, the sole purpose of the amendment.

* * * * * * * *

Mr. CASSERLY. What security has the Government that this important provision in the bill will be complied with? I respectfully ask the Senator from Oregon—who I know will understand that my query proceeds from a desire to carry out what is the distinguishing feature of this bill—to state in what way that clause of the bill is to be enforced which provides for confining the sales by the company of this land to settlers? Suppose they do not sell to settlers?

Mr. WILLIAMS of Oregon. I suppose this law has as much effect as any other law with reference to public lands. There is no law in reference to the public lands of the United States that may not be violated, and the remedy is in the hands of the department.

Mr. VICKERS. If it is the design of the company to act in good faith toward the Government I can see no objection to this provision. The grant is made expressly upon the condition that the lands are to be sold to actual settlers. Now, there ought to be some security that this shall be done, for if they are sold to other persons the design of the grant, of course, is defeated, the purpose for which the land is given rendered abortive. I can see no difficulty in giving a mortgage on the land. In truth, I do not understand how a mortgage can be given on the money derived from the sale of the land and not upon the land itself. I do not see what a mortgage is to operate upon except it be upon the land; and in order to prevent a mortgage of the land itself so as to interfere with the rights or settlers I have offered this amendment to make the matter plain and explicit.

Mr. CASSERLY. * * * What is the theory of this bill? Its theory and its distinguishing feature, as I understood all along, is this; that notwithstanding the grant of this aid to this railroad company, the settlement of the lands by actual settlers shall proceed as if the grant had not been made. If that is not the theory of this bill I have not understood it, and the Senator from Oregon will correct me if I am wrong. That being the theory of this bill, I ask him, and I ask other Senators, what valid objection there can be to making that plain and certain; what valid reason he can give in opposition to an amendment the object of which is to carry out the declared theory of his bill and to assure that it shall not be disregarded or violated by the company?

The object of the Senator from Maryland by his amendment is to provide that in case the company shall give a mortgage upon this road for any purpose, notwithstanding the mortgage the right of the settler shall continue, as the theory of this act is that it must continue, namely, as free to enter and acquire title to these lands as though the act had not been passed. * * *

* * * * * * * *

Mr. VICKERS. If this company were to execute a mortgage upon these lands and that mortgage should be foreclosed and the lands sold by trustee, what would become of the rights of actual settlers? It is only to avoid what would follow as a result of an event of that kind that I have offered this amendment.

* * * * * * * *

I offer another amendment—to insert after the word "company," in line 10, section 5, the words "on road, depots, stations, sidetracks, and wood yards," so as to confine the mortgage to the road and its appurtenances and not allow it to extend to the lands.

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Mr. WILLIAMS. I do not care anything about that. If that will be any satisfaction to the Senator he can have it that way. The bill means that now.

The amendment was agreed to.

The bill passed the Senate February 19, 1870, and the House April 29, 1870, and was approved May 4, 1870.

THE OPINION OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

In response to an inquiry from Hon. W. C. HAWLEY, Member of Congress from Oregon, in reference to these railroad lands,

recently addressed to the Secretary of the Interior, Mr. HAWLEY was advised by the Commissioner of the General Land Office as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 19, 1907.

Hon. W. C. HAWLEY,
House of Representatives.

SIR: In reply to your letter of the 7th instant, addressed to the Secretary of the Interior and handed to me for attention, you are advised that the act of 1866 (14 Stats., 239) made a grant of lands to the California and Oregon Railroad Cos., conditioned upon the performance of certain acts by the company within a specified time. The prescribed conditions not having been met by the company, the time for the performance was extended by the act of 1869. (16 Stats., 47.)

Although the company failed to comply with the terms of the grant within the time specified, they were subsequently complied with before a forfeiture, and title to all the land within the grant consequently vested in the company (see Schulenberg *v.* Harriman, 21 Wall., 41), subject only to the covenant expressed in the proviso contained in the act of 1869, which declares "that the lands granted by the act aforesaid shall be sold to actual settlers only in quantities not greater than one quarter section to one purchaser and for a price not exceeding $2.50 an acre." As soon as the title vested in the company the jurisdiction over the lands passed from the executive branch of the Government, and the enforcement of the provision rests with the courts through appropriate action by either the settlers entitled to purchase or by the Government acting through the Department of Justice.

The power of Congress to prescribe the proviso can not, in my judgment, be questioned in view of the fact that it was made in consideration of the extension of time granted to the company, and the company is, therefore, without authority to sell these lands to any other person, in any other amount or for a greater price than that prescribed in the proviso, and any conveyance which the company has attempted to make on a sale made in violation of this statute would not be sustained by the courts.

Since title passed from the Government subject only to the covenants created by the proviso, it is doubtful if Congress has power to enact any law to compel a compliance with the terms of the provision (see Morgan *v.* Rodgers, 79 Fed., 577) and the covenant can only be enforced in the courts.

Very respectfully, R. A. BALLINGER, *Commissioner.*

THE MORTGAGE TO UNION TRUST CO. OF NEW YORK.

I have had prepared for my use in the preparation of this report abstracts of the title to the lands now held by the Oregon & California Railroad Co. under both of the grants here in question and an examination of said abstracts discloses that there is only one conveyance of record affecting said lands, except, of course, the patents of the Government to the railroad company. This conveyance is a deed of trust, executed the 1st day of July, 1887, by the Oregon & California Railroad Co. to the Union Trust Co. of New York. This trust deed recites that it is made to secure the first mortgage bonds of said railroad company, which were then to be issued and which should not exceed at any time the sum of $20,000,000.

Therefore, it will be advisable in the institution of any suit by the Government against the Oregon & California Railroad Co. to enforce the terms of the trust created by the acts of April 10, 1869, and May 4, 1870, to make the Union Trust Co. of New York a party defendant, in order that the rights of the holders of any of the outstanding first mortgage bonds or the Oregon & California Railroad Co. secured by the trust deed aforesaid may be adjudicated. If said first mortgage bonds have not been fully paid, the said Union Trust Co. of New York will doubtless have the right to be substituted in the place and stead of the Oregon & California Railroad Co. for the purpose of receiving the $2.50 per acre upon the sale of any of said lands. It may also be stated that, under the laws of Oregon, a trust deed is no more than a lien. And in this particular case the trust deed covers also the railway lines of the party of the first part, and their appurtenances, right of way, superstructures, rails, sidetracks, and sidings, bridges, buildings, fences, depots, station houses, shops, warehouses, offices, docks, ferries, ferryboats, and landings, telegraph lines, car houses, engine houses, machine shops, etc., and without the lands here in question, which the company has attempted to include in said trust deed, is ample security for all of the first mortgage bonds of said railroad company which are secured thereby. Hence, I do not regard the existence of this trust deed as any obstacle in the way of the prosecution of the suit hereinafter suggested to a successful consummation.

POSSIBLE REMEDIES OPEN TO SETTLERS.

The decided similarity between the conditions which Congress imposed upon the railroad company in reference to the disposition of the odd-numbered sections granted to it to the requirements of the Government in reference to the disposition of the even-numbered sections retained may throw considerable light upon the rights of persons now desiring to settle upon these railroad lands. This marked similarity seems to strongly indicate that Congress sought by the acts to secure to future settlers identically the same rights with reference to the odd-numbered sections granted to the railroad company that they would have under the preemption laws in reference to the even-numbered sections. For illustration, under the preemption law any settler could purchase from the Government 160 acres of land at the minimum price of $1.25 per acre. Also, any settler could receive from the Government 160 acres of land under the homestead law without paying anything therefor, the sale price of which, however, under the preemption law, was $1.25 per acre. Now, under these acts it was provided that any settler who might desire to purchase from the Government 160 acres of the even-numbered sections within the railroad-grant limits should pay therefor double the minimum price, or $2.50 per acre, which was the same price fixed by the act for the railroad lands in the odd-numbered sections.

It therefore seems clear that it was the intention of Congress to give to settlers the same right to settle upon and purchase from the railroad company, at $2.50 per acre, the lands included in the odd-numbered sections within the limits of the railroad grant that they had under the general laws to settle upon and purchase from the Government under the preemption law the lands in the even-numbered sections within the limits of said grant.

Under the preemption law a settler had the right to select and settle upon any quantity of land that he might choose, not exceeding 160 acres, included in the even-numbered sections, and purchase the same from the Government at the price of $2.50 per acre. Had Congress been careful enough to have so worded this act as to leave no room for doubt that any settler should have the same right to select and settle upon any tract of land that he might choose, not exceeding 160 acres, included in the odd-numbered sections, and to purchase the same from the railroad company at $2.50 per acre, then there would be no occasion for Government interference in the matter, for in that event the settler would have a clear and undisputed right to prosecute a suit in his own name against the railroad company to force it to convey to him the land so selected and settled upon, upon tender to the company of $2.50 per acre. Congress has left no room for doubt upon the proposition that the railroad company is bound unqualifiedly to sell the lands included in the odd-numbered sections to actual settlers at $2.50 per acre. The only question upon which the acts of Congress leave any room for doubt is the one as to the quantity of land that any citizen shall have the right to select, settle upon and purchase. The acts of Congress are that the railroad company shall sell the lands included in the odd-numbered sections to actual settlers in tracts "not exceeding 160 acres." Is it possible that Congress meant by this language that it should be left to the discretion of the railroad company to determine the particular quantity of land that it should sell to any one settler, not exceeding 160 acres? I do not think so. If the acts can be so construed, then it is true that Congress fell short of expressing its intention. It would be the height of absurdity to take the position that Congress intended anything but that the railroad company should sell the lands included in the odd numbered sections to actual settlers at $2.50 per acre. And it would be equally absurd to hold that Congress intended that the railroad company should be invested with the discretion of determining whether it would sell these lands in tracts of 10 acres, 40 acres, 80 acres, or 160 acres. If the manifest intention of Congress is to govern, then when a citizen may settle upon 160 acres of these lands and tender to the railroad company $2.50 per acre therefor, he will be entitled to a deed conveying the same to him from the railroad company, and the railroad company will have no right to raise the defense that under the acts it is not required to convey exactly 160 acres.

However, it may be safely assumed that when any suits are instituted on the part of private citizens that this defense will be raised by the railroad company, and it will be claimed by the company that no citizen has any standing in court for a decree for specific performance because of such alleged inability on the part of the citizen to lay claim to any particular number of acres. It is also certain that the defense of laches, and the statute of limitations would be raised against any private citizen attempting to prosecute a suit on his own behalf. It may also confidently be expected that the Union Trust Co. of New York would raise the defense of being an innocent encumbrancer in any such suit that might be brought by a private citizen. While my individual opinion is that none of these defenses should prevail, they are sufficient to raise a doubt as to the successful issue of a suit that might be instituted by a private citizen.

However, I am satisfied, after a thorough investigation of the matter, that any citizen who may settle upon 160 acres of these lands, or less, will prevail in a suit to compel the railroad company to convey the land to him. But there is no certainty that citizens will take this course unless encouraged by some action on the part of the Government.

REMEDIES OPEN TO THE GOVERNMENT.

The Government can act in this matter only through the Department of Justice. As to just what remedy should be sought there is ground for difference of opinion. No doubt any one of several remedies that might be suggested would be sufficient to secure the desired result. When the railroad company accepted these lands under the terms of the acts of Congress the legal duty devolved upon it to convey the lands to actual settlers upon request for the price of not more than $2.50 per acre. The United States was grantor in the conveyance of the lands to the railroad company, and the company, as grantee, agreed to the covenant that it should convey the lands in a specified manner and to specified persons, to wit, actual settlers. The United States, as grantor, has a right to the remedies afforded by the courts to prevent said covenant from being broken. The railroad company has already sold, approximately, 800,000 acres of the lands granted and is threatening to convey the remaining 2,300,000 acres in violation of the covenant. This state of facts undoubtedly gives the Government the right to sue for and receive a writ of injunction against the company restraining it from transferring the remaining 2,300,000 acres of said lands in violation of said covenant. This, it appears to me, would be the most simple remedy that could be applied.

It is undoubtedly true that the railroad company occupies the position of trustee with reference to these lands. It is a trustee for the United States because of the trust reposed in it by Congress to dispose of these lands in a particular way. It perhaps also bears the relation of trustee to such persons as may settle upon said lands. And the railroad itself has in the lands only a beneficial interest to the extent of $2.50 per acre.

The railroad company has administered the trust dishonestly and unfaithfully in disposing of about one-third of the land for far more than it was entitled to, and to persons to whom it had no right to convey. It has repudiated its trust. It is hostile to it. It denies that any trust exists. Its past conduct demonstrates the fact that even in the event that it shall be prevented by injunction from hereafter disposing of the lands to persons other than actual settlers, or in quantities of not more than 160 acres, or at prices not exceeding $2.50 per acre, that it can not be expected to discharge said trust to the best advantage of the Government and the settlers to be benefited.

Therefore, if it should be established upon the institution of a suit by the Government that the railroad company does occupy the position of trustee, the Government could secure the removal of the railroad company as trustee and the appointment by the court of disinterested trustees, say, three capable persons, to proceed to execute the trust. Such trustees could proceed under the decree of the court to dispose of the lands to actual settlers, turning over to the railroad company, through the court, such portion of the proceeds as it may be entitled to under the law.

Doubtless a temporary restraining order against the company to prevent misappropriation of the lands would be advisable forthwith, and this would give time for a careful consideration of a more complete remedy to be sought in the near future.

The complete ousting of the railroad company which I have suggested herein may at first thought appear radical, and what is sometimes called a heroic remedy. But after thorough deliberation I do not consider it so. It would be the simple application of those plain principles of equity jurisprudence to a large case in which the Government is interested. In this case the railroad company will have no just cause for complaint if such course is pursued. Indeed, if it is clear that the Government is entitled to this full and complete remedy, expediency would suggest that it should adopt it.

While individual citizens may become successful litigants in this connection, it is clear that no one person is so greatly interested as the Government itself in seeing that these acts of Congress are complied with. Besides, the Government by inadvertently issuing apparently unconditional patents to the railroad company, under these acts, has placed the whole matter in a position where the company may at any time, by a conveyance of the remaining 2,300,000 acres, defeat absolutely the intentions of Congress. It is therefore incumbent upon the Government to take action at the earliest practicable date.

Should this statement be of service to you, credit therefor is mainly due to Mr. Leslie M. Scott, of Portland, Oreg.; Mr. Frank E. Alley, abstractor, of Roseburg, Oreg.; Mr. H. T. Botts, abstractor, of Tillamook, Oreg.; and Senator BOURNE and Representative HAWLEY, of Oregon, whose joint efforts and research made it possible for me to prepare the same in the limited time that I have been able to spare from my private business.

Very respectfully, A. W. LAFFERTY.

The Late Representative Bingham.

REMARKS
OF
HON. JOHN J. FITZGERALD,
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, May 19, 1912.

The House having under consideration the following resolutions (H. Res. 543):

"*Resolved*, That the business of the House be now suspended that opportunity may be given to pay tribute to the memory of Hon. HENRY H. BINGHAM, late a Member of the House from the State of Pennsylvania.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk communicate these resolutions to the family of the deceased"—

Mr. FITZGERALD said:

Mr. SPEAKER: There is an ancient custom in Ireland for persons who are passing a funeral cortege to stop and pluck from the turf a few stray blades of grass and place them on the bier as a tribute to the deceased.

We pause here momentarily to pluck from memory a few happy recollections of the dear friend who has gone. In the pressure of the work that develops upon me in this session of Congress it has not been possible to prepare such a tribute to the memory of the distinguished man whom we gather to honor as his career in the public service of the country deserves.

I speak of him as I have known him in his work in this House. Others will review his remarkable work elsewhere. During a span of 33 years he has been an important and a prominent and an influential figure in this House. During the past seven years it has been my pleasure to have served with him upon a committee which ranks in importance the other committees of the House and requires for successful membership thereon an industry that one hardly appreciates who is not called upon to do the work.

Gen. BINGHAM in his services upon the committee brought to his duties a broad experience, a wide knowledge, a fine capacity for legislative work, and a tact and a courtesy that has been unrivaled in my experience. He played an important part in the work of that committee. He had charge for years of some of the most important supply bills of the Government. He had acquired an extraordinary amount of information about the multitudinous services of the Government that only can be obtained by years of service and industry, and which he utilized beneficially for the entire people.

There was one thing about him which impressed those who knew him, and stood out, perhaps, as the most distinguishing characteristic of him. He was the most courteous man I have ever known in this House. His temper was never ruffled, he never displayed irritation, he never put those appealing to him, either from the departments or in the House, aside with an abrupt word, but he was always the courtly, kindly gentleman so well known and so highly honored by his colleagues.

Mr. Speaker, few of us appreciate the value of the services rendered by such a man to his country—the drudgery of his work is never known but to few of his colleagues. The difficulty of determining important questions, in regard to which, upon his judgment, the House and the Congress largely relies, may affect vitally important policies and services of our Government. Yet when a man has won the respect and confidence of his colleagues in this House, his judgment is followed, although at times, perhaps, there may be some doubt as to its soundness.

It therefore requires in such a man not only wide information, not only sound judgment, but an integrity that is never even under the slightest shadow of suspicion. Gen. BINGHAM possessed in a very high degree all of those qualifications that fitted him preeminently for service in this House. He has been of great service to his country. He has been of very great service to the people whom he represented. He was one of the large number of men from the State of Pennsylvania who has had a distinguished career in this House. He leaves a recollection that will be honored and treasured highly by those who were honored with his friendship and had the pleasure of his acquaintance. His example is such as can well be emulated by those who serve in the House and seek to promote the best and truest interests of the country.

California Land Bill.

REMARKS

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

Monday, August 26, 1912.

Mr. RAKER said:

Mr. SPEAKER: Rising to address the House at this time, I do so on what is known as the California land bill. I have introduced the bill, but have so far failed to secure its passage through this House, although the bill is meritorious, short, important to my constituents and to California generally, and for its failure to pass I feel much disappointed, and I know the people of California will be likewise.

I have worked early and late, in season and out of season, for its due consideration and passage, as the CONGRESSIONAL RECORD and hearings before the committees will bear witness.

The bill has for its object the exchange of lands in school sections within an Indian, military, national forest, or other reservation, or for other purposes. The bill is H. R. 19344, and was introduced on February 2, 1912.

Full hearings were had before the Committee on Public Lands of the House, and reduced to writing and printed, and on April 17, 1912, the committee made a unanimous report thereon, and it was placed on the Calendar of the Whole House on the state of the Union. On April 18, 1912, on my written application, it was placed on the Unanimous Consent Calendar, and on May 6, 1912, it was taken off by objection, coming from the other side of the House. Again, on May 7, 1912, it was placed on the Unanimous Consent Calendar, and on July 1, 1912, it was again denied hearing and stricken from the calendar by reason of objection coming from a gentleman on the other side of the aisle. It was on the calendar two other times, objection made, and replaced by unanimous consent, but on July 1, 1912, it was finally taken from the calendar and denied hearing, against my most earnest protest, although I earnestly urged its merits and consideration.

To obviate the situation and to expedite my bill I again reintroduced the bill in a slightly modified form. This was done July 12, 1912. The Committee on Public Lands considered the bill and unanimously reported it to the House with a recommendation that it do pass. This last bill, which is H. R. 25738, was placed on the Union Calendar of the House on July 16, 1912, and on July 17, 1912, was by written application placed on the Unanimous Consent Calendar. On August 19, 1912, upon call of the Unanimous Consent Calendar, this bill (H. R. 25738) being called, it was again objected to by a gentleman on the opposite side of the aisle and denied hearing and consideration by the House.

To obviate any possible objection and to expedite the passage of the bill a like bill was introduced in the Senate by Senator PERKINS on February 5, 1912, being Senate bill 5068. Hearings were had before the Public Lands Committee of the Senate, and on July 18, 1912, the Senate committee unanimously reported the bill, with the recommendation that it do pass, Senator WORKS making the report for the commitee to the Senate. The Senate heard and considered bill S. 5068, and the same was unanimously passed by the Senate, and it is now on the Speaker's table.

Senate bill 5068 is the same as House bill 25738.

I have tried to get this Senate bill from the Speaker's table and have it considered by the House and passed, laying House bill 25738 aside, but under the rules of the House, Rule XXIV, subdivision 2, Senate bills that must be considered in the Committee of the Whole can not be called up from the Speaker's table without unanimous consent. In this I have again been blocked.

On the afternoon of Monday, August 26, 1912, being recognized by the Speaker, I asked to take from the Speaker's table Senate bill 5068, which was done, and the bill reported to the House, and again objection was made by a gentleman on the other side of the big aisle, and the last and only opportunity to have this meritorious measure passed was defeated, objection the last time being that because it was so near the close of the session of Congress, within but two hours thereof, the bill ought not to be considered and passed.

There are over 500,000 acres of land involved, and before the title to the land can be straightened out this bill must become a law.

While I do not desire to complain of any gentleman in particular, still it is unfortunate for California the gentleman has seen fit to so constantly and persistently object to its full consideration by the House of Representatives. Had they permitted its consideration, they would have learned of its merits, and I am satisfied that the bill would have passed the House by an overwhelming majority.

I hope to be able during the early days of the session which convenes in December to have this bill fully considered by the House, and when thus considered on its merits it will certainly pass, to the end that relief may be given and title to this large and extensive area of land in California fully and properly adjusted, as it should be.

To the end that this may be fully presented to the Members of the House, I will insert following these remarks H. R. 19344, H. R. 25738, and S. 5068, together with the report on H. R. 25738. The report on S. 5068 is the same as the House report made on H. R. 25738, which bills and report are as follows:

Mr. RAKER introduced the following bill, which was referred to the Committee on the Public Lands and ordered to be printed. April 17, 1912, reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

A bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., p. 796), and any such exchange whether heretofore or hereafter approved shall restore full title in the United States to the base land, without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands which fall within the exterior boundaries of national forests shall immediately become a part of the national forests within which they are situated.

Mr. RAKER introduced the following bill, which was referred to the Committee on the Public Lands and ordered to be printed. July 16, 1912, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

A bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservations, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., p. 796), and any such exchange, whether heretofore or hereafter approved, shall restore full title in the United States to the base land without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 U. S. Stat. L., pp. 847 to 848), until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits.

Mr. PERKINS introduced the following bill, which was read twice and referred to the Committee on Public Lands. July 18, 1912, reported by Mr. WORKS, with amendments.

A bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., 796), and any such exchange whether heretofore or hereafter approved shall restore full title in the United States to the base land, without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 U. S. Stat. L., pp. 847 to 848), until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits: *And provided further*, That the provisions of this act shall not apply to the State of Idaho.

[House Report No. 1009, Sixty-second Congress, second session.]

EXCHANGE OF SCHOOL LANDS.

Mr. Raker, from the Committee on the Public Lands, submitted the following report to accompany H. R. 25738:

The Committee on the Public Lands, to whom was referred the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, having had the same under consideration, report it back without amendment and with the unanimous recommendation that the bill do pass.

This legislation is recommended by the Department of the Interior, the Department of Agriculture, and the Department of Justice, and also the authorities of the State of California, and also by the Legislature of the State of California, which is for the purpose of carrying out an adjustment and settlement made between the Land Department and the authorities of the State of California and confirmed by the legislature of that State. This legislation is necessary and is urged by the Department of the Interior, as well as by the authorities of the State of California, as will appear from the hearings had before the committee on H. R. 19344.

The committee has had full hearings upon the matter involved in this bill, which hearings have been printed. The hearings applied to H. R. 19344, the provisions of which are incorporated in this bill with the amendments, which amendments are recommended by the various departments.

The reports of the Department of the Interior, the Department of Justice, and the Department of Agriculture, and a copy of the act of the Legislature of the State of California and reports of the Attorney General and Surveyor General upon the State follow. By request the chairman of the Public Lands Committee submitted the matter to the Department of the Interior under bill H. R. 25738, and on July 15, 1912, Mr. Samuel Adams, First Assistant Secretary Department of the Interior, made the following report:

DEPARTMENT OF THE INTERIOR,
Washington, July 15, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: Surveyor General Kingsbury, of the State of California, has left with me a copy of H. R. 25738, being "A bill to authorize the Secretary of the Interior to exchange lands in school sections within an Indian, military, national forest, or other reservation, and for other purposes."

This bill is identical with H. R. 19344, as amended, with the following additional proviso:

"*Provided further,* That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled 'An act to authorize the President of the United States to make withdrawals of public lands in certain cases' (36 U. S. Stat. L., pp. 847–848), until such lands have been found to be nonmineral and for that reason restored; but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits."

H. R. 19344 has been the subject of a previous report by this department. With respect to the additional amendment, I have to report that as amended it is but declaratory of the policy of this department respecting action upon indemnity school land selections. Such a selection is not effective until approved, and until such approval the lands selected may be set apart or appropriated for any public use, and their character, as to mineral or otherwise, is open to inquiry and investigation. Departmental approval is never given to an indemnity selection so long as the lands remain withdrawn or are under investigation as to their mineral character. The department, while believing the amendment to be unnecessary, sees no serious objection to its incorporation into the pending measure if thought advisable.

It was stated to me by Gen. Kingsbury that the committee was favorable to the bill in its amended form, but desired, before taking final action thereon, to be advised as to the views of this department, and I am making this report at this time without a formal reference from your committee in order to facilitate action upon the measure.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

On the request of Mr. RAKER, member of the Committee on the Public Lands, the proposed amendment to H. R. 19344 was submitted to Hon. Walter L. Fisher, Secretary of the Interior, which amendment is included and made a part of this bill, and thereby H. R. 25738 was introduced, which report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 10, 1912.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

SIR: At your informal request, I have considered the advisability, from a governmental standpoint, of accepting the following proposed amendment to H. R. 19344, namely:

"*And provided further,* That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled 'An act to authorize the President of the United States to make withdrawals of public lands in certain cases' (36 U. S. Stat. L., pp. 847, 848), until such lands have been found to be nonmineral and for that reason restored; but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits."

Responding thereto, I have to say that this amendment is but declaratory of the uniform policy of this department respecting action upon pending indemnity school selections of any character whatsoever. It is the ruling of this department that such a selection is not effective until approved, and that until such approval the lands sought to be selected may be appropriated for any public use, and the character of the selected lands is open to inquiry and investigation. It follows, therefore, that approval is never given to an indemnity selection so long as the lands may be withdrawn or are under investigation as to their mineral character, and in event the lands are found to be mineral the selection is canceled.

The department, therefore, while believing the amendment to be unnecessary, sees no objection to its incorporation in the pending measure, if thought advisable.

Very respectfully, WALTER L. FISHER, *Secretary.*

The following telegrams passed between W. S. Kingsbury, surveyor general of the State of California, and M. C. Glenn, deputy attorney general, and Mr. RAKER and the Hon. U. S. Webb, attorney general.

The telegram of Mr. RAKER is the same as that of Mr. Kingsbury, and the attorney general's telegram is that hereafter set out:

WASHINGTON, D. C., *July 8, 1912.*

M. C. GLENN,
Deputy Attorney General, Sacramento, Cal.:

Is this amendment drawn by Clements, approved by RAKER, Rankin, and myself satisfactory?

"That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, until such lands have been found to be nonmineral and for that reason restored; but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval the coal deposits."

Please wire early answer.

W. S. KINGSBURY.

SACRAMENTO, CAL., *July 9, 1912.*

Hon. W. S. KINGSBURY,
New Willard Hotel, Washington, D. C.:

I think the proposed amendment is satisfactory. Even without this amendment the Secretary would not approve selections of land embracing lands withdrawn until the mineral character of the land is established, and proposed amendment simply states such facts.

M. C. GLENN,
Deputy Attorney General.

SAN FRANCISCO, CAL., *July 9, 1912.*

Hon. J. E. RAKER, M. C.,
Washington, D. C.:

Additional of proviso as suggested in your telegram of 8th instant satisfactory to me.

U. S. WEBB, *Attorney General.*

In relation to that part of the bill found on page 3, commencing with the word "*Provided,*" in line 4, down to and including the word "established," in line 10, submitted to the Department of Justice, the following report was made thereon:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 14, 1912.

Hon. JOHN E. RAKER, M. C.,
House of Representatives.

MY DEAR MR. RAKER: I read with much interest your report No. 564 on H. R. 19344, as amended. The title of the bill is "to authorize the Secretary of the Interior to exchange lands for the school sections within an Indian, military, national forest, or other reservation, and for other purposes." The department addressed the chairman of the Public Lands Committee concerning this measure February 7, 1912, and its letter is included among the documents printed in your report. That, however, was before the amendments were suggested.

I desire now to call your attention to the fact that by the introduction of the proviso a distinction appears to have been drawn between national forests and other reservations which evidently was not intended and which should be corrected. The bill as amended provides that any approved exchange shall restore full title in the United States to the base land, etc. The proviso then enacts that such base lands so restored, when situate within the exterior boundaries of national forests, shall immediately become part thereof. This leaves in some doubt whether lands situate within an Indian or some other reservation than a forest reservation would also become a part of that reservation upon being restored, or would become public land open to entry as such. There is no more reason, I think, for protecting the forests in this respect than for protecting the Indian, military, or other reservations. Indeed, I feel, and I think your committee will agree with me, that where the interests of the Indians are concerned particular care should be taken to see to it that they suffer no harm. Consequently I suggest that the proviso be amended so as to read as follows:

"*Provided,* That upon completion of the exchange, the lands relinquished, reconveyed, or assigned as base lands, shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established.

Respectfully,

ERNEST KNAEBEL
(For the Attorney General),
Assistant Attorney General.

The following letter was addressed to the members of the committee relating to the last proviso of the bill, commencing on line 10, page 2:

JULY 11, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: You will recall that sometime ago I communicated with you concerning H. R. 19344, a bill "to authorize the Secretary of the Interior to exchange land for school sections within an Indian, military, national forest, or other reservations, and for other purposes."

At that time I was urging objections of mineral claimants, in California particularly, to the bill, because it appeared that if passed in the language in which it was introduced it would be very injurious to their rights under the act of June 25, 1910 (36 Stat., 847).

I now desire to inform you that Hon. W. S. Kingsbury, surveyor general of the State of California, and myself, representing the mineral claimants, have reached an agreement as to an amendment which will be satisfactory to all parties. It is as follows:

"*And provided further,* That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled 'An act to authorize the President of the United States to make withdrawals of public lands in certain cases' (36 U. S. Stat. L., pp. 847–848), until such lands have been found to be nonmineral, and for that reason restored; but nothing herein contained shall prevent a limited approval when the lands are within only a coal withdrawal, excluding from the approval coal deposits."

This amendment was prepared in the Interior Department and has the approval of the Secretary.

The mineral claimants will therefore have no objection to the passage of the bill, provided the foregoing amendment is added.

As a matter of fact, the mineral claimants believe that the bill should pass, as it contains measures for the protection of the general interest of the State of California, and it is hoped that you can cooperate to the end that it may be enacted during the present session.

Yours, very truly,

JOHN M. RANKIN.

While the bill H. R. 19344 was under consideration, bill H. R. 25738 was intended to take its place, and the following report was made thereon by the first assistant attorney of the Department of the Interior:

MAY 16, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

SIR: In accordance with your letter of the 13th instant, I submit the following respecting H. R. 19344, being a bill "to authorize the Secretary of the Interior to exchange lands in school sections within an Indian, military, national forest, or other reservation, and for other purposes."

This bill was drawn by me in conference with representatives of the State of California. In my opinion the legislation was not absolutely necessary, as I believe that adjustments may be accomplished under sections 2275 and 2276 of the Revised Statutes as amended by the act of February 28, 1891 (26 Stat., 796), and this department has since 1901 followed the opinion of Assistant Attorney General (now Justice) Van Devanter. It seems that prior to said opinion, to wit, in 1897, in the case of Hibbard *v.* Slack (84 Fed., 571), a contrary holding was made, it being therein held that surveyed school sections in place could not be exchanged with the Government for other lands, under the sections of the Revised Statutes above quoted. I do not find that this decision of the court has ever been adverted to in any other judicial determination. The department was advised of the decision and has refused to follow the same. In this connection it may be said that if the decision of the court in the case cited be a correct exposition of the law, it would apply equally to other of the public-land States as well as to California.

Based upon the decision of Assistant Attorney General Van Devanter referred to, the school grants in the several States have been administered since 1901, and many thousand acres of land have been certified to the several States, based upon surveyed school sections in place within an Indian, military, or other reservation, the States being desirous of taking indemnity rather than awaiting the termination of the reservation.

In the State of California many thousand acres of indemnity selections have accumulated, owing to the fact that the State had exceeded its grant in some instances by duplication of base, and the question of furnishing the Government with other base to supply the deficiency in previous approvals has only recently been satisfactorily adjusted, legislation by the State being necessary in order to accomplish this result. The exact amount of pending indemnity selections in the State of California dependent upon surveyed school sections within an Indian, military, or other reservation, can not be determined at this time.

The legislation under consideration was only determined upon in order to remove any possible question as to the availability of the base offered by the State, in view of the decision in the case of Hibbard *v.* Slack, supra.

It has been suggested that a large number of pending selections in the State of California were made on behalf or in the interest of Hyde, Benson, and others, and that a recognition of the present selections will result to their benefit. Respecting this matter the department has no information. It may be that many of these selections were in the first instance made for the benefit of Hyde and others, but it has been represented to the department that the pending selections have in many instances been the subject of transfer and the land selected enhanced in value by reason of improvements placed upon the lands by the present claimants. With respect to this feature of the case the department has no positive showing, otherwise than as represented in connection with the adjustment with the State hereinbefore referred to.

Personally, I am led to believe that the present legislation is not in the interest of Hyde, Benson, et al., but just to the contrary. It is known that one Fred Lake has sought to acquire from the State title to the lands made the basis for the pending selections; that the State has resisted his claimed right of purchase; and that the matter is pending in the courts under his claimed right. I can not see how this bill could affect this pending action. The sole interest of the Government, however, in the premises is merely to see that it receives an equal quantity of land in lieu of that certified to the State as indemnity, and that the title which it takes under the exchange is a clear one.

It is hoped that the statement herein made fully covers the matters desired to be reported upon by your said letter of the 13th instant. If, however, any particular matter is overlooked, I should be pleased to make a statement as to the facts relative thereto so far as shown by the records of the department or are within my personal knowledge.

Very respectfully,

F. W. CLEMENTS,
First Assistant Attorney.

And upon this same subject the Assistant Attorney General, under date of June 20, 1912, made the following report:

DEPARTMENT OF THE INTERIOR,
Washington, June 20, 1912.

Hon. J. E. RAKER,
House of Representatives.

SIR: In your recent interview respecting H. R. 19344, being "A bill to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes," you said it had been represented that probably thereunder the United States might be forced to exchange lands to which it had full title for other lands to which the State had no title, having previously disposed of the same or permitted others to acquire rights therein under the State laws, which must ultimately prevail, and you further stated that objection to the pending bill was, presumably, based upon the claim being asserted by one Lake to certain lands made the base for pending selections, which selections might be passed to approval thereunder. Relative to the pending bill, I desire to say that it removes all question as to the right to make exchanges with the several States where school sections are, after survey, embraced in an Indian, military, forest, or other Government reservation.

In my opinion sections 2275 and 2276 of the Revised Statutes clearly admit of such exchanges; nevertheless, it was held in Hibbard *v.* Slack (84 Fed. Rep., 571) that such exchanges could not be made under said sections. The Government has never followed that holding, and many thousands of acres included in reservations after survey have been exchanged with the several States under said sections. Numerous selections looking to such an exchange are still pending, particularly in California. The school indemnity selections in said State have been suspended for a number of years because of certain excesses in approvals heretofore made for the adjustment of which an agreement has but recently been reached. Many of these selections date back to the early eighties.

Because of the question as to whether the State land officers of California were empowered to make exchanges of surveyed school sections where the Government reservations, under sections 2275 and 2276, prior to the State legislation of 1909, one Lake has sought to acquire from the State title to the surveyed school sections made the base for exchanges prior to the said last-mentioned legislation, and although the State has denied his applications to purchase, he is attempting to compel the State officers, through certain suits instituted in the courts of California, to make the sales. Now, should the pending legislation be passed, all question as to the power to make the exchanges under sections 2275 and 2276 will be removed, and the exchanges, when made, will be subject to the limitations and conditions of said sections.

In the administration of exchanges under said sections the Land Department has always required the several States to furnish and abstract of title to the base land offered in exchange, showing a clear title thereto in the State before any approval is given to the proposed exchange, and this will continue to be required, and when furnished, carefully scrutinized, even should this legislation be enacted. Hence it must be apparent that the passage of the proposed bill will not offer any greater opportunity to defraud the United States than is now extended by existing law, at the same time removing any question as to the power to make exchanges in the instances named.

As to the tracts now being claimed by Mr. Lake, no exchange therefor will be approved until all question as to his rights in the base lands have been settled and determined. This would seem to remove any question as to the possible results that may follow the passage of the proposed legislation, due to the claimed rights of Mr. Lake or others in and to any of the base lands that may be offered in exchange thereunder.

Very respectfully,

CHARLES W. COBB,
Assistant Attorney General.

The following reports were made to accompany bill H. R. 19344 and are applicable and refer to H. R. 25738.

[House Report No. 566, Sixty-second Congress, second session.]

* * * * * * *

[H. R. 19344, Sixty-second Congress, second session.]

"A bill to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

"*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stat., p. 796), and any such exchange whether heretofore or hereafter made shall restore full title in the United States to the base land, upon approval of such exchange, without formal conveyance thereof by the State."

By request, the chairman of the Public Lands Committee submitted the matter to the Department of the Interior, and on February 19, 1912, Mr. Samuel Adams, Acting Secretary of the Department of the Interior, made the following report:

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: In response to your request for a report on House bill 19344, entitled "A bill to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes," I have the honor to submit the following:

It is understood that the bill was introduced at the instance of the officials of the State land department of the State of California for the purpose of and with a view to aiding the State in the adjustment of the grant to the State for common-school purposes, which has been in a very unsatisfactory condition and practically a state of suspension for several years. The provisions of the bill are largely declaratory of the act of February 28, 1891 (26 Stat., 796), amending sections 2275 and 2276 of the United States Revised Statutes, as construed and administered by the department for a number of years, but as framed expressly authorizes exchanges of lands which are within the exterior limits of any Indian, military, national forest, or other reservation. It is also provided that any such exchange, whether heretofore or hereafter made, shall restore full title to the United States to the base land, upon approval of such exchange, without formal conveyance thereof by the State.

School sections in national forests are now held to be subject to exchange under the provisions of the act of 1891, supra, as lands being otherwise reserved, whereas the bill expressly authorizes the exchange of such lands, whether surveyed or unsurveyed, and vests title in the United States to such sections which have heretofore been used as base for selections made and approved to the various States.

Under the act of 1891 as now administered the exchanges made thereunder are not complete and title to the tracts of land exchanged does not vest in the State until the approval thereof by the Secretary of the Interior and the subsequent certification of the selections to the State by the General Land Office. The title vests in the contracting parties upon the date of the certification and not on the date of the approval of the selections.

As to the clause in the bill providing that no formal conveyance of the base tracts by the State to the United States be necessary to vest title, it may be stated that no such conveyances have been required by the department for a number of years. In an opinion of the Assistant Attorney General of the department, dated January 26, 1901 (30 L. D., 438), the deed of reconveyance was held not to be necessary, for the reason that the selection of indemnity of itself amounted to a waiver of the State's claim, or, in other words, operated to transfer the legal title of the State to the United States.

In that opinion the right of the State to indemnity for school lands in forest reserves is dependent solely on the proposition that the selection of indemnity constituted a waiver of the State's claim and that Congress has full authority to declare what effect shall be given to such a selection, and no distinction could be based upon the fact that the title to the base lands had or had not vested in the State prior to the selection.

There may have been some doubt heretofore as to the meaning of that clause of section 2275, Revised Statutes, under which exchanges of school lands between the several States and the United States are now effected. If any such doubt has existed, it will be conclusively removed should this bill be enacted into law, and for this reason I recommend that the bill be passed.

Very respectfully,

SAMUEL ADAMS,
Acting Secretary.

This matter was reported to the Attorney General of the Department of Justice, and on February 7, 1912, he made a report thereon as follows:

DEPARTMENT OF JUSTICE,
Washington, February 7, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I have received your letter of February 3, 1912, inclosing for such suggestions and recommendations as may be deemed necessary a copy of H. R. 19344, Sixty-second Congress, second session, authorizing the Secretary of the Interior to exchange lands for school sections within Indian, military, and other reservations.

This bill authorizes the Secretary of the Interior to make exchanges of lands with the several States for those portions of school sections, whether survey or unsurveyed, lying within the exterior limits of any reservation, the exchange to be made in the manner and form and subject to the limitations of sections 2275 and 2276 of the Revised Statutes, as amended by the act of February 28, 1891 (26 Stat., 796), and provides that any such exchange, whether heretofore or hereafter made, shall restore to the United States full title to the base land without any formal conveyance by the State.

I have the honor to advise you that authority to make exchanges of school sections included within the exterior boundaries of reservations, prior to the survey of such school sections, already exists under the act of February 28, 1891, supra. The Department of the Interior also holds that authority likewise exists under the said act of 1891 to make exchanges of school sections included within the exterior limits of reservations even after the survey of such school sections (see 34 Land Decisions, 599, and cases cited), and I understand that many thousands of acres of such lands have been exchanged. However, it has been held by at least one Federal court that the act of 1891 does not authorize a State to exchange school lands which had been surveyed prior to the creation of the reservation within the exterior limits of which the school section is embraced. (Hibbard *v.* Slack, 84 Fed., 579.) It would seem, therefore, that the enactment of some such legislation as that proposed in this bill will serve a useful purpose.

Respectfully,

ERNEST KNAEBEL,
(For the Attorney General),
Assistant Attorney General.

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DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

SIR: At your instance I have carefully considered the committee's proposed amendment to H. R. 19344, being a bill to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, which amendment proposes to change that portion of the bill which now reads "and any such exchange, whether heretofore or hereafter made, shall restore full title to the United States to the base land upon approval of such exchange without formal conveyance thereof to the United States," so as to read, "and any such exchange, whether heretofore or hereafter approved, shall restore full title in the United States to the base land without formal conveyance thereof by the State."

Now, in my opinion, the language employed in both instances means the same thing, but I rather incline to the committee's amendment because it is more direct and perhaps freer from doubt. Of course, no exchange is made until it is approved, and therefore to have the bill provide that "any such exchange, whether heretofore or hereafter approved," is technically more correct, and when so changed renders the latter expression, "upon approval of such exchange," unnecessary.

In this connection I have noted the objections to the proposed change made by the attorney general and surveyor general of the State of California. They seem to fear that any change in the bill as originally drawn may result in advantage to those seeking to force the State to make sale to them of base lands used in selections already made. I am free to say that I can not see how this amendment can have that effect.

"The power of the Secretary to approve selections is judicial in its nature and implies the duty to determine as of the time of filing the selection, and the doctrine of relation applies to decisions as to validity of such selections." (Syllabus, Weyerhaeuser *v.* Hoyt, 219 U. S., 380.)

The selections by the State have always been accorded segregative effect from the time of their filing and under the decision referred to, if approved, would have relation as of the time of filing.

I do not see how more effective legislation could or should be extended in behalf of the State of California than as hereinbefore indicated, with respect to its selections heretofore or hereafter made, and in conclusion must say that the committee's proposed amendment seems to be entirely satisfactory to the Government and is not shown to be, nor do I believe it will be, prejudicial to the interests of the State in the premises.

Very respectfully,

F. W. CLEMENTS,
First Assistant Attorney.

The following is a letter from the Department of Agriculture:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 16, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. ROBINSON: I am in receipt of your letter of April 10 inclosing a copy of the bill (H. R. 19344) introduced by Mr. Raker to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

By letter of February 15, 1912, to you, I reported upon this bill and submitted the recommendations of this department. Since my first letter has evidently not reached its intended destination, I inclose a copy of it for your information.

Very sincerely, yours,

JAMES WILSON, *Secretary.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 15, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. ROBINSON: Your letter of February 3 inclosing a copy of the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, is received.

The bill has been carefully considered in this department, and it seems that it will not change the existing law with respect to State indemnity selections other than it is at the present time interpreted by the Secretary of the Interior, who has jurisdiction to construe such matters. Its purport seems to be more in the nature of having Congress confirm what is being done under existing law. I would suggest, however, that the following amendment be added at the end of the bill, to clearly define the status of the reconveyed or relinquished lands of the State which fall within the boundaries of national forests:

"*Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands which fall within the exterior boundaries of national forests shall immediately become a part of the national forest within which they are situated."

Very sincerely, yours,

JAMES WILSON, *Secretary.*

A letter dated February, 1912, by Mr. A. W. Sanborn, deputy surveyor general, upon this same subject. It is as follows:

WASHINGTON, D. C., *February*, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

MY DEAR SIR: In connection with the draft of bill left with you yesterday, entitled "A bill to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes," I wish to state that the measure is proposed at the earnest solicitation of the surveyor general and the attorney general of the State of California, and was drafted after consultation with officials of the Interior Department.

Gen. Webb, Gen. Kingsbury, and myself are of the opinion that such legislation is desirable and important, in aid of the adjustment of the school grant concerning which a controversy has long existed.

As you well know, nothing so retards the development of a State as uncertainty and litigation over land titles, and conditions in California in this respect have certainly been very distressing because of the long delay in the issuance of titles, or evidence of title, by the General Government.

I am of the opinion that the measure proposed, if enacted, will expedite the adjustment of the difficulty now existing, and I solicit your earnest endeavor in its enactment.

I inclose herewith for your information a copy of the basis of adjustment of the California school grant, agreed upon by officials of the Department of the Interior and the State authorities; also a copy of the recent act of the legislature accepting the same and providing for carrying it into effect.

Very respectfully,

A. W. SANBORN.

Some time in July or August, 1911, the attorney general of the State of California and the surveyor general of California appeared at Washington and had a conference with the United States Attorney General, and also the Secretary of the Interior and the Commissioner of the General Land Office, in regard to the lands in the State of California which are tied up and creating a great deal of trouble between those that claimed them—the State and others—and amounting to somewhere from 400,000 to 450,000 acres of land.

This is the basis of adjustment. It reads as follows:

"BASIS OF ADJUSTMENT.

"(1) That there be paid to the United States, as under the provisions of the act of Congress approved March 1, 1877 (19 Stat., 267), $1.25 per acre in satisfaction of all excess certifications of indemnity school lands which occurred prior to the date of approval of said act, and for which said lands no payment has as yet been made to the United States.

"(2) That new and valid bases be designed by the State for all selections that have been or may be approved, made on the basis of lands in sections 16 and 36, claimed or reported to be mineral in character, or embraced in forest or other reservations, and wherein such base tracts have been, or may be, sold or encumbered by the State: *Provided, however*, That new base need not be designated in any case wherein the United States has disposed of, by patent, the tract in lieu of which indemnity was claimed and granted.

"(3) That new and valid bases be designated by the State for approved selections in all cases wherein there have been, or may be, excesses in certifications occurring since March 1, 1877.

"(4) That lands in sections 16 and 36 which under the provisions of the act of Congress approved March 1, 1877 (19 Stat., 267), are the property of the United States and which have been sold or encumbered by the State are to be selected by the State, it being understood that the requirements of publication of notice and the filing of nonmineral affidavits in support of such selections be waived by the Land Department of the United States.

"(5) That the State of California will enact such additional laws as may be necessary to carry into effect the plan of adjustment herein contained, and the Land Department of the Federal Government will favor and will use its good offices to have passed and approved such legislation by Congress as may be necessary to consummate such plan.

"(6) That the Land Department will immediately proceed with the listing of all selections made by the State where the base is free from objection and the lands applied for are subject to selection by the State: *Provided*, The governor of the State of California shall first agree to specify and state in a call or proclamation for a special or extraordinary session of the State legislature, to be made and held some time during the year 1911, as one of the purposes for which the legislature is so convened the subject and consideration of such legislation as may be required to consummate the within plan of settlement: *And provided further*, That if such necessary laws be not enacted at such special session the plan of adjustment herein contained may be deemed without force and effect."

Under and in pursuance of this agreement the governor of the State of California included in a call for an extraordinary session of the Legislature of California the provisions contained in this agreement,

and thereunder, and on the 24th day of December, 1911, the Legislature of the State of California passed the following act:

"CHAPTER 21.—An act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

"[Approved Dec. 24, 1911.]

"Whereas under the terms and provisions of certain acts of Congress of the United States 500,000 acres of land were granted to the State for internal improvement and the sixteenth and thirty-sixth sections in each township, and lands in lieu thereof, were granted to the State of California for school purposes; and

"Whereas it is claimed by the United States that prior to March 1, 1877, there were listed to the State of California approximately 16,000 acres of land in excess of the amount of land to which the State was justly entitled; also that the State has received indemnity for certain sixteenth and thirty-sixth sections of land assumed to be within the exterior boundaries of Mexican grants, which sixteenth and thirty-sixth sections were subsequently either wholly or partially excluded from such grants and subsequently sold by the State, the total area being approximately 10,151 acres; also that the State has received indemnity for certain sixteenth and thirty-sixth sections, alleged to be mineral in character, which said school sections the State sold in place, either before or after receiving indemnity therefor, the total area being approximately 8,715 acres; also that the State received approximately 2,028 acres in excess of the 500,000-acre grant; and

"Whereas the Department of the Interior has for many years withheld from certification the greater part of the lieu land selected by the State, pending a settlement of said matters, and there remains to be listed to the State upward of 450,000 acres, which, if listed, would be subject to taxation: Now therefore

"The people of the State of California do enact as follows:

"SECTION 1. There shall be paid to the Federal Government by the State of California, acting through the officers hereinafter mentioned and in the manner and upon the terms and conditions hereinafter set forth, the sum of one and twenty-five one-hundredths dollars per acre for all excess certifications of indemnity school lands, which occurred prior to March 1, 1877, and for which said lands no payment has as yet been made to the United States.

"SEC. 2. The officers of the State of California mentioned in sections 3519 and 3520 of the Political Code of said State are hereby authorized, empowered, and directed, in the manner in said sections provided, to convey to the United States by patent or otherwise such an amount of land in sections 16 and 36, situated in national forests or other reservations, as will equal in area all selections that have been heretofore listed or certified by the Government to the State of California, made in lieu of sections 16 and 36, claimed or reported to be mineral in character, or embraced in forest or other reservations, and wherein such base tracts have been or may be sold or encumbered by the State: *Provided, however,* That no lands shall be patented in any case wherein it shall be found that the United States has disposed, by patent or otherwise, of the tract in lieu of which indemnity was claimed and granted.

"SEC. 3. The officers of the State referred to in section 2 hereof are hereby authorized and directed to convey, by patent or otherwise, to the United States, in addition to the 12,000 acres heretofore granted, an amount of land equal in area to any additional excess in certifications occurring since March, 1877.

"The surveyor general of the State of California is hereby authorized and empowered to locate and select in the United States land offices, for the benefit of persons having certificates of purchase or patents from the State, lands in sections 16 and 36, which, under the provisions of the act of Congress approved March 1, 1877, and commonly known as the Booth Act, are claimed to be property of the United States, but which said lands have been heretofore sold or encumbered by the State. The said lands hereby authorized to be selected are lands which have been heretofore used or designated by the State of California as basis for indemnity selections, and for which the State of California received indemnity, but which said lands in said sections 16 and 36 the said State also sold or encumbered. For the purpose of making the selections hereby authorized to be made, the said surveyor general is hereby authorized and empowered to use and designate any basis or lands mentioned in section 3406a of the Political Code of the State of California, or any other basis, which may be proper or valid in making indemnity selections.

"SEC. 4. For the purpose of carrying into effect the terms and provisions of this act, the surveyor general of the State of California is authorized and directed to ascertain and determine from the records of his office and the records of the Department of the Interior the amount of lands which should be conveyed to the United States and likewise the number of acres of land as in this act provided for, which the State has, by the terms of this act, authorized and directed payment to be made, and after said facts have been ascertained and determined, the said officers of said State, referred to in sections 2 and 3 hereof, are hereby authorized and directed to make, execute, and deliver for said State, in its name and as its act and deed, any and all written agreements, deeds, patents, or conveyances necessary to carry out and consummate the terms of this act.

"SEC. 5. The sum of $25,000 is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act and paying all necessary expenses of the surveyor general and attorney general in connection herewith, and the State controller is hereby authorized and directed to draw his warrant or warrants in favor of the United States, or the proper officers thereof, for such amount as may be payable to said United States under the terms hereof, and also to draw his warrant or warrants for the necessary expenses of the surveyor general and the attorney general in carrying out the provisions of this act, and the State treasurer is hereby directed to pay the same."

This is the agreement between the Department of the Interior and the authorities of the State of California—as between those two and not as affecting the rights, whatever they might be, between the State and private individuals. This land has been held, most of it, for years. Great values have been placed upon it by improvements and it has been assessed for many years. The Supreme Court of the State of California has lately held that the land was nonassessable, and therefore parties have been collecting back taxes from the counties; in other words, it is nontaxable in the State of California, and the conditions are such that there can be no adjustment between the State and private individuals and the Government; hence the general legislation.

A letter of the attorney general of the State of California dated March 11, 1912, covering this subject, gives the full history and the purpose of the proposed bill. It is as follows:

STATE OF CALIFORNIA,
OFFICE OF ATTORNEY GENERAL,
Sacramento, March 11, 1912.

Hon. JOHN E. RAKER,
Representative in Congress, Washington, D. C.

DEAR SIR: Your favor of February 16, 1912, inclosing copy of H. R. 19344, together with copy of a telegram received by you from Mr. Fred W. Lake in regard thereto, duly received. In reply to your inquiry as to the general situation, I beg to say:

By the act of Congress of 1853 there was granted to the State of California the sixteenth and thirty-sixth sections of land in each township. If, before survey, those sections became subject to preemption or homestead claims, or were mineral in character, or where deficiencies existed on account of fractional townships, the State then became entitled to indemnity for such loss, and might select other lands of equal acreage in lieu thereof. While the grant of these sections was one in præsenti, yet, as the title thereto did not pass until survey, the appropriation of the same by the Government, or by the one claiming through it, before such survey, lost to the State such section or sections so subject to such prior appropriation, and hence the State would be, in such instances, entitled to select other lands in lieu thereof; but as the title of the State does not vest immediately upon survey, a reservation established by the Government subsequently to survey, the exterior boundaries of which would include such sixteenth and thirty-sixth sections, would occasion no loss to the State, the title having already vested in the State and not being divested thereby. Hence the State, notwithstanding the fact that these sections might be within the exterior limits of national reservations created subsequent to survey, had full title and could sell or otherwise dispose of the same. (See Hibbard *v.* Slack, 84 Fed., 571, decided in 1897.)

In the Hibbard case it was contended that, by virtue of the act of Congress of February 28, 1891, amending sections 2275 and 2276 of the Revised Statutes of the United States, the State of California was entitled to select other lands in lieu of sixteenth and thirty-sixth sections of school lands, situated within the exterior boundaries of a public reservation, where said sections were surveyed and became the property of the State prior to the date when the reservation was created, but the court held, as above stated, that such was not the fact.

In 1901, however, Assistant Attorney General Van Devanter rendered an opinion, which was adopted by the Secretary of the Interior, to the effect that the State of California could so select other lands in lieu of such surveyed sections, and the department has, apparently, continued to hold to this view.

After the amendment in 1891 of sections 2275 and 2276 of the Revised Statutes of the United States, above referred to, a great many selections were made by the State based upon surveyed school sections situated within the exterior limits of national forests or national reservations, which are still pending before the General Land Office at Washington for approval or rejection. So far as the General Land Office is concerned, it will in all probability recognize as valid bases surveyed school sections and certify other lands in lieu thereof.

The State continued to make selections, using as bases therefor surveyed school sections situated in national reservations up to some time after the present surveyor general of California, Hon. W. S. Kingsbury, took office in 1907. In an endeavor on his part to administer the duties of his office in a careful manner, he discovered that some question did exist as to the validity of selections so made and referred the question to me. As a result of my advice to him he discontinued making selections upon surveyed school sections until after the passage of the "Thompson Act," hereafter referred to.

The laws of California were such that after a selection was made if the land selected (not the bases for the selection) was open to selection or entry, the register and receiver of the local land office there upon notified the State land office of the acceptance of such selection, and thereupon a certificate of purchase was issued by the State for the selected land, although the title still remained in the United States and could not pass to the State until final action by the commissioner at Washington. The condition, therefore, that the present surveyor general was confronted with at the time he assumed office was this: Several hundred selections had been made in which the State had designated surveyed bases concerning the validity of which some question might be raised.

The State had issued to most of these State applicants certificates of purchase which also under the law were assignable, and many had been assigned. The surveyor general and myself, after careful consideration of the matter, believed that, under the circumstances, legislation should be provided to the end that if the surveyed sections used as bases were not available as such when used they should be made so, in order that holders of these certificates of purchase might secure the land described therein. For this purpose the Legislature of California, in 1909, provided that surveyed school sections should be valid bases, and upon the listing of the selected lands to the State the title to such surveyed school sections should immediately vest in the United States. These provisions of the law of California so passed in 1909 were sufficient, so far as the State was concerned, to pass the title to these surveyed school sections to the Federal Government upon the listing of lands in lieu thereof; but if the provisions of sections 2275 and 2276 of the Revised Statutes of the United States were insufficient to authorize the General Land Office to accept selections made upon surveyed school sections, then the law of California would be of no avail; hence, although the department, as above stated, seems to be willing to accept such selections, we deem it important to have an act passed by Congress to the same effect. The act introduced by yourself is intended to accomplish this purpose.

Shortly after Mr. Kingsbury took office as surveyor general of California, in January of 1907, he also discovered that indemnity or lieu lands were almost entirely controlled by F. A. Hyde. Hyde was enabled to control these lands by reason of the fact that until a section of school lands was placed within the limits of a reservation created by proclamation of the President, no lands could be selected in lieu thereof, nor could any applicant file an application for lieu lands in the State land office. For years Mr. Hyde was enabled to secure the first information as to the creation of national reservations, which thereby enabled him, under the laws of California, to file applications before any other person had the necessary information. To correct this condition and to permit the State to secure the benefit of con-

trolling these lieu-land selections Senator Thompson, the surveyor general, and myself drafted a bill which is known as the "Thompson bill," and which was passed by the legislature in 1909, which was the first session of the legislature after Gen. Kingsbury took office. This bill withdrew all such sixteenth and thirty-sixth sections from sale or use by any person and provided a method of sale at public auction. The plan has worked very well and has enriched the State to the extent of several hundred thousands of dollars, the last sales bringing close to $10 per acre instead of $1.25, as they had previous to that time. It also had the effect of stopping the activities of F. A. Hyde and those operating with him.

At these sales no land is sold directly, but the basis is sold and a certificate of indemnity or scrip issued, which is used as the basis for a selection from vacant Government land.

In the latter part of 1908 we began work on proposed legislation which we deemed necessary to correct the conditions arising by reason of the facts referred to above which resulted in the passage of the so-called "Thompson Act." This act you will find incorporated in the Political Code (secs. 3398 to 3408e). The main objects desired to be attained by such legislation were to enable the State to control the bases for indemnity selections and likewise to make surveyed sections situated within national reservations available as bases for lieu selections. By making such surveyed sections available as bases, not only would the doubt as to the regularity of selections theretofore so made be removed, but, likewise, it would bring to the State a large increase in price theretofore received for lands, as these sections in place were, to a large extent, quite valueless, whereas if used as bases for lieu selections they would bring, as demonstrated by the operations under the Thompson Act, from $6 to $10 per acre.

Mr. Lake, representing some 300 or more applicants, commenced the attempted filing of applications on these surveyed school sections in place in the latter part of 1908 and continued to present applications until the Thompson Act went into effect. He apparently attempted to cover every school section situated within the limits of national reservations, and particularly did he attempt to cover all such sections which had been used as bases for indemnity selections. If he is successful, the greater portion of all such selections made for the past 15 or 20 years will be rejected by the General Land Office at Washington, although the State has already issued, and there have been outstanding for years in a great many instances, certificates of purchase for most of these selected lands. The surveyor general refused to file or to recognize the applications so presented by Mr. Lake for these school sections which had been used as bases for lieu-land selections, and Lake has now commenced in the courts of California, in the names of these applicants, proceedings to enforce the filing of the same. Just as soon as the legislature met in 1909 we attempted to correct the condition of things by withdrawing such school sections so situated within national reservations and providing that they should be used only as bases for indemnity selections, and also by providing that where already so used as bases, such bases should be good and valid; but Lake's contention is that in view of the fact that the applications of the persons represented by him were presented prior to the withdrawal of such lands from sale in place, they acquired a vested right which the subsequent legislation could not destroy. I am strongly of the opinion that this contention will not be upheld by the courts, as it has been held many times that a person gains no vested rights by the mere presentation or filing of an application, and notwithstanding such fact the legislature still has the right to withdraw the lands from sale or to otherwise dispose of them. Mr. Lake objected very strenuously before the legislative committees to the passage of the acts withdrawing these lands from sale, but the Legislature of California, with full knowledge of all the facts, withdrew the same and upheld the position we have taken in every respect.

Of course the many applicants represented by Mr. Lake did not know the conditions prevailing, and in most if not all instances had never seen the lands applied for; but Lake, knowing that some question existed as to the validity of the selections made upon surveyed bases, saw a chance of either securing these school sections in place or so clouding the title thereto as to cause the Land Department of the Government to reject selections based thereon. Of course, among the selected lands will be found many thousands of acres extremely valuable, and it is easy to see that if the applicants for these selected lands, or their assignees, find that their selections are to be rejected by reason of Mr. Lake's activities in attempting to secure the base, they would be willing to pay a large amount per acre to settle with him.

Under all the circumstances, I sincerely believe that there is no other course open but for the State to use every fair and honorable means to make these surveyed sections available as bases for lieu selections. To a certain extent the predecessors in office of Gen. Kingsbury were justified in using surveyed school sections as bases, in view of the opinion of Assistant Attorney General Van Devanter, above referred to, and also in view of the attitude of the department recognizing the right of the State to do so. At all events it would seem to me that the equalities are all on the side of the State lieu-land applicants, and that the persons represented by Mr. Lake have no just complaint because they acted through him entirely, and he knew the exact situation when he attempted to make his filings, and did so knowing that if he was eventually successful the selections made for the lieu-land claimants must be rejected by the department.

I trust that you will pardon the length of this letter, but the matter is of such importance that I deemed it advisable to acquaint you with the facts.

Your wire of 10th instant states, "Public Lands Committee will hear House bill No. 19344, in reference to lieu lands, on March 20," duly received, and I take it that the information contained in this communication answers any questions you desire answered in said telegram.

I desire to thank you for your interest in this matter, and assure you that your efforts are thoroughly appreciated.

Yours, very truly,

U. S. WEBB, *Attorney General,*
By E. B. ROWEN, *Assistant.*

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: I have your letter of March 20, 1912, advising that two proposed amendments have been presented to H. R. 19344, "A bill to authorize the Secretary of the Interior to exchange lands for school sections within Indian, military, national forest, or other reservations," the first by Mr. Lake, of Oakland, Cal., the other by Mr. Bolton, of San Francisco, Cal. You quote the proposed amendments and comments thereon addressed to you by the State surveyor general and attorney general of the State of California, and ask for report upon the matters therein involved.

The bill in question, as introduced, is largely declaratory of the act of February 28, 1891 (26 Stat., 796), amending sections 2275 and 2276 of the United States Revised Statutes, and in terms authorizes the Secretary of the Interior to make exchanges of lands with the several States for those lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation. In the opinion of this department the authority to make such exchanges now exists in said sections 2275 and 2276, Revised Statutes, as amended by the act of February 28, 1891, supra, and the department has uniformly so ruled since January 30, 1899. As stated in decision in the case of the State of California (28 L. D., 57–61), the legislation under which forest reservations were authorized was pending before Congress at the time when the act of February 28, 1891, supra, was under consideration and became a law only a few days later, "Congress knew when these acts were under consideration that such reservations would necessarily embrace in many instances lands which had been granted, reserved, or pledged to States and Territories for the use of public schools. It surely knew also that these reservations would frequently contain surveyed townships or portions thereof within which would be the school sections 16 and 36, which had passed to the States or were reserved or pledged to the Territories, and that these sections, entirely surrounded by Government lands and sometimes far within the boundaries of the reservation, would be of little or no benefit—as alleged to be the fact in the case at bar—to the States or Territories while the reservations exist."

The conclusion was therefore reached that where a forest reservation includes within its exterior limits a school section surveyed prior to the establishment of the reservation the State, under the authority of the first proviso to section 2275 of the Revised Statutes, amended, may be allowed to waive its right under such section and select other lands in lieu thereof. The same question was involved in the case of Dunn et al. *v.* State of California (30 L. D., 608), the Territory of New Mexico (29 L. D., 364, 399; 34 L. D., 599), and the State of California (34 L. D., 613), and the same conclusion reached.

The language of the statute in question of itself appears conclusive upon the question involved, "and other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory, where sections 16 or 36 are mineral land, or are included within any Indian, military, or other reservation, or are otherwise disposed of by the United States: *Provided*, Where any State is entitled to said sections 16 and 36, or where said sections are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right under said sections." (Sec. 2275, amended.)

Therefore the report of this department, dated February 19, 1912, favoring the enactment of H. R. 19344 was made only upon the theory that if any doubt has heretofore existed as to the meaning and effect of the clause of section 2275, Revised Statutes, above quoted, it will be removed by the enactment of the measure and not because of any belief on its part that such exchanges may not be effected under existing law.

The amendment suggested by Mr. Lake is to the effect that nothing in said H. R. 19344, if enacted, "shall impair the rights or claims of any persons to any lands ceded, conveyed, or waived to the United States as a basis for such exchanges where such rights or claims are held adversely to such cession, conveyance, or waiver."

The communication addressed to you by the surveyor general of California recites that Lake has heretofore made applications to purchase surveyed school sections within reservations which had theretofore been used as the basis for indemnity selections by the State, which applications were immediately rejected. It is further stated that Lake had full knowledge of the fact that the State had used such base lands long before his application to purchase same, and that he relies solely upon the technical allegation that the State had no right to surrender school sections surveyed prior to the creation of the reservations as a basis for indemnity. The attorney general of California advises you in the same connection that Lake's proposed amendment is for the purpose of aiding him in clouding the title to the base lands upon which the State lieu selections rest, permitting him, if successful in certain litigation now pending in the courts of California, to defeat the claims of the persons who have purchased lieu-selection lands from the State or force them to settle with him.

It appears that the Legislature of the State of California passed an act May 1, 1911 (Laws of California, 1911, p. 1408), providing that all applications theretofore filed with the State for sections 16 or 36 within the limits of reservations and upon which no certificates of purchase had issued shall be canceled by the surveyor general and held to be null and void.

While this department has no official connection with or information concerning the attempted purchases by Mr. Lake of such school sections, it can not concede the correctness of his contention, as disclosed by the State surveyor general, but entertains a contrary view, as indicated by its decisions hereinbefore cited. If Mr. Lake or other persons have vested rights in or to any such sections 16 or 36, H. R. 19344, if enacted, can not defeat the same, while the adoption of the amendment proposed might be construed as a recognition that valid claims do exist to such school sections heretofore presented and in some instances accepted as a sufficient basis for school-indemnity selections. The department is emphatically of the opinion that the proposed amendment should not be adopted.

The amendment proposed by Mr. Bolton is to the effect that the Secretary of the Interior "shall not approve any exchange of lands if the lands selected by the State be, at the time of approval, within the exterior limits of any land withdrawn under the provisions of an act entitled 'An act to authorize the President of the United States to make withdrawals of public lands in certain cases,' approved June 25, 1910."

The State surveyor general and attorney general advise you that the State of California is opposed to this amendment on the ground that under it the State would waive the rights of persons who have purchased lieu-selection lands from the State. The attorney general states that—

"Bolton fears that bill introduced by you will injure rights of his clients, who are claiming as mineral claimants. The State has selected certain lands for said applicants whose applications are on file in the State land office. They claim that as land was subject to selection their rights attach. If this is so, they should not be defeated by Bolton's amendment."

It appears from the records of this department that indemnity school selections were filed by the State of California upon unreserved public land in lieu of school sections within reservations, and that thereafter

the lands covered by the indemnity school selections were, with adjoining tracts, withdrawn under the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), for classification in aid of legislation and for other public purposes, and that such State selections are now suspended and pending. In this connection it also appears from the records of this department that certain mineral claimants, for whom Mr. Bolton appears as counsel, are contending before this department that certain of the State selections in question should be rejected and canceled by the Secretary of the Interior because of the existing withdrawals, and the proposed amendment would seem designed to effect this end through legislation. H. R. 19344 does not direct or compel the Secretary of the Interior to approve these or other indemnity selections, but leaves him the same discretionary power that he now possesses in such cases.

Under section 2276, Revised Statutes, amended, lands selected in lieu of school sections surrendered under section 2275, Revised Statutes, are required to be "unappropriated surveyed public lands, not mineral in character." The uniform holding of the courts and repeated rulings of the department with reference to indemnity school selections and other selections requiring approval of the Secretary of the Interior are to the effect that no vested rights are secured through such selections until same have been duly approved by the Secretary of the Interior, all proceedings prior thereto amounting to but a tender of a selection.

It is thus apparent that full power and authority rest with the Secretary of the Interior under existing law, and will rest with him under H. R. 19344, if enacted, to adjudicate such selections and any claims arising in connection therewith, as well as to give due effect to any withdrawals made under the provisions of the act of June 25, 1910, supra.

The department further believes that the Secretary of the Interior should not be by act of Congress deprived of authority to approve such selections as to the lands covered thereby which are found to be nonmineral in character and otherwise subject to selection. Furthermore, selections made but not approved prior to the withdrawal of the selected lands under the act of June 25, 1910, are held subject to action under such withdrawal, and are not approved, certified, or patented during the existence of such withdrawal.

It is further noted that this amendment relates to lands "within the exterior limits of any land withdrawn," etc. This is specially objectionable, as a number of tracts within the exterior limits of a withdrawal may be excluded therefrom, and the amendment should therefore be limited at least to the lands withdrawn. Being of opinion, however, that no good reason exists for this amendment, I must recommend that it be not adopted.

I have examined the opinion of Judge Wellborn in the case of Hibberd *v.* Slack (84 Fed. Rep., 571), in which it was held that the act of February 28, 1891, amending sections 2275 and 2276, Revised Statutes, does not contemplate an exchange of lands between a State and the United States, but only indemnity for loss to a State because of inclusion of school lands within a forest or other reservation prior to their identification by the Government survey, and I find that a contrary rule has prevailed in this department since January 30, 1899, ex parte State of California (28 L. D., 57); Dunn et al. *v.* California (30 L. D., 608); opinion of Assistant Attorney General, now Justice Van Devanter (29 L. D., 364); also 29 L. D., 399; opinion of Assistant Attorney General Campbell (34 L. D., 599); ex parte State of California (34 L. D., 613).

After a careful review of the several decisions bearing upon this subject, and especially in view of the fact that the act of February 28, 1891, was a general adjustment act, I see no reason to depart from the present holding of the department on this subject.

In accordance with your request, I will be pleased to have a representative of this department appear before the Committee on the Public Lands at 10 o'clock a. m. April 2, 1912.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

To carry out the provisions of H. R. 19344, which will apply to H. R. 25738, the bill H. R. 22522, by Mr. RAKER, was introduced, which is as follows:

A bill appropriating money for the purpose of making field examinations of selected lieu lands in California.

Be it enacted, etc., That the sum of $28,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of the Interior, for the purpose of making field examinations of selected lieu lands in California.

Upon bill H. R. 22522 the following report was made to the chairman of the Committee on Appropriations by the honorable Secretary of the Interior, Walter L. Fisher:

DEPARTMENT OF THE INTERIOR,
Washington, May 25, 1912.

DEAR SIR: In compliance with your request of May 24, 1912, I inclose herewith copy of department letter of May 2, relating to H. R. 22522.

Very respectfully,

CARMI A. THOMPSON,
Assistant Secretary.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

MY DEAR SIR: I am in receipt of your letter of the 23d instant relative to H. R. 22522, entitled "A bill appropriating money for the purpose of making investigations of selected lieu lands in California."

In reply thereto I have the honor to advise you that an estimate for an appropriation of $28,000 to enable this department to expeditiously carry into effect the provisions of said bill is now being prepared by the Commissioner of the General Land Office for my approval and transmission to the Secretary of the Treasury, to be forwarded to Congress for appropriate action.

Very respectfully,

WALTER L. FISHER, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

MY DEAR SIR: I am in receipt of your letter of March 29, 1912, inclosing a copy of H. R. 22522, entitled "A bill appropriating money for the purpose of making investigations of selected lieu lands in California," and in accordance with your request I have made a statement to the chairman of the House Committee on Appropriations concerning the same.

For your information I inclose a copy of this statement.

Very respectfully,

WALTER L. FISHER, *Secretary.*

APRIL 10, 1912.

Hon. J. J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

SIR: At the request of Hon. JOHN E. RAKER I beg leave to make the following statement with reference to H. R. 22522, entitled "A bill appropriating money for the purpose of making field examinations of selected lieu lands in California," which is now before your committee.

I have caused a careful estimate to be made and find that there are approximately 400,000 acres of land embraced in selections by the State of California which are pending for field investigation to determine the character of the lands. To investigate these lands will require the services of 20 field men for a trifle over five months. At the usual rate of compensation allowed mineral inspectors by the General Land Office it would require, at the lowest figure, $25,000 to make these examinations. In addition, it is estimated that at least $3,000 would be necessary for assistants in the General Land Office in order that the reports as they come from the field may be passed upon and the pending selections adjudicated promptly; thus the total amount necessary would be $28,000. This estimate is a very careful and conservative one.

With the present field force maintained under the appropriation for "Protecting public lands, timber, etc.," in the sundry civil bill, it would be impossible to put such a force of men upon the work of these California selections. To do so would prejudice very seriously other important investigations pending not only in the State of California but throughout all the public-land States.

At the present time there are three mineral inspectors assigned to the San Francisco field division, which comprises all of the State of California except the Los Angeles district, and also includes the State of Nevada, and there are three mineral inspectors assigned to the Los Angeles field division, which comprises the district of Los Angeles and the State of Arizona, so that it will readily be seen that were the mineral inspectors now assigned to the California divisions put exclusively upon the work of investigation of the land selected by the State it would require over a year to complete the examination thereof. It would, however, be highly prejudicial to the interests of the Government in other important lines of investigation to put these men on this work exclusively, and good administration would not permit this to be done.

One of the most important lines of work now pending before the General Land Office is the investigation of oil lands in the State of California. The Commissioner of the General Land Office in a statement made to me under date of January 23, 1912, in support of the estimates for the appropriation for "Protecting public lands, timber, etc.," for the fiscal year ending June 30, 1913, to which I called your attention by my letter of February 8, 1912, had this to say concerning this work:

"There are 3,970,429 acres of land withdrawn in eight States and Territories as oil lands. In the State of California alone the oil area withdrawn is more than a million and a half acres, and especial attention is now being given the situation in that State where oil operations are being conducted very extensively. Under conditions which now obtain, particularly in the California fields, the office can not defer investigation of the operations of locators in this field until application for patent is filed, for only those operators who are certain of patent will apply for the same, the others being content to rest upon their possessory rights, and these latter will continue to remove for commercial purposes the oil within the limits of their locations. As most of these companies, so I am advised, are financially irresponsible, steps must be taken looking toward a thorough investigation to determine what companies are operating according to law and in good faith, so that those who are not so doing may be stopped before irreparable damage to the Government ensues by reason of their operations.

"As indicating the magnitude and expense of this work in the California fields, I would state that in a suit about to be instituted to recover lands valuable for oil and other minerals an appropriation of $3,000 was given the Department of Justice in the last urgent deficiency bill for abstracts only. The evidence in this suit and in all others which may be brought must be secured by agents of this office."

In order to meet the situation which confronts the General Land Office with respect to the oil territory in California, plans are now being considered whereby additional field men may be assigned to this important work during the next fiscal year, providing, of course, the appropriation requested from Congress for the Field Service is granted.

In addition to the oil investigations there are various other important lines of investigation demanding the attention of the General Land Office, particularly the field work in Alaska, the Carey Act investigation work in the various States, and the various other investigations necessary by reason of coal, oil, phosphate, and water-power withdrawals, in addition to the ordinary work of the field force in the investigation of alleged fraudulent entries, all of which are set forth in the commissioner's letter of January 23, 1912.

It will therefore be apparent that to investigate the pending California selections with any degree of expedition will require the additional appropriation which is proposed by the bill under consideration. Without this additional appropriation for that purpose the examination of these selected lands will of necessity have to await the regular order of investigation, and with the force available it is problematic when the investigations would be completed.

It will be observed that the bill as introduced appropriates the amount designated only for field examinations, but as it will be necessary to adjudicate the reports of these examinations in the General Land Office it will require some additional assistance in order to expedite action upon the same when the field investigations are completed. It is suggested therefore that the bill be amended by inserting after the last word in line 8, the following: "and of adjudicating the same in the General Land Office."

I strongly recommend the passage of this bill, as it will bring about a speedy adjustment and determination of the grant to the State.

Very respectfully,

WALTER L. FISHER, *Secretary.*

And thereafter on April 30, 1912, the following report was made by the Secretary of the Treasury to the Speaker of the House of Representatives:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 30, 1912.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of the Interior of the 29th instant, submitting an estimate of appropriation in the sum of $28,000 to enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in the State of California and to adjudicate the same in the General Land Office, the same to be made immediately available.

The Secretary of the Interior states that the necessity for the submission of this estimate at this time is fully set forth in the note accompanying the same.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, April 29, 1912.

The SECRETARY OF THE TREASURY:

SIR: I have the honor to forward herewith, through your department, for the appropriate action of the Congress, an estimate from the Commissioner of the General Land Office for an appropriation of $28,000 for the purpose of meeting the expense pertaining to field examinations of selected lieu lands in the State of California for the fiscal years of 1912 and 1913. The necessity for the proposed expense is fully set forth in a note embodied in the estimate.

Very respectfully,

WALTER L. FISHER, *Secretary.*

Estimates of appropriations required for the service of the fiscal years ending June 30, 1912, and June 30, 1913, by the General Land Office.

DEPARTMENT OF THE INTERIOR.

PUBLIC LANDS SERVICE.

Examination of California lieu selections, 1912 and 1913:

To enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in the State of California and to adjudicate the same in the General Land Office, $28,000, to be immediately available: *Provided*, That agents or others employed or detailed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares (submitted) $28,000

NOTE.—There are approximately 400,000 acres of lands embraced in selections by the State of California which are pending for field investigation to determine the character thereof. To investigate these lands will require the services of 20 field men for a trifle over five months. At the usual rate of compensation allowed mineral inspectors by the General Land Office, it would require the full amount of this estimate to complete the work. This estimate is a very careful and conservative one.

With the present field force maintained under the appropriation for "Protecting public lands, timber," etc., in the sundry civil bill, it would be impossible to put such a force of men upon the work of these California selections. To do so would prejudice very seriously other important investigations pending, not only in the State of California but throughout the public-land States.

The mineral inspectors at present assigned to the California field divisions could not, if placed exclusively upon this investigation, complete them in a year. It would, however, be highly prejudicial to the interests of the Government in other important lines of investigation to put these men on this work exclusively, and good administration would not permit this to be done.

One of the most important lines of work now pending before the General Land Office is the investigation of oil lands in the State of California. In a statement made by me to the department under date of January 23, 1912, in support of the estimates for the appropriation for "Protecting public lands, timber," etc., for the fiscal year ending June 30, 1913, to which the Secretary called the attention of the chairman of the House Appropriation Committee by his letter of February 8, 1912, had this to say concerning this work:

"There are 3,970,429 acres of land withdrawn in eight States and Territories as oil lands. In the State of California alone the oil area withdrawn is more than a million and a half acres, and especial attention is now being given to the situation in that State, where oil operations are being conducted very extensively. Under conditions which now obtain, particularly in the California fields, the office can not defer investigation of the operations of locators in this field until application for patent is filed, for only those operators who are certain of patent will apply for the same, the others being content to rest upon their possessory rights, and these latter will continue to remove for commercial purposes the oil within the limits of their locations. As most of these companies, so I am advised, are financially irresponsible, steps must be taken looking toward a thorough investigation to determine what companies are operating according to law and in good faith so that those who are not so doing may be stopped before irreparable damage to the Government ensues by reason of their operations.

"As indicating the magnitude and expense of this work in the California fields, I would state that in a suit about to be instituted to recover lands valuable for oil and other minerals an appropriation of $3,000 was given the Department of Justice in the last urgent deficiency bill for abstracts only. The evidence in this suit and in all others which may be brought must be secured by agents of this office."

In order to meet the situation which confronts the General Land Office with respect to the oil territory in California, plans are now being considered whereby additional field men may be assigned to this important work during the next fiscal year, providing, of course, the appropriation requested from Congress for the field service is granted."

In addition to the oil investigations there are various other important lines of investigation demanding the attention of the General Land Office, particularly the field work in Alaska, the Carey Act investigation work in the various States, and the various other investigations necessary by reason of coal, oil, phosphate, and water-power withdrawals, in addition to the ordinary work of the field force in the investigation of alleged fraudulent entries, all of which are set forth in my letter of January 23, 1912.

It will, therefore, be apparent that to investigate the pending California selections with any degree of expedition will require the additional appropriation which is proposed by H. R. 22522 now under consideration. Without this additional appropriation for that purpose the examination of these selected lands will of necessity have to await the regular order of investigation, and with the force available it is problematic when the investigations would be completed.

This estimate is submitted in accordance with the suggestion of the chairman of the Appropriations Committee of the House of Representatives and is to take the place of H. R. 22522, entitled "A bill appropriating money for the purpose of making field examinations of selected lieu lands in California."

The amount asked for is the same as that provided in the said bill and is deemed imperatively necessary for the public service in order to expeditiously carry into effect the provisions thereof.

It may be stated in this connection that owing to a controversy between the Federal Government and the State of California relative to certain overcertifications of land to the State, the adjustment of the State's school land grant has been practically in a state of suspension for some years. June 16 last a basis of adjustment of this controversy was agreed upon by the Land Department and officials of the State, and during January of this year vigorous measures were entered upon to carry out this agreement. However, the adjustment had not sufficiently proceeded to such a stage at the date of submitting the regular estimates of appropriations to intelligently permit of the submission of an estimate similar to that herewith. As a result of the vigorous measures taken by this office the adjustment has now proceeded to such a stage as to render field examination of the selected lieu lands imperative.

Submitted April 26, 1912.

FRED DENNETT, *Commissioner.*

On June 27, 1912, Senator PERKINS introduced an amendment to H. R. 25069 for the purpose of carrying out the provisions of bill H. R. 19344, now bill H. R. 25738, which amendment is as follows:

On page 96, after line 24, insert the following:

"Examination of California lieu selection, 1912 and 1913: To enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in the State of California and to adjudicate the same in the General Land Office, $28,000, to be immediately available: *Provided*, That agents or others employed or detailed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping car fares."

The question of appropriation was referred to in connection with the bill upon which this report was made, namely, H. R. 25738, for the purpose of showing the necessity of the passage of this later bill.

The enactment of H. R. 25738 is important to the State of California. It involves over 500,000 acres of land, the title to which should be settled, to the end that those who are claiming such lands may have a perfect title and the State obtain its taxes on the same, as well as the proper clearing up and straightening out the title coming from the State of California to the Government.

The committee have given this matter exhaustive consideration, and after such examination and consideration are unanimously of the opinion that the legislation is right and proper, in the interests of justice, and necessary, and should be passed at this session of Congress.

San Joaquin River.

EXTENSION OF REMARKS
OF
HON. J. C. NEEDHAM,
OF CALIFORNIA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. NEEDHAM said:

Mr. SPEAKER: By virtue of the authority granted me by the House of Representatives I desire to incorporate in the RECORD a statement and certain letters in regard to the San Joaquin River, Cal.

The river and harbor act of 1911 contained a provision looking toward the examination and survey of the San Joaquin River up to a point at or near Herndon, with a view to its improvement by means of locks and dams or otherwise. Two similar provisions had previously been contained in river and harbor acts for the examination of the upper San Joaquin River since my service in the House, both of which had resulted in an adverse report by the Army engineers.

Upon the passage of the river and harbor act of 1911, containing the provision above recited, I communicated with all the commercial bodies in the San Joaquin Valley, and also the Traffic Association of the San Francisco Chamber of Commerce, with a view of interesting these organizations and obtaining their cooperation in inducing the Army engineers to make a favorable report upon the improvement of this river. The response was highly gratifying, and from the beginning the Fresno Traffic Association and the Chamber of Commerce at Fresno and the Traffic Association of the Chamber of Commerce of San Francisco have all taken an active and intelligent interest in the matter and have cooperated to the fullest possible extent.

The Fresno organizations appointed a joint committee, which committee has been exceedingly active and has rendered valu-

able service. This committee conceived the idea of chartering a vessel, and, as a result, the steamer *J. R. McDonald* was obtained and it made the trip up the river practically to the point where the examination was to end. This trip was made during the high-water season, and subsequently, during the low-water season, Maj. S. A. Cheney made a trip over the same portion of the river in a small launch, after which he submitted his report as the result of his preliminary examination to the Board of Engineers for Rivers and Harbors, Washington. His report was adverse to the improvement of the river under examination, his general conclusion being that the water of the river was more important for irrigation than for navigation, and he did not even recommend a survey.

Prior to the adverse report of Maj. Cheney he held a public meeting in Fresno, at which meeting the joint committee above referred to appeared and submitted arguments in favor of the improvement of the river, and at this meeting the Miller and Lux corporation appeared by its attorney and argued against the improvement of the river.

Shortly after the adverse report of Maj. Cheney had been submitted, and after conferring with all parties favorable to the improvement of the river, I filed a notice in behalf of such parties of an appeal from the report of Maj. Cheney and requested a hearing upon the appeal before the Board of Engineers for Rivers and Harbors. This request was granted, and at the hearing upon appeal the matter was argued by Mr. William R. Wheeler, traffic manager of the San Francisco Chamber of Commerce, and myself. I also filed a brief prepared by the joint committee of the Fresno Chamber of Commerce and Traffic Association. As the result of the appeal the action of Maj. Cheney was reversed. The action of the Board of Engineers is stated in a letter written by me under date of April 11, 1912, to Mr. Frank M. Hill, which letter I herewith incorporate at this point:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 11, 1912.

MR. FRANK M. HILL,
Secretary Fresno Traffic Association, Fresno, Cal.

DEAR MR. HILL: I telegraphed you that I would write you more in detail of the action of the Board of Engineers as a result of the arguments submitted by Mr. Wheeler and myself before it on appeal from the report of Maj. Cheney.

The board recommended that the Chief of Engineers call upon the local engineer for certain information, and concluded its communication with the following language:

"Before submitting its report on this subject the board recommends that the district officer furnish an estimate of the cost involved and the amount of local cooperation that may be expected in making a comprehensive survey covering the following points:

"(a) Low-water flow at various points on the section under consideration.

"(b) Normal flow that could be expected under proper control of present irrigation system to prevent waste.

"(c) Relation of volume abstracted from river for irrigation and volume returned through seepage.

"(d) Cost of improvement by slack water and by regulation, with estimate of possible period of navigation.

"(e) Possibility of storage and supply from Lake Tulare.

"(f) Present acreage irrigated, with estimate of possible and probable irrigation.

"(g) Cost of improvement.

"In general, a complete investigation of the whole subject of irrigation and navigation on the San Joaquin River above Stockton and a determination of the several questions involved, including cooperation."

This action by the Board of Engineers has been favorably indorsed by the Chief of Engineers and forwarded to the local engineer in San Francisco, Capt. Stockey, who, as you know, is acting for Maj. Cheney during his absence.

A survey of the San Joaquin River of such a comprehensive character as will furnish complete and accurate data upon the points suggested by the Board of Engineers will be invaluable to the people of the San Joaquin Valley and the State of California. Such a survey will give the necessary information as to what can be done with the river. The points that are to be covered by the survey as suggested by the Board of Engineers will solve the problem of irrigation, navigation, storage, and drainage—in fact, every necessary element—as will enable our great valley to intelligently make use of its river and tributaries.

Such a survey will be invaluable to the people of eastern Madera and Merced Counties, who are anxious to extend their irrigated area. It will show what can be done with the great area of the west-side lands, including the Coalinga area, to bring the same under irrigation, about which there is such a widespread interest. It will also develop what may be done with the water from Tulare Lake—whether it may be utilized for irrigation or navigation, either or both, while at the same time adding to the amount of land that can be most profitably cultivated.

This information is so important that all sections of the San Joaquin Valley should cooperate to the end that this comprehensive survey may be assured.

Permit me to suggest that when you are called upon to indicate what in the way of cooperation may be expected toward the cost of such survey, that you promptly respond to the effect that the demand that such a survey be made is so general that whatever reasonable sum or share as shall be thought wise will be furnished by local interests within a reasonable time.

Ordinarily the cost of a survey is borne by the Government alone out of a general lump sum appropriated when the particular interest to be promoted is that of navigation. In the case now under consideration it is admitted that irrigation is paramount to navigation, and such being the case is the reason why it is desired to learn what cooperation may be expected, especially as the survey will determine the elements of irrigation, storage, and drainage in addition to that of navigation.

Yours, very truly,

J. C. NEEDHAM

Subsequently Maj. Cheney reported to the board that the cost of a survey to determine the matter set forth by the Board of Engineers in relation to this river would be the sum of $64,557. I again appeared before the board and argued in favor of such a survey. Such a survey is necessary, in order that the water of the river and its tributaries may be advantageously put to beneficial use. Such a survey will furnish the information officially made, and will be the basis upon which future improvement of the river can be made. This survey will officially inform us as to what may be done with the waters of the river from the standpoint of storage, navigation, irrigation, flood prevention, drainage, and also the feasibility of making use of the waters from Tulare Lake, which, if practicable, will drain the waters of that lake and thus add many acres of rich land to the cultivable area of the State. In my opinion nothing should prevent the obtaining of this comprehensive survey. It is positively essential and necessary as the basis for future development of this important river. If this river can not be made navigable within a reasonable limit of cost, then that fact ought to be shown by an official survey. If all the water of this stream and its tributaries are needed for irrigation, to the exclusion of navigation, then that fact should be made known by an official survey. From every standpoint an official survey by the United States Government is necessary, in order that the wise and beneficial use and conservation of the waters of this river and its tributaries may be made.

The Board of Engineers subsequently recommended that the survey be made upon the condition that one-half the cost thereof be paid by the State of California or local interests. The $32,000 which it is necessary that the State of California or local interests should contribute in order that this complete official survey shall be made by the United States Government is insignificant, compared with the benefits that will accrue by reason of such a survey. The Government of the United States stands ready to make this survey, which has been sought for so many years, upon the one condition above named. The Chief of Engineers and the Secretary of War have officially notified the governor of the State of California and myself to this effect, and I attach hereto official letters bearing upon this question:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 20, 1912.

THE SECRETARY OF WAR.

SIR: 1. As authorized by the river and harbor act approved February 27, 1911, a preliminary examination has been made of San Joaquin River, Cal., with a view to its improvement up to a point at or near Herndon, a distance of about 200 miles, by means of locks and dams, and the report thereon, dated December 22, 1911, by the local engineer officer, Maj. S. A. Cheney, Corps of Engineers, has been reviewed, as required by law, by the Board of Engineers for Rivers and Harbors.

2. Maj. Cheney states that in this locality the interests of flood control, irrigation, navigation, etc., are closely related, though irrigation is conceded to be paramount. There is practically no commerce on the stream at the present time, and continuous navigation could probably not be secured without interfering with the water supply for irrigation. Therefore, from the standpoint of navigation alone, he is not prepared to recommend the improvement or a survey of the river as preliminary to preparation of a plan of improvement.

3. A public hearing on this subject was held by the Board of Engineers for Rivers and Harbors, at which it was stated that the questions involved in this investigation had been under local consideration for years; that they could not be solved by the community; and it was urged that a comprehensive survey and investigation be made to determine all these important matters and their relation one to the other. It was represented that many persons were affected, that valuable interests were at stake, that this agitation would continue until such a survey had been made and a comprehensive report prepared based upon accurate data, and that the locality was so impressed with the importance of the whole matter that it was probable that local cooperation could be obtained in paying for the survey. The estimated cost of such a survey as is desired is estimated at $64,557. The joint committee on San Joaquin River improvement believes that an appropriation of half this amount can be secured from the Legislature of the State of California, probably during its next session, which begins in January, 1913.

4. In the opinion of the Board of Engineers for Rivers and Harbors, the data which would be obtained from a comprehensive survey as contemplated would undoubtedly be of great value to the Federal Government, as well as to the State of California, and it believes that the matter is of sufficient importance to the public at large to warrant the expenditure on the part of the United States of half the estimated cost, and therefore recommends that an allotment of $32,278.50 be made and the survey be ordered when local interests or the State of California shall have furnished a like amount.

5. It appears that any contribution toward the survey will probably have to come from the State of California, and I accordingly recommend that the Secretary of War inform the governor of that State that the interests of the United States in this combined improvement is not sufficient to indicate that a survey should be made entirely at the expense of the Federal Government, but that if an appropriation of half the estimated cost, or $32,278.50, is made by the State of California, to be expended under the direction of the Secretary of War, an allotment of the other half will be made by the Secretary of War from the appropriation for examinations, surveys, and contingencies of rivers and harbors, and the survey made and report thereon submitted to Congress.

6. It is recommended further that the governor be advised that, pending action by the State of California in the matter, further action on the report of the preliminary examination will be held in abeyance.

Very respectfully,

W. H. BIXBY,
Chief of Engineers United States Army.

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JULY 22, 1912.

His excellency the GOVERNOR OF CALIFORNIA,
Sacramento, Cal.

SIR: As authorized by the river and harbor act approved February 27, 1911, a preliminary examination has been made of San Joaquin River, Cal., with a view to its improvement up to a point at or near Herndon, a distance of about 200 miles, by means of locks and dams, and a report thereon, dated December 22, 1911, by the local engineer officer, Maj. S. A. Cheney, Corps of Engineers, has been reviewed, as required by law, by the Board of Engineers for Rivers and Harbors.

The local engineer officer states that in this locality the interests of flood control, irrigation, navigation, etc., are closely related, though irrigation is conceded to be paramount. He reports that there is practically no commerce on the stream at the present time, and that continuous navigation will probably not be secured without interfering with the water supply for irrigation, and he, therefore, from the standpoint of navigation alone, is not prepared to recommend the improvement or a survey of the river as preliminary to the preparation of a plan of improvement.

A public hearing on the subject was held by the Board of Engineers for Rivers and Harbors, at which it was stated that the question involved in this investigation had been under local consideration for years; that they could not be solved by the community, and it was urged that a comprehensive survey and investigation be made to determine all these important matters and their relation one to another. It was represented that many persons were affected; that valuable interests were at stake; that this agitation would continue until such a survey had been made and a comprehensive report prepared based upon accurate data; and that the locality was so impressed with the importance of the whole matter that it was probable that local cooperation could be obtained in paying for the survey, the cost of which is estimated at $64,557. The joint committee on San Joaquin River improvement, in a communication addressed to Maj. Cheney, expressed the opinion that an appropriation of half this amount could be secured from the Legislature of the State of California, probably during its next session.

In the opinion of the Board of Engineers for Rivers and Harbors, the data which would be obtained from a comprehensive survey, as contemplated, would undoubtedly be of great value to the Federal Government as well as to the State of California, and it believes that the matter is of sufficient importance to the public at large to warrant the expenditure on the part of the United States of half the estimated cost, and therefore recommends that an allotment of $32,278.50 be made and the survey be ordered when local interests or the State of California shall have furnished a like amount.

It appearing from the foregoing that the interests of the United States in this combined improvement is not sufficient to indicate that a survey should be made entirely at the expense of the Federal Government, you are informed that if an appropriation of half the estimated cost, or $32,278.50, is made by the State, to be expended under the direction of the Secretary of War, an allotment of the other half will be made by the Secretary of War from the appropriation for examinations, surveys, and contingencies of rivers and harbors and the survey made and report thereon submitted to Congress.

Pending action by the State of California in the matter further action on report of the preliminary examination will be held in abeyance.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

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WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 9, 1912.

The SECRETARY OF WAR.

SIR: 1. I have the honor to inform you that the Hon. J. C. Needham has requested that information be furnished him as to the position the War Department will take relative to cooperating with the State of California in making a survey of San Joaquin River, Cal., with a view to its improvement up to a point at or near Herndon, a distance of 200 miles, by means of locks and dams, the preliminary examination of which, dated December 22, 1911, was made by the local engineer officer in accordance with the river and harbor act approved February 27, 1911.

2. On this river any consideration of navigation must take into account the subjects of irrigation and flood control, though irrigation must be considered the most important. The main difficulty in navigation is lack of water, but it is claimed that there is considerable loss through the present methods of its use. Open-river methods of improvement appear from physical conditions to be impracticable.

3. For slack-water improvement about 20 locks and dams would be required and continuous navigation probably could not be secured without interfering with the water supply for irrigation. There is no commerce on the stream at the present time. It is conceded that irrigation is paramount, but that the possibility of navigation, in coordination with other vital interests should be determined; and the locality is so impressed with the importance of the whole matter that it is probable that local cooperation can be secured in paying for the survey.

4. The estimated cost for such survey is $64,557. The joint committee on the San Joaquin River improvement believes that probably an appropriation of half this amount can be obtained from the Legislature of the State of California, which convenes in January, 1913.

5. The Board of Engineers for Rivers and Harbors is of the opinion that the data which would be obtained from a comprehensive survey would be of considerable value to the Federal Government. As the country develops questions of flood control, irrigation, and navigation become of great importance, both locally and nationally, and in this case the board believes that any expense incurred for surveys should be shared equally by the Federal Government and the State of California. The board therefore recommends that an allotment of $32,278.50 be made and the survey be ordered when local interests or the State of California shall have furnished a like amount. I concurred in this recommendation of the board.

6. Since further action on the preliminary examination report is to be held in abeyance, pending action by the State of California in the matter, it is probable that the formal transmission of the reports on the subject to Congress will be deferred for some time. Mr. Needham has shown great interest in this matter, and, in order that he may know the attitude of the War Department in relation to the proposed survey and to enable him to make use of this information to advance the matter before the legislature of the State of California, as desired by him, I recommend that he be furnished a copy of this letter and the copies herewith of my letter to you dated July 20, 1912, and of your letter dated July 22, 1912, to the governor of the State of California.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

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WAR DEPARTMENT,
Washington, August 12, 1912.

Hon. J. C. NEEDHAM,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith for your information a letter from the Chief of Engineers, United States Army, dated August 9, instant, together with copies of other correspondence relative to the proposed survey of San Joaquin River, Cal., with a view to its improvement up to a point at or near Herndon by means of locks and dams.

Very respectfully,

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

(Inclosures: Letter referred to and copies of 297 and 298 of 25746 Engineers.)

Progressive Legislation.

SPEECH

OF

HON. GEORGE EDMUND FOSS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, August 22, 1912.

Mr. FOSS said:

Mr. SPEAKER: In public discussion there is a great deal of talk to-day on the subject of progressiveness in legislation, and the statement is made that neither one of the two great parties is keeping step with the progressive sentiment of the people, and that therefore there is a necessity for the establishment of a new party. In fact, one has already been organized and is known as the Progressive Party, which has supposedly arisen out of mistrust of the old parties and a popular demand for a new one.

The Republican Party has been the great constructive party of this country during the last 50 years, and all the important legislation which has been placed upon the statute books has been enacted by it. Can it be true that it has outlived its usefulness or that there is no spirit of progress within it?

In looking over the declaration of principles adopted by the Progressive Party at its first national convention held in Chicago one can not fail to observe that most of the principles of that platform have already either been enacted into law or are now being considered in Congress, with the exception of woman suffrage and the initiative and referendum, which are regarded as State issues.

Now, let me enumerate the national issues of this platform.

FIRST: DIRECT ELECTION OF UNITED STATES SENATORS.

Congress has already passed a resolution submitting to the States an amendment to the Constitution that United States Senators shall be elected directly by the people. I have voted for this principle at least six times while I have been a Member of Congress.

SECOND: PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

A law has already been enacted limiting the amount of campaing expenses and requiring such expenses to be published before and after election. I voted for this law and have complied with its terms. Moreover, a law has been passed prohibiting corporations from making campaign contributions.

THIRD: WORKMEN'S COMPENSATION ACT.

Two years ago a commission was authorized by Congress to consider this great question, and during the past session it made a report to Congress, and the subject is now being considered by the appropriate committee with a view to enacting legislation. A bill for compensation for injuries sustained by Federal employees has already been favorably reported by the committee and is now on the House Calendar, subject to being called up at any time.

FOURTH: THE IMPROVEMENT OF AGRICULTURAL CONDITIONS.

Many laws have been passed for the improvement of agriculture, and during the closing days of Congress a bill was passed to establish agricultural extension departments under

the direction of the land-grant colleges of the several States, to aid in carrying to the people useful and practical information relating to agriculture and home economies through field instruction, demonstrations, publications, and otherwise.

FIFTH: THE BETTERMENT OF WORKING CONDITIONS FOR LABORING MEN.

Many laws have been passed during the past session of Congress, without any party division whatever, for the benefit of the laboring man. Legislation has been enacted extending the operation of the eight-hour law to work done for the Government, as well as work done by the Government; a bill has been passed by the House providing for the application of the eight-hour law to men engaged in dredging work in our rivers and harbors. A similar provision was passed for the benefit of the post-office clerks and letter carriers, and also for men employed in industrial establishments on Government work for the Navy. A law has been enacted establishing a Children's Bureau, for the investigation of occupations, accidents, and diseases of children, and other subjects connected therewith. The House also passed the bill providing for trial by jury in cases of indirect contempt. A bill was passed providing for an industrial commission to investigate the industrial relations between the employer and the employee, with a view to ascertaining the best method of dealing with industrial problems. A bill was passed known as the seamen's bill, providing a standard of skill for seamanship, to promote safety of travel at sea, and so forth. A convict-labor bill was passed, to prevent illegitimate competition with free workmen and their employers. A bill was also passed extending the scope of the Bureau of Mines, which was established by the last Republican Congress to safeguard the lives of 750,000 miners in the United States. The last Republican Congress also passed the safe-appliance act, requiring railroads to exercise the greatest care for the safety of employees as well as passengers in the use of appliances. The last Republican Congress also enacted the employer's liability act, increasing the liability of corporations and other employers for injuries sustained by their employees. The House at its last session of Congress passed a bill creating a department of labor, with a secretary who shall be a member of the President's Cabinet. What a magnificent record of progressive legislation made for the "betterment of working conditions for laboring men." I have supported all the above measures.

SEVENTH: HIGH COST OF LIVING.

This has been a subject of investigation by Congress, and the Republican Party recommends in its platform a scientific investigation, both in the United States and elsewhere, as it is regarded as a question of world-wide concern.

EIGHTH: HEALTH.

The establishment of a Department of Public Health is one of the live questions before Congress, and will undoubtedly be acted upon at the next session. I am in favor of such a department established on broad, liberal, and national lines.

NINTH: PANAMA CANAL.

An act has already passed Congress prohibiting the ownership of ship lines by American railroads, and also providing for no tolls for American ships in the coastwise trade. I supported this.

TENTH: PATENTS.

A revision of our patent laws is already being considered by the appropriate committees in Congress, with a view to taking this matter up at its next session.

ELEVENTH: THE ALDRICH CURRENCY BILL.

This matter has not yet been discussed in Congress, and no bill has yet been introduced. There has, however, been considerable discussion before clubs and organizations, etc.

TWELFTH: CONSERVATION OF OUR NATURAL RESOURCES.

Many measures have been passed of this character and more are now being considered. I have voted for every measure to place our public lands, forests, minerals, and power sites beyond the reach of greedy syndicates, unscrupulous corporations, and monopolistic combinations.

THIRTEENTH: ALASKA.

Congress has already enacted a law creating a legislature of two houses, with authority to enact laws.

FOURTEENTH: WATERWAYS.

The Congress of the United States, under Republican policy, has always been liberal in its appropriations for waterways, and in its platform it states "we favor a liberal and systematic policy for the improvement of our rivers and harbors."

FIFTEENTH: INCOME TAX.

A resolution has already been passed proposing a constitutional amendment for an income tax, and it is now before the legislatures of the several States.

SIXTEENTH: NATIONAL DEFENSE.

The Progressive Party platform is in favor of two battleships a year. This policy I initiated as chairman of the Committee on Naval Affairs a dozen years ago, and have consistently carried it out during my chairmanship.

SEVENTEENTH: PARCELS POST.

Congress has just passed a parcels-post bill, which has been demanded for some time by the American people. I supported this.

EIGHTEENTH: PENSIONS.

The Republican Party has always been liberal in its pension policy to the old soldiers and sailors, and I have always supported that policy.

NINETEENTH: THE CANADIAN RECIPROCITY ACT.

This plank of the Progressive Party platform has already been before Congress. I voted in favor of the repeal of the act after Canada failed to comply with it.

TWENTIETH: CIVIL-SERVICE REFORM.

I have always supported this principle, and at the last session of Congress voted against a measure introduced by the Democratic majority antagonistic to the principles of civil-service reform.

TWENTY-FIRST: REGULATION OF INTERSTATE COMMERCE.

I am in favor of the strict enforcement of the Sherman law now on the statute books, and I also favor the enactment of amendments to that law defining criminal offenses so clearly that those who honestly intend to obey the law may have a guide for their actions, and those who aim to violate the law may the more surely be punished. I also voted in favor of making a valuation of the physical property of railroads engaged in interstate commerce.

TWENTY-SECOND: TREATY RIGHTS.

The rights of American citizens everywhere must be protected, and during the last session of Congress I voted to abrogate the Russian treaty because of its discrimination against the Russian Jews.

TWENTY-THIRD: TARIFF.

The Progressive Party platform declares in favor of a protective tariff that will equalize the conditions of labor at home and abroad, and also declares in favor of a revision of schedules by schedule and in the adoption of a nonpartisan, scientific tariff commission. This is and has been my position, and I am on record in favor of this principle. There has been a great deal of criticism about the present tariff law, and there is undoubtedly need for revision of some of the schedules of that law, yet it must be said in its favor that it has changed a deficit of $58,000,000, left over from the last administration, into a surplus of $30,000,000. It might also be said in its favor that it carried provisions of law establishing a tariff board, which was later enlarged, and has done valuable work in investigation of the cost of production of articles at home and abroad. I believe it is only through a board or commission of this kind that the tariff can be properly and scientifically revised and treated as it ought to be treated, as a business proposition, remote from party politics.

I believe in upholding the authority and integrity of our courts in the protection of life, liberty, and property, and I furthermore believe that the independence of the judiciary is an anchor to republican government.

I have briefly gone over all of the important planks in the platform of the Progressive Party and stated my position as is shown by my record in Congress. In addition to the above, I might say that I have voted for an income tax on all incomes of $5,000 and over. I have voted for a tax of 1 per cent on the profits of big corporations, which brings into the Treasury annually $30,000,000. I have voted for the provision which requires big corporations to make an annual report to the Government. I have voted for the physical valuation of railroads. I have voted for the appointment of a commission to make a full investigation of the issuing of stocks and bonds by railroads, with a view to requiring all such bonds and stocks to be issued under the supervision of the Government. I have voted for the establishment of postal savings banks, for which I labored a number of years. I have voted for all the progressive legislation under the administrations of Roosevelt and of Taft, and upon my record as Representative in Congress I stand.

Committee on Military Affairs.

EXTENSION OF REMARKS

OF

HON. JAMES HAY,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. HAY said:

Mr. SPEAKER: The Committee on Military Affairs in this session of Congress has passed upon many bills of importance and has reported to the House over 100 House and Senate bills. The bill making appropriations for the support of the Army, besides containing the usual appropriations, embraced a comprehensive scheme for the reorganization of certain bureaus of the War Department, changed the term of enlistment in the Army from three to four years, provided for the creation of an Army reserve, and also for the creation of a Service Corps. It also contained a provision intended to prevent the system of favoritism which has prevailed in the Army with regard to details for staff duty. On the whole, the bill as passed will effect savings which will amount ultimately to from eight to ten millions of dollars annually. The committee also reported a bill appropriating $300,000 to equip all Army transports with life boats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports. This bill has become a law. The committee also reported a bill, which passed the House, increasing the compensation of the officers of the Army detailed for aviation duty. The committee also reported a bill known as the militia pay bill, which has for its purpose the increase of efficiency of the Organized Militia of the United States. The above bills are those which affect most notably the country at large. The committee also carried on sundry investigations, among others an investigation into the causes which led to the relief of Maj. Gen. Fred. C. Ainsworth, Adjutant General of the Army, from the duties of his office. And, Mr. Speaker, as the charges against Gen. Ainsworth were published in the CONGRESSIONAL RECORD, I deem it but right that the conclusions arrived at by the Committee on Military Affairs should also be published, or at least such part of those conclusions as bear directly on the letter of the Secretary of War published in the CONGRESSIONAL RECORD. I therefore append hereto as a part of my remarks the report of the Committee on Military Affairs submitted to the House on April 8, 1912:

[House of Representatives, Report No. 508, Sixty-second Congress, second session.]

RELIEF OF THE ADJUTANT GENERAL OF THE ARMY FROM THE DUTIES OF HIS OFFICE.

Mr. Hay, from the Committee on Military Affairs, submitted the following report to accompany House Document No. 619:

The Committee on Military Affairs, to which was referred certain papers relating to the relief of Maj. Gen. Frederick C. Ainsworth, The Adjutant General of the Army, from the duties of his office, and also the letter, House Document No. 619, of the Secretary of War, transmitting the said papers, have carefully considered the letter and papers and make the following report.

The letter of the Secretary of War, dated March 12, 1912, is as follows:

[House Document No. 619, Sixty-second Congress, second session.]

WAR DEPARTMENT,
Washington, March 12, 1912.

SIR: In response to House resolution 415, of February 23, 1912, requesting the Secretary of War to furnish copies of all records on file in the War Department bearing on the extracts from the communications of The Adjutant General of the Army quoted in the order of February 14, 1912, relieving him from duty, I have the honor to say that I am directed by the President to transmit to your honorable House these copies, as being public documents on the files of the War Department, the disclosure of which will not, in his opinion, be detrimental to the public interests.

I am, however, directed by the President to say that these papers relate to a matter of military discipline and executive action which, by the Constitution, is confided exclusively to the President as Commander in Chief of the Army, and that their transmittal is not to be construed as a recognition of the authority or jurisdiction of the House or of any of its committees to require of the Chief Executive a statement of the reasons of his official action in such matters or a disclosure of the evidence upon which such official action is based.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

It will be observed that this letter denies the right of the House of Representatives to call for the papers above referred to, on the ground that they "relate to a matter of military discipline and executive action which, by the Constitution, is confided exclusively to the President as Commander in Chief of the Army." It will also be noted that the Secretary of War says that he is directed by the President to assert the principle above quoted.

A careful examination of the Constitution has failed to disclose any authority vested in the President which would justify him in withholding from the Congress, or either House thereof, information of a public nature regarding his acts as Commander in Chief of the Army, pertaining to the discipline of the Army or to any officer or man thereof. Certainly, in time of peace, the acts of the President with reference to the discipline of the Army are a matter which Congress has the right to inquire about, and to demand public papers with reference thereto. In this case the papers called for were public and official papers on file in the War Department, and certainly subject to such an inquiry. The committee calls the attention of the House to the attitude of the Secretary of War toward resolutions of inquiry. If there were any good and valid reasons why these papers should have been withheld from this House, those reasons should have been given in a different way and by the President himself. The Secretary of War, in the opinion of your committee, has a very erroneous idea as to what his relation is to the Congress of the United States. His office is not a constitutional one. He derives no power from the Executive. He is the creature of the Congress of the United States, and as such is amenable to it. He has no power which the Congress does not confer. The letter of the Secretary of War does not even say that he has laid the matter before the President, and that the President authorized him to make the claim therein set forth. If the matter had been called to the attention of the President, and he thought that the Congress was invading his prerogative, then he, and not the Secretary of War, was the proper person to assert his claim.

In considering the questions raised by the papers referred to your committee, including the question of what congressional action, if any, should be taken upon them, the committee does not feel authorized, nor, indeed, is it necessary to go beyond the papers themselves, the CONGRESSIONAL RECORD, and other public sources of information. In making this report the committee has therefore acted strictly within these limits.

An examination of these papers shows that under date of February 14, 1912, the Secretary of War addressed a letter to Maj. Gen. F. C. Ainsworth, The Adjutant General of the Army, charging him with insubordination and other improper official conduct, quoting in said letter extracts from various official and personal communications in support of that charge, and relieving him from discharging the duties of his office, and directing him to await further orders in this city.

From accounts in the public press it appears that this letter was delivered to The Adjutant General at some time during the day of February 15, 1912, and on the same day, about or near the same time, a copy of said letter was read on the floor of the House of Representatives, while the Army appropriation bill was under consideration, and was printed in the CONGRESSIONAL RECORD of that day.

On February 22, 1912, the House of Representatives, by resolution No. 415, directed the Secretary of War to transmit to the House full copies of all papers containing, or having any bearing on, the extracts quoted in the letter of the Secretary of War of February 14, 1912. In response to this resolution the Secretary of War, on March 12, 1912, transmitted to the Speaker of the House of Representatives copies of a large number of documents. These papers and the accompanying letter of the Secretary of War were referred to this committee on March 13, 1912. Upon an examination of these papers it has been found that many of them are not pertinent, or are of no importance, but those of them which are pertinent are embraced in, or appended to, this report.

The Secretary of War in his letter of February 14, 1912, addressed to The Adjutant General of the Army, uses language more intemperate and less justifiable than any which your committee has been able to find in these papers, or which has been quoted by the Secretary of War. The Secretary charges Gen. Ainsworth with impugning the fairness and intelligence of the Secretary of War; with criticizing and questioning the military capacity, experience, intelligence, fair-mindedness, honor, and good faith of officers of the General Staff and the War College; with insubordination and impropriety of official conduct; with charging, by inuendo, the Chief of Staff with improper motives; with habitual rudeness and ill temper; with intolerance of subordination and readiness to impugn the motives or intelligence of associates; and with making official communications the occasion for contemptuous comments and aspersions upon fellow officers; and for insolence to superiors.

In order to support these accusations and to give color to these grave charges against an officer of the Army who had rendered long and distinguished service to his country, the Secretary of War, in his letter of February 14, 1912, quotes certain extracts from official communications by The Adjutant General, but even a careful reading of those extracts, without reference to their context, does not in any wise warrant or justify any of the grave accusations in support of which the extracts were adduced by the Secretary of War; and a careful examination of the full context of the papers sent to this committee in response to resolution No. 415, and from which these extracts were taken, makes it plain not only that The Adjutant General was blameless in the matters to which those papers relate, but that great injustice has been done Gen. Ainsworth, because of the unwarranted assertions, misstatements, and suppression of facts contained in the widely published letter of the Secretary of War of February 14, 1912. The Secretary of War, in his letter of February 14, alleges as the principal ground of his action in suspending Gen. Ainsworth the contents of a memorandum addressed by Gen. Ainsworth to the Chief of Staff, dated February 3, 1912. It appears from these papers that this memorandum was prepared in compliance with instructions conveyed by the Chief of Staff to Gen. Ainsworth in a document of which the following is a copy:

[Memorandum for The Adjutant General.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, December 15, 1911.

The Secretary of War directs that you submit for the consideration of this office your opinion concerning the following proposition to abolish the present muster roll and to adopt as a part of this plan the descriptive list herewith. Should any feature or features of the proposition be, in your opinion, inadvisable or impracticable, a statement will be given in every case showing in detail wherein the matter is considered inadvisable or impracticable.

PROPOSITION.

It is proposed to abolish the muster roll, placing the information now contained on that roll on the descriptive list and company return. At the same time the descriptive list will be so modified as to give a complete military record of the soldier. It will follow the soldier throughout his entire enlistment, at the expiration of which or upon the sol-

dier's severance from the service by death, desertion, or other cause it will be sent to The Adjutant General of the Army for file. There is no intention of abolishing the monthly ceremony of muster, and the mustering officers' certificates will be made as at the present time on the pay roll.

The requirements of the twelfth article of war will be complied with by designating the pay rolls of December 31 and June 30 "Muster and pay rolls" and entering thereon the data called for by this article of war.

PURPOSES OF THE MUSTER ROLL.

The purposes of the muster roll are:

(1) To furnish a complete history of the organization for the period covered by the roll.

(2) To furnish a complete military record of every member of the organization for the period covered by the roll.

(3) To enable the War Department to furnish the Commissioner of Pensions data in connection with pension claims made by former soldiers.

(4) To enable the War Department to furnish the Auditor for the War Department information necessary to settle the accounts of certain soldiers.

(5) To enable the War Department to answer inquiries from friends, relatives, and others regarding the whereabouts, physical condition, etc., of soldiers.

(6) To enable the recruiting branch of The Adjutant General's Office to determine the number of prospective vacancies in the various organizations.

If the muster roll were abolished, these purposes would be accomplished as follows:

(1) As at present, the complete history of the organization will be given on the monthly company return under the head "Record of events," which is consolidated and reported to the War Department on the regimental return. It is thought that the present practice of reporting the "Record of events" on the muster rolls and on the company return also is merely a duplication of work with no corresponding benefit.

(2) The complete military record of every member of the organization will be given on the descriptive list. This record will be practically in carded form when it reaches The Adjutant General's Office and much more accessible than at the present time on the muster roll.

(3) Information required by the Commissioner of Pensions will be obtained from the descriptive lists. As all such requests are about former soldiers, the descriptive list will be on file in The Adjutant General's Office when the request for information reaches there.

(4) Information required by the Auditor for the War Department will be obtained from the descriptive list. It is understood that over 95 per cent of the requests for information from the auditor are about former, dead, or reenlisted soldiers, or deserters.

(5) Many of the inquiries from friends, relatives, and others regarding soldiers could be answered by The Adjutant General with as much detail as at present. In case The Adjutant General's Office could not give the information requested from the records in his office he could direct the inquirer to communicate with the commander of the organization to which the soldier belongs. By having organization commanders report by name on the monthly returns all transfers, deaths, and desertions, which data would be consolidated on the regimental return, the Adjutant General's Office would always know the whereabouts and general status of every enlisted man in the Army.

(6) To determine the number of recruits needed in an organization at any given period, the organization commander could be required to furnish The Adjutant General with a periodical statement of the number of prospective vacancies in his organization.

By adding the following headings to the new descriptive list herewith (which was prepared before the proposition to abolish the muster roll was considered): (1) Injuries, wounds, and sickness; (2) assignment or transfer to company; (3) extra duty, special duty, and detached service; (4) confinement or arrest in quarters—the form will give all the information at present given by the muster roll except the record of events, which is now and will continue to be given on the company return, and which reaches the War Department in consolidated form on the regimental return.

SOME OF THE ADVANTAGES OF THE PROPOSED PLAN.

(1) The abolition of the muster roll, a periodically submitted return which contains much data that reaches The Adjutant General's Office in other ways, and the preparation of which roll requires much time and labor.

(2) Great simplification in the matter of the descriptive list. At present whenever a soldier is detached from his company a new descriptive list is prepared and forwarded to his commanding officer; should he return to his organization, or be sent to another command, another descriptive list is prepared and forwarded to the proper commanding officer, and so it goes, a new descriptive list being prepared in each case. The plan proposed would obviate the necessity of preparing a new descriptive list in every case, thus not only making away with the clerical work involved, but also making away with the possibility of errors, which always exist in copying.

(3) Assuming that a soldier, who is retired after 30 years' service, has spent two-fifths of his time on foreign service, his military record would be contained in something like 130 muster rolls. When this man applied for retirement The Adjutant General's Office would make a search of 130 muster rolls in order to get his military record. Under the proposed plan it would be necessary to make a search of only eight or nine descriptive lists. Furthermore, if it is ever desired to get any particular feature of a soldier's record, the information desired would be found on the same numbered page in every descriptive list. With the muster rolls it would be necessary to pick out the information desired from the various remarks after the man's name on every separate roll.

(4) After the Civil War it took a number of years, at a big cost of time and money, to card the muster rolls of the Volunteers.

It is understood that after the War with Spain it took several years to card the muster rolls of the Volunteers.

Under the proposed plan the muster rolls of both Volunteers and Regulars would be virtually carded as soon as war ended.

WHAT WOULD HAPPEN IN CASE A DESCRIPTIVE LIST WERE LOST.

To begin with, experience has shown that descriptive lists are very, very seldom lost. It may, with safety, be estimated that no more than 1 in every 50,000 is ever lost. The plan of having only one descriptive list is followed both in our Navy and Marine Corps. Inquiry in the Bureau of Navigation shows that during the last two and one-half years, during which time over 100,000 descriptive lists were handled, only one or two were lost. In the Marine Corps since 1904 descriptive lists have been forwarded from station to station about 100,000 times, and about 20 or 25 have been lost, 10 of these having been lost in the San Francisco fire. Of course, in the Navy and Marine Corps sailors and marines are transferred much more frequently than in the Army.

However, should a descriptive list be lost, a new one could easily be prepared. The four vital parts of a descriptive list are: First, the list of deposits; second, the soldier's clothing account; third, the soldier's medical history; fourth, the soldier's physical description.

The list of deposits could be obtained from the Paymaster General; the clothing account from the retained individual clothing slips in the soldier's organization; the medical history from the Surgeon General's Office and The Adjutant General's Office; the physical description from The Adjutant General's Office.

Nearly all the other information, which is only of secondary importance, contained in the descriptive list could be obtained by investigation, but even if such data as a complete record of extra duty, special duty, detached service, etc., could not be obtained, it would make no difference.

LEONARD WOOD.
Major General, Chief of Staff.

[Memorandum for The Adjutant General.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
January 8, 1912.

The Secretary of War directs that you submit as soon as possible the memorandum called for from this office on December 15, 1911, with reference to abolishing the muster roll.

L. W.,
Major General, Chief of Staff.

[Memorandum for The Adjutant General.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
January 31, 1912.

The Secretary of War directs that your opinion with reference to the abolition of the muster rolls, originally called for on December 15, and again called for on January 8, be furnished this office with the least practicable delay. The matter has been under consideration for a long time, and final action is being delayed solely with a view to receiving your reply.

L. W.,
Major General, Chief of Staff.

It will be seen that Gen. Ainsworth was directed to submit for the consideration of the office of the Chief of Staff his opinion, etc.; not for the consideration of the Secretary of War; nor does it anywhere appear in these papers that this memorandum was intended for the consideration of the Secretary of War.

The communication of Gen. Ainsworth to the Chief of Staff in response to the foregoing document is as follows; the portions printed in black-face type are those which are quoted by the Secretary of War in his letter to Gen. Ainsworth of February 14 as evidence of insubordination and other misconduct on his part:

[Memorandum.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

In the accompanying memorandum of the Chief of Staff, dated December 15, 1911, The Adjutant General is called upon, first, for his opinion concerning a proposal to abolish the present muster roll and "to adopt as part of this plan the descriptive list herewith"; and, second, to furnish a statement showing in detail wherein he considers any feature or features of the proposed plan to be inadvisable or impracticable.

In compliance with the first part of this call, The Adjutant General expresses the opinion that the entire plan is both impracticable and inadvisable, and that the formulation of it is a forcible illustration of the unwisdom of intrusting the preparation or amendment of the forms of Army reports to those who have no practical knowledge of the uses to which those reports are to be put.

In this connection it is deemed proper to remark that it is understood, perhaps incorrectly, that the plan now under consideration was formulated by two relatively young officers, neither of whom has any practical knowledge of the purposes for which muster rolls are used in the War Department. One of these officers, out of a total commissioned service of 14 years and 8 months, has served but 2 years with the regiments to which he had belonged, and but 1 year and 1 month in command of a troop therein. The other, out of a total commissioned service of 17 years and 8 months, has served 7 years and 9 months with the regiments to which he has belonged, and but 1 year and 2 months in command of a company therein, exercising that command for only 4 months as a captain, 8 months as a first lieutenant, and 2 months as a second lieutenant. Inasmuch as the total service of these officers as company commanders only amounts to about a year for each of them, their ability to deal with the subject in question, even on the company commander's side of it, is by no means apparent.

Neither of these officers, nor any other officer in or out of the General Staff, no matter how long he may have been in service, is qualified to prepare forms of any kind for use in The Adjutant General's Office, unless, through actual service in that office, he has acquired a practical knowledge of the manner in which and the purpose for which the information recorded on these forms is used.

It is a self-evident proposition that any bureau of the War Department that is charged by law or regulations with the obtaining and keeping of certain information, and that alone knows just what demands are likely to be made upon it from all sources for such information, is the best judge, and the only competent judge, of the form in which and the extent to which such information should be furnished to it. Therefore, it may be fairly stated as a general principle that the judgment of a chief of bureau as to the necessity for any particular report or return, or for any particular item of information required to be embodied thereon, should have much greater weight than the views of officers who have little or no knowledge of the purposes for which the reports, returns, or information in question are used in the War Department.

The muster roll is one of the most ancient and most important of our military reports. In nearly its present form it was in use in the American Colonies long before their separation from Great Britain. It

has stood the test of practical use for more than 150 years, both in peace and war, and on its pages, preserved in the archives of this office, is recorded the history of the American soldier from 1775 to the present time.

Thousands of millions of dollars have been disbursed, and more than $150,000,000 are now being disbursed annually for pensions alone, and almost all of that enormous expenditure has depended, and much of it still depends, primarily, upon the showing of the muster rolls as to military service and military status, because upon that showing depends every other question of title under the pension laws, regardless of whether the claims be based upon wounds, injuries, disease, age, or any other ground. And upon this showing of the muster rolls many other millions have been disbursed, and are still to be disbursed for back pay, bounty, and other allowances, to say nothing of the claims of soldiers, their widows, and orphans, under local and other laws conferring rights, privileges, and benefits upon them on account of honorable military service.

The experience of much more than a century of both peace and war has demonstrated conclusively that, with but few exceptions, all of the items of information that are now recorded on muster rolls that are forwarded to the War Department at frequent intervals, there to be examined, corrected, and preserved, are indispensable in the conduct of the current business of the department and are absolutely essential to the future protection of the interests of the Government and of a myriad of claimants against it. And now it is lightly proposed to abolish this time-honored, time-tried, and invaluable record, examined and corrected as each part of it is received in the War Department and all of it preserved there in safety, and to substitute for it a curtailed form of individual record that shall not reach the department until after the soldier is separated from the service, that shall not be subjected to any expert scrutiny until it is impossible to discover or correct serious errors or omissions, and that in many cases in time of peace, and in a multitude of cases in time of war, must inevitably be lost or destroyed before reaching the department, thus leaving a void in the military histories of the soldiers concerned, no part of which can be filled without the expenditure of much time and labor, and much of which can never be filled at all.

In compliance with the second part of the accompanying call, the following statement is submitted, although it is recognized that it will be difficult, if not impossible, to formulate any statement that will carry conviction to anyone who is so unmindful of consequences, or so uninformed as to the needs of the Government and the public with regard to the matter in question, as seriously to propose to abolish one of the most important, if not the most important, of all the records of the War Department. However, the statement is submitted in the confident expectation that when other, if not wiser, counsels shall prevail, and after experience with the proposed plan or any similar plan shall have shown the inevitable evil effects thereof, this statement will receive the consideration that may not be given to it now.

The principal reasons for regarding the proposed plan as inadvisable and impracticable are as follows:

The proposed plan is plainly unlawful. The twelfth article of war, which embodies the law relative to the rendition of muster rolls, is as follows:

"ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit."

It is proposed in the accompanying memorandum of the Chief of Staff to evade this requirement of law by calling the pay rolls of June 30 and December 31 "muster and pay rolls," entering thereon the data required by article 12, yet maintaining the monthly ceremony of muster. But the adoption of this proposal could hardly fail to be regarded generally as a mere subterfuge of a kind that would be scorned by honorable men in any of the relations of private life, and that would be most discreditable to a great department of the Government in its management of the affairs of the Nation.

Article 12 requires that at every muster certain facts and the reasons therefor shall be certified to, and that these facts and reasons shall be "inserted in the muster rolls," not in pay rolls, even though they be called muster and pay rolls, and be made semiannually. Moreover, the article specifically requires that the muster rolls shall be transmitted by the mustering officer to the Department of War as speedily as possible. The plain intent of this requirement is that the muster rolls shall remain in the War Department, and the article has been so construed by that department from time immemorial. But pay rolls, whatever other name may be given to them, are not transmitted to the War Department by any mustering officer, nor do they remain in that department when they reach it. They are vouchers to paymasters' accounts, and as such are forwarded by the paymasters with their accounts to the Paymaster General, by whom they are examined and then transmitted to the Auditor for the War Department, in whose office they remain. The adoption of the plan proposed in the accompanying memorandum, aside from being liable to criticism as being an indefensible and discreditable subterfuge, would be a plain violation of both the letter and the spirit of the law.

It ought to go without saying that The Adjutant General's Office should be constantly in possession of the latest obtainable information as to the whereabouts and status of every officer and enlisted man of the Army, and that this information should be in the shape of direct, positive, and affirmative reports, leaving nothing to be assumed or inferred from the mere absence of such reports.

Under the proposed plan of abolishing the muster rolls, keeping the record of soldiers on individual descriptive lists that shall be forwarded to the department only at the expiration of the soldier's service, and requiring the monthly returns to show only transfers, deaths, and desertions by name, The Adjutant General's Office would have, except in case of transfer, death, and desertion, no positive information whatever with regard to any soldier in the Army between the dates of his enlistment and assignment to an organization and the date of his separation from the service, a period which in the cases of men serving their full terms in an organization, as the majority of them do, would now be a period of three years. During all this time the department would be in entire ignorance as to the status and conduct of the soldier, and would not even know whether he was a private or a sergeant major.

In responding to requests and appeals from official and private sources, averaging more than 100 a day, relative to the whereabouts, present status, transfer, or discharge of soldiers, and to many other kindred subjects relating to them, this office would be unable, for periods ranging from one month to three years, to give any information whatever with regard to the soldiers concerned beyond the mere fact that they had been assigned to certain organizations at certain more or less remote dates. In every such case it would be necessary for the office to communicate with, or to advise the applicant to communicate with, the commanding officer of the organization to which the soldier belongs, with no certainty that he would not be on detached service, or on furlough, or absent in confinement or otherwise. All this would involve much delay in every case, and a delay of several months in the case of every man stationed or supposed to be stationed in the Philippine Islands. Surely, the great amount of business of this kind that comes to The Adjutant General's Office from bureaus of the War Department, from other departments, and from the public at large ought not to be subjected to the vexatious and wholly unnecessary delays to which much of it would inevitably be subjected under the proposed plan.

The department owes a duty to the public in this very important matter of being ready to furnish it proper information in response to reasonable and proper inquiries, and if it can not discharge that duty with reasonable promptness it will subject itself to well-merited reproach. Would not the department be justly censurable if, in response to the appeal of an anxious father or mother, it could do no more than to say that the son had been assigned to a certain organization, perhaps two years previously; that since that time he had not been reported to have died, to have deserted, or to have been discharged; and that for further information concerning him inquiry should be made of his company commander in the Philippine Islands, from whom an answer might be expected in about four months?

The Adjutant General's Office is frequently called upon to furnish, under paragraph 124, Army Regulations, complete descriptive lists of surrendered or apprehended deserters from organizations serving in Alaska or beyond the continental limits of the United States; also to furnish at the earliest practicable moment descriptive lists of soldiers separated, without such lists, by transfer or otherwise, from organizations serving at remote stations in the United States or beyond the continental limits thereof. During the Civil War thousands of men absent from their commands and without descriptive lists were discharged from hospitals, convalescent camps, parole camps, and other similar centers of concentration, on descriptive lists prepared from muster rolls on file in The Adjutant General's Office and furnished by that office. Many men were discharged in the same way during the War with Spain, and it is certain that in any war of magnitude great numbers of men who are absent from their commands without descriptive lists, or whose commands have been mustered out of service, will have to be discharged in the same way. Unless the department is constantly in possession of the military histories of soldiers, complete up to the latest possible date, such as are now furnished by the muster rolls, it will be impossible for the department to meet any of the demands made upon it in any of the classes of cases just mentioned. And it will be equally impossible for the department to check, verify, or correct the statements or allegations of service that are received in connection with the many applications that are submitted annually for discharge by purchase, for retirement, for long furloughs, and for various other privileges and benefits.

It will be seen by the foregoing statement that it is simply impossible for the department to wait, as the plan under consideration proposes it shall, for the details of a soldier's military history until after he shall have been separated from service, and then to receive that history in a form that it is impossible to check or verify in many of its most important particulars. Long experience has proven that accuracy and completeness of a soldier's military history, as well as its safe preservation, can be assured in no other way than by having the record of his service made up at comparatively short intervals and transmitted directly to the War Department, where it will be safe from all the vicissitudes of the field, and where it will be subjected immediately to examination and checking by experts, who will promptly take such steps as may be necessary to correct or supply any errors or discrepancies that may be discovered in the record. Such errors and discrepancies are discovered in great numbers in the rolls and other reports and returns that are received in times of profound peace from the Regular Army with its experienced officers and enlisted men, and it has been found that in time of war, as was to be expected, a vastly greater number of errors and deficiencies are to be met with in the rolls and other papers received from the Volunteer Army with its inexperienced officers and men, all profoundly ignorant as to military paper work and all of its requirements.

What kind of a service record of the volunteers of a general war should we have if, under a plan such as that in question, they should be permitted to go on from the beginning to the end of their service, keeping their individual records in their own way, perpetuating their own errors and shortcomings, and the War Department receiving no part of the record of the majority of them until after the disbandment of their commands, when it would be forever too late to correct errors, supply deficiencies, and reconcile discrepancies? Is not this consideration alone sufficient to condemn the proposed plan as utterly impracticable and unworthy of serious thought?

It is obvious that, in order that the department may meet the demands of its own business, as well as that of other departments and of the public at large, it will be necessary for it to have at some reasonably short intervals of time, not longer than two months, reports showing the name, organization, rank, status, and station of every enlisted man of the Army. This information can not be furnished with less labor, or in any more convenient form, than in the shape of a muster roll, which is and always has been preeminently the historical record of the individual soldier. Such information can not properly or economically be embodied in the monthly return, which is essentially a record of a command and of its numerical status from month to month.

The War Department should also have such an accurate, complete, and continuous record, showing affirmatively and not negatively or by inference the entire military history of every soldier, as will enable the department to furnish the Commissioner of Pensions, the accounting officers of the Treasury, and other officials of the Government accurate and complete information upon which to base the disbursement of the many millions of dollars that are expended annually on account of military service, and under constantly changing legislative provisions. Long experience has shown that the only way in which such a record can be assured is to have it made and furnished to the War Department at short intervals, so that errors or omissions shall not be perpetuated in it, but shall be detected and corrected contemporaneously,

while it is still possible to do so, through the vigilant scrutiny and methodical checking to which it has been found absolutely necessary to subject all current muster rolls and other reports relative to officers and enlisted men.

It is only by unremitting watchfulness and voluminous correspondence that the War Department is now able to keep an accurate record of the essential features of a soldier's service. Under the scheme now brought forward, by which it is proposed that the full record of the soldier shall not be sent to the War Department until after he has been separated from the service, the thousands of errors and omissions that are now readily detected and promptly corrected would be perpetuated, with the result that it would be impossible to correct or explain them in later years, when it would be of vital importance to do so in connection with pension or other claims.

In the accompanying memorandum reference is made to the fact that a certain form of descriptive list is in use in the Navy and Marine Corps, and that fact is set up as an argument in support of the whole plan proposed in the memorandum. But the proponents of this plan fail to mention the much more important fact that neither the Navy nor the Marine Corps depends upon the descriptive list alone or even chiefly as the central record of its enlisted personnel, as it is proposed that the War Department shall do; and that neither the Navy nor the Marine Corps is content to remain for years in utter ignorance of the rank, status, conduct, and even the whereabouts of men, as it is proposed that the Army shall do, but that on the contrary both the Navy and the Marine Corps insist on the rendition of muster rolls at short intervals, the Navy requiring its rolls to be rendered every three months and the Marine Corps requiring them every month.

Upon inquiry in the Navy Department and at Marine Corps headquarters the facts stated below have been ascertained:

The Navy has used the "continuous descriptive list" for many years, recently changing from sheet to book form, but has never found it practicable to do away with the quarterly muster roll. The Navy finds it highly desirable to have each enlisted man carefully and frequently rated as to professional qualifications and conduct and uses the record on the descriptive list, now called "service record," and a special report in all cases of transfer, discharge, desertion, or death to record these ratings which are not reported on the muster rolls. But the Navy Department depends upon the muster roll as a final resort touching all matters required to be of record there.

The Navy Department would be better off than the Army without the muster roll, as with the Navy transfers are the very general rule, while with the Army they are the exception. Very few indeed of the enlisted men of the Navy serve a whole enlistment at the same station or on the same vessel. Most of them have several changes, and each change brings to the Navy Department a report giving a complete record of the sailor while serving at that assignment.

In the Army a majority of the soldiers serve the entire enlistment in one organization, and without the muster roll this office would have no record of them from the date of assignment till the date when separated from the service.

In addition to the muster roll and "service record," the Navy Department is also keeping a card record of all sailors, using this record to card information obtained otherwise than from the muster rolls, but this system is quite new and the department is not yet satisfied as to its value.

Since about 1884 the Marine Corps has used in one form or another what may be called a continuous descriptive list, a form that follows the marine throughout his period of service and is forwarded to the Marine Corps headquarters whenever the marine is separated from the service.

This record was at first in the form of a double sheet of paper and was called "a descriptive list." It was then changed to the form of a thin blank book about 4 by 10 inches, called the "Descriptive book;" then by slight modification to its present form and called "service record."

The Marine Corps also keeps a carded record of every enlisted man. This record is made from the monthly muster rolls and is depended upon above all other record to give the complete and accurate history of the man.

The experience of the Marine Corps with the descriptive list as now proposed for the Army, and as used by the Marine Corps for over 25 years, is stated to be that the record contained in the descriptive list is often said to be incomplete and inaccurate, and little use is made of this record after it is received.

Each station or ship keeps a retained copy of the monthly muster roll as the history of the enlisted personnel of the command.

The proponents of the truly remarkable plan now under discussion have betrayed a lamentable lack of knowledge of the nature and uses of our so-called descriptive list, of which it is proposed that there shall be made but a single copy, which shall follow the soldier throughout his entire enlistment. If they had had, or had profited by, even a little service as company commanders in recent years, they would have learned that our descriptive list is primarily an organization record and the only approach to a complete record of its men that any organization has.

Prior to 1904 the books known as the "Company clothing book" and the "Descriptive and deposit book" were required to be kept among other permanent records of organizations. These two books, properly kept, contained a very full record of every soldier and of his accounts. Whenever a soldier was detached or transferred, his company commander prepared, from these books and the retained copies of company pay rolls, a descriptive list which was sent to the soldier's new organization commander.

In 1904 the General Staff devised a new system of keeping, by the "loose-leaf" method, a record of the soldier and of his accounts. The form devised (Form 29, M. S. O., 1904) was known as the "Descriptive list, military record, and statement of accounts," and replaced the "Company clothing book" and the "Descriptive and deposit book," which were discontinued and have never been authorized since. Under this system, whenever a soldier was detached or transferred, the sheet bearing his "Descriptive list, military record, and statement of accounts" was withdrawn from the live file, a copy of as much of it as was required was forwarded to his new commander, and the original sheet was filed in the permanent records of the company with other similar sheets pertaining to other former members of the organization.

The "loose-leaf" form was found on trial to be unnecessarily large and cumbersome, and in 1906 a new form (Form No. 29, M. S. O., 1906), bearing the same title as the old one, viz, "Descriptive list, military record, and statement of accounts," was adopted and is in use to-day, having undergone no material change except as to its title, which, for the sake of brevity, was changed to "Descriptive list" by Paragraph I of War Department General Orders No. 162 of 1909. This form is used in all respects the same as the "loose-leaf" form of 1904; that is, it is primarily an organization record on which is entered from time to time all of the principal items of the military history of every enlisted man of that organization and of his accounts. It is retained permanently with the other records of the organization, and when a soldier is transferred or detached the necessary data are transferred from the original or record descriptive list to a new descriptive list, which is forwarded to the soldier's new commander.

Under the proposed plan of abolishing the muster roll and requiring a single descriptive list, of which no copy shall be made, to follow the soldier throughout his entire enlistment, and finally go to The Adjutant General's Office, the "Company clothing book" and the "Descriptive and deposit book" having already been abolished, organizations would be left without any authorized record whatever of its former members, except the meager and unsatisfactory record afforded by the retained pay rolls, which are destroyed at the end of five years. (G. O. 70 of 1904; par. 281, A. R.)

Moreover, under the present system, as under all of its predecessors, any commander to whom a man is transferred always retains for his own protection the descriptive list that he received with the man, and if he has occasion to transfer him elsewhere always makes out a new list and sends it to the new commander. (In the Medical Department the old list is retained and a new one made on transfer only when there has been some change in the status of the man's pay or other accounts. Par. 1473, A. R.) In this way every commander has in his possession documentary evidence that will protect him against the results of negligence or errors on the part of any previous commander; but under the proposed plan, after the separation of a man from service, not one of his commanders will have any evidence whatever to protect him against a charge for an improper payment for which some other commander was really responsible, nor would any commander against whom such an improper charge should be made have any record to indicate or even suggest the name of the officer really responsible.

Except in the Medical Department in time of war, transfers and detachments are not of sufficient frequency to make burdensome the labor of making out new descriptive lists in the cases of transferred or detached men, and the situation in the Medical Department has been fully met in this respect in the manner set forth in paragraph 1473, Army Regulations. If at any time it shall appear that any other branch of the service is similarly circumstanced, the same provision can easily be made for that branch. At any rate, it is not believed that officers who are liable to be charged with responsibility for the errors or omissions of others will be willing to save themselves a little labor at the cost of giving up documentary evidence that will protect them against such a charge.

The plan of committing the entire military record of a soldier to a single document that is likely to pass through many hands, and is expected to land in The Adjutant General's Office after no one in the Army has any further use for it, contemplates in this respect putting all our eggs in one basket and taking a great many chances of losing both eggs and basket beyond recovery. It is noted that in the accompanying memorandum it is stated that losses of this kind in the Navy and Marine Corps are negligible; but even admitting the accuracy of that statement, concerning which further inquiry might well be made if it were worth while to make it, it is sufficient to say that the experience of The Adjutant General's Office with a similar record is entirely to the contrary. The descriptive and assignment cards of soldiers, which are only required to pass from places of enlistment to the organizations to which the men are to be assigned, and thence to The Adjutant General's Office, are very frequently lost in transit, so that a great many of them fail to reach their final destination.

One does not need prophetic vision to see clearly that with armies in the field in time of war the loss of descriptive lists must inevitably be great, and that in the rush of business incident to such periods these losses might not, and probably would not, be discovered until long after their occurrence. In the meantime the records of the War Department would be incomplete. The robust assertion in the accompanying memorandum that "should a descriptive list be lost a new one could easily be prepared" is not quite as convincing as assurance of Holy Writ. On the contrary, it is certain that even the few relatively unimportant items of record that the memorandum specifies as obtainable from one source or another, could only be obtained by the expenditure of an amount of time and labor that would be poorly repaid by the meager data that could be collected.

The cool assurance with which it is asserted in the memorandum that "it would make no difference" if other data could not be obtained, "such as a complete record of extra duty, special duty, detached service, etc.," evidences such ignorance of the vital bearing that many of the data so lightly spoken of, but which, if lost, could never be supplied from any record source, have upon a multitude of pension and other claims that it would be a loss of time and effort to discuss the subject further here.

There are other grave objections to the proposed plan that might be stated, but if those that have been pointed out are not sufficient to carry to the minds of those with whom the decision of this matter now rests the conviction not only that the proposed plan is both illegal and impracticable, but that it is most inadvisable ever to intrust to incompetent amateurs the management of business that is of nation-wide importance, and that can only be managed prudently, safely, and efficiently by those whom long service has made experts with regard to it, then it will be worse than useless to present further facts or arguments here.

F. C. AINSWORTH,
The Adjutant General.

FEBRUARY 3, 1912.

It will be noticed that nowhere in the foregoing memorandum of the Chief of Staff to The Adjutant General does it appear that the Secretary of War is mentioned or cited for authority for anything except the directions to The Adjutant General to submit his opinion to the office of the General Staff on the proposition to abolish the muster roll; and if he should regard any portion or portions of the proposition as inadvisable or impracticable, to submit a statement "in every case showing in detail wherein the matter is considered inadvisable or impracticable." The authorship of this proposition was nowhere disclosed, nor was any authority for its preparation stated or even suggested. Certainly the most careful reading of this memorandum does not in any way connect the Secretary of War with it as its author or even its sponsor, and no remarks which were made upon it by The Adjutant General can be tortured into impugning "the fairness and intelligence of the Secretary of War," unless the person giving them such a meaning was searching for a pretense upon which to found a charge against Gen. Ainsworth.

It will also be observed that Gen. Ainsworth, who must have been in a position to know what he was talking about, prefaced his remarks

by a statement to the effect that he understood that the proposition was formulated by two relatively young officers, whose lack of practical experience and consequent unfitness to deal with the subject in question Gen. Ainsworth made apparent by giving their respective service records. The Secretary of War chose to ignore this fact in his letter of February 14, but a careful examination of this paper shows beyond doubt that all of Gen. Ainsworth's subsequent criticism of this proposition to abolish the muster roll was based upon this understanding as to its authorship, and that this understanding was correct is evidenced by the fact that neither the Secretary of War nor anyone else has questioned its correctness in any of the papers submitted to this committee. The assertions of the Secretary of War as to the meaning and intention of Gen. Ainsworth are without foundation, so far as disclosed by these papers.

But regardless of the authorship of the proposition to abolish the muster roll, it is evident that Gen. Ainsworth based all of his remarks with regard to it, and very properly, upon the manifest truth that no one who is ignorant of the purposes for which muster rolls are used in the office in which they are deposited and preserved, viz, the office of The Adjutant General of the Army, can possibly be competent judges as to the advisability of discontinuing or modifying that important record. And your committee, recognizing the force of the reasons given by Gen. Ainsworth for the preservation of the muster roll, hopes that his fearless and honest advocacy of what he believes to be, and in fact proves to be, most important to the Government and to the people, while costly to him, has not been in vain, and that this proposition will not be consummated.

Your committee is unable to conceive how it could possibly involve any reflection on the conduct, attainments, or motives of any person, to point out, as Gen. Ainsworth did, in direct, forcible, but perfectly respectful terms, that those who have no practical knowledge of the subject in question are incompetent to deal with it. Except as stated below, all the remarks quoted by the Secretary of War from the memorandum of The Adjutant General, dated February 3, 1912, are of this character. If they are read in their proper context it will be seen at once that they refer only to the inexperienced proponents of the proposition under discussion. They do not furnish the slightest justification for the accusations made by the Secretary of War against Gen. Ainsworth.

If officers of the Army who are requested to give their opinion upon subjects with which they are familiar, and with which they deal every day, can not do so in a perfectly free, frank, and respectful manner, then the Army is in bad case. If men are liable to be suspended from duty and threatened with court-martial for being honest in the expression of opinions called for by proper authority, then will the Army become a collection of sycophants, and not what the American people believe it to be, a body of brave men, fearless in the discharge of duty, honest in their dealings with their superiors, and eminently qualified to maintain in peace and war the dignity and honor of the country.

Your committee wishes to point out that in submitting, in compliance with the call therefor, the detailed statement of his reasons for regarding the proposition to abolish the muster roll as inadvisable and impracticable, Gen. Ainsworth, after pointing out the difficulty of formulating any statement that would carry conviction to anyone so unmindful of consequences, or so uninformed as to the needs of the Government and the public, as seriously to propose to abolish the muster roll, said that he submitted the statement "in the confident expectation that when other, if not wiser, counsels shall prevail and after experience with the proposed plan or any similar plan shall have shown the inevitable evil effects thereof, this statement will receive the consideration that may not be given to it now." This temperate and entirely respectful expression of a belief that, even if Gen. Ainsworth's statement should not be regarded as convincing by those now advocating the plan in question, experience with that or any similar plan would eventually convince others that the views set forth in that statement are correct, has been cited by the Secretary of War in support of his charges against Gen. Ainsworth. The unfairness of that citation and the utter baselessness of any accusation predicated upon it are evidences of the inability of the Secretary of War to do justice to Gen. Ainsworth.

Gen. Ainsworth, in pointing out the illegality of the proposed evasion of the twelfth article of war, said that "the adoption of this proposal could hardly fail to be regarded generally as a mere subterfuge of a kind that would be scorned by honorable men in any of the relations of private life and that would be most discreditable to a great department of the Government in its management of the affairs of the Nation." To a plain man this was a warning, and was intended as such, and as advice, and was a plain statement of the construction likely to be placed upon the measure. It was evidently made in compliance with the requirement that The Adjutant General should state in detail wherein he regarded any feature of the proposed plan as undesirable. The committee, after examining these papers and this letter of the Secretary, wanders how it was possible to concoct such an avalanche of charges with such small material.

In order to bolster up his accusations against Gen. Ainsworth the Secretary of War quotes in his letter from another memorandum of Gen. Ainsworth as evidence that he had, by "insinuation," charged the Chief of Staff with improper motives. That memorandum is one that was addressed to the Chief of Staff by Gen. Ainsworth on September 5, 1911, in response to a communication from that office dated August 30, 1911, and is as follows, the part printed in blackface type being the extracts quoted by the Secretary of War:

[Memorandum relative to the assignment of officers to command the five general recruit depots.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

Inasmuch as the subject of this memorandum is one of great importance, involving as it does grave questions of policy on the part of the War Department, and the interests of the whole Army as affected by and through the general recruiting service, The Adjutant General deems it incumbent upon him to present the subject somewhat fully in this paper and to request, as he hereby does, that the paper be submitted to the Secretary of War himself for decision of the questions at issue.

Following is a copy of the communication that raised the subject to which this memorandum relates:

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[Memorandum for The Adjutant General.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, August 30, 1911.

It is necessary to provide for the assignment of some of the additional colonels at the present time on the Army Register.

The Secretary of War directs that Col. E. P. Andrus remain at present in command of the recruiting depot at Fort Logan, and that colonels from the accompanying list be selected to command Fort Slocum, Columbus Barracks, Jefferson Barracks, and Fort McDowell.

For the five recruiting depots it is desired that selections be made from the following list, so that two of the depots will be commanded by colonels of Cavalry, one by a colonel of Field Artillery, and two by colonels of Infantry. A list of the available colonels from which these selections are to be made are:

Cavalry: Hatfield, Bishop, Day, Steever, Dodd, Hunter.
Field Artillery: Foster, Van Deusen.
Infantry: Pitcher, T. F. Davis, Booth, Paulding, Reynolds, Williams, Chubb, Wilson, Getty, Lassiter, Terrett, Jackson.

Col. William T. Wood, heretofore ordered home from the Philippines for duty as commanding officer, recruit depot, Jefferson Barracks, will be assigned to duty with a regiment, owing to his long detached service.

An early recommendation from The Adjutant General for these details is desired.

LEONARD WOOD,
Major General, Chief of Staff.

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It will be seen that in order to provide for some of the colonels that were rendered superfluous by the legislation that was embodied in the last Army appropriation bill in response to repeated and persistent appeals made to Congress for additional officers and for a rearrangement of rank it is now proposed to assign four colonels to command an equal number of general recruit depots, and that these four shall be selected from a very restricted list of colonels who are said to be "available." Undoubtedly it is desirable and certainly it will be prudent to afford some reasonable employment for officers of all grades who have become or may hereafter become supernumerary by this so assiduously sought legislation, but it is submitted that this purpose should not be accomplished by any measure that is likely to decrease the efficiency of the general recruiting service that is of such vital importance to the Army.

From the earliest times The Adjutant General's Office has been charged with the management of the general recruiting service, and it doubtless will be admitted that The Adjutant General and his office are more fully advised as to the needs of that service and the difficulties that beset it than others can possibly be. It may be said without fear of successful contradiction that there is no ordinary military duty, including that of service in the General Staff Corps, that is of greater importance than the command of one of the big depots at which recruits are received from many different stations, enlisted or rejected, examined, clothed, and otherwise prepared for service, instructed in accordance with a uniform method adopted after conference with and approved by depot commanders, the Inspector General, and the present Chief of Staff, again examined by medical officers and inspected by the depot commander, and finally, if found qualified, shipped to the organizations in which they are to serve.

To insure the faithful and efficient discharge of the many and varied duties that are essential to the successful operation of a modern recruit depot, there is required on the part of the commander a combination of qualities of mind and heart that is not often found in one man either in military or civil life. He should be energetic, alert, ready to devote time and attention to the smallest as well as the largest details of the work under his charge, fond of that work, possessed of much self-control, patient but firm, just, a good judge of men, sympathetic where sympathy may well be bestowed but a strict disciplinarian when occasion requires, and, last but not least, in person, bearing, and dress he should be a soldierly exemplar not only for the commissioned officers and enlisted men who form the permanent garrison of the depot, but also for the multitude of young soldiers who come under his command at the formative and most critical period of their Army service. It is no disparagement to the many excellent colonels in the line of the Army to say that but very few of them can be expected to measure up to such a standard, and that far fewer, if any, who even approximate to it are to be found on any such restricted list as that which has been offered or suggested by the Chief of Staff. It will not be easy to find the men best fitted to command these depots even if the whole commissioned list of the Army is thrown open to selection, and it will be simply impossible if the choice is restricted, as is now proposed, to a few colonels for whom employment has not been found elsewhere or whom it is not desired to employ elsewhere.

The officers whom it is now proposed to remove from or to supersede in the command of depots are Col. Murray, at Columbus Barracks; Maj. Dugan, at Fort Slocum; and Maj. McGlachlin, at Fort McDowell. These officers have made their depots models of what recruit depots should be and have demonstrated that they possess in a high degree that rare combination of qualifications that marks the efficient and successful depot commander and administrator. To say nothing of the consideration that they have earned by their enthusiastic devotion to their work and the ability with which they have performed it, it is not believed to be in the interest of the public good to relieve or supersede them at the present time in the manner proposed or for the reason given for the proposal.

None of those depot commanders appears on the long list recently prepared of officers who have had an excessive amount of detached service, but, on the contrary, the official records show that all of them have had long service with troops.

Col. Murray has been about four years at Columbus Barracks, but he is an unassigned colonel, and to replace him by the detail of another officer of the same rank, whether assigned or unassigned, would not at all diminish the number of superfluous or unemployed colonels, so that some other reason for displacing him must be sought. It can not be urged as such a reason that he has had an excessive amount of detached service, for he has not. In his entire commissioned service of over 34 years he has been detached from his regiment considerably less than 10 years, but he has been with his regiment or in command of troops elsewhere for over 28 years. It may be well to compare this record of service with certain other similar records that are given elsewhere in this paper.

Maj. Dugan has been less than four years at Fort Slocum, and Maj. McGlachlin has only been about two years at Fort McDowell. After the splendid work that they have done in building up those depots as commanders of them it would be as unjust to them as it would be unnecessary to retain them in subordinate positions. In fairness to them they should be relieved, if officers senior to them in rank are to be assigned to those depots. But while such a procedure, if followed by the assignment of colonels to command those depots, would reduce the number of superfluous colonels by two, it would increase by one the number of unassigned majors for whom employment would have to be sought.

Col. Murray and Maj. Dugan were so unfortunate as to be compelled not long ago to appear before the Committee on Military Affairs of the

House of Representatives for examination with regard to a bill that proposed to increase the enlistment period of the Army to five years. In response to questions addressed to them by the committee, they expressed views that were at variance with views subsequently expressed to the same committee by the Chief of Staff. Considerable publicity, for which Col. Murray and Maj. Dugan were in no wise responsible, was given by the press to this difference of opinion. And doubtless there are those who, not knowing or not believing that the Chief of Staff is too high-minded and conscientious to permit his official action to be influenced by such a matter, will be swift to conclude, if these two officers are relieved or superseded now, that the Chief of Staff is endeavoring to punish them because they gave testimony that may be regarded as damaging to his own, and that the solicitude now manifested in behalf of a few superfluous colonels, with none manifested in behalf of superfluous lieutenant colonels, is merely a pretext for a movement whose object is to annoy or humiliate certain officers connected with the recruiting service and to discredit the management of that service.

Additional ground for such a conclusion is to be found in a recent newspaper announcement, likely to be regarded as inspired, in which the proposed assignment of colonels to command recruit depots is coupled with a statement that a special effort is to be made to recruit regiments in the Philippines up to their authorized strength, thus suggesting that the vacancies in the ranks of those regiments are chargeable to the present management of the recruiting service, and suppressing the well-known fact that those vacancies are almost entirely due to the policy adopted without consulting The Adjutant General and since reported by the commanding general of the Maneuver Division to have been ill advised, under which for many weeks all obtainable infantry recruits, many hundreds in number, and all without any preliminary training whatever, were rushed to the Mexican border to fill certain regiments far beyond their normal strength with the inevitable result that vacancies occurring in other regiments stationed in the Philippines and elsewhere could not then be filled, although in the ordinary course of events they soon will be filled now that the abnormal diversion of recruits before mentioned has ceased.

Of course, any such conclusion as that referred to here would be erroneous, but it is believed to be the part of wisdom not to give Congress, the public at large, or the Army any ground upon which to base it, at least at the present time.

It will be seen by the memorandum quoted at the beginning of this paper that it is intended to revoke the order assigning Col. Wood to the command of the depot at Jefferson Barracks, and to assign him to a regiment because of his long detached service. The intention thus expressed seems to require some comment, although The Adjutant General has been advised informally that the Chief of Staff has indicated his willingness to have Col. Wood, who is now en route from the Philippine Islands, assigned to the command of Columbus Barracks if it shall be found on his arrival in the United States that he desires that assignment.

The last commanding officer at Jefferson Barracks was Col. Mann. He had been there a comparatively short time when he was relieved without any inquiry as to the wishes of The Adjutant General in the matter, or as to whether the summary relief of Col. Mann would or would not be detrimental to the interests of the recruiting service. The Adjutant General was also directed to nominate a colonel of infantry to succeed Col. Mann.

When The Adjutant General was called upon to name a colonel of infantry to succeed Col. Mann as commander of the recruit depot at Jefferson Barracks, he named Col. Wood, who was then serving with his regiment in the Philippine Islands and with whom, consequently, no communication with regard to the matter was practicable. This nomination was made because, first, The Adjutant General knew him to be especially well qualified for the peculiar duties of the position; and, second, because his detail would probably save a very valuable officer from retirement, it being regarded as certain that if he should be ordered before a retiring board he would be found permanently disqualified by deafness for the command of a regiment, whereas he can very well discharge the duties, largely administrative, that pertain to the command of a recruit depot.

It is true that Col. Wood has had considerable detached service, he having had 14 years and 10 months of such service out of a total commissioned service of over 34 years. Because of that fact, he would not have been nominated for the command of a recruit depot if it had not also been a fact that he is disabled to such an extent that it is manifestly in the interest of the service to permit some other colonel to take his place in command of a regiment, and to assign him to other duty for the full and efficient discharge of which his disability will not disqualify him at all.

Before Col. Wood is held to be unavailable for assignment to the command of a recruit depot because of his previous detached service, it will be both advisable and instructive to compare his record in this respect, as well as the records of the other depot commanders, with the records of many detached officers whose names are borne on the recently prepared lists of more than 270 officers with excessive amounts of detached service, among the number being certain young officers recently assigned to duty in the office of the Chief of Staff. One of those officers, a captain, has had but a little over two years' service with his regiment out of a total commissioned service of a little over 14 years. Another officer, a captain with the same length of service, has served but a little over 4 years with his regiment since he was commissioned a second lieutenant. Another captain, with 12½ years of commissioned service, has had less than 3½ years of service with troops. Still another captain, with a little over 16 years of commissioned service, has served only about 5½ years with his regiment. A lieutenant colonel, who has had about 30 years of commissioned service, has had a total service of less than 12 years with his regiment, none of that service being rendered in the grade of major or lieutenant colonel. During the 12 years ending July 31, 1911, he had been on detached service for over 10 years, and he is still on such service. All of these officers are on duty in the office of the Chief of Staff, and immediately under his eye, so that their cases must be well known to him. Many other similar cases might easily be cited if it were necessary to do so.

If able-bodied young captains and other officers such as those before mentioned, to say nothing of others whose names are borne on the recently published lists of more than 270 officers with records of excessive detached service, can be regarded as available for continuance on staff duty, surely a veteran and partially disabled colonel who, without any request or suggestion on his part, has been ordered from the Philippine Islands to Jefferson Barracks, and is now on his way there, may well be permitted to comply with his order. The revocation of his order and his assignment to a regiment would effect no decrease in the number of additional or detached colonels, and his assignment to any other recruit depot would accomplish nothing whatever beyond deranging his plans and defeating a recommendation made by The Adjutant Genral, not of his own volition, but in compliance with an order to make such a recommendation.

It will be impossible to obtain the men best fitted for the highly important duty of commanding the recruit depots if selection is to be restricted to any such limited list as that presented by the Chief of Staff, or even if the entire list of colonels is to be open to selection. And there is no good reason why selection should be limited to either of those lists. It is just as desirable to provide suitable employment for additional or detached lieutenant colonels as it is to provide places for additional or detached colonels. A general recruit depot affords a much more appropriate command for a lieutenant colonel than for a colonel, and suitable commanders are much more likely to be found among the younger men in the lower grade than among the older men in the higher grade.

For the reasons hereinbefore stated, The Adjutant General requests that the memorandum of the Chief of Staff of August 30, 1911, be reconsidered, and recommends:

(1) That Maj. Dugan remain in command of the Fort Slocum depot until the expiration of his four-year tour on January 1st next.

(2) That Col. Murray remain in command of the Columbus Barracks depot at least until January 1 next.

(3) That Col. Wood's assignment to the Jefferson Barracks depot stand.

(4) That Maj. McGlachlin remain in command of the Fort McDowell depot at least until June 30 next.

(5) That hereafter commanders of the general recruit depots be selected from among the colonels and lieutenant colonels of the mobile army.

F. C. AINSWORTH,
The Adjutant General.

To the CHIEF OF STAFF.
SEPTEMBER 5, 1911.

* * * * * * *

The assertion made by the Secretary of War that in the foregoing document Gen. Ainsworth, "by insinuation, charged the Chief of Staff with improper motives," etc., is astonishing. The effort made to convict Gen. Ainsworth of improper conduct needed bolstering up, indeed, when it was deemed necessary to so flagrantly distort his meaning, as was done in this case, for an examination by even a prejudiced mind of those parts of this document quoted and relied upon by the Secretary of War will convince anyone that, far from containing anything in the shape of an "insinuation" against the Chief of Staff, they embody nothing but an open and straightforward statement of the construction that many persons would be likely to place upon the action proposed by him and timely and certainly not unfriendly advice against taking the action proposed.

Gen. Ainsworth said that "doubtless there are those who, not knowing or not believing that the Chief of Staff is too high minded and conscientious to permit his official action to be influenced by such a matter, will be swift to conclude, if those two officers are relieved or superseded now, that the Chief of Staff is endeavoring to punish them for giving testimony that may be regarded as damaging to his own." Your committee can not see in this frank statement of the truth any ground for complaint, and Gen. Ainsworth removed all possibility of doubt as to his meaning and purpose by explicitly stating that "of course any such conclusion as that referred to here would be erroneous, but it is believed to be the part of wisdom not to give Congress, the public at large, or the Army any ground upon which to base it, at least at the present time."

Your committee, with a pretty full knowledge of all the circumstances surrounding legislation undertaken by it since the beginning of the Congress, can only regret that the advice given above was not followed. The action taken by the War Department in the cases mentioned by Gen. Ainsworth and orders issued to other officers have compelled this committee to conclude that it will not, under the present régime in the War Department, be able to obtain the frank and free expression of their opinions from officers of the Army to which Congress is entitled when it is trying to shape legislation not only for the Army but for the country.

On September 19, 1911, in response to a personal letter from Gen. Ainsworth, which seems to have been written on August 30, no copy having been furnished, the Secretary of War then addressed to Gen. Ainsworth a letter which he marked "personal," but which he now chooses to parade as "a personal letter of warning," and is as follows, the portion printed in black-face type being that which the Secretary quotes in his letter of February 14, 1912, and describes therein as a "warning" in respect to the conduct of Gen. Ainsworth in submitting his memorandum of September 5, 1911, hereinbefore quoted in full:

Personal.]

HUNTINGTON, LONG ISLAND, N. Y., *September 19, 1911.*

Maj. Gen. F. C. AINSWORTH,
The Adjutant General, United States Army,
War Department, Washington, D. C.

DEAR GEN. AINSWORTH: On the receipt of your letter of August 30 I directed that the case of Col. Wood's assignment to Jefferson Barracks be suspended until I could speak to the Chief of Staff personally on the subject, which I have since done. I have since directed the Chief of Staff to communicate with Col. Wood and find out what his own personal preferences were, and I shall be guided somewhat in making the assignment by that.

I find that Col. Wood had been assigned to a regiment in the Philippines only a year or less ago, and that he accepted the assignment with a good deal of personal satisfaction. In view of his record for efficiency, I am not surprised at your desire to get the benefit of such a good officer in the recruiting service. But on the other hand, I do not think that the usual rule that an officer should serve the full two years in the Philippines should have been departed from in this case, particularly in view of the officer's apparent eagerness to perform that service. What you say as to Col. Wood's deafness will also be given weight in the final decision.

I have also read your memorandum to the Chief of Staff, a copy of which you sent me with your letter of September 5. I have directed that the other assignments recommended by the Chief of Staff be carried out. I find that, while there are a number of unassigned colonels in the line, there is an actual shortage of majors, and this seems to me a sufficient reason why majors should not remain assigned at the recruiting depots. I also find that the list of colonels submitted to you by the General Staff for selection to the recruiting service was twice as large as the usual number submitted to the other bureaus for similar nominations. Under all of these circumstances, while I appreciate your zeal and anxiety to make the recruiting service as efficient

as possible, I do not deem it proper to change in these respects the proposal of the Chief of Staff.

I only wish to add that I greatly regret and reprobate certain passages of your memorandum and of the letter which you sent me. Nothing is gained by suspecting or intimating ulterior motives on the part of those with whom we have to act in association. In an organization as large and complex as the War Department it is impossible that every action taken shall seem the wisest possible to all the members of that department. Many orders must be given and steps taken which to some bureau or some individual seem ill-advised and unfortunate. But in such cases and in all cases the President has a right to expect that all of the officers of the department will act as a unit, with faith in each other's motives even if they differ as to judgments. In no other way can the morale of the Army or its organization be maintained for a moment.

Very sincerely, yours, HENRY L. STIMSON.

So much of the foregoing letter as is described as a "warning" is a palpable misrepresentation, for certainly nothing in this letter could be construed into warning The Adjutant General with a view to his future discipline or punishment; nor was there anything in the memorandum referred to in this letter which could have justified the Secretary of War in warning The Adjutant General of the Army. It does not appear from the papers furnished whether Gen. Ainsworth ever made any response to this extraordinary letter; but as no response to it is sent with these papers, the inference is that Gen. Ainsworth did not answer it.

The Secretary of War charges Gen. Ainsworth with habitual "rudeness and ill temper" and as evidences of "these offenses against propriety" quotes part of a paragraph from a memorandum made by Gen. Ainsworth on March 25, 1911, relative to paper work in the Army, and leaves it to be inferred that that memorandum was addressed to the Secretary of War himself. He suppresses the important facts that the memorandum was prepared by The Adjutant General, as a subcommittee of the War Department Board on Business Methods, consisting of five members, of whom Gen. Ainsworth was one; that the memorandum was made for that board, by which it was adopted after full consideration, and that the board forwarded it with, and as a part of, a formal report to the Secretary of War. Following is a copy of that report and of so much of the accompanying memorandum (No. I) of Gen. Ainsworth of March 25, 1911, as is pertinent to this discussion. The part of the memorandum in black-face type is the extract quoted by the Secretary of War in his letter of February 14, 1912:

REPORT NO. 7.

WAR DEPARTMENT BOARD ON BUSINESS METHODS,
Washington, May 5, 1911.

Subject: Paper work in the Army.

The board met, pursuant to the call of its president, at 3 p. m., April 22, 1911, and took up the consideration of a memorandum submitted by its subcommittee "Relative to recommendations concerning paper work in the Army," which memorandum is hereto attached as Appendix A, which consists of Memorandum No. I and Memorandum No. II, dated, respectively, March 25 and April 15, 1911.

The recommendations and suggestions concerning paper work in the Army covered in the memoranda referred to were made in a great number of communications from the heads of bureaus of the War Department, department commanders, and officers of the Army in response to call for such suggestions by the War Department.

The suggestions and recommendations made in the communications referred to are briefed in Appendix A, and each suggestion or recommendation is immediately followed by a recommendation of the subcommittee of the board in charge of this particular line of inquiry.

Copies of each of the memoranda which compose Appendix A were submitted to the individual members of the board, in order that each of them might have an opportunity to give consideration to the matter treated of under the various headings or numbers before the meeting of the board. The total number of headings is 197 (92 in Memorandum No. I and 105 in Memorandum No. II). All the members of the board, with one exception, expressed their readiness, at the meeting of April 22, to reach final conclusions on the matters before it.

The recommendations and suggestions of the dissenting member were submitted verbally to the board at its meeting and are embodied in a minority report, hereto attached.

The board having given careful consideration to each of the numbered suggestions shown in Appendix A, to the recommendations of its subcommittee following thereafter, and also to the verbal suggestions of the dissenting member, concurs, after full deliberation, in the recommendations made by its subcommittee, for the reasons set forth in detail under each number or title, subject to the following remarks:

As to recommendation No. 29, relative to the discontinuance of "Statement of financial operations of post exchanges at military posts" (Form No. 102, A. G. O.), the board submitted the question of the advisability of discontinuing this report to the Inspector General of the Army for an expression of his views. The Inspector General agreeing that this report could be discontinued without disadvantage to the service, the board concurs in the recommendation made (A. G. O. 1746488) that this report be discontinued.

As to recommendation No. 33, the board concurs with its subcommittee that general court-martial orders should not be embodied in a separate series when issued by the War Department, but is of the opinion that the frequency with which general court-martial orders are issued from department headquarters warrants their being published by each department in a separate series, and suggests the issuance of instructions to department commanders that due economy should be used in the printing and distribution of this class of orders, so that only such numbers would be printed and distributed as are essential and necessary.

As to recommendation No. 41, to the effect that returns and forms be reduced wherever practicable to a standard size, the board is of the opinion that efforts now being made by The Adjutant General of the Army along these lines should be continued and that the studies referred to in memorandum No. 1, looking to a change in the form of enlistment papers and the reduction of the number of signatures thereon, should be continued by The Adjutant General.

As to recommendation No. 42, the board is of the opinion that columns "Horses" and "Pieces of artillery" should be eliminated from the post return. (A. G. O. 1746940.)

As to recommendations No. 109 and No. 110, referring to the efficiency reports of officers (Form 187, A. G. O.), the recommendation of its subcommittee is concurred in. The board is, however, of the opinion that The Adjutant General of the Army should study the question whether this form can not be combined with the individual service report. (Form 266, A. G. O.)

A careful examination of the various suggestions made by the bureaus, the department commanders, and officers of the Army, embodied in the appendix and considered in this report, seems to indicate that a large majority of cases there would be neither an increase in the efficiency of the Army nor a reduction of paper work connected with administration if they were carried out, for a very large number of these suggestions would simply involve the transfer of paper work from places where it is now being done to other places, and in some cases would, whilst relieving officers of a task, necessitate the employment of additional civilian clerks. The suggestions made appear to be, to a degree, based upon insufficient knowledge on the part of the persons making them of the administrative details connected with the operation of the great departments and bureaus of the War Department. Some of them, indeed, indicate a lack of knowledge of existing laws, and others of the purposes of Congress in calling for and requiring certain reports to be rendered for its use. The board invites attention to the fact that with very few exceptions the officers making recommendations and suggestions for changes in reports or methods of conducting the paper work of the Army either give no reasons or very insufficient ones for the line of action they propose.

While the board believes that it has recommended in this report a considerable reduction in the paper work of the Army without materially injuring administrative efficiency, it is of the opinion that it can not at this time, without injury to the efficient administration of the Army, proceed further in this direction or go to the extent in the reduction of paper work which appears to seem desirable to the officers making the suggestions upon which it has acted. One of the reasons for this conclusion, which may not have been apparent to them, is that by reason of the long-continued efforts of the War Department in this direction, extending over many years, very material reductions in the paper work of the Army have already been made. These reductions have been brought about as a result of studies undertaken by other boards convened previous to the creation of this board, and as the results of constant efforts to reduce clerical work by the several chiefs of the bureaus of the War Department, who are charged with the maintenance of a system of records which, whilst being kept in accordance with the law, would be suitable for any conditions and available for quick and ready reference.

F. C. AINSWORTH,
Major General, United States Army, President,
The Adjutant General of the Army.
E. A. GARLINGTON,
Brigadier General, United States Army,
The Inspector General, Member.
W. W. WOTHERSPOON,
Brigadier General, United States Army, Member.
JOHN C. SCOFIELD,
Assistant and Chief Clerk, War Department, Member.

[Memorandum No. 1.—Relative to recommendations concerning paper work in the Army.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

It is to be observed that the recommendations to which this memorandum relate are, in general, for an abbreviated or informal method of correspondence with a minimum record thereof and for a reduction in the number of returns, rolls, and reports now required. The officers making these recommendations naturally deal with the subjects from their own point of view, especial weight being given to the consideration of personal convenience. But little or no consideration is given by them to the needs of the War Department, and, in fact, such needs probably are not known or are only imperfectly understood by the majority of officers.

It should also be observed that any bureau of the War Department that is charged by law or regulations with the obtaining and keeping of certain information, and that alone knows just what demands are likely to be made upon it from all sources for such information, is the best judge and the only competent judge of the form in which and the extent to which such information shoud be furnished to it. Therefore it may be fairly stated as a general principle that the judgment of a chief of bureau as to the necessity for any particular report or return, or for any particular item of information required to be embodied therein, should have much greater weight than the views of officers who have little or no knowledge of the purposes for which the reports, returns, or information in question are used in the War Department.

It is proper to remark that, with a view to reducing the paper work of the Army to the lowest possible limit that is consistent with efficiency and accuracy, The Adjutant General's Office has been engaged for the past seven years upon a continuous and systematic study of the blank forms issued by it to the Army and of the reports and returns received by it from the Army. Careful consideration has been given to all suggestions of change, from whatever source received, and it has been the uniform practice not to order a new supply of any form without first ascertaining whether there is reason to believe that the form can be amended in any way with benefit to the service. As a result of all this many radical changes in forms have been made, with a view to convenience and economy of time and labor on the part of those using them. It will readily be understood therefore that almost all the changes that are now recommended and that are the basis of this memorandum have heretofore received full consideration and that but very few of the recommendations now under consideration present anything that combines the three all-important elements of practicability, utility, and safety. It is needless to say that any proposed measure that lacks any one of these elements is not a measure that should be adopted in the public service.

* * * * * * *

Returns, muster rolls, and pay rolls:

(41) Recommendations: That some or all of the present returns, muster rolls, and pay rolls be abolished, consolidated, curtailed, rendered at less frequent intervals, or changed in form. (A. G. O. 1746488; 1741192; 1739762; 1735753; 1746995; 1739645; 1743543–B; 1735849; 1743543; 1746940; 1740815; 1746995; 1738794; 1746488; 1732283; 1749060; 1747817; 1740740; 1745770.)

All these recommendations are disapproved, with the few relatively unimportant exceptions hereinafter noted. Almost all of them show, on the part of those making them, a deplorable ignorance of or indifference to the requirements of law with regard to the rendition of these returns and rolls and the purposes for which they are rendered. Such ill-considered and impracticable recommendations afford convincing proof of the futility of calling upon officers of the Army generally for an expression of their views with regard to the paper work that they

are required to perform. The files of this office are full of similar responses to similar calls previously made, and it is safe to say that very few of those responses were ever of any value to the department in its repeated investigations of the perennially recurring question of paper work in the Army.

The return in its various forms is one of the most ancient as well as most important of all military papers. The rendition of most of these forms is required by law, the seventh article of war, and all of them are simply indispensable, because upon them alone the War Department and commanders of all grades from the highest to the lowest must rely for a readily accessible and concise showing of the composition, strength, and effectiveness of the commands rendering returns. In addition to this, the return is preeminently the historical record of the command to which it pertains, setting forth as it does in concise form and at short intervals all the principal changes that take place in that command from the beginning to the end of its existence. No other form of report ever has taken, or ever can take, the place of the return in this respect.

The muster roll is primarily and chiefly the historical record of the individual soldier, giving once in two months a detailed account of the service of that soldier during the period covered by the roll. It is the chief source upon which the department must rely in order to meet the numberless demands that are made upon it for information as to the present status and past histories of individual soldiers, including information to be used in the settlement of claims of the individuals themselves, or their widows and orphans, for pension, pay, and many other rights, benefits, and privileges, the allowance of which depends upon the record of military service.

The pay roll is a financial and not a military record. Its form and substance are subject by law to determination by the Comptroller of the Treasury, and its destination is the office of the Auditor for the War Department, there to be filed as a voucher to a paymaster's account. Pay rolls never reach The Adjutant General's Office, and as compared with the muster rolls they are relatively valueless as sources of information as to the military status and service of present or former soldiers. For these reasons and especially because the form and substance of the pay roll are not subject to the control of the War Department, no further consideration need be given to that roll in connection with the subject of this memorandum.

From the foregoing statements it will be seen that the purposes and uses of the return and the muster roll are widely different, it being the chief function of the return to show the status and history of a command, whereas it is the chief function of the muster roll to show the status and military histories of individual soldiers. These two reports differ as widely in form and substance and as to the periods covered by them as they differ in functions and uses, so that there is no real relationship between them. While information of a somewhat similar nature is obtainable, to a limited extent, from each of these reports, the separate and distinct uses made of this information and of the reports containing it are so unrelated that it is beyond question that no avoidable duplication of labor is involved in the preparation of the reports. To compile from the muster rolls information to take the place of some of that now shown in concise form by the returns is simply impossible, because, to say nothing of the long delay involved, the task of making such a compilation would be enormous and far beyond the capacity of the clerical force allowed by law to The Adjutant General's Office. No argument is necessary to show the unwisdom of concentrating in the War Department a burden of labor that is borne lightly if distributed over the whole Army but that would be overwhelming if concentrated in the department.

For the reasons hereinbefore stated, it is evident that no serious consideration should be given to the recommendations and suggestions that have been made with a view to abolishing, curtailing, or consolidating returns or muster rolls, in whole or in part. Aside from the injury that would result from any such action, because of the need for all the information now furnished by the various returns and rolls, and because of the widely different purposes for which the information now contained in separate reports is and must always be used, the consolidation of such unrelated matter, especially such as is borne by muster rolls and returns, would create a cumbersome and complicated report that must be rendered at more frequent intervals than the muster rolls are now rendered, that would lack the simplicity and succinctness of the former separate reports, that would delay and embarrass the work of the War Department and the Army, and that would undoubtedly increase that work instead of diminishing it.

With regard to the frequency with which these reports shall be rendered, it is sufficient to say that long experience has demonstrated conclusively that, in order to serve even reasonably well the purposes for which they are intended, the returns must be rendered at periods of not more than a month and the rolls at periods of not more than two months. It goes without saying that those who must make use of the information that is furnished by them should have that information as of the latest practicable date. The present requirements as to the period for which returns and muster rolls shall be rendered are not unduly burdensome upon those who have to render them, but even if they were they could not be relaxed in this respect without greatly impairing the value of the information furnished and causing serious embarrassment to those whose duty it is to make official use of that information. The injury that the public service would suffer through any additional delay in rendering these reports would in nowise be compensated for by the relatively trifling amount of labor that those who prepare and render the reports would escape.

The size and form of the present returns are those which long experience has shown to be best adapted, all interests considered, to the purposes for which they are intended, and no change in this respect should be made. With regard to the muster roll, experiments are now in progress with a view to determining as to the practicability of changing it into a form of standard size, 8½ by 3¾ inches. In addition to this as hereinafter stated, there are certain changes that can be made in the arrangement of the form and that will lessen the labor of preparing the reports thereon. These changes will be made before a new edition of the muster roll is printed, regardless of whether or not it is found practicable to reduce the size of the roll to that of the standard form. With these exceptions no change should be made in the form or the requirements of the present muster roll. * * *

F. C. AINSWORTH,
The Adjutant General.

MARCH 25, 1911.

As further evidence of "rudeness and ill-temper" on the part of Gen. Ainsworth, the Secretary of War quotes certain remarks made by Gen. Ainsworth on October 16, 1909, "in speaking of another general officer in the War Department, the head of one of its most important bureaus." But the Secretary of War, as appears from these papers, suppresses the following most important facts, and by so doing does gross injustice to Gen. Ainsworth; the facts suppressed are that these remarks were made by Gen. Ainsworth in reply to a most unprovoked attack which had been made upon him by the Chief of Engineers in an official communication addressed to the Secretary of War; that those remarks were contained in an indorsement addressed to the Acting Secretary of War in compliance with a specific order ordering him to submit such "report and comment" as The Adjutant General might desire to submit with regard to the attack made upon him by the Chief of Engineers, and that the baselessness of this attack made by the Chief of Engineers was fully shown by reports made by The Adjutant General, the Acting Chief of Staff, the Judge Advocate General, and the Assistant Secretary of War. Why this old story should have been revived at this time your committee can not understand, unless it was for the purpose of discrediting Gen. Ainsworth.

Following is a copy of all the correspondence of any importance, or which is pertinent to this discussion, that part of Gen. Ainsworth's indorsement of October 16, 1909, which is printed in black-face type being the extract which is quoted by the Secretary of War in his letter of February 14 in support of his accusations:

[Fifth indorsement.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, September 21, 1909.

Respectfully returned to the Chief of Engineers, with remark that the action of his office in authorizing Maj. Cavanaugh to assume the duties of Maj. McIndoe without first submitting the matter to this office for the action of the Secretary of War, by whose order Maj. McIndoe had been placed in charge of those duties, was wholly unnecessary and unwarranted.

As Maj. Cavanaugh's telegram was received by the office of the Chief of Engineers at 2.46 p. m. Friday, September 3, there was ample time for the Acting Chief of Engineers to ask for, in the usual manner, and to obtain the issuance by competent authority of the necessary telegraphic orders on that day.

By order of the Secretary of War:

BENJ. ALVORD, *Adjutant General.*

[Sixth indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, October 4, 1909.

1. Respectfully submitted, by his permission, to the Secretary of War.

2. The indorsement of September 21, 1909, on these papers constitutes a reprimand administered to the chief of a bureau of the War Department by The Adjutant General in the name of the Secretary of War.

3. It is believed by the Chief of Engineers that the powers and duties of The Adjutant General in regard to the transaction of routine business in the name of the Secretary of War do not authorize The Adjutant General to administer such a reprimand without in fact submitting the papers in the case to the Secretary of War and obtaining his express sanction of the contemplated action. The Chief of Engineers is informed that this course was not followed in the present case, and that the Secretary of War had not seen the papers in this case and had not sanctioned the reprimand administered by The Adjutant General when the indorsement of September 21 was written. The Chief of Engineers, therefore, takes exception to this action of The Adjutant General, which is regarded as beyond his authority and power and subversive of discipline, even if the rebuke or reprimand administered were warranted by the facts. No officer should be subject to reprimand by another officer not his commander and without the knowledge of any authority competent to administer a reprimand to an officer of the Army. (Pars. 2 and 3, Army Regulations, Articles of War 25.)

4. The rebuke administered to the Chief of Engineers by The Adjutant General in the indorsement of September 21 is based upon the action of the Acting Chief of Engineers in directing Maj. Cavanaugh, on September 3, to temporarily assume charge of the river and harbor and fortification duties in charge of Maj. J. F. McIndoe, Corps of Engineers, and the funds pertaining thereto. On the date mentioned a telegram was received at the office of the Chief of Engineers from Maj. Cavanaugh, then at Portland, Oreg., on leave of absence granted by the Chief of Engineers, stating that Maj. McIndoe, in charge of the river and harbor and fortification works of the Portland engineering district, had been taken ill with typhoid fever and that his immediate relief was imperative. Acting under the general powers granted to the Chief of Engineers by law and regulations, the acting chief at once directed Maj. Cavanaugh by telegraph to temporarily assume charge of Maj. McIndoe's engineer-department duties and funds. In the opinion of the Acting Chief of Engineers a grave emergency was presented. Maj. McIndoe's disbursements average over $150,000 per month, and in order to avoid delay and confusion it was important that the transfer should be made while Maj. McIndoe's physical condition was such as to enable him to sign the necessary transfer papers. No change of station was involved in the transaction and no expense was incurred.

5. While the above action of the Acting Chief of Engineers was entirely within the limits of the powers, duties, and discretion of the Chief of Engineers, it was nevertheless reported at once by Col. Abbot, the Acting Chief of Engineers, to The Adjutant General, both by telephone and by letter, and request was made for confirmation of the action by the Secretary of War. According to Col. Abbot's recollection the matter was reported by telephone before his telegram was sent directing Maj. Cavanaugh to assume charge of Maj. McIndoe's duties, so that if The Adjutant General had jurisdiction in the case, and so desired, he could then and there and at once have annulled the action of the Acting Chief of Engineers, and could have taken such measures as he deemed proper in the case. This, however, he did not do. Four days later, under date of September 7, The Adjutant General notified this office that the Secretary of War had confirmed the action of the Acting Chief of Engineers in directing Maj. Cavanaugh to temporarily relieve Maj. McIndoe of the duties in his charge (letter herewith). Notwithstanding this official confirmation, the indorsement of September 21 was written 14 days later, characterizing the action of the office of the Chief of Engineers in the matter as unwarranted and unnecessary.

6. The statement in the indorsement of September 21—that as Maj. McIndoe had been placed in charge of his duties by the order of the Secretary of War, the Chief of Engineers has no power to temporarily relieve him of them—is not in conformity with practice and precedent. It is true that Maj. McIndoe was directed to take station in Portland, Oreg., by War Department order (S. O. 119, W. D., 1908), and was directed by that order to relieve Lieut. Col. S. W. Roessler, Corps of

Engineers, of the fortification and river and harbor works in his charge; but this latter direction does not curtail the power of the Chief of Engineers to increase or to diminish those duties or to assign any or all of them, for good and sufficient reasons, to other officers of his corps, so long as no permanent change of station is involved. By paragraph 1511, Army Regulations, the Chief of Engineers is charged "with the command of the Corps of Engineers, * * * and with the management of the engineer department, including the regulation of the duties of all officers, agents, and others who may be employed under his direction." By paragraph 745, Army Regulations, the Chief of Engineers is authorized to issue travel orders for necessary journeys on river and harbor and fortification duty, and the laws, regulations, and precedents of nearly 100 years uniformly recognize or specifically express the right and power of the Chief of Engineers to thus regulate the duties of the officers of his corps.

7. The supervision and execution of works of river and harbor improvement and of fortification construction are placed by law under the Engineer Department, and the Chief of Engineers is specifically charged with the administration of these works, under the direction of the Secretary of War. Works of this character are committed by the Secretary of War to the Chief of Engineers and not to individual officers of the corps. The assignment of such works to individual constructing officers is made by the Chief of Engineers. With every river and harbor bill and every fortification bill additional works are intrusted to the Chief of Engineers, and are by him assigned to such officers as he selects, and his right to thus assign these works has never been questioned. Every new project of river and harbor improvement, every preliminary examination and survey, every new item of construction or repair of fortifications or accessories, provided for in the successive appropriation acts is thus assigned to the individual constructing officers by the Chief of Engineers, and the fact of such assignment is not reported to The Adjutant General or to the Secretary of War. The Secretary of War holds the Chief of Engineers responsible for the works; it is the right and duty of the Chief of Engineers to direct his subordinate in its immediate execution.

8. A long line of precedents can be cited in support of the action of the Acting Chief of Engineers in this case, showing similar action without the intervention of The Adjutant General. Among recent cases of an exactly similar nature are the following:

In June, 1909, Capt. E. M. Adams, Corps of Engineers, stationed at Charleston, S. C., was taken ill with typhoid fever. The facts were reported to the Chief of Engineers, who at once directed Capt. E. I. Brown, Corps of Engineers, stationed at Wilmington, N. C., to assume temporary charge of Capt. Adams's duties and funds. This temporary transfer was reported to the Secretary of War direct, in connection with a request for the withdrawal of the funds to Capt. Adams's credit on the books of the Treasury and their reallotment to Capt. Brown, Capt. Adams being too ill to sign the transfer papers. Upon Capt. Adams's return to duty, at the end of July, Capt. Brown was directed by the Chief of Engineers to retransfer the works and funds to Capt. Adams, which was done.

In January, 1907, Lieut. Col. Edward Burr, Corps of Engineers, then stationed at Boston, Mass., was directed by the Chief of Engineers to temporarily relieve First Lieut. H. C. Jewett, Corps of Engineers, of the fortification and river and harbor works in the Portland (Me.) district, Lieut. Jewett being incapacitated by an attack of typhoid fever. Steps were taken to withdraw all funds standing to Lieut. Jewett's credit on the books of the Treasury, and requisition for funds to be placed to the credit of Lieut. Col. Burr was made. Lieut. Col. Burr remained in temporary charge of the Portland district until relieved by Lieut. Col. G. A. Zinn, Corps of Engineers, under the provisions of Special Orders 101, War Department, 1907, in May of that year.

In October, 1903, Col. G. J. Lydecker, Corps of Engineers, then stationed at Cincinnati, Ohio, was directed by the Chief of Engineers to assume temporary charge of the works in the Pittsburgh district during the illness of Capt. W. L. Sibert, Corps of Engineers, the officer in permanent charge, and he was similarly ordered by the Chief of Engineers to retransfer the works to Capt. Sibert when the latter returned to duty in November.

In February, 1900, Lieut. Col. W. H. H. Benyaurd, Corps of Engineers, stationed in New York, died suddenly in that city. Maj. W. L. Marshall, Corps of Engineers, also stationed in that city, was directed by the Chief of Engineers, by wire, to assume temporary charge of all duties, money, and property that had been in charge of Lieut. Col. Benyaurd. Maj. Marshall duly assumed charge of these duties, and remained in temporary charge until relieved by Maj. E. H. Ruffner, Corps of Engineers, under the provisions of Special Orders 94, War Department, April 21, 1900.

Precisely similar action was taken on the sudden death of Maj. J. F. Gregory, Corps of Engineers, in Cincinnati, Ohio, in July, 1897, and in the case of the sudden death of Col. O. M. Poe, Corps of Engineers, in Detroit, Mich., in October, 1895.

8. In the cases cited above an emergency existed of a similar character to that which was presented in the present case, but similar action has been taken by the Chief of Engineers even when no such emergency existed, as shown by the cases cited below.

In March, 1909, Capt. Lytle Brown, Corps of Engineers, stationed at Louisville, Ky., was assigned by the Chief of Engineers certain duties connected with the survey of the Ohio River, and, in order that he might perform these duties without detriment to the other works in his charge, Lieut. Col. J. G. Warren, Corps of Engineers, stationed at Cincinnati, Ohio, was directed by the Chief of Engineers on April 13, 1909, to temporarily relieve Capt. Brown of his other duties. These duties are to be retransferred to Capt. Brown upon completion of the field season of the Ohio River survey.

In November, 1907, Col. Milton B. Adams, Corps of Engineers, stationed at Grand Rapids, Mich., was granted a leave of absence for 2 months and 12 days, and in order to provide for the conduct of the works in his charge during his absence, he was directed by the Chief of Engineers to temporarily transfer the duties and funds in his charge to Maj. Charles Keller, Corps of Engineers, stationed at Detroit, Mich., and to resume charge upon his return from leave.

9. Similar citations could be multiplied indefinitely were it considered necessary. In all these cases travel orders for such journeys as were necessary to carry out the instructions of the Chief of Engineers were issued by the Chief of Engineers, and in none of them was The Adjutant General or the Secretary of War consulted, except incidentally when the transfer of funds by the method of the Treasury withdrawal and reallotment was necessary, on account of the inability of the officer in permanent charge of the work to sign the transfer papers. These cases are not evidences of a persistent violation of the rules of proper procedure but are examples of the necessary exercise of powers inherent in the principle of executive control by a responsible head.

10. The action of the Acting Chief of Engineers in directing Maj. Cavanaugh to temporarily assume charge of Maj. McIndoe's works under the Engineer Department was strictly correct and in accordance with precedent. His only error was in reporting his action to The Adjutant General and in asking a confirmation, which was totally unnecessary. If the Chief of Engineers had been present, this error would not have been made. The duties which Maj. Cavanaugh was directed by this office to assume were only those pertaining to river and harbor improvement and to fortification construction. The lighthouse duties and funds were transferred, by order of the Secretary of War, after consultation with the Secretary of the Department of Commerce and Labor. There was no emergency in the Lighthouse Service, inasmuch as the naval inspector was on hand and could temporarily act. The action of the Acting Chief of Engineers, being within the discretion vested in the Chief of Engineers, is not reviewable by The Adjutant General; and even if it were so reviewable, the formal confirmation of that action by the Secretary of War, as expressed in the letter from The Adjutant General, dated September 7, 1909, herewith, is an absolute bar to further review or animadversion on the part of The Adjutant General. The Chief of Engineers is charged with the execution of many varied and important works, involving the employment of multitudes of men and the expenditure of vast sums of public funds. If his executive acts within the legal sphere of his activities are to be reviewed by The Adjutant General and his discretion in the conduct of the works committed to him is to be questioned by The Adjutant General, the entire principle of executive administration and responsibility in the Engineer Department is or may be paralyzed. The Chief of Engineers can not recognize the right of The Adjutant General to so review his acts, nor can he submit to criticism or reprimand by The Adjutant General based upon the exercise of his discretion in matters which are by law committed to his charge.

11. The Chief of Engineers feels this matter very keenly. He feels that The Adjutant General has used the name of the Secretary of War to obtain from the files of this office official papers pertaining solely to the business of this office, and that he has used these papers as the basis of a reprimand to the Chief of Engineers, administered in the name of the Secretary of War. Such a reprimand, if indeed administered by the Secretary of War, is a punishment which must be keenly felt by any conscientious and high-spirited officer, and which must follow him to the end of his career, if, in accordance with existing regulations relative to all expressions of censure from superiors, it is filed with his record in the War Department. But when such action is taken by The Adjutant General, in the name of the Secretary of War, but without his express sanction, it becomes a wrong and an injustice, which same method may be used to destroy each and every officer's usefulness in the Army.

12. For the various reasons above set forth, the Chief of Engineers requests that the reflections upon the conduct of the Office of the Chief of Engineers in this case contained in the indorsement of September 21, 1909, be expunged from the records of the War Department.

W. L. MARSHALL,
Chief of Engineers, United States Army.

[Seventh indorsement.]

WAR DEPARTMENT, *October 13, 1909.*

Respectfully returned to The Adjutant General, inviting attention to preceding indorsement, with direction to submit such report and comment as he may desire to present thereon.

ROBERT SHAW OLIVER,
Acting Secretary of War.

[Eighth indorsement.]

To Col. Alvord, for remark.
A. G. O.
Oct. 14, 1909.

[Ninth indorsement.]

THE ADJUTANT GENERAL'S OFFICE,
October 16, 1909.

Respectfully returned to The Adjutant General of the Army.

In the afternoon of September 3 last, at least an hour before the close of office hours, Col. F. V. Abbot, Corps of Engineers, Acting Chief of Engineers, called me by telephone and stated that he had received telegraphic notice that Maj. McIndoe, in charge of the Portland (Oreg.) engineering district, was ill with typhoid fever, and that he, Col. Abbot, had telegraphed Maj. Cavanaugh, then on leave of absence in Portland, directing him to relieve Maj. McIndoe temporarily of his duties and to take over his funds. I asked Col. Abbot if he had already telegraphed such an order, and he distinctly answered that he had, and asked me what he should do next. Thereupon I told him that there was nothing for him to do but to make a written report of the matter to the Adjutant General of the Army and ask for confirmation of the action taken.

Under date of September 3, the Acting Chief of Engineers addressed to the Adjutant General the letter hereby returned. In that letter he reported the action taken by him with regard to Majs. McIndoe and Cavanaugh, asked that the instructions given by him to those officers be confirmed, and recommended that inquiry be made of the Department of Commerce and Labor as to whether there was objection to the temporary transfer of Maj. McIndoe's duties as lighthouse inspector to Maj. Cavanaugh. This letter was not received in the mail room of the Adjutant General's Office until just at the close of office hours on September 4, and the department was closed on the two following days; but on September 7 the letter reached my desk and I at once submitted it to the Acting Chief of Staff, who directed approval of the action taken and that the necessary letter be written to the Department of Commerce and Labor. I caused such a letter to be prepared and took it to the Acting Secretary of War, who, after hearing a statement of the case from me, signed the letter. I also addressed a letter to the Chief of Engineers, informing him that the Secretary of War had confirmed the action taken in directing the temporary relief of Maj. McIndoe by Maj. Cavanaugh.

In this connection it is proper to remark that since June 25, 1908, pursuant to instructions received from the Assistant Secretary of War on that date, unless otherwise specifically directed, all orders depending upon the authority of the Secretary of War for their validity have been given in his name, whether he be present or not, the use of the words "Acting Secretary of War" having been discontinued.

On September 8 I submitted to the Acting Chief of Staff a letter from the Acting Secretary of Commerce and Labor requesting the temporary assignment of Maj. Cavanaugh as engineer of the thirteenth

lighthouse district, and by direction of the Acting Chief of Staff an order making the assignment was prepared. On the same day I stated the case to the Acting Secretary of War and submitted to him a telegram, which he signed, informing the Secretary of Commerce and Labor that an order detailing Maj. Cavanaugh temporarily as engineer of the thirteenth lighthouse district and directing him to report by telegraph to the Secretary of Commerce and Labor had been made. On the same day I also telegraphed Maj. Cavanaugh that this order had been made.

There being no record in this office of the telegraphic correspondence between the Acting Chief of Engineers and Maj. Cavanaugh on which confirmation of the action taken in the case by the Acting Chief of Engineers was asked and given in the name of the Secretary of War, as hereinbefore stated, I called upon the Chief of Engineers, in the name of the Secretary of War, on September 8 for copies of that correspondence. This call was made after submission of the matter to the Acting Chief of Staff and by his direction (first indorsement hereon). The copies thus called for having been received it was found that a copy of the telegram from Maj. Cavanaugh to the Chief of Engineers, informing him of the illness of Maj. McIndoe, was deficient in the important particular that it did not show the time of its receipt. It was also found, from a copy of the telegram of the Acting Chief of Engineers to Maj. Cavanaugh, that the Acting Chief of Engineers had been in communication with the Lighthouse Board with regard to the matter. Therefore, I submitted all the papers in the case to the Acting Chief of Staff, and by his direction I called upon the Chief of Engineers, in the name of the Secretary of War, on September 14 (third indorsement hereon) for the original telegram from Maj. Cavanaugh to the Chief of Engineers, also for copies or a statement showing what passed between the Lighthouse Board and the office of the Chief of Engineers with regard to the matter in question.

In connection with these calls upon the Chief of Engineers for information with regard to this case it is proper to remark that both of the calls were made "By order of the Secretary of War" after submission of the matter to the Acting Chief of Staff and by virtue of the authority vested in the Chief of Staff by paragraph 3 of a published order (E) of the Secretary of War of April 14, 1906. That paragraph is as follows:

"The submission of matters to the Secretary by the Chief of Staff will be in person. Before presentation to either the Secretary or the Assistant Secretary the cases should be completed by obtaining the necessary recommendations, reports, or information from the bureaus of the department, or the military authorities outside of the department, and to this end the Chief of Staff is authorized to call therefor. "By order of the Secretary of War."

After having been fully advised as to all the facts in the case the Acting Chief of Staff decided that the papers should be returned to the Chief of Engineers, whose attention should be called to the improper action of his office with regard to the case and especially to the fact that there was ample time to make request for proper action in the usual way. Thereupon, I caused the draft of an indorsement conveying that decision (fifth indorsement hereon) to be prepared. On September 21 I submitted that draft to the Acting Chief of Staff, who read it and approved it. I then took it to the Acting Secretary of War, who read it and approved it after I had advised him fully with regard to the case and the action that had been taken by the Acting Chief of Staff with regard to it.

Following is a copy of the record made by me immediately after the submission of this draft and before the fair copy was written:

"Foregoing draft submitted to the Actg. Chief of Staff and the Acting Secretary of War this date, and approved by them. B. A. (B. Alvord), A. G. Sept. 21, '09."

Not a single step has been taken by The Adjutant General's Office in this case, from the beginning up to the present time, without the full knowledge and approval of either the Acting Secretary of War, the Acting Chief of Staff, or both combined. The assertion of the Chief of Engineers that the third indorsement hereon conveys a reprimand to him is without foundation. That indorsement advises him in a very mild way to the effect that the action of his office in directing Maj. Cavanaugh to assume the duties of Maj. McIndoe without first submitting the matter for the action of the Secretary of War, by whom Maj. McIndoe had been placed in charge of those duties, was wholly unnecessary and unwarranted.

The facts in this case are very simple. Maj. McIndoe was placed in charge of certain duties by the express order of the Secretary of War. It required an order of the Secretary of War or the President to relieve him from those duties. The Acting Chief of Engineers undertook to relieve him without invoking the authority or consent of any superior. There was not the slightest necessity for his doing this. He received telegraphic notice of Maj. McIndoe's illness at 2.46 p. m., when both the Acting Chief of Staff and the Acting Secretary of War were in their offices and would remain there for at least an hour and a half. If he had brought or sent his telegraphic notice to The Adjutant General's Office, as he should have done, the notice would have been acted on by the Acting Chief of Staff and the Acting Secretary of War, and the necessary telegraphic order would have been sent to Maj. Cavanaugh all within 20 minutes at the most and probably within 10 minutes.

That a subordinate may change, even temporarily, the operation of a specific order of a superior when that superior is readily accessible and is in position to act in the matter virtually as quickly and as understandingly as the subordinate could is a proposition that in military affairs is novel, to say the least.

BENJ. ALVORD, *Adjutant General.*

[Tenth indorsement.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, October 15, 1909.

Respectfully returned to the Acting Secretary of War.

The burden of the complaints embodied by the Chief of Engineers in his somewhat emotional indorsement (sixth) hereon is that he has been reprimanded and that The Adjutant General did it improperly, on his own responsibility, and by making unauthorized use of the name of the Secretary of War. Neither of these complaints has any foundation other than in the heated imagination of the officer who made them.

To say that informing the Chief of Engineers that certain action taken by his office was wholly unnecessary and unwarranted constitutes a reprimand is equivalent to saying that a reprimand to an officer is involved whenever in the course of official correspondence attention of that officer is directed, no matter how mildly, to any error of procedure on his part or on the part of any of his subordinates. The mere statement of such a contention is sufficient to show its fallacy.

The baselessness of the Chief of Engineer's confident assertion to the effect that The Adjutant General acted in this case on his own responsibility and improperly used the name of the Secretary of War in doing so is conclusively shown by the seventh indorsement hereon, in which it is made clear that every step that was taken in the case was taken with the full knowledge and approval of the Acting Chief of Staff, the Acting Secretary of War, or of both of them together, and that in every instance the Secretary of War was properly cited as the source of authority for the action taken. The Adjutant General accepts the entire responsibility for everything that was done in or by his office in this case. He would accept that responsibility without question even if his office had erred in the matter, but he knows that it did not err. He watched the case closely from the beginning, and took care that no step should be taken in it by his office without the full knowledge and assent of competent authority.

It does not seem incumbent upon The Adjutant General to enter into an elaborate defense of the decision, made by authority superior to him in this case, to the effect that, there being ample time to secure the action of such authority, the action of the office of the Chief of Engineers in relieving Maj. McIndoe of duties assigned to him by the Secretary of War was wholly unnecessary and unwarranted. It seems sufficient to say that if the Chief of Engineers can, as he contends, relieve such officers of duties so assigned to them whenever he sees fit to do so, and without the assent of the Secretary of War, he can at will completely nullify any such assignment orders of the Secretary of War, and the issuance of such orders by the Secretary is a useless and empty formality. **Life is too short to permit of wasting any portion of it in discussion with, or for the benefit of, anyone whose conception of the underlying principles of military administration is so hazy that he can advocate such a proposition seriously. A proposition of this kind would be regarded as remarkable if advanced by a State militiaman, and it is simply amazing when put forward by an officer of the Regular Army, even though his connection with the military side of that establishment be so remote as to be merely nominal.**

Touching the precedents cited by the Chief of Engineers in support of the action of his office in the case in question, it is to be observed that they all appear to have been created in his own office, and to be merely cumulative evidence of the entertainment by that office of erroneous views as to the powers of the Chief of Engineers. It is not doubted that the Chief of Engineers can find in the records of action taken by his office precedents for many irregular and unmilitary procedures, but it does not follow that those procedures were or are right, or that they would have been tolerated in the past if they had been brought to the attention of the proper authority, as was the procedure that led to this correspondence.

When the Chief of Engineers learns that the principal allegations made by him in the sixth indorsement hereon are without foundation in fact, he must be deeply chagrined over the deplorable recklessness of statement that he displayed in that indorsement. But the predicament that he has placed himself in is one that usually awaits those who hasten to attack others without first making sure that their own weapons are reliable. Perhaps the Chief of Engineers may be brought to realize, too, that to protest with much vehemence that one has been unjustly reprimanded or otherwise outraged by having his attention called officially to an error on his part is an artifice that does not obscure the error, however much it may relieve the chagrin that is naturally due to the discovery of the error and to the notice taken of it.

This incident will not have been entirely devoid of value, to the Chief of Engineers at least, if that officer shall learn from it that he can best protect the interests of his department by taking care that he and it shall be right in their procedure, and that it is never wise and is seldom safe to attack others without first making sure that the attack is justifiable and that the weapons of the attacking party can be depended upon.

F. C. AINSWORTH,
The Adjuant General.

[Eleventh indorsement.]

WAR DEPARTMENT, *October 16, 1909.*

Respectfully referred to Brig. Gen. W. W. Wotherspoon, Assistant Chief of Staff, for such comment hereon as he may desire to submit.

ROBERT SHAW OLIVER,
Acting Secretary of War.

[Twelfth indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, October 19, 1909.

Respectfully returned to the Acting Secretary of War.

The facts in this case are fully and accurately set forth in the eighth (ninth) indorsement hereon. When my attention as Acting Chief of Staff was called to the fact that an order had been issued by the Acting Chief of Engineers, without consultation with or the consent of the Acting Secretary of War, assigning an officer of his corps to duty which would keep him away from his regular station for an indefinite time, the question naturally arose, Did such an emergency exist or was the necessity so great as to warrant what appeared to be an unusual act? In determining what emergency or urgent necessity existed for this action it was necessary to ascertain whether the date or hour of the receipt of information on which the action was taken was such as to preclude the use of the ordinary methods pursued in the assignment of officers to duty of any kind. When it developed that this information was received at least an hour and a half prior to the time the Acting Secretary of War left his office on the date in question, and that the urgency of the case was not such as to preclude the slight delay of from 5 to 10 minutes which would have resulted had the Acting Chief of Engineers pursued the normal and regular course in bringing the matter to the attention of the Acting Secretary of War before issuing the order, I deemed the occasion a proper one to invite the attention of the Acting Secretary of War and the Acting Chief of Engineers to what appeared to be the lack of necessity and warrant for such precipitate and unusual action. I therefore approved the draft of the indorsement referred to by the Chief of Engineers and directed that it be submitted to the Acting Secretary of War to see if it met with his approbation. The indorsement was so submitted and approved by him.

In inviting the attention of the Acting Chief of Engineers to the manifest lack of such urgency or necessity in this case as to warrant such a departure from the ordinary and normal way of transacting

business connected with the detail of officers for duty there was no intention of conveying a reprimand to that officer, and it appears to me that it requires a somewhat strained interpretation to attribute such a meaning to the indorsement complained of.

W. W. WOTHERSPOON,
Brigadier General, General Staff, Assistant to the Chief of Staff.

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[Inclosure to the twelfth indorsement.]
[Memorandum for the Acting Secretary of War.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, October 29, 1909.

The following, whilst having no place in my indorsement on the papers connected with the complaint of the Chief of Engineers that he construed a certain indorsement of The Adjutant General of the Army as an unauthorized reprimand, seems to be pertinent to the subject under discussion, for it would appear that the real subject at issue is, Can the Chief of Engineers order officers of his corps on duty without consultation with the Secretary of War, or, at least, without pursuing the same course as is followed by other corps and departments of the Army?

The Chief of Engineers, in the opening sentences of paragraph 10 of his indorsement, says:

"The action of the Acting Chief of Engineers in directing Maj. Cavanaugh to temporarily assume charge of Maj. McIndoe's works under the Engineer Department was strictly correct and in accordance with precedent. His only error was in reporting his action to The Adjutant General and in asking a confirmation, which was totally unnecessary."

Maj. Cavanaugh was assigned to duty in the Office of the Chief of Engineers, with station in this city, by paragraph 22, Special Orders, No. 215, War Department, 1907. Paragraph 5, Special Orders, No. 175, War Department, 1908, detailed him as a member of the Lighthouse Board. Maj. McIndoe was assigned to duty at Portland, Oreg., in charge of fortification and river and harbor works and as chief engineer of the Department of the Columbia by paragraph 6, Special Orders, No. 119, War Department, 1908. He was assigned to lighthouse duty by paragraph 2, Special Orders, No. 127, War Department, 1908. Paragraph 16, Special Orders, No. 144, War Department, 1908, revoked so much of the first order as related to duty as chief engineer, Department of the Columbia.

All of the above orders were issued either

"By order of the Acting Secretary of War:

"J. FRANKLIN BELL,
"Major General, Chief of Staff.

"Official:

"HENRY P. MCCAIN, *Adjutant General."*

or

"By order of the Acting Secretary of War:

"WILLIAM P. DUVALL,
"Major General, Acting Chief of Staff.

"Official:

"HENRY P. MCCAIN, *Adjutant General."*

From this it will be seen that both of these officers were assigned to duty in the regular and normal way by orders issued from The Adjutant General's Office, pursuant to instructions from the Secretary of War's office, and that those orders involved duty in connection with fortification works in addition to work connected with river and harbor work and lighthouse duty. To claim that the change of status of these officers can be made without instructions received through the same channels as those used in the above-cited orders would appear to raise the question whether officers of the Engineer Corps constitute a body in the Army exempt, so far at least as their assignment to river and harbor and fortification work is concerned, from that supervision and direction which the Secretary of War holds and exercises through The Adjutant General's Office over all other officers of the Army. There is no question but that the Secretary of War can issue such orders or instructions as he deems proper, and may issue them in such manner as seems to him proper. At the same time there seems to be equally no question but that all officers of the Army must comply, unless specially directed otherwise, with such regulations and orders as have been promulgated by the Secretary of War governing methods of procedure in bringing matters which require his official sanction to the Secretary of War's attention. In my opinion the procedure suggested by the Chief of Engineers, in that part of his indorsement above quoted, would not be consistent with regulations and orders now existing.

Very respectfully,

W. W. WOTHERSPOON,
Brigadier General, General Staff,
Assistant to the Chief of Staff.

[Thirteenth indorsement.]

WAR DEPARTMENT, *October 20, 1909.*

Respectfully referred to the Judge Advocate General, inviting particular attention to the twelfth indorsement hereon and to the accompanying memorandum of the Assistant to the Chief of Staff, dated October 20, 1909.

By the personal direction of the Secretary of War, the Judge Advocate General will render full report upon the following questions, viz:

1. Did the Acting Chief of Engineers act within his rights when directing Maj. Cavanaugh to temporarily relieve Maj. McIndoe?

2. Has the Chief of Engineers authority, without orders from the Secretary of War, to assign to or relieve from duty or order from point to point such officers of his corps as are engaged (*a*) in river and harbor work; (*b*) upon fortification work?

ROBERT SHAW OLIVER,
Acting Secretary of War.

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AT BELLE MEADE,
Nashville, Tenn., October 9, 1909.

DEAR SIR: I inclose herewith the papers in regard to the reprimand of the Chief of Engineers by The Adjutant General.

The issue made by them must be determined. I have had no question of this sort presented to me, and do not know what precedents there are. Without any knowledge on the subject, it seems that it would be proper to refer the matter to the Judge Advocate General, to report upon the following propositions:

(1) Did the Acting Chief of Engineers act within his rights in directing Maj. Cavanaugh to temporarily relieve Maj. McIndoe?

(2) Was it a matter over which The Adjutant General had any jurisdiction?

If any other points occur to you, please submit them also.

I would like to have a report made by you in this matter, either in the way I suggest or in some other way, if this is not in accordance with precedent, so that I may dispose of it on my return to Washington.

Yours, respectfully,

J. M. DICKINSON.

Hon. ROBERT SHAW OLIVER,
Assistant Secretary of War, Washington, D. C.

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WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, October 30, 1909.

The ACTING SECRETARY OF WAR.

SIR: I beg leave to submit the following report upon the questions refered to this office for opinion in your indorsement of the 20th instant. Before proceeding to the discussion it is proper to say a word in respect to the functions of the several staff departments which have been established from time to time by Congress with a view to assist the Secretary of War in the performance of his duties.

Each of the staff departments which were recognized and continued in the general reorganization act of February 2, 1901 (31 Stat. L., 748), was originally established by statute for the performance of certain specific duties. The duties with which they are charged are indicated in part by the titles of the several departments and in part by the officers created with a view to their performance. The establishment of an adjutant general's department, for example, indicated an intention on the part of Congress to provide an agency or instrumentality for the performance of the duties of an adjutant general which were well known and understood at the date when that department was established. In some cases the Engineer, Quartermaster's, and Subsistence Departments, for example, duties differing from or additional to those indicated by their titles have been expressly imposed by law. The General Regulations of the Army also prescribe duties to be performed by the chiefs of the several staff departments, and some of these general regulations prescribe, to some extent, the relations that have been established with a view to govern the heads of such departments in their relations to each other and to the Secretary of War.

The duties of The Adjutant General are those indicated as pertaining to that office by its title. Executive regulations in furtherance of the statute have been framed specifying in considerable detail the precise duties with which The Adjutant General of the Army is charged. These are set forth fully in paragraph 777 of the Army Regulations, which provides that—

"The Adjutant General's Department is the department of records, orders, and correspondence of the Army and the militia.

"The Adjutant General is charged, under the direction of the Secretary of War and subject to the supervision of the Chief of Staff in all matters pertaining to the command, discipline, or administration of the existing military establishment, with the duty of recording, authenticating, and communicating to troops and individuals in the military service all orders, instructions, and regulations issued by the Secretary of War through the Chief of Staff; of preparing and distributing commissions; of compiling and issuing the Army Register and the Army List and Directory; of consolidating the general returns of the Army; of arranging and preserving the reports of officers detailed to visit encampments of militia; of preparing the annual returns of the militia required by law to be submitted to Congress; of managing the recruiting service, and of recording and issuing orders from the War Department remitting or mitigating sentences of military convicts who have been discharged from the military service.

"The Adjutant General is vested by law with the charge, under the Secretary of War, 'of the military and hospital records of the volunteer armies and the pension and other business of the War Department connected therewith' and of the publication and distribution of the Official Records of the War of the Rebellion. He also has charge of the historical records and business of the permanent military establishment, including all pension, pay, bounty, and other business pertaining to or based upon the military or medical histories of former officers or enlisted men.

"The archives of The Adjutant General's Office include: All military records of the Revolutionary War; the records of all organizations, officers, and enlisted men that have been in the military service of the United States since the Revolutionary War; the records of the movements and operations of troops; the medical and hospital records of the Army; all reports of physical examination of recruits and all identification cards; the records of the Provost Marshal General's Bureau; the records of the Bureau of Refugees, Freedmen, and Abandoned Lands; the Confederate records, including those pertaining to the legislative, executive, and judicial branches of the Confederate Government.

"Upon the muster out or discharge of volunteers or militia from the service of the United States all the records that pertain to them and that have not already been filed in the Adjutant General's Office will be transferred to and filed in that office.

"The Adjutant General takes such steps as are necessary to complete or correct the records in his custody and answers all calls or inquiries that are answerable from those records and that do not require administrative action by other bureaus of the War Department. (Par. 777, Army Regulations, 1908.)"

That the duties so prescribed have continued without substantial change for nearly 75 years is indicated by the corresponding requirements of the Army Regulations of 1835, which provide that:

"The Adjutant General is the channel through which are issued all orders emanating from the headquarters of the Army and all regulations necessary to be communicated to the troops. He is charged with the details of the service; with the record of all military appointments, promotions, resignations, deaths, and other casualties, as well as the inventories of the effects of deceased officers and soldiers; with the registry, making out, and distribution of all commissions of the Army and of the Militia of the District of Columbia; with the safe-keeping of the monthly returns of regiments and posts and muster rolls of companies; the annual returns of the militia; the proceedings of general courts-martial and the records of the War Department which relate to the personnel of the Army; with the duties connected with the recruiting service, and the enrollment of all enlisted soldiers, showing the description, date of enlistment, discharge, desertion, death, and everything connected with their military history; with examination of all applications for pensions previously to their being sent to the Pension Office; and, finally, with the making out of the annual returns of the Army and the militia of the several States and Territories, and the publication of the annual Army Register. (Par. 1, Art. XLI, Army Regulations of 1835.)"

It is proper to say, also, that the questions in reference arose in the ordinary administration of the department, a matter which is entirely in the hands of the Secretary of War, as the representative of the

President in the conduct of military affairs. As it is practically impossible for a cause of action to arise of a character to require adjudication by the courts in the ordinary and habitual relations between the Secretary of War and the heads of the several staff departments, there are not precedents, in the usual acceptation of that term, which would assist in the determination of the questions referred to this office for opinion; and in passing upon the case decisive weight must be attributed to the approved practice of the department for the last 75 years in respect to the functions of The Adjutant General and his relations to the several staff departments and to the Army at large.

It is an essential incident of departmental administration that there should be some office in which the action of the Secretary of War, in respect to the duty to which officers of the Army are assigned, shall be made a matter of official record; and that office should also be charged with the preparation and submission to the Secretary of War of orders changing the station of officers or appointing them to particular duties. The Adjutant General, from the nature of his office, constitutes the channel of communication between the heads of departments and the Secretary of War in such cases, and in his office the record of the action of the Secretary thereon is made a matter of permanent record.

With the disbursement of appropriation and with the relations between the heads of the several staff departments and their subordinates in matters relating to the performance of the duties with which they are charged by law not involving changes of station or affecting other interests than those committed by law to a particular department of the staff for execution The Adjutant General has nothing to do. The requirements of the regulation in that regard are plain and prescribe that:

"Correspondence between an officer of a staff corps or department and the chief of the War Department bureau in which he is serving, which does not involve questions of administrative responsibility within the supervision of commanding officers outside that staff corps or department, nor relate to individual interests or status of a military nature requiring the action of authority outside that staff corps or department, and which is concerned exclusively with the business of that staff corps or department, will pass directly. All business emanating from the bureaus of the War Department requiring the action of higher authority will be submitted to the Chief of Staff for his consideration, either orally in person or in writing through The Adjutant General of the Army. In all cases the action of higher authority thereon will be communicated in writing by The Adjutant General of the Army to those concerned. Matters, however, of a purely civil nature will be submitted by chiefs of bureaus directly to the Secretary of War unless otherwise required by their subject matter. (Par. 789, Army Regulations of 1908.)"

The necessity of such a central agency as that above described is apparent when the enormous volume of administrative work with which the War Department is charged is considered. As a result of such an orderly disposition of the business of the department as is contemplated in the foregoing extracts from the General Regulations of the Army, it is possible for the Secretary of War to know at all times the exact stations of all officers of the Army and the nature of the duty upon which they are employed. He is also able to call for the entire record of a particular officer from the date of his original appointment to the Army, and in the operation of the existing system of efficiency reports, which are matters of record in The Adjutant General's Office, he is enabled to call for the record showing not only the nature of the duty with which a particular officer is charged but the manner in which that duty is performed, together with an authoritative estimate of the capacity and adaptability of the officer along several lines of professional activity.

It should also be borne in mind that several important enactments of Congress require that the methods of administration above indicated should be adhered to, and that a central bureau of record in respect to the stations, duties, and movements of commissioned officers of the Army should be constantly maintained. Such are the acts of July 29, 1876 (19 Stat. L., 102), and March 2, 1901 (31 Stat. L., 902), regulating the pay status of officers on cumulative leave; the act of March 2, 1901 (31 Stat. L., 903), allowing additional pay for foreign service; sections 1243 and 1244 of the Revised Statutes, and the acts of June 30, 1882 (22 Stat. L., 117), March 3, 1883 (22 Stat. L., 457), February 16, 1891 (26 Stat. L., 763), etc., governing compulsory retirement, retirement for age, and the retirement of officers at fixed ages or after specified periods of service.

The duties of the Engineer Department, in respect to the construction, maintenance, and operation of canals and works of river and harbor improvement, together with their work in connection with fortifications and seacoast defenses, are carried on under the direction of the Secretary of War and the Chief of Engineers, whose authority in respect thereto is measured by the enactments of Congress which prescribe their duties and responsibilities in that regard. It is only when the station of an officer is changed, or a leave of absence is granted, or a question of retirement is presented, that The Adjutant General becomes charged with the performance of certain duties respecting the record sides of the several acts noted. It is believed that the necessity for the keeping of such official records and the several details of administration which are necessarily incident thereto have been made apparent.

The following are the facts which furnished an occasion for the inclosed representations of the Chief of Engineers. Maj. McIndoe, who had been assigned to duty by the Secretary of War in charge of the engineer district of Portland, with station at Portland, Oreg., fell ill with typhoid fever; the case was a serious one, involving his relief from the status of active duty. Maj. Cavanaugh, who had been similarly assigned to duty in the office of the Chief of Engineers in Washington, was in Portland on leave of absence when Maj. McIndoe became ill, and communicated the facts in connection with Maj. McIndoe's illness to the Acting Chief of Engineers who, on September 3, 1909, directed Maj. Cavanaugh, by telegraph, to relieve Maj. McIndoe of his duties as engineer in charge of the Portland district, and to take over the public funds in his possession.

This action was reported to The Adjutant General, by telephone, about an hour before the close of official business on the same day. Col. Abbot, the Acting Chief of Engineers, was advised to make a full report of the case for submission to the Secretary of War. This report was furnished to The Adjutant General on the same day, but was not received at the mail room of The Adjutant General's Office until the close of office hours on the day following (September 4). The War Department was closed on September 5 and 6 (Sunday and Labor Day), and on September 7 the letter of the Acting Chief of Engineers was submitted to the Acting Chief of Staff, who, in the name of the Secretary of War, directed approval of the action taken.

As the telegraphic correspondence between Maj. Cavanaugh and the Acting Chief of Engineers was not inclosed in the latter's report of September 3, and this correspondence constituted an essential part of the case already submitted to the Acting Secretary of War, copies were called for by The Adjutant General on September 8, and were promptly furnished. As some important omissions, in the matter of dates, etc., were disclosed in the copies supplied to The Adjutant General, the originals of the telegrams to Maj. Cavanaugh and the Acting Chief of Engineers were called for by The Adjutant General, together with information in respect to certain correspondence between the former and the Lighthouse Board in respect to the substitution of Maj. Cavanaugh for Maj. McIndoe as the agent of the Lighthouse Board in the district of Portland. It is sufficient to say, as to this aspect of the case, that the action taken by The Adjutant General was in conformity to the established practice of the department, and the action proposed to be taken upon the case presented by the Acting Chief of Engineers was submitted in each case to the Acting Chief of Staff and to the Assistant Secretary of War, or to both of those officers, and their directions in respect to such action were taken by an officer of The Adjutant General's department and made a matter of official record.

The executive regulations applicable to the case, under which The Adjutant General acted in calling for information in respect to the relief of Maj. McIndoe and the assignment of Maj. Cavanaugh, are embodied in paragraph 777 of the Army Regulations, which provides that—

"* * * The Adjutant General is charged, under the direction of the Secretary of War, and subject to the supervision of the Chief of Staff in all matters pertaining to the command, discipline, or administration of the existing military establishment, with the duty of recording, authenticating, and communicating to troops and individuals in the military service all orders, instructions, and regulations issued by the Secretary of War through the Chief of Staff * * *. (Par. 777, Army Regulations, 1908.)"

The special reference which was necessary to complete the case for purposes of record and for submission to the Secretary of War, through the Chief of Staff, was authorized by the following requirement of executive regulations:

"The submission of matters to the Secretary by the Chief of Staff will be in person. Before presentation to either the Secretary or the Assistant Secretary the cases should be completed by obtaining the necessary recommendation, reports, or information from the bureaus of the department, or the military authorities outside of the department, and to this end the Chief of Staff is authorized to call therefor 'By order of the Secretary of War.' Paragraph 3, Order (E) of the Secretary of War of April 14, 1906."

The question presented in your indorsement of the 20th instant can now be discussed. First, an expression of opinion is desired as to the following question:

"1. Did the Acting Chief of Engineers act within his rights when directing Maj. Cavanaugh to temporarily relieve Maj. McIndoe?"

The assignment of officers of the several staff departments to stations is ordered by the Secretary of War, upon the applications of the heads of the several staff departments which are submitted to the Secretary of War through The Adjutant General in the operation of paragraphs 769, 787, and 789 of the Army Regulations. The orders of the Secretary of War directing such changes, instructions, or assignments are issued through The Adjutant General. In the case in reference Maj. McIndoe was assigned to duty as engineer officer of the Portland district by the Secretary of War on the recommendations of the Chief of Engineers. Maj. Cavanaugh was similarly assigned by the same authority to duty in the office of the Chief of Engineers in this city. As the assignments were made originally by the Secretary of War, changes in such assignments could only be made by the same authority; or, to state the matter in somewhat different language, a change of station or an assignment in the case of a staff officer can only be accomplished in pursuance of an instrument purporting to be an order of the Secretary of War, and a change in such station can only be made in the operation of an instrument of equal dignity and authority. It is therefore the opinion of this office that the first questions should be answered in the negative, that the Chief of Engineers did not act within his rights in directing Maj. Cavanaugh to take station in Portland, Oreg., and relieve Maj. McIndoe of his duties in charge of the engineer district of Portland.

The second question is:

"2. Has the Chief of Engineers authority without orders from the Secretary of War to assign to or relieve from duty, or order from point to point, such officers of his corps as are engaged (*a*) in river and harbor work; (*b*) upon fortification work?"

It is the opinion of this office that this question too must be answered in part in the negative. The case presented in the papers in reference involved the relief of one officer who had been assigned to a station of duty by the Secretary of War. It has been seen that, where an officer has been so assigned, his relief can only be accomplished in the operation of an order of equal authority and sanction; that is, the relief of Maj. McIndoe and the assignment of Maj. Cavanaugh to duty at Portland, Oreg., could only be accomplished, under the existing and long-established practice of the department, in the operation of instructions issuing in the name of the Secretary of War.

A different case is presented in the operation of paragraph 194, Engineer Regulations of June 26, 1902, which provides that—

"194. *Prior order or subsequent approval necessary.*—Travel must be covered by a specific order issued prior to the commencement of the journey. Such orders will be issued only where the journey is on account of and indispensable to the public service.

"Where urgent public duty requires travel without previous orders, the case must be reported without delay to the proper superior, whose approval, in subsequent orders, shall be accepted in lieu of a previous order in the case.

"In every case where the necessity for a journey on duty connected with any of the works of the Engineer Department can be foreseen in time to receive an answer before the desired date of departure, the order contemplated in the above extract will be asked for.

"In any case where the necessity for a journey can not be foreseen in time to receive an answer before the desired date of departure, the journey will be made and approval will be requested as stated above.

"In the former case the intended date of departure will be stated approximately. In the latter case the dates of departure and return to station, and the fact that the necessity for the journey could not have been foreseen will be stated, and in either case the reasons for the journey will be set forth in such manner that the Chief of Engineers may judge of the necessity for the journey."

As subsequently amended in the operation of Circular 46, Corps of Engineers, of 1906, subparagraph 1 of paragraph 194 reads as follows:

"194–1. *Prior authority required except in extreme emergencies.*—In view of the requirements of Army regulation 1313, as modified by General Order 144, W. D., 1906, officers of the Corps of Engineers will,

in general, await orders or telegraphic authority before beginning official journeys for which they expect to ask mileage. The telegraph may be used, by day or night, in asking orders in cases justifying the cost. In extreme emergencies the journey may be made without prior orders, but then a full report clearly showing not only the urgency of the journey, but also the impossibility before starting of securing telegraphic authority, must be submitted; unless the report be such as to satisfy the Chief of Engineers on the latter point, approval of the journey will not be given. (Cir. 46, C. of E., 1906.)"

It will be noted that the foregoing requirements of regulations have exclusive application to cases of emergency and are also restricted in their operation to cases in which the emergency is such that the necessity for the journey "can not be foreseen in time to receive an answer before the desired date of departure." In the case under discussion no such case of emergency existed. Maj. McIndoe's illness was unexpected, but the Chief of Engineers was apprised by telegraph of his condition, which was such as to suggest immediate action. The telegram was received during office hours on September 3, 1909, when The Adjutant General, the Acting Chief of Staff, and the Assistant Secretary of War were present in their offices in the War Department Building and in a situation to attend to any matters of public business that might be presented to them. It will also be observed that the regulations last above cited have relation, not to changes of station and duties, but to travel to be performed on the public business.

It is therefore the opinion of this office that, for the reasons above stated, it is beyond the authority of the Chief of Engineers to assign officers of the Corps of Engineers to duty, or to relieve them from an existing assignment, without the order of the Secretary of War. The authority of the Chief of Engineers to order officers of his corps from point to point, who are engaged in the construction of fortifications or in the establishment or maintenance of works of river and harbor improvement, depends upon other regulations than those which controlled the Acting Chief of Engineers in his action in respect to the relief of Maj. McIndoe and the assignment of Maj. Cavanaugh to duty in Portland, Oreg.

It is proper to say a word in conclusion in respect to the power of the Chief of Engineers to authorize officers of the Engineer Corps to travel on business connected with the prosecution of river and harbor improvements and other civil works which are intrusted to the Corps of Engineers for execution. It will be observed that the statutes and regulations, presently to be cited, relate to orders directing travel and not to orders directing changes of station and duty, which, as has been seen, are issued by the Secretary of War upon the recommendation of the head of a staff department, which is submitted to the Secretary of War through The Adjutant General, by whom the necessary orders are prepared and in whose office the orders of the Secretary of War, and the papers upon which such orders are based, are made the subject of permanent official record.

The following enactments of Congress and decisions of accounting officers, with the Executive regulations in furtherance thereof, govern in all matters relating to the travel of officers of engineers in connection with civil works, including the construction and maintenance of canals, bridges, dams, and works of river and harbor improvement. It is a fundamental rule in the disbursement of the appropriations of Congress to regard expenses incurred in travel, which is necessary in the construction of a particular work or the expenditure of a particular appropriation, as a proper charge against the work in connection with which the travel is undertaken. It has been held by the Comptroller of the Treasury that—

"The mileage allowance of officers of the Corps of Engineers when traveling on duty connected with river and harbor improvements, being an expense necessarily incidental to and incurred on account of such work, is properly payable from the appropriations therefor and not from the appropriation 'Pay of the Army,' at the special rates prescribed by Army acts for mileage payable from said appropriation." (III Dig., 2d Comp. Dec., par. 290.)

Such is the case also in respect to travel performed in connection with other civil works not relating to the military establishment—the Panama Canal, for example, the construction and maintenance of which is committed, by statute or by Executive discretion, to the Secretary of War and the Chief of Engineers. To that end the General Regulations of the Army contain the following requirement:

"An officer traveling on duty in connection with public works (not arsenals, military surveys, or explorations) will receive travel allowances from the appropriation for the work; but if there be no appropriation he will receive mileage from the Pay Department." (Par. 1315, Army Regulations of 1908.)

The act of September 16, 1890, provides that—

"In determining the mileage of officers of the Corps of Engineers traveling without troops on duty connected with works under their charge, no deduction shall be made for such travel as may be necessary on free or bond-aided or land-grant railways." (Sec. 15, act of Sept. 16, 1890, 26 Stat. L., 456.)

The current act of appropriation for the support of the Army contains the following requirement:

"Engineer School, Washington, D. C. * * * For travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances. * * *." (Act of Mar. 3, 1909, 36 Stat. L., 749.)

The Engineer Regulations approved by the Secretary of War on June 26, 1902, and March 2, 1906, contain the following requirements:

"5. Journeys to be performed by officers of the Corps of Engineers on duty connected with river and harbor work and with fortification work may be ordered by the Chief of Engineers or approved by him when the emergency requiring the journey does not permit of obtaining an order previous to making the journey. In the latter case the officer should certify upon the mileage voucher 'that urgent public duty required the journey to be performed without previous orders,' and the voucher must be accompanied by the approval of the journey by the Chief of Engineers or superior officer.

"16. The orders of the senior officer of the board shall be authority for journeys made by its members and associates and for the necessary expenditures incurred by the board in pursuance of its duties, but the authority of the Chief of Engineers must be obtained by the senior officer of the board for all journeys made by the board or members thereof to localities other than the usual place of meeting.

"Payment of mileage and for these expenditures shall be made from the appropriation for works of river and harbor improvement when the duty is connected with such works.

"192. Necessity for travel.—Applications to the Chief of Engineers for orders to travel, in addition to the requirements of General Orders, No. 3, 1880, H. Q. C. of E. (194, 195), will contain a certificate of the following form: 'This travel is necessary for the public service.' (Par. 1, G. O. 6, C. of E., 1882.)

"193. General authority not to be given.—The regulations respecting orders to travel on duty contemplate that, as a rule, an order shall cover a single journey only. General authorities to officers to visit their works or make other journeys at their discretion will not be issued. (Par. 2, G. O. 6, C. of E., 1882.)

"194–1. Prior authority required except in extreme emergencies.—In view of the requirements of Army Regulations 1313, as modified by General Order 144, War Department, 1906, officers of the Corps of Engineers will, in general, await orders or telegraphic authority before beginning official journeys for which they expect to ask mileage. The telegraph may be used, by day or night, in asking orders in cases justifying the cost. In extreme emergencies the journey may be made without prior orders, but then a full report clearly showing not only the urgency of the journey but also the impossibility before starting of securing telegraphic authority must be submitted; unless the report be such as to satisfy the Chief of Engineers on the latter point, approval of the journey will not be given. (Cir. 46, C. of E., 1906.)

"195. Visits to works on same general route.—Visits to works upon the same general route of travel will be made, as far as practicable, in the same journey, and separate orders to visit such works should not be asked for except in cases where the interests of the service make separate journeys indispensable. (G. O. 3, C. of E., 1880.)

"1907. Payment of mileage.—Officers of the Corps of Engineers, or those on engineer duty, traveling on service connected with works of public improvement which are not of a military nature, will be paid their travel allowances from the special appropriations for the work. When traveling on duty connected with fortifications or on any other military duty the mileage will be paid by the Pay Department. (A. R. 1536, modified to date in accordance with decision of the Comptroller of the Treasury, published in Cir. 23, C. of E., 1905.)

"199. Citations and cross references:

"(*a*) As to travel on duty by officers, see Army Regulations 68–75.

"(*b*) For general provisions regarding mileage for officers traveling on military duty, see Army Regulations 1307–1326, paragraph 1316, amended by General Order 189, War Department, 1904, and paragraph 1320, by General Order 135, War Department, 1905.

"(*d*) As to orders by the Chief of Engineers for travel, or subsequent approval thereof by him, see E. R. 5.

"(*e*) As to travel by members and associates of the Board of Engineers, see E. R. 16.

"(*h*) As to visits by officers to works within and works without their districts, see Circular 6, Chief of Engineers, 1896, 517, 518.

"517. Visits by officers within their districts.—Officers are authorized to visit works in their charge and within their districts as often as, in their opinion, the good of the work requires; but it should be noted on personal reports whether such visits are made with or without orders. (Cir. 6, C. of E., 1896.)

"518. Visits by officers outside their districts.—Officers are not authorized to visit other works or go beyond the limits of their districts or absent themselves on any duty not immediately connected with the official work in their charge without special and proper authority, except to take advantage of an authorized leave or under the provisions of Army Regulations 64. (Cir. 6, C. of E., 1896.)"

Very respectfully,

GEO. B. DAVIS,
Judge Advocate General.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
Washington, November 4, 1909.

The Acting Chief of Engineers, deeming that an emergency existed, issued an order directly and followed it up, in accordance with regulations, by obtaining through The Adjutant General the approval of his action by the Secretary of War.

The Adjutant General, on sending for the necessary papers to complete the files in his office, was of the opinion, in so far as the papers showed, that an emergency did not exist and that the order should have been issued through the proper channel as provided by the regulations.

The matter was submitted to the Acting Chief of Staff and the Acting Secretary of War, and the attention of the Acting Chief of Engineers was called to the fact that his action was, so far as the facts shown were concerned, unwarranted and unnecessary, and it so appeared so far as shown by my papers in the case at that time.

The Chief of Engineers then submitted a statement from the Acting Chief of Engineers, which amplified the record, going to show that the Acting Chief of Engineers had acted for the best in his belief and that it was only a question of judgment as to whether what he had done was not necessary and warranted; and, in view of the facts submitted by him, it seems fair to believe that he acted for the best and that the question was simply a difference of opinion. Had this been the only material in the indorsement of the Chief of Engineers it would have closed the matter, which was of very little consequence. Unfortunately the Chief of Engineers considered the indorsement referred to as a reprimand, which it evidently was not, and submitted a very intemperate and unnecessary statement reflecting upon The Adjutant General and introducing matters that were not germane to the case, the result of which was that The Adjutant General stated his position in a most caustic indorsement, embodying therein much that was unnecessary.

The matter was then submitted to the Acting Chief of Staff, who reported upon the matter most temperately and explained the cause for his action in approving the indorsement in question. No possible benefit to the service can be gained by submitting these indorsements to the Chief of Engineers and it is recommended that the matter be laid aside, except in so far as the paragraph in which the Chief of Engineers states that he was under no obligation to seek an order through The Adjutant General from the Secretary of War to take the action which he did. This necessitated a decision as to the powers of the Chief of Engineers regarding his subordinate officers. The papers were accordingly submitted to the Judge Advocate General, and he sustains the contention of The Adjutant General entirely in this particular case. It is recommended that no further action be taken, except possibly to issue a regulation defining the powers of the Chief of Engineers as regards his authority as to the issuance of orders to his subordinates. This can be stated, apparently, in a few words, as he seems to be limited to the issuance of orders direct to his officers, to those who are engaged on civil work and whose expenses and transportation are paid from the appropriation made for such civil work. In all other cases

involving change of station or duty he is subject to the same regulations as those imposed upon other chiefs of bureaus.

(No signature.)
Assistant Secretary of War.

Your committee has thus gone very fully into an examination and explanation of these papers because of the use which has been made of garbled extracts from them to get rid of the services of one of the most accomplished and useful officers of the Army—an officer who for more than 25 years has rendered inestimable service to the country, and by that service has saved much money and time, a service which has been recognized time and again by Congress; and in the opinion of your committee he has been guilty of no act which justifies the letter of the Secretary of War and resulted in the country's loss of his activities when they were most needed. Anyone who will give the same attention to these papers which we have must inevitably come to the conclusion that Gen. Ainsworth was blameless in every one of the instances cited against him by the Secretary of War as evidences of official misconduct. He acted in compliance with orders of superior authority. He occupied a most responsible position; he had at his command information not obtainable from any other source concerning the subjects under consideration, and it was his imperative duty to state his own knowledge and the results of his own experience as to these subjects, regardless of whether his views coincided with those of others or not. This he did fearlessly, frankly, and forcibly, and in doing so he gave no just cause of offense to any person, either superior, equal, or subordinate in rank or station, unless that person be one who regards the expression of an honest difference of opinion as an offense, or unless he be the unreasonable advocate of a proposition the worthlessness or danger of which has been exposed. The experience of this committee makes it regret all the more the absence of a fearless and honest spirit from the Army at a time when such attributes are so essential to aid it in coming to right conclusions on the many vexed problems which are now and will in the near future be placed before it for solution.

Your committee can only conclude from the record that these charges and accusations had their origin in prejudice, if not vindictiveness, and a determination to drive Gen. Ainsworth from active service, and have nothing to support them but bare assertion coupled with misrepresentation and the suppression of the truth. It is incredible to your committee that the Secretary of War or any intelligent adviser of his could have made these accusations in the honest belief that Gen. Ainsworth was guilty of any one of the offenses charged against him with such unnecessary vehemence and couched in such intemperate language. Some other reason must have actuated the Secretary of War in making them, and that other reason is not hard to find. Your committee, being familiar with all the different phases of the legislative features in the Army appropriation bill, can very readily account for this violent assault on Gen. Ainsworth. On May 17, 1911, in response to a summons from this committee, and not at his own suggestion, Gen. Ainsworth appeared before this committee for a hearing on the bill then pending to fix the term of enlistment in the Army at five years. He expressed himself frankly and freely in favor of the measure, and his reasons for favoring the bill were so cogent, so convincing, and so clearly stated as to carry conviction of their soundness to the minds of many if not to those of most of the members of the committee. Subsequently the War Department entered upon a campaign of bitter hostility against this measure—a campaign unprecedented in the history of such legislation; it used the newspapers, the Organized Militia, or such of them as it could influence, officers of the Army, enlisted men, and other means to influence Members of Congress. Notwithstanding all this opposition, the five-year enlistment plan was adopted by this committee and reported by it as a part of the Army appropriation bill.

The statement made by Gen. Ainsworth before the committee was included in full in the report accompanying that bill, and his views as thus set out in the report were generally regarded, and justly so, as the strongest arguments in support of the measure. He was also charged, although falsely so, with advocating to the committee, or some of its members, some of the other features of general legislation which were incorporated in the bill, and against which the War Department was conducting a campaign of opposition, although in the inception of the legislation the War Department had favored it. Clearly it was to the interest of those opposing these measures to discredit Gen. Ainsworth and his views. The opportunity seemed to present itself, for it was well known to everyone concerned, the officials of the War Department included, that the five-year enlistment plan and other general legislative provisions in the Army appropriation bill would come to a vote in the Committee of the Whole House on the state of the Union on February 15, 1912. On that day, as stated by the daily newspapers, the letter of the Secretary of War of February 14, relieving Gen. Ainsworth from the duties of his office, was served upon him. Soon afterwards, if not before, a copy of that letter was in the hands of a Representative, who, in due time, offered it to be read on the floor of the House in the midst of an assault on the five-year enlistment provision, and on the heels of a fierce and bitter attack on Gen. Ainsworth. The copy of the letter was read after some delay and appears on pages 2218 and 2219 of the CONGRESSIONAL RECORD of February 15. The Member who offered it stated that it was a copy of the "original document," giving the reasons why Gen. Ainsworth had "within the last few hours" been relieved from duty. The reasons for rushing a copy of this letter to the House of Representatives and for the use made of it there are obvious. Thus a believable explanation is afforded, which the letter itself does not, as to why Gen. Ainsworth was relieved from the duties of his office.

In the opinion of your committee great and irreparable wrong has been done by the letter of the Secretary of War of February 14, 1912. Because of its high source, the accusations made in it will be accepted as true by the majority of those reading it, whereas few people will ever see or hear of this or any other exposure of its true character and design.

If in the history of this country there was ever a more flagrant abuse of official authority than that which was consummated when the letter in question was served on Gen. Ainsworth and copies of it given simultaneously to the world, this committee has never heard of it. And the worst feature of it was that this officer of long and distinguished service had no tribunal to which he could appeal with any hope of receiving justice or fair treatment. For the letter shows upon its face that both the President and the Secretary of War, and doubtless their immediate military advisers, had prejudged the case without giving Gen. Ainsworth any opportunity to present his side of it.

As to what Gen. Ainsworth did after being summarily relieved from the duties of his office, and as to his motives for doing it, this committee has no information except the statement which appeared in the public press to the effect that he voluntarily applied for retirement from active service upon the suggestion of a United States Senator, who had been assured by the President that the case would be closed and no action taken against him if he applied for retirement. At all events, it appears from a transcript of the military record of Gen. Ainsworth furnished this committee by the War Department that after more than 37 years' service he was retired on the 16th of February, 1912.

Your committee in making this report has been actuated solely by the desire to set out at length what seems to it to be the truth about the case, and to do justice to an officer of the Army, who for more than 25 years had remained at his post of duty, and had discharged faithfully and efficiently, as well as with unusual ability, the very responsible duties of his position. Indeed, every department of the Army to which he has been attached has been bettered by his treatment of it, and he leaves the service with the well-deserved plaudits of all fair and unprejudiced men.

This committee received from Gen. Ainsworth, nor from anyone in his behalf, no request or suggestion that this matter should be made the subject of any action by the committee. His views are unknown to this committee; but common justice dictated that this action should be taken, and that Congress should be informed of all the facts in the case.

Water Power at Keokuk, Iowa.

EXTENSION OF REMARKS
OF
HON. CHARLES A. KENNEDY,
OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 25, 1912.

On the largest water-power plant in the world, being constructed at Keokuk, Iowa, by the Mississippi River Power Co.

Mr. KENNEDY said:

Mr. SPEAKER: I hold no commission to speak for the water-power company that is developing the largest water-power plant in the world across the Mississippi River at Keokuk, Iowa, but I happen to live in the county in which Keokuk is located and know something of the facts and want to correct some of the extravagant statements made by the gentleman from Illinois [Mr. RAINEY].

The charter for this water-power project was granted by Congress in February, 1905. It was a charter in perpetuity, and the water-power company was compelled, under its terms, to build a lock and dry dock and turn the same over to the Government free of charge. It was also provided that the company should furnish the necessary power to operate the lock and dry dock. At the present time there is a canal at that point, extending north for 9 miles, which has three locks. It costs the Government about $40,000 per year to operate the present canal. When the lock and dam are built the cost to the Government of operating same is estimated at about $13,000, which will mean an annual saving to the Government of some $27,000. The present locks are too small for the character of boats now being built on the upper river. The lock being built by the water-power company is to be some 400 feet long and 110 feet wide—as great a width as the locks on the Panama Canal and 30 feet wider than the locks as they exist. This dry dock and lock will cost the water-power company at least $2,000,000, and they are to be turned over to the Government free of charge. The gentleman also made the statement that they are disposing of a very small fraction of the power at St. Louis, for which they receive a return sufficient to pay 5 per cent on the investment.

Mr. MANN. Will the gentleman yield at this point?

Mr. KENNEDY. Yes, sir.

Mr. MANN. Under the law, is not this company also required to furnish the power with which to operate these locks?

Mr. KENNEDY. I made that statement.

Mr. MANN. The gentleman made that statement in reference to existing locks. They turn over the lock and dry dock to the Government and furnish power for operation?

Mr. KENNEDY. Yes; and furnish power for operating the new lock and dry dock. The power company builds an independent power house and furnishes power for all time to operate lock and dry dock.

The facts are that they propose to develop 200,000 horsepower. It is true they have a contract with the St. Louis company to furnish 66,000 horsepower, a little less than one-third of the power they propose to develop, for which I understand they are to receive something less than $20 per horsepower, delivered at St. Louis. As this project will represent an investment of some $27,000,000, it is apparent to the most casual observer that this will not pay anything like 5 per cent on the investment.

There is, however, a further consideration the Government receives by the building of this dam. The dam will back the

water for some 65 miles above, which will improve the Mississippi River along the lines proposed in the project now under way for a 6-foot channel on the upper river. It is fair to assume that it will cost the same rate per mile to improve the 65 miles as it will the entire reach. This will mean a saving to the Government of about $2,000,000. All told, there is compensation to the Government in the lock, dry dock, and improvement to the river of at least $4,000,000.

This company has had little trouble with the people over whose land the water will be backed by reason of the building of the dam and have adjusted about all the claims for damage to be caused by overflow.

Unless something unforeseen happens the lock will be ready for boats at the time of the opening of navigation next spring.

That you may understand what the building of this project means as a conservation measure, it will effect a yearly saving of coal to the amount of about half the annual output of the mines of Iowa.

It has been contended that this charter to build the dam was a gratuity by the Government, because the present locks and canal were ample for the present and future needs of navigation. This statement, however, is not correct; and I want to call attention to the following provision in the rivers and harbors act of 1903, bearing on this subject, which is as follows:

The Secretary of War shall cause an examination to be made of the Mississippi River at the foot of the Des Moines Rapids, near Keokuk, Iowa, to determine whether a dam constructed at the foot of said rapids would be a benefit or impediment to the navigation of said river. He shall also cause an examination to be made of the locks of the Des Moines Rapids Canal to determine the necessity for and cost of enlarging such locks.

In compliance with this provision, Maj. Meigs, the capable engineer in charge of the canal, was designated to make the examination. In summing up his report on whether a single lock and dam would aid navigation he used this language:

From all the above considerations I am led to think that a dam and single lock would not be a detriment to navigation, but an improvement on the present system. I believe, were the problem to come up at the preset time as an entirely new proposition, that the great water power created, the actual advantage to navigation in point of time, and the reduced cost of operation would determine the choice of the method of improvement in favor of some form of dam and pool as against a canal and three locks.

In connection with this examination he was also directed to report on the necessity for and cost of enlarging locks of the existing canal. He estimated that the cost of lengthening the locks without providing any additional width would be upward of $1,000,000. Since this report was made, however, the necessity for enlarging the locks, both in length and width, has become apparent. A company at Dubuque, Iowa, has been building boats to be used in the lower Mississippi River too large to pass through the locks of the present canal, and the hazard of building boats to be delivered at lower Mississippi points is too great when they are too large to lock through the canal, and there is no assurance that there will be sufficient water to take them over on the outside. The original width of the lock agreed to by the War Department was 95 feet. The water-power company, however, voluntarily agreed to increase the width to 110 feet at an additional cost of about $200,000.

In order to give a more detailed statement of the lock and dry dock which the power company is building to turn over to the Government free of charge I insert at this point a statement of same issued by the water-power company:

As a condition precedent to allowing this water-power development to be made in the Mississippi River, the United States, through Congress and the War Department, which has charge of navigable interior waters in this country, imposed upon the proprietary company numerous conditions. Some of these, and the most difficult from a purely engineering viewpoint, have to do with river flow at all stages and other requirements imposed with a single eye to navigation in the future. For one result, there will be deep water for boats for 65 miles of river above the dam.

Two of the most prominent things at the site of the works are the lock and the dry dock being built by the company.

The lock is one of the largest in the world; the dry dock is the largest in fresh water; both these are being built with the same care as to design and to detail as obtain in the construction of the dam and the power house.

When completed, they will be ceded to the United States, which will have complete ownership of them thereafter.

Not only these adjuncts, but every part of the entire water-power installation, is built under the constant and careful supervision of the Chief of Engineers of the War Department. The plans are all submitted in the most minute detail and must be approved by the Chief of Engineers before they can be carried out in construction. Inspectors of the Engineer Corps of the War Department are on the job all the time seeing that the plans are exactly adhered to in the construction work. All this grows out of the power of the War Department to regulate and control the navigability of rivers in the United States. It is believed that the United States makes and saves sufficient from this water power to equal a capitalization conservatively estimated at $5,000,000; experienced river men insist that the amount is nearer $10,000,000.

BUILDING THE LOCK.

The Government is now operating a canal along the Iowa bank of the Des Moines Rapids to enable boats to pass the rapids. This canal is 9 miles long and has 3 locks, the lower lock being at the lower end of the water-power works. This canal and locks will be drowned under many feet of water when the water-power plant is completed, and deep-water navigation in the river substituted therefor. It costs the Government $40,000 per year to operate the canal and locks. Lockage is free to boats.

The new dry dock replaces one of much smaller size now located at the middle lock of the canal, several miles up the river.

Both the new lock and the new dry dock will be operated by power furnished free in perpetuity by the water-power company, and this includes power for all the machinery employed in the machine shops of the dry dock, which really is a boat-building plant.

DROWNING THE CANAL.

The lock is located adjoining and south of the lower end of the power house, between the latter and the Keokuk shore line.

The first work in its construction was to excavate the river bed at its site to place its floor, which contains the culverts through which water flows into it and out of it. This excavation was done by blasting, like the excavation in other parts of the works.

The lock is 110 wide, the same width as those at Panama, and 400 feet long inside, the outside dimensions being, of course, much larger than these figures, and the outside length is 618 feet 6 inches.

THE LOCK GATES.

It is a proverb that the gates are the lock, since the walls present no considerable problems for the constructing engineer. The lock gates here are 50 feet high and 115 feet long and span the 110 feet width of the lock. The lift here is 40 feet, and this head of water against gates of 110 feet width, which must be easily and rapidly movable, presents serious problems, which had to be worked out very carefully, not to say ingeniously. The Panama gates span the same width of lock and the highest lift on the Isthmus is 32 feet, the usual lift there being a little over 28 feet, the Panama locks being terraced, three locks en suite in the most important locks of the interoceanic canal.

The gates here when closed will be curved in the arc of a circle, to gain the greatest strength against pressure, which a curved line presents. Each gate is a heavy steel truss, its members fitted together in lines to afford the greatest strength against water pressure and against the complex stresses coming upon the truss. This large, heavy, strong, trussed framework is faced with plates of steel. The pivot at the heel upon which the gate turns is a hemisphere in shape, a hollow half globe resting on a half globe, 18 inches in diameter, one of the surfaces being bronze and the other special hardened steel.

The time required for a boat to get through this new lock will be about 10 to 15 minutes. For miles up the river there will be deep water, permitting full speed, and no crossings to keep in the channel. It requires over an hour to get through the three locks now in use and two hours for a boat to pass through the canal under a slow bell. Steamboat officers who have been making the run for many years estimate that the steamboat time between Keokuk and Montrose, 12 miles up the river, will be shortened fully two hours by the building of this water-power plant; and they say they appreciate even more highly the abolishing of the great care hitherto incident to navigating above Keokuk and the bother of making three lockages.

The present canal and lock will be used through the navigation season of 1912 while the new lock is being built farther out in the river.

THE DRY DOCK.

The dry dock will be built alongside the new lock, between the latter and the Iowa shore, covering a large area where is now the lower lock of the canal, the headquarters building of the United States Engineer officer in charge of this part of the river, and the grounds of the Government reservation here.

Considerable blasting is necessary to excavate for the dry dock, which is 150 by 463 feet in dimensions. A dry dock is a chamber which is filled with water to allow the entrance of a boat, after which the water is allowed to escape, leaving the boat high and dry on ways or trestles over which she was placed while afloat.

Here will be provision for admitting and withdrawing the water from the dry dock on a scale commensurate with the size of the dock and those installed in the lock. The United States will have a considerable machine-shop plant adjacent to the dry dock.

The dry dock will be one of the last things constructed, in order to avoid interference with navigation, which is now through the site of the dry dock. The work will be done during the season of closed navigation in the river, between November and April.

It has been contended on the floor that a so-called Water Power Trust is buying up water-power sites over the country and has unlimited money to develop projects of this character. A brief statement of the experience the local water-power company had in financing this project, I think, will show that it is a difficult matter to find the money to put through projects of this kind. The charter, as I stated before, was secured by the Keokuk & Hamilton Water Power Co. in 1905, before the general dam act was passed. It was reported from the Committee on Interstate and Foreign Commerce by the present minority leader, Mr. MANN, which is sufficient guaranty that the interests of the Government are carefully safeguarded. It passed the House by unanimous consent. This local company, made up of enterprising and public-spirited business men of Keokuk and Hamilton, who had spent years of time and much money to have this project developed, started out, after securing the charter, to finance the project. After an unsuccessful effort covering some two years, they enlisted the interest of Hugh L. Cooper, one of the greatest hydraulic engineers in the country; a man whose engineering skill had planned and executed large projects in various parts of the world, a man who has the confidence of men with money to invest in large projects, because he had made good in every project he had undertaken. Notwithstanding all this and the fact that he had secured a contingent contract to dispose of 66,000 horsepower at St. Louis, he was not able to find the necessary money in this country and was obliged to go abroad for a large part of the money needed for the work. This is evidenced by large blocks of stock being held in Canada, England, Germany, France, and Belgium.

McLean Against Bowman.

EXTENSION OF REMARKS
OF
HON. CHARLES C. BOWMAN,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, August 24, 1912.

Mr. BOWMAN said:

Mr. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: When this election contest was commenced, started as it was over a month after the statutory time within which it should have been instituted, and only after the contestant had been here at Washington for some days, it was not considered seriously by those who knew the facts, among the inhabitants of the district generally. No one thought it would ever reach this House, and I say to you gentlemen that except for the insinuations of examining counsel for the contestant, his speeches before the committee, attacking the integrity of the entire judiciary of the county, blackening the character of its people and insulting their intelligence, and except for the unfair, unjust, and untruthful brief of the contestant upon which it is apparent the gentleman from Ohio has based his remarks, and when considered in the light of the real and credible evidence judicially weighed, this whole matter is farcical. Read the testimony in the case, and save for a few instances where counsel and witnesses have joked about matters which should have been above such treatment, but which in every instance were fully explained, you will find nothing which supports the statements or conclusions of contestant's brief or of the majority report based thereon. Lacking time to read the evidence of almost 800 pages, read carefully the briefs of both parties and by verification in the record ascertain which brief is truthful and worthy of belief and which conclusions you would indorse were your character and that of your friends and your constituency in question.

The contestee upon principle has refused to take any but defensive action in this case. His character for probity is established in his district, with those who know him in this House, and wherever he is known. The purpose of this is to correct any false impression gained by the gentleman from Ohio or made by him upon the minds of others.

Upon the suggestion, advice, and desire of many Democrats and Republican Members, and because of pressure of legislation matters incident to the closing days of the session, I asked the House to defer action upon this contest until next session. According to a prior understanding this was unanimously agreed to. It will be admitted by all that the last days of a long session, when great appropriation and other important general legislation must be considered, and when Members were anxious to get home, was not a time when I could hope to have this case considered in a judicial spirit, especially as we are entering upon a national political campaign, the passions and prejudices of which might affect the judgment to be rendered. Hence a consideration which I would gladly have welcomed during the days, months, and year the case lay dormant in the committee I was loth to have disposed of under the pressure of the last hours of the session.

Democratic as well as Republican Members of this House, who have examined the law relating to this contest, agree with Judge PROUTY, the ranking Republican member of the Elections Committee, in his report, from which I quote as follows:

It is the opinion of the minority members of this committee that there is no contest pending in this case. Section 105 of the Revised Statutes provides:

"When any person intends to contest an election of any Member of the House of Representatives of the United States he shall within 30 days after the result of such election shall have been determined by the officers or board of officers authorized by law to determine the same, give notice in writing to the Member whose seat he designs to contest his intention to contest the same, and in such notice shall specify particularly the grounds on which he relies in the contest."

The result of this election was legally and officially determined November 12, 1910, and the contestant was advised of the result at that time. According to law, therefore, he should have given notice of this contest on or before the 12th day of December, 1910. The notice was, in fact, given on the 14th day of January, 1911. It will thus be observed that the notice was not served on contestee until 32 days after the time provided by law for the instituting of contest proceedings.

This statute above quoted is expressly made a rule of the Committee on Elections and is and should be binding upon the committee. It is therefore the contention of the minority that the giving of this notice is jurisdictional and that the committee has no jurisdiction to determine any question unless this notice has been given. It has been so ruled on several occasions by this House. In the case of Bradley *v.* Hynes, section 901, volume 2, Hinds' Precedents, the rule is laid down as follows:

"The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statutes, the committee did not examine the case."

This is exactly the situation of the present case. Neither the statute requiring notice of the contest nor the statute fixing the time of taking testimony was observed. In the case of T. A. Thomas *v.* Arnell, cited at page 680 of volume 1 of Hinds' Precedents, it is expressly held that the parties themselves can not waive the pleading. The syllabus says:

"The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer."

The report in that case, which was adopted by the House, says:

"The committee were of opinion that it was not competent for the parties to entirely waive the requirements of the statute of 1851; that said statute was enacted not only to aid the parties in the preparation of their case, but also to secure a record and a distinct issue upon which the committee and the House were to pass."

To this end the statute requires the notice to be in writing and to specify in such writing particularly the grounds upon which he relies in the contest, and the answer to admit or deny the facts alleged in the notice and to state specifically any other ground upon which he rests the validity of his election. In that case, however, the House, while clearly recognizing the fact that no contest was pending, did, for equitable reasons, establish another rule and fixed the time for serving notice, "within eight days after the passage of this resolution."

This doctrine is fully established and maintained in O'Hara *v.* Kitchin, volume 1, section 730, Hinds' Precedents. In that case the syllabus states the rule thus:

"The testimony of contestant being after the legal time and against the contestee's protest, the committee report that it should not be considered and that the sitting Member's title should be confirmed."

In the case of Teasce *v.* Bell, cited in volume 2, Hinds' Precedents, section 1073, the same rule is announced, and we believe that there is no case where a different view has been announced. We are not unaware of the fact that as this law was passed by Congress it may be set aside by the same power that enacted it. We can see that under the power contained in the Constitution, which says, "Each House shall be the judge of the election returns and qualifications of its own Members," that the House may prescribe other rules and regulations for the determination of contests. It is also indisputable that until such other rules and regulations are made the existing rules and regulations are binding upon the House.

There are very many cases cited in Hinds' Precents confirming the doctrine that where the rule established by the law of 1851 was not applicable or grossly inequitable the House had the power to prescribe different rules and regulations for the penalty. There are several cases where the parties have failed to give notice within the time prescribed by the statutes where the House, for equitable reasons, has fixed another time or mode in which notice might be given, but we believe that there is not a case cited in the Precedents where a committee had reported the unseating of the Member where the notice was not given within the time provided by the statutes. We can see that if the contestant had been for any good reason prevented from giving notice in this case he might have applied to the House for permission to give notice, and that the House had the power to grant additional or different time, but no such request as that has been made of the House. The contestant filed his notice 32 days too late and took his testimony out of order, all under protest by the contestee, and we insist that under the precedents the committee had no power or authority to consider the case. The laws of Congress are certainly binding upon Congress until set aside by Congress itself, but the minority contends that even though the contestant was now presenting to the House the question as to whether or not he was entitled to further and additional time in which to give notice his showing does not entitle him to the application of the equitable rule. There is no showing in this record that would excuse the contestant from giving the notice within the time prescribed by the statutes. Certainly the House would not wish to establish a precedent that would warrant anyone in coming in any time he pleased and filing a contest. This would be unfair. No one would know when his seat was secure. Failure to file a notice might lull the sitting Member into such indifference as would allow the testimony by which he could defend his case to be lost or destroyed. The rule established by the statute is a just one, and this House ought to be slow in establishing another rule.

We insist that this record does not show that Mr. McLean, the contestant, used reasonable diligence. It is true that he was sick, but not so sick but that he transacted other business requiring more energy and concentration than the preparation or the direction for the preparation of a notice of contest. The evidence shows that the contestant was attacked with some intestinal trouble about the 31st of October, 1910. (Evidence, p. 7.)

It shows, however, that on the 5th day of November, 1910, he had so far recovered that two of his political friends, Messrs. McKenna and Kehoe, visited him (p. 624), that the editor of the Times-Leader had a conversation with him either the 5th or the 6th, and during that time contestant claims to have written a political letter to the editor of the Wilkes-Barre Record (p. 183). The day before election he read, or had read to him, articles from the Record and personally dictated a political letter for the Times-Leader and had conferences with his brother-manager and others. This was the day before election, which was held on the 8th. On that day he rode out and went to the polls and voted. He was up and around the 9th, the day after the election (p. 9). He personally wrote and signed a check for $25 on the 11th (p. 567). On the 12th he examined bills and wrote and signed several checks, some of them for political bills (p. 716). On that day he learned the official result of the election (pp. 682–683). The contestant was then evidently taken worse and went to bed on the advice of his doctor (p. 716). During that time he drew at least one political check. Contestant improved rapidly in the few weeks that he was in bed.

By the 28th of November he had so recovered that he began checking over his political bills and making checks for the same. On the 28th of November he personally drew and signed 30 political checks and personally made out his political expense account for filing, as provided by the laws of Pennsylvania. This account contained 43 items and was in his own handwriting (p. 631). This was on November 29, 17 days after he knew the result of the election and 13 days before his time was up for serving his notice of contest. If he was able to do this amount of personal work in preparing his own expense account, he certainly had strength enough to prepare and sign such a general notice of contest as is found herein, and if he did not have enough strength to do it himself he certainly had strength enough to request his brother-manager or other attorneys to make out a notice of contest for him. Especially is this so since his brother-manager and several of the attorneys who have acted as counsel in this matter were present and active upon contestant's behalf when the official returns of the election were for several days before the judges of the court of common pleas. They at this time decided not to make any objections

or contest the returns, apparently having in mind a congressional contest before this House.

It will be noticed that on the 30th of November the contestant drew five checks (p. 716). On December 1 he drew one check, and had so far recovered that he saw the doctor for the last time until the 28th (p. 716). On December 2 he drew eight checks. On that day or the next he started for Florida, and before going he had consultation with Attorney A. C. Campbell, one of his counsel in this proceeding, and Jesse Jones, and discussed with Campbell the election (p. 363). If he was able to start for Florida, he was certainly able to file a notice of contest, and all of this was in ample time to have met the requirements of the statute. For some reason he prepared no notice of contest until January 9, which was not in fact served until January 14. The real cause of delay, as admitted by contestant (p. 720) was the fact that the contestant did not know the law requiring notice to be served within 30 days; but ignorance of the law is never an excuse. It is also admitted that contestant's brother-manager did not know the law until January, 1911 (p. 683).

Our contention on this phase of the case is simply this:

First, that the contestant did not give notice, as prescribed by the statutes; second, that he did not make application to the House for another or different rule for the conduct of his contest; third, that he had no equitable or just ground on which he could have appealed to the House for the right to institute a contest after the expiration of the time provided by the statute. We do not contend that the House has not the power to expel its Members for any or no reason, but the power to expel must not be confused with the right of a party to contest the seat of a sitting Member. They are based upon entirely different provisions of the Constitution and require entirely different procedure. To expel a Member requires "a concurrence of two-thirds" (see sec. 5, Art. I), but to determine a contested-election case only requires a majority. While we concede that the House might now, if it saw fit, expel Mr. BOWMAN for any reason it pleased, or for no reason, if a two-thirds vote could be commanded, we insist that there is no contested-election case pending before it, and therefore we think that the case should be dismissed, and we so recommend.

The report of the committee as voiced by the majority fails, we believe, to show any views disagreeing with those above expressed, since they admit the statute, its disregard by the contestant, and the contestant's lack of any excuse whereby he might have any equity which would require a hearing. With these facts admitted, we feel that all members of the committee are united upon this question of jurisdiction. We also agree with the majority report that the case can not be considered from the viewpoint of reporting a resolution to seat the contestant; and we further fail to find any precedent which would permit the consideration of the contestee's case solely under such circumstances.

The report states, at page 3, that since the contestee permitted, without objection in the House, the reference of this matter to the committee, he is in no position to object to the consideration of the testimony so improperly and illegally taken. We can not accede to such a proposition, and we are assured that it has no foundation in precedent or the existing law.

We further desire to state that at every stage of the proceeding counsel for contestee took proper exceptions to the illegal actions of the contestant and his counsel and contended that they were being improperly treated by the utter disregard for all the law and precedents in such cases. We further beg to state that at the proper time and in the ways suggested by the precedents counsel for contestee have called attention to the failure of contestant's case. At all times before the committee having the matter in charge contestee objected to the consideration of this case as being in direct violation of the act of the House requiring contest to be instituted within 30 days of the election; and unless the House, as the lawmaking body of the land, proposes to violate the law of its own making, and all precedents therein, the case here ends.

Those who have read the testimony know that I have done nothing wrongful or illegal; others who know the source of this contest and who have read the majority report know what force to give to its statements and conclusions. I have already been vindicated by my constituents by receiving a larger vote for renomination at the primary just held than I received at the primary preceding the election in question, while the contestant was defeated for renomination and repudiated by the people of the district—Republicans and Democrats alike—as he sought renomination upon both tickets.

It is safe to say that the trouble and expense which this contest has put me to have been solely because my right to this seat has been used as a pawn in the political factional game that has been in progress for the control of the Democratic Party in my State.

Those desiring to investigate the legal proposition are referred to the citation of contestee's brief, pages 30 to 33. The majority report does not give any citations to the contrary. In this connection it may be worthy of note that the majority report is not signed; it is a matter of great persuasion to me, since I infer that it means that the members of the committee who did not sign the majority view did not have the time to corroborate the statements in contestant's brief or the argument of his counsel before them, and thus they assumed the statements to be accurate, but do not vouch for them. Had they been able to give this case careful perusal I feel assured that they would never have permitted such a report to be written.

The entire membership of the committee were satisfied that the contestant did not comply with the law relating to the time for commencing his contest, a fact which is plainly shown by the contestee's brief, pages 2 to 30, and also briefly set forth in the minority view.

This unanimous agreement upon this jurisdictional fact legally and equitably causes this contest to fall, as it is condemned on principle and authority. I refer you to the cases cited at pages 32 and 33 of contestee's brief.

When the question of deferring consideration on this case was to be discussed it caused surprise and regret that the gentleman from Ohio should make that an occasion to go into the merits of the case and display an apparent bitter feeling which he has acquired in the matter rather than being marked by judicial poise such as might naturally be expected of one who before the committee acted as a judge in the case.

It is stated that the minority report "is the weakest report which has ever been written in answer to such an indictment as the majority has made in this case." I am willing to let the minority report speak for itself, with this statement, however: That it was forced to be prepared in such haste that it was found impossible to take up the consideration of each and every instance cited in the majority report, and this because of the delay in presenting the majority report and the absence of the ranking member of the minority committee and the short time allowed for the minority presentation. They will be taken up by members of the minority, however, in later discussion, and hence I will confine my remarks to the matters mentioned by the gentleman from Ohio.

It is stated that the money expended by Chairman Davis, of the Republican county committee, for "special watchers" for contestee was "in violation of the laws of the State," and that "that money was expended for corrupt purposes." I am legally advised that the employment of such men is legal. There is no question but that it has been done from time immemorial in this district. Even contestant and his brother-manager, both of whom are lawyers, employed such watchers and accounted for expenditures as made. (See filed expenses of the "Treasurer for George R. McLean," Record, p. 707.) It was unquestioned when my predecessor in this seat was elected, as the field expense account of the Republican treasurer shows disbursements for this very purpose. (Record, p. 704.) Even the present Democratic District Attorney Bigelow used money to procure watchers, and he distinguishes between "the best watchers and the best poll men." (Top p. 586, Record.) It would be worth your while to read this gentleman's testimony, as it gives a good insight into the methods and ways of this district. Yet, notwithstanding these facts, the contestant calls such expenses illegal, and the report following the brief says it is illegal and corrupt. I defy anyone to point out in the testimony proof that a single dollar of the money expended for such watchers was used to buy votes, which I assume is what is meant by "corrupt purposes." In many instances each hand through which money went was shown in the testimony until ultimately some actual worker was shown to have received $5 for his work in getting out the vote on election day.

I am not a lawyer, but I am advised that under the Pennsylvania statute money may be spent by a candidate and by a party committee; both must file accounts of expenditure under the corrupt-practice act, but only for the money expended by them. There is an attempt to confuse the expenditures made by the Republican Party through Chairman Davis for which contestee had no duty under the law to account with expenditures made by contestee personally, for which it was his duty to file and for which he filed an accurate account.

Under the Pennsylvania law the failure to include an item of expense does not work a forfeiture of the office; if the expense is legal the account would be re-formed. What, then, would become of contestant's claim as to the $700 auto payment or the $50 Giering payment? Both were legitimate, even if made for political purposes.

Money given one F. J. McCanna, a Democrat of Pittston, for special watchers, is cited as a corrupt use, and the statement made that "the record is silent as to the 'special watchers' that this man McCanna hired at Mr. Roosevelt's request." As has been stated in the testimony, especially by Mr. Gigelow, party lines were broken in this election and the district was swept by the Keystone Party. The Democratic vote for State officers was only 3,444 for governor, 4,827 for lieutenant governor, and only 3,842 for secretary of internal affairs. With party lines so broken, with McCanna, a resident of my own town, helping me as he did in the primaries, is it strange that he should continue his support for the election? The contestant could have found out where the money he received went had he been called as a witness. As the testimony states, there is nothing which would support the statement of the gentleman from Ohio, except his own suspicions.

Money sent one Lawrence Cosgrove is mentioned. The circumstances were that I saw the burgess of the village—a personal friend but political opponent—where Cosgrove was chief of police, and he told me if we wanted to have some one employ watchers and correct certain stories that were being circulated about me Mr. Cosgrove was the best one to act. I reported my conversation to Chairman Davis and a check for $150 was sent.

The burgess himself worked for the contestant. (Record, p. 572.) Why did not the contestant call Cosgrove as a witness and find out what he did with the money? One of contestant's witnesses seems to show that the gentleman was working for contestant on election day. (Record, p. 503.) Upon this proof the buying of votes is based. If one were suspicious it would be more reasonable to suspect from the testimony that this money was used to further contestant's interests rather than contestee's.

The next subject taken up is the matter of an incorrect expense account having been filed by contestee. It is insisted that an item of $700 was left out. Why should it not be left out if it had nothing to do with political matters? If I purchase an auto from the Republican county chairman after election what has that to do with my political expenditures? Other statements regarding this auto are incorrect. I knew the car, having ridden in it when the property of Mr. Shepherd of my city. Before purchasing it Mr. Davis told me he paid $600 for the car, and that he had spent nearly $200 in improvements, new tires, and so forth, and that it was in good running order. He bought it to help a poor fellow support himself and family. I was glad to help Mr. Davis out by buying the car, as he managed my primary campaign and acted as chairman of the county committee without the promise of reward of any kind or character. The gentleman from Ohio [Mr. ANSBERRY] stated in his address to the House that there was an erasure on the stub of this check. He was mistaken; no erasure has been made upon the stub of that check. The check book and check are open for his inspection or that of any other person. Jonathan R. Davis is incapable of a dishonorable act. He is a business man of means, a bank director active in church work. During the last year he was appointed by the nonpartisan court as president of the board of assessment and revision of taxes for the whole county, called the richest natural area in the world. In acquired wealth it is only exceeded in the State of Pennsylvania by the cities of Philadelphia and Pittsburgh.

Another charge is that I wrongfully gave $50 to E. T. Giering, January 4, 1911, after election. Mr. Giering wrote editorials in the Wilkes-Barre Record of his own free will and accord, with no suggestion on my part, favoring my candidacy. I intended to present to him a watch at Christmas time, but forgot to do so. My attention was called to it after New Year's Day; told my bookkeeper I wanted to make him a gift of $50. For many years I have kept a ledger account headed "Duty," under which gifts of this character are charged. The gentleman from Ohio [Mr. ANSBERRY], in his address to the House, stated: "The check was altered from 'political' to 'duty,' and Giering's name was erased." He was mistaken. See the testimony of the bookkeeper, page 49:

Q. When did you write "for duty"?—A. *The first time that I wrote the check.*

Q. He didn't tell you it was a gift until after you had drawn the check up, did he? What I want to get at is this: You put on here a recognition of indebtedness and at the same time another entry indicating that it was simply a mere philanthropic bequest.—A. I understood from the first it was that.

The check was first drawn to the order of E. T. Giering. After it was signed the bookkeeper wrote above his name, "C. C. Bowman for," so that I could get gold for it, as I desired to make the gift in that form.

In justice to Mr. Giering, who is one of the most conscientious, Christian gentlemen it has ever been my pleasure to know, I would state when I handed the gold to him he asked: "What is this for?" I answered: "In appreciation of the many favors you conferred upon me during the campaign in your editorials." He answered: "I can not take it; I have only done my duty." I told him he would offend me if he did not accept. He stated that he would in any event be obliged to consult Mr. Moore, the business manager of his paper. I waited in his office until he went downstairs to see him. Upon his return he reported that Mr. Moore did not object to his accepting the gift. This innocent transaction, occurring two months after election and nearly a month after this contest could legally be brought, has caused me more regret than anything else in connection with this whole contest. Mr. Giering is a very sensitive man; his grief over the misstatements regarding this gift seriously affected his health. At one time it appeared as though it would end his days.

In reference to the Prohibition nomination, the testimony does not support the serious statements of the gentleman from Ohio. The chairman of the Prohibition Party testified:

Q. You were willing that Mr. Bowman appear, as he did appear, as the Prohibition candidate for Congress of Luzerne County?—A. Yes, sir; of Luzerne County. (P. 17.)

The secretary of the party testified:

Q. When you came to signing up the paper you signed some kind of a paper for Mr. Bowman, you three officers did; that is, you signed the same kind of a paper that you signed for Mr. Palmer when he became the candidate in Mr. Ricketts's place?—A. I couldn't tell you what I signed for Mr. Bowman, but the paper looked all right.

Q. It was understood that he was legally and regularly put on your ticket?—A. Yes, sir. (P. 21.)

Comparison of the substitution papers for this election (p. 669) with those made in past years by the same men will show their similarity (pp. 712–715). It is surprising to find this matter taken up when the majority report treats of this matter as follows:

With regard to the legality of the substituted nomination of the contestee by the Prohibition Party the committee has felt—

And so forth (p. 3 to the end of the paragraph).

There is no proof that either the contestee or the Republican county chairman, Davis, had anything to do with the Nanticoke newspaper article referred to by the gentleman from Ohio. Personally I can say that I never saw the article until this testimony was taken, and it was not paid for except from Republican funds in the hands of the Republican Party county treasurer. And right here I again protest, as I and my counsel have throughout this contest, to the statements made "regarding Bowman's manager and Bowman's money," when the testimony and facts are that they should say the "Republican county chairman or treasurer and Republican money." There were other contributors to the Republican campaign that year than myself, and no differentiation was made as to the spending of said fund or keeping one contributor's money separate from the others.

The testimony does not sustain the statement made by the gentleman from Ohio that the contestee would provide anything necessary to procure the nomination. The statement which I made at that time and which is not fully given in the testimony was that anything that was necessary to carry on the campaign for the Prohibition Party I would furnish, knowing, as I did, that these expenses would be small or nothing at all, as was the case.

Again referring to the newspaper article, which is assumed as emanating from myself or Chairman Davis, the testimony of the chairman of the Prohibition Party will show the injustice of the conclusion of the gentleman from Ohio:

Q. If you had become acquainted with this declaration coming from one of Mr. Bowman's organs, whether or not you would have joined in his indorsement on the Prohibition ticket?—A. I would have inquired of Mr. Bowman whether he knew anything of that, and if he said he did, I would not have joined. I understood at the time that the liquor men were in favor of Mr. McLean and that Mr. Bowman was on the temperance side. (P. 17.)

* * * * * * *

Q. If somebody had sent you copies of these papers or had written you, or had come to you and said to you what Mr. Lenahan has said to you, what you would have done is to ask Mr. Bowman whether he stood for that?—A. Certainly.

Q. And if Mr. Bowman told you, "No; I don't stand for that sort of thing," you would have done just what you did do?—A. Very probably.

Q. In other words, what you did do or what you would have done or should have done would be determined not by newspaper talk or rumor but upon direct inquiry?—A. Yes; I understood Mr. Bowman to be a Christian and an upright man, and I would have taken his word. (P. 18.)

The chairman of the Prohibition Party also stated that Mr. Bowman's reputation around this region for years and years was that of a thorough temperance man (p. 19).

The statement of the gentleman from Ohio that he had in his hand a list of mine officials, numbering about 50 names, leads me to believe that he had pages 29 to 32 of contestant's brief before him. The further statement made that these were men "who received all the way from $20 to $140" is not accurate. Of the 54 names on that list there were 12 whom the testimony shows received no money at all; 9 received but $5, and that from Republican funds. The money was not kept personally, but was expended for either Republican poll men or special watchers, and 3 of them were Republican Party officials whose duty it was to get poll men and pay their party subofficials or even the poll men themselves. It was pointed out in contestee's brief that, considering only 1 of each kind of mine official listed for every mine in the county, there are over 900 of such officials. What were the other 846 doing this election?

The further statement that two friends' names were kept out of the report means nothing. If he intended to say that the payments to them were kept secret, he is mistaken, as the money paid them was accounted for and their receipts filed with the county clerk. (Record, p. 78.)

It is gratifying to me that we can trace some of this money which is stated to have been used to coerce men and buy votes. Mr. Hollister gave $15 of the $50 to one P. H. O'Brien, who was also a witness. O'Brien testified that he gave the money to three men, McKeown, Mullin, and Clifford. McKeown and

Mullin were brought in as witnesses by the contestant and stated that they received the $5 each, and that they worked for the same. All of these men were personal friends of mine, and I ask that you read the testimony and assure yourselves of the mistake that has been made in this unsupported accusation. The other friend, Mr. Jennings, is a neighbor of mine who spent $26 of his own, gave one Patrick Kelly, over whom he had no control, and who was not employed by him, $15 to work for Mr. Bowman, and one John Brown $11 for watchers in Port Griffith. Neither of these men was called to show that they had spent the money for any other purpose than that for which they received it. Nor is there any proof that they voted any differently for receiving said money. After election I paid Mr. Jennings for his disbursements. I believe when gentlemen of the character and standing in the community such as Mr. Hollister and Mr. Jennings enjoy are so infamously accused of coercion and buying of votes, that it is time when all honest men of all parties should forget their prejudices and give such men the vindication which they deserve and expect. I feel that the gentleman from Ohio has not read the testimony regarding this matter, otherwise he would not have made such statements. His characterization must have been received from some source outside the evidence and from a source as base as the accusation itself.

It is with great regret that I have taken up these various statements of the gentleman from Ohio; but I have done so as briefly, carefully, and patiently as possible. If any of the gentlemen of the House are interested to know the real reason why the contestant in this case was defeated, he has only to read the testimony of the contestant's friend, Ernest G. Smith, chairman of the Keystone Party at this election, and editor of the Wilkes-Barre Leader, the leading Democratic paper in the district (pp. 325–329, 640–643).

In concluding I call attention to data which should be the best proof of the impossibility of the suspicions which have caused the conclusions of the majority. The Republican vote at this election where the State officers were supported by the liquor element was, governor, 12,389; lieutenant governor, 11,166; secretary of internal affairs, 11,181; Bowman, 13,661; while the Democratic vote was as follows: Governor, 3,444; lieutenant governor, 4,827; secretary of internal affairs, 3,843; McLean, 13,854. A perusal of the results for the various districts will show that the contestee ran about the same as the other Republican candidates, save in those parts of the district where he was well known or a resident; while on the other hand, there are many districts ordinarily Republican, which had a large vote for the State officers and the same vote for the contestant, showing, according to contestant's own counsel, returns which were prima facie fraudulent. (Contestee's brief, pp. 91–92.) In concluding I call your attention to other data well set forth in the minority report, proving conclusively that the election in 1910 was not only "quiet" (p. 81) but "clean" (p. 641), and that this House should confirm the result as given by the people voting and by the judges of the court of common pleas, which judgment has been still later affirmed by the results of the late primaries and by all parties.

Congressman Humphrey's Platform—What He Favors.

SPEECH

OF

HON. WILLIAM E. HUMPHREY,

OF WASHINGTON,

Friday, August 23, 1912.

Mr. HUMPHREY of Washington said:

Mr. SPEAKER: A certain newspaper critic of mine has written a letter in which he makes this statement: "Will some one tell us Congressman HUMPHREY's platform; what he favors and what he has done?" I am very glad to publicly give a brief answer to these questions.

PLATFORM.

My platform is the history of the Republican Party, the platform adopted by the Republican convention last June at Chicago, and my record as a Member of this House.

The history of the Republican Party is the history of this Nation for the last 50 years. It is the history of every political achievement for half a century that commands the approval and the admiration of the American people. The platform adopted by the Republican convention in Chicago last June is the platform on which President Taft was nominated, and it is the platform upon which Col. Roosevelt sought nomination. This platform received the unanimous indorsement of the supporters of both these distinguished men. It was good enough for the followers of each. I commend it to careful reading of every patriotic citizen.

What I have done here is written in the records of this House.

WHAT I FAVOR.

The following is a brief summary of some of the more important policies that I favor:

First. The system of protection. A system that protects the labor of this Nation from the competition of the cheap labor of the rest of the world; that keeps American markets for American farmers, develops American industries, and secures money to pay the expenses to run the greatest Nation of the world.

Second. A great Navy to protect our interests and maintain our position among nations and as the best guaranty of peace. I am uncompromisingly against the no-battleship policy of the Democratic Party.

Third. The restoration of our merchant marine, that we may carry our own products to the ports of the world and be free from the exorbitant rates imposed by the giant foreign steamship trust.

Fourth. Making the Panama Canal free to every ship that flies the American flag.

Fifth. Territorial government for Alaska and such other legislation as will at once develop the measureless wealth of that vast territory.

Sixth. A change in the present tariff law that will prevent goods carried in foreign ships from an American to a foreign port from being distributed by rail into various parts of the United States without the payment of duty. In my judgment, this is the most important question now before the people of the State of Washington.

Seventh. The building and maintenance by the Federal Government of good roads in national forest reserves and public parks, and in my State returning to the State the school lands that belong to it.

Eighth. Greater restriction of immigration.

Ninth. The workmen's compensation act, an extension of the eight-hour law to all Government work.

Tenth. Strict and fearless enforcement of the antitrust laws.

Eleventh. The removal of judges by some direct and speedy means after a fair trial, but not by recall by elections. Elections are slow and costly. We already have too many elections and too many officers.

These are not all but some of the policies I favor.

I will now enumerate some of the laws and bills I have favored since I have been a Member of this House:

First. Antirebate railroad law.
Second. Railroad rate law.
Third. Pure food law.
Fourth. Meat inspection law.
Fifth. Postal savings bank law.
Sixth. General parcel post law.
Seventh. White slave traffic law.
Eighth. All bills for restoration of the American merchant marine.
Ninth. Corporation tax law (in tariff law).
Tenth. Abrogation of Russian treaty relative to passports.
Eleventh. Territorial government for Alaska.
Twelfth. Resolutions for election of United States Senators by the people.
Thirteenth. All pension laws.
Fourteenth. Panama Canal law permitting ships in the coastwise trade to use it free.

LABOR LEGISLATION.

Fifteenth. Government eight-hour laws.
Sixteenth. Unhealthy occupation (phosphorus match) law.
Seventeenth. The anticonvict-made goods bill.
Eighteenth. All laws restricting immigration.
Nineteenth. Federal employees' compensation law.
Twentieth. Workmen's compensation bill.
Twenty-first. The hours of labor on railroads law.
Twenty-second. The child's labor bureau law.
Twenty-third. The safety appliances and boiler inspection law.
Twenty-fourth. Bureau of Mines law.
Twenty-fifth. Department of labor bill.
Twenty-sixth. Dredge workers' eight-hour law.
Twenty-seventh. Post-office clerks' and carriers' eight-hour law (in Post Office appropriation bill).
Twenty-eighth. Removal of what is known as the "gag law" for Government employees.
Twenty-ninth. The Industrial Commission bill.

Thirtieth. Investigation of the "Taylor system" as to its adoption by the Government.

Thirty-first. Extension of the act giving compensation for injuries to Government employees to the Bureau of Mines.

Thirty-second. Masters, mates, and pilots' bill to reduce hours of labor on vessels.

The above laws and bills and many others since I have been a Member of this House tell their own story in acts, not in words, as to what I believe and what I favor, and no comment by me thereon is necessary. They demonstrate my attitude upon most of the great questions that have been before Congress or the country for the last decade.

WHAT I HAVE ACCOMPLISHED.

Now, as to what I have accomplished. This, of course, is a question that concerns especially my own district and my own constituents. Upon this point I prefer to let the statement be made by others. I therefore quote an editorial from the Everett Daily Herald, one of the leading papers of my district, under date of August 25, 1910:

"CONGRESSMAN HUMPHREY'S RECORD.

"The work that Congressman HUMPHREY has done has not been fully appreciated even by his friends. He has not received due credit therefor, because his modesty has prevented him from advertising the facts. The amount of money authorized to be expended in this State and district, most of which was directly due to legislation which he materially assisted in passing, is really most remarkable. The people of this district should study these facts. A partial list is given below:

For fortifications on Puget Sound	$4,000,000
For submarines	2,000,000
For dry dock	2,300,000
For torpedo boat planter	300,000
For navy yard (1911)	885,000
For public buildings—Bellingham	320,000
For public buildings—Everett	120,000
For public buildings—Seattle	200,000
For rivers and harbors in the State	12,000,000

"FIRST CONGRESSIONAL DISTRICT.

Bellingham	$92,000
Everett—Snohomish River	280,000
Skagit River	100,000
Swinomish Slough	10,000
Lake Washington Canal	2,275,000
New snag boat and dredger	75,000
And smaller items amounting to about	15,000

"The total expenditure authorized by the legislation which Mr. HUMPHREY directed in the Sixtieth and Sixty-first Congresses calls for an expenditure in this State of approximately $22,000,000. The people of this young and growing State appreciate a Representative that can get as much and probably more for this district than is received by any other district in the United States. As an appropriation getter such a man is an asset to a district whose value can not be overestimated. Not one of the projects mentioned above but that will need further attention and further legislation. No new man could secure these appropriations, however able he might be, because of the fact that it will be impossible for him to get the committee assignments which Mr. HUMPHREY now holds.

"Nor has all of Mr. HUMPHREY'S work been in the way of appropriations. He had a game law passed for Alaska that was a great benefit to that Territory. During the last session he had passed a law to compel all ships using American ports to be equipped with wireless telegraphy. This was a matter of humanity and was done for the purpose of protecting human life in case of accident at sea. For years the owner of motor boats and the Department of Commerce and Labor have both desired some law that would regulate these boats. Last session Mr. HUMPHREY, after a great deal of work, had passed a law that was satisfactory both to the boat owner and to the Government. This law is of far-reaching effect, as it directly interests more than a million people in the United States. A short time ago Mr. HUMPHREY had a new railway mail division established, with Seattle as headquarters. He succeeded in having the headquarters located in that city, although Portland and Spokane desired it. About a year ago he also had the office of immigration commissioner in this district created. This is a matter of importance to the whole Pugent Sound country.

"This is a brief outline of some of his most important work and is a record that will compare favorably with that of any other Congressman in the United States.

"Labor in this State never had as good a friend as Congressman HUMPHREY has proven himself to be. Not by promises, but by work, by getting something for labor to do. He has always voted for all legislation in the interest of labor. Of the more than $20,000,000 that will be expended in this State by the legislation above referred to, more than 90 per cent will go to labor. Mr. HUMPHREY'S speech against oriental labor was one of the ablest addresses made on the floor of Congress during the tariff debate, and had a great influence in having the tariff so adjusted on shingles as to protect the shingle weavers of Washington from foreign competition. Already this change largely brought about by his effort has given over $3,500,000 in wages to the shingle weavers of the State of Washington that otherwise would have been paid largely to the Chinese, the Hindu, and the Japanese working in the shingle mills of British Columbia.

"It is not to be wondered that Mr. HUMPHREY'S sympathy is naturally with those who work. He was a poor boy, lived on a farm, and worked his way through college and has made himself what he is by his own efforts. He never was attorney for any corporation except the city of Seattle, and has never in any way been identified with that indefinite something called the 'interests.'

"In the years of faithful service Mr. HUMPHREY has given to this State and this district there never was heard from any source a word of complaint against his work.

"This district has many things to seek at the hands of Congress, and therefore needs, to a more than ordinary degree, Representatives at Washington who can get practical results. It would be the height of folly for us to 'change horses in the middle of the stream,' and that, too, when we would be trading a good horse for an untried one."

Since the above editorial was written the Democratic Party, except during the short session of the Sixty-first Congress, has had control of the House. This Democratic majority has been so busy investigating so many things that never happened and playing politics that they have not had time to give attention to much legislation that is urgently demanded. I have found it impossible to persuade the majority to give needed appropriations for roads through forest reserves, for public parks, public buildings, and many other necessary purposes. In their program of economy the West has been specially selected as the place to practice it. I have found it impossible for the first time since I have been in Congress to even get a hearing upon many of my bills before committees, owing to the continual absence of a quorum.

Outside of securing the regular appropriations for rivers and harbors on the Pacific coast, and appropriations for our navy yard, and other appropriations carried in the regular bills I have devoted most of my time this session to securing legislation that would permit American ships to pass through the Panama Canal without the payment of tolls. This has been secured for ships in the coastwise trade, and but for the persistent opposition of the foreign steamship combines and the railroads, hiding behind the pretext of the protest of England, it would have been free to all American ships.

One bill which I introduced and had reported from the committee, passed by unanimous consent through the House, amends the present antitrust laws so that any foreign ship upon conviction of having violated our antitrust laws could be excluded from our ports. This bill, however, through the same railroad influence, and the influence of the foreign steamship trust, that prevented a free canal for all American ships, is being held in the Senate. This bill is the most important bill relative to our foreign commerce, except general tariff legislation, that has passed this House since I have been a Member.

The Appropriations Committee attempted to abolish the assay office at Seattle by refusing to make appropriations for its maintenance. However, after a vigorous fight upon the floor of the House my amendment was adopted restoring this appropriation and thereby saving the office.

At the first session of this Congress nothing was considered but tariff bills that never became laws and that no one ever expected to become laws. This present session will be known as one great in length and small in accomplishments. All that we have done of any value could easily have been done and Congress adjourned by the last of May. Politics has been the keynote so far of this Congress. Under these circumstances it has been impossible to accomplish much for the country or for my district.

Such, Mr. Speaker, is a brief statement as to where I stand, my platform, and some of the things that I believe that I have had some part in accomplishing. Some of this record in the light of to-day I would no doubt like to modify. I have made mistakes, but I have acted always to the best of my judgment at the time. Taking my record as a whole, looking back from to-day, I am proud of it and stand by it. Whatever my faults or shortcomings may be, no man, not even my bitterest enemy, has ever accused me of incompetency, lack of integrity, or neglect of duty. I feel, therefore, that I have a right to be reasonably satisfied with my 10 years as a Member of this body.

Review of Record in First and Second Sessions, House of Representatives, Sixty-second Congress.

EXTENSION OF REMARKS
OF
HON. L. C. DYER,
OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. DYER said:

Mr. CHAIRMAN: Under the leave granted to me to extend my remarks in the RECORD, I want to call attention, in a general way, to my record in the first and second sessions of this Congress, primarily for the purpose of informing my constituents how I have tried to represent them. In November next, which is the time for the general election in Missouri, I will ask the qualified voters of the twelfth congressional district of that State to reelect me to Congress. I want them to be advised as to my position upon public questions, so that they may intelligently decide whether or not I am a fit Representative for them in the Congress of the United States. My district is located a thousand miles from the seat of Government, and, of course, my constituents can not keep posted in detail concerning my work in Congress. This is therefore for the purpose of giving them such a detailed statement as is possible under the circumstances. Of course I can not give them a statement of all the work that I have done or attempted to do here, because a great deal of my work in their behalf has been in attending to many details of departmental work and in the different bureaus of the Government. My district is a great commercial district, one of the greatest in the United States, and the second wealthiest, and of necessity the great commercial houses, corporations, and individuals have numerous need for the services of a Member of Congress in looking after many things of great importance to them in the various branches of the Government, and which do not become a part of the record, so to speak, of a Representative in Congress. My mail brings me on an average about 60 letters a day, containing numerous requests for advice and assistance in governmental matters. Concerning this I can not in this statement make mention in detail. What I desire to say pertains particularly to my work in Congress, which is of record in the House of Representatives. In order that the people of my district may easily investigate my record upon important matters, I herewith insert a copy of the index of the CONGRESSIONAL RECORD, having especial reference to myself, to wit:

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Begley, Daniel J.: (see bill H. R. 12754), 3179.
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Bouger, Julius: to increase pension (see bill H. R. 10211), 1423.
Briggs, Henry: to pension (see bill H. R. 6879), 563.
Buder, Emile S.: to increase pension (see bill H. R. 10188), 1423.
Buhrman, Anna: to pension (see bill H. R. 10186), 1423.
Buckley, Bartholomew: for relief (see bill H. R. 4827), 247.
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Burke, Patrick: to pension (see bill H. R. 9795), 1297.
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Claxton, George: to increase pension (see bill H. R. 4822), 247.
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DYER, L. C. (*a Representative from Missouri*)—Continued.
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Gross, Celsus: to pension (see bill H. R. 11070), 1688.
Gruenwald, August: to pension (see bill H. R. 12036), 2492.
Harding, Isaac W.: for relief (see bill H. R. 10182), 1423.
Heineman, Paul: to pension (see bill H. R. 10193), 1423.
Hepps, Sarah Ann: to pension (see bill H. R. 4824), 247.
Hilgeman, Laura: to pension (see bill H. R. 11071), 1688.
Houlihan, Andrew: to increase pension (see bill H. R. 10214), 1423.
Howard, Charles W.: for relief (see bill H. R. 8809), 1023.
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Jones, Louise: to increase pension (see bill H. R. 10203), 1423.
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Laurient, Mary A.: to pension (see bill H. R. 10185), 1423.
McDonough, Mary A.: to increase pension (see bill H. R. 10206), 1423.
McKee, Thomas S.: for relief (see bill H. R. 10183), 1423.
Matthews, Helen: to pension (see bill H. R. 10194), 1423.
Messick, Oscar: to increase pension (see bills H. R. 10204, 10216), 1423.
Miller, William Martin: to increase pension (see bill H. R. 8807), 1023.
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Morgan, Elijah: to pension (see bill H. R. 3571), 155.
Murray, George W.: for relief (see bill H. R. 10181), 1423.
Nixon, John F.: to increase pension (see bill H. R. 10205), 1423.
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Paine, Thomas: to pension (see bill H. R. 12549), 2987.
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Ring, Lawrence: to increase pension (see bill H. R. 10200), 1423.
Schubert, Martin: to increase pension (see bill H. R. 10197), 1423.
Sherman, Palmyra: to pension (see bill H. R. 14021), 4400.
Stevenson, C. L.: to increase pension (see bill H. R. 10195), 1423.
Stone, Margaret M.: to increase pension (see bill H. R. 10201), 1423.
Sullivan, Cordelia: to pension (see bill H. R. 10189), 1423.
Tepe, William, jr.: to pension (see bill H. R. 10190), 1423.
Thomas, James M.: to increase pension (see bill H. R. 10208), 1423.
Van Pelt, Aaron B., alias Benjamin Van Pelt: for relief (see bill H. R. 8808), 1023.
Wade, Jesse H.: to pension (see bill H. R. 11520), 1857.
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Wehrle, Edward J.: for relief (see bill H. R. 10218), 1423.
Westerfield, Mary: to increase pension (see bill H. R. 10316), 1423.
Wilbert, Fritz: to pension (see bill H. R. 13423), 3788.
Woestendiek, William L.: to pension (see bill H. R. 4825), 247.
Zimmerman, Adam: to increase pension (see bill H. R. 10209), 1422.
Blackburn, Joseph W.: to pension (see bill H. R. 18254), 1139.
Braun, F. W.: to pension (see bill H. R. 18253), 1139.
Civil service: giving preference to soldiers, sailors, and marines in appointments under (see bill H. R. 18230), 1138.
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Groesbeck, Alice W. T.: to increase pension (see bill H. R. 18255), 1139.
Helser, John H.: to increase pension (see bill H. R. 18072), 1055.
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Moore, Joseph: to pension (see bill H. R. 21843), 3417.
Perkins, C. M.: for relief (see bill H. R. 22056), 3655.
Payne, Thomas: to pension (see bill H. R. 22741), 4314.
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Neale, Mary E.: for relief of heirs (see bill H. R. 23364), 5070.
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Bonnot, Frederick: to increase pension (see bill H. R. 14225), 15.
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Henry, Sarah F.: to pension (see bill H. R. 15000), 113.
Judiciary: to amend act to codify, revise, and amend laws relating to (see bill H. R. 15462), 250.
Spann, John A.: to increase pension (see bill H. R. 15161), 128.
District of Columbia: to require street railway companies to grant one-half fare rates to school children (see bill H. R. 16811), 706, 712.
Judicial code: to amend section 24 of (see bill H. R. 17826), 976.
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A great deal of my work has been in committees of which I am a member and in following up bills that I have introduced or that I believed would be for the good of the people and advocating favorable reports from committees on same. I have given a great deal of time to committee work on the House District of Columbia Committee, of which I am a member. Congress does all the legislating for the District of Columbia, or, in other words, Washington, the National Capital. I have endeavored to see enacted there laws that would be a model for other cities in the country to follow and which the index as above inserted refers to.

On important public questions the first that I spoke for and voted for was the direct election of Senators of the United States by direct vote of the people. In favoring this amendment to the Constitution of the United States, providing for the direct election of Senators by the people, on April 13, 1911, I spoke, in part, as follows:

"When the Constitution was framed and adopted its makers were composed of our most able and learned statesmen. They believed at that time that the best plan was to have the United States Senators elected by the legislatures of the several States forming the Union. They did not believe that the people at that time should be intrusted with the direct election of Senators. We are all well acquainted with the arguments and reasons given at that time for their action. In favoring this amendment to-day we are not questioning their judgment of that day. Experience and time are the best teachers, however, and from them and from long consideration by the American people I am thoroughly convinced that the best interests of this Government and of its people lie in the adoption of this amendment, thereby giving to the people the right to elect their Senators by direct vote and not by the State legislatures. The judgment of the people, when formed after long and serious intelligent consideration, is the best criterion for those to go by who have been intrusted with making the laws. The people want to elect by direct vote United States Senators; their minds are made up on that proposition. They have had some splendid lessons in the necessity of taking away from State legislatures this right."

On May 1, 1911, I delivered a speech in the House of Representatives on what was known as the farmers' free-list bill, with special reference to the boot and shoe industry in my district.

This bill demonstrated the different positions taken by the Republican and Democratic Parties upon the question of tariff. The Democrats in this bill advocated free trade; in other tariff bills they either advocated free trade or tariff for revenue only, regardless of the question of competition of foreign-made with home-made goods. The position I took on this bill, and upon tariff legislation in general, was that the revenue needed for necessary expenses of the Government should be raised from foreign-made articles that compete with American-made goods; that is, goods made in foreign countries with cheap or coolie labor. My position upon the tariff has been that upon these foreign-made goods the tariff should be the amount that measures the difference between what it costs to make like goods in this country with American-paid wages and what the foreign manufacturers pay for the cheap or coolie labor. I do not believe in any tariff or protection other than above stated; and, in fact, I have voted to reduce the tariff on goods to that basis, and where no protection was needed on that principle I have voted to take it off entirely, as I did when I voted for free sugar.

The following is an extract from my speech upon that bill:

"Just for a moment, to give you an idea of the importance of this industry as it applies only to my district, I will state that the boot and shoe manufacturers in that district, with American labor, in the year 1910, made 26,300,000 pairs of shoes; that the cost of the manufacture of these shoes was $40,000,000; wages paid were $8,100,000; the average net profits were under 5 per cent; a very small portion of these shoes were shipped to foreign countries, but practically all were sold in this country. The average wages paid to shoe cutters in the city of St. Louis were $16 a week. For the same class of work the shoe cutters in foreign countries receive about $7 a week. Reduce the tariff, if you will, on these goods, and the products necessary in the manufacture thereof, and you will cripple these industries, probably close some of the factories, and surely reduce the price of wages paid to the American workmen.

"And not only, Mr. Chairman, does this industry affect this district in the importance I have called to your attention, but you all know there are men engaged in the sale of these shoes, retail and otherwise, throughout the various States of this country. It not only affects the shoe companies which are in my district, but it also affects them in their relation with the States of Missouri and Illinois. Some of these shoe companies have factories in those States.

"It has been said to-day here on the floor of this House by the gentleman from Ohio [Mr. LONGWORTH], and it has been repeatedly charged and stated here, that there never has been any claim of a trust or a combination in the shoe industry. Then why would you tear them down? Why would you even cripple them? And why would you take away from them this small pittance of protection that they now have? Do you want to reduce the prices they are now paying to the workmen engaged in this industry? Do you think $16 a week for shoe cutters is too much? Would you have them receive the same as the foreign cutters in foreign lands now get, of about $7 a week? That is not the way to reduce the price of living and the cost of living.

"It has been only a few years back, Mr. Chairman, when it was cheap to live, if you only had the money to buy. I remember the time, not many years ago, when I was upon my father's farm in Missouri, when we could not get anything for the products that we raised. It was because of the tariff legislation that had been enacted by the Democratic Party, and because of the harmful effects on American industries. Idleness was in the cities, and there was no market for the goods, and you could then truly say that the cost of living was cheap. But they had nothing with which to buy the products.

"In addition, Mr. Chairman, to free shoes, etc., that this bill would bring into this country free, there is a long list of materials that every shoe manufacturer must use, but which this committee has not included in this bill. This list includes many kinds of leather and tanning materials used in producing

leather, such as cloth for linings, canvas, threads, blackings, cement, nails, tacks, wire, and so forth, all of which are free to the manufacturers of England, however, and of some other countries. This gives the foreign manufacturers an unfair advantage.

"The reduction of the tariff on shoes to the present 10 per cent has reached the danger limit, and I sincerely hope that the intelligence and patriotism of this House will allow its best judgment to prevail in their refusal to pass this bill, and that it will forget, if such is possible here, political issues and political campaigns of the future and fix our minds and our attention upon that which is for the best interests of this whole country.

"Mr. Chairman, I believe that the laws that are enacted should be laws that are best for the majority of the people and not for any particular portion of them or any particular section of them.

* * * * * * *

"St. Louis, as the above figures show, has become the great manufacturing city it has through the Republican policy of protection. Free trade will retard its progress and ruin many of its industries.

"Mr. Chairman, let me say to this Democratic House and its leaders that what I have presented here have been facts and figures in support of the protective duty now upon these articles, as against the free-trade theories and doctrines that you gentlemen have been advocating for many years, but which I hope you will never be able to again write into laws in this country. The country remembers well the last Democratic tariff law. Some one has aptly said that in its workings the law was a 'nightmare of calamity for wage earners and business men.' It has been intimated upon this floor during this debate that the Democratic majority is engaged in the ripping up of the protective tariff, and the dealing with the subject in such a way as to promote the chances of the party to carry the country next year. While I do not charge your party with that in this House, I trust you will let me call your attention to the year 1893. Then you were about to take charge of all branches of the Government. You had convinced the people of that day that your principles of free trade and tariff for revenue only were for their best interests. Your lease of power was, however, brief, for the people soon revoked the power which they had given to you. Your theories and the putting of some of them into law caused a halting in business enterprises and the loss of confidence, and at the first opportunity the people turned again to the Republican Party, that party which has protected American wages and American industries, and which has made this country great in agriculture, great in manufacturing, and great in mining. You gentlemen of the majority in this House may by your votes here establish free trade upon the various items mentioned in this bill, so far as you have the power to do so, but remember that you are attacking a policy which the great American people have many times favored, and which has brought them happiness, prosperity, and contentment." [Applause on the Republican side.]

On June 17, 1911, I spoke in the House on the question of taking the tariff off of wool. I said in part:

"My great and prosperous State, Missouri, which has shaken off the shackles of Democracy, and for the last dozen years stood for advancement and protection to her industries, has gone forward also as a woolgrowing and sheep-raising State, as the table below indicates. I call your special attention to the figures regarding Missouri.

Missouri.	1910	1900
1. Farms reporting sheep and lambs	44,010	38,013
2. Total sheep and lambs (number)	1,808,038	1,087,213
3. Ewes (number)	1,012,543	587,757
4. Rams and wethers (number)	101,673	75,946
5. Lambs (number) [1]	693,822	423,510
6. Unclassified by age or sex (number)		
7. Wool-producing seep (lines 3, 4, and 6)	1,114,216	663,703

[1] Includes for 1910 lambs born between Jan. 1 and Apr. 15; for 1900, lambs under 1 year old June 1.

"Missouri's annual production of wool to-day amounts to 8,245,000 pounds, with a valuation of $1,978,800. Should even this bill become a law, this industry would be almost ruined in that State. Free wool would be complete destruction."

* * * * * * *

"The Democratic majority of this House should realize and understand that they are striking, in my judgment, a death blow to one of the great industries of that imperial State. There are 44,000 and more farmers in that State whose livelihood is in great part maintained by the raising of sheep and lambs and the production of wool. These farmers, by raising this wool and these sheep, are doing it not only for their own benefit and for the purpose of making a livelihood, but they are also helping to supply the American manufacturers with wool for the making of woolen clothes and woolen goods, thereby enabling Americans to wear homemade clothes, as well as to give employment to nearly 200,000 American workers engaged in that industry.

"Mr. Chairman, Missouri is in favor, not of this policy, indicated in this bill, but she is in favor of that policy of protection that the Republican Party has fostered—protection to American industries, the farm industries, the home industries, the wool industry, and the sheep industry—and ever since Missouri has been a protection State she has progressed in all things, material and otherwise. I can not begin to tell of all the advances she has made since she enlisted under the Republican banner of protection and advancement; but let me for a minute call your attention to one or two things in her principal city which show how she has progressed under Republican policies and under the laws of protection which that party has caused to be placed upon the statute books." [Applause on the Republican side.]

On August 12, 1911, I called the attention of the House of Representatives and the country to the great progress made by St. Louis in its industries and advancement in material ways. I was speaking upon the House concurrent resolution requesting the President of the United States to invite foreign nations to participate in the celebration of the completion of the Florida East Coast Railway Co.'s line, connecting the mainland of Florida with Key West. On that I spoke in part as follows:

"Being on the subject of world's fairs, expositions, and celebrations of kindred nature, I want to present some facts and figures to show that such events are not a detriment to the city where they are held, as it has often been claimed, but are of great benefit. The great era of progress and development that set in in St. Louis 10 years ago, when active work on its great world's fair was begun, did not stop at the close of the exposition, but has been going steadily on, until to-day she is the most splendid, substantial, and prosperous city in America. During those past 10 years its business has doubled. It factory product to-day is $327,676,000, as against $193,733,000 10 years ago. No city has equaled that per cent of increase in the value of its factory product in the last 10 years. Its tonnage in 1910 was 51,918,100, as against 25,313,330 tons 10 years ago.

"The future of St. Louis as the market of the Mississippi Valley is assured by the city's ability to manufacture everything that the 30,000,000 people in its trade territory eat, drink, and wear and need for building and for tilling the soil.

"Begin with shoes.

"St. Louis is now known as the greatest shoe market of the world. It passed all its eastern rivals during the last 10 years, and its shoe factories now form undoubtedly the largest single interest of the city.

"There are 32 factories in St. Louis and 17 others in neighboring towns, most of them in the St. Louis industrial district, all owned by the St. Louis houses. These 49 factories employ about 20,000 people. The 12 manufacturers owning these factories report to the Shoe and Leather Gazette that they sold $60,023,129.70 worth of shoes last year, of which they made $46,249,161 worth, or 26,306,735 pairs.

"The increase in value of the shoe sales for 1910 was $2,948,336 over the value of 1909.

"The car-building factories of St. Louis, with their accessory manufactories, supplied $70,000,000 worth of equipment to the railways last year.

"A community of 50,000 people could be supported by the car-building business of St. Louis. It employs 10,000 men and operates 5 large factories, with 3 others, smaller ones, that rebuild and repair. These factories build every kind of street car that is used and every kind of train car from the freight car costing $700 to the beautiful private car that sells for $40,000. Mahogany, yellow pine, and Oregon fir are the woods used in the car building, and many settlements very far away from St. Louis feel the effect of activity or languor in the factories here.

"This St. Louis industry is widely known and identified with the city because the name of St. Louis is built into every car made here and is seen by those who ride in it. The business extends not only over the whole United States but into foreign countries. A sale of $1,000,000 worth of cars was lately made to the Argentine Republic.

"St. Louis dry-goods houses sold more than $70,000,000 worth of goods last year.

"Ninety-two factories feed their entire output into these St. Louis houses for distribution to their customers. Many of these factories are in St. Louis and in the near-by towns; some in the East.

"Like the shoe houses, the St. Louis dry-goods houses are yearly manufacturing more of the goods they sell and buying less. Their St. Louis factories already make their entire stock of shirts, hose, underwear, pajamas, skirts, petticoats, neckties, suspenders, garters, and the other small things of wearing apparel that go with the dry-goods business.

"The St. Louis dry-goods houses have gone into the competitive market against every city in the country. With bids opened in New York, the inspection being as to quality as well as to price, they have captured large Government contracts for the Indian service.

"The wholesale hardware houses of St. Louis and the factories which they own and control sold last year $42,000,000 worth of goods.

"The orders for the goods were taken by 800 traveling men, covering every State in the Union.

"These hardware houses manufacture and sell a variety of goods under the general name of hardware that 20 years ago 10 different kinds of houses would have handled.

"One of these St. Louis houses is the largest in the world. It has established five branch houses in important cities of the country the more effectively to hold the business for St. Louis.

"These hardware houses, like the shoe houses and dry-goods houses, are very successful in getting contracts from the United States Government, and they are also placing St. Louis goods in the most attractive foreign markets.

"St. Louis factories make Missouri the leading plug-tobacco manufacturing State of the country. North Carolina is second, but is below Missouri so far that it is not in competition, and Kentucky ranks next to North Carolina.

"St. Louis factories make most of the chewing and smoking tobacco, snuff, and cigarettes credited to the whole State. Last year Missouri reported the manufacture of 67,554,672 pounds of chewing tobacco and 63,994,449 cigars.

"The Kentucky tobacco troubles have resulted in enlarging the tobacco-growing industry of Missouri. St. Louis factories will in the future use more and more tobacco grown in Missouri, getting less from Kentucky.

"Missouri does not excel in the production of smoking tobacco: nevertheless the State manufactured last year 7,193,260 pounds. Most of it was made in St. Louis. The entire volume of the tobacco business of St. Louis is $50,000,000.

"St. Louis drug jobbers and manufacturers last year sold $28,000,000 worth of goods. More than half of these goods were manufactured in their own establishments in St. Louis.

"A business that distinguishes St. Louis as a trade center of the United States is the manufacture and jobbing of the articles handled by great drug houses.

"In the manufacture of chemicals, patent medicines, ammonia, soaps, perfumes, and toilet articles St. Louis holds a leading place.

"The annual death rate of St. Louis is 15.8 to the thousand people—lower than that of either New York, San Francisco, Philadelphia, Boston, Washington, New Orleans, Cincinnati, Louisville, Memphis, or Pittsburgh. Because of its wholesome climatic conditions and its large area, in proportion to its population St. Louis has always had a death rate lower than the average American city, but in the last 10 years the rate has gone down 2 in the thousand.

"Several things account for this:

"St. Louis has an unusually large number of people who own their own homes, outranking even Boston and Philadelphia in this respect. St. Louis has also a larger percentage of park area, compared with its population, than any other city of its rank in the country. These healthful conditions have been growing even better yearly. The excellent sewerage system of the city keeps perfect pace with the increase of population. The pure and clear water was obtained within the last few years, and so were the public playgrounds and the city bathhouses.

"And to these things the effective campaign against tuberculosis and the other diseases whose spread may be prevented by official watchfulness and you have the reasons for the remarkable health of St. Louis.

"St. Louis breweries made and sold last year $25,000,000 worth of beer.

"They exported enough to give the city the rank of the second beer-exporting city of the United States. These breweries paid directly to their 5,373 workmen $4,416,000.

"These breweries bought last year $15,000,000 worth of supplies. Most of this money was spent in St. Louis for things made in St. Louis.

"The brewery interest so ramifies into other lines of mercantile and manufacturing business that description of this direct-trade influence seems to be an extravagant statement. Aside from brewery employees, there are at least 20,000 others in factories and shops selling material to the breweries whose work depends on that business.

"The average annual pay of workers in St. Louis is $664.80, outside of the breweries themselves, whose average pay is a little greater than that. It is therefore within the facts to say that through the manufacture of beer nearly $18,000,000 a year is paid to St. Louis wage earners.

"One of the St. Louis breweries is the largest lager-beer brewery in the world.

"The fur sales of St. Louis by all the houses were about $9,000,000 last year.

"St. Louis has a direct interest in the effort that Secretary Nagel is making to persuade Great Britain, Russia, and Japan to agree on a plan to save the seal herds from the pirates who slaughter them in the open sea.

"From the time of Laclede, the founder of St. Louis, the city has been the chief raw fur market of the United States, and the fur buyers of the world so recognize it.

"The business here is as picturesque as it is important. The largest houses here have fur auctions three times a week during the season. Fur buyers for the big London, Paris, and New York houses come to these auctions, which are all-day affairs, and the trappers themselves often make long journeys to see how their furs are selling. All these visitors, buyers, and trappers are the guests of the fur houses during the auctions, and are hospitably entertained.

"Nearly three-quarters of the whole fur catch of North America is bought by these St. Louis fur houses from the trappers and sold at these auctions, and the name of every trapper in this whole country is on their books.

Last year Philip B. Fouke, the head of the largest fur house in St. Louis, went to Washington and tried to buy from Secretary Nagel, the entire seal catch of the United States, intending to auction the sealskins in St. Louis. The contract, however, had already been given to London. Next winter, however, Mr. Fouke may succeed. The seal catch of the United States is worth about half a million dollars, and its value will grow, of course, if the herd is protected.

The value of the clothing for men and women sold by the 108 St. Louis factories last year was $14,573,000.

This is an increase of 47 per cent in production in five years.

The manufacture of clothing in St. Louis has grown into a strong industry in the last 10 years.

There are 8,000 workers employed in these factories. The growth of this industry deserves attention, because 10 years ago the city was regarded as weak in the manufacture of clothing, and because the conditions surrounding the industry now show that it is going to be one of the strongest in the city.

These factories not only sell to St. Louis jobbing houses, but they sell clothing to the St. Louis retail clothiers and clothe thousands of people in other States.

The 160 foundry and machine shops of St. Louis made and sold last year $15,000,000 worth of product, gaining 25 per cent over the product of five years ago.

These shops make all kinds of tools and engines, and iron work for building, architectural and structural, and they have put St. Louis into the markets of the world, exporting to China and Japan, Mexico and South America.

These factories employ 7,000 workmen.

St. Louis woodenware houses did a business last year of $18,000,000.

When Samuel Cupples began the manufacture of woodenware in St. Louis before the Civil War, his little factory made plain woodenware and nothing else, and that was al. he sold—buckets, washtubs, washboards, brooms, and things like that.

Now the woodenware business here, with its contributory factories, makes and sells a great variety of articles, handled by grocers for household use, of other material as well as woodenware—metal, cordage, and paper.

Nearly one-half of the entire business of the country in the lines of goods that are made and jobbed by these St. Louis houses is done by them under the general name of woodenware.

The original St. Louis house is now the largest and the strongest in the country, and is extending its influence greatly into the foreign trade.

One polyglot catalogue it issued lately cost $10,000.

The 24 meat-packing houses of St. Louis sold $26,601,000 of their product last year, an increase of 52 per cent in five years.

This is a very solid business for St. Louis that is assuming prominence.

The capital invested, the number of houses, and the number of employees are increasing yearly.

St. Louis factories last year made 847,000 stoves.

These stoves were sold for $8,000,000.

The city of this country next to St. Louis in the manufacture of stoves makes barely half as many.

The industry is firmly localized in St. Louis, and is yearly growing in importance, the number of factories and the number of persons employed increasing, as well as the output.

The St. Louis stoves are in demand abroad, and the factories are giving more attention yearly to their export business.

The 107 St. Louis factories that make carriages, wagons, and buggies made and sold last year an output worth $10,500,000.

"The experts of the Government taking the manufacturing census give St. Louis first place among the cities of the United States in this industry.

"St. Louis took the lead in this line of manufacturing five years ago, and has since then gained on its competitors. The rapid growth of agricultural communities tributary to St. Louis insures the permanence and the substantial increase of these branches of St. Louis manufacture.

"St. Louis excels in the manufacture of clay products.

"The 3,000 workmen in the factories here produced last year pipe, pottery, fire brick, terra cotta, and tiling which were sold for more than $6,000,000.

"No other city in the United States makes even two-thirds of this.

"St. Louis fire brick is going into the building of the Panama Canal. This industry is yearly becoming more important to St. Louis. The city is surrounded by beds of the finer clays, and the cheapness of the raw material is attracting manufacturers, who are developing all the branches of this business.

"Fifty St. Louis factories, with 7,100 persons working in them, made furniture last year which was sold for $4,250,000.

"Some of these factories are exclusively for repairing, some specialize on beds, and one makes only car seats.

"St. Louis is appropriating the manufacturing of car seats and of metal beds, and is distinguished in these two branches of manufacture. The larger factories are growing into the manufacture of the finer qualities of bank and office furniture.

"The office furniture of the Business Men's League—mahogany—is a beautiful example of the St. Louis workmanship. The St. Louis factories lately went into the open market against the keen competition of the oldest and most aggressive New York, Chicago, and Grand Rapids manufacturers, and got the entire contract for furnishing the Central Library here.

"The St. Louis furniture factories have largely increased their output since the census reports of 1905, and are enlarging the territory in which they sell, confining themselves no longer to the South, but extending their influence into the far West and the North.

"An industry that distinguishes St. Louis in the markets of the world, which is barely touched by other manufacturing cities of the United States, is the making of wire rope and aerial tramways.

"These steel bridges made in St. Louis span the chasms of the Andes, as well as the gorges of the Alleghenies and of the Rockies.

"The ordinary rope and cable of vegetable fiber is also made by these factories, the output altogeter last year having been sold for more than $6,000,000.

"The two largest of these manufacturing concerns are finding the demand for the steel cable from the South American and Central American countries so great that in the effort to make this rich market more accessible they have become large stockholders in the proposed line from New Orleans to Rio de Janeiro, and we are actively interested in the St. Louis-New Orleans river line now being established.

"In the manufacturing and jobbing of electrical products St. Louis concerns last year did a business of $20,000,000.

"St. Louis in the last 10 years has become a noted electrical center. More of the goods sold are being made yearly by the factories here, and less is being bought from the older electrical manufacturing points.

"The city is becoming known generally in the country for its manufacture of incandescent lamps and insulated wire, and the industry is regarded by the electrical interests of the country as one which in the future will contribute largely to the manufacturing wealth of St. Louis.

"The building of the Keokuk electrical dam, with its distribution of power to St. Louis, is greatly stimulating this electrical business here.

"Mr. Speaker, the facts which I have presented to you and to this House, showing the great progress and development of the city of St. Louis in the last 10 years, were carefully and accurately prepared by Mr. William Flewellyn Saunders, secretary and general manager of the Business Men's League of St. Louis, and are in all respects correct. The St. Louis Post-Dispatch, in an editorial of July 8, had the following to say concerning these facts, to wit."

Unintentionally I neglected to call attention in that speech to one of St. Louis's greatest industries—that is, its lumber industry. The facts and figures concerning this great industry are as follows:

The lumber interests of St. Louis has more than $100,000,000 invested in it, and its 434 lumber concerns wield a very great business influence.

Amount of capital invested in the lumber business by St. Louis lumbermen	$120,000,000
Number of feet carried on hand in St. Louis:	
Hardwoods (approximately)	100,000,000
Yellow pine and other woods (approximately)	120,000,000
Total on St. Louis yards (approximately)	220,000,000
Total sales for 1911, about	$60,000,000

Largest of all the hardwood lumber centers in the United States and carries a more varied stock.

Receipts in 1911	feet	2,866,598,000
Shipments in 1911	do	905,273,000

On December 12, 1911, the service pension bill being up for consideration, I spoke in part as follows:

"In rising to address the House a few moments ago, it was for the purpose of offering an amendment to this bill. The amendment was to strike out all of section 3. Section 3 provides as follows:

"That no part of the appropriation for pension under this act shall be paid to any soldier whose annual income is $1,000 or over.

"When I arose to offer the above amendment to this bill to strike out that abominable section to an otherwise reasonably good bill, I noticed the gentleman from Colorado [Mr. RUCKER] seeking recognition for the same purpose, and I gladly gave way to him that he might offer the amendment, which he did. The gentleman from Colorado [Mr. RUCKER] served for four years in the Confederate Army, and when he moves to amend this bill by striking out that section of this bill, which is generally condemned by the veterans of the Union Army in all parts of the country, it shows the utter absence of any feeling of the Confederate veterans against the Union veterans. It shows that the whole country, regardless of the great conflict of 1861 to 1865, is of the unanimous opinion that the veterans of the Union Army, they who saved the Union, and thereby gave to us the great country that we have to-day, is agreed that they should be liberally compensated, taken care of, and honored by the Government in their old age. It shows also that no one wants the pension based on the ground that these old veterans are paupers, but on the broader and more noble ground of patriotism and the debt that we as a Nation owe to them for their valor and services to this country in the hour of its greatest need. This Government can never pay those men what we owe them, and in passing a bill to increase their pensions it should be only with the idea that we do it to honor them and help them and not for the purpose of degrading them. That section ought to be and it will be eliminated from this bill, because it is most unjust, most unfair, and is a reflection on their honor, frugality, and thrift.

"Mr. Chairman, I represent here a great many of the old veterans of the Civil War, and while I am anxious to do them honor and to assist them in their old age, it would be to me great sorrow to have to vote for a bill that has in it a section like this one, a section that says in effect that they must be near starving before this Government will do them the honor and the justice that they fully deserve at its hands. [Applause.] This bill is but a small recompense for them in their old age, and it should not be said in this bill that before they can receive the dollar a day pension herein provided they must show that they are men of less than $1,000 annual income. [Applause.]"

On December 13, 1911, the House had up for consideration the question of terminating the treaty of 1832 between the United States and Russia, and speaking upon that question I said, in part:

"This great American House of Representatives nobly, intelligently, and patriotically will respond to this great question of American citizenship, as it has always done, when questions of national honor, integrity, and the protection of its citizens have been at stake. No greater honor can be claimed by any man than that he is an American citizen. It is our solemn and sworn duty, as representatives of the people, to protect the citizens of our country in the enjoyment of their rights of citizenship, at home or abroad. Those citizenship rights of many of our countrymen have been unjustly assailed by Russia, resulting in this resolution. I expect to vote for the passage of the same, as I expect to do my full duty as a Member of this House in every instance where the honor of my fellow citizens is at issue. In voting for this resolution my only regret is that I did not have an opportunity to do so years ago. We have waited too long without taking this contemplated action. As representatives of American citizens it is our duty to give more con-

sideration to the rights of one citizen than to all of Russia. Of course it matters not as to our action here when we find that American citizens have been insulted by the Government of Russia whether they be Jews or Gentiles, rich or poor, great or strong. The only question is: Are they American citizens? Among our citizens that have been insulted by Russia and that calls for this action by this House are my neighbors, my friends, and of as good as there is in the political, social, and business life of the great city of St. Louis, which I in part represent in this House. They are of that same high character and standing all over the land.

* * * * * * *

"So, Mr. Speaker, responding to my own judgment and sense of justice and right, I take my stand in favor of the immediate abrogation of this treaty of 1832 with Russia, and in doing so I voice the unanimous wish of all that is good, righteous, and patriotic in the great twelfth district of Missouri." [Applause.]

On March 11, 1912, the subject under discussion was the recommendation of the Committee on Agriculture that the Referee Board, under the pure food and drug act, be retained. On this question I had the following to say, in part:

"I believe the retention of this board, sometimes referred to as the Remsen Referee Board, is essential to the proper administration of the food and drugs act. In making that statement I want to go on record as favoring the strict enforcement of the law providing for pure foods and drugs. It is most essential to the health of the people, and there is no more important duty for the Congress of the United States to perform than to do what it can for the proper conservation of the health of the people. The greatest asset that our Nation can have is that its people—the men, women, and children—shall be healthy and strong. This Referee Board is generally known as the Remsen Referee Board because its chairman is Dr. Ira Remsen, of the Johns Hopkins University. Dr. Remsen and the men who are associated with him on this board are as great scientific experts along the lines for which they are called upon to act in these matters as can be found in this or any other country. They are all men of undoubted integrity and high culture. Those who would have this board abolished seem to believe that Dr. H. W. Wiley, Chief of the Bureau of Chemistry, is infallible. I recognize that Dr. Wiley has been of great service to the people in assisting to enforce the pure food and drugs act of Congress, but I do not agree with some people who think that his decision should be accepted in all cases, by the 90,000,000 of American people, without an appeal to a referee board of scientific experts. If the only appeal to be had from Dr. Wiley's decisions were to the courts, great injury and injustice would oftentimes be done to splendid industries because of the delay and of the publicity that would be had. A decision by a high official of the Government to the effect that a certain food or drug was impure and would work injury to the health of the people, whether said decision was right or wrong, would work untold injury to the company or individual that was engaged in its manufacture. It is to prevent such results that the Referee Board was established. Dr. Wiley is quoted as saying that he could not qualify as a physiologist, a chemist, a toxicologist, a physiological chemist, a pharmacologist, or a doctor of medicine to the satisfaction of either himself or the Government. (See page 891 of the hearings before the Committee on Expenditures in the Department of Agriculture, August 21, 1911.)

"Therefore in the determination of these great scientific questions of what is pure food and pure drugs, while we must and do give due credit to the splendid work of Dr. Wiley, we can readily see the need of expert chemists and scientists to determine close and important questions bearing upon the pure food and drugs act."

One of the great questions that is of interest to St. Louis, its industries, and its people, is the Mississippi River, the providing of deep waterway to the Gulf, and the raising of its levees to prevent overflows. I introduced a bill in Congress to appropriate $30,000,000 with which to raise the levees and to reclaim the swamp land of the Mississippi Valley. I spoke in favor of this legislation in the House on April 10, 1912. My speech upon that subject was as follows:

"Mr. Chairman, I had hoped to see in this bill some provision providing for funds to actually begin the work of reclaiming the swamp and overflowed lands of this country. The work of reclaiming the swamp and overflowed lands is closely akin to the project of improving and making navigable the great waterways of our Nation. A national commission should be created for the purpose of making the necessary surveys, estimates of cost, and actually beginning the work. Sufficient funds ought also to be provided by this Congress for that purpose. The American people are anxious to know if these lands can be drained, if overflows can be prevented, and, if so, what it will cost and how the work can best be done. There is no doubt but what this project can be successfully carried out.

"After considering what has been done to reclaim the marshes of Holland, two-fifths of which lie below the level of the sea, and the difficulties that have been overcome in draining the fens of England, it would be a reflection on the skill and intelligence of the American engineer to proclaim the drainage of our swamp lands impossible. On the contrary, the engineering problems are simple, as most of these lands are several feet above sea level and have natural creeks or bayous that need only to be improved by straightening, widening, and deepening to afford outlets for complete drainage. In case of some of the river bottoms and the salt marsh along the coast it is necessary to build levees to prevent overflow and to construct internal systems of drainage with sluice gates or pumps to discharge the water from within, and by the use of modern machinery this work is neither difficult nor expensive. Levees can be built and ditches excavated with suitable dredges at a cost ranging from 7 to 16 cents per cubic yard. Large works in swamps where the land is overflowed are readily and cheaply constructed in this manner.

"As to the cost of draining these lands, and whether or not it will pay, we have but to refer to the numerous works of this kind that have been completed. In those States where large areas of swamp land have been thoroughly drained by open ditches and tile drains the cost ranges from $6 to $20 per acre, while in places where tile drainage was not required the average cost has not exceeded $4 per acre. Judging from the prices which prevail in a large number of these districts where work of this kind is being carried on, it is safe to estimate that the 77,000,000 acres of swamp can be thoroughly drained and made fit for cultivation at an average cost of $15 per acre. The market value of these lands in their present shape ranges from $2 to $20 per acre, depending upon the location and prospect of immediate drainage, with an average of probably $8 per acre. Similar lands in different sections of the country that have been drained sell readily at $60 to $100 per acre at the completion of the work, and in many instances, when situated near large cities, they have sold as high as $400 per acre. To determine whether or not it will pay to drain these lands we have but to consider the following figures:

Cash value of 77,000,000 acres after thorough drainage, at $60 per acre		$4,620,000,000
Present value of this land at $8 per acre	$616,000,000	
Cost of drainage at $15 per acre	1,155,000,000	
Value of land and cost of draining		1,771,000,000
Net increase in value		2,849,000,000

"These figures, though large, are not fanciful, but are based on results obtained in actual practice in different sections of the country where work of this kind has been done. An extended investigation shows that in every case where a complete system of drainage has been planned and carried out the land has increased in value many fold. In some instances, however, much time and money have been wasted because the work was undertaken without any well-defined plan or it was not sufficient to afford adequate and complete drainage.

"In many cases conditions are such that drainage can not be secured in an economical manner without cooperation, and where a project affects the lands of several owners cooperation can rarely be secured by mutual consent. To secure an adequate outlet for drainage, it is frequently necessary to improve natural streams by widening, straightening, and deepening, and to construct new channels where none exist, or to build levees or embankments on private property. In order to carry out such works the States have come to view drainage, when it extends beyond the boundaries of the individual landowner, as a public function. The courts have frequently held that such works confer a benefit on the community at large by improving the public health, benefiting the public highways, and contributing to the general welfare of the community.

"Were this 77,000,000 acres of swamp and overflowed land drained and made healthful and fit for agriculture and divided into farms of 40 acres each it would provide homes for 1,925,000 families. Swamp lands, when drained, are extremely fertile, requiring but little commercial fertilizer, and yield abundant crops. They are adapted to the growth of a wide range of products and in most instances are convenient to good markets. While an income of $15 to $20 per acre in the grain-producing States of the Middle West is considered profitable, much of the swamp lands in the East and South would, if cultivated in cabbage, onions, celery, tomatoes, and other vegetables, yield a net income of more than $100 per acre.

"In addition to the immediate benefits that accrue from the increased productiveness of these lands, a greater and more last-

ing benefit would follow their reclamation. The taxable value of the Commonwealth would be permanently increased, the healthfulness of the community would be improved, mosquitoes and malaria would be banished, and the construction of good roads made possible. Factories, churches, and schools would open up, and instead of active young farmers from the Mississippi Valley emigrating to Canada to seek cheap lands, they could find better homes within our own borders.

"Holland, two-fifths of which lies below the level of the sea, has been reclaimed by diking and draining, and now supports a population of 450 per square mile. Her soil is no better than the marshes of this country, and her climate not so good as that of the Southern States, yet we have within our border an undeveloped empire ten times her area.

"There is no good reason why this condition should longer continue, and it is to be hoped that the Congress of the United States will soon take steps to abate this nuisance and make these lands contribute to the support and upbuilding of the Nation.

"The following is an estimate of the number of acres of swamp and overflowed lands in the several States which may be reclaimed for agriculture, exclusive of the coast lands which are overflowed by tide water. The acreage given is that obtained from the most recent information secured by correspondence with officials of the counties in the States represented:

	Acres.
Alabama	1,479,200
Arkansas	5,911,300
California	3,420,000
Connecticut	30,000
Delaware	127,200
Florida	19,800,000
Georgia	2,700,000
Illinois	925,000
Indiana	625,000
Iowa	930,500
Kansas	359,380
Kentucky	444,600
Louisiana	10,196,605
Maryland	192,000
Maine	156,520
Massachusetts	59,500
Michigan	2,947,439
Minnesota	5,832,308
Mississippi	5,760,200
Missouri	2,439,000
Nebraska	512,100
New Hampshire	12,700
New Jersey	326,400
New York	529,100
North Carolina	2,748,160
North Dakota	200,000
Ohio	155,047
Oklahoma	31,500
Oregon	254,000
Pennsylvania	50,000
Rhode Island	8,064
South Carolina	3,122,120
South Dakota	611,480
Tennessee	639,600
Texas	2,240,000
Vermont	23,000
Virginia	800,000
Washington	20,500
West Virginia	23,900
Wisconsin	2,360,000

"The lands above enumerated are not all permanently unfit for cultivation in their natural state, but part of them are swamp or are subject to such frequent overflows from streams as to be entirely unproductive, while a part are only periodically rendered unfit for cultivation by reason of their wet condition. The lands named in the foregoing list are properly those which may be wholly reclaimed from either a permanently or periodically swamp or overflowed condition.

"With reference to their productive value as affected by their natural wet condition, they may be classified as follows:

"First. Lands which are permanently wet and are never fit for cultivation, even during the most favorable years, nor afford profitable grazing for live stock.

"Second. Lands which afford pasturage for live stock, though the forage they produce may be of indifferent quality.

"Third Lands which in their natural condition are subject to periodical overflow by streams, but which at other times produce valuable crops.

"Fourth. Lands which during seasons of light or medium rainfall will yield profitable crops, but which are wholly unproductive during the seasons characterized by a greater than the normal rainfall.

"The following classification of the swamp and overflowed lands with reference to these differences represents approximately their relative agricultural value as affected by water conditions. All of these classes of land require draining to fit them for profitable cultivation, though a revenue of greater or less amount is periodically derived from all except the first class.

Classification of unreclaimed swamp and overflowed land.

State.	Permanent swamp.	Wet grazing land.	Periodically overflowed.	Periodically swampy.	Total.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama	900,000	59,200	520,000		1,479,200
Arkansas	5,200,000	50,000	531,000	131,300	5,912,300
California	1,000,000	1,000,000	1,420,000		3,420,000
Connecticut		10,000	20,000		30,000
Delaware	50,000	50,000	27,000	200	127,200
Florida	18,000,000		1,000,000	800,000	19,800,000
Georgia	1,000,000		1,000,000	700,000	2,700,000
Illinois	25,000	500,000	400,000		925,000
Indiana	15,000	100,000	500,000	10,000	625,000
Iowa	300,000	200,000	350,000	80,500	930,500
Kansas		59,380	300,000		359,380
Kentucky		100,000	300,000	44,600	444,600
Louisiana	9,000,000		1,196,605		10,196,605
Maryland	100,000		92,000		192,000
Maine	156,520				156,520
Massachusetts	20,000		39,500		59,500
Michigan	2,000,900	947,439			2,947,439
Minnesota	3,048,000	2,000,000		784,308	5,832,308
Mississippi	3,000,000		2,760,200		5,760,200
Missouri	1,000,000		1,439,600		2,439,600
Nebraska		100,000	412,100		512,100
New Hampshire	5,000		7,700		12,700
New Jersey	326,400				326,400
New York	100,000	100,000	329,100		529,100
North Carolina	1,000,000	500,000	500,000	748,160	2,748,160
North Dakota	50,000	50,000	50,000	50,000	200,000
Ohio			100,000	55,047	155,047
Oklahoma			31,500		31,500
Oregon	254,000				254,000
Pennsylvania			50,000		50,000
Rhode Island			6,000	2,064	8,064
South Carolina	1,500,000		622,120	1,000,000	3,122,120
South Dakota	100,000		511,480		611,480
Tennessee	639,600				639,600
Texas	1,240,000	1,000,600			2,240,000
Vermont	15,000		8,000		23,000
Virginia	600,000		200,000		800,000
Washington	20,500				20,500
West Virginia			23,900		23,900
Wisconsin	2,000,000			360,000	2,360,000
Total	52,665,020	6,826,019	14,747,805	4,766,179	79,005,023

"In addition to the above total area of 79,005,023 acres of wet land, it is estimated that there are 150,000,000 acres of what is now known and occupied as farm land which is too wet for the most profitable cultivation and whose production would be increased 20 per cent by proper drainage.

"Mr. B. F. Yoakum, in an address before the Business Men's League of St. Louis on the 16th of January, 1912, speaking upon the relations of the river and agricultural development to St. Louis, touched upon this great question, and in part said:

"When that rich body of land between here and the Gulf is reclaimed by drainage and is under cultivation you may be sure that the river itself will be improved to meet the new demands upon it. There now exists enough waste land on both sides of this river to make a State as large as Kentucky. This land, commencing right at your door and extending along the Mississippi, is sufficient for 625,000 farms, or 3,000,000 people. The average crop production per cultivated acre in the United States is about $12.50. The Mississippi Valley land, under scientific methods, will yield, conservatively estimated, $40 an acre, which would mean $1,000,000,000 of new wealth and new purchasing power annually.

"Mr. Chairman, the time is now here when the Congress should give serious consideration to this question. The high cost of living in this country to-day is due primarily to the inability of the producers to supply the consumers. More farms, more agricultural lands, are needed to solve the problem of high prices for foodstuffs. This is not a question for the States, but is a question for the Government of the United States to deal with, and I sincerely hope that this committee and the Members of this Congress will soon see their duty clear in the premises and provide the ways and means for reclaiming this vast area of swamp and overflowed land to the use and benefit of the American people."

On May 23, 1912, the House had up for consideration the bill providing for the opening of the Panama Canal, and so forth. I spoke, in part, as follows on that question:

"The great commercial center of the Mississippi Valley, the city of St. Louis, which in part I have the honor to represent in this House, has a general and a special interest in the opening and operation of the Panama Canal; a general interest with all Americans in this great avenue of commerce and the benefit it will bring to us all; a special interest, because we believe that as the Panama Canal is completed and thrown open to the commerce of the world the thoughts of our Nation, its people, and Congress will be turned to the doing of another big job for commerce and prosperity, to wit, Lakes-to-the-Gulf deep waterway. The opening of the Panama Canal makes this project the more needed and necessary. The Mississippi Valley should and must be placed on a parity with the seaboard by

corresponding development of the Mississippi River and its tributaries as parts of a comprehensive system of commercial navigation. The above statement is a part of the platform of the Lakes-to-the-Gulf Deep Waterways Association, as adopted in their convention at Chicago October 12, 13, and 14, 1911, and on this platform we shall continue to wage battle till victory is ours. And this association at its convention in Chicago declared its position upon the question at issue in this bill, to wit, Shall tolls be imposed upon American vessels doing coastwise business of this country? Upon that proposition it said:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal.

"Mr. Chairman, with that declaration I am in hearty sympathy and shall vote for the Doremus substitute for section 5. American money and American enterprise built this canal, and we must not lose sight of the fact that the American people own it and have the perfect right to reserve to themselves some special benefits for this great outlay."

Mr. Speaker, this session of Congress has been a long and tedious one, as was the first or extra session, but I have thoroughly enjoyed the work and the opportunity that it has given me to be of special service to my countrymen. The House of Representatives is the greatest legislative body in the world, and no greater opportunity is open for public service than in membership herein.

An Address to First Voters—Call for Club Organization.

EXTENSION OF REMARKS

OF

HON. JOHN E. RAKER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. RAKER said:

Mr. SPEAKER: Under the leave granted to me to extend my remarks in the RECORD I include a speech delivered by Hon. Woodrow Wilson, "An address to first voters," and "Call for club organization."

AN ADDRESS TO FIRST VOTERS.

[By the Honorable Woodrow Wilson, governor of New Jersey, late president of Princeton University and vice president of the National Democratic League of Clubs.]

(Published by the National Democratic League of Clubs.)

TO ALL WHO VOTE THIS YEAR FOR THE FIRST TIME.

You are about to choose sides. You can not choose upon the basis of what parties have done in the past, because the present happens to be radically unlike the past, particularly in America. Conditions have changed so fast within the last few years in the United States that nothing remains the same that it was, either in politics, in industry, or in trade. Parties must deal with a new age.

It is for that reason that parties have of late seemed to be breaking up and that their programs have become confused. Their old way of looking at national questions does not suit the matters they have to deal with. The Republican Party is going to pieces because it has used its power in the wrong way, and those men who acknowledge the fact have become "insurgents." The Democratic Party has seemed, once and again, to break up into groups because great varieties of opinion were to be found among those who called themselves Democrats, and no common responsibility for the present conduct of the Federal Government has obliged them to draw together. Wherever Democrats have been intrusted with power and responsibility, as, for example, in individual States and the lower branch of Congress, they have shown no uncertainty of purpose.

In choosing for the future, therefore, how are you to be guided? Upon your choice will largely depend the future action and character of parties.

Both parties ask you to follow them in a constructive program; both promise to choose with a free hand the measures which will be best for the country. Your question, then, comes to this: Which is freest to choose rightly, and which is most likely to choose what the mass of the people would choose, who do not wish to see special interests favored by the action and policy of the Government? For, after all, the question resolves itself into, Who will serve you and who will serve special classes of your fellow citizens?

The Republican Party has been in practically complete control of the Federal Government throughout the greater part of the last 50 years, and throughout that period, the period during which America was gaining her growth and all her national habits, it has followed one invariable and consistent policy—it has fostered every special interest, every body of capital that desired to exploit the natural resources or use the labor of the country to build up wealth. Its argument has been: "First take care of the interests, and then the interests will take care of the common people; first make big business prosperous, and then big business will make the masses prosperous; first take vast sums of money out of the pockets of the people in the shape of tariff exactions and make everything they buy more expensive, and then pay it back to them, in part, in wages." The doctrine of the Democratic Party has always been, on the other hand, that "the aim of government must first be to make the masses prosperous, and that the interests will then prosper as a natural consequence; that the people must first be taken care of, and then the interests will be able to look out for themselves; that the only right government is that which robs no one, but protects all."

A partnership of 50 years' standing can not easily be broken. The Republican Party has for 50 years maintained a partnership with the interests, depends upon them for support and maintenance, and can not break with them without going to pieces. It is not free to choose. Those within its ranks who revolt inevitably create a new party—start a new party tradition. They fling out and virtually join the Democrats, who are free from entangling alliances. The sympathies and confidences of the Democratic Party are with the masses of the people; its wish is to choose policies which will be in the interest of all, and is free to do so.

The policy of the Republican Party has made the power of the trusts what it is. The tariff has become, not a means of protection, but a means of patronage. The tariff legislation of recent years has been designed, not to effect a general and healthy economic development and a fair extension and equalization of the opportunities of the people, but to secure profits to particular classes and combinations of producers.

Having created trusts, the dominant party has tried to "regulate" them; but its regulation has threatened to transfer the actual control of business to the Government itself, and may in the long run only cement the partnership and corrupt the Government; only make it the more necessary that the interests should maintain the party and control the Government.

The Democratic Party believes in such a revision of the tariff as will take out of it every feature of patronage and special favor; as will base it entirely on the need of revenue for the Government and the wisest adjustment of the taxation involved to the interests of the people. It believes, moreover, not in such "regulation" of the trusts as will put business in the hands of the Government, but in such laws as will punish individuals—the individuals in and behind the trusts—for every breach of public policy, for every act hostile to the common interests and to fair competition and a free opportunity for every man. In the language of Gov. Harmon:

Guilt is always personal. So long as officials can hide behind their corporations no remedy can be effective. When the Government searches out the guilty man and makes corporate wrongdoing mean personal punishment and dishonor, the laws will be obeyed.

The whole atmosphere of government under Republican rule has become an atmosphere of patronage, of governmental favor or hostility. Patronage is the mother of graft; favor breeds servility. The trusts control. Controlling markets, they control supply; controlling supply, they control price; controlling price, they control life. They control also employment. Who has now the full traditional American freedom of opportunity? What are you free to choose when you seek an independent opening in life, except either to serve a trust or to defy it? And who, under our present laws, has the strength to defy it?

This, then, is your choice: Will you act with those who have created this system and who can not honorably extricate themselves from it, or will you act with those who mean slowly, steadily, persistently to change it and draw the country forward to a better, a freer system, a system of more open opportunity, in which the Government will accord no patronage and in which the law will make men, as individuals, responsible again?

CALL FOR CLUB ORGANIZATION.

To the Democratic clubs and societies of the United States:

The Democratic tide is setting toward Washington and upon every white-crested wave is written the word "Victory." Let every earnest Democrat listen and he will hear the wild waves calling for union, for enthusiasm, and, above all, for an organization of the legions of Democracy into an aggressive, invin-

cible, and irresistible army of the people, for the defense of all the sacred principles consecrated upon fields of death and glory, by the men who laid the foundation of this Republic and dedicated the American continent to the proposition that all men are born equal with equal and inalienable rights.

The time has come when all Democratic organizations in this country, and all patriotic bodies associated with them, should publicly ratify the nomination of Woodrow Wilson, of New Jersey, for President and Thomas R. Marshall, of Indiana, for Vice President, and prepare to defend the Republic against further monopolistic or trust-breeding policies and the menacing exactions of high protective tariff measures which are responsible for the present high cost of living.

The Republican Party has been in practically complete control of the Federal Government throughout the greater part of the last 50 years, and throughout that period, the period during which America was gaining her growth and all her national habits, it has followed one invariable and consistent policy—it has fostered every special interest, every body of capital that desired to exploit the natural resources or use the labor of the country to build up wealth. The policy of the Republican Party has made the power of the trusts what it is. The tariff has become not a means of protection, but a means of patronage. The tariff legislation of recent years has been designed not to effect a general and healthy economic development and a fair extension and equalization of the opportunities of the people, but to secure profits to particular classes and combinations of producers. The whole atmosphere of government, under Republican rule, has become an atmosphere of patronage, of governmental favor or hostility. It breeds monopoly. Monopoly takes away opportunity and hope from the masses of the people; it robs the young men of the Nation of all chance to achieve their independence and fastens upon them a perpetual wage servitude; it converts small proprietors into hirelings; and it puts into the hands of a few men the absolute control of production and prices.

Against these dangerous policies—condemned alike by experience and by justice—the Democratic Party is exerting its whole strength. Its candidates and its platform represent the progressive spirit of the American people and their faith in American institutions. They represent "equal and exact justice to all, with special privileges to none." The reelection of President Taft will be taken by the Republican leaders as a proof that the American people approve their trust-breeding and favor-granting policies and the system which is responsible for the high cost of living. Can any thoughtful citizen doubt what the consequences of Republican victory this year will be? The Republican hypocrisy and deception and the unsuspected developments of the past four years point significantly to the purposes of the President and his advisers in the future.

In the presence of these impending national perils the National Democratic League of Clubs calls upon all Democratic clubs, societies, and associations in the United States to organize their forces for the defense of republican institutions. Patriotic citizens, regardless of past political ties or prejudices, are earnestly invited to assist in the compaign of organization, education, and agitation now being waged.

Every Democrat should now consider it an honor to be a part of an organization with such exalted purposes. They should consider it a privilege to contribute a mite of their time and means toward sustaining and extending the organization of Democratic or campaign clubs in every county in every State of the Union. We want every Democrat who has stood so nobly by the league in the past to know that the party leaders appreciate their work and sacrifices for the cause. Our success in this campaign now rests to a certain extent with them. Victory is now at our doors. The party is sound on all the great questions of the hour and it deserves and it will receive the support of all who love patriotism above pelf and believe in the equal rights of men.

In order to win in this campaign we must be thoroughly organized everywhere.

Now is the time to undertake the organization of Democratic or campaign clubs. Eleventh-hour organizations are all right and do good work, but victories are not the result of chance; they are the result of organization, of careful planning and concert of action. The National Democratic League of Clubs and the affiliated State leagues and federations of Democratic clubs invite you and all the progressive young men of the country to join their ranks now. The league is practically a young man's organization. It appeals to them for support, and it relies on them to help carry forward its plans.

All clubs and societies should at once communicate with the secretary of the National Democratic League of Clubs, Indianapolis, Ind., so that the united membership may work together systematically in defense of the Republic as the fathers made it.

In localities where at present there are no clubs steps should be promptly taken to organize them. In the organization of a club it is not necessary to wait for the assurance of a large membership, nor to waste time in the preparation of a constitution or by-laws; the club may be organized by any number of Democrats or persons in sympathy with its platform and candidates, and the matter of increasing the membership and adopting rules of procedure, if such rules are desired, may be taken up later. As a matter of course, all Democrats and others residing in any given locality should be invited and, if necessary, urged to join a club that may be organized in that locality, but the club can be started by a very few persons, and it should be started without delay to be of service to the party in the present campaign.

It costs a club nothing to cause itself to be enrolled as a member of the National Democratic League of Clubs, and by so doing it will enjoy advantages that it might not otherwise secure. Each club, after affiliation with the national league, is furnished with a handsomely engraved certificate of membership suitable for framing and hanging in the club headquarters.

The hearty cooperation and support of all Democratic committees, State and local, is respectfully requested to aid the national league and the various State leagues or federations of Democratic clubs in this important work.

By authority of the general executive board:

WILLIAM C. LILLER, *President.*
ROBERT J. BEATTY, *General Secretary.*

Approved.

F. B. Lynch, Minnesota (national committeeman); Hoke Smith, Georgia (United States Senator); John F. Shafroth, Colorado (governor); James B. McCreary, Kentucky (governor); William C. McDonald, New Mexico (governor); John Burke, North Dakota (governor); Obadiah Gardner, Maine (United States Senator); John E. Raker, California (Member of Congress); Newton C. Blanchard, Louisiana (ex-governor and United States Senator); Robert B. Glenn, North Carolina (ex-governor); George H. Hodges, Kansas; John J. Lentz, Ohio; James H. Caldwell, Pennsylvania; Chas. G. Heifner, Washington; Granville Jones, South Dakota; Whitfield Tuck Massachusetts, *Campaign Committee.*

SUGGESTIONS FOR CLUB ORGANIZATION.

A club should be organized in every voting precinct.

No special form of organization or by-laws required.

There should be a president, secretary, and a number of vice presidents.

There should be a large campaign committee, and committees on headquarters, membership, finance, press and literature, speakers, first voters, poll or registration, canvass, watchers, election-day workers, and other matters.

Every member of the club, as far as practicable, should be assigned to duty on some committee.

Members of clubs should make suggestions to their officers especially as to (a) what the Republican and Progressive Parties are doing, (b) the issues voters are discussing or most interested in, and (c) what kind of literature will be most effective.

A summary of these suggestions should be sent to the county or district, State and national league, or federation headquarters.

All literature received by the clubs should be carefully distributed by the members where it will do the most good.

Assert the truth that the election of Wilson and Marshall means an era of honest and economical government and equal opportunity for all.

Special attention should be given to organizing the first and independent voters.

Efforts should be made to secure the support of foreign-born voters and, wherever practicable, in aiding those entitled to vote to procure the necessary naturalization or other papers.

Clubs should see that the entire Democratic vote in the district is polled election day.

Corrupt or undue use of money or intimidation of voters in the election should be vigorously opposed.

Tried and true men should be assigned to watch the count.

The president of the club should report the result of the election to the headquarters as soon as the count is completed.

Clubs are urged to make accurate poll of voters in their district, to prevent fraudulent or illegal voting.

All patriotic citizens, irrespective of party, who believe in the rule of the people and who are in accord with the Baltimore platform and desire the election of Wilson and Marshall, are urged to organize themselves immediately into campaign clubs for the presidential election.

All organizations in sympathy are expected to assist actively in this work.

The chairman of the Democratic State committee in each State is requested to ask each county and precinct committeeman to urge the organization of a campaign club in each precinct on or before the 1st day of October and to call meetings immediately for that purpose. All existing organizations should meet at once and appoint campaign committees.

The names and addresses of all campaign organizations, their officers and committeemen, should be sent to the secretary, National Democratic League of Clubs, Indianapolis, Ind., so that certificates of enrollment, literature, plan of campaign, and so forth, may be sent.

Nothing serves to arouse enthusiasm or create interest so much as well-organized campaign and marching clubs, especially in conducting speakers to meetings, and it is suggested that wherever practicable and expedient clubs and organizations arrange to equip themselves for this purpose, to the end that the largest possible audiences be procured for public meetings.

Organize for Wilson and Marshall and Democratic victory and equal opportunity for all.

The Third-term Menace.

EXTENSION OF REMARKS

OF

HON. MICHAEL E. DRISCOLL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. DRISCOLL said:

Mr. SPEAKER: In the midst of this mud-throwing campaign, and aside from all the promises and pledges in the several platforms, there is one issue, clean-cut and distinct from all others, which should not be overlooked or ignored. Col. Roosevelt is a candidate for a third term as President, which alone should defeat the best man who lives or has ever lived in the Republic, and on the best platform that was ever submitted to the American people.

His friends and supporters are fertile in excuses and explanations of this charge. Some say it would not be a third term; that he was elected to the Presidency only once, and that he is now a candidate for a second term. But we call their candidate as a witness against their contention, for he said that the balance of McKinley's term was his first term and the full term for which he was elected in the fall of 1904 was his second term.

On the night of November 8, 1904, after his election was assured, he issued the following statement:

> I am deeply sensible of the honor done me by the American people in thus expressing their confidence in what I have done and have tried to do.
>
> I appreciate to the full the solemn responsibility this confidence imposes upon me and I shall do all that in my power lies not to forfeit it.
>
> On the 4th of March next I shall have served three and one-half years, and this three and one-half years constitutes my first term. The wise custom which limits the President to two terms regards the substance and not the form.
>
> Under no circumstances will I be a candidate for or accept another nomination.

If he did not consider that on the expiration of the four years for which he was then elected he would have served two terms, why did he refer to the "wise custom" against a third term, and say that under no circumstances would he be a candidate for another term? If he considered the term for which he was then elected as his first term, what demand or occasion was there for any statement? In this regard the Colonel is more candid and ingenuous than are his apologists, for he does not deny that he has had two terms and wants a third term. But his friends assert that when he declared that he would not be a candidate for another term he meant another consecutive term; and when at bay for some sort of an argument to support this assertion, they refer to the silly illustration that when a man, at breakfast, declines another cup of coffee, he does not therefore bind himself not to drink coffee the next week or the next month. Again, the Colonel is more frank than his apologists, for so far as I have read his speeches since he shied his hat into the ring, he has not said that he had reference to a third consecutive term.

I am one of those who then believed, and now believe, that when he said that under no circumstances would he be "a candidate for or accept another nomination," he wanted to assure his countrymen that he respected the unwritten law against a third term, consecutive or otherwise, and that he would never break that law.

Col. Roosevelt is a master of the English language. He knows how to make a clear, concise, and definite statement. That was not an offhand remark, thrown out to reporters without consideration. It was a solemn and very important declaration, deliberately uttered and formally issued to the country. He knew of the deep-seated conviction, or prejudice, if you please, in the hearts of many Americans against a third term and against any modification of the precedent against it. He was not unmindful of the fact that this wise precedent was invoked against Gen. Grant when he sought a third term after a hiatus of four years, and defeated him, although he had rendered transcendant service for the Nation. Therefore the conclusion is irresistible that when he delivered that solemn declaration from the White House, he intended to say to the country that under no circumstances or conditions would he ever again be a candidate for the Presidency, and further he intended that the people should so understand it.

If the statement had been made during the campaign and when he had some doubt about his success, it might possibly be open to a different construction. It could be claimed that he, knowing the views of many serious-minded and patriotic Americans against any violation or modification of the precedent against a third term, made that promise as an argument for votes, and purposely made it ambiguous so that thereafter, according to future exigencies, it could be read either way. Such an act would be dishonorable in the highest degree. No candidate for public office, from the lowest to the highest, should deceive his constituents in order to get votes; and no such charge can justly be made against him. That statement was made on the night of election day, after he had heard from the country and knew his election was assured by a tremendous popular plurality and a very large majority in the electoral college. It was indeed a most triumphant victory, for it was an emphatic approval of his record and indorsement of his administration. Many Republican States had returned larger pluralities than ever before, and many States which are always Democratic returned greatly reduced pluralities for his Democratic opponent. He would have been more or less than human did he not, that evening, feel proud of his success and grateful to his countrymen for their good will and earnest support. He was in a state of mental and moral exaltation. His best impulses and highest ideals were dominant. He had been elected to the highest, most distinguished, and most powerful office in the world, and his heart was welling over with gratitude to the people of this great Nation for their expression of confidence and good will. He wanted to return commensurate thanks to his countrymen for the distinguished honor they had conferred upon him, and no words could possibly have brought to their hearts as much joy and comfort as his brief statement that under no circumstances would he again be a candidate for the Presidency.

Millions of patriotic Americans, while they admired and honored him, and loyally supported him, had their eyes and their minds fixed on the future. They realized that he was in the prime of manhood, possessed of remarkable mental and physical energy and of boundless ambition. They feared that he might yield to that ambition and love of power which grow on most masterful men with years and the exercise of power, and that he might attempt to break down the "wise custom" which was established by his predecessors in office by seeking another term, and their hearts were sorely troubled. He realized how they felt and sympathized with them and made the statement which brought peace to their hearts and relieved their minds from serious forebodings.

I was one of those who read that statement with supreme delight, for it was a cause for much joy and consolation. It was the most eloquent utterance ever delivered from the White House, for it was the most unselfish and patriotic. I once told him how thankful I was to him for making that statement, and he seemed much pleased. But he did not say or intimate that he meant it otherwise than as I understood it. Of course, I read it as every honest and straightforward person did, as a distinct and positive renunciation of the Presidency at the expiration of the term for which he was then elected. To have read it as susceptible of double meaning, as a pledge with a string to it to be recalled at pleasure, would have been to attribute to President Roosevelt a degree of cunning and duplicity of which, in my opinion, he was incapable. Of the two horns of the dilemma it is less dishonorable in him to admit that he has changed his mind and broken his promise than to acknowledge a deliberate purpose to fool and deceive the people when he issued the statement.

At all events, I accepted it at its face value, and my heart went out to him for that act of self-abnegation, exalted patriotism, and fidelity to a high ideal. That single act placed him on a very high pedestal in my regard and esteem, from which nothing save his own repudiation of it could have stricken him down. I was his intense admirer and loyal and faithful friend until the end of his administration; and on January 8, 1909, when the House adopted resolutions reflecting on him as President, and in effect rebuking him for his action in the secret-service matter, I took his part in debate and was one of only 36 who voted against the resolutions, while 212 voted for them. Indeed, my esteem and respect for him grew with the passing years while he was faithfully adhering to his pledge, when, in the fall of 1907, he reiterated his statement of 1904, and when, as we were nearing the national convention four years ago, he resisted the flatteries and appeals of sycophants and false friends to be a candidate to succeed himself.

The temptation was great for a man of his disposition and restless energy. He might have been renominated by the Republican Party, and so wonderfully fascinating and attractive is his personality and such a hold had he on the imagination of the people that they might have flung their ideals and sentiments to the winds and have elected him over his broken pledge. But Theodore Roosevelt was then himself, and be it said to his honor and glory that he denied the demands of interested friends and politicians and the temptations of ambition and kept faith with his countrymen.

How much warmer a place would he occupy in the affections of the present and future generations of patriotic Americans had he clung to that resolution, and how much higher and grander would be his place in history had he, on his return from his hunting trip, retired as the sage of Sagamore Hill, after the manner of Washington, Jefferson, Madison, Jackson, and Cleveland. What a praiseworthy and dignified position he would have in the estimation not only of his fellow countrymen but of all the world. Or had he entered the Senate from the Empire State, or the House of Representatives, after the manner of John Quincy Adams, what a powerful influence he could exercise on the Nation's affairs.

I was one of those who had faith in his honor and integrity, and could not believe that he would break his word. Even after his Columbus speech, when he shied his hat into the ring, I hoped and believed that his higher nature and better impulses would regain control, and that he would not be persuaded to take the fatal step. But his real friends were disappointed and grieved. His tireless energy, his restless spirit, his delight in strife, his craving for popular applause, his love of the spotlight and the front page, and above all his insatiable ambition, won. He yielded to the demands of fawning flatterers and discredited politicians, who hoped to retrieve their own fortunes by his popularity. He broke his plighted word to his countrymen when he became a candidate for a third term.

At first he became a receptive candidate, then an aggressive candidate, and then he personally waged the most fierce and vituperative campaign ever witnessed in this country. He went to Chicago to intimidate the Republican convention and force his nomination, and when he failed he organized a new party to make himself President for a third term.

How are the mighty fallen. He will be defeated, humiliated, and discredited. His most noisy followers will forsake him when it is to their advantage, and he will live to curse his false friends for their selfish and evil counsel. Nothing can happen at the coming election which can possibly compensate him in the long run for the loss of his honor and the blemish to his name and fame. Should defeat come to the Republican Party, which showered on him its highest honors, it will survive the temporary repulse in its onward course. Should he compass the defeat of his old friend, President Taft will still retain the respect and good will of his countrymen. On the other hand his election is unthinkable. It would be a misfortune and calamity from which the Nation could never recover. His election over his broken pledge, and over the deep-seated conviction against a third term to any man, would be a sad commentary on our electorate. It would indicate that the people are ready to excuse in a popular and masterful man what they would not forgive in one of ordinary ability and standing. It would indicate that they are ready to forget the sound principles and high ideals on which the Republic was established, and set aside one of the most effective safeguards of our liberties. This would be so even should Col. Roosevelt prove to be the wisest and best of Presidents. The more popular and satisfactory would be his administration the more dangerous in the future would be the precedent of electing him to a third term. Even should he gracefully retire and not strive to succeed himself, the damage would have been done and could not be repaired, for he would have abolished the "wise custom" against a third term in the Presidency. Another man may arise in the future, even more resourceful, more popular, and more ambitious of power and admiration, who would invoke the precedent established by Roosevelt for a third term, and hold the office a fourth and a fifth term, and, in short, Mexicanize the Republic.

The liberties of a free people are never jeopardized by raising a man of ordinary ability and average ambition to the highest and most powerful office in their gift. Such a man, as a rule, is conservative and safe. He has no desire to ignore the Constitution and the laws of his country and institute a personal government, and he would be quickly stopped should he make the attempt. In a republic like ours the man who is dangerous is the strong, resolute, masterful man, who is very popular and captivating and can successfully appeal to the hopes and passions of the masses. Such a man, by appealing to the multitude which admires him and thinks only of the present, may be able to establish bad precedents which a vicious and unscrupulous successor in office may invoke with great injury to the country. A wise and good despot may be the best government, but they are few and far between. Since the dawn of history perhaps more than 99 per cent of the people have lived under personal government in some form. Monarchies have been the most enduring. In ancient times democracies and so-called republics arose and became prosperous, rich, corrupt, and fell. Switzerland has always been too poor to be wicked and too weak to be arrogant, and she has survived for many centuries. Napoleon Bonaparte eliminated what was left of the first French Republic. Louis Napoleon overthrew the second, and the news by cable any morning that an empire has been established on the ruins of the present republic would cause but little surprise. The Latin-American states are republics in form only. Most of them are military despotisms.

Eternal vigilance is the price of liberty now no less than in the past. This Nation is young in years, but is moving at a tremendous pace—no one can tell whither. Our industrial and social evolution have given rise to many new and troublesome problems, about which well-informed and patriotic people may honestly differ; and many questions of policy are before the people which have no direct bearing on the perpetuity of our fundamental principles.

Not so the question of a third term. It is a clean-cut issue staring the people in the face, and as they approach the election it will not down. Some superficial people may consider it of not much importance, and in their lust for victory and anxiety to win may not stop to consider it. And yet I have no doubt that there are many followers of the third-term candidate who would much prefer if this third-term millstone were not around his neck, not only because without it he would be much more available at the polls, but because they would feel easier in their consciences if that objection were not confronting them.

Why violate this time-honored rule which has obtained since the adoption of the Federal Constitution? Why set aside this "wise custom" which has given thinking people so much security and comfort? Why not maintain inviolate this unwritten law, approved by Washington and observed by many of his distinguished successors in office? Washington declined a third term; Grant was denied it in the same situation that Roosevelt demands it. Is he the only man in the Nation fit to be President? If so, it is a sad day for the Republic. Then make him President for life, and farewell to free government. Better, far better, to make an ordinary man President than to make him dictator, for with his passion for power, impatience of restraint, and disregard for judicial decisions, that is what he would strive to become if again elected to the Presidency.

There should be no quibbling or hairsplitting on this question of whether or not he is running for a third term. He himself is the authority that he is. His election, we contend, would abolish the "wise custom" against a third term according to his own construction of it. He knows that millions of people are considering this question. Why does he not again construe this "wise custom," and say whether or not his election would put an end to it? He is talking much, but he carefully evades, avoids, and ignores this question, and wants the voters to forget it. Were he right on every other public question, and were his platform the best ever written, this objection alone should defeat him so effectually that in the future no ambitious demagogue would presume to overcome it.

These views are not new to me nor uttered at this time for campaign purposes. Ever since I have given any thought to the future of the Republic I have entertained them. Prior to the national convention of 1908, when President Roosevelt was being urged to succeed himself, a propaganda in Chicago styling itself

"The Lime Light," sent me a copy of what it called "The Roosevelt Third Term National League Platform," and a letter, dated January 4, 1907, asserting that the public demanded the reelection of President Roosevelt and that he should be renominated and reelected, and requesting my opinion, to which I returned the following answer:

WASHINGTON, D. C., *January 12, 1907.*

To the EDITOR OF LIME LIGHT,
Tribune Building, Chicago, Ill.

DEAR SIR: I have received yours of January 4 with a copy of the Roosevelt Third Term National League platform. In the closing paragraph of your letter you say:

"To-day all the virile individualism in the country demands that the President abide by the will of the people and accept the Presidency in 1908. What do you think?"

I think you are in error. On the 4th of March, 1909, President Roosevelt will have served about seven and a half years, or substantially two terms. He spoke of it as two terms, and you are agitating for a "third term." He has frequently stated that under no circumstances would he be a candidate for, or would he accept, another nomination. I hope he will stick to that resolution, and I hope the people will let him alone in the discharge of his duties and not bother him with this agitation for a third term. He gave his word. He is a man of honor, and I believe he will keep it. People who are urging him to break it are not, in my judgment, his friends or friends of the Republic. I believe in the unwritten rule of this country against a third term, and hope there may be no exception or partial exception to that rule.

President Roosevelt is a great man and a great President. I admire him intensely, but I love the institutions of the country more than I do any man or any party. Good, popular, and patriotic Presidents may establish precedents by which bad or foolish Presidents may do much harm.

Theodore Roosevelt, as Senator from New York or as a private citizen, will continue to exercise a marked influence on our public affairs.

You say that President Roosevelt has become "a public necessity." That is a sad commentary on our times and conditions. If any particular man as President be a public necessity, then the Republic had better take an accounting and determine what is wrong. If any particular man be necessary to the success of a party, that party had better go out of active business for awhile for moral repairs. I remain,

Yours, very truly,

M. E. DRISCOLL.

Again, on May 7, 1907, I addressed the Roosevelt Republican Club of Massachusetts, in Boston. I knew they were booming President Roosevelt for a third term, yet I expressed my opposition to their wishes in the following language:

We all admire him (Roosevelt). We respect him, and we believe in him. His heart is true and his impulses right, and he can not go far wrong no matter how hasty his action. But he is not infallible. Hero worship is a weakness of our people. I am always striving against it. He should not be followed beyond the constitutional limitations of his office. For, be it remembered, that a great, good, and popular President may establish precedents by which a weak or unprincipled successor may work much injury to our institutions. Sustain him in his desire to lift up all the people. Sustain him in his efforts to maintain a clean and wholesome administration. Sustain him in his determination to enforce the law and give all parties a square deal; and sustain him in his resolution not to accept a renomination. On the night of his last election he made that statement, and it was a very eloquent and patriotic utterance. He is a man of honor and means to keep it. I believe in the unwritten law against a third term, and hope it will not be broken or modified. And in my judgment the men who are urging him to break his word and run again are not friends to him or to the Republic.

I was then in favor with President Roosevelt, and always had been. I never made of him a reasonable request for my district or for myself that he did not grant; and when he did me a favor he did it so promptly and with so much heart and enthusiasm that it seemed to give him as much pleasure as it did me, and I think it did. He is wonderfully fascinating and attractive. In personal relations few men can help being impressed by his power and magnetism. I liked him and admired him intensely, and would have walked from Syracuse to Washington to do him a favor.

I had no possible reason or motive for opposing his reelection save as above stated. I then felt that it would be a great mistake for him to accept another term. Perhaps I judge other people by myself. I knew that I could never feel the same toward him had he broken his solemn pledge not to again be a candidate, for I believe that big men, as well as small ones, should keep their promises. I was proud of his reputation and did not want him to destroy it. I was jealous of his place in history, and wanted his character and personality to shine resplendent down through the ages.

Publius Clodius, by his bold effrontery, his unparalleled audacity, his demagogic appeals to the Roman masses, and his daring assaults on established laws and customs, helped prepare the way for Julius Cæsar. If Roosevelt should set aside the time-honored precedent and "wise custom" against a third term, he may make it easier for some American Cæsar to retain the Presidency and overturn our political institutions. In that event his name would go down to future generations not in honor and glory, but in infamy and execration. I believed that his efforts to secure another term would be fatal to his reputation now and hereafter, and in case of success an irreparable damage to our free institutions.

Because of these views, which were settled convictions, I did not favor his nomination four years ago. Highly as I regarded him personally and as President, I cherished more dearly the fundamental principles of our Government. The great bulwarks of our liberty should not be undermined to humor the ambition of any man. Individuals come and go. Parties are only temporary agencies of government, which serve their purpose and disintegrate. Neither men nor parties are of much account compared with the elementary principles on which our Government was founded, and which I hope and trust may endure forever.

Why did Col. Roosevelt make the mistake of his life by becoming a receptive candidate? Why did he get into this political maelstrom, in which he is fighting like a Titan, with no chance of success? His course and conduct since he followed his hat into the ring are easily understood, for they are entirely characteristic of him. After the first blow is struck a resolute and plucky man fights to the finish, neither asking nor giving quarter. But why did he consent to become a candidate? Much is said these days about psychological moments. Did he at some unguarded moment, when irritated or angered at some real or fancied wrong, yield to the persuasions of his friends; or was it his boundless ambition, pure and simple, to occupy a unique place in history by being President three terms with the opportunity for further continuance in office and power?

President Roosevelt has been likened to Oliver Cromwell, Louis Napoleon, and Porfirio Diaz. Of the three he most resembles the first. In order to correctly analyze his character and discover the real motive for his present extraordinary assault on the fundamental principles and safeguards of the Republic, it is worth while to read his life of Oliver Cromwell. The writer is in warm sympathy with his subject, magnifying his good traits of character and modifying his bad ones as he follows his career from a country squire to lord protector of the Empire. While he criticizes some of Cromwell's most atrocious acts of cruelty in war and some of his most arbitrary acts in government, and palliates others, he admires him intensely and calls him "the greatest Englishman of the seventeenth century" and "the greatest man who has ruled England since the days of the Conqueror."

In this book he makes many comparisons between the times and conditions in England under Cromwell and the times and conditions in this country during the Revolutionary and Civil War periods. In trying to excuse Cromwell for absorption of power, he refers to our posture of affairs in the fall of 1864, as follows:

If the Abolitionists of the Wendell Phillips type, instead of seeking to compass Lincoln's defeat for the Presidency in 1864 by peaceful means, had threatened armed agitation; if, instead of trying to elect McClellan or Seymour at the polls, the northern Democrats had taken the field with the former at their head; if the Republicans had first crushed them by force of arms and then had fought among themselves until the extreme radical element got the upper hand, installed Grant as perpetual President and dissolved Congress when it became evident that the Democrats and moderate Republicans combined would outnumber the radicals, we should have had a very fair analogy to what happened in the Cromwellian era.

In such a case, moreover, be it remembered, that the fault would have lain less with the perpetual President than with the people whose defects called him into being.

And again:

In criticizing Cromwell, however, we must remember that generally in such cases an even greater share of blame must attach to the nation than to the man.

You will observe, first, that he suggests the possibility of a "perpetual President"; and, second, that he would blame Grant some for making himself "perpetual President," but would blame the people more for permitting it. Apply his own words to present conditions. If the people should now elect him to power and make it possible for him to become "perpetual President," the fault would be less with him than with them whose defects would call him into being. In this connection he also says, "Cromwell did not stand on the lofty plane of Washington." Neither does he, else he would take Washington rather than Cromwell as his exemplar.

Cromwell had a passion for arbitrary power, and made himself lord protector for life. Roosevelt has the same craving for unlimited power and is trying to make himself "perpetual President." Cromwell loved power so well that he did not make a real effort to establish a constitutional government. Roosevelt loves power so well that he is making a real effort to undermine and destroy the best constitutional Government in the world.

But there was infinitely more excuse for Cromwell than for Roosevelt. Cromwell lived in the seventeenth century. Roosevelt lives in the twentieth century. Absolute monarchies were the rule in Cromwell's time. The rule is different in Roosevelt's time. There was no striking examples of transcendant wisdom and sublime patriotism from whom Cromwell could

have taken guidance and inspiration. There are before Roosevelt's eyes the personalities of Washington and Lincoln. Cromwell lived in a fanatical and bigoted age. Roosevelt lives in a liberal and practical age. Cromwell had in his hands the reins of government and could not well let go. Roosevelt is trying to seize the reins of government with no intention of letting go. Had Cromwell surrendered all power he and his most active and prominent followers would probably have lost their heads. Roosevelt is in no such danger, and the greatest peril that can come to his followers is to be kept out of office.

Roosevelt's mental processes and methods are not unlike Cromwell's. In Cromwell's speeches he was constantly quoting scripture. Roosevelt is a promising imitator, for does he not stand at Armageddon and battle for the Lord? Cromwell opened his battles of arms with exhortations, psalms, and invocations to the Most High. Roosevelt opens his battles of words with prayers, follow songs, and paraphrases of sacred hymns. Cromwell infused a high degree of religious zeal into his Ironsides. Roosevelt is trying hard to imbue his bull moosers with the same brand of zeal. Cromwell catered to the army. Roosevelt plays to the gallery. Cromwell earned a military title. Roosevelt got one. All men who were with Cromwell were saints and all who were against him were sinners. All trusts that are with Roosevelt are good trusts and all that are against him are bad trusts. Cromwell denounced all sects and nobles that were not for him. Roosevelt denounces all interests and bosses that are not for him. Cromwell lived in a spiritual age and appealed to the Lord for strength to smite his enemies. Roosevelt lives in a material age and appeals to the people for strength to smite his enemies. Cromwell was the most artful and resourceful politician in England. Roosevelt is the most artful and resourceful politician in America. Roosevelt says that Cromwell "acquired a dictatorial habit of mind and the fatal incapacity to acknowledge that there might be righteousness in other methods than his own." Is not that a fair description of his own disposition? Roosevelt says that Cromwell "was too impatient of difference of opinion, too doggedly convinced of his own righteousness and wisdom, to be really fit to carry on a free government." Is not this a fair pen portrait of himself?

Cromwell became perpetual lord protector, and Roosevelt hopes to become "perpetual President." Cromwell built up a personal party that kept him in power until his death. Roosevelt is making a desperate effort to accomplish the same end. When Cromwell died his party immediately went to pieces. Should Roosevelt return to the African jungle his party would immediately disintegrate and his platform would return to its constituent elements, most of which is stolen from socialism. Cromwell recalled the English parliaments when he did not approve their enactments. Roosevelt would recall the American courts when he does not approve their decisions. Cromwell deceived, tricked, and bullied his parliaments and councils, and dissolved them when they failed to do his bidding. Roosevelt deceived, tricked, and bullied the Republican Party, and is trying to destroy it because it refused to do his bidding. He begged and badgered for a nomination at its hands, and when he was rejected he organized an opposition party and is engaged in most violently abusing the men whose support he was anxious to accept and denouncing the platform on which he was willing to stand for election. Were he honest and sincere with the Republican Party, then he is not in good faith with the Progressive Party, if he has any character or abiding principle. The obvious conclusion from his conduct and utterances is that since he became possessed by this passion for a third term he has been ready to get it in association with any stripe of politicians and on any kind of a platform.

Fair-minded historians have charged Cromwell with many acts of duplicity, treachery, and fiendish cruelty in his rise to absolute power; and Roosevelt himself, in spite of his admiration and partiality for the "Great Oliver," mildly accuses him of hypocrisy. What will the future historian have to say of Roosevelt's hypocrisy?

Col. Roosevelt is a dangerous man. That his candidacy should be seriously considered by a considerable number of our citizens is a menace. His election would be a disaster from which the Nation could not recover, for it would mark the beginning of the end of constitutional and representative government. That recent immigrants from eastern monarchies, who inherit a belief in personal and autocratic governments and are not familiar with American history or imbued with the spirit of American patriotism, should approve his candidacy is not surprising. But that native-born Americans, and especially descendants of the Pilgrims and Revolutionary heroes, should look upon his ambitious designs with indifference is a cause for much sorrow and grave concern. Such people are sowing the wind and may reap the whirlwind.

Further Correspondence Touching the Oregon and California Railroad Lands.

EXTENSION OF REMARKS
OF
HON. A. W. LAFFERTY,
OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: Under the leave given me to extend my remarks in the RECORD I herewith include as a part of my remarks the answer of Senator CHAMBERLAIN to my letter to him of August 14, heretofore printed in the RECORD, and also my reply.

To my letter of August 14 Senator CHAMBERLAIN answered as follows:

UNITED STATES SENATE,
Washington, D. C., August 20, 1912.

Hon. A. W. LAFFERTY,
House of Representatives, United States.

DEAR SIR: I owe you an apology for not having sooner answered your letter of the 14th instant, but the fact is that since its receipt I have been extremely busy in conference and other committees in these closing days of the session and have not had time to attend to accumulating correspondence. I read in the CONGRESSIONAL RECORD of the 14th instant what purported to be a copy of the letter addressed by you to me. It was not a copy, however, for much that was included in the letter I received was omitted from the letter as printed, and some things were printed which were omitted from the letter I received. The one received by me contained an impeachment of the House of Representatives itself and a reflection on one of your colleagues there, and you were doubtless aware that if you had read to the House the letter which was actually addressed to me authority to print would have been denied. I might point out the differences in the two letters, but to do so would be aside from the purposes of this communication. I content myself with saying in reference to the matter that it was rather a surprise to me to find a communication addressed to one of your colleagues printed in the CONGRESSIONAL RECORD before it was received. Your course was, to say the least, a little bit unusual, if not discourteous; and I can not conceive why it was adopted by you, unless it was intended to make a public record ostensibly advocating the disposition of any lands within the grant that might be forfeited to actual settlers, while your course in Congress in reference to this matter has tended to defeat the measure originally introduced by you, as well as to thwart the efforts of the Government to bring to a successful termination the suits instituted for the purpose of having a forfeiture declared.

I desire now to give to you the reasons why I could not conscientiously comply with the request contained in your letter and propose to amend House bill 22002 as it passed the House of Representatives and as it reached the Senate.

House bill 22002, as introduced by you on the 15th of March, 1912, is an exact copy of Senate bill 5885, introduced in the Senate March 16 by Senator BOURNE. These two bills provided in terms that none of the lands reverting to the United States by virtue of forfeiture should be subject to entry under any of the public-land laws of the United States, or to the initiation of any right whatever under any of the public-land laws of the United States, except as therein specifically provided. They in terms provided that these forfeited lands should not become subject to any State or other lieu selection or exchange. They provided in substance that after final judgment or decree of forfeiture the reverted lands might be disposed of under the general land laws of the United States and opened to settlement, location, and entry by proclamation of the President under the drawing system, and that no persons who should attempt to initiate any right to enter on said lands prior to the time designated in the proclamation or otherwise in violation of any provisions of said proclamation should be qualified to exercise or enjoy any rights whatever as to any of said lands under the public-land laws of the United States. They expressly stated that the purpose of the act was that all such reverted lands should be opened to entry at such a time and in such a manner that all persons entitled to make entry thereon should have equal opportunity therefor. They further provided how the Attorney General might proceed, after decrees of forfeiture, to stipulate with certain defendants in the suits (except the railroad company itself) for judgment, and how the forfeited lands

which certain defendants, known as the innocent purchasers, had purchased from the railroad company might be quieted as to title by the payment on the part of these purchasers to the Treasurer of the United States of $2.50 per acre for all of the lands embraced in the suits against them, and for which they might make application to the Secretary of the Interior.

I had no particular objection to either of these bills. They gave everybody an equal opportunity after the proclamation of the President. I am frank to say, however, that in my opinion the innocent purchasers, who had once paid their money to the railroad company in good faith, ought not to have been compelled to pay the Government anything as a condition to the quieting of their titles. Inasmuch, however, as they were willing to pay at the rate of $2.50 per acre for their holdings and the Department of Justice was willing to accept such a payment, I could see no objection to giving my assent to this legislation. If the bill as originally introduced by you had been passed, it would have opened the door of opportunity to everybody, after the proclamation of the President, to take steps looking to the acquirement of title to lands which the railroad company had not disposed of after decrees of forfeiture had been entered.

On April 24, 1912, however, for reasons best known to yourself, you introduced another bill—H. R. 23719—which changed the purposes of the bill as originally introduced, for section 2 thereof practically recognized the rights of parties which it was not the purpose of the original bill to recognize. As evidence thereof section 2 of H. R. 22002—the original bill—provided as follows:

> That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall be or become subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws of the United States, except as hereinafter provided.

Section 2 of H. R. 23719 is as follows:

> That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall, after the passage of this act, be subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws of the United States, except as hereinafter provided.

It will be noted that in section 2 of your second bill there is an express recognition of rights accrued between the date of the commencement of the suits and the time of the passage of the act.

On July 31, 1912, you introduced another bill on the same subject, H. R. 26066, section 2 of which recognized again the rights of parties who pretended to have initiated claims between the commencement of the suits and the final passage of the act. Section 2 of this bill is the same as that set out in your letter to me, and is as follows:

> That the acts of Congress making the grants of land upon which any or all of the aforesaid suits in equity, actions at law, or other judicial proceedings were instituted are hereby amended to the extent that it shall be unlawful after the date this act shall take effect for any person to settle upon or attempt to acquire any rights to any of the lands involved therein until rules and regulations prescribing the manner in which settlement may be made or rights acquired shall be duly made and promulgated in accordance with this act. In any case where a decree of forfeiture in favor of the United States shall become final, without any right of appeal therefrom (except as provided in section 4 of this act), the President shall by proclamation open to settlement, location, and entry under the general public-land laws the lands so forfeited to the United States: *Provided*, That the President may, in his discretion, open any or all of said lands that may be subject to homestead entry in tracts not exceeding 40 acres to one entryman: *Provided further*, That persons who shall make homestead entry of any of said lands shall, in addition to the requirements of the homestead law, be required to pay the sum of $2.50 per acre therefor at the time of submitting final proof: *And provided further*, That if the final judgment or decree rendered in any of the aforesaid suits in equity, actions at law, or other judicial proceedings shall adjudge or decree enforcement of the terms of the particular act of Congress upon which such suit, action, or other judicial proceeding is or shall be based, and shall not adjudge or decree a forfeiture, it shall be the duty of the court to formulate suitable rules and regulations for the disposal of the lands involved in any such suit, action, or other judicial proceeding in an orderly manner through the medium of a receivership to actual settlers only in quantities not greater than a quarter section or 160 acres to any one settler and for prices not exceeding $2.50 per acre: *And provided further*, That all lands within the present exterior boundaries of any national forest which may revert to the United States through a decree of forfeiture in any of the aforesaid suits in equity, actions at law, or other judicial proceedings shall immediately attach to and become a part of such national forest.

The above you suggested as an amendment to the bill as it finally passed the House and Senate. You doubtless had some purpose (which is, of course, best known to yourself) in recognizing—impliedly at least—rights of individuals who had attempted to acquire some preferred rights in lands within the exterior limits of the railroad grant between the date of the commencement of the Government suit and the time when the act should finally pass. I was unwilling that the bill as originally introduced and as it finally passed the House and came to the Senate should be so amended, and I base my objection on two grounds: First, that after the commencement of these suits land speculators and attorneys, both in Oregon and in other parts of the United States, through advertisements and otherwise, held out inducements to the unsophisticated that for considerations varying from $50 for each 160 acres of land to as high as $250 for each 160 acres of land they could, by making an application to the railroad company and making a tender of $2.50 per acre, the amount and price specified in the original grant, secure for such persons some preferred right, which would attach over the rights of all others, in case the suits terminated in favor of the Government on a decree of forfeiture. This was done quite largely in Oregon.

The 65 clients represented by you in the United States court in Oregon, if I have been correctly informed, base their claim of right and to a standing in the court upon the proposition that after the institution of the suit they were actual settlers, had made application to the railroad company, and had tendered to the company at the rate of $2.50 per acre, and in consequence were entitled to a deed and later were entitled to be heard in the pending litigation as interveners. There were hundreds of others similarly situated, and there may have been thousands; many of whom not only had not seen the lands and were not actual settlers in any sense of the word, but had never been in the State of Oregon. The papers of the State, editorially and otherwise, warned these contemplated purchasers against investing their money in any such chance. More than a year ago I had inserted in the CONGRESSIONAL RECORD a notice warning people throughout the country against such investments, and I have written letters time and time again to men advising them that they could not secure any preferred right by the methods proposed and advised them not to invest. These claims were all in fraud of the rights of men who might become actual settlers in case a decree of forfeiture is finally rendered in these suits, and the amendment suggested in your letter to me of the 14th instant was a covert and an implied recognition of these fraudulently attempted rights, and I was unwilling to be a party to any legislation that would protect your clients or any others who had attempted to acquire so-called preferred rights after the initiation of the suits by the Government against the railroad company and others.

Second, the amendment suggested by you would, if enacted into law, tend materially to confuse the purposes of the Government in attempting to secure a decree of forfeiture against the railroad company, for it provides that in case the court should not decree a forfeiture it should formulate suitable rules and regulations for the disposal of the lands involved, in an orderly manner, through a receivership to actual settlers only, in quantities not greater than a quarter section; but this only had application to those who attempted to purchase after the passage of the act, still recognizing the alleged rights of those who had undertaken, as your clients had, to initiate them after the commencement of the suit.

The insistence of the Government in the litigation now pending has been that the original granting act and the acts amendatory thereof created an estate with a condition subsequent, for a violation of which condition by proper authority the Government might secure a decree forfeiting the grant. It is true that there is an alternative prayer in the petition of the Government, but the whole contention of the Government has been that the grant was a grant with a condition subsequent. Your argument at the time you represented the 65 alleged settlers before the court was, as I understand it, that the grant was an absolute grant to the railroad company in trust, making it incumbent upon the railroad company to sell the lands to actual settlers in tracts of not to exceed 160 acres and at a rate not higher than $2.50 per acre. You contended that the estate created was not an estate upon condition, but a trust. That is your contention now. You said in Congress in an address made July 15, 1911:

> The grant created one of two things—an estate upon condition or a trust. If an estate upon condition, then the proper remedy for breach of the condition is forfeiture. But is this an estate upon condition? In the very nature of things it can not be.

The argument contained in your letter is practically a repetition of the argument made by you at the hearing before the Federal court in Oregon. The position which you take and which your amendment proposes is diametrically opposed to the contention of the Government, and is diametrically opposed to the views of Judge Wolverton, when he said:

> Looking at the matter in all its phases, the act lacks the elements of a trust whereby the railroad company is constituted a trustee for the administration of the granted lands, in any specific quantities, for the benefit or use of any definite or certain beneficiaries.

The view of the court was in line with the contention of the Government that the granting act created an estate with a condition subsequent, and to have embodied the amendment suggested in your letter in the bill as it finally passed would have

been in the teeth of the Government's contention and the decision of the court sustaining it.

That your position is inconsistent with the best interests of the State was suggested in the course of your address of July 15, 1911, when Mr. JOSEPH CANNON, of Illinois, interrupted with this question:

> Before the gentleman concludes his remarks, will he have the kindness to state what legislation he desires as the attorney—what legislation he desires, not only as the Representative of the people of his district, but as the attorney for his clients, namely, these settlers?

I assume from your statements that you represent these same settlers yet, because, in the address delivered by you July 15, 1911, in answer to a suggestion of Mr. NORRIS, of Nebraska, you stated:

> In answer to the gentleman's suggestion, which I am very glad he made, I will say if it is true that these 65 settlers, nearly all of whom are without money, shall manage to find sufficient funds to prosecute this litigation on the theory of enforcement, and I shall continue to live and retain my health and strength to prosecute the case for them until it is decided six or eight years from now in the Supreme Court of the United States, that both theories will be presented. But the Government of the United States should not abandon the theory of enforcement and be permitted by Congress to pursue a false theory for six or eight years until the railroad company has done exactly what it is expecting to do under this program—build up an equitable defense by the payment of taxes.

The quotations above are made by me for the purpose of showing that the contention which you now make in your letter to me is in line with the contention you made when you were representing alleged settlers in the hearing before the Federal court and when your clients' interests were adverse to the Government's interests; that is, that the title of the railroad company is absolute and that the company holds merely as trustee, so that under your view the only power that the court has over the matter is to compel the railroad company to execute deeds to actual settlers who tender $2.50 per acre for not to exceed 160 acres each.

Let us see what the result would be if your contention availed. Assuming that there are, in round numbers, 2,500,000 acres of land still undisposed of by the railroad company, your contention would mean that the railroad company would reap a harvest of $6,250,000; whereas, if the Government's contention prevails, it means that the railroad company will forfeit this entire grant and these lands will be restored to the public domain, to be disposed of as Congress shall hereafter direct.

I was unwilling, therefore, to suggest your amendment to the Senate, and in this opinion my colleague, Senator BOURNE, concurred, and I am sure your colleague, Mr. HAWLEY, concurred, though I have not talked with him, because he assented to the bill as it finally passed the House.

The only objection I have to the bill as it finally passed is that under it the lands, in case of forfeiture, are temporarily withdrawn from entry under the public-land laws of the United States; but that withdrawal is temporary merely and serves notice upon the world that these lands are not to be entered until some legislation is subsequently enacted by Congress providing the manner and terms of disposition. It is better that they be thus temporarily withdrawn, however, than that speculators, unscrupulous attorneys, and grafters in different parts of the country shall continue to impose on the credulity of men and women who are ignorant of actual conditions and who are easily induced to part with money in the hope that they may be able to acquire a part of the public domain. It is better for the State of Oregon, it is better for the whole country, that the lands should be temporarily withdrawn under the legislation as it has finally passed Congress than that people should be imposed upon and conflicting rights should be attempted to be initiated which will lead to hardship and inevitable litigation.

I have thus attempted to give you the reasons at length for my unwillingness to suggest to the Senate the amendment proposed in your letter. I dissent from it entirely and am sure that its adoption could only have led to confusion of the rights of individuals and place an obstruction in the way of the Government's proceedings to declare a forfeiture of the undisposed of portions of the grant in question.

I have the honor to remain,

Yours, very respectfully, GEO. E. CHAMBERLAIN.

To Senator CHAMBERLAIN'S foregoing letter I made the following reply:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., August 21, 1912.

Hon. GEORGE E. CHAMBERLAIN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Acknowledging receipt of your letter of August 20, I must confess my astonishment at its contents.

Your 10-page letter is full of inconsistencies, misstatements of fact, and apparent attempts to discredit the work I have done in connection with the Oregon and California land-grant suit.

I can only account for your remarkable communication upon the hypothesis that since you had the land-grant bill passed through the Senate over my protest on August 15, without an amendment providing that Oregon shall get some benefit from the lands, if forfeited, that you have come to a realization of the fact that you seriously blundered, and that your long letter to me is an afterthought on your part, in which you are frantically seeking justification for your act.

If you know anything about the land-grant suit at all, you know that I have always contended that no person could acquire any rights without becoming an actual bona fide settler on the land. And I desire to ask you why a settler on the land should not be given a preference right to buy under the act of Congress requiring the railroad company to sell the lands to actual settlers.

Your statement that I filed suits for 65 settlers after the Government suit was filed is untrue, and shows that you did not know the facts, and that you have not read my speech in Congress upon the subject, from which you quote that portion in which the gentleman from Illinois [Mr. CANNON] interrogated me last July.

On the other hand, I brought suits for the settlers one year before any suit had been brought by the Government, or anyone else, to enforce the terms of the land grant.

If you had merely read the newspapers you ought to have known this much.

The first suit ever brought to enforce the law by which the lands were granted to the railroad company I filed for John L. Snider September 16, 1907. Thereafter I filed suits for something like 64 settlers before any suit was brought of any kind by the Government.

I received no fees from these settlers and have never received one penny for any work that I have performed in connection with the enforcement of the Oregon and California land grant.

During the late primary campaign one James N. Davis, I think it was, wrote a page article in the Portland Oregonian, seeking to discredit my work in connection with the land-grant suit, and in your letter I recognize many of the earmarks of that communication prepared by Mr. Davis, who, I understand, was for years an employee of the Southern Pacific Railroad Co., and recently sought to defeat me for renomination. He quoted the same query from the gentleman from Illinois [Mr. CANNON] that you set forth in your letter, and in many other respects his communication and your letter are practically identical.

For four years you served as attorney general of Oregon and nearly eight years as governor of that State without raising your voice in favor of enforcing the law in reference to a large part of the land of that State. You did not say one word in favor of enforcing the Oregon and California land grant. Moreover, it was during your administration as governor that the titles of Frederick A. Kribs, M. B. Rankin, A. D. Daniels, and many others who had previously filed fraudulent State school selections were perfected, and these titles were perfected with your knowledge, consent, and assistance.

Therefore, I scarcely feel under any duty that I might otherwise owe to the high position you now hold to accept without plain denial your insinuations that I had at heart any other motive than the protection of the rights of the State of Oregon in asking you to have my amendment added to the land-grant bill.

You insinuate that I was asking thereby to protect the 65 settlers for whom I brought test suits as an attorney. Being a lawyer, you will see that there is no ground for such insinuation, because those 65 settlers, having made their settlements and brought their suits prior to any actual forfeiture, can not be deprived of their claims in any event.

You must further realize that if I had not brought these suits for these settlers that probably no litigation of any kind would ever have been brought. At least the law remained upon the statute books for 35 years without any other lawyer bringing any suit for any citizen to enforce that law, and it remained for me, without pay and at considerable expense to myself for abstracts, clerical help, and so forth, to dig up all of the law and the facts and be the first one to lay the law and the facts before the court.

If you had read the speech I made in Congress July 15, 1911, you would have seen where I warned the public against so-called locators who were pretending to give people rights by the mere tender of applications. In that speech I said:

"It should be plainly understood, however, by prospective purchasers that the term 'settler,' under all the public-land laws, means a person actually residing on a given tract of land and making it his home. Those so-called 'locators' throughout the country who have been filing applications on this land for nonsettlers are simply defrauding their victims out of the

fees paid, and they ought to be prosecuted by the Federal authorities for violation of the postal laws.

"No person who has not gone upon a tract of this railroad land and built a house and moved in with the bona fide intention of making the land a home has any right to apply to the company to sell to him.

"If the company should accept the application and tender of a person not an actual settler on the land, it would be violating the acts of Congress which require plainly that the lands shall be sold to actual settlers only.

"The very law that requires the company to sell to actual settlers prohibits it from selling to anyone who is not an actual settler.

"It is plain that no rights can be acquired by the presentation of an application to purchase by a nonsettler. Such an application would amount to nothing more nor less than a request upon the railroad company to violate the law."

Yet in your letter of yesterday, by implication and innuendo, you would seek to connect my name with those very locators whom I have always denounced.

You go on to say that I doubtless had some reason, best known to myself, for recognizing, impliedly at least, the rights of individuals who had attempted to acquire some rights in connection with the land between the date of the commencement of the Government suit and the time when the act should finally pass. I do claim that every man in the State of Oregon who made settlement on a quarter section of the land during that time ought to be protected if this Government suit is won, but if you had read my speeches in Congress or at the trial, you would have known that under the law no one except actual, bona fide settlers could acquire any rights, and that I have always so contended.

To be perfectly frank with you, Senator CHAMBERLAIN, I construe your letter as an attempt upon your part to justify your action in rushing the land-grant bill through the Senate without even considering the amendment that I proposed.

My substitute for section 2 merely provided that if the lands should be forfeited they should, nevertheless, be opened up by proclamation of the President to bona fide settlers, and that if the decree should be specific performance instead of forfeiture that the court should require the lands to be sold to settlers through a receivership, and that in either event no person should be allowed to settle pending the litigation—after the passage of the act. You could not have misunderstood this plain amendment if you had read it. Your insinuation that I wanted this amendment passed solely for the benefit of some of my clients will appear to anyone as ridiculous in the light of the facts that I have here set out.

Moreover, the bill as passed does not prevent settlers from going upon this land pending the litigation. The bill merely provides that the lands, if forfeited, shall not be subject to disposition of any kind. A settler now going upon the land will be the first settler on a given tract, if specific performance should be decreed instead of a forfeiture. And since my amendment was not adopted, if the Supreme Court, one year or two years from now, should hand down a decision in favor of enforcement, there would be a grand rush for these lands and possibly bloodshed and homicides would result.

In other words, the bill provides no safeguards for a fair disposition of the lands in case the court should decree enforcement, and it actually prohibits any disposition of the land if the court should decree a forfeiture. That is the kind of a bill that Mr. HAWLEY and yourself have procured to be passed through the House and Senate without one minute's debate upon any of its provisions and over my protests and objections.

If you are proud of that record I am glad to permit you to share that pride alone.

I shall in the near future introduce a bill providing that section 2 of the bill just passed shall be stricken out and that my amendment shall be adopted in lieu thereof.

In conclusion, permit me to say that it is a matter of exceeding regret to have received a letter from you of the character mentioned. I have always had, and still have, high regard for you as a public officer and as a private citizen. But I find a great deal of selfishness in human nature and I see it crop out in United States Senators, aspirants for the Presidency, and ordinary Congressmen the same as in the common herd.

In this instance I am absolutely convinced beyond the peradventure of a doubt that you have permitted yourself to say mean little things in your letter, reflecting upon my course in connection with the land-grant suit, to make out an apparent case of justification of your own ill-advised action in permitting the land-grant bill to go through without decent consideration at the behest of the 45 large purchasers in Oregon who have been requesting you to hurry the case. But, as I stated to you the other morning in the corridor of the Senate Office Building, I shall fight this matter out with you to a finish, and while your superior reputation and higher standing may give you a tremendous advantage, you will not find me quitting on anything I have started in on, and to see that these grant lands in Oregon are disposed of to bona fide settlers is one of the things that I have started in on.

With high regard, very truly, yours,

A. W. LAFFERTY.

P. S.—Your statement that my original letter to you reflected upon the House of Representatives is absolutely untrue, and I challenge you to point out wherein it did. Nor did it in any way reflect upon my colleague, Mr. HAWLEY, unless it was a reflection for me to say that he called up and had passed by unanimous consent the land-grant bill late Saturday afternoon, August 10, when not more than 25 Members were present, and in my absence, it being my bill, and he well knowing that I wanted to offer an amendment on the floor when the bill was reached on the calendar.

A. W. LAFFERTY.

H. R. 22002 as it passed the House and Senate and became a law is as follows:

[PUBLIC—No. 278.]

[H. R. 22002.]

An act supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.

Be it enacted, etc., That all claims of forfeiture heretofore or hereafter asserted by the Attorney General on behalf of the United States in or by any and all suits in equity, actions at law, or other judicial proceedings instituted pursuant to the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., be, and the same are hereby, ratified and confirmed and are hereby declared to be of the same force and effect as declarations of forfeiture by the Congress of the United States.

SEC. 2. That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall be or become subject to entry under any of the public-land laws of the United States, or to the initiation of any right whatever under any of the public-land laws of the United States.

SEC. 3. That no suits in equity, actions at law, or other judicial proceedings shall be instituted pursuant to said joint resolution approved April 30, 1908, that shall involve any lands sold by the Oregon & California Railroad Co. prior to April 30, 1908, unless the same shall be instituted within one year from the date of the approval of this act: *Provided*, That this section shall not be construed to apply to any suits in equity heretofore instituted, nor to any parties thereto, nor to any of the lands involved therein, nor to the institution of any further suits in equity, actions at law, or other judicial proceedings relating to any of the lands that are involved in said pending suits.

SEC. 4. That the Attorney General is hereby authorized to compromise in the manner hereinafter provided any suit heretofore or hereafter instituted pursuant to the provision of said joint resolution approved April 30, 1908, involving lands purchased from the said Oregon & California Railroad Co. prior to September 4, 1908. In any such suit the Attorney General may, in his discretion, stipulate with the defendant or defendants who purchased said lands, or are the successors or assigns of such purchaser or purchasers, that decree shall be entered adjudging that the lands involved therein have been and are forfeited to the United States. Such decree shall recite that the same was entered pursuant to such stipulation. If said purchaser defendant or defendants, or their successors or assigns, shall within six months from the entry of said decree file with the Secretary of the Interior a certified copy of said decree, together with an application to purchase all of the lands adjudged by said decree to have been forfeited to the United States as aforesaid, and shall pay to the Treasurer of the United States the sum of $2.50 per acre for all of the lands so applied for, the Secretary of the Interior shall cause patents to be issued conveying to said purchaser defendant or defendants, and their successors and assigns, all of the right, title, and interest of the United States in and to all of said lands; and such purchase shall operate as a compromise of any and all claims of the United States for waste or trespass upon any of said lands committed by such purchaser defendant or defendants or their successors or assigns, respectively: *Provided*, That the benefits of this section shall not be exercised or enjoyed except in cases where decree shall have been entered pursuant to stipulation entered into as aforesaid: *And provided further*, That the provisions of this section shall not apply to any lands that have not been patented to said Oregon & California Railroad Co.: *And provided further*, That the aforesaid privilege of purchasing said forfeited lands shall not be exercised or enjoyed as to less than all of the lands involved in said suits, respectively, the purpose hereof being to prevent the elimination from any purchase of any lands from which timber has been removed or upon which any other waste or trespass has been committed, or the elimination of any part whatever of any land from such purchase.

SEC. 5. That the provisions of section 4 of this act shall not be construed to apply to the suit involving approximately 2,360,000 acres, now pending in the District Court of the United States for the District of Oregon, wherein the United States of America is complainant and the Oregon & California Railroad Co., the Southern Pacific Co., Stephen T. Gage, the Union Trust Co., and others are defendants, being designated in the records and files of said court as suit No. 3340; nor shall the provisions of said section 4 of this act be construed to apply to any of the lands involved in said last-described suit; nor to create any rights or privileges whatever in favor of any of the defendants therein.

SEC. 6. That nothing in this act contained, nor action taken pursuant to the provisions of this act, shall be construed as a condonation of any of the breaches of any of the conditions or provisions annexed to any of the grants designated in said joint resolution approved April 30, 1908, nor as a waiver of any of said conditions or provisions, nor as a waiver of any right of forfeiture in favor of the United States on account of any breach or breaches of any of said conditions, nor as a waiver of any cause of action or remedy of the United States on account of any breach or breaches of any of said conditions or provisions, nor as a waiver of any other rights or remedies existing in favor of the United States.

Approved, August 20, 1912.

DESCRIPTION OF THE UNSOLD LANDS.

I have had printed in the CONGRESSIONAL RECORD a description, by legal subdivisions, of 2,300,000 acres of unsold lands involved in the foregoing controversy and remaining in the hands of the railroad company, and shall be glad to furnish the same to any citizen who may desire it.

I know of no law to prevent settlers from continuing to go on the land to make bona fide homes pending the litigation and taking their chances that the final judgment of the Supreme Court will be specific enforcement of the law rather than forfeiture. Of course, if the final decree provides for a forfeiture to the United States, a settler on the land who settled after the date the Government asserted the forfeiture would have no legal right to continue on the land after the case is finally decided. But even in this latter case Congress would probably pass some law to protect bona fide settlers who had been on the land a year or so prior to final decree and had made valuable improvements.

As stated elsewhere, I have introduced a bill, which is now pending, to amend the bill passed August 20, 1912, by striking out section 2 and inserting in lieu thereof the substitute set out in the foregoing correspondence. If this amendment should be passed by Congress this winter or at any future time prior to final judgment in the land-grant case it will make certain the proposition that the lands shall be sold to settlers no matter whether the final decree be specific enforcement or forfeiture. The amendment would also provide for fair rules under which settlements could be made, so that every citizen of the United States over 21 years of age would have an equal chance.

Clinch River Dam.

EXTENSION OF REMARKS
OF
HON. RICHARD W. AUSTIN,
OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, August 23, 1912.

Mr. AUSTIN said:

Mr. SPEAKER: On the 20th day of August the Member from Illinois [Mr. RAINEY] delivered a speech containing the following statement:

On page 45 of the transcript of the evidence in this case will be found admissions of record in the answer of Mr. AUSTIN that he was authorized to assist Charles H. Treat in making sale of this property at the time Charles H. Treat was trying to sell to the Pittsburgh (Pa.) water-power bankers. Mr. Sullivan admits the same thing.

I have called attention to enough facts easily substantiated to show that no Member of this House is on closer terms of business relationship with the representatives of the great Water-Power Trust than the gentleman from Tennessee. The trail from his congressional office here in Washington, as disclosed by the record in this Tennessee case, leads to the office of F. R. Weller, of Washington, D. C., water-power lobbyist and promoter; to the office of Charles H. Treat, Treasurer of the United States, who during his lifetime was a water-power promoter; to the firm of Cromwell & Sullivan, dealers in interoceanic canals and water-power properties; to the banking firm of the Kuhns in Pittsburgh, Pa., water-power bankers; and to the firm of J. P. Morgan & Co., of New York City, the bank of the General Electric Co.

On the same day this statement was made by the Member from Illinois I not only emphatically denied it, but now propose to furnish proof of the falseness of his charge or statement by submitting letters from the parties mentioned by him:

[Copy of correspondence between F. R. Weller and Mr. RAINEY.]

AUGUST 21, 1912.

Hon. HENRY T. RAINEY,
House of Representatives Office Building, Washington, D. C.

DEAR SIR: I was very much surprised to learn from last evening's papers that in a speech yesterday on the floor of the House you characterized me as being "a professional lobbyist and promoter." I wish to state most emphatically I have never, either directly or indirectly, attempted to further any pending legislation, nor have I ever appeared before any congressional committee or interviewed any Congressman in favor of any pending bill. Your statement is, therefore, absolutely false and unwarranted. My profession is that of consulting engineer; and in connection with the Knoxville Power Co. transaction, which you mention in your speech, I wish to state at the time of the sale I was chief engineer of that company, and the sale of the company's undeveloped water-power property to the Aluminum Co. of America will result in the location of a large industry giving employment to over a thousand skilled laborers in a heretofore undeveloped section of the State of Tennessee.

Mr. AUSTIN, as one of the officers of the company, assisted materially in carrying the deal through, thereby opening up the way to remunerative employment for many of his constituents; and their appreciation of his efforts was manifested by returning him to the present Congress by an increased majority.

I respectfully request, as a matter of justice, that you publicly correct the statement made on the floor of the House that I am "a professional lobbyist and promoter." If you had taken the trouble to make even the slightest inquiry as to my professional standing and reputation, I am sure you would not have made such a statement.

Very truly, yours,

F. R. WELLER.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., August 22, 1912.

Mr. FRANCIS R. WELLER,
Hibbs Building, Washington, D. C.

DEAR SIR: I am in receipt of your letter of August 21. I did not refer to you as a "professional lobbyist and promoter." I referred to you as a lobbyist and promoter. I did not charge you with any impropriety and have no intention of doing so. A "professional lobbyist" would be a most objectionable person. The term "lobbyist" is not objectionable. Neither is the term "promoter." A lobbyist is a man who uses his influence with Members of Congress or with State legislators on behalf of matters that may be pending or may at some time in the future be pending in the legislative body of which the legislators may be members. His efforts may be perfectly legitimate. Sometimes they are.

I assure you if I had any evidence that you were using improper methods or attempting to corrupt Members of Congress I would not hesitate to so state on the floor. I have said nothing that reflects on you in the least. The facts I have presented, in the absence of anything else, show that you are a water-power promoter, and the fact that you have appointments and make contracts with Members of Congress with reference to matters now pending or that hereafter may be pending in the House of Representatives shows that you are a lobbyist.

I think the Aluminum Co. of America expects to obtain more franchises in Tennessee in the vicinity of Knoxville than they have already obtained. I have not criticized you for representing this company here or elsewhere. Neither do I criticize the work the Aluminum Co. of America expects to do. My position is that these rivers ought to be developed. I am glad this company intends to do it, but if I can help it neither this company nor any other company will be permitted to exploit rivers unless there is connected with their operations the requirement on the part of the National Government that they should pay tolls to the National Government and unless arrangements are made which shall insure regulation of cost of power to consumers.

Very truly, yours,

HENRY T. RAINEY.

WASHINGTON, D. C., *August 23, 1912.*

Hon. HENRY T. RAINEY,
House of Representatives Building, City.

DEAR SIR: Your letter of the 22d instant received, and I note that you state you did not refer to me as a "professional" lobbyist and promoter, although the newspapers quoted you as such.

Without desiring to get into the controversy over this matter, but in justice to myself, I wish to again emphatically state I have never in any way acted as a lobbyist. My business relations with Mr. AUSTIN began long before he was elected a Member of Congress, both of us being at that time officers of the Knoxville Power Co. He was resident director and I chief engineer. The matter concerning the sale of this property in no way came under the jurisdiction of Congress, and therefore I fail to see how by any stretch of imagination I can be identified as a lobbyist. Since the publication of your speech I have come into quite a little notoriety, and I again request that you retract your statement as being entirely untrue.

Very truly, yours,

F. R. WELLER,
Civil and Hydraulic Engineer, Hibbs Building.

[Letter from J. P. Morgan & Co., of New York City.]

NEW YORK, *August 23, 1912.*

Hon. R. W. AUSTIN,
House of Representatives, Washington, D. C.

DEAR SIR: We have received your letter of the 22d instant, containing a copy of a speech by Mr. RAINEY, in which he states "that there is a trail or track between your office and our house in reference to water-power legislation."

Our policy has always been to decline to notice statements of this character and we regret that we do not see our way to make an exception in this case by writing to Mr. RAINEY.

The statement is, as you know, entirely without foundation. As far as the writer knows, no member of our firm is personally acquainted with you, or has ever had any business dealings with you of any character, either directly or indirectly.

Very truly, yours,

J. P. MORGAN & CO.

[Letter from W. S. Kuhn, of Kuhn Bros., Pittsburgh.]

BAR HARBOR, ME., *August 30, 1912.*

R. W. AUSTIN,
Member of Congress, Washington, D. C.:

Your letter 25th received. No member—no representative of our firm have ever had any business conferences or relations, direct or indirect, with you about water power or anything else.

W. S. KUHN.

[Letter from Col. Charles H. Treat's late private secretary.]

TREASURY DEPARTMENT,
OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, August 30, 1912.

Hon. R. W. AUSTIN,
Washington, D. C.

MY DEAR MR. AUSTIN: I have observed in the CONGRESSIONAL RECORD some statements made by Representative RAINEY, of Illinois, with regard to the late Charles H. Treat's interest in the Knoxville Power Co. and of his alleged connection with a so-called Water-Power Trust. Having served as Mr. Treat's secretary for several years I am in position to state that Mr. RAINEY'S assertion regarding Mr. Treat's Water-Power Trust connections is entirely misleading and without foundation of truth. Mr. Treat was interested in the Knoxville Power Co. in a strictly legitimate and business sense, and I remember full well how

he and yourself endeavored to develop the Knoxville Power Co. into a big enterprise for the benefit of the Knoxville community. After years of effort in this direction, which did not seem to meet with the hearty cooperation the enterprise deserved on the part of the citizens of Knoxville themselves, the Knoxville Power Co. was sold to the Aluminum Co. of America, and this sale, to my mind, was a wholly justifiable transaction and simply a matter of business. Mr. Treat had absolutely no connection with or interest in any bill before Congress for the benefit of any Water-Power Trust. His death occurred on May 30, 1910, about three months before the Knoxville Power Co. was sold to the Aluminum Co. of America.

I would also state that I know it to be a fact that you gave Mr. Treat several notes, which were given to him for his accommodation.

Sincerely, yours,

F. J. F. THIEL.

[Letter from Sullivan & Cromwell.]

SEPTEMBER 4, 1912.

Hon. R. W. AUSTIN,
United States House of Representatives, Washington, D. C.

MY DEAR SIR: I have read the statements of Representative RAINEY in his speech in Congress August 20, publication page 12375 et seq. of CONGRESSIONAL RECORD, 1912, and feel called upon to reply to his astounding, incorrect, and unfounded implications and statements.

The Knoxville Power Co. was organized about 1901 to develop a water-power site on the Little Tennessee River. The intention was to raise the necessary capital by selling bonds. I did not become interested until 1904, when personally, and not representing anyone, I purchased an interest as an investor. I invested in the company, all told, approximately $44,000, which was chiefly used to purchase land and water rights. The company having for several years failed to obtain the necessary capital, though continuous efforts were made to do so, in the beginning of 1910 it determined to sell out its property in order to pay the bondholders and other creditors. At this time Mr. Charles H. Treat, the president of the company, had principal charge of the selling. The company gave to Mr. F. R. Weller an option to purchase the property at $160,000, not knowing who Mr. Weller's principal was. The name of the Aluminum Co. of America as principal was not disclosed until later. The option was given in April or May, 1910, to mature August 31 of the same year. Mr. Treat, who was handling the entire matter at this time, died about the last day of May, and it was then discovered that he had left the affairs of the company in inextricable confusion and had confused the company's affairs with his own. In spite of our efforts, the company was not ready to perform its agreement at the time specified. The company having then failed in its efforts to protect its bondholders and creditors it only remained for the bondholders to endeavor to act in their own protection. Therefore and thereupon I, personally, as the owner of securities of the company, agreed to sell and did sell my securities to the Aluminum Co. of America, and further arranged that the said aluminum company should purchase from me or others all securities of the company offered to it. The obtaining and delivery of the securities of the company was principally attended to by an adjustment committee, which was to consider the various claims of all creditors and make the fairest adjustment possible under the circumstances.

Under this arrangement all securities were finally sold after three months of effort on the part of the committee to find and obtain them, delivery of the last of them being in the last week of December.

I received for my bonds and stock a total of $45,087.44, being much below the par value of the bonds. The committee awarded to me to cover my services for many years, disbursements, etc., the sum of $13,248.72. The entire united sums amounted to no more than the return of principal and interest. Whatever was paid to Mr. AUSTIN was paid by the adjustment committee after consideration of the justice of his claims.

The proposition had been submitted to many banking houses, including Messrs. Kuhn, but all of them declined to interest themselves in it. I never knew of any offering of it made to the North American Co. nor to J. P. Morgan & Co., and believe that no such offering was ever made. After Mr. Treat's death it was found that he had borrowed money from Morgan & Co. on his personal account, and had placed with them his Knoxville Power Co. bonds and stock as collateral. Morgan & Co. sold said collateral to the Aluminum Co. of America under the terms of the sale, in order to cover part of their loan to Mr. Treat. This is the only connection which they ever had with the transaction. They were never the bankers of the Knoxville Power Co. in any manner, nature, or by implication. The firm of Sullivan & Cromwell never, nor any of its partners except myself, had any interest, direct or indirect, whatever in the Knoxville Power Co., and never knew of it except casually and after I had been an investor in it for several years. The Knoxville Power Co. was a simple, open, and legal effort to develop and sell electrical power, and the owners of it in seeking the necessary capital had no predetermination or preference as to where or from whom they should obtain the capital.

If Representative RAINEY had studied the records at his disposal with a desire to learn the truth only a fraction as strong as his obvious desire to misconstrue, he would have known that his defamatory and critical implications and allegations were without foundation. Just how he was able to skillfully avoid those portions of the record that would have prevented misconception I am unable to understand.

The statement made by Representative RAINEY in Congress on August 20 that the firm of Sullivan & Cromwell had any dealings with Hon. R. W. AUSTIN, Member of Congress, in reference to any pending bill in Congress affecting water-power legislation is untrue. This firm has had no correspondence or interview with said R. W. AUSTIN on this subject or touching any measure pending in Congress.

I am, very truly, yours,

GEORGE H. SULLIVAN.

[Editorial from the Daily Sentinel (Democratic), of Knoxville, Tenn.]

CLINCH RIVER POWER.

Mr. RAINEY seems to have allowed his feeling against Mr. AUSTIN to become so bitter that he is disposed to oppose the bill authorizing the construction of dams on the Clinch River, no matter in what form it may be presented. The debate yesterday afternoon took a regrettable turn. Mr. RAINEY would have great difficulty in proving to those who know Mr. AUSTIN that he was under the slightest influence of any Water-Power Trust. The people of this district would like to see the locks and dams on the Clinch River authorized, because such improvement would mean cheap power for a large region and would immensely further our industrial development. Furthermore, the proposed improvement would give slack-water navigation as high as Coal Creek. For years the people of this region have urged that the Government improve this river. By so doing the great coal fields of the Clinch Valley would be brought in reach of the markets. Our coal ought to compete at New Orleans with Pittsburgh coal. While the rights given by the Government are valuable and, consequently, the provisions of the bill should safeguard the Government in every way, nevertheless blind, unreasoning opposition to any great improvement of this kind because some great corporation is enabled to extend its activities will do much to prevent the utilization of our resources in the Appalachian region of the South, where the water powers are one of the great assets.

[Editorial from the Anderson County (Tenn.) News.]

Congressman AUSTIN has stirred up a hornet's nest in trying to get the Clinch River Dam bill passed and has suffered unjust charges by Mr. RAINEY. Of course, the Government should be protected in granting all rights and franchises. At the same time it takes money to develop any enterprise, and an investor is justified in expecting fair conditions for money invested. There is no argument as to the commercial benefit Anderson County would derive from the power dam, nor is there any question about the sincerity of Mr. AUSTIN'S motives. He introduced the bill at the request of a Clinton citizen, realized it meant much for the future of this section, and is now bravely fighting to have it passed.

Questions for Col. Roosevelt.

EXTENSION OF REMARKS

OF

HON. MICHAEL E. DRISCOLL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. DRISCOLL said:

Mr. SPEAKER: Since this is to be a campaign of education, of interrogations, and explanations, I wish to insert in the RECORD a letter to me from Mr. Edward Moir, of Marcellus, N. Y., a constituent of mine, a manufacturer of carded woolen goods, and a man who has given many years to the study of the woolen schedule in a practical way.

The following are copies of his letter to me requesting that the letter of Mr. Arthur Wheelock, secretary of the Carded Woolen Manufacturers' Association to Col. Roosevelt and printed in the Springfield Daily Republican of August 17, 1912, be inserted in the RECORD, and I wish to insert both letters in the RECORD. They are as follows:

MARCELLUS, N. Y., *August 20, 1912.*

Hon. M. E. DRISCOLL,
Washington, D. C.

MY DEAR MR. DRISCOLL: I am inclosing you newspaper clipping, which has a series of questions which the Carded Wool Association has put up to Col. Roosevelt. We did not want to be partial and put a series of questions up to Mr. Taft and not do the same with Mr. Roosevelt.

Would there be any possible way of getting this into the CONGRESSIONAL RECORD?

Yours, very truly,

EDWARD MOIR.

QUESTIONS FOR ROOSEVELT—THE WOOL TARIFF ISSUE PLACED BEFORE HIM BY MANUFACTURERS.

The following open letter on the tariff question has been addressed to Mr. Roosevelt by Secretary Arthur Wheelock, of the Carded Woolen Manufacturers' Association:

"DEAR SIR: You are to begin your campaign for election as President of the United States by speaking this week to the people of New England. I ask you to define your position on tariff revision, the leading issue before the people, in terms so plain that no voter can be in doubt where you stand.

"In your confession of faith at Chicago 10 days ago you said that you believed in a protective tariff; were opposed to tariff preferences; favored a tariff based on the difference between foreign and domestic cost; condemned protection that did not reach the pay envelope of the wage earner; favored revision, schedule by schedule; and declared in favor of an expert tariff commission as the only way to get a reasonably quick revision.

"This confession of faith regarding the tariff question is not satisfactory because it is exactly like the faith that for four years has been confessed by the dominant standpat element in the party from which you have just bolted. I do not question your sincerity, but merely point out that so far as tariff revision is concerned your confession of faith does not mark by so much as a hair's breadth any progress from the policy under which an unjust tariff on wool and wool goods has been maintained, and appeals for relief have been denied.

"At Chicago, when you were interrupted by a questioner, you are reported to have said: 'Any respectful request for information I shall always have an answer for, and during my administration I never did anything I was afraid to be questioned about, and I shall not begin in the Progressive Party.' That assurance encourages me to ask you to reply to the following questions in the speeches you are to deliver in New England:

"First. The contest over tariff revision at Washington is between a tariff in which the rates are based wholly on value and one in which the rates are based on the unit of weight or measure or the piece. Ad valorem rates bear equally on all classes of producers and consumers. Specific rates bear heaviest on the low-priced goods and lightest on the high-priced goods. This issue between specific and ad valorem rates is fundamental. Which system of duties do you favor? Do you

advocate the specific system by which special privileges of great value are granted to one class of manufacturers and burdens placed on other manufacturers? Do you favor specific duties under which the tariff, as in the case of wool, rises to three or four times the foreign value of low-priced wools and drops to a small fraction of the value of high-priced wools? Do you favor specific duties which cause such inequalities regardless of whether the commodity is wool, watches, clothing, foodstuffs, or other product? Or do you favor an ad valorem tariff under which the rates would necessarily bear equally on all classes of producers and consumers?

"Second. In your confession of faith at Chicago you indorsed a tariff based on the difference between the foreign and the American cost. Do you believe that such a difference can be determined? If not, then is not the principle unsound, and is not its promulgation at Chicago in 1908 and by you in 1912 calculated to deceive the people?

"Third. At Chicago you stated that an expert tariff commission is the only means of getting a reasonably quick revision of the tariff. You condemned the present Tariff Board and described a model tariff commission having enlarged powers and exceedingly complicated duties. Do you believe that a reference of the tariff question to such a commission for extended investigation would be a quicker way to get the tariff revised than by having it revised immediately by Congress, as provided by the Constitution? Is it not a fact that the standpatters who want the Payne tariff unchanged are desirous of having the question referred to a board, commission, or any other body except Congress?

"Fourth. In order to make your position perfectly clear regarding the revision of the woolen schedule, which is of special interest to New England, will you state what you would do if you were President now? Would you, like President Taft, favor the Hill bill or the Penrose-Lippitt bill with their specific duties? Would you favor the Underwood bill or the La Follette bill or the Underwood-La Follette bill with their ad valorem duties? Or if you favor none of these, what kind of a bill would you advocate? Would you favor the enactment of a bill with exclusively ad valorem rates affording adequate protection?

"Fifth. In your confession of faith at Chicago you advocated protection that would reach the pay envelope of the wage earner. Have you any definite idea in mind by which this result can be accomplished? If so, will you describe it in order that it may be compared with the tariffs in the past?"

Parcel Post and Good Roads.

All the leading nations have parcel post.
Why not us?
Good roads and highways are the best asset of the State.

EXTENSION OF REMARKS
OF
HON. J. M. C. SMITH,
OF MICHIGAN,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 24, 1912.

Mr. J. M. C. SMITH said:

Mr. SPEAKER: Under the leave to extend my remarks in the RECORD, which was granted me when the Post Office appropriation bill was up for consideration, I wish to say something about parcel post and good roads, both of which I believe are of great interest not only to our rural population but also to all the people of our country.

The bill as it passed both Houses contains a provision for the general parcel post under the zone system. It also contains an appropriation of $500,000, to be contributed by the Government as Federal aid toward the building and maintaining of good roads and highways.

The day has come for a general parcel-post law, and the benefits to be derived from such a law will be second only to the benefits of the Free Delivery Mail Service. In many instances the parcel-post service will be used more frequently than the mail service. In some remote localities and in others not so remote very little letter writing is done, while the constant demands of subsistence urges all to provide himself and herself with the necessities of life. All the leading nations of the earth have parcel-post delivery. By the terms of the International Postal Commission 23 foreign countries may now transmit merchandise through our mails and be given free delivery at the rate of 12 cents per pound, with a limit of 11 pounds. This right is given by us to foreign countries but denied to our own people and has been the result of much resentment and complaint.

The parcel post is advocated by all the great political parties. All the candidates for President are for it—Taft, Wilson, and Roosevelt. Hitchcock urges it, and many statesmen of high standing in all parties favor it. It is incorporated into and made a part of the platforms of the Republican, Democratic, and Progressive Parties.

The two vital reasons for adopting the parcel post find presentment in its utility and benefit to the people of a great Nation. It is common knowledge that the products of the farm last year were valued at $9,000,000,000, and according to the estimate of the chairman of the St. Louis & San Francisco Railroad Co., B. F. Yoakum, this vast product of the farm was absorbed as follows: One-third was kept by the farmer himself; $6,000,000,000 was marketed by the farmer, with an ultimate cost to the consumer of $13,000,000,000. Involved in this is the high charge of transportation. As an illustration of a practical transaction, let us take an example used by a Member of Congress from Maryland of the highest authority on statistical and economic questions.

Quoting, Mr. LEWIS says:

As the President has stated, the high cost of living is bound up in this legislation. I insert here a table showing the price of 2 dozen eggs, a dressed fowl, 3 pounds of butter, a like amount of country sausage, a country-cured ham, and a half bushel of apples at the farm. They sold at a farm near this city at $2.85, but when they got to the consumer the cost was $5.55.

Lewis table showing effect on high cost of living and prices of the vital necessaries of a system of transportation direct from the producer on the farm to the consumer in the towns and the cities.

Article sold and amount of shipment.	Present system of costs to consumer.			Systems of costs to consumer under postal express.		
	Sold to consumer at—	Wholesale price.	Sold by producer at—	Direct price plus postal rural transportation.	Direct price plus 36 miles railway haul.	Direct price plus 100 miles railway haul.
Eggs (2 dozen)	$0.66	$0.52	$0.44	$0.49	$0.51	$0.52
Dressed fowl (3½ pounds)	.70	.42	.35	.40	.42	.43
Butter (3 pounds)	1.05	.84	.72	.77	.79	.80
Country sausage (3 pounds)	.54	.33	.24	.29	.31	.32
Country-cured hams (10 pounds)	1.80	1.10	.80	.89	.94	.97
Apples (half bushel)	.80–1.00	.50	.30	.40	.52	.55
Total	5.55–5.75	3.71	2.85	3.24	3.49	3.59
Reduction in transportation cost if all ordered together				.24	.33	.33

NOTE.—The last three columns represent the price of the shipment with the estimated cost of transportation added to the price at which the article sold in the country, as stated.

As illustrative of the difference in the price paid to the farmer for his product in 1895 and at the present time, I give a table published in the Charlotte Republican, Friday, August 16, 1912:

CHARLOTTE, MICH., *Friday, August 16, 1912.*

THE LOCAL MARKETS.

Below we give a comparison of the prices on the local market as reported to-day and in the Republican for the current week in 1895. A comparison between these prices should prove interesting reading to the farmers of Eaton County. In 1895 Grover Cleveland was the Democratic President and the Democrats were in power.

Charlotte markets. [Aug. 13, 1895.]				*Charlotte markets.* [Aug. 9, 1912.]			
				(Corrected by H. Heyman.)			
Cattle, live, cwt	$3.00	to	$4.00	Choice steers	$0.05	to	$0.06
Cattle, dressed	4.50	to	6.00	Fair to good steers	.04	to	.04½
				Good cows	.02½	to	.04½
				Old cows	.01	to	.02½
				Calves, alive	.06	to	.07½
				Calves, dressed			.12
Hogs, live, lb	.04	to	.04½	Hogs	.07	to	.07½
Hogs, dressed	.05½	to	.06	Hogs, dressed	.09	to	.10
				Spring chickens	.14	to	.16
Chickens			.10	Chick's, dressed	.11	to	.12½
Hides, pound			.06	Beef hides	.09	to	.11
				Calfskins	.12	to	.14
				Sheep pelts	.15	to	.30
				(Corrected by Lamb & Spencer.)			
Butter	.10	to	.12	Butter	$0.20	to	$0.24
Eggs			.11	Eggs			.17
Potatoes	.35	to	.40	Potatoes			.75
				(Corrected by Shepherd Milling Co.			
Wheat	.65	to	.68	Wheat			$0.95
Beans	.25	to	.26	Oats			.45
Oats	1.50	to	1.75	Beans			2.25

For 16 articles of common foodstuff, consisting of poultry, eggs, potatoes, cabbage, apples, onions, and so forth, Secretary of Agriculture Wilson in his report for 1910 shows that the consumer pays 51.75 per cent more than the farmer gets. The office of the parcel post will be to cheapen transportation not only from producer to consumer, but also from merchant to customer.

True it is that many questions are involved as to how best to set the parcel-post machinery in operation after the need is determined.

That the transportation of merchandise of all kinds should be performed by the post office with weight limited at a uniform price has its adherents.

Parcel express, in which the express companies should be taken over by the United States and the Government assume the duty of transportation as a monopoly, has its advocates.

Others are of the opinion that rates of the express companies should be fixed by the Commerce Commission.

In the bill just passed, and which has since become a law, $750,000 was provided for establishing a general parcel post under the zone system. It also contains a provision for a rural parcel post, whereby any article can be sent from one place to another upon the same rural route or to the city or town from which the rural route emanates at the rate of 5 cents for the first pound and 1 cent for each additional pound up to a limit of 11 pounds, and under the law—

The United States shall be divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones.

A rate of 5 cents for the first pound and 3 cents for each additional pound will carry a package any place within the first zone; a rate of 6 cents for the first pound and 4 cents for each additional pound for the second zone; a rate of 7 cents for the first pound and 5 cents for each additional pound for the third zone; a rate of 8 cents for the first pound and 6 cents for each additional pound for the fourth zone; a rate of 9 cents for the first pound and 7 cents for each additional pound for the fifth zone; a rate of 10 cents for the first pound and 9 cents for each additional pound for the sixth zone; a rate of 11 cents for the first pound and 10 cents for each additional pound for the seventh zone; and a rate of 12 cents for the first pound and 12 cents for each additional pound for the eighth zone.

This last course leads us to note the fact that our first rural free delivery was inaugurated under an appropriation of $50,000 in the year 1896 and has now developed into a magnificent and splendid system. I wish to call attention to just one of the numerous needs and necessities for the Post Office taking on the parcel-post system, and that is, that while the express companies could satisfactorily perform the service in many of the cities where they have transportation facilities, if the rates were reduced, still the express is wholly unequipped for any but municipal business and wholly fails to reach the country store or the farm as now reached by the rural postal system. To require the express companies to equip themselves for this service would be to duplicate a system already equipped by rural carriers, which must greatly add to the expense. There are employed upward of 60,000 in the service of the express companies. There are practically 280,000 in the postal service, of whom 42,200 are rural carriers with facilities for transporting light merchandise. Transportation charges can be figured out to an exact nicety and should be made to cover the cost only. Much economy could be put into practice by the Government. There could be great quantities shipped by fast freight and the cost of transportation greatly reduced. The cost per ton by express is shown to be an average of $31.20, while freight is moved for $1.90 per ton, or on the ratio of 16.42 to 1.

Much prejudice exists against the express companies, owing to their exorbitant charges. Sometimes and frequently the express companies collect at each end of the route, making a double charge. This is intolerable. According to the report of the Interstate Commerce Commission, the railroads were paid but 7 cents per ton-mile for carrying express. In fact, there is a lack of harmony, unity, and fairness between the transportation of postal and express traffic with the railroads, in which the people lose heavily and which uniform rates and practice would correct and economize.

SERVICE TABLE.

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina	$6.51	$1.95	3.2 to 1
Austria	3.77	.74	5.0 to 1
Belgium	[1] 4.92	.53	[1] 9.3 to 1
Denmark	5.49	.87	6.3 to 1
France	6.88	.95	7.2 to 1
Germany	3.80	.76	5.0 to 1
Hungary	3.68	.93	3.9 to 1
Netherlands	2.43	.67	3.6 to 1
Norway	1.90	.49	3.8 to 1
Prussia	4.32	.86	5.0 to 1
Average for 10 countries			5.23 to 1
United States	27.61	1.90	14.53 to 1

[1] Belgium and Denmark deliver parcels.

In the enactment of important legislation its effect must be of first consideration. To provide that the Post Office should at once undertake to transact or take over all the business of the express companies would lead to confusion, if it were not impossible. The business of the Post Office is of great magnitude, employing upward of 280,000 persons in its service. In the year 1908 we record the following transactions:

Weight of mail matter, 600,540 tons.

Length of haul, 620 miles, or an average of 372,334,850 tons 1 mile.

That the Post Office paid the railroad companies 13.2 cents a ton for hauling mail matter.

That the number of pieces handled by the Post Office was 13,173,340,329.

That the average weight of mail pieces is 1.46 ounces; and that the Government paid during that year to the railroads for mail transportation the sum of $49,404,763.

And to take on the express companies, something of its magnitude may be shown when we consider that in 1909 the express companies handled 4,559,296 tons; that the average haul was 200 miles, equivalent to 911,356,200 tons 1 mile; that there were in round numbers 300,000,000 pieces of express, with an average of 32.52 pounds each, for which the express companies paid the railroads 7 cents a ton per mile for its transportation, and there were employed 60,000 persons in its service.

To the ordinary observer it looks unreasonable that the Government should pay 13.2 cents for drawing a ton of postal parcels when the express companies pay but 7 cents a ton for the same service in transmitting a ton of express parcels, and so patent has the discrimination become that the Interstate Commerce Commission have ordered the express companies to make a sweeping reduction in their charges, as well as method of doing business, to take effect on or before October 9, 1912.

GOOD ROADS.

There were introduced 28 bills directly providing for good roads. The bill originally passed by the House provided that the Government should pay a certain sum for public highways coming up to a certain standard. Class A was to be macadam, shell, brick, well graded and rounded, and was to draw $25 a mile. Class B was to be gravel, burnt clay, sand and gravel, or clay and gravel, with smooth surface, and was to draw $20 a mile; while class C was to be continuously well kept, well compacted, with a firm, smooth surface, $15; all to be properly drained and kept in good repair. The money was to be paid to the officer entitled to the highway funds by the United States Treasury upon the warrants of the Postmaster General. The number of miles of State roads now in the United States traveled by the rural and star-route carriers is estimated at 1,179,000—of macadam, or class A, 35,000 miles; of gravel, or class B, 83,000; and of class C, clay grade, 1,061,000 miles. If all were up to standard it would require the Government to pay the price of a single battleship, $18,450,000, toward their maintenance.

There are in the United States 118,000 miles of post roads that comply with the requirements, and a general average of $20 per mile would require $2,360,000.

The Senate amended this part of the bill by striking out all of the provision for good roads and substituting therefor a clause appointing a joint commission comprised of three members from the Senate Committee on Post Offices and Post Roads and three from the membership of the House committee, to make an inquiry into the subject of Federal aid for good roads and report at the earliest practical date, and appropriated the sum of $25,000 to conduct the hearing and make the inquiry. The amendments of the Senate were disagreed to by the House, and the bill as amended sent to conference. The conference report which was enacted into law, provides $500,000, to be expended by the Secretary of Agriculture and the Postmaster General in the improvement of post roads and highways designated by them, providing the State or local subdivisions will expend $2 where the Government expends $1 on such highways. This is a beginning in the right direction, and it is hoped in time will result in a systematic and uniform system of good-road building.

While under the Constitution of the United States direct authority to establish post roads is given, this authority has not been acted upon and the Government has not entered upon a policy of public-road building, much as it would aid in the mail service, for you all know what poor roads are and how they impede the traffic. Good roads would be of essentially more practicability and benefit to rural communities. Whether it be wise or unwise, the time has come to meet this question. By good roads we lessen the cost of transportation, we give a direct benefit to the adjoining and neighboring farms; and under a system worked out in Ohio, the value of a farm adjoining a turnpike is enhanced one-quarter to one-half, and some purchasers refuse to buy land off a macadam or graveled road at any price. Ohio is taking a position in advance of any of the other States in relation to good roads and will vote upon an amendment to its constitution to permit the State to issue bonds for the purpose of building a system of county roads. The issuing of the bonds is to spread over a period of 10 years,

and it is claimed, when completed, the improvement will be the greatest asset ever added to the State; that it will increase farm values, stimulate many kinds of industry, and bring an era of prosperity throughout the State. It is proposed that the State shall pay all the cost of these roads, and so leave the control and use of the county and township road funds for construction and upkeep of local roads. Gov. Harmon, in recommending this bond, gives the following reasons:

[From Better Roads.]

YOU SHOULD VOTE FOR THIS AMENDMENT—

If you are a farmer, because your farm will increase in value; you can raise more profitable crops; your cost of haul will be lower; you can market your products when prices are best; your children can get to school; your family can attend church; your physician will be in closer touch with you; your boys and girls will stay on the farm; you will have better mail service, better social life, and happier conditions all about you.

If you are a merchant, because good roads will enlarge your trading radius and make possible for purchasers to reach you every day in the year.

If you represent a chamber of commerce or board of trade, because public roads are commercial feeders to the cities, and every improvement of these roads means a greater prosperity to the cities through increased agricultural productions and greater stimulus to all industries.

If you are a day laborer, because a large per cent of the cost of construction of public roads goes to labor.

If you are a highway official, because you are striving for a better method of road construction and maintenance and more efficient road administration.

If you are interested in railroads, because improved wagon roads mean greater production, consequently more traffic, prevent freight congestion, bring you more industries, more tourists, and larger dividends.

If you are an automobile user, because you can get the benefit of your machine every day in the year; your repair bills will be lower; longer and better tours will be possible at all seasons of the year.

If you are a dealer in farm products and implements, because you can receive the products and deliver the implements at all times of the year.

If you are an automobile manufacturer, because every mile of improved roads means a greater demand for both pleasure and commercial cars, increases wealth, and consequently the power to purchase your machines.

If you are a publisher or editor, because improved roads make wider circulation possible, increase advertising by stimulating commercial enterprises, and because road improvement is the most important economic question of the day.

If you are a manufacturer of road machinery or road materials, because road improvement means more business for you.

If you are a proprietor of a hotel, because improved roads mean more tours and more commercial travel.

If you are a banker, because good roads will increase agriculture, commerce, manufacture, deposits, depositors, and dividends.

If you are a minister of the gospel, because good roads will make it possible for you to visit the people and for the people to reach your meetings.

If you are a traveler or a tramp, because good roads are more attractive than mudholes.

If you are a father or a mother, because your children can get to the public schools, the Sunday schools, the mass, and the church.

If you are a progressive citizen, because you can not progress so long as your State and Nation remain in the mud.

Among the many theories, that of the Government paying one-third and the local authorities the other two-thirds is apparently an equitable arrangement. Ought this improvement to be entered upon? Since the beginning of the Government agriculture has been our chief industry. Our best citizenship has been connected with farm life. The farmer has done his patriotic duty always, contributed to every emergency and every improvement. Millions upon millions have been paid for other internal improvements. Canals have been builded, rivers improved, public buildings erected without stint or number. Alone he has builded the highways which have opened up the country, and he has enriched it with schoolhouses and the churches. The husbandman is the basis of our national fabric, and we are pleased to note the spirit and favor with which the improvement of the country highway is regarded. By good roads a closer relation to country life is established, and this opportunity to do something along the line of public good and of benefit to the farmer should not be disregarded.

An Answer to the Stand-Pat Press.

EXTENSION OF REMARKS

OF

HON. A. W. LAFFERTY,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: Under the leave given me on the last day of the session to extend my remarks in the RECORD at any time within 10 days after adjournment, I desire to submit now to be printed in the RECORD, in order that I may answer the same, a cheap blatherskite editorial which appeared in the Oregon Daily Journal August 28, 1912, as follows:

THE UNFIT.

ARTHUR AMIDON ABRAHAM A. W. WALTER LAFFERTY is sending campaign letters through the mail from Washington to Portland voters. He piously styles this campaign letter "A report of his work."

But it is not a report of his work. There was no work of consequence to report. He says he secured passage of "six private bills," and that "I have several others favorably reported for passage in December."

He adds: "The railroad land-grant suit is going forward more rapidly than at any time heretofore, and you may depend upon it that I shall keep behind it."

In the land-grant legislation LAFFERTY has repeatedly tried to introduce jokers by which his law clients will get enormously valuable timber lands at $2.50 per acre. In land-grant legislation LAFFERTY is in reality representing LAFFERTY and LAFFERTY's law clients, not the public. That is the way "you may depend upon it that I shall keep behind" the land-grant suit.

The main purpose of LAFFERTY's "report of the trend of my work" is to attack Portland newspapers. He says the combined net profits of the two big newspaper corporations of Portland last year were "equal to the salaries of 50 United States Senators." Why didn't he make it a million United States Senators? His statement would have been quite as truthful, and it would have required no additional stretch of his conscience.

He says "one reason for these enormous profits was the special privilege of the newspapers to a 1-cent-a-pound rate, or $1 for 100 pounds, whereby their papers were transported, not with their own money, but with the hard-earned money of the people."

Ninety-five per cent of the Journal's circulation is within a radius of 350 miles of Portland. On this circulation the Journal pays the Government $1 per 100 pounds. It could get the same service through the express companies for 60 cents per 100 pounds. The Government's profit at $1 per 100 pounds must be considerable, since the express companies, at 60 cents, are not carrying traffic at a loss.

Though the Journal pays the Government $1,000 a month for postage, about 11 per cent of its circulation goes through the mails. Of this, but 1 per cent goes beyond the zone for which the express companies charge but 60 cents per 100 pounds. The great volume of the circulation is delivered by carrier in Portland and various Oregon and Washington cities by which a vast army of employees is maintained.

The Government's postal deficiency is not caused by the Journal. The Government makes a heavy profit on its service for the Journal. It is the crowding of the mails with the free delivery of so-called speeches, never uttered, by such mountebanks as ARTHUR AMIDOR ABRAHAM A. W. WALTER LAFFERTY that contributes to the postal deficit. It is the free distribution through the mails of lying "reports of the trend of my work" by the Laffertys and other congressional imposters that swells the postal deficit.

A sample of the fraud and falsehood in LAFFERTY's mendacious "report of the trend of my work" is the following: "And having this special parcel express for themselves these newspapers are not demanding a parcel express for the common herd."

Than the Journal, no newspaper in the United States has been more active, more frequent, or more vigorous in demanding the establishment of a parcel post, a fact with which every Journal reader is familiar. LAFFERTY's lie on this point is wapton, deliberate, and premeditated, and reflects the character of the man.

Is a common liar a fit Congressman?

Cutting out the puny attempt at ridicule and the hackneyed howl "common liar," the foregoing editorial contains only the following statements, which let us now proceed to analyze and see if there is anything in any of them:

First. That my letter was not a report of my work and that there was no work of consequence to report.

Second. That I have attempted to place jokers in the land-grant legislation for the benefit of my private clients.

Third. That the main purpose of my letter was to attack the big Portland newspapers, and that I grossly misrepresented their net earnings, and that I misrepresented the Journal's attitude on a parcel express.

FIRST.

To the Journal there was no "work of consequence" for me to report. To the Journal probably nothing is of any considerable consequence that does not appear in the commercialized columns of that paper. But to me it was of consequence to report to my constituents that I was favorable to and working for an eight-hour law for men, women, and children. To me it appeared of consequence to let the public know that I was voting for a parcel express, that I was working for physical valuations of all public-utility monopolies and the fixing of rates accordingly, and even for the fixing of maximum prices of commodities when found to be controlled by an absolute monopoly. To me it appeared of importance that I let my employers know that I favor a minimum wage law, the issuance of asset currency by the Government to prevent the possibility of panics when the country is filled with plenty, and an income tax and an inheritance tax to distribute swollen fortunes and help bear the burdens of the Government in proportion to the protection received. Besides, I thought it not out of place to let my employers know that I had taken an active part in the passage of the three-year homestead law, the river and harbor appropriation bill, giving to the district the largest appropriation it has had for years, and the bill allowing coastwise trade to pass through the Panama Canal without the payment of tolls. I had been deliberately, willfully, and maliciously lied about so persistently by the Oregonian and Journal and called a joke at Washington that I thought I might well avail myself of my privilege of communicating with the people who pay the freight. Incidentally I mentioned that six of my individual bills had passed the House this session, which is the fact and gives the lie to the stand-pat press of Portland. Three of these were pension bills, one was for the relief of Harry F. Wade, another for the relief of Robert F. Scott, and the sixth was the land-

grant bill. I also have favorably reported for passage in December Senator BOURNE's bill appropriating $250,000 for the relief of the Sherman County settlers. This bill had passed the Senate several times, but had always died in committee in the House. This year for the first time it was favorably reported by the House Committee on Claims, and I wrote the report and secured its adoption.

I also procured a favorable report on Senator BOURNE's bill appropriating $50,000 for additional fish-culture stations on the Columbia River. I also secured a favorable report upon the bill introduced by me for the relief of Lewis Montgomery. I likewise secured a favorable report on Senator CHAMBERLAIN's bill for the relief of George Owens et al., and I secured the passage of Senator CHAMBERLAIN's bills to reimburse the officers and crew of the lighthouse tender *Manzanita*, and the bill to give the city of Pendleton a portion of the public lands for waterworks purposes. In addition, I made a fight on the floor of the House to hold in the Indian appropriation bill six different appropriations inserted therein on motion of Senator CHAMBERLAIN, and the amendments were agreed to and became laws. These six amendments appropriate $66,000 to settle with six Indian tribes of Oregon for lands ceded to the Government. Many times these bills had passed the Senate, but had always failed in the House. Let anyone doubting this statement ask Harrison Allen, lawyer, Electric Building, Portland, Oreg., who was attorney for the Indians and knows the history of the long fight to get these people their money. I also joined Representative HAWLEY in carrying to the floor of the House a vigorous fight to hold in the urgent deficiency bill the item to pay Oregon her war claim of $192,000, which Senator CHAMBERLAIN had procured to be inserted in the Senate and which Senator BOURNE was holding out for in conference, he being a member of the conference committee. We lost that fight owing to the lateness of the session, but we will win it eventually. I just wish to say here, parenthetically, that while I have sharply disagreed with other members of the Oregon delegation upon some policies, they have each and every one performed splendid service for the State at this session. Oregon was represented by Senator BOURNE on the conference committees that finally perfected the river and harbor bill, the Post Office bill, and the urgent deficiency bill, while Senator CHAMBERLAIN was also on several conference committees, including the Indian appropriation bill. But to conclude, as to the Journal's first statement that I had nothing to report in my letter, I only wish that I could have written a letter long enough to cover what I am actually trying to accomplish here. I wanted to state also that my bills to provide for an elective Federal judiciary, a regulation of prices in interstate trade of commodities when controlled by a monopoly, and for an eight-hour law for men, women, and children in the District of Columbia, were the first introduced in Congress, but I did not have the space. I would like to ask now when Portland will elect another Congressman who will thus stand for the public as against the special interests, if the campaign of vicious misrepresentation against me by the stand-pat press prevails?

SECOND.

The charge that I have attempted to place "jokers" in the land-grant legislation for the benefit of my private clients is so silly as to be laughable. The only clients I have are the 65 people who went out on the railroad land in 1907 and made settlement for the purpose of bringing test cases. I did not charge any one of them a penny for bringing their suits, nor do I have any contract with them for any fee in the future. I simply wanted to see the test cases brought, knowing that a great outrage was being perpetrated on the public by the railroad company. Now there are some 15,000 vacant railroad claims of 160 acres each. The 65 settlers who went on the land in 1907 made a great sacrifice for the public good in order to put the law to a test in court. They are entitled to public applause rather than opposition by the stand-pat press. Even if I had tried to have these early settlers protected in the forfeiture case, it would have been eminently proper; but I did not, because whatever rights they acquired are vested rights and they need no protection. No subsequent action by Congress or by the Government could affect the rights of those settlers. My "joker" to the land-grant bill was a proposed section providing that if the 15,000 vacant claims shall be forfeited to the Government that they, too, shall go to settlers under rules to be set out in a proclamation of the President guaranteeing to each citizen of the country an equal chance. Since the land-grant bill of August 20 became a law without such a provision I am now trying to have it amended this December to include this provision. That is my "joker." If this "joker" is adopted, it will add impetus to the prosecution of the suit, and will show to the country that Congress is sincere in its desire to see the original law carried out in good faith. It will mean that the Government is going to force the disposition of these lands in small tracts to bona fide settlers. Without this "joker" the railroad attorneys will say in the Supreme Court that the Government has practically admitted that the lands are unfit for settlement by providing that they shall not be subject to disposition of any kind. The railroad company is very much opposed to my "joker," and it is very much opposed to me personally, as may be observed by the light reflected by the stand-pat press of Portland. The people have one of the hardest fights on their hands that they ever waged if they expect to win this land-grant fight, and they must not get scared at every little flurry of a stand-pat newspaper. I have received neither money nor pleasure out of this job so far, and if the people do not have implicit faith in me they will confer a great favor on me by electing some other man to the job. I did make a little money in private life, but I have not been able to save a cent here, and am penniless to-day. To meet the fight that has been made on me I have paid out thousands of dollars for printing bills at the Government Printing Office and for clerical help. People said I was making a hopeless fight against the two big newspapers of Portland, but I said it would be a fight to a finish, and it will be. I was offered a job as attorney for the Coos Bay & Eastern Electric Co. immediately after I became active here with my land-grant "joker" and had I accepted that "employment" I would probably now have at least enough money to buy a ticket home, which I do not happen to have without borrowing it as it is. So much for the Journal's charge that I have tried to insert a "joker" in my land-grant bill.

THIRD.

I said in my letter that the net profits of the Oregonian and Journal the past year amounted to as much as the salaries of 50 United States Senators; that those papers had a special privilege of sending their papers through the mails for 1 cent a pound, and that this was paid for by the people in part, and that therefore it was in somewhat bad taste for their editors to sit back in their palatial offices high up from the streets in their towering office buildings and scold the people who had contributed these profits for having nominated a man who was trying to do something to also better their condition in life. That was my charge, and it was true. The Journal says that I might as well have said that their profits were equal to the salaries of a million Senators; that I would have been about as near right. But, did you notice how they failed to say what their net profits were, or even to approximate it? The Journal must take the people to be easy, indeed, to expect them to meekly accept that editorial as satisfactory, and say to themselves, "Oh, the Journal is great, and we must not complain that it did not tell us what profits it really makes." The fact is that I took the Journal off its feet by telling the truth about its greedy stand-pat tendencies, and it went completely into the air in attempting to answer me. It realized that since my letter had gone into every home in Portland that its day of double dealing and deception was about at an end unless it could discredit me. So it yelled "common liar," and "he might as well have said our profits were equal to the salaries of a million United States Senators." Now, since the echo of that scream of the Journal has died away in the clouds, let us get back down to the earth and see who is the "liar." I happen to know just about what the profits of the two big newspaper corporations are per year, and it is very close to $375,000. The profits of the Oregonian Publishing Co. last year were $225,000, and the Journal claims to be making about as much, and it probably is. But say that the Journal is making only $150,000 a year, then the net profits of the two corporations would be equal to the salaries of 50 United States Senators. I know exactly what the profits of the Oregonian Publishing Co. were, because Leslie M. Scott, one of its stockholders, showed me a copy of the report of C. A. Morden, its business manager. The Journal tries frantically to get away from my charge that while it is feeding off the people it is fighting the people's representative by saying that it could send its papers cheaper by express than the Government is hauling them, and that it is the most ardent advocate of any newspaper in the United States in favor of a parcel post.

Now, I challenge both those statements as being absolute falsehoods. The Journal has the option under the law to send its papers by express or by mail, and it admits that its postage bill is $1,000 a month. Would any private corporation pay $12,000 a year to the post office for service that it could get for less somewhere else? Well, hardly. That of itself shows that the Journal is a sickly and irresponsible liar. The express companies have made a special rate for newspapers and periodicals, and whenever the Journal can get the best of it by sending its papers in bulk to an adjoining town by express it does so. It said that only 11 per cent of its circulation goes by mail and

that for this service it pays $12,000 a year. Then, if all its circulation went by mail, its postage bill alone would be over $100,000 a year. And who will doubt that its profits are at least double what the postage would be on its circulation? Here, again, the Journal has furnished the facts to show what an incompetent liar it is. And if it is not making at least $150,000 a year in profits, how did it erect its fine new 12-story office building? And if it makes only $150,000 a year, that sum added to the annual profits of the Oregonian Publishing Co. is equal to the salaries of 50 United States Senators. That was my statement which called forth from the Journal the ridiculous statement that I might as well have said that the combined profits of the two big newspapers of Portland are equal to the salaries of a million United States Senators. I further charge that the Journal is not fighting for a parcel express, as stated in my letter, nor will the Journal dare oppose anything the express companies or the railroad companies want, for it gets thousands of dollars of its profits through the influence of those interests.

Is a paper shown to be such a puny, sickly, and incompetent liar fit to be read in any decent home?

Purchases the Workingman Is Supposed to Make.

EXTENSION OF REMARKS

OF

HON. SAMUEL W. SMITH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES.

Mr. SAMUEL W. SMITH said:

Mr. SPEAKER: I desire to insert as a part of my remarks a speech of James L. Feeney, ex-president Central Labor Union, Washington, D. C., former editor International Bookbinders' Journal, delivered before the New York State Republican Club, Thursday, August 29, 1912.

The speech is as follows:

Mr. CHAIRMAN: In the CONGRESSIONAL RECORD of August 21 is a remarkable speech on the tariff by Congressman UNDERWOOD, wherein he tries to tell the workingmen of the United States of the great amount of tariff taxes they pay on all the articles they use in their homes and what they wear.

If all the workingmen of the United States were ignorant men and could not read or write, possibly the speech would have great effect, coming from such a high authority as the chairman of the Ways and Means Committee and majority leader of the House, but, I am pleased to say, fully 90 per cent of the American workmen are intelligent men, and especially the workingman who votes, and when they read the speech of Mr. UNDERWOOD and reflect a little they will soon understand that the speech is a deceptive one and he can not prove one assertion. I do not intend to take up his speech section by section and show wherein he is in error, but I will show conclusively that he is wrong regarding the purchases the workingman is supposed to make. In order to show the misstatements of Mr. UNDERWOOD I will read an extract from his speech:

MAN BESET BY TARIFF TAXES.

Under the present oppressive tariff law the laboring man returns at night from his toil clad in a woolen suit taxed 75 per cent, his shoes 12 per cent, stockings and underwear 71 per cent, a cotton shirt taxed 50 per cent, a wool hat, and a pair of woolen gloves, each taxed 78 per cent.

He carries in his hand a dinner pail taxed 45 per cent and greets his wife as she looks at him through a windowpane taxed 62 per cent, from which she has drawn aside a curtain taxed 42 per cent.

After scraping his shoes on an iron scraper taxed 75 per cent, he wipes them on a mat taxed 50 per cent. He lifts the door latch taxed 45 per cent, steps in on a carpet taxed 62 per cent, kisses his wife, clad in a woolen dress taxed 75 per cent. She is mending an umbrella taxed 50 per cent with thread taxed 30 per cent.

The house is made of brick which has been bought with their hard earnings through a building association. The bricks were taxed 25 per cent, the lumber 9 per cent, and the paint 32 per cent. The wall paper was taxed 25 per cent, the plain furniture 35 per cent. He hangs his pail on a steel pin taxed 45 per cent. He washes his hands in a tin basin taxed 45 per cent, using soap taxed 20 per cent. He then proceeds to the looking-glass taxed 45 per cent and arranges his hair with a rubber comb taxed 35 per cent.

He proceeds to eat his supper which the wife has cooked on a stove taxed 45 per cent, for which she has used pots and kettles taxed 45 per cent. On the table is common crockery taxed 55 per cent and cheap glass tumblers taxed 45 per cent. The sugar he puts in his tea is taxed 54 per cent, which he stirs with a spoon taxed 45 per cent. His meal is a frugal one, because of the high cost of living. He uses a knife and fork taxed 50 per cent in eating a piece of salt fish taxed 10 per cent, bread taxed 20 per cent, potatoes taxed 22 per cent, carrying as seasoning salt taxed 33 per cent, butter taxed 24 per cent, and finishing with rice taxed 62 per cent. He proceeds to read a book taxed 25 per cent, and at the close of the day reclines on an iron bed frame taxed 45 per cent, which contains a spring taxed 45 per cent, a mattress taxed 20 per cent, sheets taxed 45 per cent, a pair of woolen blankets taxed 75 per cent, and a cotton spread taxed 45 per cent.

He is taken ill, and the doctor prescribes medicine taxed 25 per cent, which, being ineffective, he passes from his active sphere of life and his remains are deposited in a coffin taxed 35 per cent, which is conveyed to the cemetery in a wagon taxed 35 per cent, deposited in its last resting place in mother earth, and the grave filled in by the use of a spade taxed 45 per cent, and over his grave is raised a small monument taxed 50 per cent.

Mr. UNDERWOOD says the workingman returns home at night from his toil clad in a woolen suit taxed 75 per cent, his shoes 12 per cent, stockings and underwear 71 per cent, a cotton shirt taxed 50 per cent, a wool hat and a pair of woolen gloves each taxed 78 per cent.

The above statements would be correct "if" the workingman purchased the foreign-made article; but Mr. UNDERWOOD knows, or he should know, that every article he mentions in his speech is made in this country, and that is the article that the American workman purchases at all times.

The cloth for the woolen suit is made in Massachusetts and other States. The shoes are made in Massachusetts and other States. Stockings, underwear, gloves, hats, and shirts are made in almost every State, including the State or district that Mr. UNDERWOOD represents in Congress, and he is fully aware that none of the workingmen of Alabama purchase foreign-made goods when they can get the American-made article at a lower price.

All the other articles mentioned by Mr. UNDERWOOD, such as doormats, carpets, umbrellas, bricks, lumber, paint, furniture, tin basins, soap, looking-glasses, combs, stoves, pots, kettles, crockery, knives and forks, and even the coffin and stone monument over the workingman's grave are all made or produced in this country, and they carry no tariff tax.

Now, suppose the tariff was reduced on all the articles mentioned in the speech of Mr. UNDERWOOD. The workingmen could, no doubt, get them at a reduction from the present prices; but where would they get the money to buy them? The many thousands, in fact million or more, of working men and women employed in this country manufacturing the articles that Mr. UNDERWOOD says carry a tariff tax would be thrown out of employment, as the foreign article would come in and undersell the American-made article, and I will admit everything would be cheap, even labor and men, and poverty would take the place of prosperity.

The Democratic Party has been tried in power by the American people, and under Democratic rule everything was cheap. You could get a meal for the small sum of 5 cents, but thousands and thousands of workingmen did not have the 5 cents in order to buy that meal; the free bread line and soup line could be seen in every city; English, German, French, and Japanese workingmen were kept busy making goods for the United States. The fires in our mills were quenched; machinery stood still; the workingman roamed the country looking for employment. I stood on Pennsylvania Avenue, in the city of Washington, and saw the famous Coxey Army on their way to the United States Capitol. They were not permitted to enter the grounds, but I visited the army in its camp in the southern part of the city, and I interviewed several of them. I found a large number of them mechanics with union cards in their possession—ironworkers, bricklayers, carpenters, printers, factory and mill hands—all out of employment and roaming the country seeking employment to make a living. Do we want to see such sights again? No; never. And all workingmen should remember that a vote for the Democratic Party in November is a vote for more imports, less employment, and lower wages.

Our great President, Abraham Lincoln, in advocating a protective tariff gave a very simple explanation of what the tariff means to the workingmen.

President Lincoln said:

If we buy our goods abroad, the other country has the money and we have the goods; but if we buy them at home, we have both the money and the goods.

Congressman UNDERWOOD complains about the great tariff wall the Republican Party has built up to keep out foreign-made goods; and I now claim, as a representative of labor, that the wall is not too high, as the American workman earns, and he wants, good wages; and if our Government was conducted on a tariff for revenue only wages would go down and it would plunge this country into widespread industrial depression.

Is Mr. UNDERWOOD aware that Japan is forging ahead as a manufacturing country, and it now has the trade in China of cotton goods? As the average wage in a Japanese cotton mill is about 20 cents a day, they would also have the American market if we knocked down our tariff wall; but we have too many intelligent workingmen to permit the Democratic Party to drag down labor to the level of the Japanese laborer.

It has been often stated that the profits of our manufacturers and other industries are larger than the amount paid in wages. Such statements are false, as the following table, published in the American Economist and taken from the 1910 census, shows that wages far exceed profits.

WAGES FAR EXCEED PROFITS UNDER PROTECTION.

It is a common error with wage earners to believe that the profits distributed by the various industries are larger than the wages paid. In other words, they persistently persuade themselves, or are persuaded by labor trouble breeders, that, as compared with wages, capital is getting a far better income out of labor than is labor itself. That belief is absolutely wrong. The fact is that labor is getting 40 per cent more out of the industries in which it works than is capital, as proven by the following 1910 census figures:

	Year's wages and salaries.	Profits distributed in year.
Manufacturing	$4,365,613,000	$2,219,412,000
Wages excess over profits		2,145,141,000
Railroads	1,170,432,000	744,775,000
Wages excess over profits		425,657,000
Merchandising	1,191,464,000	921,366,000
Wages excess over profits		270,098,000
Mining	574,720,000	338,626,000
Wages excess over profits		236,094,000
Banking	430,569,000	215,285,000
Wages excess over profits		215,284,000
Other occupations	5,329,000,000	3,627,000,000
Wages excess over profits		1,702,000,000
The only exception is:		
Agriculture	2,300,993,000	3,412,855,000
Profits excess over wages	111,862,000	
Total for 1910	15,363,641,000	10,470,519,000
Excess of wages over profits		5,093,122,000

Equal to nearly $100,000,000 a week more wages than profits for each of the 52 weeks of 1910. The average yearly salaries and wages are:

Officials and clerks in factories	$1,118
Wage earners therein, including boys and girls	518
Railroad employees	704
Mining employees	675
Clerks and salespeople, male and female	575
Agricultural laborers (and special privileges)	374
General average per worker	728

About 38.6 per cent of our population is engaged in gainful occupations; as stated, the average yearly earning is $728.

The average size of the family in this country is 4.6 persons, which means an average income, including wages, dividends, interest, and profits, of about $1,292 per family. No other country in the world can show so large an average family income.

What Congress Has Done.

EXTENSION OF REMARKS

OF

HON. JOHN W. DAVIS,

OF WEST VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. DAVIS of West Virginia said:

Mr. SPEAKER: The fall of the gavel to-day will mark the end of the first regular session of the Sixty-second Congress. It was convened in special session on the 4th day of April, 1911, and sat until the 22d day of August in that year, a total of 141 days. Its first regular session began on the 4th day of December, 1911, and will close to-day on this 26th day of August, a total of 267 days, or a grand total for the two sessions of 408 days. Few Congresses in the history of the Republic have been in more continuous session, and I believe it no exaggeration to say that the body over which you, Mr. Speaker, preside has never been surpassed in an earnest desire to carry out the will of the people.

This House is composed at present of 394 Members, of which 230 are Democrats, 159 Republicans, 1 Independent, 1 Socialist, and there are 3 vacancies—a Democratic majority of 69. The Senate, on the other hand, is composed of 96 Members, of whom 51 are Republicans, 43 are Democrats, and there are 2 vacancies. Yet, notwithstanding this difference in the make up of the two Houses, many laws of far-reaching import have been placed upon the statute books, and but for the opposition of the Senate and the vetoes of the President many more would have been made effective. Within a short time the people of the United States will be called upon to pass judgment on the work of their servants. It is a wise provision in our Federal Constitution which calls for frequent expressions of the popular will. This fall the people will determine whether the work of this House has been a fulfillment of party promises; they will decide as between the House and the President which has best reflected the public will. I believe their judgment is already prepared and awaits but the occasion for its expression.

If this Government is to be truly representative, there can be no higher duty for any Member of Congress than to cultivate an intimate acquaintance with the desires and needs of his constituency. He is their "watchman on the tower" and they have the right to expect from him not only faithful service, but from time to time information on those matters of government affecting their interest. I feel accordingly, Mr. Speaker, that I am justified in entering upon the RECORD a summary of the work of this Democratic House. Such a summary must include both measures enacted into law and those which having passed the House were halted by the Republican Senate or vetoed by the President. Under the first division the following may be enumerated:

1. The rules of the House of Representatives were revised and liberalized in the interest of free speech and action on the part of the people's representatives. Autocratic power was taken from the Speaker, and "Cannonism" is a thing of the past.

2. Useless employees kept on the rolls of the House by political favoritism were dropped, and as an example of the economy that begins at home, the annual expenses of conducting the House of Representatives was decreased by $180,000.

3. The long fight for direct election of United States Senators by popular vote was won, and a resolution passed proposing to the States for their adoption such an amendment to the Constitution of the United States.

4. A law was enacted providing for the publication of all campaign expenses, both before and after election, and fixing the maximum amount to be expended by any senatorial or congressional candidate.

5. New Mexico and Arizona have been admitted to the Union—not as one unwieldy State, but as two sovereign Commonwealths.

6. Self-government has been granted to Alaska.

7. In conformity with the pledge of a "generous pension policy" in the Democratic platform of 1908, the Sherwood bill granting increased pensions to survivors of the Mexican and Civil Wars is now a law.

8. The long-continued refusal of Russia to recognize American passports when issued to Jews, Roman Catholic priests, or Protestant missionaries has been met by an abrogation of the treaty with Russia and a demand for treatment in accord with our national ideals of civic equality and religious freedom.

9. The industrial disease known as "phossy jaw" has been stamped out for the future by the act taxing phosphorous matches out of existence.

10. A Children's Bureau has been created to investigate and assemble in form for action the facts with reference to infant mortality, birth rate, orphanage, juvenile courts, child labor, diseases of children, and other matters bearing on the welfare of those who represent the future of the land.

11. The benevolent principle of the eight-hour day was recognized and extended by a law providing that every contract made for or on behalf of the United States requiring the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work shall be required to work more than eight hours in any calendar day.

12. A Commission on Industrial Relations has been authorized to study in all its branches the relations between capital and labor and to report to Congress thereon. The commission will be composed of nine members, three to be chosen from the ranks of the employers, three from the employees, and three from the public at large. It should point the way to industrial peace.

13. A parcel post has been made a reality and will soon be in operation, with provision for such development and modification as experience may from time to time suggest.

14. In order to get the best out of the many conflicting proposals and bills for highway improvement, a joint committee of the Senate and House has been appointed to study the subject of good roads and to recommend, as soon as may be, what steps shall be taken by the Federal Government in the matter.

15. Ample provision has been made for continued improvement of the rivers and harbors of the country. For the Ohio River we have appropriated $3,400,000 and for the Mississippi—including $1,500,000 for relief work in flooded districts—$6,000,000.

16. In order to provide a permanent body to assemble and prepare facts upon which fiscal legislation may be based, we have consolidated in the Department of Commerce and Labor the two old Bureaus of Manufactures and of Statistics under a

new and well-equipped bureau, to be known as the Bureau of Foreign and Domestic Commerce, with largely increased and well-defined powers and functions.

Under our constitutional system of government the power to lay and collect taxes must always be with Congress, the elected representatives of the people. It can not be delegated to any board, body, or individual; and, in this sense, those who speak of "taking the tariff out of politics" are proposing the impossible. But, in the language of the distinguished gentleman from New York [Mr. FITZGERALD], with whose committee this great piece of constructive legislation originated:

What every sincere man desired was the establishment of some service through which might be obtained accurate information in systematized form relative to the infinite variety of matters affected by tariff legislation without having such information filter through some intervening body, to be colored or modified or affected by such a course. In the bureau now established there will be developed a force of statistical experts, apart from the political atmosphere, who will compile the facts upon which legislation may be intelligently based in accordance with the economic theory of the party in control of the Government.

How different such a body from the present miscalled "Tariff Board," responsible and subservient to the President alone.

17. The government and operation of the Panama Canal have been arranged. The law, among other things, forbids the use of the canal to railroad-owned ships engaged in domestic trade, and thus makes the canal a competitor of the transcontinental railroads and a permanent barrier against extortionate rates.

18. The odious "gag rule" imposed by the Executive orders of Presidents Roosevelt and Taft on Government employees was removed, and the pay of railway mail clerks and rural letter carriers was increased.

19. Laws and regulations have been adopted to increase the safety of passengers at sea.

20. The Canadian reciprocity act was passed and offered to Canada for her approval, which, as all know, has not been given.

21. A reduction has been effected in the annual expenditures, and the swelling tide of governmental extravagance has been checked. The total estimates of appropriations for the support of the Government submitted to this Congress by the Executive were $1,040,648,026.55. The total of the supply bills as the Democratic House passed them was less by $40,868,434.54, and the total appropriations finally made, after increases added by the Republican Senate, were $1,019,636,143.66, or $21,011,882.89 less than the Executive estimates, $7,046,738.06 less than the appropriations made at the last session of the last Congress, $8,265,285.52 less than those for the year 1911, and $8,870,427.28 less than for the year 1910, at all which times both branches of Congress were under Republican control.

The foregoing partial summary of the work of this Congress is of itself, Mr. Speaker, sufficiently creditable. It represents but a portion of the laws actually passed and the reforms actually effected, and it represents a far smaller proportion of the work of this Democratic House. When to it we add the measures which the House has passed, but which for one reason or another have not yet become laws, the total is surprising. Let me go on with the enumeration and list some of the further things the House has struggled to effect:

22. Five times within a year the House has passed a bill to revise the "indefensible" Schedule K (the woolen schedule) and reduce the cost of clothing to the people. Twice it has reached the President, only to meet his veto, and once his veto has been overridden by a vote of more than two-thirds of the House—a rebuke almost without precedent in American history.

23. We have passed a bill to revise the cotton schedule, which the President vetoed; and having been passed a second time, it is now in conference between the two Houses.

24. We have passed a bill to revise the metal schedule, which the President vetoed, and his veto has been overridden by a two-thirds vote of the House.

25. We have passed a bill to revise the chemical schedule, which was defeated by the Republican Senate.

26. We have passed a bill to put sugar on the free list, which was likewise defeated in the Republican Senate.

27. We passed the farmers' free-list bill removing the tax on agricultural implements, sewing machines, fencing wire, lumber, shingles, leather, and shoes, which the President vetoed.

It is estimated that these several bills, if enacted into law, would have resulted in a saving to the people of this country of not less than $740,000,000 a year. Let the responsibility for preventing such a reduction in the high cost of living rest where it belongs. In a recent speech the distinguished gentleman from Alabama [Mr. UNDERWOOD] well said:

The Democratic majority (in the House) is 69. As shown by the record of the passage votes, every Democratic bill except that revising the chemical schedule received not only the solid support of the Democrats in the House, but enlisted many Republicans. While, as stated, the Democratic majority is only 69, the free-list bill passed with a majority of 127; the wool bill of last session by 120 majority and this session by 98 majority; the cotton bill by 112 majority at last session and by 86 majority at this session; the metal bill by 101 majority, and the excise bill by a majority of 212.

In vetoing the tariff-revision bills of this Congress, Mr. Taft makes it plain that he is determined that the tariff shall not be revised except by the stand-pat element of the Republican Party.

28. We passed the excise bill, putting a tax of 1 per cent on all incomes in excess of $5,000 derived from business. The object of this bill was to distribute the burden of taxation and place it upon the shoulders of those best able to bear it. The Republican Senate has attached to it an amendment to repeal the Canadian reciprocity act and continue the present Tariff Board, and on these amendments the two Houses have disagreed.

29. The House has met the long-standing complaint against the misuse of the writ of injunction and has passed a bill which, if it becomes a law, will prevent the unquestioned abuses which have been indulged in.

30. There has also been passed by the House a bill providing for trial by jury in certain cases of contempt, which will do away with the charge that the courts under the equity power have invaded the criminal domain and subjected parties to a trial for crime without jury.

This bill, as also the injunction bill, is now before the Senate for its action.

31. In the platform of 1908 the Democratic Party promised a law creating a department of labor, represented separately in the President's Cabinet. The House has passed a bill providing for such a department.

32. We passed the Bureau of Mines bill, to widen the scope of the Bureau of Mines so that it may be better able to develop methods of preventing accidents in mines and have greater efficiency in rescue work when accidents occur, not only in the coal-mining industry, but in the mineral and miscellaneous mines as well.

33. Recognizing the fact that the prosperity of the people depends first of all upon agriculture, we have passed a bill to establish agricultural extension departments in the various States and bring to the farmer at his home the latest and most scientific information with reference to his all-important calling.

34. We have passed various bills having to do with court procedure and intended to simplify the processes of the courts and to hasten the administration of justice.

35. Searching investigations have been made of the departments of the Government and of various trust-controlled industries, such as the United States Steel Corporation and the American Sugar Refining Co., which have exposed many evils and will lead to their correction.

36. The Committee on the Judiciary, of which I have the honor to be a member, has been called upon to investigate the conduct of certain judges of the United States courts. The judge for the district court of the State of Washington—Judge Hanford—resigned in the midst of such an investigation, and the committee recommended and the House adopted articles of impeachment against Judge Archbald, of the United States Commerce Court, which will be tried before the Senate, sitting as a court, next December, seven Members of the House having been appointed to conduct the trial on behalf of the House, to wit, Messrs. CLAYTON, WEBB, FLOYD of Arkansas, DAVIS of West Virginia, STERLING, HOWLAND, and NORRIS.

Within the limits of the time assigned to me I can not attempt a more exhaustive history of the work of this Congress. Many matters of importance are still pending, such as the workmen's compensation act for railway employees, the revision of the patent laws, further legislation with regard to monopolies and trusts, the regulation of immigration, currency reform, and provision for a system of agricultural credits. What has already been said, however, is sufficient to justify the boast that few, if any, Congresses have equaled it in constructive and progressive legislation. On this record of promises kept and pledges fulfilled we appeal with full assurance to the American people. We know that we have not betrayed their confidence. We feel that we merit their approval. In this country, as in every other, there must be fought out the endless warfare of equal rights against special privilege, of government for the many against government for and by the few, of liberty against bondage. Here and now the right of the people to equal partnership in their Government must be vindicated and preserved. Let us glory at the part assigned us in this combat; let us advance boldly and without shrinking to the contest, and let an abiding faith in the patriotism, capacity, and courage of our fellow countrymen remove all doubt or question as to the result.

The Sugar Schedule.

SPEECH

OF

HON. OLLIE M. JAMES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 15, 1912.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"—

Mr. JAMES said:

Mr. CHAIRMAN: We have listened during the discussion of this bill to some rather peculiar arguments. First, we are told by some that they oppose this bill because free sugar will destroy their industries, and for that reason they desire to defeat it. We are told by others that they oppose this bill because it will not give any relief to the consumer in the reduction of the price of sugar. One thing I would like to know is, How could it destroy your industries if it did not give relief by lowering the price of sugar? [Applause on the Democratic side.] When the tariff question first came under consideration here by this Democratic Congress, we heard it charged that we were sectional; that we had taken up wool to reduce the tariff upon it, and therefore we were striking at the North and the West. Next, that we were taking up steel to reduce the tariff upon it, and therefore we were striking at New England and the North and the West. And now, when we want to take the tariff off of sugar, the southern industry, the gentleman from Illinois [Mr. CANNON] rises and inquires of Louisiana in these words: "O Louisiana, how much longer will you kiss the hand that smites you and vote the Democratic ticket?"

Upon behalf of that patriotic Democracy by the Gulf, I deny that their loyalty and devotion to the Democratic Party is measured by the right to put their hands into other people's pockets [applause on Democratic side], and if it is, I declare upon behalf of the great national Democracy of the whole Republic that we are unwilling, in order to bring them into the fold of the Democratic Party or to keep them loyal to it, to tax all the rest of the consumers of the United States of America $115,000,000 a year. [Applause on the Democratic side.] You say we will lose the revenue received upon sugar. Yes; we will lose the revenue, but we intend to pass an excise or income tax bill, which our Committee on Ways and Means has already reported favorably, which will place a tax of 2 per cent upon all earnings in excess of $5,000, and in this way we will transfer the tax from the poor man's table to the rich man's profit, and we will leave in the pockets of the consumers of this land $115,000,000 which each year flows into the coffers of the Sugar Trust.

Let us see whether or not this bill will lower the price of sugar. Men may prophesy, but experience is the best lamp by which the feet of men can be guided. In 1890, on March 26, sugar was quoted at 6¼ cents per pound in this country. When the tariff was taken off, in less than 30 days it fell to 4¼ cents per pound. [Applause on the Democratic side.] There is the concrete fact, the history of the past, the experience of taking the tariff off of sugar lowered sugar to extent of the tariff tax upon it. What is the foreign price of sugar, and what has it been of raw sugar since 1898 up to 1911? It has been upon an average of 2.24 cents per pound. It only costs one-tenth of a cent a pound to transport sugar from Hamburg here, and this not only includes the shipping but also the insurance. What has it been here? In the United States it has been 4.03 cents per pound, and the tariff rate for these years has averaged 1.48 cents per pound, so the domestic or home price of sugar has been more than the foreign price with the tariff added. But when did you gentlemen upon the Republican side take the position that the tax upon sugar was not paid by the consumer? I want to read from the remarks of the distinguished former chairman of the Committee on Ways and Means, Mr. PAYNE, of New York, whose name is linked to the Payne-Aldrich tariff bill which was overwhelmingly repudiated by the American people at the election last year. Here is his language, and what he said when they were fighting for free sugar in 1890:

> But we take off a dollar on the annual cost of sugar to every inhabitant of the United States. What do you say to that? Why, it helps the farmer, it helps the laboring man, it helps the poor man, to give them this prime article of food at a lower price; and with the competition that comes from Germany and France, from Cuba and from all quarters of the earth, I have no doubt that when this law goes into effect every man can buy his sugar at 2 cents a pound less than under the present tariff.

[Applause and laughter on the Democratic side.]

And now the gentleman rises and tells us that his provision of 1890 to make sugar free and his utterance that taking the tariff off of sugar would lower its price 2 cents a pound was all fox fire and there is nothing in it and it would not do what he then said it would. [Applause on the Democratic side.]

Mr. PAYNE. You do not want to misrepresent me, I presume?

Mr. JAMES. The gentleman would not yield to me. I am reading his own speech of 22 years ago. If he had yielded to me, I would now yield to him. I refuse to yield to him because he denied me that courtesy. I have but five minutes.

Let us see what Mr. McKinley said, the great martyred President whom you delight to revere, whom you delight to follow, as you say, in the principles he established. Here are his words:

> Last year we paid $55,000,000 out of our pockets to protect, whom? To protect the men in the United States who were producing just one-eighth of the amount of the consumption of our sugar. Now we wipe this out, and it will cost us to pay the bounty $7,000,000 every 12 months, which furnishes the same protection at a very much less cost to the consumers. So we save $48,000,000 every year and leave this in the pockets of the people. Sir, when we lift from the American people the vast sum of $48,000,000 of taxes, they can put up every 12 months 48,000 houses costing $1,000 apiece.

And now I say in the language of the martyred McKinley, the Democratic Party proposes here to-day to take the tariff off of sugar and leave in the pockets of the American consumers $115,000,000 a year, with which they can build 115,000 houses at $1,000 each. [Loud applause on the Democratic side.]

Beef.

SPEECH

OF

HON. EUGENE F. KINKEAD,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 31, 1912.

The House having under consideration the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia—

Mr. KINKEAD of New Jersey said:

Mr. CHAIRMAN: After listening to the eloquent words that fell from the lips of Minnesota's distinguished son, those of us who occupy the other side of the aisle may well realize how little after all there is that separates an honest and square Republican from an honest and square Democrat. [Applause.] And I hope that if in another time I am transformed from a Democrat into a Republican that I may be made by the Creator from the same clay from which Mr. NYE, of Minnesota, is made. [Applause.] Some of us have strange notions regarding what we can accomplish in this world and in this House.

After giving a careful study to the conditions in our Nation, I concluded that a man's best effort might well be put forth to aid in the reduction of the cost of meat and meat products to the people of this Nation, and for two years, Mr. Chairman, I have given all the time that I could spare from other duties here to preparing a case against what I consider the most iniquitous trust that the skillful mind of the greedy rich has ever put into active operation in this Nation. I refer to that combination which is known legally as the National Packing Co., but which every man and every woman of this Nation has designated as the Beef Trust. [Applause.] Senator BAILEY a few nights ago, if newspaper reports be true, at a little conference held in his home, which he called a sort of farewell gathering, said that the condition of the United States at its bottom was sound, and he said, "I regret that members of my party have so long raised a cry in this Nation that made conditions appear to be far worse than they are," and I believe that the Senator spoke aright. I think that there has been a little too much of the so-called calamity howling done by the Members on this side of the aisle. I believe that it is far better to overlook certain things which we know exist and which to call attention to only saddens the minds and the hearts of many thousands of our people.

I am a bit of a farmer myself. [Applause.] And I say to those of my city friends who are here this afternoon that when they want to have real life, when they want to get above the bare existence of the city life, in heaven's name do as I have done and go out and buy a farm in New York or New Jersey. You can get them cheap.

Mr. RODDENBERY. Or Georgia.

Mr. KINKEAD of New Jersey. And I will say to you on my word you will get more fun out of a thousand or two thousand dollars invested in a farm than you will with $10,000 invested in the city.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. KINKEAD of New Jersey. I will gladly yield to my friend from Alabama.

Mr. HOBSON. Does the gentleman realize that the greatest inducement on the face of the earth to go and spend that money in farm land is to go down to Alabama, where our lands are just about one-tenth in value to-day of what similar lands are of the same productiveness in the other parts of the country?

Mr. KINKEAD of New Jersey. I say to my friend from Alabama that I am perfectly willing to subscribe to all he says about Alabama. I love the old State quite as much as he does, and I believe that farm lands in his State and I believe that farm lands in the State of my friend from Colorado [Mr. RUCKER] can be purchased at a reasonable figure. But I want to say, in all seriousness, to the Members of this House that there is no State in the 48 comprising this Union that offers the same inducement to men who are willing to work, who are really anxious to secure an honest living, than the Commonwealth which I have the honor, in part, to represent. [Applause.]

Mr. MOSS and Mr. RUCKER of Colorado rose.

Mr. KINKEAD of New Jersey. I yield to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Chairman, I am very glad to hear the praise of New York and New Jersey from the gentleman, but I want to call his attention to the fact that this soil has always gone down in the rivulet to the sea. We are so far in our mountain country that we have not been put up against that exact proposition. Our soil is fertile. We raise four crops in Colorado a year, each one of them worth more than the one crop that the gentleman speaks of being raised in New York or New Jersey.

Mr. KINKEAD of New Jersey. Of course I can not agree with all that my friend from Colorado says. I can only speak for a few acres in that State which are mine. And if the State of Colorado or any other State in this Union produces better crops than are raised in the section of New Jersey to which I have reference, then I must say to him or to any other Member of this House that God has doubly blessed their soil, and I am as grateful as he is for the condition which exists in his State.

Mr. SIMS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Is it not a fact that the Jenny Lind canteloupe originated in the State of New Jersey and was transplanted in the State of Colorado and became the Rocky Ford?

Mr. KINKEAD of New Jersey. If I remember my horticultural books aright, I think my friend from Pennsylvania states the exact truth.

Mr. MOORE of Pennsylvania. And is it not true that they have nothing in the State of Colorado that approaches the pineapple or the Jenny Lind of New Jersey?

Mr. KINKEAD of New Jersey. I am quite sure of that. Mr. Chairman, I want to yield now to a real farmer, the gentleman from Indiana [Mr. Moss].

Mr. RUCKER of Colorado. Mr. Chairman, I want to say to the gentleman from Pennsylvania [Mr. MOORE] that we have lost our reputation. [Laughter.]

Mr. MOSS. I wanted to ask the gentleman from New Jersey [Mr. KINKEAD] if he was referring to the abandoned farms about which we hear so much in New York and New Jersey?

Mr. SIMS. Mr. Chairman, I want to ask the gentleman for information. Will the people who have the land which the gentleman from New Jersey speaks of sell it?

Mr. KINKEAD of New Jersey. Why, bless your heart and soul, we have got the same number of fools in New Jersey to-day that you have in Tennessee. They will foolishly sell their land. But I want to say to you that if I had their land no man in this Nation could buy it from me. [Applause.]

Mr. SIMS. The gentleman is mistaken as to the farmers of Tennessee. They will not sell.

Mr. KINKEAD of New Jersey. I do not know exactly how it is, but perhaps Mr. NYE or some of the other philosophers in this House will be able to tell us at a later day, but to me it is the strangest thing in the world—this desire to leave the farm for the city. I go out among these people—and mark you, they are not in my district, and therefore I have no ulterior motive in saying this—I go out and talk to these people, and it is the strangest thing in the world how they will trade a hundred acres of the best soil on earth for a hovel in the city. It is indeed a strange trait of human nature. I have been pondering on that subject all my life, and I have never yet been able to reach a sane conclusion in regard to it.

Mr. SIMS. In middle Tennessee the farmers will not sell their land at all, and their farms never are sold until they die and the heirs sell for partition. I will say to the gentleman that I want to go to New Jersey and buy some land, if it is as good and cheap as he represents it to be.

Mr. KINKEAD of New Jersey. Well, I will say to my friend from Tennessee that there is no one that I would rather welcome to our State than himself, and I hope he will come up there soon. [Laughter.]

Mr. SIMS. What I have said is a fact, Mr. Chairman.

Mr. KINKEAD of New Jersey. Now, Mr. Chairman, I did not intend to talk farming, but——

Mr. CONNELL. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. I will have to yield to the gentleman.

Mr. CONNELL. I just wanted, Mr. Chairman, to contribute one thought in regard to the selling of farms. I think the plan originated in New Jersey, but I do not know how they sell farms in New York, because they are not sold. I will give you an illustration. A newspaper man, in spending his vacation in my county, was walking along the road one day and met a farmer who looked very downhearted and disconsolate. The visitor said to the farmer, "What is the matter, old man?"

The farmer replied, "I find I will have to sell my farm. I was born here and raised my family here, but they have all gone away, and the farm does not pay for itself, and I have got to sell it." The newspaper man said, "Why don't you advertise it properly? If you do that you will get a good price for it." The farmer said, "If I knew how to advertise, I would." The newspaper man said, "I will advertise for you." He wrote the advertisement, and here is the way it read:

"Farm for sale in the town of Unionvale, in the beautiful valley of the Hudson. Beautiful streams flow through this farm. The house is beautiful, and the fences are complete. The land is drained beautifully, and the morning sun kisses it with a special beauty and love every morning."

The farmer said, "Is that my farm?" The newspaper man answered, "Yes." Then the farmer said, "I don't want to sell that. I would not sell it for anything." [Laughter and applause.]

Mr. KINKEAD of New Jersey. Now, Mr. Chairman, I do not want to detain the House any longer than I can possibly help, and I therefore ask to be allowed to continue my speech without further interruption.

I am not one of those who question every motive of the man who may have a dollar or two more than I possess. I know that business conditions in this Nation have worked a serious hardship on those who were least able to carry the burden, and that is the center thought of what I propose to say this afternoon. I believe that the Supreme Court of this Nation acted aright when it ordered the Tobacco Trust to dissolve; but I would call your attention to this fact, that there is not a man of your acquaintance who has ever said to you that when he bought a nickel's worth of tobacco from the Tobacco Trust he did not feel that he got his full five cents' worth. I deprecate as much as any man on this floor the thievery of the Sugar Trust, when with false weights they stole millions of dollars that rightfully belonged to this Government; but I have as yet to hear any man in this Nation say that when he bought a pound of sugar manufactured by the Sugar Trust he did not get his 5½ or 6 cents' worth. And when I recall these conditions, when I think of the tirade of abuse, when I consider the pages that teemed in the magazines of this Nation, in the newspapers, great and small, throughout this Nation, leveled at the head of a man who until a day or two ago occupied a seat in the other end of this Capitol, I have thought to myself that if these editors were made of the clay that my friend NYE is made of they would temporarily overlook whatever indiscretion may have been committed by other men in behalf of Mr. LORIMER and level their best guns at the mighty men of wealth connected with the Beef Trust, who have grown rich while the children in New York City, of whom the gentleman from Minnesota [Mr. NYE] spoke, lay naked beneath the pitiless rays of the scorching summer sun partly as a result of their thievery. I say to you, my friends, that there is grave danger of our

becoming cowards before the onslaughts of the press, and I say to you here and now that if a year ago I had been a Member of yonder body and had voted to retain LORIMER there, I am convinced that nothing has happened in the last 12 months which would lead me to believe that I voted wrong then and must needs change my mind now. Some of them are candidates for reelection. [Laughter.]

I say to my friends over there—and I am grateful that there are not many of them there; I hope my words will carry to them—that I would rather go down with a man who was sinking than to attempt to crawl to safety on his submerged body. [Applause.] I think there is a whole lot of sophistry in the thought that permeates the Nation each four years. Go to any unthinking business man to-day and try to sell him a bill of goods, and you will have the hardest job on your hands that you have ever undertaken in all your life. He will tell you how business is bad, how conditions are always bad in a presidential year. Conditions in a presidential year are exactly what the business men of the Nation, together with the farmers of the Nation, are able to make them—not one bit better, not one bit worse in a presidential year than in any other year. It is the mind of the men who have a motive that they do not care to give expression to that causes this false notion regarding poor business in a presidential year.

I had occasion several times, when home, to visit New York in the evening and go by chance into some of the theaters there. If I arrived at 5 or 10 minutes before 8, I could not purchase a seat at the box office. That was not once or twice or three times. That was not my own experience alone, but it was the testimony of every man who found himself situated as I was. Does that look like poor business conditions in this Nation?

I called in at one or two of the big department stores in New York, just to ascertain offhand how they found conditions in this presidential year, and Wanamaker, Hearn, Siegel-Cooper, and all the rest of them, with one exception, said to me that they had done more business in the first six months of 1912 than they did in the same period in 1911. Does that look as if there are poor business conditions in this Nation? No. I do not believe that the brilliant Texan ever said a wiser thing than he did when he stated that this Nation was sound at its core.

Now, I stated at the outset of my remarks that I considered the Beef Trust the most iniquitous that ever was formed by the cunning brain of the American financier, but we must realize that in the old days before the war the farmer drove his cattle into each of the large centers of population, that the cattle were slaughtered there, and that the conditions in some portions of each town where slaughtering was done were bad owing to the fact that our drainage systems were imperfect. So when that brainy German, that master mind of the packing industry of to-day, when Gustavus Swift found his way to Chicago from the old Bay State and established there his first packing house, he performed a work for humanity that I am proud to testify to to-day. When Philip D. Armour left his eastern home and settled in the capital of the Middle West he brought with him a youthful energy that nothing was able to stand in the way of. When Nelson Morris, with the keen mind and the accurate judgment that God has so often blessed the men of the Hebraic race, settled in Chicago he added his ability to the ability of his predecessors, and there was a combination of three men that, in my judgment, were the equal of any three men in this Nation.

Their business was conducted as a partnership for many years. I mean, of course, that Swift formed a partnership with his sons, that Armour operated his business independently, and that Morris followed in Armour's footsteps. Then came the day of refrigerator cars, and with that came the beginning of conditions that we find in the packing industry of to-day. I say that no effort, no long-continued effort by any newspaper man or by any magazine in this Nation was directed against this combination. I am not here to charge improper motives to magazines or to the newspapers, but sometimes I can not help but question whether a Swift bacon or an Armour advertisement, or a Morris ham on the back cover of these magazines has not at least something to do with the sudden shutting off of the charges against them. I say that I do not know whether that is the case or not, but I say to them that if this evidence was submitted to them in the Lorimer trial they would say, "Of course he took the money."

Some of them do not play the game exactly straight at all times, and there is a whole lot of them that do. Now, there has been always since 1893 a doubt, a genuine doubt, in the minds of the people of the United States that there is such a thing as a Beef Trust, but it remained for the formation of the National Packing Co. to convince them that their suspicions were true. We find in the directorate of this magnificent mercantile body the names of a Swift, an Armour, and a Morris, and I have testimony here taken under oath which, with your indulgence, I will print, stating exactly how many shares are held by each of these three constituent companies.

Mr. RUCKER of Colorado. Do they hold a majority?

Mr. KINKEAD of New Jersey. They own it all. Swift owns 46 per cent, Morris 19, and the Armour Co. owns the rest. They testified to that and did not make any secret of it.

Now, we can conceive that this magnificent business formed by the biggest men that the packing industry has ever produced might be honestly conducted, and I dare say there is not a man in this body who would not take the word of Gustavus Swift, of Ogden Armour, or of young Edward Morris on any proposition that they might state. I know I would. When the Armour Co. needed a bondsman in New Jersey for the faithful performance of a contract they had with our county I was very happy to serve as their bondsman. So it is not necessary for me to say to the gentlemen in this House that there is nothing of a personal nature in anything I may say this afternoon. I believe this to be my duty to the people of my district particularly, and to the people of this Nation at large.

I have the testimony of three men, ranchmen, two of them are in Washington at this hour, and this is their statement to me, not made when each of them were with me but made by each one of them when they were alone with me. One of them had his market in Fort Worth, Tex., another had his market in Oklahoma City, Okla., and the third had his market in the city of Chicago, Ill. Each of the three men stated to me on his honor that they endeavored to sell their cattle to whom? To Armour, to Swift, to Morris, to Schwarzchild & Sulzberger, to Cudahy, and invariably, not once, not twice, but every time they took their cattle to market, the prices offered by those five constituent companies were the same.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. Certainly; but I wish to state to my friend that interruptions throw me out of my train of thought.

Mr. RUCKER of Colorado. I have been a cattle raiser and a sheep raiser for years and years, and I fully appreciate everything the gentleman has said about that; but I wish to call his attention to the fact I would like to have him explore that situation——

Mr. KINKEAD of New Jersey. But I am giving the gentleman exactly the testimony that was given to me.

Mr. RUCKER of Colorado. I understand the testimony is perfect; I understand that.

Mr. KINKEAD of New Jersey. And I dare say my friend from Colorado, since he has been a ranchman in his day, will give the same testimony on his own account that I give here this afternoon.

Mr. RUCKER of Colorado. Undoubtedly. That is what I am saying. I am agreeing with everything the gentleman has said. I want to say to the gentleman that I would like to have his attention called to the fact that the best plank in the Democratic platform is a trust plank.

Mr. KINKEAD of New Jersey. Yes, and I agree to that; and I want to say to my friend from Colorado that this morning I sent to the desk here a bill which called for the removal of the tariff duties now on beef and cattle and swine and pork and sheep and lamb. I realize that the Ways and Means Committee of this House has passed a free-list bill that we know will not be passed by the Senate. Let us now, if we can not give them a whole loaf, give them half a loaf. Let us send that bill over to them, and let us get through with this one thing and clean it up. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. Mr. Chairman, I was really in hopes that we would come together—the gentleman and I—but when he talks about free meats from abroad I must disagree with him, and that is the point I was trying to call to his attention.

Mr. KINKEAD of New Jersey. I do not want to be mean or unkind, but I wish to say to my friend from Colorado that I wish he would go up to Minnesota and breathe the air that the distinguished gentleman [Mr. NYE] who has just addressed the House has breathed and come back here to us with his heart full of what he knows to be Democratic doctrine. Let him come back here and stand for the principles that we have been endeavoring to write into law for the last 16 or 18 years. [Applause.]

Mr. RUCKER of Colorado. The gentleman, of course, will pardon me for a moment. He has the floor and has the advantage. I was going to call his attention to the fact that the Swifts and the Armours and others have got absolute control

of the foreign market, and you are not going to reach this situation through the tariff. They have 80 per cent of the Argentine and the Australian meat supply—the refrigeration and the frozen meats that are coming here.

Mr. KINKEAD of New Jersey. If my friend will pardon me, let me say this——

The CHAIRMAN. Does the gentleman from New Jersey decline to yield to the gentleman from Colorado?

Mr. KINKEAD of New Jersey. I will be glad to yield to the gentleman when I make this statement, which, I think, will help him in the situation that he has in mind. If I understood my friend aright, he said that the packing industry of the United States, the so-called Beef Trust, controlled 80 per cent of the cattle and beef of the Argentine Republic.

Mr. RUCKER of Colorado. Yes; and therefore the tariff has nothing to do with it. They are taking advantage of our tariff.

Mr. KINKEAD of New Jersey. My friend is mistaken, and I know that he wants to state his position aright. The best records that we can obtain from the Argentine Republic proves to me conclusively that the five companies I mentioned—Armour, Swift, Morse, Schwarzschild & Sulzberger, and Cudahy—control less than 25 per cent of the Argentine output, and I have the figures here; and he will agree with me if he will look over them.

Mr. RUCKER of Colorado. No, no.

Mr. KINKEAD of New Jersey. And if he will take the time to look them over and let me go on, I am sure he will be convinced.

Mr. RUCKER of Colorado. If the gentleman will say Australia——

Mr. KINKEAD of New Jersey. I say Argentine; and if my friend wants figures from Australia, I have them here, and it is something less than 20 per cent in Australia.

Mr. RUCKER of Colorado. Very well.

Mr. KINKEAD of New Jersey. My friend from Colorado and myself agree absolutely that the supply is in the hands of the Beef Trust; that they control the ranchmen and the cattle raisers of the great West; that they have them absolutely in the hollow of their hand; and the fact that it costs them 6½ cents to produce their cattle does not figure with the Beef Trust when they want it for 6¼ cents. They will take the 6¼ cents, or they will let their cattle starve on the ranges in the West. There is no other market for them. Of course, there is in Denver, of course there is in Pueblo, of course there is in Butte a packer here and there who will buy their cattle; but in the cattle centers in this Nation, in Fort Worth, in St. Paul, in Omaha, in Chicago, where the cattle are sent——

Mr. TOWNSEND. And Kansas City?

Mr. KINKEAD of New Jersey. And in Kansas City, as my friend from New Jersey advises me.

Mr. STEPHENS of Texas. And St. Louis.

Mr. KINKEAD of New Jersey. In all of these centers, where the cattle industry centers, send your cattle there and find out what you will get for them. It will be absolutely the figures that Chicago sends out, whether it is 5⅜ or 4⅜.

Mr. SLAYDEN. Will the gentleman permit?

Mr. KINKEAD of New Jersey. I yield to the gentleman.

Mr. SLAYDEN. I want to ask the gentleman from New Jersey if he does not know that in the market of Fort Worth, to which he referred, that recently cattle brought over $9 a hundred?

Mr. KINKEAD of New Jersey. Of course I do.

Mr. SLAYDEN. That was a very satisfactory price.

Mr. KINKEAD of New Jersey. I know it is very satisfactory to the ranchmen, and I am very glad they got that for their cattle. Is that all my friend wanted to suggest?

Mr. SLAYDEN. That is all.

Mr. KINKEAD of New Jersey. That, of course, has no bearing directly or indirectly on what I said.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. KINKEAD of New Jersey. I should prefer if my good friend will allow me to proceed, as I have only about 18 minutes more.

Mr. RUCKER of Colorado. I want to say I think I agree with the gentleman——

Mr. KINKEAD of New Jersey. I can not yield to the gentleman.

Mr. RUCKER of Colorado (continuing). That the suggestion of the gentleman from Texas has nothing to do with the proposition. We have got a platform commanding us to enforce that trust plank, and that does away——

Mr. KINKEAD of New Jersey. I can not understand the mind of my good friend from Colorado. He quotes the Democratic platform to my friend from Texas, and then he quotes it against me. If you believe that the plank of the Democratic platform should be enforced, I ask you why and what course of reasoning leads you to believe America should not bring in, since a trust exists in this beef industry, the beef of the world and let us have it here in the United States at as low a price as any nation on earth? [Applause.]

Mr. RUCKER of Colorado. Now, as the gentleman has asked a question, will he let me reply?

Mr. KINKEAD of New Jersey. I will be very glad to yield.

Mr. RUCKER of Colorado. I say it is because the trust of this country——

Mr. KINKEAD of New Jersey. But I tell my friend he is mistaken, and I do not want him to take my word, but if he will just spend five minutes reading over this little volume here——

Mr. RUCKER of Colorado. I would like to answer the specific question the gentleman has asked me——

Mr. KINKEAD of New Jersey. If the gentleman will just take this book and look it over——

Mr. RUCKER of Colorado. I think the gentleman is mistaken. Now, then——

Mr. KINKEAD of New Jersey. I am giving the gentleman the basis of my information——

Mr. RUCKER of Colorado. If the gentleman is right, well and good; but if the gentleman is not right on it, I am right, and it is——

Mr. KINKEAD of New Jersey. I have so much in common with my good friend from Colorado that even now I am not growing impatient with what seems to be what I may term his recalcitrancy.

Mr. RUCKER of Colorado. There is certainly nothing personal about it. The gentleman will understand that the difference is a disagreement as to the figures.

Mr. KINKEAD of New Jersey. Now, Mr. Chairman, I say there is not a man who is here this afternoon who has given any thought to the subject under discussion who is not convinced that, no matter whether they pay 9½ cents in Fort Worth or whether they pay 4½ cents in Kansas City, the same hand that writes the 9½ cents at Fort Worth writes the 4½ cents at Kansas City.

Mr. SLAYDEN. I would like, with the gentleman's permission, to say one word, and that is if there is a power like that I would like to join the gentleman to suppress and abolish it.

Mr. KINKEAD of New Jersey. I will say to my friend from Texas that if he will give me half an hour at any time that I know that he and I will leave the room with a common mind on this subject. I would not want any man here to think that I would say anything against the integrity of the men comprising this Beef Trust unless I knew what I was talking about, and, as I said before my friend came in here, that I have for the last two years studied this both in the receiving market and in the buying market, and I did not arise on this floor until I was honestly convinced that I could prove my case against them.

Now, there was certain testimony presented at the packers' trial in Chicago last year indicating that the profits made by the so-called Meat Trust were small; that with the Swift people they averaged 12 per cent; that with the Morris concern they averaged about 13 per cent; and if my friends will bear with me for just one moment I will give them the profits that were made by the Armour company. And, mind you, these profits were not set down by an investigating committee. These figures were not arrived at by any man who had any interest to protect against the Armour people. These profits were written down by the Armour company themselves when they asked to have their bond issue increased from $20,000,000 to $30,000,000 in the Stock Exchange of New York. We might question anything that may have been said by men whose interests were not identical with the Armour people, but none of us dare question that they did not speak the truth when they declared under oath that they made a profit of 35.6 per cent in the year 1909, if my recollection serves me right. Then they offered to prove in the trial at Chicago the fact that they were not earning more than an honest return on their investment. I do not know whether the capital stock of Armour was all paid in or some of it was water; I do not know, but in view of certain conditions that I have found in my investigation of this matter I am inclined to think it was not all paid in, but I am not sure about that and I want to so state.

I desire to read to the men who have so patiently listened to me this afternoon the conditions which they themselves outlined, which the Armour people declared to be the conditions that exist as to the profits that they make on their honest

capitalization or their dishonest capitalization, as the case may be:

Certain facts have recently come to light in connection with the Beef Trust that completely disprove the widely circulated statements that were intended to convince the people that the enormous increase in the cost of meat products was chiefly due to the rise in the price of cattle, sheep, and hogs on the hoof.

This was in December, 1910.

* * * Only last autumn the press of the country was flooded with a most specious and mendacious article, sent out clearly for the purpose of preparing the way for another raise in the prices.

Mr. MADDEN. Is that statement made by the writer of the article or by the Armour people?

Mr. KINKEAD of New Jersey. This is a statement made by the writer of the article, in which he incorporates the statement made by the Armour company. This is a circular, mind you, that was sent out. And if my friend from Illinois [Mr. MADDEN] will pardon me, I will say that I have only a few minutes, and I wish to get this in the RECORD.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. KINKEAD] has expired.

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask unanimous consent that I may be permitted to continue for 15 minutes longer.

The CHAIRMAN. Is there objection?

Mr. MANN. Would the gentleman be willing to take time to-morrow to finish his remarks?

Mr. KINKEAD of New Jersey. I want to say to my friend that I have never taken up more than 30 minutes of this House at one time until to-day.

Mr. MANN. If the gentleman will permit, there are reasons for trying to finish the bill under consideration and get another bill up, if possible. I would ask the gentleman if he would be willing now to agree that he should take 30 minutes to-morrow?

Mr. KINKEAD of New Jersey. If I may be permitted to state to my friend, I have to run up to New York this evening and get down here again to-morrow afternoon. I would like to do as the gentleman suggests, but I hope he will not press his objection.

Mr. MANN. The gentleman misunderstands. I have no objection to his speaking two hours on the subject. There is to be a Democratic caucus at 5 o'clock, and this is the last day the Labor Committee has on the Wednesday calendar.

Mr. KINKEAD of New Jersey. If that is the condition, I will not trespass at this time.

Mr. WILSON of Pennsylvania. That is the condition.

Mr. KINKEAD of New Jersey. Mr. Chairman, then I ask unanimous consent for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KINKEAD of New Jersey. Now, this circular was sent out in a plain envelope to the papers and magazines of the Nation, and it reads as follows:

Recent investigations seem to show that the beef supply of the country is not keeping pace with the increased demands. This is due to a number of conditions.

Then followed an extended, ingenious, and thoroughly misleading statement of alleged causes for the increased price in meat and why we expect further sharp advances in the price, the first of these causes being the alleged decrease in the number of cattle marketed from the Middle West. The sophistical character of this claim that our country is not producing sufficient meat products for the people is seen from the report of the Secretary of Agriculture, published on December 1, in which he states that during 1909 there were 419,000,000 pounds of beef exported to foreign lands and 1,053,000,000 pounds of pork exported.

Mr. SABATH. Does the gentleman find any objection to the exports?

Mr. KINKEAD of New Jersey. I can not yield.

The CHAIRMAN (Mr. CURLEY). The gentleman from New Jersey refuses to yield.

Mr. KINKEAD of New Jersey. I read further:

In all the inspired statements sent out to the press to create the impression that the farmers are receiving high prices for their products and that there is a scarcity of meat, etc., it is needless to say that every effort was made to prevent creating the impression that the Beef Trust was earning anything more than a meager or at least a fair return on the capital invested, and but for a certain action on the part of one of the leading members of the Beef Trust this impression would have been immensely strengthened by the recently published report of the Secretary of Agriculture. Mr. Wilson devotes a great deal of space to an unconvincing attempt to explain the cause of the high prices by leaving out the great campaign-contributing trust as a principal factor. Great stress is laid by the Secretary on the fact that he has had men in different parts of the country investigating the difference between the wholesale and retail price of meats, with the result that the average increase, according to his statement, is 38 per cent. Persons knowing the appetite of the trusts and monopolies for profits would at once discredit the figures of Mr. Wilson's employees, who probably are on intimate terms with the packers, because if there was any chance for the monopoly to make 38 per cent on retail sales only a short time would elapse before we would see Beef Trust shops in every city, just as we see the Tobacco Trust cigar establishments on the most expensive corners in various cities.

There is not one of them, from Armour on down, that would not have a retail market in every city in this Nation. I continue:

Had it not been for the action of the Armours, however, the report of the Secretary of Agriculture, following the flooding of the press with the circular to which we have referred, would have exerted a most convincing influence upon the average editor and rendered it quite possible for the trust to have made another one of its periodical advances in the price of meats. However, during the last days of November the Armours, desirous of listing their $30,000,000 worth of bonds on the stock exchange, found it necessary to make a statement of their net earnings for the past year. The Armour plant is capitalized for $20,000,000, and, according to the statement of this firm, last year the net earnings amounted to $7,127,926, or an equivalent of a dividend of 35.6 per cent.

That is, a dividend of 35.6 per cent on their investment. And yet they say to us that they are merely earning a meager return on the capital that they have invested in this industry.

Why, my friends, I would rather be that naked child on yonder fire escape in the great city of New York, surrounded by teeming thousands of others no better than that naked child, and would rather have the burning rays of the sun beat down upon my fevered brain, to be without a dollar, to be as naked as that babe was under Mr. NYE's eyes; I would rather be that naked babe and take my chances in what I hope will be a Republic of equal opportunity under President Wilson, than to be possessed of the millions that go to the saddened rich of this nefarious Beef Trust and make up their poverty. [Applause.]

Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD; and I further ask unanimous consent to address the House on Thursday of next week in order to conclude my case—many interruptions preventing me from doing so to-day.

The CHAIRMAN (Mr. SULZER). Request granted.

Mr. KINKEAD of New Jersey. Mr. Chairman, on the 16th day of July of this year I had the privilege of addressing the House upon the subject of the Beef Trust, and although my time was extended I was not able on that day to conclude my remarks, and on the Wednesday following, July 24, 1912, the Butchers' Advocate had an editorial on the subject.

A little further on my good friend, the editor of the Butchers' Advocate, in a paragraph says:

Don't refuse to listen to common sense. You wouldn't have the opportunity very often.

Mr. Chairman, here is a little common sense for the editor of the Butchers' Advocate which I sent to him:

Mr. Chairman, I expected something of this kind to come, not from just that sheet, and I only regret that its circulation is so limited. I never heard of the weekly; I did not know of its existence until they sent me this editorial. If it amounted to anything, if there was a chance of its ever amounting to anything, I would not give it the publicity that I am giving it to-day. There is not a chance of one man in a million in these United States seeing the editorial. I understand that we have some 90,000,000 of people, and I do not believe that it has a circulation of 90. I do not believe there is a man on the floor to-day who ever heard of the Butchers' Advocate. Do you want to know what it is? Here is what it is. The Butchers' Advocate is issued weekly, and it is the organ of the meat industries of the United States. It is edited by a man who was in the retail butcher business, and who knows all about the earnest efforts that have been made by men in the retail butcher trade to acquire a living, a bare, scant living; and my good friend, the worthy editor, was not able, despite the fact that he had a subsidy of $50 a month, to eke out a living for himself and for his family.

Well, so much for the Butchers' Advocate. If I may be permitted to reply to his statement regarding my desire to succeed a governor of New Jersey—the next President of the United States—that's not quite true; in fact, it is wholly false. I want no greater honor at this time than to represent the people of my district in this great body.

Mr. Chairman, I have had some dealings with Swift. I have had more dealings with the Armours, and I have had some dealings with Morris, and I am prepared to say to-day that if these gentlemen make an agreement among themselves to dissolve, they will carry out that agreement to the letter, and it remains for this House now to do its duty to the people of the United States.

I was in London two years ago this month and I saw porterhouse steak selling there for 18 cents a pound, 9 pence a pound, in the London market. I saw that beef stamped "Chicago dressed," and at the same time my own people and

your own people at that very hour in Jersey City, in the city of Philadelphia, in the city of Chicago, in the city of New Orleans, in the great metropolitan city of New York were paying from 28 cents to 30 cents a pound for that selfsame steak. Remember, the Beef Trust shipped that cattle from the port of New York to the harbor of Liverpool, and then in refrigerating cars transferred it to the metropolis of the world, an expense in addition to the cost of laying it down in New York of 1½ cents per pound. Notwithstanding that additional expense, notwithstanding the efforts that were made by the American people to buy their meats at lower figures, they were selling that meat to the people of London, porterhouse steaks for 18 cents a pound, and our people were paying 28 and 30 cents a pound for the same thing. I ask this House, How long do you propose to continue that sort of thing? How long are you going to stand for it? How long are you going to permit an American trust to sell its product in European markets for from 30 to 40 per cent less than they sell the same thing to our own people? You are squarely up now with the issue. I believe these men intend to dissolve, and I believe they intend to make an honest dissolution. What are we going to do—back down in our fight to reduce the cost of living to the American consumer? If we are square with ourselves, and I now address myself to the gentlemen upon this side of the aisle, every man of us will ask that the bill which I introduced on the 16th day of the present month to take the tariff duties off beef, mutton, lamb, and pork, and have all cattle on the hoof admitted free into this Nation of ours, be put upon its passage. [Applause.] Then and then only will you lay down your steaks and chops upon the breakfast table of your constituents and my constituents at as low a price as the people of any other nation on earth pay for this necessity of life.

Men may question whether there is any need of taking the tariff duty off beef and lamb and pork. Men may question the advisability of admitting cattle on the hoof from Mexico and Canada into the United States free of duty, but I want to say that last year beef products to the value of $25,235,461 and pork products valued at $104,150,059 were exported from the United States.

"Last week was a dull week at the port of New York, but even so, there passed through it to other countries 663 barrels of pork, 2,716,875 pounds of bacon, 175,400 pounds of ham, and 733 barrels and 426 tierces of beef.

"It was in this same week that beef prices rose to the highest figure in our history, and the price of pork kept pretty even pace with them. This rise is variously explained by a reference to the trusts, the high price of feed, the limiting of the grazing area of the country, the increase in population, and the like. Undoubtedly each is a factor in the situation. Artificial agencies have conspired to raise prices arbitrarily. Unquestionably the supply has not kept pace with the demand.

"A reason for this disparity between supply and demand not often quoted is furnished in the export figures above quoted. Our packers find it profitable to export meat, although it commands the highest prices here that the country has known. In this way the 1911 supply of beef and pork was depleted by no less than $129,387,520. There was more than $3 worth less of these meats in that year for each of the 90,000,000 inhabitants of the country because of the export trade.

"This condition is deplorable, but could not be justly criticized were it natural. Neither could it be remedied artificially. But it is not natural. It is very largely artificial, and to that extent of course, to be artificially corrected.

"The plain fact is that while competing freely in every other market of the world our packers are absolutely protected from competition in this country. They may choose their own market, therefore, and by this means so regulate the supply in the United States as to absolutely dominate prices.

"This is where the protective tariff comes in. It is $2 a head upon cattle worth less than $14 and 27½ per cent ad valorem upon cattle worth more than $14. It is $1.50 a head upon swine. It taxes fresh beef and pork a cent and a half a pound and lays an impost of 4 cents upon every pound of ham or bacon.

"The result is, as was intended, neighboring countries can not ship us cattle and swine. Fresh beef and pork, as well as beef and pork products, from abroad are barred by the tariff wall. With the foreign market always profitable and open to them, our packers may thus regulate the domestic supply as they choose and maintain high prices according to their pleasure. And there is every reason to believe that this is exactly what they do.

"It is incorrect, no doubt, to refer to the protective tariff as even the principal of the causes of present high meat prices. It is only one of many. That it is the chief agency contributing to a beef monopoly in this country, however, and the real secret of its success in price fixing can not be doubted. It is just as clear that it will be extremely difficult to destroy this monopoly and quite impossible materially to lessen the price of meat as long as the present meat tariff is in force."

Now, gentlemen, I respectfully submit that no man who has given this subject a moment's consideration can longer doubt. Let us believe that the packers in Chicago are playing the game straight; let us believe that they have got no cards under the table, that they have laid them on the table face up—and personally I am satisfied that they are playing the game straight—but, gentlemen, do not let my Republican friends think that because this House coupled up in what is known as the farmers' free list the admission of beef, lamb, pork, cattle, and swine into this country without additional duty—do not let them think that they have done their duty to their constituents if some of them, perchance, voted aright and voted with us. Our duty is plain. We know that yonder Chamber will not pass the farmers' free list bill. If they did and it went to the President, they know that he would not sign it; but if we take this thing clean and clear, if we go into this matter as we should, strip it of all unnecessary verbiage, cut it right down to the subject of meat and meat products, I venture the statement that not a man, be he Democrat, Republican, or my friend BERGER, will dare stand on this floor and vote against that proposition. [Applause.] Let us put it up to the Senate. Let us see if they—the men who deserted Lorimer because they had an election coming on—let us see how they will vote on this proposition.

Minnesota's illustrious son [Mr. NYE] a few weeks ago in the House declared that prejudice, greed, and cowardice would wreck this Nation if the Nation was wrecked. I despise prejudice, I abhor greed, but, gentlemen, I fear cowardice, and I believe that if we fall, if the United States falls, that cowardice will be the primary factor. Cowardice—I am more afraid of cowardice than of greed and prejudice together. The press too often makes cowards of us; we succumb to public clamor, we yield our honest convictions to sudden outcries of the press, and God help me, there are some of us who desert our colleagues just at the hour of their greatest distress. I am a Democrat. I am an organization Democrat, and during my membership in this House I remember but two occasions when I voted against my Democratic brethren—once for a Tariff Board, and I repeated that vote here yesterday, being 1 of 10 Democrats who voted with the minority to establish a Tariff Board to investigate fully into the question of the cost of production here and abroad and to report the result to the President, the Senate, and the House. The other occasion was on the question of battleships. My district favors a liberal naval policy, and I voted for two ships and will repeat that vote to-morrow. I am grateful that my service here was in the Sixtieth and Sixty-first Congresses. I am proud of the record made by my party under the intelligent, capable, fearless leadership of CHAMP CLARK and OSCAR UNDERWOOD. But, gentlemen, I pray my service may cease before I ever yield an honest conviction to gain a temporary political advantage.

I say to my friends here that there is no matter now before this Congress that deserves the attention of every honest-minded man on both sides of this Chamber as does this proposition regarding the removal of duties from meats and meat products. [Applause.] Mr. Chairman, how much longer have I got?

The CHAIRMAN. About a minute and a half remains.

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and will conclude by reading——

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. KINKEAD of New Jersey (reading):

Better than any editorial comment on the subject of "the American standard of living" are these extracts. The first is from the Republican platform:

"The Republican tariff policy has been of the greatest benefit to the country, developing our resources, diversifying our industries, and protecting our workmen against competition with cheaper labor abroad, thus establishing for our wage earners the American standard of living."

The second extract is from a summary of the report of the Federal Labor Bureau on "the American standard of living" in Lawrence, Mass.:

"The agents estimated that the average wage given 21,000 employees during one week last year, selected at random, was $8.76, which was declared to be entirely insufficient for the support of a family. Child labor was a natural outgrowth, the report says, of such a condition, where the head of the family was forced to add to his income by securing work for his children."

Nothing need be added, except that the industries in Lawrence are among the highest protected in the United States. The proof of the pudding is in the eating, and the proof of the beneficent Republican tariff is in the application.

Let me now thank my colleagues here for the attention given me this afternoon, and to ask that every Member give this subject the thought it deserves; and I am certain they will then vote to pass the bill which places cattle, swine, and sheep, together with all meat products, on the free list. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKEAD of New Jersey. Mr. Chairman, I want to add a little, if possible, to my statement concerning the Beef Trust and the spoliation of the American public, and in order that I may not have to infringe further on the time of the House on any other day during the remainder of the session, I ask unanimous consent, Mr. Chairman, that my time be extended 10 minutes, and that such time thus extended be added to the time under general debate, so that we may conclude at 20 minutes to 5 o'clock p. m. instead of at 4 o'clock and 30 minutes p. m.

The CHAIRMAN. The gentleman's request can not be entertained for the reason that the House fixed the end of the present discussion at 4 o'clock and 30 minutes, and under that action of the House the committee will be compelled to commence consideration of the bill under the five-minute rule at that time.

Mr. KINKEAD of New Jersey. Then, Mr. Chairman, I will endeavor to conclude in the allotted time.

On the occasion when I had the privilege of addressing the House some two weeks ago I had arrived in the course of my remarks to the point of proving, first, that the Beef Trust not only controlled the stores of supply and necessarily controlled the prices paid for that supply, but subsequent to their control and the meat leaving the Chicago market that the Beef Trust controlled the eastern trade through the packing industries in New York, Philadelphia, New Orleans, and other points in the East.

Now, as to the argument that they advanced as to the increased cost in the price of beef, they say that the retail trade gets the profit, and they have to exist on a bare 6 or 7 per cent profit. Now, I showed, even allowing that the capitalization of the Armour Co. was all real money, that on that capitalization of $20,000,000 they paid, in the year 1910, 35.6 per cent profit.

Now, in regard to the retail trade, Mr. Chairman, I have my own first-hand knowledge of three men who took the market in which my father conducted his business, each of them starting with a few thousand dollars, and after a few years of hard work all three of those retail meat dealers were compelled to go into bankruptcy; and by a perusal of the Dun's and Bradstreet's reports you and the gentlemen who are here present can ascertain that there is no business in the entire Nation in which there have been so many failures in the past 15 years as in the retail butcher business.

Now, I submit that inasmuch as this tobacco company has found it profitable to maintain retail stores to supply the consumer, the Beef Trust—in other words, the National Packing Co.—if it knew that it could make an honest dollar in this business would drive out every mother's son among the men engaged in the retail butcher business in this country.

I have here a statement addressed to the packers by a distinguished Member of this House, the gentleman from California [Mr. KENT], who was engaged in the ranching business in the West at the time that he wrote it. It reads as follows:

TO THE PACKERS—A FARMER'S PRAYER.

Almighty ones who rule the destinies of sheep, cows, pigs, farmers, chickens, and other live stock, place your ears near the ground and listen to our plea.

Eternal and ever-growing ones, who kill, kill, kill, and chop and scrape and slash and can, who fry and boil and freeze at will, we pray that you confine your boilings and freezings, your cannings and killings, to the tribute we pour in, nor insist forever on human sacrifice.

Let the blood you spill be the blood of wild beasts, and not the drippings from corn-husking fingers.

All-powerful ones, we do not ask to see your books, we do not question as to your rebates, your private cars, your methods of ruining small butchers. We do not care what price you charge for beef, embalmed or fresh. We question not the ingredients of your croquettes, soups, or tamales.

But, O great ones, please let up on us. We pray you to call off the market quoters who at your dictation tell us our stock when light is "half fat" and would bring good prices if heavy. Make them drop their call for "light, handy cattle" when ours are heavy.

O rich ones, don't continue to steal our young heifers and our old bulls. Tell your menials in the yards, we pray you, when they skin us, as they ever do, that our hides do not reach to the bone.

Stop, we pray of you, the daily yawp of "lack of demand" when you, by corralling the whole works on land and sea and on lands beyond the sea, are the only demand. Say that you don't want our stock, and we shall more greatly respect you.

O large, fat, and prosperous ones, our prayer rises before daylight from a million farms; range men sing it in the teeth of blizzard and in storms of alkali dust. We who produce the meat wail by the wail to which you have driven us. We care not for the price you charge the consumer, we can not afford to eat of your output. Charge him as much as you like, great people, but divide, oh, divide a fraction of your spoils with us, or we perish.

WILLIAM KENT,
Of Kent & Burke, Genoa, Nebr.

Mr. Chairman, I think I have already proved my second proposition. The third proposition has to do with the control that the Beef Trust exerts immediately on the price of meat to the consumer. I believe I have shown clearly to the mind of any right-thinking man that they control the price that the consumer pays for his meats and meat products.

Now, what is the remedy? On the 1st day of August the National Packing Co., which is the Beef Trust, submitted a voluntary plan of dissolution to Attorney General Wickersham, which he pronounced acceptable to himself and this Government. I hope my colleagues will take the same view of this proposed dissolution as I do. I am prepared to accept their plan and to believe that they are acting in good faith and that they propose to dissolve themselves into their constituent companies; that Armour and Swift and the Morris Co. will once more be in active competition one with the other. That destroys effectively the monopoly that exists in this country, but as long as you retain the tariff of 2½ cents a pound on your meats killed and dressed and shipped into this country, and as long as you retain from $2 to $4 a head on live stock coming into this country from Canada, from Mexico, from the Argentine Republic, and from Australia, just that long will you still have the American consumer in the hands of the dissolved Beef Trust of this Nation. [Applause.]

Now, gentlemen, we are here debating all sorts of questions and have been for weeks past, and I respectfully submit to you that the most important duty that confronts this House at this hour, much as I would like to see a bill passed granting a pension to the widows and wounded soldiers of the Spanish-American War, I say to you that it is the duty, a far more far-reaching duty—far more efficacious to the people in your respective districts is the necessity that before this House adjourns the second session of the Sixty-second Congress that they shall write into a law, that they shall pass my bill admitting the meat products, admitting cattle on the hoof into this country without a cent of tariff duty on them.

I see the archangel of protection sitting on the other side, and I ask him whether he can not agree with me in this single instance? Is he not prepared now to take the tariff duty off meat and meat products?

Mr. HILL. I will say to the gentleman that he can get it done, and I will tell him how. I have now pending in the Ways and Means Committee, and have had for several weeks, a bill to take the duty off from fresh meat, and I can not get a vote on it from his colleagues.

Mr. KINKEAD of New Jersey. I am in the same position as is the gentleman from Connecticut.

Mr. HILL. If the gentleman wants it done, let him ask his Democratic colleagues to go into the committee and vote for it.

Mr. KINKEAD of New Jersey. I will answer the gentleman, I have the assurance of the gentleman from Texas, the chairman of the Committee on Rules, that if a favorable opportunity presents itself before the House adjourns at this session, or in the first week that we shall come together in December, he will bring in a rule for the consideration of the bill admitting meat and meat products and cattle on the hoof that I suppose the gentleman from Connecticut would not admit free, and if not admitted free this Nation of ours will never be able to buy meat at the same price that the people of other nations do.

Mr. HILL. You do not have to get a rule.

Mr. KINKEAD of New Jersey. I decline to yield further.

Mr. HILL (continuing). If you pass my bill through the Ways and Means Committee it is privileged.

The CHAIRMAN. The gentleman from Connecticut is out of order.

Mr. HILL. The gentleman from Connecticut is not out of order.

The CHAIRMAN. The gentleman from New Jersey declines to yield, and the gentleman from Connecticut is out of order.

Mr. HILL. The gentleman from New Jersey did not decline to yield; he yielded to me.

The CHAIRMAN. The gentleman from New Jersey declined to yield, and the gentleman from Connecticut is out of order and will take his seat.

Mr. KINKEAD of New Jersey. If you want an investigation that will reveal the thorough corruption and thievery, go out to Chicago and go into the home of the distinguished minority leader. Go out to that great metropolis of the West, go out there and you will find that not a Republican Member upon that side of the Chamber has the nerve to rise in his place and ask that this, the most consummate thieving mercantile organization that was ever formed, be investigated.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. I can not yield at this time.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I am always in favor of these investigations all of the time.

Mr. KINKEAD of New Jersey. I am very glad. This is the first time that the gentleman has ever said it in connection with the Beef Trust, and I want the gentleman to know that his majority, if there is a majority in his favor next fall, will be considerably reduced as a direct result of his statement.

Mr. MANN. Oh, the gentleman is talking through his hat, and is always talking through his hat.

The CHAIRMAN. Does the gentleman from New Jersey yield further to the gentleman from Illinois?

Mr. KINKEAD of New Jersey. No. The people in the Beef Trust have no use for an honest man like the gentleman from Illinois.

I have no desire to make political capital out of any inquiry that might take place. I believe that these men are guilty. I believe that every man of them is a thief, and I believe that if I were given the opportunity I could prove to the satisfaction of this Nation that, starting with Armour, midway with Morris, and concluding with Swift, every man of the three is guilty, not only of fraud, not only of lies, but of deliberate robbery of the American people.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. Not now.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for three minutes longer.

Mr. KINKEAD of New Jersey. I do say, gentlemen, that we have every right to go into the affairs of all of the trusts that we believe are in any way connected with this infamous conspiracy. It is not my purpose to do an injustice to any man who has raised the packing interests of this Nation to the position that they occupy in this country to-day. I have the highest respect for the business ability of an Armour and for the business sagacity of a Morris and for the business judgment of a Swift, but I say that our duty to our people in our districts is to go into this matter fully, and if we find that there has been a conspiracy against the Sherman antitrust law, indictment should only precede a term of imprisonment; and I pledge you my word that just as soon as one of these men has undergone a term of imprisonment, from that moment the price of meats and meat products in this Nation will fall. [Applause.]

I have no desire to make political capital out of this inquiry. I believe that these men are guilty. I believe that I can prove that these men are guilty. I want the opportunity. If the committee of investigation is appointed, I will endeavor to name Mr. Garven, the honest Republican who has fought the trust, as our attorney for the committee. Our policy will be to protect the innocent and to punish the guilty. No honest packer need fear the investigation, and no dishonest one need hope for quarter. I have no respect for the beef baron who will add to his millions the dime stolen from the emaciated hand of American motherhood. I hate a thief, but I detest the rich thief who steals from the poor.

Gentlemen, this is America; we are Americans. Here is one issue on which we can all unite. Let us deal with the thieves among the packers as we would with ordinary thieves. Let us deal with the Beef Trust—the National Packing Co.—as it should be dealt with. If they are guilty—and I believe I can prove they are—put them in prison. That is the only thing they fear. Fines fall on the heads of the stockholders directly and on the heads of the great consuming mass of Americans indirectly. They do not fear fines, but they do fear jail. The square deal I ask for—the same law for all men; its application to the rich and the poor alike. That is the very essence of the Constitution—equality of rights before the law. Do not allow the directors of the National Packing Co. to use their misgotten wealth to defeat the ends of justice. Let us square our actions with the gospel preached by the founders of the Republic. Let us encourage the millions of American workmen by sending forth the message to them that while wealth honestly acquired has our respect the dishonest dollar is no more powerful to-day than it was when Jefferson set down the whole Democratic doctrine—equal rights to all; special privileges to none. [Applause.]

Our Food Supply.

EXTENSION OF REMARKS
OF
HON. AUGUSTUS P. GARDNER,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. GARDNER of Massachusetts said:

Mr. SPEAKER: Our food supply presents a question beside which all other questions are mere shadows. A country with our natural resources and soil ought to give the people pure food, good food, and cheap food.

What is the use of blinking facts? Our farming and stock-raising methods are antiquated. Absurd as it may seem for an outsider to express such an opinion, the statement is easily susceptible of proof.

In 30 years Belgium, by farming education, has increased its average yield of wheat by 14 bushels to the acre. During the same period the United States, with its educational methods, has increased its average yield of wheat by only 1.8 bushels to the acre. Of course, this is an extreme example, but the entire picture is not a pleasant one for American eyes to contemplate.

During the last census period (1900–1910) our cattle diminished in number by 6,500,000 head. In other words, while our population increased by 21 per cent our cattle decreased by 4.7 per cent.

For these and other reasons the bill for remodeled and increased agricultural education appeals to me very strongly.

An Answer to the Stand-Pat Press.

EXTENSION OF REMARKS
OF
HON. A. W. LAFFERTY,
OF OREGON,
IN THE HOUSE OF REPRESENTATIVES,

Monday, August 26, 1912.

Mr. LAFFERTY said:

Mr. SPEAKER: The unreliability of the Evening Telegram as a publisher of fair statements is well known to the people of Portland. Its reports are as frequently just the opposite of what happened as they are correct. It has a very small circulation and no influence, and is maintained by the Oregonian Publishing Co. in order to utilize the afternoon Associated Press franchise and prevent any other paper from getting it. The Oregonian also uses the Telegram to do much of its dirty work, and from behind the curtain holds the Telegram out to the public as a "progressive" paper. These thoroughly disreputable practices and transparent attempts at deception are now well known to every bootblack in Portland. There is no danger that any voter will hereafter be deceived by anything he sees in the Oregonian's afternoon appendage.

Only a few days ago, August 31, the Evening Telegram, on its front page, under a large display head entitled "LAFFERTY lashed by the sarcastic Mr. MANN," published the following false statement:

LAFFERTY LASHED BY SARCASTIC MR. MANN—WHEN OREGONIAN TAKES FLING AT HIM MINORITY LEADER RETORTS.

[Special to the Telegram.]

WASHINGTON, *August 31.*

On two separate occasions during the closing hours of Congress Representative LAFFERTY was made to feel the biting sting of Minority Leader MANN'S sarcasm, and in both instances the chastisement was well merited, if general applause and undertone comment is any guide.

The Member from the second Oregon district, criticizing MANN for objecting to a private bill, declared the Member from Illinois could not understand what "anyone with a grain of sense ought to understand," and then broke out into a tirade against the minority leader for "appropriating to himself a superior wisdom to that of a committee of this House."

The minority leader, in his most rasping, sarcastic tone, replied: "That statement is not true, so that it is not worth answering. I am used to being abused by some man who has a bill that is rotten."

Later, when LAFFERTY attempted to call up his bill for the relief of Lewis Montgomery, of Portland, he again charged the minority leader with misrepresenting the facts and "presenting a half-baked theory in regard to the case."

After sarcastically referring to the "undisputed superior wisdom of the Member from the second Oregon," the minority leader again objected to further consideration of the bill.

The CONGRESSIONAL RECORD for this session, pages 11826 and 11830, will prove to anyone examining the same that the foregoing article in the Telegram is a barefaced lie, and that it states the exact opposite of what happened. The article states that the gentleman from Illinois [Mr. MANN] lashed me, and that it was a well-merited lashing if the "general applause" which followed is any guide. It was I who scored the gentleman from Illinois for objecting to the consideration of Senator CHAMBERLAIN'S bill for the relief of George Owens et al., and absolute silence followed the reply made by Mr. MANN. The RECORD reports in parentheses any applause that greets the remarks of any gentleman on the floor, and if the Evening Telegram will publish in its paper any extract from the CONGRESSIONAL RECORD showing where any applause followed any statement made by Mr. MANN in the entire debate of the two cases referred to, I will admit that I am the liar and will resign from office. If it can not show such an extract from the CONGRESSIONAL RECORD, then it must stand before the public as the self-confessed liar that it is, unworthy of the slightest consideration by any decent citizen in the future. The bill of Senator CHAMBERLAIN to which Mr. MANN first objected is to reimburse 12 citizens of Portland and Vancouver, Wash., for the money they paid the Government for 12 timber claims in the Eureka, Cal., land district and for their necessary expenses. These people filed on the land, not knowing that it had been withdrawn and paid the Government their money, proved up, and got their final receipts. Later the land office officials were notified from Washington that the land had previously been withdrawn, but the notice had erroneously been sent to some other land district. Hence the claims were canceled. Mrs. Alta B. Spaulding, a trained nurse of Portland, who has the earnings of years in her claim, is one of the unfortunate victims who lost her claim by the Government's blunder, and the Government now has her money, and she is out her expenses. The other 11 claims are exactly parallel to hers. The bill as it passed the Senate provided that the Government should give these 12 people their patents. The House committee would only agree to give them back their money and their necessary expenses. But Mr. MANN objected to the consideration even of the House bill, and that is why I scored him; and I would do it again with pleasure under the same circumstances. The Evening Telegram, in order to injure me, takes up the side of Mr. MANN and opposes the rights of our own Portland people, and, what is worse, it deliberately lies in so doing. A few minutes after the bill mentioned was passed over I called up the bill for the relief of Lewis Montgomery, of Portland, and Mr. MANN objected to that, and it went over to the next session; but absolute silence followed everything that Mr. MANN said in each case, as is shown by the official RECORD.

The article referred to in the Evening Telegram of August 31 is only a fair sample of dozens of other canards that have appeared in that paper the past year purporting to be "special dispatches" from Washington relating to me. These stories are written in Washington by one Frank Barrow, a hanger-on around the Capitol, and sort of news scavenger who lives off his wits and the few dollars that the Telegram sends him for the stuff he sends that paper. Barrow is a pudgy, sneaking-looking individual, about 50 years old, and hails from somewhere in the State of Wyoming, so he claims. When I first came to Washington Barrow immediately showed up in my office, exhibited a card reading "Frank Barrow, correspondent Portland Evening Telegram," and wanted me to pay him $60 a month to send favorable reports to the country papers of Oregon for me. I told him there was nothing doing. Later he had the nerve to ask me to put him on the pay roll as my private secretary. That I refused to do. That is the kind of a man the Evening Telegram has as its "Washington correspondent" to furnish "news" to the good people of Portland. Any person gullable enough to be taken in by such a quality of "news" would be credulous indeed.

Last spring the Telegram in a "Washington dispatch" stated that I was an outcast here, that I had been tabooed at the White House, and that I was ignored by my colleagues. The facts are that I was invited to four receptions at the White House the past year, attended two of them, and within a week after the Telegram article appeared I received from colleagues at Washington the following letters:

REPRESENTATIVE MURDOCK'S LETTER.

WASHINGTON, D. C., *April 6, 1912.*

Hon. A. W. LAFFERTY,
House Office Building.

MY DEAR LAFFERTY: Let me congratulate you upon the passage through the House of the three-year homestead measure. It is gratifying to know that the work you put in on the subject had a result that is so often wanting to crown legislative effort. There must also be an added satisfaction to you in the circumstance that leading participation in the matter of legislation of this character is not often vouchsafed a Member in his first term.

Yours, truly,

VICTOR MURDOCK,
Representative Eighth Kansas District.

SPEAKER CLARK'S LETTER.

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 4, 1912.

Hon. A. W. LAFFERTY, M. C.,
House of Representatives, Washington, D. C.

DEAR LAFFERTY: I want to congratulate you on the good work you have done toward getting the three-year homestead law through the House. This will be a great benefit to the country in helping to keep our good citizens in this country instead of having them emigrate into Canada. The people of the West should feel that in you they have a friend who always has their interests at heart.

Your friend,

CHAMP CLARK.

SENATOR CHAMBERLAIN'S LETTER.

UNITED STATES SENATE,
Washington, D. C., April 5, 1912.

Hon. A. W. LAFFERTY,
House of Representatives, United States.

MY DEAR SIR: The three-year homestead bill is now in conference, and, having been appointed one of the conferees, I will do the best I can to come to an agreement which will be satisfactory to both the House and Senate as well as to the homesteaders in the West, who have suffered for lack of legislation to remove some of the burdens which have been imposed upon them by law.

I want to congratulate you for the good fight you made for the measure in the House.

Yours, very sincerely,

(Signed) G. E. CHAMBERLAIN,
Senator from Oregon and formerly Governor of the State.

SENATOR BORAH'S LETTER.

UNITED STATES SENATE,
Washington, D. C., April 4, 1912.

MY DEAR LAFFERTY: I congratulate you and thank you for the good work which you did in helping to put the three-year homestead bill through. This will be a matter of great benefit, in my judgment, to the West, and I am sure the West will appreciate the services of those who, like yourself, assisted so efficiently in the passage of the bill.

Very respectfully,

(Signed) WM. E. BORAH,
Senator from Idaho.

REPRESENTATIVE KINKAID'S LETTER.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 3, 1912.

Hon. A. W. LAFFERTY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I want to congratulate you and do congratulate you heartily on the record you have thus far made. Your work has been characterized by diligence, energy, and ability, and your presentations made upon the floor of the House in behalf of the interests of your constituents have been exceptionally strong.

Cordially, yours,

(Signed) M. P. KINKAID,
Representative from Sixth Nebraska District, formerly Circuit Judge.

REPRESENTATIVE STEPHENS'S LETTER.

COMMITTEE ON THE CENSUS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 4, 1912.

Hon. A. W. LAFFERTY,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I am very pleased to say to anyone that I believe you have given careful and constant attention as a Member of the House of Representatives to all matters in which your district and its people are interested, and to the best of my knowledge you have secured your full share of legislation.

Yours, truly,

(Signed) WM. D. STEPHENS,
Representative from Seventh California District, formerly Mayor of Los Angeles.

I could go on and fill the RECORD with instances of the Telegram's willful lying to its readers. It must have a very poor opinion of their intelligence. But I must conclude.

The simple facts are that I have been absolutely independent. I have known no master except the people I serve. The two big newspaper corporations of Portland I have defied. One prints the Journal and the other prints the Oregonian and the Telegram. These papers will probably fight me as long as I remain in public life, and I value their enmity more than I would their friendship. They are absolutely subservient to the special interests. These two newspaper corporations desire to cash the influence they are supposed to wield over public officers. That influence is their principal asset in drawing the patronage of big business. They exert absolutely no influence over me, and they never will.

I have no particular criticism of the Oregonian. It fights in the open as an admitted representative of special privilege; but the Journal and Telegram, sailing under false colors, are deserving only of contempt. They would pose as "progressive" and as friends of the masses, when in reality they are behind

the curtain serving the special interests as faithfully as is the Oregonian. It is, of course, little less than ridiculous for the Telegram to pose as a progressive sheet when it is printed under the same roof as the Oregonian, by the same corporation and under the same business manager, C. A. Morden. The Journal has allied itself with big business and is now as conservative as the Oregonian ever was.

Who has seen anything in any of these three papers in favor of the fixing of rates of all electric light, telephone, gas, and street car companies based upon physical valuations? The State of Oregon, which is supposed to be one of the most progressive States in the Union, has been so duped by its commercialized Portland press that the State is to-day without a public-service commission. If these papers would do their duty they would be demanding such a commission for Oregon. It is true that the Malarkey bill passed the last legislature, conferring public-service commission powers on the State railroad commission, but that commission is already overworked. The Malarkey law is good as far as it goes, and if the Portland newspapers had been on the job for the people it would have been so framed that it would never have been subjected to the referendum, but would have been strengthened by creating two new commissioners and by giving to the commission plenary powers over the city monopolies of Portland. In all of my public speeches in Portland I have advocated the State public-service commission and the fixing of telephone, electric light, and gas rates in Portland according to physical valuations and at a figure that would return to the companies reasonable profits, and no more. If I were governor of the State I would call the legislature in extra session and keep them in session till a satisfactory law was passed. I would also advocate a minimum-wage law, similar to the one now in operation in Massachusetts, and I would urge an eight-hour law for all employees, both men and women, working in stores or other public places. Where is the big Portland daily newspaper that will dare come out for these just laws? There is not one. They are afraid of the wrath of big business, now contributing weekly thousands of dollars of the profits that these newspapers are making. These newspapers would not dare advocate anything that big business is opposed to. Big business is opposed to me; hence the yelp of the subsidized press. Let them howl! They will find that the people are waking up to their rights, and the commercialized press will be beaten worse and worse with each succeeding election, provided I am right in the belief that a brighter day for the general public lies just ahead of us, and I think I am.

Injunctions.

SPEECH
OF
HON. SWAGAR SHERLEY,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 14, 1912.

The House having under consideration the following resolution (H. Res. 520):

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," etc.—

Mr. SHERLEY said:

Mr. SPEAKER: In eight years' service in this House I have never wavered in my loyalty to the courts of the land, and at times when the expression of an opinion required some little political courage I have expressed mine. I stood alone on one occasion on my side of the House in opposing what I believed to be a bad provision of law, that would have created a special class, exempt from the criminal statutes of the land; and I would stand alone again, if necessary, before I voted to exclude any class from the operation of a general criminal law. But just as I have been quick to oppose and condemn those proposals that I believed to be un-American and unjust, so will I be quick in my condemnation of existing evils of the law or of the courts, and to-day it is with as much pleasure that I stand in defense of this measure as it was when I stood opposed to those measures which some of the laboring men of the country asked for and believed sincerely they were entitled to.

If I thought that the statement of the gentleman from Pennsylvania [Mr. MOON] was an accurate statement of the law, I would oppose this bill. If I believed that it made a special class or took from men or from property that proper protection of the courts, I would oppose this proposed law. But in my humble judgment none of the evils that the gentlemen points out as being within this proposed law actually exist. The trouble with the gentleman's position as it is with that of most of the critics of legislation regulating the issuance of injunctions, is that they look to courts of equity for the performance of functions that properly belong to the peace officers of the land. In contravention to this viewpoint I submit that we can not hope to maintain free government in this country if it is to depend finally upon the power of a court to issue a writ of injunction. [Applause.]

Where we have failed in America chiefly has been in the failure of peace officers to do their sworn duty; and when it comes to the preservation of the peace, when it comes to the prevention of mob law, when it comes to the prevention of acts of violence that sometimes disgrace great industrial controversies, then the true remedy is going to be, not in the writ of injunction, but in the enforcement of the law, and the preservation of the peace by the peace officers of the law, and subsequently the trial and conviction under the criminal law of those guilty of lawlessness. [Applause.]

I believe that one of the things that does most to undermine the courts of the land is throwing upon them the burden that we frequently, as cowardly legislators, are afraid to assume, and more frequently the burden that cowardly sheriffs and other peace officers of the land are afraid to take upon themselves; I do not want to have a court of equity made the chief agency in the maintenance of the peace of the land. It is not in the interest of good government. [Applause.]

The gentleman from Pennsylvania [Mr. MOON] declared the bill to be unconstitutional, but because of his limited time refrained from any detailed discussion of this question. Limited to a quarter of the time at his disposal, manifestly I can not hope to discuss it. The extent of the power of Congress to limit the right of a court of equity to issue injunctions is not free from doubt. But after an examination of some care I have been able to find no decision of a Federal court, not simply dictum, that holds that the power does not exist in Congress, as to an inferior court, to limit, as is proposed in this bill, the issuance of injunctions.

Congress has limited the power of the courts to punish for contempt, and the Supreme Court upheld such legislation.

This House is familiar with the case of In re Robinson (19 Wall., 505) where the Supreme Court passed on the act of March 2, 1831, limiting the power of courts to punish for contempts. The court, while questioning the constitutionality of the act as applied to itself, said—

> that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying cases in which summary punishment for contempt may be inflicted.

This case has never been questioned, and recently has been quoted with approval by the court.

In the absence of anything beyond the personal opinion of gentlemen, eminent though they be in the profession of law, that this law is unconstitutional, are we not warranted in the light of the Robinson case in believing in the power of Congress to restrict the courts in their use of the writ of injunction?

Let us, then, briefly see what the bill proposes. First, it undertakes to remedy the evils resulting from the issuance of injunctions and restraining orders without notice. One of the abuses has been the issuing of a temporary restraining order and then a delay in the hearing of the matter for the issuing of a permanent injunction until the very merits of the case had passed beyond the influence, for good or evil, of the court. The very issuing of a temporary restraining order in some cases is of sufficient moment practically to determine a controversy; and while it should not be that we should deny always to the court the power to issue such a restraining order, until notice has been given and the other side has been heard, yet we ought to restrain it within as reasonable bounds as possible.

And that is what is attempted here. We do not propose to deny to the courts the right to issue a temporary restraining order without notice, but we do provide for the expiration of such order "within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record."

Now, there is much talk about possible evils resulting from this provision, or at least that part of it which limits the life of a temporary restraining order to seven days from date of entry of the order made at issuance, and it is urged that the seven days should not begin to run until service is had. This is the

proposal in the substitute offered. Now, I am free to admit that cases may arise when this provision will work a hardship.

It is not possible to pass a law that will not presumably, in some isolated cases, create some hardship. But what we, as legislators, are called upon to determine is not whether a proposed law will some day work an injustice, but whether or not in the great run of affairs in this country the enactment of that law will be conducive to a better civilization and a better administration of justice. And judging it by that rule, I contend that this is a justifiable enactment. If it were true that every restraining order issued ought to have been issued as gentlemen would almost lead us to conclude they believe, then any provision of law curtailing its scope would be wrong; but if as I believe, the power to issue such order is one capable of great abuse and which has been abused, then the hardship that may result in a limited number of cases ought not to prevent us from safeguarding its use against such abuse. As I have stated, it is to be determined by a weighing of conditions, not ideal in any case.

The next provision of the bill simply requires security to be given in all cases. This needs no argument to justify. The most the critics of the bill can say is that it is not necessary, since the courts now require it. The next provision—section 266b—first provides as to the form and contents of the order, requiring that the reason for issuing same shall be stated, that it shall be specific in terms and describe in reasonable detail the act or acts sought to be restrained. Certainly there can be no valid objection to these requirements. They will compel conformance with the best practice, and, despite the statement of the gentleman from Pennsylvania [Mr. MOON], are not covered by any existing rules of equity.

The second portion of section 266b provides that the order "shall be binding only on the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them and who shall by personal service or otherwise have received actual notice of the same."

My time is very limited and I am not going to repeat what was so splendidly said by the distinguished gentleman from West Virginia [Mr. DAVIS]. His speech was the speech of a lawyer full of the knowledge of his subject, and as far as his time permitted him he amply answered the contentions of the gentleman from Pennsylvania [Mr. MOON]. I wish only to state that this section, in my judgment, is not subject to the narrow interpretation sought to be put upon it. It does not rob the courts of their power to enforce their decrees.

I come now to section 266c, which I do desire to discuss, as some of its provisions are evidently worrying gentlemen who are in doubt as to how far they go relative to boycotts. In my judgment, the proposed law does not prevent the issuing of injunctions in matters of secondary boycott. We use the word "boycott" in a rather loose way. Sometimes we mean by it what is known as a primary boycott, sometimes and usually we mean by it what is known as a secondary boycott. There is nothing here that prevents a court of equity from dealing with the boycott in that secondary aspect. As to a boycott in its primary effect, I do not believe the power of a court of equity ought to go to the length of issuing a writ of injunction.

The President of the United States when a judge defined the secondary boycott, and defined it in substance as one in which the element of coercion as to a third party obtained. It is where there is an attempt upon the part of one party to a controversy to say to a third party, "If you do not cease to patronize or aid the first party, we in turn will boycott you and punish you for your intercourse and trade with that party."

This act does not anywhere undertake to justify that proceeding or to say that the court shall not issue a writ of injunction. Judge Taft, in Toledo Company *v.* Pennsylvania Company, 54 Federal Reporter, used this exact language:

> As usually understood a boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse, through threats that unless those others do so the many will cause similar loss to them.

Here we provide:

> That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

This, in my judgment, is again but an enactment of the existing law as laid down by the majority of the courts.

And in that connection let me remark on this, that while the distinguished gentleman from Pennsylvania [Mr. MOON] talked much upon the limitation of the right of injunction in labor cases to those that simply involved property or a property right, he did not enlighten this body as to the character of cases outside of property or property rights that a court of equity would protect by the issuing of a writ of injunction. It is conceivable that there may be some particular case that would not come within the definition of property or a property right; but I have searched my mind in vain for a case that would arise in an industrial dispute that would be the peculiar subject of the protection of an equity court by a writ of injunction that is not embraced in the language "property or property right."

For instance, I believe firmly that as this act is here written the right to do business is such a property right as is within the meaning of the words "property or property rights."

Then the section goes on to say:

> And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment

Does anybody here believe a court of equity ought by a writ of injunction to be able to compel a man to continue in the relationship of servant and master? The very best decisions of the most learned courts in America have long ago declared that a court of equity would not issue an injunction to compel a man to maintain the relationship or employee to an employer—

> Or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do.

That is not the secondary boycott. If you did not have the word "peaceful" there, some such argument might be made; but can it be contended that any great harm is coming to the land by virtue of the right of one man to peacefully offer to another reasons and arguments why he should not continue the relation of employee to an employer? And all the suppositious cases of wrong made legal by the section that so greatly alarm gentlemen are not exempted by the section, because they are not peaceful. The word has a much wider meaning than the opposite of violent.

The section continues:

> Or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working or from ceasing to patronize or to employ any party—

Mark the words:

> Any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. SHERLEY. For a brief question.

Mr. MARTIN of South Dakota. I suppose if there is any provision in the bill that would permit a secondary boycott, it is what the gentleman has just read. I want to ask him, in case A seeks to dissuade B from patronizing C, by stating to B that if he patronizes C he, A, will withhold his patronage from B, would that, in the gentleman's view, be a peaceful persuasion?

Mr. SHERLEY. It would not. It would be a secondary boycott, and is not embraced within the exemptions of this bill, in my judgment. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

UNIV. OF MICHIGAN,

JAN 27 1913